United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, SECOND SESSION

SENATE—*Wednesday, April 10, 1968*

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

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

Dear Heavenly Father, we are mindful that Thou art with us in an hour of crisis. We feel Thy spirit ministering to the people of this Nation is a calming influence, giving us intelligence in looking honestly at the situation in which we have placed ourselves.

Out of the smoke of burned buildings, out of the rubble of crumbled structures, out of the emotion of stirring hate, a child's cry, a bewildered family, out of a day of sadness as a world watched a funeral, where else can we go but come to Thee in order that we might find ourselves?

Show us where we have failed Thee and mankind, O God. We repent and pray for power and guidance to do something about our Nation's pathetic predicament. With honest repentance, we are grateful for a new day and new opportunity.

Guide and use these our leaders on Capitol Hill today. May they feel the power of inner guidance and strength. Be with our President and his workers for peace. We have a dream that the world's darkness can and will burst into the light of a brighter day when we, through Thy love and forgiveness, can overcome someday that which defeats the very purpose of living. We pray this humble prayer in the name of Him who gives peace to a man's heart and a man's world. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 8, 1968, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 16241) to extend the tax on the transportation of persons by air and to reduce the personal exemption from duty in the case of returning residents, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

H.R. 5799. An act to amend the District of Columbia Uniform Gifts to Minors Act to provide that gifts to minors made under such act may be deposited in savings and loan associations and related institutions, and for other purposes; and

H.R. 16324. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 16241) to extend the tax on the transportation of persons by air and to reduce the personal exemption from duty in the case of returning residents, was read twice by its title and referred to the Committee on Finance.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry, the Subcommittee on Government Research of the Committee on Government Operations, and the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1060.

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

SHIPPING ACT, 1916

The bill (H.R. 9473) to amend provisions of the Shipping Act, 1916, to authorize the Federal Maritime Commission to permit a common carrier by water in foreign commerce or conference of such carriers to refund a portion of the freight charges was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1078), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of H.R. 9473 is to amend section 18(b) of the Shipping Act, 1916, so as to empower the Federal Maritime Commission to authorize common carriers by water in foreign commerce to make voluntary refunds to shippers and to waive the collection of a portion of freight charges where it appears that there is an error in a tariff of a clerical nature, or where through inadvertence there has been a failure to file a tariff reflecting an intended rate.

The bill provides that prior to applying for authority to make refund the carrier or conference of carriers file a tariff revision with the Federal Maritime Commission, which sets forth the rate on which the refund or waiver would be based. If the application is approved by the Commission, all other shippers charged or billed incorrectly based on the erroneous rate likewise will be entitled to appropriate refund or waiver. The bill provides that in the event permission is granted, the carrier or conference will publish appropriate notice in the tariff or will take such other steps as the Federal Maritime Commission may require, to give notice of the rate on which such refund or waiver would be based. Application for refund or waiver must be filed with the Commission within 180 days from the date of shipment.

BACKGROUND OF THE LEGISLATION

H.R. 9473 would amend section 18(b) of the Shipping Act, 1916, to authorize the Federal Maritime Commission to permit common carriers by water in the foreign commerce to make voluntary refunds of a portion of freight charges assessable in those cases where the Commission finds that through error or inadvertence, a carrier, or conference, has failed to file an intended rate, and that such refund or waiver will not result in discrimination among shippers.

Rule 6(b) of the Commission's Rules of Practice and Procedure prescribes the procedure for the filing of applications by carriers for the voluntary payment of reparations or for permission to waive collection of undercharges. However, this rule has application only to those cases arising in the domestic offshore trades, i.e., those within the purview of section 18(a) of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, since pursuant to those statutes the Commission has authority to fix and determine a reasonable rate in the domestic offshore trades. Under the Interstate Commerce Act a shipper may obtain reparations or damages from a common carrier arising from past shipments made at unreasonable rates subject to the jurisdiction of the Interstate Commerce Commission.

However, no remedy exists whereby such an aggrieved shipper in the foreign commerce can obtain relief from an erroneous charge resulting from a carrier's failure to publish and file the correct rate with the Federal Maritime Commission. Equal treatment should be accorded a shipper in the foreign commerce. The bill provides statutory authority for such treatment upon a showing of proper justification and a finding by the Commission that the granting of a refund or waiver will not result in discrimination among shippers.

A hearing was held November 20, 1967, and witnesses on behalf of the steamship conferences and operators regulated by the Commission agreed with the Maritime Commission witness as to the desirability of this legislation.

COST OF LEGISLATION

Enactment of H.R. 9473 will involve no cost to the Government.

LIEN ON VESSELS

The bill (H.R. 14401) to grant the masters of certain U.S. vessels a lien on those vessels for their wages was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1079), explaining the purposes of the bill.

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

BACKGROUND OF THE LEGISLATION

The basic purpose of this bill is to grant to the master of a vessel documented, registered, enrolled, or licensed under the laws of the United States the same lien for his wages against such vessel, and the same priority therefor, as any other seaman serving on such vessel.

In addition to conforming provisions, the master of such vessel would be placed in the same position as any other seaman with regard to protection against forfeiture of his lien rights; deprivation of any remedy for recovery of wages; or attachments or arrestment of wages (except for support and maintenance of wife and minor children).

The bill would also grant to the master of such vessel the same lien and the same priority for disbursements or liabilities properly made by him for or on account of the vessel as he is, under provisions of this bill, for his wages.

All Government agencies submitting reports upon this bill have expressed no objection to its enactment.

NEED FOR THE LEGISLATION

By the general maritime law of the United States, the courts have ruled for more than a century that seamen are entitled to liens for their wages against the vessel, having priority over all other maritime liens.

In a leading case in the Supreme Court, the seamen's liens for wages was described as being "so sacred and indelible that it adheres to the last plank of the ship." The holding in this case has been quoted and followed by American courts since 1831. The seamen's lien for wages and its high priority are based upon the responsibility borne by the seaman in maintaining the voyage, thus assuring his loyalty to the ship.

The high-priority wage lien right insures to every member of the crew, licensed and unlicensed, except the master.

Historically, the master has been denied a lien right for wages comparable to other members of the crew because of the tradition that the master was a part owner of the vessel, had too close a relationship with the owner, or could pay himself out of freight earnings.

Today, however, the role of the master as a participant in the financial aspects of a voyage is, in the vast majority of instances, no different from that of any other member of the crew.

An example of the type of situation which brings the inequity of existing law to light is when a shipping company goes bankrupt. In those circumstances, every member of the crew, both licensed and unlicensed, except the master, has first priority on the proceeds of the vessel. Despite his position of great responsibility to the ship, her cargo, and her crew, the master's claim for wages falls along with all other general creditors.

A Coast Guard report made to your committee during the hearings on this bill disclosed that in the past 10 years reports to its Merchant Vessel Personnel Division incident to payment of seamen's wages indicated that "about 50 large seagoing vessels were involved in bankruptcy proceedings or were otherwise in serious difficulties with respect to payment of seamen's wages and allotments."

Even though the reasons which firmly influenced the courts in concluding that a master has no lien for his wages have ceased to exist, court decisions, including those by the Supreme Court of the United States, continue to follow the precedents. Thus, in order to remove this inequity to shipmasters, this legislation is necessary.

Section 1(a) of the bill specifically grants the master of a vessel documented, registered, enrolled, or licensed under the laws of the United States "the same lien for his wages against such vessel and the same priority as any other seaman serving on such vessel." Thus, it is clear that the seaman's lien rights and priority are recognized and the master is placed on a parity with all other members of the crew.

Section 1(b) of the bill provides that sections 4546 and 4547 of the Revised Statutes of the United States (46 U.S.C. 603 and 604) shall not apply in any proceeding by a master for the enforcement of the lien granted by this section. These sections of the Revised Statutes relate to the enforcement of a seaman's wage lien through the process, of summoning the master for nonpayment of wages and the issuing of process against the vessel. Obviously these provisions of law would not be applicable in the case where the master is himself seeking enforcement of his own lien. Thus, this section of the bill is merely a conforming provision.

Section 1 (c) and (d) would correct other inequities in existing law by placing the master in the same position as any other seaman with regard to protection against forfeiture of lien rights; deprivation of any remedy for recovery of wages; or attachments or arrestment of wages.

Section 2 of the bill clarifies the meaning of the term "master" as used in this legislation and excludes from the definition any "person who has a financial interest valued at 5 percent or more either of the corporation, partnership, or association which owns the vessel against which the lien is claimed, or of the market value of the vessel against which the lien is claimed." This provision was an amendment to H.R. 162 and is retained in this bill.

While it is generally true that masters of vessels, particularly large oceangoing vessels, are not, under today's conditions, participants in the financial aspects of vessel operations, it was developed in the course of the hearings that masters are frequently part owners of fishing vessels. And, of course, there may be isolated instances of large ship operations where a master might be a substantial part owner, either directly or indirectly, of a vessel.

CONCLUSION

Although the committee did not hold hearings upon this proposed legislation, full hearings were held last session on H.R. 162, which was almost identical to this measure. The committee believes that this legislation is fully warranted and desirable and urges that the proposed legislation be enacted.

COST OF LEGISLATION

Enactment would involve no additional cost to the Government.

SAFETY STANDARDS ON INLAND RIVERS AND WATERWAYS

The bill (S. 3102) to postpone for 2 years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5 of the Act entitled "An Act to require evidence of adequate financial responsibility to pay judgments for personal injury or death, or to repay fares in the event of nonperformance of voyages, to establish minimum standards for passenger vessels and to require disclosure of construction details on passenger vessels, and for other purposes", approved November 6, 1966 (Public Law 89-777), is amended by (1) inserting "(a)" after "SEC. 5."; (2) striking out the second and fourth sentences thereof; and (3) adding at the end thereof the following new subsection:

"(b) The new subsection (c) of section 4400 of the Revised Statutes shall take effect on November 2, 1970, with respect to domestic passenger vessels operating solely on the inland rivers and waterways. Such subsection (c) shall take effect with respect to other passenger vessels on the date when the recommended amendments to the International Convention for the Safety of Life at Sea, 1960, come into force, but in any case not later than November 2, 1968. Section 4 of this Act shall take effect on November 2, 1970, with respect to passenger vessels operating solely on the inland rivers and waterways and on November 2, 1968, with respect to other passenger vessels."

(b) The fourth sentence of subsection (b) of section 5 of the Act of May 27, 1936 (46 U.S.C. 369), is amended by striking out "After November 1, 1968, no" and inserting in lieu thereof "No".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1080), explaining the purposes of the bill.

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

PURPOSE AND EXPLANATION

S. 3102 would suspend for an additional 2 years the application of the safety standards required by Public Law 89–777 to U.S.-flag passenger vessels operating solely on the inland rivers and waterways. Public Law 89–777, approved November 6, 1966, provided, in effect, that safety standards proposed by the Intergovernmental Maritime Consultative Organization in May 1966 as amendments to the Convention for the Safety of Life at Sea of 1960 (SOLAS 60) would be applied to foreign and domestic passenger ships embarking U.S. passengers at U.S. ports as soon as the amendments came into force but not later than November 2, 1968. However, the IMCO amendments will not come into force internationally until considerably later than Novemebr 2, 1968, since the amendments have not yet been accepted by a sufficient number of the contracting governments. S. 3102 merely extends the November 2, 1968, application date for U.S. passenger ships on inland waterways for an additional 2-year period.

As a practical matter this legislation would affect only the vessel *Delta Queen*. The *Delta Queen* is the only overnight passenger vessel operating on U.S. inland waters and for 9 months of the year travels the Mississippi, Tennessee, and Ohio Rivers from St. Paul in the North to New Orleans in the South, Pittsburgh in the East, and St. Louis in the West. The additional 2-year extension would allow the *Delta Queen* to operate until its replacement vessel is in the water.

At the time Public Law 89–777 was enacted it was believed that a new vessel could be constructed to replace the *Delta Queen* within the 2-year grace period the statute provides. However, due to design and shipyard difficulties the new vessel will not be completed in time to replace the *Delta Queen* before the November 2, 1968, date at which time the provisions of Public Law 89–777 become applicable. The delay in design and construction of a vessel to replace the *Delta Queen* has not been caused in any way by lack of attention or commitment on the part of the operators of the *Delta Queen*. To the contrary, they have been most diligent in their efforts to expedite design and construction of the replacement vessel, as is evidenced by the fact that initial architectural design of the new vessel was initiated prior to the time Public Law 89–777 was enacted. Since that time steady progress has been made toward design and construction of a new vessel in spite of several setbacks, including the necessity to give up both steam engines and paddle wheel. Some four sets of plans have been utilized to design a new vessel that is efficient and safe, yet traditional in appearance, for operation as a river passenger boat. Deletion of the steam engines and wooden paddle wheel for the new vessel was dictated by the fact that these items would add an additional $1 million in capital costs, 20- to 35-percent additional operating expense, and an additional 2 to 3 years' construction time. A final design has been submitted to the Maritime Administration and hull tank tests have just been completed in the Netherlands. The new vessel is estimated to cost approximately $4 million.

The Department of State is the only Government agency which has expressed opposition to this proposed legislation. That Department believes that enactment would be considered inconsistent with our obligations under the (SOLAS) Convention. The State Department further asserts that if U.S.-flag ships operating on inland waters are exempted for an additional 2-year period from the safety standards applied to foreign ships then "our moral position would be seriously eroded" and this action would be "inconsistent with treaty obligations." The committee believes the State Department's objections are not well founded. The law of this land has historically excluded any foreign vessel from participation in domestic water transportation. Existing law, therefore, provides that no foreign-flag vessels may carry passengers upon the inland waters of the United States nor in our coastwise trade. Thus foreign-flag ships are in no way subject to discrimination by legislation which concerns only U.S. vessels authorized to engage in our domestic transportation. Further, the SOLAS Convention and our treaty obligations concern only safety at sea rather than safety on inland rivers and waterways. The legislation proposed is not, therefore, in violation of our treaty obligations, and this is well evidenced by the fact that other contracting nations to the treaty are not required to extend the saftey provisions of the Convention to their domestic transportation service.

There are great distinctions in the circumstances under which the *Delta Queen* operates as compared to the operations of an ocean liner at sea. The *Delta Queen* is never more than a few hundred yards from shore, and in many places passengers would have no difficulty whatsoever in reaching safety in the event of an emergency. Further, the *Delta Queen* is by all existing standards a safe vessel. It is in full compliance with existing safety standards and has been certificated by the U.S. Coast Guard. Further, extensive modifications have been carried out upon the vessel to make it as fire retardant as possible. For example, during the last layup season over $150,000 was spent in repair to the hull, boilers, and auxiliary equipment. Open fire kitchen equipment has been replaced with safe electric ranges and ovens, and bulkheads, decks, and overheads have been fireproofed with fire-retardant intumescent coatings.

In conclusion, it is the committee's opinion that a 2-year extension of the November 2, 1968, application date for Public Law 89–777 is fully warranted as to passenger vessels operating on inland rivers and waterways and that this extension will not endanger passengers using such services.

BILL PASSED OVER

The bill (H.R. 12639) to remove certain limitations on ocean cruises was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

B'NAI B'RITH HENRY MONSKY FOUNDATION

The bill (H.R. 12019) to exempt from taxation certain property of the B'nai B'rith Henry Monsky Foundation in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1082), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of H.R. 12019 is to exempt from taxation certain real property in the District of Columbia, as well as any improvements on this property and any furnishings in such improvements, owned by the B'nai B'rith Henry Monsky Foundation. The bill passed the House of Representatives on November 20, 1967. A hearing was held before the Fiscal Affairs Subcommittee on February 14, 1968.

BACKGROUND OF LEGISLATION

Public Law 77–846, approved December 24, 1942 (56 Stat. 1089), as amended the following year by Public Law 78–29 (57 Stat. 61), is the general statute pertaining to real estate tax exemptions in the District of Columbia. This act provides tax exemption for all properties belonging to the United States or the District of Columbia governments, as well as to certain real properties in such categories of ownership as religious organizations, hospitals, schools operated not for profit, cemeteries, et cetera. Also, this general statute provides tax exemption for the real properties of 10 specific organizations in the District which are not among the general categories referred to above. These 10 properties have a total value of $32,889,976, and their exemptions represent a tax loss to the District of Columbia of some $953,809 per year.

In addition, 33 other organizations have been granted exemption from District of Columbia real estate taxation on an individual basis by special acts of Congress by reason of the philanthropic nature of their purposes and their work.

One of these properties is the B'nai B'rith Henry Monsky Foundation's headquarters, located at 1640 Rhode Island Avenue NW. This property is valued at $1,126,680 and was exempted from taxation by Private Law 85–220 (71 Stat. A85), approved August 28, 1957.

PROVISION OF THE BILL

H.R. 12019 seeks to exempt from District of Columbia real estate taxation a property described as lot 69 in square 182 and known as 1632 Rhode Island Avenue NW. This property was acquired by the B'nai B'rith Henry Monsky Foundation on June 5, 1967, and adjoins the present B'nai B'rith headquarters. It is assessed at $47,650 and the present tax is $1,381.86 per year.

This newly acquired property is to be a part of B'nai B'rith headquarters, and will be used solely for the nonprofit religious, charitable, and educational activities of the foundation.

Under the provisions of the bill, this property and any improvements which the foundation may add thereto, as well as any furnishings in such improvements, will be exempt from taxation as long as it is owned and occupied by B'nai B'rith and is not used for commercial purposes.

HISTORY AND WORK OF THE FOUNDATION

B'nai B'rith, which is Hebrew for "Sons of the Covenant," was founded on October 13, 1843. It is America's oldest Jewish organization, and in fact is one of this country's oldest national organizations.

B'nai B'rith has operated for a century and a quarter solely as a religious, educational, and service organization. In keeping with the provisions of its constitution, the mission of the organization involves three basic programs, as follows:

(*a*) *Religious.*—B'nai B'rith conducts Hillel Foundations on more than 250 college campuses to provide for the religious life and education of Jewish students. In staffing these centers, B'nai B'rith became the largest employer of rabbis in the world. B'nai B'rith also sponsors chairs of Judaic studies at a number of universities. The B'nai B'rith Youth Organization works with Jewish boys and girls of high school age with the objective of promoting understanding of the loyalty to Jewish religious values. The same objective is served by the Department of Adult Jewish Education, which conducts seminars and institutes of Judiasm around

the country as part of B'nai B'rith's year-round program of adult education.

(b) *Educational.*—In addition to direct religious education, B'nai B'rith, through its antidefamation league, conducts extensive educational programs designed to promote respect for religious liberty and to counteract prejudice and discrimination. The league has won commendations for its efforts from Presidents Eisenhower, Truman, Kennedy, and Johnson, and from leading universities. Its educational materials—books, films, pamphlets—are used in thousands of schools and churches in all sections of the country.

A program of vocational guidance makes its research findings available not only to Jewish youth, but to educators and government agencies generally. An active program in Americanism is carried on by B'nai B'rith with a view to helping immigrants obtain a better understanding of the American way of life, so that they may ultimately become better citizens.

The B'nai B'rith headquarters building houses an art gallery, library, and exhibit hall, all of which are open to the public daily except Saturday, without admission charge. They offer educational facilities in the field of American Jewish history not available elsewhere in the District. The exhibits tell the story of the more than 300-year-old history of Jews and Judaism in the United States and their contributions to the development and growth of our country.

Thousands of local residents and tourists visit the exhibit hall and art gallery annually. The tourists come from virtually every State of the Union and from many foreign countries. In addition, tours of the exhibit hall are conducted for visiting high school classes, Scout, church, and women's groups. The exhibit hall is listed as one of the tourist attractions in the Nation's Capital in the "Seeing the Nation's Capital" brochure distributed by the Washington Convention and Visitor's Bureau and in the American Automobile Association's "Visitor's Guide to Washington."

The library is used by schoolchildren and adults. Books are available for loan to the general public and to other libraries in the area.

Conference facilities are made available at no charge to civic, educational, and social welfare organizations in the Washington area.

(c) *Charitable.*—Even before the great American Red Cross came onto the American scene, B'nai B'rith was engaged in a program of aid—on a nonsectarian basis—to the victims of natural disasters. For this purpose, B'nai B'rith maintains a special emergency relief fund to which every male member of B'nai B'rith contributes. To mention only a few early instances of such aid: in 1868 B'nai B'rith raised funds for flood victims in Baltimore; in 1871 it sent $50,000 to the victims of the Chicago fire; and in 1900 $26,000 was raised for the victims of the Galveston flood. More recently, aid was extended to flood victims in Mankato, Minn., in 1965; tornado victims in Topeka, Kans., in 1966; the victims of Hurricane Betsy in New Orleans, in 1965; and only last month, a rehabilitation fund was established to aid those who were left homeless in the south Texas area by Hurricane Beulah.

A significant part of B'nai B'rith's tradition of community service is the establishment and support of orphanages, homes for the aged, and hospitals. An orphans' home was founded in New Orleans in 1855; another in Atlanta, Ga., in 1889; a third in San Francisco in 1872. In 1968, an orphans' home was opened in Cleveland—today it is a center for emotionally disturbed children. In 1927, a home for the aged was founded in Memphis.

In addition, B'nai B'rith has a special commitment to the young people of America—both of the Jewish and the non-Jewish faith. B'nai B'rith units throughout the country sponsor Boy and Girl Scout troops on a nonsectarian basis and also help deprived children without regard to religion. They have provided meals for schoolchildren who would otherwise go hungry, and shoes and other articles of clothing for needy youngsters. Locally, last year B'nai B'rith contributed funds to help provide lighting for playgrounds in disadvantaged neighborhoods. B'nai B'rith groups have also participated in and organized programs to combat juvenile delinquency.

Also, B'nai B'rith founded and still contributes to the support of a number of nationally famous nonsectarian hospitals; the National Jewish Hospital for Tuberculosis in Denver (1889) with its world-famous motto: "None may enter who can pay; none may pay who enter"; the Leo N. Levi Memorial Hospital in Hot Springs, Ark., (1914) for arthritis, which just completed with funds raised by B'nai B'rith a $550,000 wing for the treatment of children afflicted with arthritis and related ailments.

Another of B'nai B'rith's principal activities is its around-the-calendar program of aid to veterans and men and women in our Armed Forces. Thousands of B'nai B'rith men and women each year make personal visits to veteran's hospitals and military installations.

A concern for the religious needs of their Christian friends has prompted thousands of B'nai B'rith men and women around the country each year at Christmastime, as part of an organized national B'nai B'rith program, to take over the duties of Christian personnel in military, veterans', and other hospitals, on police forces and other service institutions in order to make it possible for the latter to spend the Christmas holiday at home with their families.

In addition, as part of the B'nai B'rith program, B'nai B'rith men and women make countless gifts of playing cards, books, and cigarettes to servicemen and hospitalized veterans. B'nai B'rith also has furnished television sets, bookmobiles, and musical instruments to hospitals and military installations for the recreational enjoyment of our veterans and servicemen. It has contributed ambulances, money, and clothing to the Red Cross, and has taken a leading role in providing blood donors for the Red Cross blood bank. This year alone, B'nai B'rith has sent more than 700,000 books to American servicemen in veterans' hospitals and military installations in the United States and abroad, including some 250,000 to our troops in Vietnam. B'nai B'rith has also collected for distribution to Jewish soldiers in Vietnam ceremonial objects and other religious accessories needed to celebrate major Jewish holidays.

Its extensive program of war service has earned for B'nai B'rith many citations and the first awards given by the Army and Navy to any civilian organization in World War II. The Army award was presented to B'nai B'rith by Gen. Dwight D. Eisenhower, Chief of Staff. In making the award, General Eisenhower spoke of the "unselfish service of the men and women of B'nai B'rith," adding "no one will ever know how much these services did in keeping high the morale of the Armed Forces during the terrible days of this war."

EXEMPTION FROM OTHER TAXES

B'nai B'rith's character as a nonprofit religious, charitable, and educational organization is officially acknowledged by the Internal Revenue Service. B'nai B'rith enjoys tax-exempt status for all of its programs. Indeed, virtually all of B'nai B'rith programs enjoy the additional status of being tax-deductible under section 501(c)(3) of the Internal Revenue Code as religious, charitable, or educational; and 96 percent of its funds are spent nationally for such programs. The other 4 percent of national expenditures—also tax exempt—go for auxiliary administrative operations and other educational and charitable programs, such as adult Jewish education, and disaster relief.

CONCLUSION

Your committee is informed that B'nai B'rith sought to acquire this additional property at the time it established its present headquarters building, but the owner preferred to wait until his retirement before selling. B'nai B'rith, therefore, constructed its headquarters around the subject property, which offers the only possible space for enlarging and enhancing the foundation's seat of activities.

It is the opinion of your committee that the long and distinguished record of human service which is the history of this great charitable organization, amply justifies the tax exemption which H.R. 21019 will grant this addition to their headquarters.

BILL PASSED OVER

The bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, temporarily, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

MANUFACTURERS HANOVER TRUST CO.

The bill (H.R. 7909) for the relief of Manufacturers Hanover Trust Co., of New York, N.Y., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1084), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Attorney General to pay $88,041.30 to the Manufacturers Hanover Trust Co. of New York, N.Y., out of funds remaining in the account of the Office of the Alien Property Custodian in full settlement of the trust company's claim against the United States for a refund of that amount which was paid to the United States in 1955 and 1956 as required by vesting orders of the Office of Alien Property when the debentures for which the payments were made were not in existence and had, in fact, been retired prior to the issuance of the vesting orders.

STATEMENT

The House of Representatives, in its report on H.R. 7909, relates the following:

"The bill, H.R. 7909, was the subject of a subcommittee hearing on Wednesday, October 25, 1967, at which time the testimony established to the satisfaction of the committee the facts referred to in the bill and, in particular, the fact that payments were made to the Government on the assumption that debentures listed in the vesting orders were outstanding when, in fact, they had been retired and canceled. The Department of Justice in its report to the committee on the bill indicated that it would have no objection to the bill if these facts were established to the satisfaction of the committee.

"Manufacturers Hanover Trust Co. incurred a loss of $88,041.30 because it made payments for vested debentures which had, in fact, been canceled by the company prior to the

issuance of vesting orders 18941 and 19268 which were issued on July 2, 1953, and April 13, 1953, respectively. At the time it made this payment, which was part of a larger payment covering all of the items listed in the vesting orders, the company was unaware that these particular debentures had been canceled. As a result, the United States received money to which it was not entitled and since the company can no longer secure relief by filing a claim with the Government or by filing a suit against the Government, its only recourse is to appeal to Congress for the relief provided in the bill, H.R. 7909.

"At the hearing on this bill, it was established that the debentures for which overpayment was made were not physically presented for payment and it was not until much later that it was ultimately proved that these debentures were nonexistent. The normal practice for the payment of debentures or bonds is to make payment only upon actual physical presentation of the debentures. This is a practical safeguard against payment for nonexistence debentures; however, the Office of Alien Property had the unique advantage of being able to require the bank to make payment without actually presenting the debentures for cancellation. This exception to the general law is enunciated by the U.S. Supreme Court in *McGrath* v. *Cities Service Company*, 342 U.S. 330 (1952). It was not until 10 years after the bank had paid the Office of Alien Property that it discovered that the $88,041.30 worth of debentures were not in existence at the time the Government issued the vesting orders and that, in fact, the Office of Alien Property was not entitled to payment of that sum.

"The debentures in question were part of a $12,500,000 issue of sinking fund debentures issued by Hugo Stinnes Industries, Inc., in 1926 under an indenture of which Central Union Trust Co. of New York was trustee. (Manufacturers Hanover Trust Co. is the successor by mergers to Central Union Trust Co. of New York.) From time to time, many of the debentures were retired through operation of the sinking fund. In December 1954, pursuant to authorization from the Office of Alien Property, Hugo Stinnes Corp. (successor by merger to Hugo Stinnes Industries) paid to the trustee the face amount of all remaining outstanding debentures plus interest to December 31, 1954 (a total of $5,945,786.82), so that the trustee could retire the remaining outstanding debentures. Upon receipt of that payment, the trustee executed a satisfaction and discharge of the trust indenture which both relieved the corporation of any further liability with respect to the outstanding debentures, and placed the trustee under an obligation to pay the principal and interest of all outstanding debentures.

"In 1952 and 1953 the Office of Alien Property issued vesting orders taking title to $218,500 face amount of the debentures. After receipt of each of the vesting orders, the trustee checked its records of retired debentures against the debenture numbers listed in the vesting orders and found that a total of $102,500 face amount of the debentures listed in the vesting orders had been retired and that one $1,000 debenture had already been listed in yet another vesting order. This incorrect listing in the vesting order was called to the attention of the Office of Alien Property, which agreed that these $103,500 of debentures should not have been included in these vesting orders and that therefore the vesting orders effectively covered only $115,000 principal amount of debentures.

"The committee feels that another aspect in connection with the London transaction is particularly relevant to the consideration of this bill. The debentures were delivered to the London office of the trustee for cancellation. This transaction, and specifically the utilization and cancellation of these $38,500 of debentures, was approved by the Office of Alien Property in March of 1949. Thus, in 1952 and 1953 when the Office of Alien Property issued the Vesting Orders, the Office of Alien Property's own records showed that these $38,500 of listed debentures should not have been included in the vesting orders. Thus the United States had information that should have given it notice of the inaccuracy of the listing of these same debentures in the vesting orders.

"When the trustee received the $4,945,786.82 from the Hugo Stinnes Corp., the trustee placed it in a redemption fund account and used the redemption fund to pay debentures as they were presented. In the case of the $115,000 debentures, ownership of which was claimed by the Office of Alien Property by virtue of the vesting orders, the trustee paid that office $238,229.40 (being at the rate of $2,071.56 per $1,000 face amount), as has been noted, without presentation of the debentures. The bulk of the other outstanding debentures were presented by their owners for payment within a few months after December 31, 1954, so that by December 31, 1955, all but $228,910.27 had been paid out of the redemption fund. As is usually the case, many holders, delayed for varying periods of time before presenting their debentures and debentures have dribbled in since then for payment from time to time.

"In February 1966 a debenture was presented for payment and Manufacturers Hanover Trust Co. then learned there were insufficient funds in the debenture redemption account to pay the debenture. A complete review of the entire matter was then conducted and the bank, in checking the many lists of debentures retired over the period of many years, including cremation lists, discovered that the $42,500 of debentures ($4,000 plus $38,500) on cremation lists had been erroneously included in the debentures for which payment had been made to the Office of Alien Property pursuant to the vesting orders. The committee is satisfied that under generally accepted bank operational and audit procedures, there was no reason why the mistake made in 1952 and 1953 would have been discovered until the redemption fund became exhausted and another debenture was presented for payment. Generally the problem faced in this case would have been obviated by the presentation and cancellation of each outstanding debenture.

"According to the current records of the trustee, it has now paid $17,748.14 of its own funds in redemption of debentures presented since the exhaustion of the redemption fund and there are still outstanding $34,000 face amount of these debentures (having a redemption value of $70,293.16).

"The situation now faced by the trustee is that it is obligated to pay the principal and interest of all outstanding debentures and, therefore, unless this bill is passed, will be forced to pay the remaining outstanding debentures as and when presented out of its own pocket. As a result, the United States will be unjustly enriched at the expense of the bank whose loss was occasioned by its efforts to comply in good faith with orders received by it from the United States.

"In its report on the bill the Department of Justice indicated that the bill should be corrected to provide that repayment should not be made out of appropriated funds but out of vested funds still in the account of the Office of the Alien Property Custodian. Accordingly, the committee has recommended an amendment which would direct the Attorney General to make such a repayment out of the vested assets remaining in that account.

"In recognition of the considerations outlined in this report and in the report of the Department of Justice and in view of the fact that the Justice Department has indicated that it would not object to enactment upon approval of the case by the committee, it is recommended that the bill be considered favorably."

BILL PASSED OVER

The bill (H.R. 2434) for the relief of Nora Austin Hendrickson was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

MOTOR VEHICLE ACCIDENT LOSSES

The Senate proceeded to consider the joint resolution (S.J. Res. 129) to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes which had been reported from the Committee on Commerce, with amendments on page 2, line 18, after the word "the" where it appears the second time insert "President and the"; on page 3, line 2, after the word "the" strike out "findings and conclusions" and insert "findings, conclusions, and recommendations"; in line 3, after the word "Secretary" strike out "together with his" and insert "and may propose such"; at the beginning of line 5, strike out "and such" and insert "or"; on page 4, line 15, after the word "employees" strike out the semicolon and "and"; after line 15, strike out:

(5) prescribe such rules and regulations as he deems appropriate, and apply such rules and regulations to reasonable classes of corporations, business firms, and individuals.

On page 5, line 3, after the word "Federal" strike out "agency" and insert "department, agency, or independent instrumentality"; and on page 7, after line 10, insert:

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret referred to in section 1905 of title 18 of the United States Code, shall not be disclosed except to other officers or employees of the Government for their use in carrying out this joint resolution. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

So as to make the joint resolution read:

S.J. RES. 129

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Transportation (hereinafter referred to as the "Secretary"), in cooperation with those other Federal agencies which possess relevant competencies, as provided in section 4, is authorized and directed to conduct a comprehensive study and investigation of all relevant aspects of the existing motor vehicle accident compensation system. Such study and investigation shall include consideration of the following—

(1) the inadequacies of such existing compensation system in theory and practice;

(2) the public policy objectives to be realized by such a system including an analysis of the costs and benefits, both monetary and otherwise; and

(3) the most effective means for realizing such objectives.

(b) The Secretary shall submit to the President and the Congress interim reports from time to time and a final report not later than eighteen months after the date

of enactment of this joint resolution. Such final report shall contain a detailed statement of the findings, conclusions, and recommendations of the Secretary and may propose such recommendations for legislation or other action as the Secretary deems necessary to carry out the objectives of this joint resolution.

ADMINISTRATIVE POWERS

SEC. 2. In order to carry out his functions under this joint resolution, the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) enter into contracts with corporations, business firms, institutions and individuals for the conduct of research, and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees as he deems appropriate for the purpose of consultation with and advice to the Secretary. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENTS

SEC. 3. (a) The Secretary is authorized to request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this joint resolution; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality is authorized to detail, on a reimbursable basis, any personnel of such agency to assist in carrying out the duties of the Secretary under this joint resolution.

INTERAGENCY ADVISORY COMMITTEE

SEC. 4. The President shall appoint an Interagency Advisory Committee on Compensation for Motor Vehicle Accident Losses consisting of the Secretary who shall be Chairman and one representative each of the Departments of Commerce, Justice, Labor, Health, Education, and Welfare, and Housing and Urban Development, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission, and such other Federal agencies as are designated by the President. Such members shall, to the extent possible, be persons knowledgeable in the field of compensation for motor vehicle accident losses. The Advisory Committee shall advise the Secretary on the preparations for and the conduct of the study authorized by this joint resolution.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 5. (a) For the purpose of carrying out the provisions of this joint resolution the Secretary, or on the authorization of the Secretary any officer or employee of the Department of Transportation, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this joint resolution, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any corporation, business firm, institution, or individual having materials or information relevant to the study authorized by this joint resolution.

(c) The Secretary is authorized to require, by general or special orders, any corporation, business firm, or individual or any class of such corporations, firms, or individuals to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to the study authorized by this joint resolution. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret referred to in section 1905 of title 18 of the United States Code, shall not be disclosed except to other officers or employees of the Government for their use in carrying out this joint resolution. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

TERMINATION

SEC. 6. The authority of the Secretary under this joint resolution shall terminate ninety days after the submission of his final report under section 1(b).

APPROPRIATIONS AUTHORIZED

SEC. 7. There are hereby authorized to be appropriated, without fiscal year limitation, such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this joint resolution.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1086), explaining the purposes of the joint resolution.

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

PURPOSE OF THE RESOLUTION

Senate Joint Resolution 129 would authorize and direct the Secretary of Transportation, in cooperation with other Federal agencies, to conduct a comprehensive 18-month study and investigation of the automobile accident compensation system.

The study will cover all aspects of the present system of compensating automobile accident victims under the doctrine of tort liability, and the methods and functions of insurance industry operations under that system. It will examine and pinpoint the inadequacies of the existing system, will outline the policy objectives to be realized by a compensation system, and will consider possible means to achieve these goals. Upon completion of the study of the Secretary is to submit to the President and Congress a final report outlining his findings and recommendations. The Secretary is also authorized and directed to submit any interim recommendations or findings he deems appropriate.

LEGISLATIVE BACKGROUND

In 1869, the Supreme Court ruled that "insurance is not commerce" (*Paul* v. *Virginia*). This decision insulated the expanding insurance industry from compliance with subsequent Federal regulation of interstate commerce, including the Sherman Antitrust Act. In 1944, however, the Court reconsidered the question and ruled that no interstate "commercial enterprise" was free from the regulatory power of Congress (*United States* v. *Southeastern Underwriters Association, et al.*).

Responding to this decision, Congress, in 1945, enacted the Insurance Moratorium Act (Public Law 79–15), popularly known as the McCarran-Ferguson Act. In this statute, Congress declared that the public interest was best served by continuing primary regulatory responsibility for the insurance industry in the States.

Today, more than two decades later, there is increasingly evident grave dissatisfaction with the performance of the automobile insurance industry under the scheme of the McCarran-Ferguson Act.

On June 26, 1967, Chairman Magnuson and Congressman John E. Moss wrote to the Secretary of Transportation, Alan S. Boyd, in part as follows:

"We have become increasingly concerned at evidence of major flaws in our national systems for compensating motor vehicle accident victims. Our attention was first drawn to the serious problem of insolvencies among so-called high risk automobile insurers. But such insolvencies appear to be symptomatic of fundamental defects, both in automobile insurance underwriting and in our underlying common law and statutory system of fault liability. Sharp underwriting practices, including arbitrary cancellations and failures to renew, geographical, racial, and economic blackouts in coverage, and discriminatory, escalating premium rates equally demand appropriate reforms.

"Last year, Congress addressed itself to the need for preventing and limiting the severity of motor vehicle accidents. Your Department is now charged with responsibility for carrying out the comprehensive programs of motor vehicle and highway safety which we then authorized. Now we are equally concerned with the just and efficient compensation of those victims whom prevention has not spared. Broadly viewed, the enormous costs to individuals, as well as to society, of the still increasing traffic toll are costs which must be allocated to our system of ground transportation.

"It is for these reasons that we request that you undertake a comprehensive study of compensation for motor vehicle accident losses."

In further correspondence, jurisdictional and budgetary considerations were explored, and the Secretary agreed to undertake a

preliminary inquiry regarding the precise areas to be considered in a comprehensive study and investigation, and the manpower and monetary requirements that would be attendant upon such a study. Because it became clear that a full-scale investigation by the Department of Transportation would require additional authority and funds, Chairman Magnuson introduced Senate Joint Resolution 129 on December 14, 1967. Joining as cosponsors are Senators Pastore, Monroney, Lausche, Bartlett, Hartke, Hart, Cannon, Brewster, Long of Louisiana, Moss, Cotton, Scott, and Dodd. On the same date, Congressman Moss introduced an identical resolution, House Joint Resolution 958, in the House of Representatives.

On February 6, 1968, President Johnson in his consumer message highlighted the seriousness of the problem and the need for such a study:

"This is a national problem. It will become even more of a problem as we license more drivers, produce more automobiles, and build more roads * * *. While many proposals have been made to improve the system, many questions remain unanswered. The search for solutions must be pressed.

"I propose legislation to authorize the Secretary of Transportation to conduct the first comprehensive study of the automobile insurance system. He will undertake this review with the full cooperation of the Federal Trade Commission and other appropriate agencies of the executive branch. In recent months we have acted to make our cars and our highways safer. Now we must move to streamline the automobile insurance system—to make it fair, to make it simple, and to make it efficient."

Hearings were held before the Consumer Subcommittee of the Senate Commerce Committee on March 12, 13, and 14, 1968. A wide range of witnesses representing the insurance industry, interested professional organizations, government (both State and Federal), and affected members of the public were heard. The proposed legislation drew overwhelming support from those testifying. Departmental and agency comments on the resolution (all of which were favorable) appear at the end of this report.

The committee is unanimous in recommending the passage of Senate Joint Resolution 129, as amended.

BACKGROUND AND NEED FOR LEGISLATION

Auto insurance premiums have been rising steeply, up to 30 percent in some areas in the last half dozen years. Many auto owners find that they are unable to obtain or maintain insurance at any price—or, at best they are burdened with rates generally regarded as excessive. The grounds for rejection, cancellation, or refusal to write auto insurance often appear to be arbitrary or inexplicable. Those most in need of protection such as the elderly, the young, the minority group member, and the serviceman seem to be particularly subject to these abuses. Beyond this, many automobile insurance companies have gone bankrupt, thus depriving the policyholder and the injured of coverage and compensation. Since 1961 at least 80 failures have occurred. Some have estimated that these failures have left 300,000 individuals with stated claims of $600 million with only $25 million in company assets to collect against.

More fundamentally, many allege that the traditional system for compensating motor vehicle accident victims is inefficient and unjust. Some argue that the legal concept of compensation based on fault is outdated and in need of reform. Compensation is also sporadic. It is estimated that anywhere from 14 to 23 percent of those injured receive nothing at all. When compensation is received, it appears that small claims are overcompensated while large claims are under-compensated. The adversary system of settling disputes is time consuming and expensive. Delays of 2 to 3 years between the filing of a claim and trial are not uncommon.

The seriousness of the problem can be best illustrated by a few statistics. In 1966 alone over 53,000 people were killed on our highways. An additional 1.9 milion suffered disabling injuries—160,000 of these injuries produced permanent impairment. The resulting economic losses were staggering. According to the National Safety Council the medical expenses associated with these injuries and deaths approximated $600 million. Actual and anticipated wage loss approached $2.6 billion, and property losses reached an estimated $3.3 billion. To the suffering of accident victims and the $6.5 billion economic loss incurred, must be added the expenses of operating the courts, automobile investigation units, legal expenses, and insurance company administrative costs.

The automobile insurance industry has experienced rapid growth. Statistics indicate that the amounts paid out for auto accident losses by the industry rose from $1 billion in 1950 to over $5 billion in 1965. Automobile insurance net premiums have advanced from $2.6 billion in 1950 to $9.2 billion in 1966.

The increasing premiums, cancellations, refusals to write or renew insurance, insolvencies, and the unequitable distribution and delay in compensation are manifestations of the strain on the system. They are interrelated and as Secretary Boyd pointed out during the hearings only "* * * by viewing them in their total perspective can they be properly appraised, evaluated, and where necessary, corrected." Suggested improvements must also be evaluated in the context of the most recent information possible.

While there has been several studies since 1932, there is little uniformity regarding proposed solutions. Often information collected in one study cannot be compared with that developed in another effort. Much of the date is now outdated. For example, the most recent study, the so-called Michigan study published in 1964, was based on 1957–58 information.

The proposed investigation offers the best means of obtaining the required information. Its scope will be broad. The information will be comparable. Recommendations will be based on current information.

There are still other reasons for a Department of Transportation study. The Department already has broad authority under the National Traffic and Motor Vehicle Safety Act and the National Highway Safety Act to prevent accidents. It is only logical that it undertake the development of efficient and equitable means of meeting the social and economic costs of such accidents. This is the primary purpose of the study. Regulatory considerations should be reevaluated with the aim of improving the compensation system and not solely as ends in themselves. While Congress can and should continue surveillance over the problems relating to automobile accident compensation and will hold related hearings, and take such interim action as is indicated, there is little question that the executive branch armed with broad information-gathering powers is better suited to make the detailed collection and evaluation of data contemplated by this study. The many details that must be substantiated will require many hours of extensive inquiry and analysis. The Department of Transportation together with other Federal agencies and departments will have the required resources and staff.

Congress will retain control since it will ultimately review and evaluate the findings and conclusions of the Department of Transportation.

The preamble was agreed to.

DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1066.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. Effective on the first day of the first pay period beginning on or after October 1, 1967, section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

"SEC. 101. The annual rates of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a) Fire private. Police private.	$7,500	$7,800	$8,100	$8,400	$8,700	$9,000	$9,300	$9,600	$9,900
Subclass (b) Private assigned as: Technician I. Plainclothesman.	7,790	8,090	8,390	8,690	8,990	9,290	9,590	9,890	10,190
Subclass (c) Private assigned as: Technician II. Station clerk. Motorcycle officer.	8,080	8,380	8,680	8,980	9,280	9,580	9,880	10,180	10,480

"SALARY SCHEDULE—Continued

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	A	B	C
Class 2:									
Subclass (a) Fire inspector.	$8,700	$9,000	$9,300	$9,600			$9,900	$10,200	$10,500
Subclass (b) Fire inspector assigned as technician I.	8,990	9,290	9,590	9,890			10,190	10,490	10,790
Subclass (c) Fire inspector assigned as technician II.	9,280	9,580	9,880	10,180			10,480	10,780	11,080
Class 3: Assistant marine engineer Assistant pilot. Detective.	9,290	9,590	9,890	10,190			10,490	10,790	11,090
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	9,575	9,875	10,175	10,475			10,775	11,075	11,375
Subclass (b) Detective sergeant.	10,085	10,385	10,685	10,985			11,285	11,585	11,885
Subclass (c) Police sergeant assigned as motorcycle officer.	10,155	10,455	10,755	11,055			11,355	11,655	11,955
Class 5 Fire lieutenant. Police lieutenant.	11,200	11,628	12,056	12,484			12,912	13,340	
Class 6 Marine engineer. Pilot.	12,270	12,698	13,126	13,554			13,982	14,410	
Class 7 Fire captain. Police captain.	13,340	13,875	14,410	14,945			15,480	16,015	
Class 8 Battalion fire chief. Police inspector.	15,490	16,025	16,560	17,095			17,630	18,165	
Class 9:									
Subclass (a) Deputy Fire Chief. Deputy Chief of Police.	18,165	18,700	19,235	19,770			20,305	20,840	
Subclass (b) Assistant Fire Chief. Assistant Chief of Police. Commanding officer of the White House Police. Commanding officer of the U.S. Park Police.	19,236	19,771	20,306	20,841			21,376	21,911	
Class 10 Fire Chief. Chief of Police."	23,500	24,035	24,570	25,105					

SEC. 102. Effective on the first day of the first pay period beginning on or after July 1, 1968, such salary schedule is amended to read as follows:

"SALARY SCHEDULE

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a) Fire private. Police private.	$8,000	$8,200	$8,400	$8,600	$8,940	$9,280	$9,620	$9,960	$10,300
Subclass (b) Private assigned as: Technician I. Plainclothesman.	8,290	8,490	8,690	8,890	9,230	9,570	9,910	10,250	10,590
Subclass (c) Private assigned as: Technician II. Station clerk. Motorcycle officer.	8,580	8,780	8,980	9,180	9,520	9,860	10,200	10,540	10,880
Class 2:									
Subclass (a) Fire inspector.	8,940	9,280	9,620	9,960			10,300	10,640	10,980
Subclass (b) Fire inspector assigned as technician I.	9,230	9,570	9,910	10,250			10,590	10,930	11,270
Subclass (c) Fire inspector assigned as technician II.	9,520	9,860	10,200	10,540			10,880	11,220	11,560
Class 3: Assistant marine engineer Assistant pilot. Detective.	9,570	9,910	10,250	10,590			10,930	11,270	11,610
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	10,175	10,515	10,855	11,195			11,535	11,875	12,215
Subclass (b) Detective sergeant.	10,485	10,825	11,165	11,505			11,845	12,185	12,525
Subclass (c) Police sergeant assigned as motorcycle officer.	10,555	10,895	11,235	11,575			11,915	12,255	12,595
Class 5 Fire lieutenant. Police lieutenant.	11,710	12,138	12,566	12,994			13,422	13,850	
Class 6 Marine engineer. Pilot	12,781	13,209	13,637	14,065			14,493	14,921	
Class 7 Fire captain. Police captain.	13,852	14,387	14,922	15,457			15,992	16,527	
Class 8 Battalion fire chief. Police inspector.	15,994	16,529	17,064	17,599			18,134	18,669	

"SALARY SCHEDULE—Continued

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	A	B	C
Class 9:									
Subclass (a)	$18,671	$19,206	$19,741	$20,276			$20,811	$21,346	
Deputy Fire Chief.									
Deputy Chief of Police.									
Subclass (b)	19,742	20,277	20,812	21,347			21,882	22,417	
Assistant Chief of Police.									
Assistant Fire Chief.									
Commanding officer of the White House Police.									
Commanding officer of the U.S. Park Police.									
Class 10	24,000	24,535	25,070	25,605					
Fire Chief.									
Chief of Police."									

SEC. 103. (a) The rates of basic compensation of officers and members to whom the amendment made by the first section of this title applies shall be adjusted as follows:

(1) Except as otherwise provided in this section, each officer and member receiving basic compensation immediately prior to the first day of the first pay period which begins on or after October 1, 1967, at one of the scheduled service or longevity rates of a salary class or subclass of a salary class in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (hereinafter in this section referred to as the "salary schedule") shall receive a rate of basic compensation at the corresponding rate in effect on such day.

(2) Except as otherwise provided in this section, each officer and member receiving basic compensation immediately prior to the first day of the first pay period which begins on or after July 1, 1968, at one of the scheduled service or longevity rates of a salary class or subclass of a salary class in the salary schedule shall receive a rate of basic compensation at the corresponding rate in effect on such day.

(b) Initial advancement to longevity steps shall be made, as of the effective date of this section, in the following manner:

(1) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 10 but less than 13 years of service as a private shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(2) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 13 but less than 16 years of service as a private shall be advanced to longevity step B in such salary class and such service shall be credited to him for advancement to longevity step C in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(3) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 16 years of service as a private shall be advanced to longevity step C in such salary class.

(4) An officer or member who was serving in service step 4 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advancd to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(5) An officer or member who was serving in longevity step 7 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step B in such salary class and such service shall be credited to him for advancement to longevity step C in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(6) An officer or member who was serving in longevity step 8 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step C in such salary class.

(7) An officer or member who was serving in service step 4 of salary class 5, 6, 7, 8, or 9 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(8) An officer or member who was serving in longevity step 7 of salary class 5, 6, 7, 8, or 9 immediately prior to such date and who on such date had completed at least 156 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step B in such salary class.

Each such officer or member shall receive the appropriate scheduled rate of basic compensation for the longevity step to which he was advanced under this subsection. In computing the service of an officer or member for purposes of this subsection, only periods of satisfactory service as an officer or member and periods of satisfactory service in the Armed Forces of the United States shall be included.

SEC. 104. Section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958, is amended to read as follows:

"SEC. 401. (a) In recognition of long and faithful service, each officer and member, except the Chief of Police and Fire Chief, shall receive an amount (to be known as a longevity step increase) in addition to the rate of compensation prescribed in the salary schedule in section 101 for the maximum scheduled service step in the subclass of the salary class in which he is serving, or for the salary class in which he is serving if there are no subclasses in his salary class, for each 156 calendar weeks of continuous service completed by him following the effective date of this subsection at such maximum rate or at a rate in excess thereof, without change to a higher salary class, subject to all of the following conditions:

"(1) No officer or member shall receive more than one longevity step increase for any 156 calendar weeks of continuous service, and in order to be eligible therefor he shall have a current performance rating of 'satisfactory' or better.

"(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, nor more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 9.

"(3) In the case of officers or members serving in salary class 1, each longevity step increase shall be equal to the increment between service step 4 and service step 5. In the case of officers or members serving in the other salary classes, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving.

"(4) Each longevity step increase shall begin on the first day of the first pay period following completion of each 156 weeks."

SEC. 105. (a) Section 105 of Public Law 88–575, approved September 2, 1964 (78 Stat. 882), is repealed effective on the date of enactment of this Act.

(b) Notwithstanding this section, the rate of basic, gross, or total annual pay received by an officer or employee immediately before the date of enactment of this Act shall not be reduced by reason of the enactment of this section.

SEC. 106. The Commissioner of the District of Columbia (or his delegate) may not as a part of any reorganization of the Metropolitan Police force or through any other administrative action—

(1) change the title of the positions of Detective and Detective Sergeant in salary classes 3 and 4, respectively, of the salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823), or

(2) change the job description or duties of such positions as in effect on the the effective date of this section, so long as any individual serving in the position of Detective on the effective date of this section is serving in such position.

SEC. 107. The paragraph relating to the probationary period for police privates under the heading "Metropolitan Police" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", approved August 31, 1918 (40 Stat. 938, D.C. Code, sec. 4–105), is amended to read as follows:

"No person shall receive a permanent appointment who has not served the required probationary period, but the service during probation shall be deemed to be service in the uniformed force if succeeded by a permanent appointment, and as such shall be included and counted in determining eligibility for advancement, promotion, retirement, and pension in accordance with existing law. If at any time during the period of probation, the conduct or capacity of the probationer is determined by the Commissioner of the District of Columbia, or his designated agent, to be unsatisfactory, the probationer shall be separated from the service after advance written notification of the reasons for and the effective date of the separation. The retention of the probationer in the service after satisfactory completion of the probationary period shall be equivalent to a permanent appointment therein."

SEC. 108. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force, who retired during the period beginning on the first day of the first pay period which begins on or after October 1, 1967, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after October 1, 1967, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 109. For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the date of enactment of this Act.

SEC. 110. Except to the extent herein otherwise provided, this title and the amendments made by this title shall take effect on the first day of the first pay period beginning on or after October 1, 1967.

SEC. 111. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1968."

TITLE II—SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 201. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1968."

SEC. 202. The District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (D.C. Code, sec. 31–1501 et seq.), is amended as follows:

(1) Effective on the first day of the first pay period beginning on or after October 1, 1967, section 1 (D.C. Code, sec. 31–1501) is amended by striking the salary schedule contained therein and inserting in lieu thereof the following:

"Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 1	$31,000								
Superintendent.									
Class 2	25,000								
Deputy Superintendent.									
Class 3	18,480	$18,920	$19,360	$19,800	$20,240	$20,680	$21,120	$21,560	$22,000
Assistant superintendent.									
President, teachers college.									
Class 4	15,625	15,995	16,365	16,735	17,105	17,475	17,845	18,215	18,585
Director, curriculum.									
Dean, teachers college.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	14,120	14,470	14,820	15,170	15,520	15,870	16,220	16,570	16,920
Group B, master's degree	14,750	15,100	15,450	15,800	16,150	16,500	16,850	17,200	17,550
Group C, master's degree plus 30 credit hours	15,065	15,415	15,765	16,115	16,465	16,815	17,164	17,515	17,865
Group D, doctor's degree	15,380	15,730	16,080	16,430	16,780	17,130	17,480	17,830	18,180
Chief examiner.									
Director, food services.									
Director, industrial adult education.									
Executive assistant to deputy superintendent.									
Class 6:									
Group B, master's degree	14,320	14,660	15,000	15,340	15,680	16,020	16,360	16,700	17,040
Principal, level IV	14,320	14,660	15,000	15,340	15,680	16,020	16,360	16,700	17,040
Principal, level III	14,010	14,350	14,690	15,030	15,370	15,710	16,050	16,390	16,730
Principal, level II	13,700	14,040	14,380	14,720	15,060	15,400	15,740	16,080	16,420
Principal, level I	13,390	13,730	14,070	14,410	14,750	15,090	15,430	15,770	16,110
Group C, master's degree plus 30 credit hours	14,635	14,975	15,315	15,655	15,995	16,335	16,675	17,015	17,355
Principal, level IV	14,635	14,975	15,315	15,655	15,995	16,335	16,675	17,015	17,355
Principal, level III	14,325	14,665	15,005	15,345	15,685	16,025	16,365	16,705	17,045
Principal, level II	14,015	14,355	14,695	15,035	15,375	15,715	16,055	16,395	16,735
Principal, level I	13,705	14,045	14,385	14,725	15,065	15,405	15,745	16,085	16,425
Group D, doctor's degree	14,950	15,290	15,630	15,970	16,310	16,650	16,990	17,330	17,670
Principal, level IV	14,950	15,290	15,630	15,970	16,310	16,650	16,990	17,330	17,670
Principal, level III	14,640	14,980	15,320	15,660	16,000	16,340	16,680	17,020	17,360
Principal, level II	14,330	14,670	15,010	15,350	15,690	16,030	16,370	16,710	17,050
Principal, level I	14,020	14,360	14,700	15,040	15,380	15,720	16,060	16,400	16,740
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent (pupil personnel services).									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school									
Principal, laboratory school.									
Principal, veterans' high school.									
Class 7:									
Group B, master's degree	13,020	13,330	13,640	13,950	14,260	14,570	14,880	15,190	15,500
Group C, master's degree plus 30 credit hours	13,335	13,645	13,955	14,265	14,575	14,885	15,195	15,505	15,815
Group D, doctor's degree	13,650	13,960	14,270	14,580	14,890	15,200	15,510	15,820	16,130
Supervising director, elementary education (supervision and instruction).									
Supervising director, audio-visual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									

"Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 8:									
Group B, master's degree	$12,520	$12,830	$13,140	$13,450	$13,760	$14,070	$14,380	$14,690	$15,000
Group C, master's degree plus 30 credit hours	12,835	13,145	13,455	13,765	14,075	14,385	14,695	15,005	15,315
Group D, doctor's degree	13,150	13,460	13,770	14,080	14,390	14,700	15,010	15,320	15,630
Dean of students, teachers college.									
Professor, teachers college.									
Registrar, teachers college.									
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	11,390	11,700	12,010	12,320	12,630	12,940	13,250	13,560	13,870
Group B, master's degree	12,020	12,330	12,640	12,950	13,260	13,570	13,880	14,190	14,500
Group C, master's degree plus 30 credit hours	12,335	12,645	12,955	13,265	13,575	13,885	14,195	14,505	14,815
Group D, doctor's degree	12,650	12,960	13,270	13,580	13,890	14,200	14,510	14,820	15,130
Assistant director, food services.									
Class 10:									
Group B, master's degree	11,470	11,780	12,090	12,400	12,710	13,020	13,330	13,640	13,950
Group C, master's degree plus 30 credit hours	11,785	12,095	12,405	12,715	13,025	13,335	13,645	13,955	14,265
Group D, doctor's degree	12,100	12,410	12,720	13,030	13,340	13,650	13,960	14,270	14,580
Assistant director, audio-visual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									
Class 11:									
Group B, master's degree	10,950	11,260	11,570	11,880	12,190	12,500	12,810	13,120	13,430
Group C, master's degree plus 30 credit hours	11,265	11,575	11,885	12,195	12,505	12,815	13,125	13,435	13,745
Group D, doctor's degree	11,580	11,890	12,200	12,510	12,820	13,130	13,440	13,750	14,060
Assistant director, practical nursing.									
Associate professor, teachers college.									
Chief librarian, teachers college.									
Class 12:									
Group B, master's degree	10,430	10,740	11,050	11,360	11,670	11,980	12,290	12,600	12,910
Group C, master's degree plus 30 credit hours	10,745	11,055	11,365	11,675	11,985	12,295	12,605	12,915	13,225
Group D, doctor's degree	11,060	11,370	11,680	11,990	12,300	12,610	12,920	13,230	13,540
Chief attendance officer.									
Clinical psychologist.									
Class 13:									
Group B, master's degree	9,360	9,740	10,120	10,500	10,880	11,260	11,640	12,020	12,400
Group C, master's degree plus 30 credit hours	9,675	10,055	10,435	10,815	11,195	11,575	11,955	12,335	12,715
Group D, doctor's degree	9,990	10,370	10,750	11,130	11,510	11,890	12,270	12,650	13,030
Assistant professor, teachers college.									
Assistant professor, laboratory school.									
Psychiatric social worker.									

"Salary class and group	Service step							
	1	2	3	4	5	6	7	8
Class 14:								
Group A, bachelor's degree	$7,510	$7,830	$8,150	$8,470	$8,790	$9,110	$9,430	$9,750
Group B, master's degree	8,140	8,460	8,780	9,100	9,420	9,740	10,060	10,380
Group C, master's degree plus 30 credit hours	8,455	8,775	9,095	9,415	9,735	10,055	10,375	10,695
Group D, doctor's degree	8,770	9,090	9,410	9,730	10,050	10,370	10,690	11,010
Coordinator of practical nursing.								
Census supervisor.								
Class 15:								
Group A, bachelor's degree	6,400	6,600	6,800	7,050	7,435	7,750	8,065	8,380
Group B, master's degree	7,030	7,230	7,430	7,680	8,065	8,380	8,695	9,010
Group C, master's degree plus 30 credit hours	7,345	7,545	7,745	7,995	8,380	8,695	9,010	9,325
Group D, master's degree plus 60 credit hours or doctor's degree	7,660	7,860	8,060	8,310	8,695	9,010	9,325	9,640
Teacher, elementary and secondary schools.								
Attendance officer.								
Child labor inspectors.								
Counselor, placement.								
Counselor, elementary and secondary schools.								
Librarian, elementary and secondary schools.								
Librarian, teachers college.								
Research assistant.								
School social worker.								
Speech correctionist.								
Instructor, teachers college.								
Instructor, laboratory school.								
School psychologist.								

"Salary class and group	Service step					Longevity step	
	9	10	11	12	13	X	Y
Class 14:							
Group A, bachelor's degree	$10,070	$10,390	$10,710	$11,030	$11,350	----------	----------
Group B, master's degree	10,700	11,020	11,340	11,660	11,980	----------	----------
Group C, master's degree plus 30 credit hours	11,015	11,335	11,655	11,975	12,295	----------	----------
Group D, doctor's degree	11,330	11,650	11,970	12,290	12,610	----------	----------
Coordinator of practical nursing.							
Census supervisor.							
Class 15:							
Group A, bachelor's degree	8,695	8,950	9,200	9,450	9,700	$10,200	$10,800
Group B, master's degree	9,325	9,580	9,830	10,080	10,330	10,830	11,430
Group C, master's degree plus 30 credit hours	9,640	9,895	10,145	10,395	10,645	11,145	11,745
Group D master's degree plus 60 credit hours or doctor's degree	9,955	10,210	10,460	10,710	10,960	11,460	12,060
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspector.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Librarian, teachers college.							
Research assistant							
School social worker.							
Speech correctionist.							
Instructor, teachers college.							
Instructor, laboratory school.							
School psychologist."							

(2) Effective on the first day of the first pay period beginning on or after July 1, 1968, such salary schedule is amended to read as follows:

"Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 1	$34,000								
Superintendent.									
Class 2	27,000								
Deputy superintendent.									
Class 3	19,320	$19,780	$20,240	$20,700	$21,160	$21,620	$22,080	$22,540	$23,000
Assistant superintendent.									
President, teachers college.									
Class 4	16,400	16,800	17,200	17,600	18,000	18,400	18,800	19,200	19,600
Director, curriculum.									
Dean, teachers college.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	15,260	15,640	16,020	16,400	16,780	17,160	17,540	17,920	18,300
Group B, master's degree	15,960	16,340	16,720	17,100	17,480	17,860	18,240	18,620	19,000
Group C, master's degree plus 30 credit hours	16,310	16,690	17,070	17,450	17,830	18,210	18,590	18,970	19,350
Group D, doctor's degree	16,660	17,040	17,420	17,800	18,180	18,500	18,940	19,320	19,700
Chief examiner.									
Director, food services.									
Director, industrial adult education.									
Executive assistant to deputy superintendent.									
Class 6:									
Group B, master's degree	15,540	15,910	16,280	16,650	17,020	17,390	17,760	18,130	18,500
Principal, level IV	15,540	15,910	16,280	16,650	17,020	17,390	17,760	18,130	18,500
Principal, level III	15,040	15,410	15,780	16,150	16,520	16,890	17,260	17,630	18,000
Principal, level II	14,540	14,910	15,280	15,650	16,020	16,390	16,760	17,130	17,500
Principal, level I	14,040	14,410	14,780	15,150	15,520	15,890	16,260	16,630	17,000
Group C, master's degree plus 30 credit hours	15,890	16,260	16,630	17,000	17,370	17,740	18,110	18,480	18,850
Principal, level IV	15,890	16,260	16,630	17,000	17,370	17,740	18,110	18,480	18,850
Principal, level III	15,390	15,760	16,130	16,500	16,870	17,240	17,610	17,980	18,350
Principal, level II	14,890	15,260	15,630	16,000	16,370	16,740	17,110	17,480	17,850
Principal, level I	14,390	14,760	15,130	15,500	15,870	16,240	16,610	16,980	17,350
Group D, doctor's degree	16,240	16,610	16,980	17,350	17,720	18,090	18,460	18,830	19,200
Principal, level IV	16,240	16,610	16,980	17,350	17,720	18,090	18,460	18,830	19,200
Principal, level III	15,740	16,110	16,480	16,850	17,220	17,590	17,960	18,330	18,700
Principal, level II	15,240	15,610	15,980	16,350	16,720	17,090	17,460	17,830	18,200
Principal, level I	14,740	15,110	15,480	15,850	16,220	16,590	16,960	17,330	17,700
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent (pupil personnel services).									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans' high school.									
Class 7:									
Group B, master's degree	14,070	14,405	14,740	15,075	15,410	15,745	16,080	16,415	16,750
Group C, master's degree plus 30 credit hours	14,420	14,755	15,090	15,425	15,760	16,095	16,430	16,765	17,100
Group D, doctor's degree	14,770	15,105	15,440	15,775	16,110	16,445	16,780	17,115	17,450
Supervising director, elementary education (supervision and instruction).									
Supervising director, audio-visual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree	13,580	13,905	14,230	14,555	14,880	15,502	15,530	15,855	16,180
Group C, master's degree plus 30 credit hours	13,930	14,255	14,580	14,905	15,230	15,555	15,880	16,205	16,530
Group D, doctor's degree	14,280	14,605	14,930	15,255	15,580	15,905	16,230	16,555	16,880
Dean of students, teachers college.									
Professor, teachers college.									
Registrar, teachers college.									
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	12,380	12,695	13,010	13,325	13,640	13,955	14,270	14,585	14,900
Group B, master's degree	13,080	13,395	13,710	14,025	14,340	14,655	14,970	15,285	15,600
Group C, master's degree plus 30 credit hours	13,430	13,745	14,060	14,375	14,690	15,005	15,320	15,635	15,950
Group D, doctor's degree	13,780	14,095	14,410	14,725	15,040	15,355	15,670	15,985	16,300
Assistant director, food services.									
Class 10:									
Group B, master's degree	12,600	12,900	13,200	13,500	13,800	14,100	14,400	14,700	15,000
Group C, master's degree plus 30 credit hours	12,950	13,250	13,550	13,850	14,150	14,450	14,750	15,050	15,350
Group D, doctor's degree	13,300	13,600	13,900	14,200	14,500	14,800	15,100	15,400	15,700
Assistant director, audiovisual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									

"Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 11:									
Group B, master's degree	$12,180	$12,470	$12,760	$13,050	$13,340	$13,630	$13,920	$14,210	$14,500
Group C, master's degree plus 30 credit hours	12,530	12,820	13,110	13,400	13,690	13,980	14,270	14,560	14,850
Group D, doctor's degree	12,880	13,170	13,460	13,750	14,040	14,330	14,620	14,910	15,200
Assistant director, practical nursing.									
Associate professor, teachers college.									
Chief librarian, teachers college.									
Class 12:									
Group B, master's degree	11,680	11,970	12,260	12,550	12,840	13,130	13,420	13,710	14,000
Group C, master's degree plus 30 credit hours	12,030	12,320	12,610	12,900	13,190	13,480	13,770	14,060	14,350
Group D, doctor's degree	12,380	12,670	12,960	13,250	13,540	13,830	14,120	14,410	14,700
Chief attendance officer.									
Clinical psychologist.									
Class 13:									
Group B, master's degree	10,700	11,050	11,400	11,750	12,100	12,450	12,800	13,150	13,500
Group C, master's degree plus 30 credit hours	11,050	11,400	11,750	12,100	12,450	12,800	13,150	13,500	13,850
Group D, doctor's degree	11,400	11,750	12,100	12,450	12,800	13,150	13,500	13,850	14,200
Assistant professor, teachers college.									
Assistant professor, laboratory school.									
Psychiatric social worker.									

"Salary class and group	Service step							
	1	2	3	4	5	6	7	8
Class 14:								
Group A, bachelor's degree	$8,160	$8,505	$8,850	$9,195	$9,540	$9,885	$10,230	$10,575
Group B, master's degree	8,860	9,205	9,550	9,895	10,240	10,585	10,930	11,275
Group C, master's degree plus 30 credit hours	9,210	9,555	9,900	10,245	10,590	10,935	11,280	11,625
Group D, doctor's degree	9,560	9,905	10,250	10,595	10,940	11,285	11,630	11,975
Coordinator of practical nursing.								
Census supervisor.								
Class 15:								
Group A, bachelor's degree	7,000	7,280	7,560	7,840	8,120	8,400	8,750	9,100
Group B, master's degree	7,700	7,980	8,260	8,540	8,820	9,100	9,450	9,800
Group C, master's degree plus 30 credit hours	8,050	8,330	8,610	8,890	9,170	9,450	9,800	10,150
Group D, master's degree plus 60 credit hours or doctor's degree	8,400	8,680	8,960	9,240	9,520	9,800	10,150	10,500
Teacher, elementary and secondary schools.								
Attendance officer.								
Child Labor inspector.								
Counselor, placement.								
Counselor, elementary and secondary schools.								
Librarian, elementary and secondary schools.								
Librarian, teachers college.								
Research assistant.								
School social worker.								
Speech correctionist.								
Instructor, teachers college.								
Instructor, laboratory school.								
School psychologist."								

"Salary class and group	Service step					Longevity step	
	9	10	11	12	13	X	Y
Class 14:							
Group A, bachelor's degree	$10,920	$11,265	$11,610	$11,955	$12,300		
Group B, master's degree	11,620	11,965	12,310	12,655	13,000		
Group C, master's degree plus 30 credit hours	11,970	12,315	12,660	13,005	13,350		
Group D, doctor's degree	12,320	12,665	13,010	13,355	13,700		
Coordinator of practical nursing.							
Census supervisor.							
Class 15:							
Group A, bachelor's degree	9,450	9,800	10,150	10,500	10,850	$11,410	$12,040
Group B, master's degree	10,150	10,500	10,850	11,200	11,550	12,110	12,740
Group C, master's degree plus 30 credit hours	10,500	10,850	11,200	11,550	11,900	12,460	13,090
Group D, master's degree plus 60 credit hours or doctor's degree	10,850	11,200	11,550	11,900	12,250	12,810	13,440
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspector.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Librarian, teachers college.							
Research assistant.							
School social worker.							
Speech correctionist.							
Instructor, teachers college.							
Instructor, laboratory school.							
School psychologist."							

(3) Section 5(c) (D.C. Code, sec. 31–1522(c)) is amended (a) by inserting immediately before the period at the end of the third sentence the words "or the equivalence thereof", and (b) by striking out the fifth sentence.

(4) The third sentence of paragraph (1) of subsection (a) of section 7 (D.C. Code, sec. 31–1532(a)(1)) is amended by striking out "the same type of position" and inserting in lieu thereof "any position covered in salary class 15".

(5) Section 8(a) (D.C. Code, sec. 31–1533(a)) is amended by inserting immediately after the word "position", each time it appears in the subsection, the words "or class".

(6) Section 10(a) (D.C. Code, sec. 31–1535(a)) is amended to read as follows:

"(a) On and after the date of enactment of the District of Columbia Teachers' Salary Act of 1968, each promotion to group B, group C, or group D, within a salary class shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree, as the case may be, whichever is later."

(7) Effective on the first day of the first pay period beginning on or after October 1, 1967, section 13(a) (D.C. Code, sec. 31–1542(a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education school programs, and an Americanization school, under and within appropriations made by Congress. The pay for teachers, officers, and other educational employees in the summer school programs, adult education school programs and veterans' summer high school centers shall be as follows:

"Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school worker; speech correctionist; school psychologist; and instructor, District of Columbia Teachers College	$5.48	$6.12	$6.68
Psychiatric social worker and assistant professor, District of Columbia Teachers College	6.58	7.34	8.02
Clinical psychologist	6.85	7.65	8.35
Associate professor, District of Columbia Teachers College	7.12	7.96	8.68
Assistant principal, elementary and secondary schools, and professor, District of Columbia Teachers College	7.95	8.87	9.69
Supervising director	8.22	9.18	10.02
Principal, elementary and secondary schools	8.77	9.79	10.69
Veterans' summer school centers: Teacher	5.48	6.12	6.68
Adult education schools:			
Teacher	6.03	6.73	7.35
Assistant principal	8.74	9.76	10.66
Principal	9.65	10.77	11.76."

(8) Effective on the first day of the first pay period beginning on or after July 1, 1968, such salary schedule is amended to read as follows:

"Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist; and instructor, District of Columbia Teachers College	$6.00	$6.66	$7.37
Psychiatric social worker and assistant professor, District of Columbia Teachers College	7.02	7.79	8.62
Clinical psychologist	7.20	7.99	8.84
Associate professor, District of Columbia Teachers College	7.50	8.33	9.21
Assistant principal, elementary and secondary schools and professor, District of Columbia Teachers College	8.40	9.32	10.32
Supervising director	8.70	9.66	10.69
Principal, elementary and secondary schools	9.35	10.39	11.50
Veterans' summer school centers: Teacher	6.00	6.66	7.37
Adult education schools:			
Teacher	6.60	7.33	8.11
Assistant principal	9.24	10.26	11.35
Principal	10.30	11.44	12.65."

SEC. 303. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this title who retired during the period beginning on October 1, 1967, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on October 1, 1967, and ending on the date of enactment of this Act, by any such employee who dies during such period.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

SEC. 304. For the purpose of determining the amount of insurance for which an individual is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

Mr. SPONG. Mr. President, in the last several days the Congress and the residents of the Washington area have seen how magnificently the Metropolitan Police and District of Columbia Fire Department perform their difficult and dangerous jobs.

Although undermanned, underpaid, and overworked, the Metropolitan Police and District of Columbia Fire Departments, stayed at their posts over the past weekend working against almost insurmountable odds to prevent chaos, to limit looting and burning, and to put out fires as they occurred.

Between Thursday night, April 4 and Monday morning, April 8, the Metropolitan Police made 5,333 arrests directly related to disorders, and the District of Columbia Fire Department, aided by firefighters from surrounding jurisdictions, battled 632 fires. Fifty policemen and 18 firemen were injured during the disturbances.

I can think of no more fitting action for the Senate to take at this time than to approve the long-overdue salary increases for District of Columbia policemen, firemen, and the teachers of the District recommended in H.R. 15131, as amended and reported by the District Committee.

Mr. President, I want to make a brief explanation of the purposes of the bill and what it provides.

As amended and reported, the effect of H.R. 15131 is to increase the salaries of the members and officers of the District of Columbia police and fire departments, and of the teachers and school officers in the District's public school system.

Police, fire, and teacher salaries in the District have not been raised since November 1966.

In the meantime, during the first session of the present Congress, all other classified employees of the District of Columbia Government received pay increases retroactive to October 1, 1967, as part of the Federal employee pay bill, approved December 16, 1967, Public Law 90-206. Under that legislation most other District employees will also receive two additional pay raises on July 1 of this year and in July of 1969.

Washington's policemen, firemen, and teachers were not included in last year's bill. Their salary needs have traditionally been the subject of separate legislation considered by the District of Columbia Committees.

The present bill passed the House of Representatives on February 26, 1968. As passed by the House, the bill did not include salary increases for teachers, but was limited to the District's Police and Fire Departments.

In keeping with a longstanding practice of the Senate District Committee, the bill has been amended by the committee to include the District's teachers and school administrators as well.

The bill before the Senate would provide a two-stage salary increase for all these vitally necessary public servants.

Phase I contains the same retroactive feature included in the general pay bill for other District employees last December.

For the period October 1, 1967, through June 30, 1968, phase I increases the beginning rate for police and fire privates from $6,700 to $7,500, and the entrance rate for bachelor-degree teachers from $5,840 to $6,400.

In phase II—effective July 1, 1968—these rates would be further increased to $8,000 for new policemen and firemen, and $7,000 for new bachelor-degree teachers.

Throughout the salary schedules, phase I represents an average increase for policemen and firemen generally of 7 percent, and for teachers 8.3 percent. The phase I increase for police and fire privates would amount to 12 percent, and for beginning teachers 9.6 percent.

The phase II increases—beginning the first pay period after July 1 of this year—represent, when added to the phase I increases, an overall average raise for the Police and Fire Departments of 10.1 percent over the present salary schedule, and an average increase for teachers of 19.2 percent over present levels.

The base rate for police and fire privates in phase II—$8,000—would be 19.4 percent over the present rate, and the basic salary of new bachelor-degree teachers—$7,000—would be 19.8 percent over the present entrance salary.

The committee's report accompanying H.R. 15131 spells out the need for the legislation.

Briefly, the record before the committee shows very clearly that both the District of Columbia Police Department—and to a lesser degree, the District of Columbia Fire Department—face a serious problem in the recruitment of new members. The police force has been below its full authorized strength continually since February 1964. The hazards associated with police work amidst the problems and tensions that exist in a major city like Washington have made it very difficult to attract well-qualified young men to join the police and firefighting forces.

The more difficult working conditions in Washington also pose problems so far as the retention of personnel is concerned. The record shows that it is not uncommon for younger members to leave the District of Columbia police force to take up police work in the suburbs of Washington where working conditions are better.

Salary, of course, is a major factor in attracting and retaining personnel, and is an especially important element in inducing young people to follow careers amidst the hazards of big city police work.

The record shows that the existing salary schedules for District of Columbia policemen and firemen are not sufficiently competitive with the salaries paid in the suburban communities of the Washington metropolitan area, or with salaries paid in other major cities with which the District competes in the recruitment of new police personnel.

The record shows that the entrance rates for policemen in the suburbs either exceed or are within a few hundred dollars of the District's present entrance rate of $6,700. Also, Washington ranks 12th among 21 major cities of over 500,000 population in the base salary payable to new police officers.

In spite of vigorous, greatly increased efforts to recruit new officers, the Metropolitan Police force averaged 338 vacancies throughout calendar year 1967. At the end of last year, there were 356 vacancies. Recruitment of new officers did not even keep pace with normal personnel turnover. There were 283 separations and only 231 appointments—a net loss of 52 officers.

The District of Columbia Fire Department has also had persistent difficulty attracting qualified recruits. In 1967, fire alarms increased some 19 percent over 1966. The Fire Department averaged 33 vacancies throughout the year.

If persons and property in the District—including the millions of Americans who visit here each year—are to be secure, the committee feels it is imperative that the police and firefighting forces in Washington be brought up to strength and kept fully manned.

The salary schedules proposed by H.R. 15131 will provide the District the competitive advantage it needs to obtain and retain qualified policemen and firemen.

Under the proposed phase II salary increases, the Metropolitan Police force will rank first among the Washington area jurisdictions in terms of both the minimum and maximum salaries payable to police and fire privates. Also, the phase II salary schedule will rank the District in third place nationally among 20 cities of over 500,000 population as regards the entrance rate for police privates, and fifth place in terms of the maximum salary payable to men in the rank of private.

As regards the District of Columbia public school teachers, the present salary schedule is also clearly noncompetitive.

Washington's entrance rate for bachelor-degree teachers—presently $5,840—ranks fifth among the seven Washington area school systems, and 15th among 21 major cities with over 500,000 population.

As in the case of police and firemen, the record before the committee shows that notwithstanding increasingly vigorous recruitment campaigns locally, on college campuses, and in a number of other cities, the District of Columbia Board of Education has had great difficulty in attracting a sufficient number of well-qualified new teachers.

The retention of experienced teachers already in the District's schools has also been a major problem.

The role of the public school teacher in the Washington school system today is certainly one of the most difficult and demanding assignments among school systems anywhere in the Nation. And, I daresay, no other profession is more critically needed for the welfare of Washington's children and the overall improvement of the community.

Figures presented to the committee show that there were 260 teacher vacancies in the school system as of January 31, 1968. During fiscal year 1967, 1,172 teachers left the District of Columbia public school system—the largest turnover in 40 years. Some 40 percent resigned and 30 percent did not renew their teacher contracts.

School officials generally agree that most of these teachers left the District of Columbia to find teaching positions elsewhere where salaries and working conditions are better.

Other figures show that in order to man the schools adequately, the Board of Education has had to employ an unusually large percentage of "temporary" teachers, individuals who for lack of a certain number of course credits or some degree do not meet the Board's standards for permanent appointment. The number of permanent teachers dropped from 71.7 percent in 1956–57 to a low of 42.5 percent in 1966–67. Temporary teachers rose from 16 percent in 1955 to 48 percent in fiscal year 1966.

Ninety-five percent of the teachers new to the system in 1965–67 were certified as "temporary teachers."

In a word, Mr. President, the teaching personnel situation in the District's school system has deteriorated badly.

The committee's judgment is that if the massive turnover rate is to be stopped, and a fair share of well-qualified teachers is to be attracted to the difficult teaching job in Washington, the Board of Education must be placed in a position to offer attractive salaries.

This is particularly important now, if the District is not to fall even further behind salary schedules in the suburban school systems in the Washington area.

The record before the committee shows that most, if not all, of these other school systems will offer higher salaries next September. Fairfax County, Va., has approved an entrance rate of $6,400 for bachelor degree teachers. Alexandria, Va., is expected to pay $6,300. Montgomery and Prince Georges Counties in Maryland will be offering $6,340 and $6,200, respectively, and Falls Church, Va., is expected to raise its entrance rate to $6,230.

In addition, teacher salaries are also being increased in many of the large cities across the Nation—including cities with which the District must compete for new personnel. The committee understands that effective next September, New York City will be paying its teachers a minimum of $6,750, Detroit $7,500, Chicago $7,350, and Milwaukee $6,800.

The $7,000 entrance salary for bachelor degree teachers provided by phase II of H.R. 15131 will help overcome the District's present recruitment disadvantage. If the schedule is approved, the new rate for beginning teachers will give the District a $600 recruitment advantage in the Washington area, and according to present information will place the District in third place nationally—behind Detroit and Chicago—in the entrance rate payable to new teachers.

It is true, of course, that no single factor establishes the competitive position of a public school system. But it is also true that of all the elements to be considered, salary is necessarily a vital consideration.

The serious problems that beset the public schools of the District of Columbia would not be solved by salary increases alone, but at the same time it is the committee's judgment that they certainly will not be solved unless salaries are set at levels to attract and retain the best possible teaching personnel.

In the committee's judgment, Mr. President, the salaries recommended in H.R. 15131 are reasonable and respond to the need that exists.

Two other provisions of the reported bill warrant comment at this time.

First, as reported, the bill provides a two-step increase in the salaries of the Superintendent of Schools and the Deputy Superintendent of Schools of the District of Columbia. The Superintendent's salary would be raised from $26,000 to $31,000, effective October 1, 1967, and to $34,000 on July 1, 1968. The Deputy Superintendent would be raised from $22,000 to $25,000 as of October 1, 1967, and $27,000 on July 1, 1968.

The Superintendent's salary is too low in comparison with his responsibilities. According to the District government, the present salary level ranks in 18th place among the 20 other cities over 500,000 population and fourth among the six other local school systems of the Washington metropolitan area.

During the hearing on the bill, the President of the District of Columbia Board of Education noted that in its

recent nationwide search for a new superintendent, the Board was in the position of asking outstanding educators to take a cut in salary to come to the Nation's Capital to undertake what is acknowledged as perhaps the most difficult educational problem in the entire Nation.

The committee feels the increasing demands upon the professional directors of a great city school system make it not only desirable but necessary that these officials have their capable and dedicated service amply rewarded. The District of Columbia is going through social changes brought on by urbanization that rank second to none. A failure to increase these salaries at this time would be to ignore the responsibility that the Congress, as the District's legislative body, must meet, and would leave these vitally important positions in an exceedingly poor competitive position in the Washington area and other school systems of comparable size.

H.R. 15131 also amends existing law to remove the present 5-percent limitation on the number of teacher aides employable by the District of Columbia school system. These are noninstructional personnel whose role is to relieve the classroom teacher of most of the housekeeping, administrative, and nonprofessional tasks that are a part of classroom activities. Their presence enables the teacher to devote full time to teaching.

The present limitation has severely restricted the number of such aides. It is the committee's belief that the existing statutory restriction is arbitrary. The Board of Education should be placed in a position to seek the number of such positions its programs require, subject to review annually by the Congress as part of the normal appropriations process.

Finally, the bill relaxes the present requirement that a teacher aide must have at least 60 semester hours of college-level credits. H.R. 15131 would permit the Board of Education to accept equivalent experience in lieu of the 60 hours.

Mr. President, I commend H.R. 15131 to the Senate as responsive to the need of the District of Columbia policemen, firemen, and teachers for increased compensation.

As amended and reported, this bill is vitally necessary legislation, and I urge its prompt enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1083), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of this bill, as amended by the committee, is twofold. The bill is divided into two titles:

Title I amends the Police and Firemen's Salary Act of 1958, as amended, to provide increased salaries and other benefits for officers and members of the Metropolitan Police Department, the U.S. Park Police, the White House Police, and the District of Columbia Fire Department.

Title II amends the act approved August 5, 1955, to fix and regulate the salaries of teachers and other employees of the Board of Education of the District of Columbia, and for other purposes.

This proposed salary legislation was recommended by President Johnson and the District of Columbia Commissioner and provides a two-step upward salary adjustment for those District government employees not covered by the general Federal classified pay bill enacted in 1967 (Public Law 90–206). The effect of Public Law 90–206 was to provide classified Federal and District of Columbia employees with a three-stage salary increase. Effective October 1, 1967, such employees received a 4.5-percent increase. Effective July 1, 1968, they will receive a further increase made effective by the President or other appropriate authority which will adjust their pay schedules to reflect salaries at current statutory levels plus one-half of the difference between Federal salaries and private enterprise salaries, but at least 3 percent. Effective July 1, 1969, further adjustments will be made in all classified salaries to reach comparability with private enterprise salaries.

In reporting this legislation, your committee has consolidated into a single bill legislation pending before the Congress dealing with salary raises for District police and firemen (H.R. 15131, and a District of Columbia government substitute proposal in lieu of S. 1511) and for the teachers and school officers in the District schools (S. 2659 and S. 2679). This assures continuity of a longstanding practice by this committee to consider salary legislation for these two groups of District employees in a single bill.

TITLE I—POLICE AND FIREMEN

Title I provides—

(1) A two-step increase in the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, with the first increase effective the first pay period beginning on or after October 1, 1967, and the second effective the first pay period beginning on or after July 1, 1968.

(2) A reduction of the length of service required for officers and members of the Police and Fire Departments to attain the highest longevity step of their respective salary classes.

(3) Repeal of Public Law 88–575 approved September 2, 1964, which allows a Deputy Chief of the Police and Fire Departments to advance to the top step of his salary class upon the completion of 30 years of continuous service, subject to the protection of the salaries of individuals who have already received additional pay under the present law.

(4) Authority for the Commissioner of the District of Columbia or his designated agent, during the probationary year of service to dismiss a member of the Police Department upon a determination of unsatisfactory conduct or capacity.

H.R. 15131, as reported by this committee, provides for the period October 1, 1967, through June 30, 1968, an overall salary increase for police and firemen of 7 percent and a 12-percent increase for privates. Effective July 1, 1968, the further salary increases provided by the bill average 10.1 percent generally and, in the case of privates, 19.4 percent above the current salary levels.

Need for legislation

On October 1, 1967, all Federal Government workers, and all District of Columbia government employees with the exception of policemen, firemen, and teachers were granted salary increases. Furthermore, two additional prospective salary increases for all such government employees were authorized, to become effective in 1968 and 1969, respectively. These three stages will accomplish total increases of some 11 percent in the salaries of these other government employees. Simple equity alone demands a substantial increase in salaries at this time for the officers and members of the District of Columbia Police and Fire Departments who daily risk their lives in the protection of the property and lives of the residents of and visitors to the Nation's Capital. Further, it is the recommendation of the District of Columbia government, concurred in by your committee, that inasmuch as the police and firemen received no salary increase last year, the first stage of the increase provided them in this session of the Congress should be retroactive to the date of last year's pay raise given other District government employees.

In addition to the matter of equitable treatment, however, the committee feels that in order to accomplish a more adequate and meaningful program of crime prevention and detection, preservation of peace and good order and protection of lives and property, is it essential that the District of Columbia government be able to attract and retain sufficient qualified recruits in both the police and fire departments. In the committee's view, this means that—

(1) Rates of pay for police and firemen should be in a favorable competitive position with the other major cities having over 500,000 population, especially with those cities in the eastern half of the United States which constitute the primary labor market for recruitment of District of Columbia police and firemen. In addition, Washington, D.C., by reason of its national and international prominence which places special emphasis on the various community services required, should rank high in relation to the other major cities;

(2) Rates of pay for police and firemen should not only be in reasonable alinement with rates of pay for classified employees of the Federal and District Governments, but should also reflect due consideration of the hazards inherent in large urban police and fire activities; and

(3) Rates of pay for police and firemen within the District should be very favorable in relation to rates of pay for police and firemen in the Washington metropolitan area. This is necessary so that the District of Columbia government may compete with advantages enjoyed by the surrounding suburban communities such as less travel time and costs, availability of parking facilities, and lower crime incidence with less hazardous conditions.

As amended and reported, H.R. 15131 fully implements the increases in salaries for policemen and firemen recommended by the President in his March 13, 1968, message on the District of Columbia and by the District of Columbia government. In the committee's judgment, the salary provisions of the reported bill also fulfill the objectives stated above. The salary levels of District of Columbia police and firemen are established at levels that will place the District of Columbia in a favorable competitive position in relation both to the other major cities of the Nation and to the salary schedules offered by the police and fire departments to the suburban counties in the Washington metropolitan area. The proposed entrance rates for privates recognize that recruitment has been a continuing problem for the District police and fire departments over the years. In reducing from 19 to 16 years the period required for members of these vitally important forces to attain the maximum salary level within their respective salary classes, the bill is designed to reduce personnel turnover, and encourage continued service by veteran members of the police and fire departments.

For example, the first stage provisions of H.R. 15131 providing an increase from $6,700 to $7,500 in the minimum salaries for police and fire privates, effective on the first day of the first pay period beginning on or after October 1, 1967, would place the District of

Columbia in first place in relation to nearby communities of the Washington metropolitan area, and would raise the relative standing of the District with regard to police and firemen's starting salaries from 12th to fifth place and from 11th to fifth place respectively in comparison with the 20 other major cities having a population in excess of 500,000.

The second-stage provisions of the bill, providing an increase from $7,500 to $8,000 in the minimum salaries for police and fire privates, to be effective on the first day of the first pay period beginning on or after July 1, 1968, would retain the District of Columbia in its first-place standing in relation to the nearby communities of the Washington metropolitan area, and would further raise the relative standing of the District with regard to both police and firemen's starting salaries from fifth to third place in comparison with the 20 other major cities having a population in excess of 500,000.

Likewise, the first-stage increase, from $8,400 to $9,000, in the maximum service step salaries of police and fire privates would place the District in second and first place respectively, in relation to the nearby communities of the Washington metropolitan area, and would raise the relative standing of the District with regard to police and firemen's maximum service step salaries from seventh to fifth place and from sixth to fifth place respectively, in comparison with the 20 other major cities having a population in excess of 500,000.

The second-stage provisions of the bill providing an increase from $9,000 to $9,280 in the maximum service step salaries of police and fire privates would raise the District's standing to first place as concerns the police maximum salary, and would retain the District's first-place position as concerns the fire maximum salary, in relation to the nearby communities of the Washington metropolitan area. The second-stage increase in the maximum service step salary would allow the District to retain its fifth-place standing as concerns police salaries and would raise the relative standing of the District from fifth to fourth place as concerns fire salaries, in comparison with the 20 other major cities having a population in excess of 500,000.

The committee has been advised that since a previous study made by the District of Columbia Personnel Office in mid-1966, practically all of the other major cities have given pay increases to policemen and firemen. As a result of these increases, San Francisco, Los Angeles, New York, and San Diego have starting salaries for both police and fire privates in excess of $7,500 per year. San Francisco, by raising the police and fire privates starting salary to $8,964, provides the highest starting salary of any of the major cities.

In addition to the increases given by the major cities, all jurisdictions in the Washington metropolitan area have given salary increases to their police and fire personnel during the last year. For example: Montgomery County, Md. and Prince Georges County, Md. have raised their starting salaries for police privates to $7,005 and $6,853 respectively. Fairfax County, Va. and Prince Georges County, Md. now have starting salaries of $6,672 and $6,527 respectively for fire privates.

The increases, as they now exist in the nearby communities, either exceed or are within a few hundred dollars of the present starting salary of $6,700 for the District of Columbia police and firemen. These increases, together with certain other advantages such as savings in time and money as related to transportation and parking, made possible through working in nearby communities, give the suburban jurisdictions a competitive advantage that poses a problem for the District of Columbia in the recruitment and retention of police and firemen. The comparative inconvenience of traveling to and working amidst the greater congestion of the center city necessitates a greater inducement by way of compensation.

Further, information supplied the committee by the Personnel Office, District of Columbia government, indicates that these nearby communities are actively considering additional salary increases for their police and fire departments averaging 5 to 10 percent to be effective on or about July 1, 1968. Such prospective increases will lessen appreciably the competitive advantage which the District government might otherwise have had under the $7,500 beginning rate for policemen and firemen, as provided in section 101 of the proposed bill. In the committee's judgment, the salary increase trend in these communities strongly supports the need for the further increase in salary rate for District police and firemen as provided in the proposed salary schedule; namely, an $8,000 beginning rate to be effective on the first day of the first pay period beginning on or after July 1, 1968.

The salary schedules for District of Columbia police and firemen recommended in H.R. 15131, as amended by the committee, take account also of the fact that in its efforts to attract qualified new personnel to the police and firefighting forces, the District must be in a position to compete effectively with employment opportunities in the private labor market. The committee is advised that other occupations in the community are currently being paid rates which, when compared to the existing rates for police and firemen, pose a more desirable attraction, especially in view of the qualifications and physical requirements of the police and fire departments, and the hazardous conditions that so often attend police and fire occupations. One of these occupations is that of local busdriver which offers a starting salary rate of $7,000. Also, according to the U.S. Employment Service, construction operations offer one of the most consistent sources of employment in the Washington metropolitan area for persons with little or no experience. Based on current prevailing rates published by the U.S. Department of Labor, the following are some typical local construction jobs and their rates of pay:

Occupation	Hourly rate	Annual rate
Line construction groundman	$3.00	$6,240
Laborer	3.125	6,500
Marble setters helper	3.175	6,604
Plumbers helper	3.20	6,656
Truckdriver (medium-heavy)	3.35	6,968
Tilesetters helper	3.475	7,228

The salary legislation now proposed is urgently needed if the police and fire forces are to remain in a competitive position with these other categories of employes and other types of occupations.

The continuing rise in serious crime and the substantial increase in the number of fire alarms in the District of Columbia make it imperative that the police and fire forces of the District be maintained at total authorized strength with the best possible qualified personnel.

Statistics available to the committee show that during calendar year 1967 major crime in the District of Columbia increased 34.3 percent over 1966, as compared to the national trend increase of 16 percent during the same period. Additionally, statistics shows that the number of fire alarms in the District of Columbia has also increased approximately 19 percent in 1967.

This committee has long been of the strong opinion that one of the most effective means of combating crime is an adequately staffed and properly trained police force. Unfortunately, a serious problem exists in the District of Columbia maintaining such a force because of the difficulty it has encountered in bringing itself up to its full authorized strength of 3,100 men. Indeed, the committee is informed that the department has been continuously short of personnel since February, 1964. At the end of calendar year 1967 there were a total of 356 vacancies on the force. Vacancies throughout 1967 averaged 338. Normal personnel turnover exceeded recruitment. There were 283 separations from the department and only 231 appointments—for a net loss in strength of 52 vitally needed law enforcement personnel.

The problem of vacancies in the District of Columbia Fire Department is not so acute, but is nonetheless serious because, like the police force, the Department has experienced continuing difficulty in bringing itself up to full strength. During 1967 the number of fire alarms in the District increased by some 19 percent over the number in 1966. The committee is advised that the Fire Department averaged 33 vacancies throughout calendar year 1967, and that as of January 18, 1968 there were 39 vacancies.

Urban firefighting is not only a hazardous occupation. It has also become a highly technical one. In order to maintain its recognized position as one of the finest firefighting forces in the Unied States, the Department conducts a continuing highly technical inservice training program, which requires recruits with the capacity to understand and apply modern firefighting equipment and techniques, and the incentive to make the Department their career. The committee is informed, however, that under the existing salary structure the Department finds it difficult to compete with the suburban jurisdictions of the Washington metropolitan area for well-qualified new personnel, and that present rates do not provide an adequate incentive for career service. The committee has been advised that in order to maintain an adequate firefighting force the Department has found it necessary in recent years to accept recruits of marginal qualification. The District government feels, and the committee concurs that the improved salary levels proposed in H.R. 15131 are needed to enable the Fire Department to bring itself up to full strength with the best qualified personnel possible, to maintain this essential force fully manned, and to retain fully qualified, experienced personnel in the Fire Department.

Recruiting efforts

The District government is waging vigorous efforts to recruit for the vacancies in its police and fire forces. Continued contacts are being made in the District of Columbia and nearby communities with high schools, colleges, citizens, and other private groups, Federal agencies, and other similar sources. Also, cooperation of the Department of Defense has been obtained for visiting military bases and for the early discharge of servicemen for police recruitment purposes. Advertisements and posters have been placed in metropolitan area newspapers, periodicals, buses, post offices, and other available public facilities, and spot announcements are made regularly on radio and television. In addition, the U.S. Civil Service Commission holds examinations in the District of Columbia on the 2d and 4th Saturday and on the 1st Thursday night of each month for the benefit of any walk-ins. Since October 1967, a mobile recruiting unit has been used in various locations in the District. Police recruiting teams are utilized also in visiting other cities in the Eastern and Middle States. During the period from January 1, 1967, through January 15, 1968, these efforts have resulted in the appointment of 272 policemen (41 after January 1, 1968) out of a total of more than 1,200 applicants who passed the written examination.

The recruitment program for the Fire Department is conducted in a manner essentially similar to that for the Police Department, except that recruiting teams to other cities are not used. During fiscal year 1967, 83 firemen were appointed out of 357 originally certified as being eligible.

Despite these efforts however, the Police and Fire Departments are operating below their full authorized strength. It is essential that these services be fully manned in order

to adequately perform their vital public safety functions.

At least a partial solution to this problem lies in realistic salary increases, weighted appropriately to present an attractive career opportunity for qualified younger men. Further, it is the opinion of the committee that H.R. 15131, as reported, embodies a salary schedule which is needed to enhance the District's recruitment position.

The entrance salary levels of the reported bill demonstrate that this committee is fully appreciative of the necessity for incentives to attract new applicants for the Police and Fire Departments. At the same time, the committee wishes to emphasize that it regards as equally vital the retention on these forces of their present experienced officers and members. Higher salaries provided in this bill afford not only some reward for services rendered in a great city whose growing social problems are felt in varying and tragic ways, but serve as a real incentive to retain experienced officers and members who might be attracted to other occupations or to less demanding posts outside the central city of Washington in this expanding metropolitan area. Certainly, the safety of the public which has been entrusted to the hands of these policemen and firemen in the Nation's Capital City demands no less than that.

Amendments outlined

As reported by the committee, H.R. 15131 amends the House-passed bill as follows:

1. The effective date of the new salary schedule for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia proposed in the House-passed bill has been changed from the first day of the first pay period beginning on or after October 1, 1967, to the first day of the first pay period beginning on or after July 1, 1968, and will constitute the second of a two-step salary increase provided by the reported bill.

2. For the period commencing on the first day of the first pay period beginning on or after October 1, 1967, until the first pay period beginning on or after July 1, 1968, the amended bill provides a first-stage salary increase for such officers and members at a level below that contained in the House-passed bill.

Under the House bill, the present entrance salary of $6,700 for police and fire privates would be increased to $8,000, or by 19.4 percent effective October 1, 1967. The average increase throughout the salary schedule would be 10.1 percent.

As reported by this committee, H.R. 15131 would raise such entrance salaries to $7,500, or by 12 percent, during the period October 1, 1967, to July 1, 1968, with an average increase overall of 7 percent, and would provide the higher salary levels contained in the House-passed bill effective after July 1, 1968.

The position of the Commissioner of the District of Columbia and the District of Columbia Council is that all District employees should be treated equally in relation to other District employees and Federal employees in general. Thus, the District government feels it is imperative that salary increases be provided District of Columbia policemen and firemen retroactive to October 1, 1967 so that they will be treated the same as all other District employees.

Accordingly, the District government has recommended that the base pay of policemen and firemen be raised to $7,500 per annum retroactive to October 1, 1967. The committee is informed by the Commissioner that this recommendation will cost the District government an additional $500,000 over the funding already reserved for such salary increases in the current fiscal year 1968 budget, and that this added funding will be absorbed by the District through a number of its reserve accounts subject to reimbursement out of increased revenues provided in fiscal year 1969, pursuant to pending revenue proposals of the District government.

Recognizing that other Federal employees and a large number of District employees will receive an additional salary increase July 1, 1968, and in addition recognizing that other competitive jurisdictions are currently providing for substantial increases in these critical professions, the District of Columbia government also recommends that the base pay for policemen and firemen be raised to $8,000 per annum, effective July 1, 1968. This recommended pay level was strongly endorsed by the President in his message of March 13, 1968 on "the Nation's first city." This new salary schedule effective July 1, 1968 will cost an estimated $5 million in fiscal year 1969.

Thus, as reported by this committee, the proposed salary schedules for District of Columbia policemen and firemen would implement recommendations of the District of Columbia government and the President of the United States.

3. In reporting H.R. 15131, as amended, the committee has rejected section 3(b) of the House-passed bill. This section extends to all officers and members of the Police and Fire Departments in salary classes 8 and 9 the benefits of section 401(c) of the Police and Firemen's Salary Act, which presently provides that each deputy chief with 30 years total service in the Police or Fire Department shall be placed in the highest longevity step of his class. Class 8 (battalion fire chiefs and police inspectors) was added to this provision by floor amendment in the House.

Section 401(c) was enacted in August 1964 as a provision of Public Law 88-575, approved September 2, 1964. This committee did not deem such a provision appropriate then, nor does it now. No other salary system in the District of Columbia government permits an employee to automatically jump to his top salary rate because of a long period of service. The District of Columbia government strongly opposed the original enactment of section 401(c) in 1964 because of the inequity it creates and because it is in conflict with the concept of longevity pay as compensatory recognition of long service in the same class or grade. Also, since the basic salary rate is used for retirement purposes, a provision which allows attainment of the top rate in a class or sub-class after 30 years service may have the effect of encouraging early retirement of officers and members who have not yet reached the mandatory retirement age. Otherwise, such officers and members might continue their employment and the Police and Fire Departments would benefit from their long experience and knowledge.

In the committee's view, this latter concern of the District government is well placed. According to the District of Columbia Personnel Office, during the 10-year period from July 1954 to July 1964,, 21 deputy chiefs retired. Since July 5, 1964, there have been 15 such retirements. It is not possible to ascertain the extent to which section 401(c) influenced these retirements, but by reason of its operation the retirees with 30 years' service had reached their maximum pay level for both active duty and retirement purposes, and it is reasonable to assume this played a part in every such voluntary retirement.

Further, the committee is informed that as of November 28, 1967, there were 63 members of the Police and Fire Departments in salary classes 8 and 9 who have had 25 or more years of service (29 battalion fire chiefs, 16 police inspectors, and 18 deputy chiefs). Under section 401(c) a number of these valuable experienced officers would soon be raised to the top salary rate in their respective classes. With no future salary increases to look forward to it is probable, in the committee's opinion, that some would elect early retirement, thus depriving the District of Columbia of their long years of experience at a time when the District can ill-afford to lose its best qualified and most knowledgeable police and fire officers.

The committee is advised that the House provision would cost an estimated $80,224 in fiscal year 1968, $63,772 of which would be paid to officers already on the retired lists, and $16,452 of which would be payable to active duty personnel. This results from the automatic equalization provision of the District of Columbia Police and Firemen's Salary Act. The cost would increase in subsequent years as additional individuals attain 30 years of service.

In opposing section 3(b) of the House bill, the District government urged the repeal of section 401(c) of the present law. The District's request is supported by the U.S. Civil Service Commission, which finds no justification or need for such an unusual pay benefits.

Accordingly, and for the reasons set forth herein, as reported by the committee, H.R. 15131 does not include section 3(b) of the House-passed bill, and section 105(a) of the reported bill repeals section 401(c) of the District of Columbia Police and Firemen's Salary Act of 1958 subject to a proviso protecting the compensation of individuals who have received benefits under section 401(c) prior to the effective date of the repeal.

4. The reported bill also deletes subparagraph (c) of section 4 of the House-passed bill prohibiting the Commissioner of the District of Columbia, as part of any reorganization of the Metropolitan Police force or through any other administrative action, from denying any individual serving in the position of detective on the effective date of the section reasonable opportunities to advance to the position of detective sergeant, or transferring any such individual without his consent to any other position. In the committee's judgment, such a statutory bar against the movement of detectives to other positions in the Police Department without their individual consent is contrary to the best interests of not only the Police Department, but the people of the District of Columbia. It would impose an undesirable restriction on the authority of the District Commissioner to supervise the operations of the Metropolitan Police Department. The committee is advised that pursuant to recommendations of the President's Commission on Crime in the District of Columbia and the International Association of Chiefs of Police, the District of Columbia government is committed to an eventual phasing out of the ranks of detective and detective sergeant, and that in implementing such recommendations none of the present detectives or detective sergeants will be reduced in rank, compensation, or status, or be denied reasonable opportunities for advancement. The District opposes this provision of the House-passed bill as unnecessary and inappropriate.

5. The Committee has also amended the House-passed bill so as to delete section 2(a)(2) thereof. The effect of that section is to provide an extra $500 per year compensation to one member of the Metropolitan Police force who on the October 1967 effective date of the section was serving in the dual positions of Deputy Chief and Police Executive Officer of the Metropolitan Police Department. The House provision would require the additional compensation until the recipient retires, regardless of whether he continues to serve in such dual capacity. The committee believes that such a provision is inappropriate in general pay legislation.

6. The House-passed bill has also been amended to delete section 5. The committee is advised by the District that the effect of said section would be to promote, by legislation, one officer of the Metropolitan Police Department. In the committee's view, such a provision should not be part of general pay legislation. Rather, promotions in the police and other departments of the District of Columbia government should be appropriately made by administrative action.

Provisions of the bill

Title I amends the District of Columbia Police and Firemen's Salary Act of 1958 to provide a two-step salary increase for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia as follows:

1. The section 101 salary schedule constitutes the first of the proposed two-step salary increase and would be effective the first pay period beginning on or after October 1, 1967. It provides increases averaging 7 percent throughout the salary schedule. The entrance rate for privates would be raised from the present $6,700 to $7,500, or 12 percent.

2. Section 102 provides the second step of the proposed two-step salary increase, and would be effective on the first day of the first pay period beginning on or after July 1 1968.

This new salary schedule will provide an increase of 19.4 percent for beginning privates, and increases for the other categories of privates, in service step 1, from 18.6 percent to 17.8 percent over present levels. Fire inspectors and detectives will receive increases of approximately 10.9 percent, and sergeants about 13 percent. Officer personnel will be increased in amounts ranging from 9.3 percent for lieutenants down to 4.4 percent for the Chief of Police and the Fire Chief.

The average increase in salaries provided by this new salary schedule is approximately 10.1 percent. The reason for weighting the increases in favor of the lowest salary class, and particularly in the starting salary figure, is to aid in the critical problems of recruitment and of retention of the younger personnel.

This proposed salary schedule will place the minimum salary for privates in the Police and Fire Departments of the District at $8,000, with a maximum of $10,300 attainable in that grade after 16 years of service. These figures will improve the relative position of the District of Columbia with respect to these salaries among the jurisdictions of the Washington metropolitan area and among the 21 U.S. cities of population greater than 500,000, as shown in the following table:

	In Washington metropolitan area		Among 21 largest U.S. cities	
	Minimum	Maximum	Minimum	Maximum
Police:				
Present	2	5	12	7
Proposed	1	1	3	1
Firemen:				
Present	1	3	11	6
Proposed	1	1	3	1

As pointed out elsewhere in this report, it is the opinion of your committee that the most effective inducement for recruting new personnel into these services is the prospect of attractive, realistic salaries. This new salary schedule will afford the Metropolitan Police force and the Fire Department of the District of Columbia an excellent competitive position for the recruitment of qualified young men.

3. The new salary schedules decreases the length of service required for officers and members of these forces to attain the top longevity step, or maximum salary level, of their respective salary classes. The time required for privates, who comprise class 1, to reach maximum salary is reduced from 19 to 16 years. For class 2 through class 4, which includes members through the rank of sergeant, the service time is reduced from 18 to 15 years. For officers in class 5 through class 9, the time required to attain the top longevity step will be lowered from 14 years to 12 years. And the fire chief and the chief of police, who occupy class 10, will reach the maximum salary level for that class in 6 years, rather than 14 years as at present.

These changes have been accomplished by decreasing the time interval between the several longevity step increases from 4 years to 3 years, except in class 10 where the two longevity steps will simply be eliminated, with maximum salary level being attained in service step 4. The bill makes all initial adjustments to assure that present officers and members will receive full credit for their years of service on the new basis. For example, a private with 16 years of service will immediately advance to longevity step C; and a private with 14 years of service will be placed at longevity step B, and will advance to longevity step C after 2 more years of service in his present salary class.

4. For reasons stated earlier in this report, as amended and reported by the committee, the bill would repeal section 105 of Pubilc Law 88–575 approved September 2, 1964 (D.C. Code, sec. 4–832(c)) which provides for automatic advancement of deputy chiefs of the District of Columbia Police and Fire Departments to the maximum salary level of their class upon the completion of 30 years of continuous service.

5. Section 106 provides that the Commissioner of the District of Columbia may not, through reorganization of the Metropolitan Police Department or other administrative action, change the titles of the positions of detective and detective sergeant in salary classes 3 and 4 of the salary schedule, or change the job description or duties of such positions in effect on the effective date of the bill so long as any individual serving in the position of detective on the effective date is serving in such position.

6. Section 107 of title I amends existing law relating to the probationary year of police privates. The committee is advised that a recent decision of the U.S. District Court for the District of Columbia (*Martin* v. *Tobriner*, C.A. No. 2891–66) interpreted existing District law as requiring that a police private must be retained for the full probationary year unless formal charges are brought against him before a police trial board. This procedure is inconsistent with that applicable to probationary firemen and all other District employees, who are subject to dismissal for unsatisfactory performance at any time during the probationary year. In the committee's judgment, the requirement that a probationary policeman with unsatisfactory service be retained for the full probationary year reflects unfavorably on the efficiency and economy of the police department and is not in the best interest of the District government in terms of public safety. Accordingly, the committee has included in section 107 a provision allowing the District to bring dismissal proceedings against probationary policemen in line with those of all other District employees.

COST OF TITLE I

According to the District of Columbia government's Personnel Office, the estimated cost to the District government of the first stage salary increase proposed in title I for that portion of fiscal year, 1968 beginning October 8, 1967 and ending June 30, 1968 is as follows:

	Police	Fire	Total
Salary increases averaging 7 percent over present salaries provided in Public Law 89–810	$1,300,000	$600,000	$1,900,000
Retirement	367,000	170,000	537,000
Cost of reducing longevity periods from 4 to 3 years	129,000	59,000	188,000
Overtime	241,000	7,000	248,000
Holiday pay	22,000	20,600	44,600
District of Columbia share of U.S. Park Police salaries	55,000		55,000
Total	2,114,000	856,600	2,972,600

Further, as calculated by the District of Columbia Personnel Office, the estimated cost (including the costs shown in the above table for fiscal year 1968) to the District government of the second stage salary increase proposed in title I for the full fiscal year 1969 is as follows:

	Police	Fire	Total
Salary increases averaging 10 percent over present salaries provided in Public Law 89–810	$2,400,000	$1,300,000	$3,700,000
Retirement	678,000	367,000	1,045,000
Overtime	150,000	18,000	168,000
Holiday pay	43,000	44,000	87,000
District of Columbia share of U.S. Park Police salaries	106,000		106,000
Total	3,377,000	1,729,000	5,106,000

Funding

As pointed out earlier in this report, the District of Columbia government has informed the committee that the added cost of the proposed title I salary increases during fiscal year 1968, amounting to an estimated $500,000, will be absorbed by the District through a number of the District's reserve accounts subject to reimbursement out of increased revenues to be provided in fiscal year 1969 pursuant to District government revenue proposals now pending in the Congress.

According to the District government, the added cost of title I during fiscal year 1969—above the District of Columbia budget requests presently pending before the Congress—will amount to an estimated $1.5 million, and will, likewise, be funded out of increased revenues anticipated from pending revenue proposals.

Hearing

On November 15, 1967, the Subcommittee on Fiscal Affairs held a public hearing on S. 1511 and S. 2102, legislative proposals to increase the salaries of policemen and firemen. Further testimony was received on the subject, including H.R. 15131 as passed by the House of Representatives, during hearings before the subcommittee on Febuary 14, 1968, on S. 2659 and S. 2679, legislation to increase the salaries of teachers and school officers in the District of Columbia.

The Commissioner of the District of Columbia appeared at these hearings, and supported legislation increasing the salaries of both policemen and firemen. No one appeared in opposition to such increases.

TITLE II—TEACHERS AND BOARD OF EDUCATION EMPLOYEES

Title II of the reported bill—

(1) Provides teachers, school officers, and other educational employees of the Board of Education of the District of Columbia a two-step increase in salaries, the first step to be effective on the first day of the first pay period beginning on or after October 1, 1967, and the second step to be effective the first day of the first pay period beginning on or after July 1, 1968.

(2) Amends existing law to remove the present limitation on the number of teacher-aide positions (noninstructional) in the District of Columbia public school system, and to allow the Board of Education to accept equivalent experience in lieu of the 60 semester hours of college level training presently required for appointment to such position.

(3) Amends existing law to enable the Board of Education in appointing, reappointing, or reassigning personnel to positions in class 15 to give experience credit to counselors and librarians coming from outside the District of Columbia school system who have compatible educational experience, such as teaching, in educational systems or institutions of recognized standing outside the District of Columbia.

(4) Amends existing law to allow an employee in salary class 15 who changes from one position to another within the same

class to be credited for the total experience in both positions toward the satisfaction of his 2-year probationary period.

(5) Amends existing law to allow the Board of Education to credit educational attainment of a teacher or school officer effective the date they receive advanced degrees or 12 months prior to the date of Board approval, whichever occurs later.

(6) Amends existing law so as to change the manner of designating employee pay rates in the summer school and adult education programs from a per diem to a per period basis.

(7) Provide increases in the salary of the Superintendent of Schools from $26,000 to $31,000 effective October 1, 1967, and $34,000 effective July 1, 1968, and of the Deputy Superintendent from $22,000 to $25,000 effective October 1, 1967, and $27,000 effective July 1, 1968.

Effective the first pay period beginning on or after October 1, 1967, title II provides the public school teachers and school officers of the District of Columbia salary increases averaging 8.3 percent. Minimum salaries for classroom teachers would be increased from the present $5,840 per annum to $6,400 per annum, or by 9.6 percent.

Effective the first pay period beginning on or after July 1, 1968, the bill provides a further increase in such salaries averaging 19.2 percent above present levels, and a minimum salary for classroom teachers of $7,000 per annum.

The proposed salary increases have been recommended by the District of Columbia government, and would also carry out recommendations contained in President Johnson's message to the Congress of March 13, 1968, on the Nation's Capital

In his message, the President asked:

"How can the schools of our central cities serve their pupils better? How can they become portals to success for more of their children? How can they reduce the number of failures and dropouts? How can they overcome the handicaps accumulated through years of neglect? How can they serve and involve the citizens of the community?"

Quality education by well-qualified, highly motivated teachers in surroundings conducive to learning is the obvious answer to these questions. The challenge is to provide this to each and every youngster in the Nation's Capital.

In order to meet this challenge, this committee believes that the District of Columbia public school system must first of all be placed in a position to retain its experienced, qualified teachers, and to staff its classrooms with a greater share of the best educational talent available.

The salary schedules contained in title II recognize the educator's vital role in the Washington community. They also demonstrate this committee's awareness that the problems facing many public school teachers in the District of Columbia are much different and more acute than those faced in the suburban communities of the National Capital region. The committee believes that if quality teachers are to be attracted to the District of Columbia—and this is essential—it is imperative that the District have a salary structure that is competitive with school systems in the other major cities of the Nation.

Need for legislation

As pointed out earlier in this report, under Public Law 90–206, approved December 16, 1967, all classified civil service employees in the Federal and District of Columbia governments received salary increases retroactive to October 1, 1967, and will receive further increases on July 1, 1968, and July 1, 1969. That legislation did not include the teachers and school officers of the District of Columbia. Thus, aside from the other compelling factors in favor of the new salary schedules contained in title II, equity alone dictates that the more than 8,000 professional employees in the District's school system should have their salaries increased retroactive to October 1, 1967. Title I properly provides such retroactive salary increases for the District's policemen and firemen. We can do no less for our teachers and school officials whose work with our children is so vital to their welfare and the welfare of the Nation's Capital.

The recently completed Columbia University study of the District of Columbia public school system was one of the most comprehensive in-depth studies of the school system ever performed in the United States. The report and recommendations have yet to be fully evaluated, but one thing is patently clear. It underscores the concern expressed by this committee in its past reports on teacher pay legislation respecting the great difficulty the District of Columbia Board of Education experiences in recruiting and retaining well-qualified teaching personnel. According to the study, education in the District is in "deepening and probably worsening trouble," due in large part, to personnel problems. The magnitude of the problem is demonstrated by the very high rate of teacher turnover in the District, and the presence in the school system of an excessive number of temporary teachers, who for various reasons do not meet the standards established by the Board of Education for career teaching positions.

The committee is informed that during the last fiscal year, 1,172 teachers left the system, the largest turnover in 40 years. Approximately 40 percent resigned, and 30 percent did not renew their teaching contracts. School officials are in strong agreement that most of the teachers who resigned and many whose employment ended would go on to school positions on other jurisdictions offering greater financial rewards and more favorable working conditions.

Further, numbers or percentages of resignations do not adequately reflect the heavy drain-off of teaching strength. The committee is advised that too often it is the best teacher who resigns. There is a national teacher shortage, and competing school systems endeavor to attract the most experienced personnel. The Columbia University study found some excellent leadership teachers in the Washington system, but concluded that the District does not have its fair share of such people. The essential task ahead is twofold: to reverse the present trend by encouraging experienced leadership teachers to remain in the system, and to attract new leadership teachers to Washington. To do this, the Board of Education must be in a position to offer attractive entrance and career salaries.

The large number of temporary teachers in the school system is another measure of the difficulty the District faces in recruiting qualified teachers. As demands have become greater, the school system has had to rely increasingly on teachers with temporary certificates. The committee is informed that the percent of permanent teachers has dropped from 71.7 percent in 1956–57 to a low of 42.5 percent in 1966–67. The number of teachers appointed under temporary certificates rose from 16 percent in 1955 to 48 percent in fiscal year 1966. Ninety-five percent of the teachers new to the system in 1965–66 were certified as temporary employees. The total in this category declined to approximately 30 percent during the past year, but only after teacher certification standards were eased in order to fill vacancies and expedite the hiring of interested but not fully qualified teachers.

School records indicate there has been a decline in the number of teachers having master's degrees or better during the last few years. In 1963 this figure was 36 percent; in 1967 it was 25 percent. The master's degree has always been regarded as an index of quality among teachers and a good index of a serious intent to make teaching a career. The drop in the percent of teachers possessing the master's degree, the high turnover rate, and the low percent of permanent teachers, all paint a picture of a deteriorating staff.

Recruiting efforts

The District of Columbia Board of Education has exerted increasingly vigorous efforts in order to reverse these trends. College recruiting efforts tripled between 1963 and 1967, and the personnel department has actively recruited in the Nation's largest cities. Advertisements have been placed in educational circulars and journals receiving national distribution as well as in the local news media. The schools' personnel office is open on Saturdays as well as weekdays to help the recruiting program.

The committee is also advised that, in accordance with the suggestions resulting from the Columbia University study, the school system has further improved its recruiting procedures, strengthened its model school division and special intern programs and has cooperated with outside colleges and universities in an effort to attract, train, and retain energetic, capable, and dedicated young teachers.

Yet, despite these efforts the school system has positions it is not able to fill. For example, on January 31, 1968, there were 260 vacancies in regular budget positions and 327 vacancies considering positions from all funding sources.

The District school system has not been able to keep pace with the demand for teachers both in terms of numbers and quality, and there is little hope that this situation can be corrected unless the District is placed in a competitive salary position.

Comparison with nearby communities

The following table compares the schedule salaries for classroom teachers in the Washington, D.C., metropolitan area during the current 1967–68 school year by preparation level, exclusive of long-service increments:

Preparation level	District of Columbia	Maryland		Virginia			
		Montgomery County	Prince Georges County	Alexandria	Arlington County	Fairfax County	Falls Church
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bachelor's degree:							
Minimum	$5,840	$5,880	$5,880	$6,000	$5,740	$5,900	$5,629
Maximum	$8,975	$10,466	$10,150	$10,000	$10,470	$9,735	$8,162
Number of increments	12	13	13	14	14	12	9
Average amount of increments	$261	$353	$328	$286	$338	$320	$281
Master's degree:							
Minimum	$6,385	$6,586	$6,670	$6,600	$6,340	$6,785	$6,192
Maximum	$9,520	$11,936	$11,600	$10,600	$11,080	$11,800	$9,907
Number of increments	12	13	13	14	14	16	12
Average amount of increments	$261	$412	$379	$286	$339	$313	$310
6 years of preparation:							
Minimum	$6,605	$7,056	$7,076	----------	$6,750	$7,375	$6,754
Maximum	$9,740	$12,407	$12,006	----------	$11,480	$12,250	$10,807
Number of increments	12	13	13	----------	14	17	12
Average amount of increments	$261	$412	$379	----------	$338	$287	$338
Doctor's degree or 7 years:							
Minimum	$6,825	$7,644	$7,830	$7,000	$7,150	$7,965	----------
Maximum	$9,960	$13,759	$12,760	$11,000	$11,880	$12,700	----------
Number of increments	12	13	13	14	14	17	----------
Average amount of increments	$261	$470	$379	$286	$338	$279	----------

There is no questioning the greater difficulty in attracting competent teachers into central city school systems. Yet, the District of Columbia ranks fifth among area school systems in the salary available to beginning teachers with bachelor and master degrees, and sixth and last in terms of the maximum salaries available to such teachers. Further, all of the suburban jurisdictions pay substantially more to experienced teachers holding the doctor's degree, and all pay a larger average increment throughout the steps in their salary schedules than does the District.

In your committee's judgment, aside from the problems presented by different working conditions, these disparities alone make it clear that decisive and realistic action on salaries must be taken if the District's present teacher strength is to be preserved, and if new staff is to be attracted to the school system.

Increasing Salary Scales

The committee is informed that six of the local school systems in the Washington metropolitan area (Alexandria, Arlington, Fairfax, Falls Church, Montgomery, and Prince Georges) increased their salary schedules for the 1967–68 school year, and that this was the fifth consecutive year that most of the local school systems have raised their teachers' salaries, and this trend is continuing. All are expected to grant further increases effective in the 1968–69 school year. The following table sets forth present salaries in these jurisdictions and the anticipated increased salaries:

COMPARISON OF LOCAL TEACHERS SALARIES PROPOSED FOR THE 1968-69 SCHOOL YEAR WITH THE 1967-68 SCHOOL YEAR

School system	1967–68		1968–69 (proposed)	
	Minimum	Maximum	Minimum	Maximum
Alexandria:				
BA	$6,000	$9,060	$6,300	$10,395
MA	6,600	10,200	7,245	11,340
MA plus 15	6,600	10,200	7,875	11,970
MA plus 60 or Ph. D	7,000	10,600	8,505	12,474
Arlington:				
BA	$5,740	$10,470	$6,200	$11,532
MA	6,300	11,080	7,130	12,462
MA plus 30	6,700	11,400	7,750	13,082
MA plus 60 or Ph. D	7,100	11,800	8,370	13,702
Fairfax:				
BA	5,900	9,735	6,400	10,560
MA	6,785	11,800	7,360	13,440
MA plus 30	7,375	12,250	8,000	14,720
Ph. D	7,965	12,700	8,640	16,000
Falls Church:				
BA	5,629	8,162	6,230	8,722
MA	6,192	11,764	6,853	13,021
BA plus 45	6,473	12,299	7,165	13,615
BA plus 60	6,754	12,833	7,476	14,204
BA plus 75			7,788	14,797
Montgomery County:				
BA	5,880	10,466	6,340	11,285
MA	6,174	11,936	7,101	12,870
MA plus 30	6,586	12,407	7,608	13,377
Ph. D	7,644	13,759	7,608	13,377
Prince Georges County:				
BA	5,880	10,150	6,200	11,036
MA	6,670	11,600	7,316	12,524
MA plus 30	7,076	12,006	7,812	13,020
MA plus 60	7,540	12,470	8,184	13,392
Ph. D	7,830	12,760	8,432	13,640

Comparison with major cities

As shown by the following table, the District of Columbia now ranks 15th among the major cities in the minimum salary paid to teachers with a bachelor's degree:

Comparison of minimum salaries paid to teachers with bachelor's degrees by 21 cities over 500,000 population

Milwaukee	$6,800
Detroit	6,650
Los Angeles	6,500
San Francisco	6,430
Chicago	6,400
Cleveland	6,250
New York	6,200

Comparison of minimum salaries paid to teachers with bachelor's degrees by 21 cities over 500,000 population—Continued

San Diego	$6,200
Philadelphia	6,100
Boston	6,000
Baltimore	6,000
Seattle	6,000
Cincinnati	5,920
Pittsburgh	5,900
Washington (present)	5,840
Buffalo	5,800
St. Louis	5,800
Dallas	5,800
Houston	5,616
New Orleans	5,400
San Antonio	5,350

The District also ranks 15th among such cities in the minimum salary paid to teachers with a master's degree, and eighth in the maximum salaries, payable to both bachelor and master's degree teachers.

Increasing Salary Scales

The median starting salaries in 1967–68 for teachers in large city school systems (generally over 500,000 population) increased more than 8 percent over the previous year. Fifteen of these school systems, or 75 percent, placed increases into effect in 1965–66, and 18 of the same 20, or 90 percent, raised teachers' salaries in 1966–67. The annual salary cycle noted in the local metropolitan areas is also taking place in the city school systems which the District traditionally uses for comparative purposes.

The committee is informed that four of the large city school systems, New York City, Detroit, Chicago, and Milwaukee, have already approved new salary schedules for the 1968–69 school year. For bachelor degree holders, New York will be paying a minimum of $6,750 and a maximum of $11,150. Detroit will pay a minimum of $7,500 and a maximum of $11,200. Chicago's rates will rise to $7,350 and $13,969. Milwaukee's entrance rate will be $6,800.

Clearly, the District of Columbia is not in a position salarywise to compete with most of these other major cities in the recruitment of teachers. The District's position has deteriorated seriously since the last change in its salary schedule in 1966. If the Nation's Capital is to create the model educational system envisioned in President Johnson's message, it must be able to offer attractive compensation. The committee believes the salary schedules proposed in title II are an imperative first step.

Phase I Increase Alone Is Inadequate

Standing alone, the increased salary schedule provided in section 202(1) of H.R. 15131 will do little to overcome the District's teacher recruitment and retention problem. In your committee's judgment, both steps of the recommended two-phase salary increases are required to effectively improve the District's teacher salary position vis-a-vis the suburban jurisdictions of the Washington metropolitan area and its major city competitors.

In addition to the equity involved in granting teachers the same retroactivity given other District of Columbia employees when their salaries were increased during the last session of the Congress, the proposed phase I increase recognizes that this salary legislation comes late in the District of Columbia's current fiscal year, and will have to be financed in the current period.

According to the District of Columbia Government, it would cost $7.8 million above the current fiscal year 1968 budget to fund the phase II increases ($7,000 entrance rate) from October 1, 1967, through June 30, 1968. The phase I schedule ($6,400 rate) will cost an additional $1.3 million.

Consequently, although it favors the higher salary schedule as necessary to place the board of education in a competitive position, the District has recommended that increases in the current period be limited to the phase I schedule, and that the phase II rates become effective July 1, 1968. The committee has been advised by the District that the lower cost of the phase I schedule in the current fiscal year can be absorbed through a number of the District's existing reserve accounts subject to reimbursement out of increased revenues anticipated in fiscal year 1969.

The following table compares the competitive position of the teacher salaries provided in H.R. 15131 with the salaries proposed by other Washington metropolitan area school systems for the 1968–69 school year, and with the salary schedules currently in effect in the school systems in 20 major cities of the Nation:

	Phase 1				Phase 2			
	BA	MA	MA plus 30	Doctorate	BA	MA	MA plus 30	Doctorate
STEP 1								
Beginning salary	$6,400	$7,030	$7,345	$7,660	$7,000	$7,770	$8,050	$8,400
Rank, District of Columbia metropolitan area	1.5	6	7	7	1	1	1	4
Rank, big city systems	4.5	5	6	13	1	1	2	4
STEP 10								
Maximum living level	$8,950	$9,580	$9,895	$10,210	$9,800	$10,500	$10,850	$11,200
Rank, District of Columbia metropolitan area	4	7	7	7	3	6.0	6	6
Rank, big city systems	4	3	5	7	2	2.5	4	5
STEP 13								
Highest regular step	$9,700	$10,330	$10,645	$10,960	$10,850	$11,550	$11,900	$12,250
Rank, District of Columbia metropolitan area	5	7	7	7	3	6	7	7
Rank, big city systems	10	10	13	13	2	3	3	5
STEP Y								
Maximum possible salary	$10,800	$11,430	$11,745	$12,060	$12,040	$12,740	$13,090	$13,440
Rank, District of Columbia metropolitan area	3	6	7	7	2	4	4	6
Rank, big city systems	3	5	4	7	1	1	1	1

Clearly, the phase I salary schedule would provide the District only marginal relief from its present noncompetitive position—a margin that would be short lived. As demonstrated by the comparison of local teacher salaries for the 1968–69 school year set forth above, Fairfax County, Va., has already approved the same entrance salary for bachelor degree teachers as provided in phase I ($6,400), and the 1968–69 entrance rate in all of the other suburban school systems will be within $200 of the phase I schedule.

The committee believes that if the District is to attract personnel to the demanding tasks ahead in its inner city schools, it must offer salaries substantially above those available in the surrounding suburbs.

The combination phase I and phase II salary schedules recommended by the Committee will provide the District a $600 advantage in recruiting bachelor degree teachers in the Washington metropolitan area for the 1968–69 school year. According to information presently available to the committee it will place the District third in rank nationally (behind Detroit and Chicago) in the entrance salary payable to new bachelor degree teachers.

In the committee's opinion, the proposed phase II salary schedule is needed in order to prevent the District from once more falling seriously behind in salary comparisons.

Superintendent's Salary Increased

H.R. 15131 increases the salary of the Superintendent of Schools of the District of Columbia (salary class 1) from the present $26,000 to $31,000 effective October 1, 1967, and to $34,000 effective July 1, 1968. The Deputy Superintendent's salary (class 2) would also be raised from the present $22,000 to $25,000 on October 1, 1967, and to $27,000 effective July 1, 1968. The Superintendent's salary has not been adjusted since 1964.

In the committee's view, the Superintendent's salary is too low in comparison with his responsibilities. According to the District government, the present salary level ranks in 18th place among the 20 other cities over 500,000 population and fourth among the six other local school systems of the Washington metropolitan area. Such ranking does not reflect either the size of the District's public school system or the magnitude of its problems.

The committee is informed that for the school year 1966–67 the average salary paid superintendents in systems with enrollments of 25,000 or more was $25,151. The lowest salary paid a superintendent by any of the other major cities over 500,000 population was the $25,000 paid by San Antonio and St. Louis whose student enrollments of 76,000 and 115,000, respectively, are substantially below the District's 149,000.

During the hearing on the bill, the President of the District of Columbia Board of Education noted that in its recent nationwide search for a new superintendent, the Board was in the position of asking outstanding educators to take a cut in salary to come to the Nation's Capital to undertake what is acknowledged as perhaps the most difficult educational problem in the entire Nation.

The committee and the District government recognize that the increased Superintendent salary provided by the bill exceeds that paid to the District's Chief Executive Officer, the Commissioner of the District of Columbia. However, as shown by the following table, 12 major cities pay their school superintendent a higher salary than they pay their mayor or city manager, as the case may be, and in four of the six suburban communities in the Washington metropolitan area the superintendent's salary exceeds that now paid in the District.

COMPARISON OF SALARIES OF MAYORS (CITY MANAGERS) AND SUPERINTENDENTS OF SCHOOLS FOR 21 CITIES OVER 500,000 POPULATION AND NEARBY COMMUNITIES

Cities (in order of population)	Mayor-city manager	Salary	Salary for superintendents of schools
New York	Mayor	$50,000	$45,000
Chicago	do	35,000	48,500
Los Angeles	do	35,000	47,000
Philadelphia	do	40,000	40,000
Detroit	do	35,000	35,000
Baltimore	do	25,000	35,000
Houston	do	20,000	35,000
Cleveland	do	25,000	39,500
Washington, D.C.	Mayor-Commissioner	29,500	26,000
St. Louis	Mayor	25,000	25,000
San Francisco	do	38,365	35,000
Milwaukee	do	26,842	33,000
Boston	do	40,000	33,000
Dallas	City manager	28,000	35,000
New Orleans	Mayor	25,000	27,500
Pittsburgh	do	25,000	32,500
San Antonio	City manager	27,500	25,000
San Diego	City manager	$32,000	$45,000
Seattle	Mayor	23,000	26,000
Buffalo	do	26,000	28,000
Cincinnati	City manager	35,000	30,000
Median (without District of Columbia)		27,750	35,000
Mean (without District of Columbia)		30,855	35,000
Nearby communities:			
Montgomery	County manager	33,415	30,000
Fairfax	County executive	32,000	28,000
Arlington	County manager	26,500	26,500
Alexandria	City manager	25,000	22,200
Falls Church	do	[1] 18,635	19,500
Prince Georges		[2]	34,500
Washington, D.C.	Mayor-Commissioner	29,500	26,000

[1] Minimum salary is $16,964 and maximum is $22,635.
[2] No valid comparison can be made.

Source: Information Please Almanac, 1968; Salary Schedules for Administrative Personne 1966–67; National Education Association, 1967; unpublished data from the National Education Association, January 1968; independent survey District of Columbia Personnel Office.

The committee feels the increasing demands upon the professional directors of a great city school system make it not only desirable but necessary that these officials have their capable and dedicated service amply rewarded. This great city is going through social changes brought on by urbanization that rank second to none. A failure to increase these salaries at this time would be to ignore the responsibility that the Congress, as the District's legislative body, must meet, and would leave these vitally important positions in an exceedingly poor competitive position in the Washington area and with other school systems of comparable size.

REMOVAL OF TEACHER-AIDE LIMITATIONS

Section 202(4) of Public Law 89–810, approved November 13, 1966, added a section 5(c) to the District of Columbia Teachers' Salary Act of 1955, authorizing the position of teacher-aide (noninstructional) to be established at a grade not higher than GS–4, requiring that the minimum qualification for appointment to this position shall be the sucessful completion of at least 60 semester hours from a recognized institution of higher learning, and providing that the number of teacher aides shall at no time "exceed 5 percent of the number of classroom teachers in salary class 15" under the Teachers' Salary Act or any other act.

As reported by the committee, H.R. 15131 amends such section 5(c) by allowing either 60 semester hours "or the equivalence thereof" as satisfaction of the educational requirement for teacher aides. According to the National Education Association, approximately two-thirds of the systems using paid teacher aides require at least a high school education, although some have no educational requirements, and others require a college degree. The following table indicates educational requirements of teacher aides in 217 systems with 12,000 or more enrollment:

Educational requirements for paid teacher aides in 217 school systems with 12,000 or more enrollment, 1966–67

Educational requirements:	Percent
Elementary education	38
High school education	65
Some college but no degree	32
College degree	18

Source: NEA Research Bulletin; vol. 45, No. 2, May 1967.

Currently, approximately 109 teacher aides are employed in the District of Columbia public school system. Before enactment of the 60-semester-hour requirement, there were more than 300 GS–4 teacher aides. The requirement of 60 semester hours has necessitated the reduction in grade of most teacher aides who, although having experience, do not have the educational attainment. The amendment would allow equivalent experience as qualifying in the same manner as other GS–4's qualify under the Classification Act.

The committee's amendment would also eliminate the 5-percent limitation on the number of teacher aide positions allowed to be established by the District of Columbia public school system. The committee is informed that this restriction has seriously curtailed the program in the District, since funds from many sources such as the Elementary and Secondary Education Act are available and cannot be used. The following table provides a summary of fund sources for teacher aide programs in other school systems:

SOURCES OF FUNDS FOR TEACHER AIDE PROGRAMS, 1965–66
SCHOOL SYSTEMS ENROLLING 12,000 OR MORE PUPILS

[In percent]

Source of funds	Provides partial funding	Provides total funding
Public school funds	63.1	25.3
ESEA (Elementary and Secondary Education Act)	63.6	24.9
Office of Economic Opportunity	27.2	1.4
Foundations	7.4	
Special State funds	3.2	.5

Source: NEA Research Bulletin; vol. 45, No. 2, May 1967.

In the committee's judgment, the teacher-aide program can only be effective if it can give teachers more time for teaching. Teachers who are overburdened with the extraordinary range of tasks demanded of them are not in a position to meet the many instructional and developmental needs of deprived children. It is therefore essential to offer these teachers some help, so as to free them to use the talents and insights they possess. If the children have the chance to relate to more than one adult in a classroom, and if they have available to them the attentions of more than one adult, it stands to reason that they will receive more highly individualized instruction.

The committee notes that other than those imposed by appropriations, there are no other statutory limitations on the numbers of staff the District school system may employ. The numbers of staff desired by the Board of Education is a matter which is considered annually by the Appropriations Committees of the Congress in their evaluation of the Board's specific requests.

In this committee's judgment, the appropriation process assures adequate control in the Congress over the number of teacher aides employed by the District. The existing percentage limitation is arbitrary and should be eliminated. The absolute requirement of 60 semester hours college-level training is unduly restrictive, and should be modified as recommended.

Service step assignment

Section 202(4) of H.R. 15131 would amend section 7(a) of the Teachers' Salary Act of 1955 in order that those persons in positions in class 15, appointed from outside the District of Columbia Public School System, such as librarians and counselors, can be given experience credit for educational experience other than as librarians or counselors. There is already interchangeability within class 15 positions for those appointed from within the District of Columbia Public School System. This provision was requested by the District of Columbia Board of Education.

Probationary tenure credit

Section 202(5) of H.R. 15131 would also amend section 8(a) of the 1955 act so as to allow an employee of the Board of Education to be given credit toward satisfaction of the 2-year probationary period when serving in different positions in a salary class.

The act presently provides that a teacher in order to attain permanent status must serve 2 years of probationary service in that position; however, if the teacher should have also served as a counselor or librarian within the 2-year period, he or she must continue as a probationary employee until 2 years have been served in a single position. The amendment will allow a teacher, school officer, or other employee, under the act, to receive credit for 2 years service in any position in the class as satisfaction of the probationary tenure requirement. This provision was also requested by the Board of Education.

Correction of effective date of educational attainment

Section 202(6) of H.R. 15131 amends section 10(a) of the 1955 act in order to allow the Board of Education to credit the educational attainment of a teacher or school officer 12 months prior to the date of approval by the Board. The committee is informed that employees who have acquired advanced degrees have lost salary by reason of delays in the submission of pertinent evidence from the college or university granting such degree, or because of omissions from the records of the school system. This amendment, requested by the Board of Education, would allow the employee to be paid on the effective date of receiving such degree, or 12 months prior to the approval of the Board of Education, whichever date occurs later.

Change in methods of payment for employees in summer and adult education programs

Section 202(7) of the reported bill amends section 13(a) of the 1955 act in order to change the manner of designating employee pay rates in the summer school and adult education school from a per diem basis to a per period basis.

At the present time teachers who work in the summer school and adult education schools are paid a per diem rate which is computed on the basis of 4½ hours. The committee is advised that with the growing remedial and enrichment programs taking place in the summer program, there is a need for certain teachers to work beyond the summer teaching day.

By establishing a per period rate, the school administration will have a greater flexibility in the use of teachers, especially in the summer school program. According to the Board of Education, which requests the amendment, in the past the lack of flexibility has necessitated shortening programs because no authority existed to pay beyond the 4½ hours per diem period.

Cost of title II

The estimated annual cost of title II of H.R. 15131, as computed by the District of Columbia government's Personnel Office, is tabulated as follows:

Phase I, effective Oct. 1, 1967:	
Salary increases averaging 8.3 percent	$4,756,500
Civil service retirement (temporary teachers)	80,000
Life insurance	14,800
Summer and evening schools	165,000
Total	[1] 5,016,300
Phase II, effective July 1, 1968: [2]	
Salary increases averaging 19.2 percent	12,366,900
Civil service retirement (temporary teachers)	190,000
Life insurance	30,000
Summer and evening schools	370,000
Total	[1] 12,956,900

[1] Costs estimates exclude retirement contributions for regular teachers and school officers.

[2] Costs indicate increase above present teacher and school officers salaries provided in Public Law 89–810.

Funding

As pointed out earlier in this report, the District of Columbia government has informed the committee that the added cost of the proposed title II salary increases during fiscal year 1968, amounting to an estimated $1.3 million, will be absorbed by the District through a number of its reserve accounts subject to reimbursement out of increased revenues to be provided in fiscal year 1969 pursuant to District government revenue proposals now pending in the Congress.

The added cost of title II during fiscal year 1969—above the District of Columbia budget requests presently pending before the Congress—will amount to an estimated $7.3 million, and will, according to the District government, also be funded out of increased revenues anticipated from pending revenue proposals.

Hearing

On February 14, 1968, the Subcommittee on Fiscal Affairs held a public hearing on S. 2659 and S. 2679, legislative proposals to increase the salaries of District of Columbia teachers and school officers.

The Commissioner of the District of Columbia, the president of the District of Columbia board of education, the superintendent of schools, and representatives of a number of teacher organizations and citizen associations appeared at these hearings and wholeheartedly supported substantial increases in teacher and school officer salaries. No one appeared in opposition.

CONCLUSION

As noted earlier in this report, the salary increase provisions of title I and title II of H.R. 15131, as amended and reported, carry out the recommendations of the District of Columbia government, and of the President in his recent message on the Nation's first city.

No single factor establishes the competitive position of a public school system or of a police or fire department, and it is clear that salary is not the only inducement to public service in these areas. This committee recognizes, however, that salary is necessarily a vital factor. In short, while this committee agrees that the serious personnel problems of the District of Columbia Police and Fire Departments and in Washington's public schools cannot be solved by salary alone, it is the committee's firm judgment that they certainly will not be solved without the substantial upward salary adjustments recommended in this bill.

The crime rate in the Nation's Capital is a national disgrace. The safety of the nearly 800,000 residents of the District and the millions of our citizens who visit the Capital each year demands that the Metropolitan Police force and the Fire Department be brought up to and maintained at full strength as promptly as possible. To do this, the District must occupy a favorable competitive position salarywise vis-a-vis the suburban jurisdictions of the Washington metropolitan area and other major cities of the Nation. Title I of the bill will provide this sorely needed advantage.

In previous reports this committee has voiced its support for programs that will attack the roots of crime in the District of Columbia. In your committee's judgment, title II of the H.R. 15131 represents a major stride toward that goal. A great effort is underway to renew rejuvenate, and enhance the quality of public education in Washington. There is much talk of making the education of children in the Nation's Capital a model for the rest of the Nation. This cannot and will not come to pass unless the massive turnover rate of teachers in the District's school system is stopped. The District of Columbia can no longer afford to be a training ground for neighboring suburban school districts. Washington must be placed in a position not only to retain its experienced educational staff, but to attract a new breed of teachers who are willing and able to teach effectively amidst the difficult conditions of a restless and growing city.

In your committee's judgment, it is absolutely certain that this will not be done unless the District is able to compete for staff with a superior salary scale. The lesson of the past is a clear one. It may be possible to attract a few highly motivated, well-qualified teachers to one of the most difficult teaching jobs in the Nation for the same money they could earn in more affluent communities, but it is clearly unrealistic and unreasonable to expect many such teachers to enter more demanding work for the same or less money.

In the committee's judgment, the salary levels proposed in title II of H.R. 15131 are both realistic and reasonable. They will give the District of Columbia Board of Education the advantage it must have to improve the quality of instruction in the schools. They help recognize the teacher's high place in the scale of community values. This investment in the educational system is a necessary fundamental step. Good teachers foster good citizens.

It is in this spirit that your committee recommends H.R. 15131, as amended, to the Senate for prompt passage.

The title was amended, so as to read: "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes."

ORDER OF BUSINESS

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

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, on the calendar are Calendar Nos. 1024 and 1025, together with No. 934, the purpose of which is to dispose of certain items in the stockpile. I wonder whether they could be brought up today and acted upon.

Mr. MANSFIELD. No. They will not be brought up today because we have the

conference report on the supplemental appropriation bill, the school-lunch program, and other matters which we would like to consider at this time.

Mr. WILLIAMS of Delaware. The reason I ask is that two of those measures pertain to magnesium and beryl. I understand that there is no objection to accepting the amendment that I have pending at the desk to sell those materials at a competitive bid. I understand that is the intention of the Department, anyway—and I asume it has no objection—and perhaps those measures could be disposed of in 5 minutes.

Mr. MANSFIELD. I would be delighted to do so, after I speak with the distinguished Senator from Missouri, who is in charge of these bills.

Mr. President, if I may, I would like to be recognized for 5 or 6 minutes, to complete a statement which I believe might be of interest to the Senate as a whole.

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

STATUS OF PENDING LEGISLATION

Mr. MANSFIELD. Mr. President, the Nation is in the throes of a soul-searing experience. We are as a house on the verge of dividing against itself.

We grope for some urgent and adequate response in this tragedy, some instant solution. So far as the Senate is concerned, it has even been suggested, for example, that the brief recess which had been announced for the Easter period be cancelled for this purpose. A recess seems a small matter, and is, in a situation which looms so large. In the circumstances, I think we need to be clear as to what is involved in the so-called Easter vacation. As planned, the Senate is scheduled to go out this Thursday night and return the following Wednesday. Since the Senate would not meet, in any event, on Good Friday, Holy Saturday, and Easter Sunday, what is involved in the recess, therefore, are 2 days, Monday and Tuesday of next week.

May I say that if I thought it would help to advance significantly the work on legislation which is related to the events of the past week, the leadership would urge the Senate to remain in session from dawn to dusk on those 2 days and even this weekend. There would be no curfews on the meeting of the Senate if it would help. The fact is, however, that there is no such prospect. If the Senate were to meet, it would meet for talk and, of talk on this matter there has already been a surfeit. The Senate would not have before it on Monday or Tuesday next any legislation of consequence. To make the point clear, let me list the status of the principal pertinent measures which are now pending:

First. The Senate amendments to H.R. 2516, the bill which would provide protection against interference with civil rights, fair housing, punishment for incitement to riot and firearms control, and a "bill of rights" for Indians, are before the House, and will be voted on, I understand, today.

Second. Today, the Senate is going to take up the conference report on the urgent supplemental bill which, when passed by the Senate, included an additional $25 million for Headstart and $75 million for manpower development and training activities—both of which were dropped in conference—and hopefully will be restored on the floor with a rejection of the report as it now stands.

Third. On the Senate Calendar is H.R. 15398, reported by the Senate Agriculture Committee, extending the pilot school breakfast program for 2 years and authorizing an appropriation of $6.5 million for each of these two fiscal years which it is hoped will be disposed of before the recess.

Fourth. The Senate Committee on the Judiciary ordered reported on April 4, with the report to be filed by April 14, the Omnibus Crime Control and Safe Streets Act which will provide over $100 million in fiscal 1968 and 1969 and $300 million in fiscal 1970 for grants to law enforcement agencies for recruiting and training, grants for riot control and organized crime, and court-approved wiretapping.

Fifth. Before the Committee on Labor and Public Welfare is an extension and expansion of the Juvenile Delinquency program and a bill to provide a broader based Equal Employment Opportunity program, amendments to the Higher Education Act, the Partnership for Earning and Learning Act, and the Migrant Labor and Health Act, all of which are of relevance.

I have just been informed that the committee has called a meeting for April 24 on the Health Act and the extension of Equal Employment Opportunities.

Sixth. The Committee on Agriculture and Forestry is expected to take action soon on a bill to increase the authorization for the food stamp program.

Seventh. The excise tax extension action which is now in conference includes several amendments relating to welfare programs providing aid to families with dependent children, the medicaid-buy-in program, and the unemployed fathers program.

Eighth. I have just been informed that a housing bill may be reported out of Committee on Banking and Currency on April 18.

The list which is by no means exhaustive is indicative of the kinds of measures which have been recommended by the President and which bear upon the situation.

It would be my hope that in the case of measures which are before Senate committees, the committees would convene during the next few days or as soon as possible to complete their consideration. All of these measures, in my judgment, are of significance. All of them, in my judgment, should come before the Senate for disposition during the current session.

However, the leadership will not engage in charades. It will not bring the Senate into session to give the appearance of urgent action where there is no prospect of action. To do so, would do no justice to the gravity of the inner problems which confront this Nation. The fact is that we do not have 2 days of urgent work on the problems which have been so grotesquely silhouetted against the flaming wreckage in the Nation's cities. The fact is that we have weeks, months, years of relentless and painful work. It would be well, therefore, for the Senate to use this weekend, this most significant weekend, to contemplate the damage which has been done to this Nation both at home and abroad. It would be well to begin to steel ourselves for the effort which lies ahead if this Nation is to be knit together again in a new and enduring unity.

Mr. President, I ask unanimous consent that the statement I made on the floor of the Senate on Monday last, entitled "A Time of Crisis," interrelating the urban unrest, Vietnam, and the dollar problems, be printed in the RECORD.

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

A TIME OF CRISIS

Mr. MANSFIELD. Mr. President, we live in the most troublous period in the history of the Republic, and we have perhaps passed through the most significant 7 days of our lives. We must consider, I believe, three major problems at this time, so that we can keep our views in perspective.

The first is the question of urban unrest, which is now so prevalent throughout our land.

I would express the hope that the House very shortly—I recognize the fact that that is its responsibility—would pass the civil rights bill passed by the Senate several weeks ago. I would hope, also, that the Senate, in its appropriate committee, would report the equal opportunities employment bill, which has been under consideration for more than a year.

I am glad to note that the Committee on the Judiciary has reported the safe streets bill, but I understand that because of a time limitation to allow various points of view to be annotated, it will not be and could not be brought up until after the Easter recess.

Mr. President, I recognize that laws and appropriations alone are not the answer in the field of urban unrest. I believe that part of the answer lies in a greater participation on the part of private industry in facing up to this problem which confronts all of us. I feel, also, that a greater degree of responsibility on the part of our citizens is mandatory. I feel, also, that there must be a respect for law and order on the part of all of us, and it is my belief that this is vitally necessary if we are to regain our self-respect.

The second factor of importance is the question of Vietnam. I would hope that, in view of the President's speech on Sunday a week ago, and on the basis of events since then, all of us, regardless of our personal views, would give him our full support in his endeavors to bring about an end to that barbaric conflict.

So far as the holding of the conference which may be in the offing is concerned, it really is immaterial where it will be held; but if I may express a personal wish, it would be my thought that inasmuch as this is an Asian problem, perhaps a good site would be Rangoon, in Burma, or Pnom Penk, in Cambodia.

The third factor is the instability of the dollar—and may I say that we cannot dissociate the urban unrest, Vietnam, or the last mentioned factor. I would hope that the House would pass the Senate-approved bill which imposes a 10-percent surcharge tax on income tax payments, a $10 billion reduction in the budget, and a $6 billion reduction in the field of expenditures; or, if this is not possible in conference, that the House would

report a measure with a comparable degree of fiscal restraint.

All three momentous crises must be faced now and action must be taken, even though it will not provide overnight solutions. The measures recommended above will provide only a start, but a good and necessary start.

Mr. President, let all of us forget our own political futures, personal and partisan, and do what must be done for the common good and the survival of the Nation. All else is of little consequence. If the President can make the sacrifice which he has made, I believe Congress can join him in making the necessary sacrifices to see that this Nation is once again put on an even keel.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator from Montana has expired. Does the majority leader wish an extension of time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we may proceed for an additional 3 minutes.

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

Mr. LONG of Louisiana. Mr. President, the House of Representatives is undertaking to pass a bill to extend certain excise taxes on telephones and automobiles, which have expired. I understand the House is taking up that matter by unanimous consent this afternoon, and will send it to the Senate.

I would hope that we could obtain unanimous consent in the Senate to consider that matter, so that those taxes may be extended until the first of next month.

We are in conference on an important and controversial measure due mainly to the Senate amendments, which include a $6 billion expenditure ceiling and the imposition of a 10-percent surcharge on present income taxes of individuals and corporations.

I would hope that the Senate could consider the excise extensions bill today and pass a simple extension for 1 month, so that we would not have problems regarding expiration of these present taxes.

Mr. MANSFIELD. Mr. President, will the distinguished deputy majority leader yield?

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. Mr. President, as far as the leadership is concerned—both of us—we would be delighted to go along if it meets with the approval of the Senate on a unanimous-consent basis.

Mr. WILLIAMS of Delaware. Mr. President, I would have no objection to such a request, and I shall go along with a 30-day extension. I do want to make a statement which will take 5 or 10 minutes but I shall not object to the unanimous-consent request.

I wish to make the record clear that I think the administration is making a tragic mistake in not facing this problem now—and I mean immediately, this week. I think it should make the determination once and for all whether it is going to accept the expenditure reduction and tax increase as passed by the Senate. This is a question which should be answered to the American taxpayer. Inflation is a serious threat in this country.

I am fearful that our economy is becoming overheated. However, once again, we see an administration offering too little and too late. I regret very much that the extension is necessary under these circumstances, but I want the record to show who is responsible, and the responsibility lies downtown with the executive branch.

Their recommendations to the conferees did not support their public speeches.

Mr. LONG of Louisiana. Mr. President, I do not seek to shut off any debate. However, I think this resolution can be disposed of expeditiously.

Mr. WILLIAMS of Delaware. It can.

Mr. LONG of Louisiana. The Senator will be allowed to discuss the matter.

Mr. MANSFIELD. I assure the distinguished deputy majority leader that that will be done.

Mr. WILLIAMS of Delaware. I shall not take more than 10 minutes.

IN SEARCH OF PEACE

Mr. SYMINGTON. Mr. President, because of what appeared to be a loss of American position, upon return from my latest trip to South Vietnam through the Middle East. and Europe, I thereupon suggested last October that if we really wanted peace, instead of considering another bombing pause, in order to get negotiations started, we offer, as of a certain date, to refrain from all offensive military action, in South Vietnam as well as North Vietnam; and also express to the South Vietnam Government in no uncertain terms our desire to have them negotiate with the Vietcong and National Liberation Front.

This morning a headline in the press is to the effect that we may offer another bombing pause. Later this morning, however, on radio and television, it was stated that in South Vietnam we have just started the largest operation of the war, a sweep and destroy expedition, on the ground, with the title "Operation Complete Victory," and with 100,000 troops.

No doubt this is due in part to recent increased infiltration from the three "sanctuary" countries; but the two actions taken together seem strange at a time it is stated our primary aim in these possible negotiations is to achieve a meaningful peace.

ENROLLED BILLS SIGNED

The PRESIDING OFFICER announced that on today, April 10, 1968, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 11816. An act to provide compensation for law enforcement officers not employed by the United States killed or injured while apprehending persons suspected of committing Federal crimes, and for other purposes; and

H.R. 13042. An act to amend the act of June 20, 1906, and the District of Columbia election law to provide for the election of members of the Board of Education of the District of Columbia.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON U.S. SOLDIERS' HOME

A letter from the Secretary, Department of the Army, transmitting, pursuant to law, the annual report of the U.S. Soldiers' Home and the report of annual general inspection of the Home, 1967 (with accompanying reports); to the Committee on Armed Services.

REPORT OF MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary, Department of the Army, transmitting, pursuant to law, the semiannual report of the Department on contracts for military construction awarded without formal advertisement, for the period 1 July through 31 December 1967 (with an accompanying report); to the Committee on Armed Services.

AUDIT REPORT OF EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, an audit report of the Exchange Stabilization Fund, for the fiscal year 1967 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to provide that the prosecution of the offenses of disorderly conduct and lewd, indecent, or obscene acts shall be conducted in the name of and for the benefit of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings available by using certified rather than registered mail to transmit confidential material, Department of Defense, dated April 8, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on more precise planning initiated in employee housing construction program, Bureau of Indian Affairs, Department of the Interior, dated April 9, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of community action program in Detroit, Mich., Office of Economic Opportunity, dated April 10, 1968 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITION

A letter, in the nature of a petition, signed by Charles F. Eaton, of Mansfield, Ohio, praying for the enactment of legislation relating to open housing for the Negro, which was referred to the Committee on Banking and Currency.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, with amendments:

H.R. 10477. An act to amend chapter 37 of title 38 of the United States Code to liberalize the guaranty entitlement and reasonable value requirement for home loans, to remove certain requirements with respect to the interest rate on loans subject to such chapter, and to authorize aid on account of structural defects in property purchased with assistance under such chapter (Rept. No. 1090).

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1969 FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—REPORT OF A COMMITTEE (S. REPT. NO. 1087)

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report favorably an original bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and I submit a report thereon.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar, and the report will be printed.

AMENDMENT OF ARMS CONTROL AND DISARMAMENT ACT—REPORT OF A COMMITTEE—DISSENTING VIEWS (S. REPT. NO. 1088)

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably, with amendments, the bill (H.R. 14940) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the dissenting views of the Senator from Pennsylvania [Mr. CLARK] and the Senator from Rhode Island [Mr. PELL].

The PRESIDING OFFICER. 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 Arkansas.

REPORT ENTITLED "AID'S MISMANAGEMENT OF THE EXCESS PROPERTY PROGRAM"—REPORT OF A COMMITTEE (S. REPT. NO. 1089)

Mr. GRUENING, from the Committee on Government Operations, submitted a report entitled "AID's Mismanagement of the Excess Property Program," which was ordered to be printed.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Acting Archivist of the United States, dated March 27, 1968, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. HART, from the Committee on the Judiciary:

Otto Kerner, of Illinois, to be U.S. circuit judge for the seventh circuit; and

Rowland K. Hazard, of Rhode Island, to be U.S. attorney for the district of the Canal Zone.

BILLS INTRODUCED

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

By Mr. STENNIS:

S. 3293. A bill to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authoriezd personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; placed on the calendar.

(See reference to the above bill when reported by Mr. STENNIS, which appears under a separate heading.)

By Mr. JAVITS (for himself, Mr. MILLER, Mr. JORDAN of Idaho, and Mr. PERCY):

S. 3294. A bill to establish a Commission on Federal Budget Priorities and Expenditure Policy; to the Committee on Government Operations.

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

By Mr. JORDAN of North Carolina:

S. 3295. A bill to amend section 9 of an Act approved August 4, 1950, entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress"; to the Committee on Rules and Administration.

By Mr. NELSON:

S. 3296. A bill for the relief of Fu Ken Hung, Chiw Weng, Hok Pan Ying, Pak Lin Law, Cheung Kan Ping, Kwun Po Chan, Ka Wo To, and Wai Sum Ng; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 3297. A bill for the relief of Chan Ming Loi, Cheung Kim Wong, and Ho Yeh Sze; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

S. 3298. A bill for the relief of Ngan Pang Fei;

S. 3299. A bill for the relief of Angonia Lo Coco;

S. 3300. A bill for the relief of Giovanno Cerrato; and

S. 3301. A bill for the relief of Mrs. Maria Luisa D. Furtado; to the Committee on the Judiciary.

By Mr. LONG of Missouri:

S. 3302. A bill for the relief of Mr. George Stefatos; to the Committee on the Judiciary.

By Mr. LONG of Missouri (for himself, Mr. GRUENING and Mr. HART):

S. 3303. A bill to amend the provisions of chapter 5 of title 5, United States Code, relating to administrative procedure; to the Committee on the Judiciary.

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

By Mr. LONG of Missouri (for himself, Mr. BURDICK, Mr. HRUSKA, and Mr. SCOTT):

S. 3304. A bill to authorize the Bureau of Prisons to assist State and local governments in the improvement of their correctional systems; to the Committee on the Judiciary.

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

By Mr. TYDINGS:

S. 3305. A bill to improve the judicial machinery by providing for exclusive Federal jurisdiction and a body of uniform Federal law for cases arising out of certain operations of aircraft;

S. 3306. A bill to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities; and

S. 3307. A bill for the relief of Eeva P. Salimaki; to the Committee on the Judiciary.

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

By Mr. SMATHERS:

S. 3308. A bill for the relief of Jose C. Favio Hidalgo; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 3309. A bill to amend the Subversive Activities Control Act of 1950 to authorize the Federal Government to deny employment in defense facilities to certain individuals, to protect classified information released to U.S. industry, and for other purposes; to the Committee on the Judiciary.

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

S. 3310. A bill to transfer from the Secretary of Health, Education, and Welfare to the National Academy of Sciences the function of approving new drug applications, and for other purposes; to the Committee on Labor and Public Welfare.

S. 3294—INTRODUCTION OF BILL TO ESTABLISH A COMMISSION ON FEDERAL BUDGET PRIORITIES AND EXPENDITURE POLICY

Mr. JAVITS. Mr. President, I introduce a bill, upon which provisions the Senate voted with respect to the recent tax bill, and which failed by only four votes, dealing with a commission to have constant surveillance over the reorganization of the Federal Government.

I ask unanimous consent that the bill, which I introduce on behalf of myself and the Senator from Iowa [Mr. MILLER], the Senator from Idaho [Mr. JORDAN], and the Senator from Illinois [Mr. PERCY], may be printed in the RECORD as a part of my remarks.

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

The bill (S. 3294) to establish a Commission on Federal Budget Priorities and Expenditure Policy, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government

Operations, and ordered to be printed in the RECORD, as follows:

S. 3294

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

DECLARATION OF PURPOSE

SECTION 1. Recognizing the profound influence which the composition and level of Federal expenditures and their relationship to revenues have on the Nation's general welfare, domestic tranquility, economic growth and stability, it is hereby declared to be the intent of Congress to initiate a far-reaching, objective and non-partisan review of Federal budget priorities and expenditure policy. In the carrying out of such review, and in the formulation of recommendations with respect thereto, particular consideration shall be given to the following—

(1) establishing spending priorities among Federal programs, including the identification of those programs which need greatest immediate emphasis and those which can be deferred in a time of expected deficits in order to serve as a guide to the Administration in making expenditures and in drawing up future budgets;

(2) appraising Federal activities in order to identify those programs which tend to retard economic growth and for which expenditures should be reduced or eliminated;

(3) improving the Federal budgeting and appropriations process in order to increase the effective control of expenditures;

(4) examining the responsibilities and functions which are now assumed by the Federal Government, but which could be performed better and with superior effectiveness by the private economy;

(5) reviewing Federal responsibility and functions in order to determine which could be better performed at the State and local levels; and

(6) improving Government organization and procedures in order to increase efficiency and promote savings, including a review of the recommendations of the Hoover Commission in order to determine how well those already implemented have achieved their purposes in practice and whether those not yet implemented should be given further consideration.

BUDGET PRIORITIES AND EXPENDITURE POLICY

SEC. 2. (a) In order to carry out the purposes set forth in the first section of this Act, there is hereby established a commission to be known as the Commission on Federal Budget Priorities and Expenditure Policy (referred to hereinafter as the "Commission").

(b) The Commission shall be composed of sixteen members as follows:

(1) Four appointed by the President of the United States, two from the executive branch of the Government, including the Director of the Bureau of the Budget, and two from private life who have distinguished careers in labor, the professions, industry, local and State government, or higher education;

(2) Six members of the Senate appointed by the President of the Senate; and

(3) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) Of each class of two members referred to in subsection (b), not more than one member shall be from any one political party.

(d) Any vacancy in the Commission shall not affect it powers, but shall be filled in the same manner in which the original appointment was made.

(e) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code.

(f) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(g) Nine members of the Commission shall constitute a quorum.

ADVISORY PANEL TO THE COMMISSION

SEC. 3. The Commission may establish an Advisory Panel which shall consist of persons of exceptional competence and experience in appropriate fields, including social welfare, economics, and political science. Such Advisory Panel members shall be drawn equally from the Government, private industry, and nonprofit educational institutions, and shall be persons available to act as consultants for the Commission.

STAFF OF THE COMMISSION

SEC. 4. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable in accordance with the provisions of the civil service laws and the Classification Act of 1949.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services (including those of members of the Advisory Panel) to the same extent as authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed $75 per diem for individuals.

DUTIES OF THE COMMISSION

SEC. 5. (a) The Commission shall make a comprehensive and impartial study and investigation of the programs and policies of the Federal Government with a view to carrying out the purposes set forth in the first section of this Act.

(b) During the course of its study and investigation the Commission may submit to the President and the Congress such reports as the Commission may consider advisable. The Commission shall submit to the President and the Congress an interim report with respect to its findings, conclusions, and recommendations pursuant to section 1(i) no later than January 1, 1969, and a final report no later than January 1, 1970.

POWERS OF THE COMMISSION

SEC. 6. (a) (1) The Commissioner or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

COMPENSATION OF COMMISSION MEMBERS

SEC. 7. (a) Members of the Commission who are Members of Congress or officers of the executive branch of the Federal Government shall serve without compensation in addition to that received in their regular public employment, but shall be allowed necessary travel expenses (or, in the alternative, a per diem in lieu of subsistence and mileage not to exceed the rates prescribed in the Travel Expense Act of 1949, as amended), without regard to the Travel Expense Act of 1949, as amended (5 U.S.C. 835–842), the Standardized Government Travel Regulations, or section 10 of the Act of March 3, 1933 (5 U.S.C. 73b), and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those to whom subsection (a) is applicable, shall receive compensation at the rate of $75 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission, as provided for in subsection (a) of this section.

EXPENSES OF THE COMMISSION

SEC. 8. There are hereby authorized to be appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

EXPIRATION OF THE COMMISSION

SEC. 9. The Commission shall cease to exist —— days after the submission of its final report.

S. 3303—INTRODUCTION OF BILL RELATING TO ADMINISTRATIVE PROCEDURE

Mr. LONG of Missouri. Mr. President, on March 28, 1968, my Subcommittee on Administrative Practice and Procedure held a hearing in St. Louis on my pilot ombudsman project (S. 3123). At that time, two attorneys raised a most disturbing problem. We learned that the Selective Service System does not permit attorneys to represent young men before the local draft boards. We learned that attorneys can file written statements, can assist and counsel young men outside of the board room, but cannot enter the room to assist them, when they may need assistance most.

For more than 4 years, my subcommittee has concerned itself with the rights of the individual vis-a-vis his Government. As I listened to the two St. Louis attorneys outline their lack of authority to represent their clients before the local draft boards, it became clear to me that we are concerned with the very freedom of an individual—perhaps even a life or death situation. When the young man has been called before his draft board or wants to appear before his draft board—as the law permits him—there is per-

haps no greater time when that young man might need the assistance of counsel. Yet, at that very moment, the regulations of the System itself specifically prohibit such counsel.

I ask unanimous consent to insert at this point in the RECORD the appropriate regulation of the Selective Service System, section 1624.1.

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

PART 1624—APPEARANCE BEFORE LOCAL BOARD

1624.1 Opportunity To Appear in Person.—(a) Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part, shall have an opportunity to appear in person before the member or members of the local board designated for the purpose if he files a written request therefor within 30 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. Such 30-day period may not be extended.

(b) No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: *Provided,* That if the registrant does not speak English adequately he may appear with a person to act as interpreter for him. *And provided further,* That no registrant may be represented before the local board by anyone acting as attorney or legal counsel.

Mr. LONG of Missouri. Accordingly, I today introduce for myself, Senator HART, and Senator GRUENING, for appropriate reference, a bill to correct this injustice. I believe that, if the Supreme Court were today asked to rule on this question, they would declare the practice of denying counsel to be unconstitutional. It is true, of course, that the right of counsel under the sixth amendment is granted in criminal prosecutions; proceedings before the local selective service board are administrative in nature. Yet, the fifth amendment guarantees that no person shall be deprived of his life or liberty without due process of law. And due process of law surely includes the right to be represented by counsel.

It should be made perfectly clear that the Senator from Missouri is not opposed to the basic concept of the Selective Service System—although, clearly, revisions in the system are needed. It should be made perfectly clear that the legislation introduced today is not in support of "doves" or "hawks"; both have the same rights, and they must be protected under the Constitution.

As chairman of the Administrative Practice and Procedure Subcommittee, I intend to hold early hearings on this legislation and hope to have as our first witness Gen. Lewis Hershey, the Director of the Selective Service System.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3303) to amend the provisions of chapter 5 of title 5, United States Code, relating to administrative procedure, introduced by Mr. LONG of Missouri (for himself and other Senators) was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3304—INTRODUCTION OF BILL TO AUTHORIZE THE BUREAU OF PRISONS TO ASSIST STATE AND LOCAL GOVERNMENTS IN THE IMPROVEMENT OF THEIR CORRECTIONAL SYSTEMS

Mr. LONG of Missouri. Mr. President, the management and treatment of criminal offenders are critical to crime control. Studies clearly show that most crime is committed by persons who have already been in trouble with the law. Thus, if we can help persons convicted in our courts from turning again to crime, we can make substantial progress in the war on crime. What we need to do is break the endless cycle for some of imprisonment, release, and reimprisonment.

While we have a large body of Federal criminal law and our Federal courts are actively engaged in criminal cases, Federal authorities handle only a small portion of the persons who commit crimes. The primary responsibility for law enforcement and consequently for operating correctional programs rests with State and local authorities.

This has meant little coordination in correction development. There has been no clearinghouse for disseminating basic information and data on law violators and new methods and techniques. What has been learned has not necessarily been circulated. Further, the mission and purpose of corrections have not been adequately brought to the attention of the people.

The President's Commission on Law Enforcement and Administration of Justice emphasized the need to significantly improve corrections. It recommended "the Federal Government should assume a large responsibility for providing impetus and direction to needed changes."

The Bureau of Prisons has received many requests over the years to supply consultative and technical assistance to State and local governments. While they have responded to these requests whenever possible, they have done so on a very limited, ad hoc basis. This has been necessary because they have not had sufficient statutory authority, manpower or funds to provide such assistance on a formal basis. Usually, the help they have provided has been limited to sheriffs and other local law enforcement officials with whom the Federal Government has contractual arrangements for housing Federal prisoners awaiting trial.

There is an urgent need for greatly increased efforts to improve all areas of corrections. The Federal Government can and should play an important role in providing technical assistance and guidance to State and local correctional agencies. The Bureau of Prisons is the logical agency to provide such assistance. It has long been recognized as a leader in the field of corrections.

Today I am introducing a bill which would enable the Federal Bureau of Prisons to establish a clearinghouse for manpower recruitment and personnel management, expand programs of personnel training for State and local correctional personnel, establish an information clearinghouse and significantly expand its capacity to provide requested consultation and technical assistance to a significant degree. It would provide a statutory basis which would enable the Bureau of Prisons to more adequately respond to future requests for assistance. As in the past, assistance would be provided only on the initiative and request of State and local officials. The bill has been sent to the Congress by the Attorney General and is a part of the administration's crime program. I am hopeful that early action can be taken on it.

Mr. President, I introduce for appropriate reference on behalf of myself and Senators BURDICK, HRUSKA, and SCOTT, a bill to authorize the Bureau of Prisons to assist State and local governments in the improvement of their correctional systems.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3304) to authorize the Bureau of Prisons to assist State and local governments in the improvement of their correctional systems, introduced by Mr. LONG of Missouri (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, the bill (S. 3304) introduced by the Senator from Missouri [Mr. LONG] is a practical, constructive, and long-needed step. To demonstrate my support I have become one of its cosponsors.

The one area of our criminal justice system that is most neglected is corrections. Unless there is a prison riot, major jail break, or sensational scandal, very little thought or attention is given to our jails, reformatories, and prisons. Yet we realize that corrections are of a critical importance in our efforts to control crime.

We know that the majority of crime in the country is committed by persons who have previously been convicted of criminal offenses. If we are to succeed in reducing the ever-increasing rates of crime, we must do all in our power to improve the effectiveness of our correctional systems.

Correctional programs throughout the United States vary widely. Some States have well developed, coordinated programs that provide both the motivation and opportunity for offenders to change their paterns of behavior. Other States provide very limited resources for changing human behavior and inmates are simply held in institutions until their eventual release back into the community.

Unfortunately, there are no adequate standards or methods for evaluating and improving correctional programs in this country. As a member of the Subcommittee on National Penitentiaries of the Judiciary Committee, I have had an opportunity to become familiar with the programs and efforts of the Federal Bureau of Prisons.

On many occasions in recent years, the Bureau of Prisons has been contacted by State and local correctional officials re-

questing assistance and advice in areas where particular problems exist. In addition, legislative planning groups, and State crime commissions have asked for help in planning and implementing new programs. While they have attempted to be helpful in responding to these requests, the Bureau of Prisons has not had the statutory authority, manpower or resources to adequately meet the need. As a result, many requests for assistance have gone unanswered and the Federal Government's Bureau of Prison impact on the improvement of corrections across the country has been minimal.

The bill I am cosponsoring today will enable the Federal Bureau of Prisons to significantly expand its services to State and local governments. It will provide the framework for the training of personnel from State and local correctional agencies, the establishment of an information clearinghouse, and the expansion of the Bureau of Prison's capacity to provide requested consultation and technical assistance. I believe such assistance will have great payoffs in terms of improving correctional programs throughout the country.

S. 3305 AND S. 3306—INTRODUCTION OF BILLS TO IMPROVE THE JUDICIAL MACHINERY RELATING TO AVIATION AND SPACE ACTIVITIES

Mr. TYDINGS. Mr. President, last year more than 134 million people traveled on U.S. certificated route air carriers. The vast majority of these people enjoyed a safe, swift journey. But on eight occasions the flights ended in disaster—devastating crashes destroying millions of dollars of property and snuffing out 250 lives. Each air crash was a major tragedy for a large number of widows, children and others dependent upon those killed in the aircraft crash.

On the drawing boards for the near future are plans for the new supersonic transports designed to travel at several times the speed of sound, at heights of 50,000 to 75,000 feet, carrying some 500 persons. The crash of a single one of these planes will leave huge numbers of aggrieved dependents. For many of these dependents, the only compensation can come through the long process of legal action.

At present, legal action following an aircraft disaster is a very unsatisfactory remedy. The legal course open to surviving dependents is a wrongful death action, governed by State law. Such suits are subject to State periods of limitations, State restrictions on the amount of recovery, and other rules such as a State's dead man statute.

After a typical air crash today there may be more than 100 wrongful death suits filed. In just a few years, when the new supersonic transport is a standard means of travel, there may be as many as 500 of these suits filed after a single crash. Most often these suits are filed in the Federal courts on the basis of diversity of citizenship of the parties. But at present it is very difficult for the Federal courts to efficiently try these suits. An efficient trial would combine all suits, involving the same facts and the same basic questions, for pretrial procedures and for trial on the common questions, with individual hearings only on the question of damages in each case. Because of the lack of adequate procedural devices and because these suits may involve the conflicting laws of a number of different States, such combined trials are currently very difficult, if not impossible. The result is a considerable waste of judicial time, an increase in the expense of litigation, and a considerable delay in the rendering of justice to persons who are frequently badly in need of assistance.

Let me illustrate the problem which arises today. Because people from all over the country may be injured by any single air disaster, a variety of statutes of limitations may be involved. This often makes it impossible to efficiently conduct joint pretrial discovery for the simple reason that all possible suits are not required to be filed before any one date. For instance, a suit brought under the Illinois or Tennessee wrongful death statute must be filed within 1 year of the fatal accident, while a suit brought under the Mississippi or South Carolina wrongful death statute has a 6-year period of limitations. Thus, if consolidated pretrial discovery is to be carried on, it may have to be delayed as much as 5 years until all of the possible suits have been filed.

Until recently, even in situations where there was no statute-of-limitations problem, there was no mechanism for joint pretrial discovery when cases were filed in different district courts. This problem has been corrected by the recently passed multidistrict litigation bill. However, that bill does not provide for consolidation of cases for actual trial. Therefore, consolidation for trial depends on satisfying the requirements of title 28, section 1404, which allows the transfer of cases to a jurisdiction where the action "might have been brought." Unless all parties consent to some other venue, this provision ordinarily limits the possible place of transfer to the residence of the defendant. Thus, in consolidating aircraft crash cases today, there is little possibility of giving consideration to the convenience of the plaintiffs or to the congestion of the various Federal courts. And, of course, there is no possibility of consolidating cases pending in the various State courts.

Finally, in the consolidated trial of the cases, if such consolidated trial is possible at all under existing law, these cases are prolonged and complicated as a necessary result of the application of the law of a number of different States. Questions as to the liability of joint tortfeasors, liability for defective products, indemnity and contribution, and questions as to what State law controls the distribution among the surviving dependents are but some of the issues to be resolved.

The net effect is, as I have indicated, increased difficulties and repetitious trials for the Federal courts and increased expense and delay of justice for the litigants because of inadequate judicial mechanisms.

The two bills which I am introducing today are intended to eliminate these problems by establishing a Federal remedy for persons injured or killed through the operation of aircraft in interstate commerce. The bills are designed to make the Federal courts efficient instruments for rapidly dispensing justice in the multiple claims which arise out of such disasters. These bills are identical in their purpose, and similar in their basic method. They differ principally in their detail. Both were suggested to me by Judge Peirson M. Hall of the U.S. District Court for the Central District of California, who has had extensive experience in trying aircraft disaster cases. S. 3305 was basically drafted by Judge Alexander Holtzoff, of the District of Columbia District Court. S. 3306 was originally drafted by a special committee of the Los Angeles Bar Association.

S. 3305 establishes exclusive Federal jurisdiction over civil damage actions arising out of the operation of aircraft in interstate or foreign commerce. The bill facilitates the services of process in such actions. Furthermore, it amends title 28, section 1404, to facilitate the consolidation for trial in a convenient court of all actions arising out of the same crash. Finally, the bill establishes a body of Federal substantive law that rests on common law principles of negligence. Recovery is allowed for injury or death. The damages recoverable are measured by the actual pecuniary loss sustained, without artificial limits as to the amount. A 1-year statute of limitations is established for all such actions.

S. 3306, which originated in the Los Angeles Bar Association committee, is somewhat more extensive. It applies to aviation and space activities. It creates a new Federal jurisdiction for civil cases arising in such activities. The new jurisdiction embraces not only State and Federal jurisdiction previously existing for actions brought at "common law," but also those aircraft actions which would heretofore have been brought in admiralty. As to actions for injury or death or for loss of property caused by negligence or other tortious conduct, the Federal jurisdiction is exclusive. The bill also provides for concurrent, Federal, State, and admiralty jurisdiction in certain contract and other causes of action arising out of aircraft crashes. To facilitate the transfer and consolidation of cases involved in the same disaster, the bill provides for a new collection device. It also creates a uniform body of Federal substantive law applicable to aviation and space activities. The substantive law provisions adopt the rule of comparative negligence followed in admiralty, and the right of contribution among joint tortfeasors. This substantive law is drafted in terms which will cover anticipated rapid technological changes in the field of aviation and space activity. The bill permits a liberal choice of venue and nationwide service of process. It provides for a uniform 1-year statute of limitations for all aviation and space activity tort actions, and it provides for recovery without artificial monetary lim-

itation, except that the bill is subject to certain existing applicable Federal statutes and treaties such as the Warsaw Convention.

It is my hope that these two bills can be given close study to determine which of them would best serve to relieve the problems which now arise in the litigation of claims arising out of aircraft disasters. I feel that there is much merit in each of these solutions. I expect that study will reveal that one of them, or some similar solution, will provide a desirable improvement in the judicial machinery which now exists for litigation aircraft disasters.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

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

The bills, introduced by Mr. TYDINGS, were received, read twice by their titles, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3305

A bill to improve the judicial machinery by providing for exclusive Federal jurisdiction and a body of uniform Federal law for cases arising out of certain operations of aircraft

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 87 of title 28 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 1407. Actions arising from certain operations of aircraft

"(a) For the purposes of this section and section 1404—

"(1) the term 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air;

"(2) the term 'interstate commerce' means commerce between a place in any State of the United States, the District of Columbia, or a territory or possession and a place in any other State of the United States, the District of Columbia, or territory or possession; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same territory or possession of the United States, or the District of Columbia; and

"(3) the term 'foreign commerce' means commerce between a place in the United States and any place outside thereof.

"(b) Any civil action for damages arising out of the operation of aircraft in interstate or foreign commerce may be brought in any district in which any defendant resides or is found or has an agent for the transaction of business. The district courts shall have exclusive jurisdiction over all such actions. In any such action process may be served anywhere within the territorial limits of the United States. The provisions of this section shall be applicable to third party complaints in such actions."

(b) The table of sections for such chapter 87 is amended by inserting at the end thereof the following:

"1407. Actions arising from certain operations of aircraft."

SEC. 2. Section 1404 of title 28 of the United States Code is hereby amended by adding at the end thereof a new subsection as follows:

"(d) A district court, either on motion of any party or of its own motion, may transfer any civil action for damages arising out of operation of aircraft in interstate or foreign commerce to any other district or division, irrespective of whether the action might have been brought in that district or division, if such transfer is for the purpose of consolidating for a single trial all common issues of law or fact or both, arising out of the same disaster.

SEC. 3. Subsection (a) of section 1292 of title 28 of the United States Code is hereby amended by inserting at the end thereof a new clause as follows:

"(5) Interlocutory orders denying motions to transfer actions made pursuant to section 1404(d) of this title."

SEC. 4. (a) The Federal Aviation Act of 1958 is hereby amended by inserting after section 1111 a new section as follows:

"CIVIL ACTIONS FOR DAMAGES

"SEC. 1112. (a) The rights of the parties to any civil action for damages in any court of the United States arising out of the operation of any aircraft in interstate, overseas, or foreign air commerce shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience.

"(b) Whenever the death of any person occurs in the course of or out of the operation of an aircraft in interstate, overseas, or foreign air commerce, a civil action for damages may be maintained if such action could have been maintained in behalf of the deceased persons, if death had not occurred. Such action shall be brought by and in the name of the personal representative of the deceased. The damages recoverable in such action shall be measured by the pecuniary loss sustained by a surviving spouse, if any, and next of kin of the deceased person without any limitation on the maximum amount that may be recovered; and shall include the reasonable expenses of the last illness and burial. The verdict in any such action, if it be in favor of the plaintiff, shall allocate the portions thereof payable to the surviving spouse, if any, and to each of the next of kin. Such damages shall not form a part of the estate of the deceased.

"(c) On the death of any person in whose favor or against whom a right of action may have accrued under the provisions of this section in his lifetime, said right of action shall survive in favor of or against the personal representative of the deceased.

"(d) No action may be brought under the provisions of this section after one year from the time that the right to maintain the action shall have accrued, but any period of minority or mental disability of the party entitled to maintain the action shall be excluded from the computation of such one-year period."

(b) The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the material relating to title XI the following:

"SEC. 1112. Civil Actions for Damages."

SEC. 5. The amendments made by this Act shall be effective only with respect to actions arising after the date of enactment of this Act.

S. 3306

A bill to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 85 of title 28, United States Code, is amended—

(1) by striking out "The" at beginning of section 1333 and inserting in lieu thereof the following: "Except as provided in section 1362 of this title and subject, where applicable to chapter 175 of this title, the";

(2) by striking out the period at the end of section 1346(b) and by inserting in lieu thereof a comma and the following: "except that cases arising out of, or in the course of, aviation activity or space activity as defined in chapter 175 of this title shall be governed thereby.";

(3) by adding a new section following section 1362 as follows:

"§ 1363. Aviation and space activities

"(a) The district courts, including those of the Canal Zone, Guam, Puerto Rico, and the Virgin Islands, shall have original jurisdiction, exclusive of the courts of the States and of all other courts and exclusive of any admiralty or maritime jurisdiction, of any action for damages for injury or loss of property, or personal injury or death claimed to be caused by negligent, tortious or wrongful act of omission arising out of, or in the course of, aviation activity or space activity, as defined in chapter 175 of this title.

"(b) All the district courts mentioned in subsection (a) of this section and the courts of the States, territories, possessions, and Commonwealth of Puerto Rico shall have original jurisdiction, concurrently with any admiralty or maritime jurisdiction which may otherwise exist, of any civil action not covered by subsection (a) of this section wherein the matter in controversy arises under chapter 175 of this title."; and

(4) by amending the analysis at the beginning of chapter 85 to add the following new item:

"1363. Aviation and space activities.".

SEC. 2. Chapter 87 of title 28, United States Code, is amended—

(1) by striking out the period at the end of section 1402(b) and inserting in lieu thereof a comma and the following: "except as provided in section 1407 of this title.";

(2) by adding after section 1406 a new section as follows:

"§ 1407. Actions involving aviation and space activities; service of process

"(a) Any action under subsection (a) of section 1363 of this title may be brought in the judicial district in which the plaintiff resides, or has his or its principal place of business, or in which the defendant resides, is incorporated, is licensed to do business, is doing business, or may be found. Any action against the United States under such subsection governed by chapter 175 of this title may be brought in any judicial district.

"(b) Process, except subpenas, in such actions (including third-party and other ancillary proceedings) may be served throughout the jurisdiction of the United States.";

(3) by adding a new subsection (d) to section 1404 as follows:

"(d) If actions arising out of the same occurrence, brought under section 1407 of this title, are brought in more than one district or division, all such actions shall first be collected in one district and division by transferring all others to the district and division in which is pending a larger number of such actions than in any other district or division; or, if there be no such district or division, to the district or division in which is pending the action which was earliest filed. When such actions have been so collected in one district and division, that court may retain them and proceed with them as if originally brought therein, or may further transfer any or all of them, or, if that court otherwise orders separate trial thereof in accordance with the Federal Rules of Civil Procedure, any claim, cross-claim, counterclaim, third-party claim or separate issue, or any number of claims, cross-claims, counterclaims, third-party claims or issues may be so transferred. The determination to retain and proceed with such actions or to make such further transfers, and determinations as to any subsequent transfers, shall be made in accordance with subsection (a) of this section provided that (1) such fur-

ther or subsequent transfer may be made without regard to whether the action might have been brought in the district or division to which transfer is to be made, and (2) the district and division in which such actions are first so collected shall not be favored as convenient or in the interest of justice solely by reason of the fact that such actions are so collected there. Nothing in this subsection shall be deemed to require joint hearings or trials of any matters in issue in any actions or the consolidation of actions, except as may be otherwise ordered in accordance with the Federal Rules of Civil Procedure."; and

(4) by inserting the following new item at the end of the analysis at the beginning thereof:

"1407. Actions involving aviation and space activities; service of process.".

SEC. 3. Chapter 161 of title 28, United States Code, is amended by striking the period at the end of the first sentence of section 2401 (b) and inserting in lieu thereof a comma and the following: "except that, if such tort claim is governed by chapter 175 of this title, it shall be forever barred unless the action is so begun or the claim is so presented within one year after such claim accrues.".

SEC. 4. Chapter 171 of title 28, United States Code, is amended—

(1) by striking out section 2680 (k) and inserting in lieu thereof the following:

"(k) Any claim arising in a foreign country, except as provided in section 2681 (c) of this title.";

(2) by inserting at the end of section 2680 a new clause as follows:

"(o) Any claim cognizable under subsection (a) or (b) of section 2681 of this title or under sections 2734 or 2734a of title 10, except as provided in section 2681 (d) of this title."; and

(3) by adding a new section at the end thereof as follows:

"§ 2681. Aviation and space activities; foreign inhabitants

"(a) The President may, under such conditions and limitations as he may deem appropriate, authorize or require any department or agency engaged in aviation activity or space activity, as defined in chapter 175 of this title, to have and exercise like powers, functions or duties respecting any claim arising out of or in the course of such activities as are conferred on the Secretary of Defense, the Secretaries of military departments and any delegates thereof under sections 2734, 2734a, 2734b, 2735, and 2736 (75 Stat. 488) of title 10. The President may require in appropriate cases the concurrence of the Attorney General in the exercise of the powers, functions or duties authorized or required by this subsection, or by sections 2734, 2734a, 2734b, 2735 or 2736 of title 10 in cases arising out of or in the course of aviation activity or space activity as defined in chapter 175 of this title.

"(b) Claims against the United States arising out of or in the course of aviation activity or space activity, as defined in chapter 175 of this title, are cognizable under sections 2734 and 2734a or title 10, including any extensions thereof under subsection (a) of this section, notwithstanding any conflicting provisions of those sections, regardless where the claim arises, as if the claim had arisen in a foreign country.

"(c) Tort claims for damages for injury or loss of property of or personal injury or death of citizens or inhabitants of the United States governed by chapter 175 of this title and otherwise cognizable under this chapter and section 1346 (b) of this title are not excluded therefrom, regardless where arising.

"(d) Claims for injury or loss of property of or personal injury or death of citizens of the United States who are inhabitants of a foreign country which are cognizable under subsections (a) and (b) of this section or sections 2734 and 2734a of title 10 are not thereby excluded from the remedies provided in this chapter and section 1346 (b) of this title, but the claimant in such case may elect either remedy. No such claim is cognizable under subsections (a) and (b) of this section or sections 2734 and 2734a of title 10, if the claim is the subject of a pending action against the United States, except with the concurrence of the Attorney General."; and

(4) by inserting a new item at the end of the analysis of chapter 171 as follows:

"2681. Aviation and space activities; foreign inhabitants."

SEC. 5. Part VI of title 28, United States Code, is amended—

(1) by adding a new chapter 175 at the end as follows:

"CHAPTER 175—AVIATION AND SPACE ACTIVITIES

"Sec.
"2741. Definitions
"2742. Substantive law
"2743. Tort actions generally
"2744. Wrongful death actions
"2745. Jury trial, separate trials
"2746. Time limitation
"2747. Exception of compensation remedies

"§ 2741. Definitions

"(a) Words and phrases for which a meaning is prescribed in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. sec. 1301) have the same meaning where used in this section. In addition, as used in this section—

"(1) 'anywhere' means all places on earth, whether land or sea, including foreign countries.

"(2) 'flight' includes any motion or movement of anything in or through airspace or outer space and any operation or navigation of aircraft.

"(3) 'landing' includes any manner of anything coming down or descending from flight to the surface, or below, of the earth until it comes to repose, any crashing of anything into the earth until it comes to repose, any landing run, if any, of an aircraft, missile or space vehicle to the completion and end thereof, and, with respect to any aircraft, missile or space vehicle having any person on board during flight, the whole period until all such persons have deplaned therefrom.

"(4) 'launch' includes any manner of ascent from the surface, or below, of the earth into flight of any missile or space vehicle, any manner or transition from static repose into flight of a missile or space vehicle, either under its own power or by any kind of catapult, or ballistic or other means of projection incidental to launch or flight under its own power, the whole period, if any, immediately prior and incidental to flight during which a missile or space vehicle is producing any thrust by its own power, whether or not any initial motion or movement thereof has occurred, and, if any person is to be aboard during the flight, the whole period commencing when any person comes aboard for that purpose.

"(5) 'missile' or 'space vehicle' includes any missile, rocket, space vehicle, satellite, or other device or object now known or hereafter devised or used for launching or flight, and any stages, pieces or parts thereof or substance therein.

"(6) 'outer space' means all places outward from the earth beyond airspace, and includes all places in or on anything in orbit or any celestial body.

"(7) 'take-off' includes any form of ascent by an aircraft into flight from the surface of the earth, any form of catapulting or other projection thereof into flight, the whole period commencing with the application of take-off power or thrust at or immediately prior and incidental to the take-off run of an aircraft, and, if any person is to be aboard an aircraft during flight, the whole period commencing when any such person comes aboard for that purpose.

"(b) As used in this chapter—

"(1) 'aviation activity' means any flight (including flight below navigable airspace), take-off or landing of any aircraft (not including ground effect machines or similar devices) anywhere, or the flight or landing of any person or thing which departs from an aircraft during any such flight, take-off, or landing.

"(2) 'space activity' means (A) any flight, or any launch or landing incidental to or for the purpose of such flight, of any missile or space vehicle anywhere, or the flight or landing of any person or thing which departs from a missile or space vehicle during any such flight, launch, or landing; or (B) any transaction or occurrence in, or the presence of any person or thing in, outer space.

"§ 2742. Substantive law

"Subject to the exceptions and limitations of this chapter, there is hereby created a uniform body of Federal law governing all civil legal relations of persons and property in, and all acts, transactions, matters, and things (incuding injury or loss of property or personal injury or death caused thereby, regardless where consummated), arising out of, or in the course of, aviation activity or space activity. Said body of law is exclusive of the laws and rules of law of the several States, territories, possessions, the Commonwealth of Puerto Rico, the District of Columbia, and the admiralty or maritime law heretofore applicable. The rules of said body of law shall be ascertained by decisions of courts of competent jurisdiction in cases or controversies, subject to any applicable Federal statutes or treaties.

"§ 2743. Tort actions generally

"There is hereby specifically included in the body of law created in this chapter the right of action for damages for injury or loss of property, or personal injury or death arising out of, or in the course of, aviation activity or space activity, caused by negligent, tortious or wrongful act or omission, subject to the exceptions and limitations of this chapter. In any such action the rule of comparative negligence applies and the amounts of recovery or liability shall be apportioned accordingly, with the right of contribution.

"§ 2744. Wrongful death actions

"(a) The right of action for death under section 2743 of this title exists for the exclusive benefit of the decedent's surviving spouse, children, parents, or dependent relatives. The claims of all such persons shall be brought in one action. The action may be brought in behalf of all of the beneficiaries by one or more of them or by the personal representative of the decedent.

"(b) For the purposes of this action, the court may in its discretion appoint a personal representative of the decedent if one has not been otherwise properly appointed. A personal representative qualified to act hereunder in one district is qualified to act in any other district to which or in which the action, or any part thereof, may be transferred or is pending.

"(c) The recovery in such action shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the right of action exists, without any limitation on the amount of recovery except as otherwise provided by treaty. The judge shall apportion the recovery, if any, among those entitled to the benefit thereof in proportion to the loss they severally suffered by reason of the death of the decedent.

"(d) Where a right of action, as mentioned above in this section, exists for the death of a person, and there was already an action pending in behalf of the decedent under section 2743 of this title for personal injury

claimed to result from the same act or omission, a separate action for such death shall not be brought, but the court shall permit whoever may have brought an original action under this section to be substituted as a party in the pending action, upon application properly and timely made in accordance with the Federal Rules of Civil Procedure, and the action shall thereafter proceed as if originally brought under this section.

"§ 2745. Jury trial; separate trials

"In all actions under this chapter, except actions against the United States, regardless where arising, there is a right of trial by jury of any issue of fact therein, if in an otherwise like case, but which arose at law, such right would exist under the United States Constitution. Nothing herein prevents the separate trial of any claim, cross-claim, counterclaim, or third-party claims, or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims or issues, if such separate trial is otherwise proper.

"§ 2746. Time limitations

"Every right of action under sections 2743 or 2744 of this chapter is forever barred unless the action is begun not later than one year after the right of action accrues.

"§ 2747. Exception of compensation remedies

"The provisions in this chapter do not include any right of action for damages for personal injury or death where any such right of action would be inconsistent with the provisions or intent of any workmen's or employees' compensation statute or system, or similar system of compensation or benefits, and said provisions above in this section do not affect the operation of any workmen's or employees' compensation statute or system or similar system of compensation or benefits."; and

(2) by adding a new item at the end of the analysis of Part VI as follows:

"175. Aviation and space activity—2741.".

SEC. 6. The Act entitled "An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes", approved March 3, 1920 (41 Stat. 525, as amended; 46 U.S.C. sec. 741 et seq.), is further amended by adding a new section at the end as follows:

"SEC. 14. This Act does not apply to any tort claim for damages (by any party) for injury or loss of property or personal injury or death to which chapter 175 of title 28 of the United States Code is applicable."

SEC. 7. The Act entitled "An Act relating to the maintenance of actions for deaths on the high seas and other navigable waters", approved March 30, 1920 (41 Stat. 537; 46 U.S.C. sec. 761 et seq.), is amended by adding a new sentence at the end of section 7 thereof as follows: "This Act does not apply to any case to which chapter 175 of title 28 of the United States Code is applicable."

SEC. 8. The Act entitled "An Act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (43 Stat. 1112, as amended; 46 U.S.C. sec. 781 et seq.), is further amended by adding a new section at the end as follows:

"SEC. 11. This Act does not apply to any tort claim for damages (by any party) for injury or loss of property or personal injury or death, to which chapter 175 of title 28 of the United States Code is applicable."

SEC. 9. The Act entitled "An Act for the extension of admiralty jurisdiction", approved June 19, 1948 (62 Stat. 496; 46 U.S.C. sec. 740), is amended by changing the period at the end of the first sentence therein to a comma, and adding immediately thereafter: "except as provided in section 1362 of title 28 and subject, where applicable, to chapter 175 of title 28 of the United States Code."

SEC. 10. Section 1106 of the Federal Aviation Act of 1958 (49 U.S.C. sec. 1506) is repealed.

SEC. 11. (a) Nothing in this Act shall deprive any court of jurisdiction of any pending action, nor deprive any person of any existing substantive right.

(b) The Federal district courts shall have original jurisdiction of any civil action on any existing claim or arising out of any existing matter in controversy of which they would have had jurisdiction had such claim or matter in controversy arisen after the enactment of this Act. Any action pending in a State court of which the Federal district courts have jurisdiction under this subsection may be removed to the proper district court within forty days after the enactment of this Act, or before trial, whichever is earlier, in accordance with the procedure for removal of cases otherwise provided by law. The provisions in this Act for venue, service of process, and change of venue shall be applicable to actions brought in the district courts under this subsection, and, after removal, to removed actions under this subsection, and also to actions otherwise pending in Federal district courts which could have been brought in Federal district courts if this subsection had been effective at the time said actions were brought.

(c) This Act is applicable only to acts, transactions, matters, or things occurring, and to claims or matters in controversy arising, after the date and time of its enactment, except as provided in this section.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON] I ask unanimous consent that, at its next printing, the name of the distinguished Senator from Idaho [Mr. CHURCH] be added as a cosponsor of the bill (S. 2944) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a Federal drug compendium which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information, and includes brand names, suppliers, and a price information supplement, and providing for distribution of the compendium to physicians and others, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON] I also ask unanimous consent that, at its next printing, the name of the Senator from Idaho [Mr. CHURCH] be added as a cosponsor of the bill (S. 3290) to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require that the label of drug containers, as dispensed to the patient, bears the established name of the drug dispensed.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON] I further ask unanimous consent that, at its next printing, his name be added as a cosponsor of the bill (S. 3146) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for the U.S. compendium of drugs which lists all prescription drugs under their general names together with reliable, complete, and readily accessible prescribing information and includes brand names, suppliers, and price information supplement and to provide for distribution of the compendium to physicians and others, and for other purposes.

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

RESOLUTION

ADDITIONAL FUNDS FOR COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. HILL, from the Committee on Labor and Public Welfare, reported the following original resolution (S. Res. 276); which was referred to the Committee on Rules and Administration:

S. RES. 276

Resolved, That the Committee on Labor and Public Welfare is hereby authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $20,000 in addition to the amount, and for the same purposes, specified in Section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

NOTICE OF HEARING ON S. 1351

Mr. TYDINGS. Mr. President, as chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce the continuation of hearings on S. 1351. This bill would provide for the payment of reasonable costs, expenses, and attorney's fees to defendants in actions by the United States for the condemnation of real property after determination of the amount of just compensation, or after abandonment of such actions by the United States, and for other purposes.

The hearing will be held on May 7, 1968, at 10 a.m., in the District of Columbia Committee hearing room, 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

RAILROAD SAFETY

Mr. MAGNUSON. Mr. President, the Washington Post this morning contains a news report of a letter from the National Transportation Safety Board to the Federal Railroad Administrator, Mr. A. Scheffer Lang, concerning the increasing frequency of U.S. train accidents.

Almost every day's newspaper carries a story about another passenger or freight train accident. These accidents, primarily derailments, seem to be occurring because railroad managements, while op-

posing Federal regulation over track maintenance, wheels, and other defective equipment, have failed to devote sufficient attention and resources in self-regulation.

I have asked the Federal Railroad Administrator for an immediate report on this matter. Over a year has elapsed since railroad safety was made his responsibility, and to date his only action in the field has been a reorganization plan of the Federal Railroad Administration's Bureau of Railroad Safety.

According to the latest statistics set forth in the First Annual Report of the National Transportation Safety Board, in the year 1966 there were 27,687 railroad accidents, 1,042 deaths, and 21,371 injuries. Every day that passes without action by the Federal Railroad Administrator witnesses an increase in this heavy toll of human life.

We need a prompt response from the Department of Transportation, or the Commerce Committee will have to schedule early oversight hearings on railroad safety to receive testimony from the National Transportation Safety Board and the Federal Railroad Administrator.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the article appearing in the April 10, 1968, issue of the Washington Post.

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

[From the Washington (D.C.) Post, Apr. 10, 1968]

ACCIDENTS FOR TRAINS INCREASING

The National Transportation Safety Board warned yesterday that U.S. train accidents were becoming more frequent and more lethal at an alarming rate.

It urged railroad managements to "arrest the worsening accident picture," hinting that inaction might inspire tough Federal safety legislation.

NTSB Chairman Joseph J. O'Connell, Jr., noted a 71 per cent increase in the number of train accidents between 1961 and 1967. Accidents, primarily derailments, jumped from 4149 to 7089, he reported.

Deaths during the 1961–66 timespan increased from 158 to 214, while the value of property damaged or destroyed came close to doubling. Including railroad-owned assets, such damage totaled $117.6 million in 1966.

In a letter to Federal Railroad Administrator A. Scheffer Lang, the NTSB chairman warned that "higher speeds, longer and heavier trains, and the growing carriage of deadly and hazardous materials may well increase the already serious consequences of unsafe practices."

Laxity on the part of railroad managements and negligence on the part of railroad employes were blamed for the accident increase, especially for the increase in derailments, which now account for 80 per cent of all mishaps.

NTSB urged the Railroad Administration to undertake a broad study of train accident causes, the result of which might be tougher Federal regulation of maintenance and operating standards.

AMBASSADOR BUNKER'S CREDIBILITY GAP SHOWS

Mr. YOUNG of Ohio. Mr. President, Ambassador Ellsworth Bunker, apparently one of the State Department's top diplomats, presently Ambassador to South Vietnam, made an astonishing statement at Camp David yesterday. He is quoted as saying that the Tet offensive was "a resounding military defeat for the Vietcong." This is, no doubt, diplomatic talk. A charitable comment on Ambassador Bunker's statement is that there is an ambassadorial credibility gap that is wide and deep.

His is the silliest and most utterly foolish statement attributed to any civilian in our Government since the time the Vietcong outgeneraled our military leaders in Vietnam by encircling Khesanh. There, under General Westmoreland's leadership 6,000 marines, instead of engaging in amphibious offensive operations for which they are highly trained, or action on the offensive in some other area in South Vietnam, were encircled and huddled in bunkers on the defensive for more than a month waiting for that all-out attack confidently predicted by General Westmoreland to take place about 3 days before the Tet lunar holiday with the Vietcong then intending to celebrate the Tet holiday with that victory. General Westmoreland and other of our generals in South Vietnam confidently predicted to me in South Vietnam around the middle of January that the Vietcong were massing in huge numbers in the area in front of Khesanh during the darkness of night and would surely seek to overrun this outpost shortly before the lunar holiday.

Under General Westmoreland's orders some 40,000 troops were withdrawn from protecting provincial capitals in the central highlands and even in the Mekong Delta and around Saigon and moved into the area around Khesanh to encircle the encirclers. The Vietcong struck everywhere else in Vietnam. It is now evident they never intended a mass assault on Khesanh. They seized and held sections of Hue, the ancient capital, for more than a month freeing 700 political prisoners from jails there. They invaded Saigon holding the Cholon area for days.

Ambassador Bunker's statement, as quoted, is an insult to the intelligence of the American people. Perhaps Ambassador Bunker personally has reason to rejoice and state that the Tet offensive of the Vietcong was "a resounding military defeat." He escaped with his life from the U.S. Embassy compound. The Vietcong breached the wall, invaded our Embassy, killed American soldiers and civilians in the Embassy compound, but it was reported at the time that Ambassador Bunker escaped and was secluded in a safe place. He was able, however, to return after some 7 hours, probably feeling happy to be alive.

The Vietcong forces and terrorists in invading Saigon seized the jails, released 7,000 political prisoners, no doubt recruiting thousands of them in their armed forces. They killed and wounded American civilian officials and soldiers and released political prisoners in jails in more than 30 provincial capitals seizing huge quantities of rice, imposing taxes and conscripting men in their armed forces during the days they held possession of seized territory. That is the great victory for the South Vietnamese and the sort of "resounding military defeat for the Vietcong" to which Ambassador Bunker referred.

He is quoted further as saying "the Communist offensive caused damage and left many Vietnamese homeless" but the South Vietnamese "are strengthened in their will and determination to resist." The truth is as Ambassador Bunker knows that most of the armed forces of South Vietnam were away from their posts of duty celebrating the Tet holiday. Even President Thieu was on a holiday 25 miles distant from Saigon and did not return to his palace there for more than 3 days.

Now, in the Washington Post of today in an adjacent news item we learn that at this late date President Thieu has asked the South Vietnamese Assembly for general mobilization, and if and when his proposed legislation is enacted into law, the age for drafting South Vietnamese will commence at 18. During all the months when American youngsters of 18 have been drafted and many of them fighting in South Vietnam after only 4 months' training, the Saigon military junta of Thieu and Ky has had no mobilization law and, in fact, no real selective service. Furthermore, young men in Saigon and elsewhere in South Vietnam who were drafted were encouraged to evade the draft and granted exemption from serving in the South Vietnam Army by payment of from $685 to $800.

In the entire history of our Republic, the United States has waged only two unpopular wars—the Mexican War of 1846—and, Mr. President, a Representative from Illinois by the name of Abraham Lincoln spoke out and voted against the declaration of that war—and the far more unpopular war in Vietnam which has already cost the lives of more than 24,000 young Americans killed in combat and a tremendous total of more than 115,000 wounded and, in addition, thousands afflicted with malaria, hepatitis, and other serious jungle diseases; and the sad fact that some thousands of our young men have died from bubonic plague, hepatitis and various diseases and died from what Pentagon officials refer to as accidents and incidents.

Mr. President, I praise President Johnson for the fine and effective efforts he is now making to achieve a diplomatic settlement of our war in Vietnam and to end the bloodletting there.

I am heartened that some progress is being made toward peace in Southeast Asia.

Mr. President, I yield the floor.

JAMIE BROWN

Mr. JAVITS. Mr. President, during the disturbances in Washington last week, I heard many stories of unsung heroism, many examples of the generosity of Washingtonians, as well as of volunteer aid. Time will reveal many of these stories, I am sure, but one contribution toward returning the city to peace and order—which we are so hopeful about now attaining—was made by a public personality, in a public way: Jamie Brown, well-known soul singer, who is very popular in the Negro community,

voluntarily appeared on network television to urge a return to nonviolence in the spirit of Martin Luther King, Jr., whose funeral I attended yesterday in Atlanta, Ga.

Speaking of his own rise from very humble beginnings, Jamie Brown emphasized that the most effective black power is brain power. He counseled youngsters to stay in school and urged families to stay off the streets, to return to their homes and live up to the ideals of Martin Luther King, Jr.

What was done by Jamie Brown, the way in which he did it, and the earthy quality of what he said, was so important that I ask unanimous consent to have printed in the RECORD a transcript of his statement over NBC on April 6, 1968.

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

I want to start by saying that I can't come up with a written speech because I am not a speech maker. I am not a writer. But, I can tell you what's happening.

Now, I know how everybody feels because I feel the same way. Number one, I feel sad because we have a black man that died for the movement and the progress for the betterment of the nation and of the black race. I want to say—we were in Boston last night. We were having a problem there. . . . We put on a program that lasted three hours and fifteen minutes, taped it, televised it. We were suppose to do a show at the Garden there. Normally, we have 15 to 16 thousand people. But we asked the people to stay home. They were just watching the show. We had a real bad problem there. When I finished talking to the people and we finished doing the show—the amazing thing—35 minutes after we got on the air, everybody cleared the streets. They didn't clear the streets because I asked them to. They cleared it because they know that they were doing wrong. But they wanted someone to identify with them—that's me, I'm down there.

I guess you know how I started as a shoeshine boy in Augusta, Georgia. I didn't get a chance to finish the 7th grade, but I made it. I made it because He believed in me—because I had honesty and dignity and sincerity and I wanted to be somebody. The other day I was talking to the kids—stay in school and don't be a dropout, because if I hadn't lucked out and through the good will of their people, I wouldn't be here. Education is the answer. Know what you are talking about. Be qualified. Be read. Then you will have a chance. Be ready, know what you are doing. You know in Augusta, Georgia, I use to shine shoes on the steps of the radio station, WDRW. I think we started at 3 cents, then went to 5, 6—never did get to a dime. But today, I own that radio station. You know what that is? That's black power. Right here. . . It's not in violence. It's in knowing what you are talking about. Being ready. Now, I say to you, I'm your brother, I know what it's at. I've been there. I am not using my imagination. I am talking from experience. I have picked cotton. I did everything. I was nine years old before I got my first pair of underwear from a store. All my clothes were made from sacks and things like that. You know what I'm talking about. This is our language. We know where it's at. But I know that I had to make it. I had to have the determination to go on and my determination was to be somebody and that's what I am because you made me that. Now, I say to you—I heard the gentleman talking tonight about how many policemen they got on the force. We don't need that. This is America. This is our country. We don't need that. We are not going to tear the country up because we love the country. You aren't going to burn your house down. You aren't going to cut up the streets, throw your shoes in the trashcan . . . this is your home, your life.

I just left Africa. I always wanted to go to Africa because I wanted to know where my soul came from. I wanted to know where it really started. They say I have so much in common—my music, I even have the drums, the syncopation, the movement, the sound. So I went to Africa and I found people working for $200 a year, $40 a month. Then I thought of something else. But, do you know, with all the minor things that have happened out there, America is the greatest country in the world. Everybody has had their problems. My home is Augusta, Georgia and you know I had my problems. I know what they are. But the main thing is that you've got determination, enough believing confidence in yourself to go all the way.

Don't leave the kid homeless tomorrow with no place to go back to. He can't go to school. He can't get a formal education. Cutting their lives off. And the main thing about it, we wanted a hero, so we got one. We didn't get it just like we wanted, but we got one. But we got something to live for. We've got an image to maintain. We got a man of the world. We got a dream we want to fulfill. We can do more with that dream now than he ever did because we know what he left. He believed in it enough to die for it: we should have the respect and dignity for our fellow man, our country, ourself to hold that image and maintain it and keep the respect of it.

You know, I'm not what we call around the country a man who would do anything anybody says . . . take sides. I am not what a black man describes as a "Tom." I am not a "Tom." I am a man. Nobody can buy me. I do what I want, I say what I want because this is America. A man can get ahead here. Through you, I got ahead. I've been able to say what I want to say and say it to whom I want to say it. I say to you . . . get off the streets, go home. Take your families home. Turn on your television, listen to your radio or listen to some Jamie Brown records. But get off the streets. Let's go back to our normal functions.

There is one other thing that I would like to say. Don't burn, give the kids a chance to learn. Don't terrorize, but organize. You know I wish I could stay down here but I've got to go back to Rochester tonight because anything might happen. I hope that nothing does happen and I want to prevent it. I will go everywhere to prevent it—everywhere in the world and everywhere in the City. . . . But I can tell you one thing. They know what I am talking about. There is nobody holding you up and telling you how to talk or when to talk or what to say."

SENATE ETHICS CODE

Mr. JAVITS. Mr. President, editorial comment has taken the Senate to task for failing to pass what it called an "effective" code of senatorial standards of conduct.

As I joined with Senator YARBOROUGH to sponsor one of the amendments allegedly responsible in part for this charge and as I have been a longtime advocate and sponsor of a Senate ethics code, I feel that I should state my position. Indeed, I was among the first to make public a statement of investment voluntarily which I have done for many years—and which I am doing again this year, even before the code takes effect.

The code of ethics which the Senate approved Friday, March 22, was not perfect. No one claimed that it was. It has both technical and substantive deficiencies. In particular, I believe that a grave mistake was made in not requiring the public disclosure of the financial interests of Senators and Senate employees compensated in excess of $15,000 a year, and I supported the unsuccessful effort to amend the resolution in this regard, because I think that publicity is the most important determinant of a Senator's conduct. Only through public disclosure can the electoral process—which, after all, is the final control on the conduct of Senators—be informed and meaningful. However, in our disappointment that more was not done, let us not forget the importance of what was done; that is, for the first time this body has attempted to set down standards of conduct for its Members. Improvements can and should be made, but the precedent has been established, the all-important first step has been taken.

(At this point, Mr. YOUNG of Ohio took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, as to the particular questions surrounding the so-called Yarborough-Javits-Griffin amendment, these points should be made. The resolution as originally presented to the Senate permitted the use of contributions to "defray the reasonable expenses, incurred or contemplated, of his office." It added, as a safeguard, that these contributions could be so used only if the Member made a "complete and accurate accounting of the source, amounts, and disposition of the funds raised." There is no such safeguard of public disclosure at this time. Thus, in this regard, the resolution represented a significant advance over present practice. However, I regarded the original resolution as much too general: for example, it would permit the use of contributions for such purposes as staff salaries, travel anywhere in the world, and any kind of office operation of a personal or political character. For this reason, I supported Senator CASE's amendment on Thursday, March 21, to strike this provision—which was successful by one vote.

Subsequently, Senators YARBOROUGH, of Texas, and GRIFFIN, of Michigan, came to me, as one who had supported the Case amendment, to join them in dealing further with the problem.

They were deeply concerned that the Case amendment, which I had supported, was implicitly inevitable to Senators, depending on their means. As I come from humble circumstances, this concern, and the amendment they offered appealed to me, and I added my name as a cosponsor.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. JAVITS. I was persuaded that Senators without private means should be able to raise and use contributions for office expenses provided the uses to which funds could be directed were limited in character, were specifically set forth, and provided that there was fully disclosed to the public the sources of such funds. In

this way, there would be no question of ambiguity or ignorance of the requirements. Although I run a very substantial deficit over and above my salary in order to maintain my office, I did not intend to accept the benefit of this provision. However, I am persuaded that there are those Senators who cannot afford to perform their senatorial duties and to report regularly and effectively to their constituents without some contributed financial aid.

I shall watch carefully the operation of this amendment and if experience shows it to be undesirable, I will move to repeal it.

There had been a good deal of concern expressed that high public office is available only to the wealthy. The Yarborough amendment will make it easier for any man, no matter what his financial worth, to serve as a Senator. I supported the amendment for this reason, for it is unjust and inequitable to allow this body to become a "millionaire's club." However, we have an obligation to insure that the sources, amounts, and disposition of funds used to assist a Senator in the performance of his duties will be publicly disclosed and can only be used for specific expenses associated with the Senator's duty to his constituents, such as travel to and from his home State, and mailing newsletters and reports to his constituents. I point out that this is the way campaign contributions are to be handled under the code and to make the requirements analogous seemed only fair.

Mr. President, I do not want this body to be a "millionaires' club." Neither does the country. This is a first trial at a code of ethics. The Yarborough amendment was sustained by a vote of 43 to 28, which vote was made possible when the Senator from Texas [Mr. YARBOROUGH] consented to reconsideration. Once this amendment was adopted, the Senate, by a vote of 67 out of 68, showed that it was in favor of the code. I think this code should now be given a fair trial. I will seek to amend it, for the reasons I have set forth, if it fails to provide adequate safeguards.

NEA TEACHERS-IN-POLITICS WEEKEND

Mr. JAVITS. Mr. President, in 2 weeks there will begin the "Teachers-in-Politics Weekend" sponsored by the National Education Association and its constituent State associations. The purpose of this effort is to encourage full participation by teachers in government and public affairs.

As was pointed out by Mrs. Mary Brooks, Republican National Committee assistant chairman:

> Teacher participation in the country's political affairs is an important project in the creation of a more responsible citizenry and a better government.

That teachers should be active participants on the political scene is underlined by the presence on this side of the Senate aisle of a number of our distinguished colleagues who were once members of the teaching fraternity; namely, the Senator from South Dakota [Mr. MUNDT]; the Senator from Oregon [Mr. HATFIELD]; the Senator from Texas [Mr. TOWER]; and the Senator from South Carolina [Mr. THURMOND].

The commemoration of "Teachers-in-Politics Weekend" emphasizes the theme that teachers should not only teach the elements of good government but should also practice them by their participation in public life.

TEACHER CORPS—ONE PROMPT WAY TO HELP OUR TROUBLED CITIES

Mr. NELSON. Mr. President, this Nation is still shocked and saddened at the tragic slaying of Dr. Martin Luther King, Jr., and the destruction which took place in a number of our major cities as a result.

These events, almost too awful to comprehend, will certainly lead to a nationwide reappraisal of our basic American policies and attitudes. After the momentous events of the first week in April 1968, it seems to me that America will never be quite the same again.

Without attempting in this brief statement to offer a comprehensive answer to the tremendous challenges which now face us, let me point today to one valuable tool which we have available to us right now to help us meet the serious problems which confront us in our troubled cities.

I refer to the Teacher Corps program, which Senator EDWARD KENNEDY and I first proposed in 1965, which won the support of President Johnson, and which was enacted into law.

The Teacher Corps was a recognition on our part that we have not done a good enough job in the past in preparing our young people for life in the America of today. Everyone knows of the problems confronting our schools, particularly in the more disadvantaged neighborhoods of our inner cities.

The greatest single need facing these schools—the one thing which could improve them almost overnight—is an infusion of new teaching power.

The schools in our troubled cities need dedicated, well-trained teachers—teachers willing and able to carry education beyond the classroom, out into the streets, the homes, and the neighborhood hangouts of the community.

That is precisely what the Teacher Corps was designed to do, and that is what it is doing, and doing well, in some 55 communities across the Nation today.

But the Teacher Corps program which we are operating today has been sharply scaled back, because ever since its inception it has been starved for funds.

If the Congress wants to take immediate action to help meet the challenges of the cities of America, I know of no wiser investment, no prompter and more effective way of meeting a serious and immediate problem, than to appropriate the funds necessary to make a substantial expansion of the Teacher Corps program.

I assume that everyone has noted that an astonishing number of the people involved in the disturbances of the past few days have been young people of school age.

I think we all understand to some extent the effects of years of discrimination and deprivation upon Negro adults. But the lack of commitment to accepted American values, the lack of a sense of community displayed by many school-age Negroes should be especially shocking to us.

These young people are, for the most part, not the products of life in a depressed rural area. Most of them are, or at least should be, enrolled in a modern public school in a major American city. But the school is neither modern nor adequately staffed. And yet this is where they spend much of their time, 5 days a week. This is where they are supposed to be developing their sense of community, and where they are learning how to fit into American society.

For those who have been all too complacent for all too long, the disturbances of the last few days should jar them awake and make them realize that we are not reaching many of these young people. For their sakes, for our sakes, for the sake of the American community, we have got to reach them.

The Teacher Corps offers us one effective way to do that.

Some may believe that education offers only a long-term answer. This simply is not so. A sense of immediate involvement in the school system is desperately needed if we are to create a sense of community in the ghetto neighborhoods. A sense of community, a network of active organizations, and a feeling of progress being made toward the solution of pressing problems are the only hope for a cessation of rioting. Police and troops cannot prevent riots. As an old professor of mine once said, you can do anything you want with a bayonet except sit on it.

The Teacher Corps is a program designed to meet that need. Teacher Corps members spend 2 years of service as well as training in the inner city community. Their jobs are not simply to teach in the classroom but also to teach in the community. To break out of the tight walls of the school building and to carry education into the streets and homes. Teacher Corps programs across the Nation have organized store front tutorial centers, carried on nursery schools organized by summer Headstart programs and staffed community education organizations.

If we were to appropriate the full authorization for the Teacher Corps this spring, Teacher Corps programs could be underway in some 75 communities across the Nation by August. These cities have already indicated a strong desire for Teacher Corps teams. Thousands of our best young people have written to the Teacher Corps indicating a willingness to serve now in those schools where they are most needed. We now have about 1,840 Teacher Corps members serving in over 50 cities across the Nation. These cities have all asked for larger programs. Another 30 cities have asked for Teacher Corps programs and are ready to go if funds are available this summer.

The Teacher Corps, which Senator KENNEDY and I introduced in 1965, has had its difficult times before Congress. It was caught in the controversy of Federal control of education. This was al-

ways, to my way of thinking, a false issue but I can understand the anxiety of those who were in doubt about the question.

At any rate, last spring through a series of amendments in the other body to provide cast-iron assurances of local control, the Teacher Corps gained bipartisan support. The problem then is one of appropriations. The administration has requested $31.2 million for the Teacher Corps. This is only enough money to bring 1,500 new Corps members into the program. In June the first group of corpsmen—those who entered the program in July of 1966—will be graduating.

In June, when the 850 corpsmen who entered the program in 1966 graduate, the $31.2 million will support a program of less than 2,500 corpsmen. But, if Congress were to appropriate the full authorization of $46 million, another 1,700 corpsmen could begin this summer. Existing programs could be enlarged and another 10 to 15 cities served.

The program has received the very strong endorsement of the Commission on Civil Disorders and the National Education Association. I ask permission to put those two statements into the RECORD at thi point. Many program have received strong endorsements but very few offer us the opportunity to bring our best young people into the places where they are most needed while providing them expert training.

I want to stress these points: Here is a program which has been remarkably successful in the schools where it has been used throughout the country. We have innumerable examples of students who were failing their courses and disciplinary cases who are now cooperative students interested in their schoolwork. School administrators have attributed this to the individual, personal attention and concern of corpsmen working with the students. And there are parents who now take an interest in the school because someone concerned about their child has made them aware of the importance of their concern.

I submit for the RECORD at this point, and ask unanimous consent to have printed a remarkable selection of endorsements from school principals, teachers, administrators, business and labor leaders.

No one can read these sincere comments about the work of the Teacher Corps program without concluding that here is a program that works.

I believe that we should immediately make the outlay required to mount a truly effective Teacher Corps program, to give these school systems and universities who want to face the challenges of urban education an opportunity to do so and to provide the thousands of young men and women eager to serve in ghetto communities a chance to carry out their idealism and help the youth of America who need it most desperately. I believe such money would be well invested.

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

REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS—IMPROVING THE QUALITY OF TEACHING IN GHETTO SCHOOLS

The teaching of disadvantaged children requires special skills and capabilities. Teachers possessing these qualifications are in short supply. We need a major national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students.

The Teacher Corps program is a sound instrument for such an effort. Established by the Higher Education Act of 1965, it provides training in local colleges or universities for teacher interns—college graduates interested in teaching in poverty areas. Corpsmen are assigned to poverty area schools at the request of a local school system and with approval of the state education agency. They are employed by the school system and work in teams headed by an experienced teacher.

The Teacher Corps has been enthusiastically evaluated by the National Advisory Council on the Evaluation of Disadvantaged Children and the National Education Association in terms of its ability to attract dedicated young people to the teaching profession, train them to work effectively in poverty areas and make substantial impact on students in these schools.

The impact of this highly promising program has been severely restricted by limited and late funding. As a result, there are now only 1,506 interns and 337 team leaders for the entire nation. The Teacher Corps should be expanded into a major national program. Funding should be provided at a level realistically scaled to the supply of interns and the need for Corpsmen and on a timely basis, so that prospective applicants can plan to enroll.

[News from the National Education Association]

NEA URGES EXPANSION OF TEACHER CORPS

WASHINGTON, D.C., March 13.—The National Education Association today urged expansion and extension of the Teacher Corps because its work has proven "to be essential in meeting the challenges of modern America."

"In the brief period of its existence, the Teacher Corps has already made an impact on American education," said Braulio Alonso, president of the one-million member professional teachers organization. "The young people involved as interns, with few exceptions, have brought new vitality to the school systems in which they serve," the NEA executive said.

The NEA has been deeply involved in the problems of children in "disadvantaged" areas, which extend to rural communities, regions which accommodate migrant workers, mountain people, American Indians, the Spanish-American in the Southwest, as well as heavily urban communities, Alonso noted. The Teacher Corps is one way in which the youngsters in these areas can be reached effectively, he added.

Referring to the colleges and institutions which groom and train tomorrow's teachers, Alonso observed: "Perhaps more importantly, because of the potentially far-reaching effect on teacher education institutions, the Teacher Corps program has led teacher educators to make their curricula more meaningful, more applicable to the situation that a greater number of beginning teachers face in the disadvantaged urban and rural communities," he said. Some corpsmen have complained that their university training has not been relevant to teaching in the ghetto.

The Teacher Corps, near death twice because of late funding, has mapped a plan to bring stability, and has asked for $31.1 million for fiscal 1969 (which begins July 1, 1968).

In a section on ghetto schools contained in the recent report of the National Advisory Commission on Civil Disorders, the Teacher Corps program is cited as "a sound instrument" for the "major national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students." A Report of the President's National Advisory Commission on Rural Poverty has stated that "The Elementary and Secondary Education Act and the Teacher Corps should make an impact on the structure of the school system."

"I am sure I can speak for the dedicated teachers throughout the nation, and the more than million members of the NEA who have worked so courageously to bring quality education to all children of all racial, religious, economic and cultural levels," Alonso said. "We applaud the efforts of the Teacher Corps and wholeheartedly support the proposal that their ranks be expanded, extended, and supported by the citizens and the Government of these United States," he concluded.

COMMENTS ON THE TEACHER CORPS, MARCH 1968

The People Left Behind, a report by the President's National Advisory Commission on Rural Poverty: "Experience . . . indicates that the quality of classroom teachers is probably the most important factor in the schooling of economically deprived children.

"The Elementary and Secondary Education Act and the Teacher Corps should make an impact on the structure of the school system."

Resolution by Executive Committee endorsed by the Annual Business Meeting, American Association of Colleges for Teacher Education: "The Committee also believes that the Teacher Corps deserves the continuing support of the President, the Congress, and the educational community. The Corps offers a unique opportunity to meet the educational needs of disadvantaged children through the participation of well-qualified young people in an effective training program with direct opportunities to work with these children."

From the Resolution on Education Adopted by the 7th Constitutional Convention, AFL–CIO: "The Teacher Corps with its turbulent legislative history has demonstrated that able young Americans will step forward to serve in the nation's poverty schools if they are offered imaginative training and support. The Corps has already made a significant contribution to ghetto school education which has enabled school systems and local universities to provide a practical demonstration of new methods in instruction and teacher training. We in the AFL–CIO hail these efforts. In this connection we urge the expansion of teacher training programs to effectively upgrade the skills of those teachers serving in ghetto school areas."

Charles Cogen, president, American Federation of Teachers: "The American Federation of Teachers reaffirms its long standing support of the Teacher Corps. Now that two years of successful practice in the Teacher Corps has shown that its theory works, we urge that all teachers be given the experience and training that the men and women of the Teacher Corps are now getting. We endorse an extended work-study program in the public schools and the schools of education for *all* teachers, suburban, rural, or inner-city."

Rudolph Sobernheim, Chairman National Affairs Commission, American Veterans Committee: "There is one aspect of the (Teacher Corps) program which is of special interest to us. The program offers an avenue of socially useful activity to veterans' who during their term of service in the Armed Forces have had experience as teachers in vocational as well as perhaps in more academic courses and who have absorbed modern teaching and training techniques. In view of the professed interest of the Armed Forces in helping discharged members of the Armed Forces to find civilian jobs, there is in the Teacher Corps an opportunity which should not be neglected."

Mario Fantini, Program Officer, Public Education Division, the Ford Foundation: "Some people have said that the Teacher Corps really ought to be a new change agent. It is clear what they are saying. I do know that you were given license out of the need, that you have an image that is positive, that you have support, and that you can translate these, if you have the strategy, into a force for fundamental reform. Or you could succumb and become part and parcel of the outdated system and be swallowed by it. I think this is your challenge."

Report of the Task Force on Juvenile Delinquency, President's Commission on Law Enforcement: "Programs such as the Teacher Corps seem useful for bringing new ideas and teaching methods into disadvantaged schools . . . We recommend that the Teacher Corps be increased to an enrollment of 5,000 to 10,000 annually, and that the emphasis be broadened to include ancillary educational personnel as members of Teacher Corps teams."

Sterling Tucker, Executive Director, Washington Urban League, Inc.: "Be assured of our interest in this important program and of our determination to seek its enlargement through channels open to us."

Martin Haberman, Director of Teacher Education for Central Atlantic Regional Educational Laboratory, Washington, D.C.: "The analysis that Teacher Corps people must fit in, flee or fight is very germane. I would hope that we would develop a role of teacher, somebody who works only two or three years at most—perhaps for all teachers. So that this idea of fitting in, fleeing or fighting won't be relevant."

Edgar Fuller, Executive Secretary, Council of Chief State School Officers: "We did and will continue to cooperate with programs which show the ability to adapt themselves to a real federal-state-local partnership in education. The Teacher Corps did and we did."

James Farmer, Professor of Social Welfare, Lincoln University, Former Director, CORE: "I insist that we have to know those other factors which make learning difficult and we must innovate. We must change our methods and offer techniques so that the children do learn. This to me is the exciting thing about the Teacher Corps. The interns very often are living in the communities and are given, hopefully, some familiarity with the problems which make learning difficult for the children. And thus they are made aware that the same methods, the same materials which have proved effective with white middle class youngsters will not be adequate for teaching youngsters whose frame of reference and his whole background is different. Teacher Corps interns will indeed know that maybe the kid in the class who keeps falling asleep is not being insolent. They'll know that he didn't sleep last night because the entire family is crowding into a one room flat in a Harlem. Or maybe the rats were running around that night. Or maybe he cannot concentrate because he did not have breakfast. Perhaps mama did not get home in time to fix his breakfast or, worse, perhaps there was nothing in the refrigerator, if there was a refrigerator."

Thomas Carr, Director, National Advisory Council on Education of Disadvantaged Children: "The Teacher Corps is a fine means of harnessing the idealism of an unusual group of young people. It can have a strong impact in the community and in the school, too, as soon as the interns begin really to teach! It is certainly not an effective large-scale recruiting device (as has unfortunately been implied), and in many cases additional effort must be made to revise curricula. However, it's quite clear to me that the experiment is paying off, and that it ought to be continued and expanded."

Frederick B. Routh, Executive Director, National Association of Intergroup Relations Officials: "Both NAIRO and I are heartily in favor of the Teacher Corps and will do what we can to bring to the attention of our members its need for additional funds."

Rev. Msgr. Lawrence J. Corcoran, Secretary, National Conference of Catholic Churches: "I recognize the value of the Teacher Corps program and am anxious to see it expanded to reach its full potential. We were dismayed to see the attacks to which it was submitted in Congress last year. It will have our support when it again is due for renewed appropriations."

James A. Hamilton, Director, National Council of Churches: "We are very interested in the Corps and are anxious to support it in every way possible."

Moe Hoffman, Washington Representative, National Jewish Welfare Board: "The National Jewish Welfare Board, by resolution, has endorsed the Teacher Corps and we are actively supporting it."

Rudolph T. Danstedt, Director, National Association of Social Workers, Inc.: "We consider this (Teacher Corps) program one of the truly innovative projects that the Congress has initiated."

Braulio Alonso, President, National Education Association: "In the brief period of its existence, the Teacher Corps has already made an impact on American education. The young people involved as interns, with few exceptions, have brought new vitality to the school systems in which they serve. Perhaps more importantly, because of the potentially far-reaching effect on teacher education institutions, the Teacher Corps program has led teacher educators to make their curricula more meaningful, more applicable to the situation that a great number of beginning teachers face in the disadvantaged urban and rural communities.

"We hope the Teacher Corps will be expanded and extended, for the successes thus far prove it to be essential in meeting the challenges of modern America."

Arkansas

Frank W. Smith, Superintendent of Schools, Menifee, Arkansas: "Teacher Corps members are getting a new type of training which fits perfectly in the scheme of things, as designs of the Office of Economic Opportunity are portraying and as the modern educational practices determined the academic and professional procedures necessary to meet today's intellectual and economic needs."

State of Arkansas Governor's Council on Childhood Development: "The Arkansas Teacher Corps program which is funded by the U.S. Office of Education, approved by the Arkansas State Department of Education, directed by the State College of Arkansas and functions in 10 local school districts represents an impressive means of providing specialized services to disadvantage children in elementary schools. Further, the Teacher Corps program is providing a systematic means whereby teacher training programs can be evaluated and important changes can be instituted. The Governor's Council on Childhood Development wishes, therefore, to endorse and support the Arkansas program because it has (a) demonstrated that cooperative relationships between colleges and local schools can be established; (b) initiated change in teacher training procedures, and (c) emphasized that individual assistance will enable disadvantaged children to realize sigfinificant benefits from their formal educational experiences."

California

Laurence A. Elrod, Superintendent of Schools, Cutler-Orosi School District, Orosi, California: "I see in the Teacher Corps another dimension added to the district which will provide well trained teachers at the end of two years. With this additional manpower supplied by federal funds, the faculty will have more time to devote to imaginative and creative teaching experience to enhance the education of all kids."

Florida

John Beery, Dean of School of Education, University of Miami, Coral Gables, Florida: "I feel that Teachers Corps is the best program I presently know of to secure effective and committed teachers for our schools in disadvantaged areas."

H. Franklin Williams, Dean, University College, University of Miami, Coral Gables, Florida, and Chairman, Economic Opportunity Program Miami, Florida: "I have been aware of the needs for special teacher skills in schools in disadvantaged areas. My conversation with members of the Teacher Corps and with the faculty and master teachers who work with them, convinces me that the Teacher Corps offers one way to get the necessary skills to those schools. The special knowledge of the community and the dedication which these candidates acquire must certainly enrich the educational resources of this country."

Coconut Grove Ministerial Alliance, Miami, Florida; Reverend T. Wright, President; Father Theodore Gibson, Secretary: "We believe the Teacher Corps is one of the finest programs for better education that has been on the horizon for a pretty long time."

James McKenna, Principal, Tucker Elementary School, Miami, Florida: "The Teacher Corps has enabled the schools to experiment and discover new and more appropriate ways to instruct children who are having little success in their academic experiences. These teachers are being properly equipped with the skills that are essential for coping with the learning disabilities of our children. Not only are they being afforded an opportunity to become more effective in their instructional programs, but they are also gaining an awareness and understanding of the environmental factors that contribute to the child's learning. They have informed themselves on the problems they think are community and the agencies attempting to solve them. This program has given a ray of hope that our schools will have more teachers with the dedication to persevere, the skills to achieve success, and the knowledge and desire to bring about change."

Mrs. Charles Williams, Assistant Principal, Booker T. Washington School, Miami, Florida: "The Teacher Corps is a relatively new program in the United States but without a doubt, will have effectiveness for a long-range educational program and long-needed uplift. There is no question about its value."

Terence O'Connor, Teacher Corps Coordinator, Dade County Public School, Miami, Florida: "The carrying out of many effective programs in our schools in Dade County would have been impossible without the extra assistance from teams from the Teacher Corps."

Manola Reyes, Spanish News Editor, Miami, Florida: "The Teacher Corps has been recently formed but in its short life has proven to be a bridge of understanding between cultures."

Georgia

John W. Letson, Superintendent, Atlanta Public Schools, Atlanta, Georgia: "Atlanta just ran a statistical analysis last spring on the performance and attitudes of Teacher Corpsmen, Title I teachers and regular classroom teachers. Teacher Corpsmen made the highest rating—well above any other group. I think this shows that Teacher Corps training has significant bearing on the performance and attitudes of its members."

Hawaii

The Honolulu Star Bulletin, October 25, 1967, Honolulu, Hawaii: "The idea for the Teacher Corps is buttressed by records—the records of youngsters who drop out of school,

the records of police and courts, the records of generation after generation who retain a place on welfare or seldom move far from that niche."

Illinois

James F. Redmond, Superintendent, Chicago Public Schools, Chicago, Illinois—*Increasing Desegregation of Faculties, Students and Vocational Education Programs*: "Recruiting, Preparation and Early Development of Teachers . . . Cooperative efforts between the Chicago Public Schools and teacher preparation institutions should emphasize instructions regarding the city and initial work contact in the innercity through student teaching, cooperative work-study, Teacher Corps, and service as teacher aides."

Jerome Sachs, President, Northeastern Illinois State, Chicago, Illinois and Chairman, Chicago Teacher Corps Consortium: "Chicago's Teacher Corps—a six-college complex collaborating with Chicago Public Schools—pools the resources of the seven institutions to develop a common curriculum for innercity school teachers. School personnel, as well as faculty from the six universities, cooperate in planning courses which are taught by the best faculty available from the six colleges and other Chicago universities. We believe this experimental program will uncover new ways to harness Chicago's tremendous educational and community resources to the solution of ghetto school problems."

Miss Maude Carson, Principal, Jensen Elementary School, Chicago, Illinois: "The Teacher Corps is a tremendous way to train prospective teachers. It takes them away from pure textbook training and puts them in live situations while they're getting their theory so that they can apply and/or modify the theory in practice. It is not only a timesaver, but a more practical way to develop teaching skills. I feel that it also gives the school a chance to use these special people to experiment with different kinds of groupings such as special reading and special math groupings. It provides the children in my community with an opportunity for organized, supervised, creative recreational and educational hours in the community. This has tended to link the school, the parents and the community more closely. I wish all prospective teachers could have been through such a program."

Burton Friedman, Principal, Oakenwald North Elementary School, Chicago, Illinois: "Teacher Corps has been an asset in my school. These are my reasons: The Teacher Corps people bring into the school another point of view. They also bring a fresh young vitality and exhuberance into inner city schools which was needed to stimulate some teachers who had been teaching for a long period of time and had gotten into a sort of doldrum. Helping to train the interns of the Teacher Corps, is also helping the administration to review and where necessary revamp programs in my school. Teacher Corps also gives an opportunity to do extra things such as better training for the day-to-day substitutes and supervisory work that would not be otherwise possible.

"In my school, in my experience, the Teacher Corps team has formed another link to the community. For example, there has been no Headstart program but the Teacher Corps moved into a school program which had already been instituted by people in the community but which had no trained personnel. This project is located in one of the low cost housing developments in the South Side of Chicago adjacent to the school. They give time and talent to this school project working with parents, and have had so much success that the program is now being expanded."

Mrs. Hermese Roberts, Principal, Mayo Elementary School, Chicago, Illinois: "I believe the Teacher Corps is a very wonderful idea and in my school the interns have performed well. I feel that Teacher Corps could set a new model for teacher training that would be beneficial to all teacher training programs."

Citizens Schools Committee, Chicago, Illinois: "The Citizens Schools Committee of Chicago applauds the concept of the Teacher Corps and the efforts of the young men and women who are enrolled in it. By working both in a school and in that section of the inner-city where it is located, a Corpsman is able to effect that mutual understanding and intercommunication which is essential to the task of arousing and sustaining a pupil's desire and ability to learn. A college graduate who voluntarily assumes this difficult, time-consuming, poorly paid task is performing a very valuable service."

Indiana

Donald Dake, Assistant Superintendent of Schools, South Bend, Indiana: "I think the quality of the interns is outstanding. They are extremely interested in the students, the instruction and the community life. They have been able to do things in the community that teachers have not had the time to do. We have teachers who have taught in these schools for years and they are now saying, 'We thought we knew how to teach but we don't know how to teach inner-city children.' I think the Teacher Corps concept is a way to make an impact on this problem."

Daniel McDevitt, Indiana State Department of Education: "The Teacher Corps hasn't really identified anything new in the way of problems. However it has identified some successful methods and approaches that probably should be studied and attempts should be made to incorporate these into regular teacher training programs. As an example, all secondary teachers, regardless of the speciality, should have a backgound in basic reading techniques, many of which the Corps has found successful."

Kentucky

James Cawood, Superintendent of Schools, Harlan County, Kentucky: "I think the Teacher Corpsmen have been most helpful and have served in the deprived areas very well. They are a dedicated group and have been willing to help and work in any area in which they can be helpful. In the lunchroom, classroom, and in the community they are quite an enrichment to the community. I have had no report of any conflict and we have had three groups up here. This is better than many government programs. It is a well accepted program by the teachers, the students, the community, the Board of Education and myself. It is a very fine program. It points the way for education to better itself by allowing trainees to earn while they learn. The state should try to initiate a program similar to Teacher Corps. It is a very fine program."

Jack M. Meisburg, Administrative Assistant for Instruction, Louisville Public Schools, Louisville, Kentucky: "The Teacher Corps is a splendid idea! It has helped to bring on a new era of cooperation between the college campus and the public school system which is mutually advantageous. In fact it is difficult to decide who benefits most: the Corpsmen, the cooperating teachers, the supervisory staff of the school system, the college departments of education, or the children. I suspect it is all of these, equally. We are enthusiastic about continuing the program."

Mrs. Carrie Smith, Principal, Perry Elementary School, Louisville, Kentucky: "I am very happy to have the Teacher Corps team in the building. They are a help to the children particularly in the disadvantaged area. The teams are energetic and cooperative and helpful to the teacher and children. Everything I know of these people is to their credit. I do hope that this program will be continued. The Corpsmen are a help and inspire the people in the community. They present a good image . . . what we need. They have leadership and we hope some of them will stay here in Louisville. They are really a credit and I do hope the program will last for a long, long time."

Owen B. Smith, Principal, Johnson School, Lexington, Kentucky: "It is a big help in the school system. It gives the kids individual help. It provides more personnel in the schools so each teacher has more time to devote to such small groups as reading groups. The Teacher Corpsmen can teach one reading group while the teacher works with another. The program has been a help and should be continued."

Louisiana

Carl J. Dolce, Superintendent, New Orleans Public Schools, New Orleans, Louisiana: "The Teacher Corps effort in New Orleans Public Schools has been a very successful one. Activities engendered by the Teacher Corps are providing the seeds for long overdue and, hopefully, more successful educational interventions. We look forward to continuation of this project."

Jof I. Giarrusso, Superintendent of Police, New Orleans, Louisiana: "Credit for the success of the community relations program at Gerttown should be given to you and the many other (Teacher Corps) people who have worked so diligently on this project. We all have a unity of purpose in mind and that is to improve conditons in these underprivileged areas."

Michigan

Norman Drachler, Superintendent of Schools, Detroit, Michigan: "Despite the usual problems of organization and program occurring in any school-university cooperative venture, there is reason to believe that the Teacher Corps is proving effective both as a way of preparing teachers and recruiting teachers for the inner-city.

"The on-the-job training has included a variety of experiences which appear to have been productive for school and children as well as a part of the training process. Those experiences have ranged from the establishment of after school activities such as cooking, art, drama, dancing, negro history, basketball and travel clubs, to working with the community to set up a pre-school hour during the day where mothers can participate in a parent education program with their children, to other kinds of community action such as successfully petitioning Parks and Recreation to open a local facility on Saturday and Sunday. In addition, Corpsmen have tutored individuals in small groups. The principal at Northern credits a career conference with increasing the number of college-bound students at that school. Corpsmen have conducted classes and in at least one school they have established a materials center where, under the direction of the team leader and the school consultant, they are actually developing and preparing materials to be used by teachers in that school. From all indications, including the evaluations of principals and our own consultant, these activities are of great value in the preparation of the Corpsmen, even as they bear fruit to the school system. Twenty Corpsmen began in September 1966 with four team leaders assigned from the teaching staff of the school system. A second cycle of nineteen Corpsmen and four team leaders began in September 1967. Twelve of the first twenty remain and all have agreed to teach in Detroit next fall. Of the nineteen in the second cycle, sixteen are still with us, most of whom have indicated a desire to remain in the inner-city.

J. Wilmer Menge, Dean, College of Education, Wayne State University, Detroit, Michigan: The College of Education at Wayne State University is exceptionally pleased to conduct a Teacher Corps program

in this community. We are in our second year of operation, and have 62 interns in the field. The Teacher Corps is one of the most realistic and relevant approaches to preparing urban teachers and in serving disadvantaged children at the same time. The impact on the college is positive and is infusing changes in our regular teacher preparation program. We are especially supportive of the close working relationship between the college and cooperating school systems in the program."

Edward Fort, Superintendent of Schools, Inkster, Michigan: "The team of Teacher Corps specialists which is operating in the Inkster, Michigan, school system at Carver Elementary School, has rendered a singularly significant service. Not only has its involvement made a discernible difference in the lives of youngsters with whom the team is working, but its liaison with parents has resulted in increased open lines of communication between the home and school. Teacher Corps must not only be retained, but expanded."

R. Clayton Jones, Assistant Executive Director, Pontiac Housing Commission, Pontiac, Michigan: "I believe the Teacher Corps can and will play an important role in developing communications channels between the parents and the teachers, especially in the area of minority group problems. During recent discussions held relative to this area, it became quite clear that many teachers were actually isolated and insulated as far as understanding the problems of minority group students. The Teacher Corps can serve as an in-service training program to sensitize teachers to these problem areas."

B. C. VanKoughnatt, Teacher Corps Coordinator, Pontiac, Michigan: "The five teams of Teacher Corps interns in Pontiac, Michigan have contributed to the educational program of our schools. We are interested in the continuation and expansion of a Teacher Corps program. The immediate benefits are equally divided between help given students and the liaison between school and community."

Minnesota

John B. Davis, Jr., Superintendent, Minneapolis Public Schools, Minneapolis, Minnesota: "As the superintendent of schools in Worcester, Massachusetts and more recently the superintendent in Minneapolis, I can report an early recognition of the value of the Teacher Corps as an agent for unifying the efforts of local school districts, teacher training colleges, deprived communities and concerned and competent young adults into a combined attack upon the problems of poverty through education . . . It is our earnest hope that more adequate appropriations by the present Congress will make possible a realization of the potential role Teacher Corps can play in effecting an improvement in educational opportunities for all American children."

Larry E. Harris, Director, Urban Coalition of Minneapolis, Minneapolis, Minnesota: "You can be assured that we will do everything possible to help the people of our community become more aware of this excellent (Teacher Corps) program and to provide whatever support we can."

Mississippi

Carl Loftin, Superintendent, Marion County Schools, Columbia, Mississippi: "The Teacher Corps is a very good program and I personally would like to see it set up permanently for training future teachers."

Sam Spinks, Superintendent, Hattiesburg Public Schools, Hattiesburg, Mississippi: "The use of the 'team approach' has been an excellent way of beginning integration of faculty. Acceptance by a small group and a limited number of schools has spread over the entire system."

Nebraska

Howard Moeckel, Superintendent of Schools, Winnebago, Nebraska: "Two years of actual experience should give interns a professional sense of competence in handling the unique and recurring situations in schools in problem areas."

James Cisar, Principal, Howard Kennedy School, Omaha, Nebraska: "I would like to see the Teacher Corps become a permanent service supported by the local Board of Education. This type of service training is an asset to our school and community as well as to the individual intern who, because of this experience, will have a more thorough background and understanding of the problems existing in poverty areas."

New York

Joseph Manch, Superintendent, Buffalo Public Schools, Buffalo, New York:

"The Buffalo Public Schools has had an excellent experience with the Teacher Corps over the past two years. The program has provided our schools with a highly innovative service of great value to both inner-city pupils and teachers.

"Aside from the value of having Teacher Corps teams operating in the schools, the program offers an opportunity for a close working relationship with the State University of New York College at Buffalo. This has been of great value to the Buffalo Public Schools and the college. The innovative practices which were initiated and carried out by the Corps in cooperation with the schools has provided new educational procedures which are being added to our existing program.

"In conclusion, we are extremely pleased with all aspects of our experience with the Teacher Corps. Because of our satisfaction we are eager to participate in another cycle of the program and are prepared to offer fullest cooperation in assuring its success."

Bernard E. Donovan, Superintendent of Schools, New York City, New York:

"Our experience this year already indicates that the interns constitute a valuable resource for the enrichment of education, and that the training received by Teacher Corps interns is extremely valuable in enabling them to better cope with the problems of teaching disadvantaged children. Also our school system is being provided with a reservoir of additional teachers."

North Carolina

Paul Buchanan, Superintendent, Jackson County Schools, Sylva, North Carolina:

"It's as though Teacher Corps were designed especially for Canada Township."

J. H. Melton, Superintendent, Haywood County School System, Waynesville, North Carolina:

"The Teacher Corps is an excellent example of local, state, and federal cooperation in a critical area of our society. This program is having a profound influence on the profession in the form of changes in teacher certification, techniques and methods; the role and responsibility of a teacher; and the relationship of the teacher to the community and its problems. Too long have we uttered pious words about the child-centered school and the community-minded teacher while both drifted farther away from reality. Corpsmen are bringing us back to the needs of children and the real problems of our communities."

Mrs. Gertie Moss, Principal, Canada Township, Canada, North Carolina:

"For the first time, the children and their parents feel like they are really people. We have all begun to hold our heads a little higher because CAP, VISTA, and the Teacher Corps, have come into our community to help us."

Ohio

Paul W. Briggs, Superintendent, Cleveland Public Schools, Cleveland, Ohio: "The Teacher Corps has provided a useful service in Cleveland's central city schools and their neighborhoods. Bright, able, and committed, Cleveland's Corpsmen have not only done their jobs well in the schools but they have also involved themselves with the community agencies of Greater Cleveland. Their activities include tutoring and counseling at the Bell Center in Hough, working with Neighborhood Youth Corps drop-outs to help them stay on the job, developing special reading classes for Central and Glenville youth, teaching at Cleveland's Adult Education Center.

"I believe that Corpsmen will be better inner-city school teachers because of their extended work-study internship which combines university study with actual work in city schools and communities. The Corps is particularly useful to us because we are training people to work with the disadvantaged."

Oregon

Willard Fletcher, Teacher Corps Coordinator, School District #1, Portland, Oregon: "Local recruitment has shown that we have fine local resources. The caliber of this year's Teacher Corps recruits leaves nothing to be desired."

Pennsylvania

Mark R. Shedd, Superintendent, School District of Philadelphia, Pennsylvania: "Simple statistics indicate that our response to the needs of urban, and particularly inner-city, children and youth have a long way to go. Quick 'gimicky' responses and programs have not effected significant results in our attempts to grapple with the functioning of the schools which should serve these children. If anything they have only reaffirmed the central significance of the teacher and his approach. At a time when teacher unions speak more and more of the impossibility of the task, the Teacher Corps has responded with powerful and hopeful alternatives within Philadelphia schools.

"I have been impressed, indeed, personally revitalized, by the spirit of commitment to urban children which Teacher Corps members bring with them—a spirit concretized in a storefront community center serving the young people of one of our most troubled high schools, in a mobile bookstore serving the North Philadelphia community which lacks a single bookstore; in the study centers conducted in four homes within an elementary school neighborhood; in a drop-out program organized in collaboration with the Temple University Mental Health Center.

"Teacher Corps members have explored and discovered new ways to reach children. They have accomplished, in many schools, a new oneness of purpose between teachers, parents, and children. Their achievements are real and solid. But it is their process which counts. It is a process which is contributing to a growing conviction that the emergence of a new school system within our city is not a lost dream, but a possibility."

Sidney P. Marland, Jr., Superintendent, Pittsburgh Public Schools, Pittsburgh, Pennsylvania: "The Teacher Corps is doing an excellent job in training your people as teachers to understand the problems of children and their parents in a deprived community. The neighborhood school laboratory is providing experiences designed to foster community involvement. In addition strategy of teaching are based upon the problems presented.

"Our program has an excellent background of university work in the cycle of human growth, development and learning. Sociology and economic understanding are vital to our training of the corps interns.

"The first cycle interns are really beginning to find the 'feel' for full-time teaching."

Marcus Foster, Principal, Simon Gratz School, Philadelphia, Pennsylvania: "At Simon Gratz High School, which is in the heart of the pocket of poverty, a disadvantaged community has great need of teachers who have an understanding of subject matter *and* of the community. The Teacher Corps has demonstrated proficiency in both. In a recent mobilization of com-

munity support for the expansion of the high school, the Teacher Corps played a prominent part in bringing to the attention of the public the disadvantaged that plague our city. The situation of overcrowding has, for a number of years, denied our students maximum intelligent fulfillment. The Teacher Corps has also helped to cure this situation."

Leon Osview, Assistant Dean, College of Education, Temple University, Philadelphia, Pennsylvania: "Temple University's College of Education is now operating some 22 cooperative programs with the Philadelphia School District. In our judgment, Teacher Corps is quite probably the most significant of these, for several basic reasons. One is that Teacher Corps' planning and work experiences are contributing new, exciting and effective ideas to our entire teacher education program. The second is we are really preparing—for the first time—teachers who are specialists in teaching children from the urban ghettos. The third is that our cooperative relationship with school district and community people have been greatly strengthened. A fourth is that Corpsmen success has changed the attitudes of Philadelphia from hostile to supportive, not only for Teacher Corps but for many other programs as well. We hope that Teacher Corps in some form or another becomes a permanent institution."

Puerto Rico

Juan Antonio Otero Colon, Superintendent of Schools, Torrecillas Parcelas, Morovis, Puerto Rico: "There is a favorable attitude of Corpsmen toward their work and toward school. They have felt the necessity of working out projects leading up to improve the teaching-learning situation and the relationships between teachers, directors, students, and community."

Rhode Island

Charles O'Connor, Superintendent, Providence Public Schools, Providence, Rhode Island: "I feel that the Teacher Corps has been of inestimable value to the Providence School Department in achieving its goal of city-wide integration. Through the cooperation of the Teacher Corps personnel, we have been able to reduce class size in the ghetto schools of the city and to achieve a degree of mediation never before tried in this system."

Tennessee

Tipton Estep, Superintendent, Carter County Schools, Elizabethton, Tennessee: "We were skeptical of Teacher Corps at first, but now that we have learned what a tremendous contribution they are making to our school system we wouldn't know what to do without them. Some of the contributions which come to mind are: First, they're providing tutorial assistance for some of our most disadvantaged pupils. Secondly, they're helping to reduce the teacher-pupil ratio in some of our most overcrowded schools. Thirdly, they're operating community centers in our county. And last they're finally getting parents involved in an adult basic education program which we feel will be of value to the total school system."

Robert Grindstaff, Principal, Pine Grove School, Hampton, Tennessee: "I didn't want anything to do with the Teacher Corps when it first came here. As you know, I have the most unusual school in this county, 23 students, grades one through eight and no modern facilities. Well, after a while I gave your intern a chance to do something. Now he has actually taken four of the grades and is teaching them some modern stuff. His influence in the community has helped the parents a lot. They finally started to be interested in our program and to make demands on the school system. I think he is a great asset to our total program."

Everett Gilley, Principal, Bernard School, Johnson City, Tennessee: "I would like to say 'Amen' to the praises of the Teacher Corps. I don't know what I did before they came to my school and this community. But I guess now I would have to close the doors if they left. We can see many innovations taking place as a result of Teacher Corpsmen here. I'm just happy to be associated with them."

William Hunt, Superintendent, Washington County Schools, Jonesboro, Tennessee: "The Teacher Corps is really doing more than it was expected to do. In addition to providing some much needed assistance in our disadvantaged schools, Corpsmen are bringing about change in the methods of teaching in many traditional teachers. They are doing extensive research and service to help us know more about the problems of the people in our community. I just wouldn't see how we could get along without them now."

Texas

Keith H. Ferrell, Teacher Corps Coordinator, El Paso Independent School District, El Paso, Texas: "Our Teacher Corps members sort of made life worth while in a school where all of us work extra hard to make that extra measure of progress with children who have so far to go to make it to equal footing with other young people in our society. We think it takes a little more of everything in our school to do the job . . . and most of all a little more of pupil personnel services as well as the extended instruction."

Rodolfo A. de la Garza, Superintendent, Rio Grande City Consolidated I.S.D., Rio Grande City, Texas: "From the purely educational point of view, the Teacher Corps, in my opinion, is the best that Washington has come up with."

A migrant parent, Ben-Bolt Palito-Blanco School District, Ben-Bolt, Texas: "These people have done more for our kids than we have done. When they're gone, it will all stop unless we start helping now so we can do it all when they leave."

Virginia

S. B. McMullen, Member of Executive Committee PTA, Gloucester, Virginia: "We wish that a Teacher Corps team could remain with us forever."

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

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

FUNERAL SERVICES FOR DR. MARTIN LUTHER KING

Mr. JAVITS. Mr. President, during the most impressive services yesterday at the Ebenezer Baptist Church in Atlanta, Ga., for Dr. Martin Luther King, and then the long march to Morehouse College, where the afternoon services were held, and the very impressive services which took place there, a number of things were said which would be very worthwhile to have before us.

I ask unanimous consent that a very impressive statement by the mentor of Dr. Martin Luther King, who was Dr. L. Harold DeWolfe, dean of Wesley Theological Seminary, which was made as a tribute, at the Ebenezer Baptist Church, together with the eulogy delivered by Dr. Benjamin Mays, retired president of Morehouse College, be made a part of my remarks.

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

THE TRIBUTE BY DR. L. HAROLD DE WOLFE

This is our prayer. Grant us thy gracious benediction.

It was my privilege to teach Martin Luther King, to march with him in Mississippi, agonize and pray with him in the midst of the worst violence at St. Augustine, to spend many hours counseling with him, to go through great volumes of his private papers organizing them, to spend many days and nights in his home. I know the innermost thoughts of this man as deeply as I know that of any man on earth. It has been the highest privilege of my life, this personal friendship.

Martin Luther King spoke with the tongues of men and of angels. Now those eloquent lips are stilled. His knowledge ranged widely and his prophetic wisdom penetrated deeply into human affairs. Now that knowledge and that wisdom have been transcended as he shares in the divine wisdom of eternity.

LIGHTHOUSE OF HOPE

The Apostle Paul has told us that when all other experiences and virtues of humanity have been left behind, faith, hope and love remain. But the greatest of these is love.

Martin exemplified all three in the rarest intensity. Amid the tempestuous seas and treacherous storms of injustice, hate and violence which threatened the very life of mankind, his faith was a solid, immovable rock. He received hundreds of threats upon his life, yet for 13 years he walked among them unafraid. His single commitment was to do God's will for Him; his trust was in God alone.

On that rock of faith God raised in him a lighthouse of hope. No white backlash nor black backlash nor massive indifference could cause him to despair. He dreamed a dream of world brotherhood and unlike most of us he gave himself absolutely to work for the fulfillment of this inspired hope. In that lighthouse of hope God lighted in Martin a torch of love. He loved all men. Even the hate-filled foe of all he represented he tried sympathetically to understand.

He sought to relieve the slavery of the oppressors as well as that of the oppressed. While overborne by incredible pressures upon his time and energy he yet had time to bring comfort and counsel to a bereaved boy he had never seen before or to park a car for a confused woman who was a complete stranger.

What a legacy of love is left to his faithful and gifted wife and these four dear children. They now share his dream, his faith, hope and love. They and the faithful little band of nonviolent crusaders who have been unfailingly with him from Montgomery all the way to Memphis. They are too few, they who have already made such a costly sacrifice.

It is now for us, all the millions of the living who care, to take up his torch of love. It is for us to finish his work, to end the awful destruction in Vietnam, to root out every trace of race prejudice from our lives, to bring the massive powers of this nation to aid the oppressed and to heal the hate-scared world.

God rest your soul, dear Martin. You have fought the good fight. You have finished your course. You have kept the faith. Yours is now the triumphant crown of righteousness. Your dream is now ours. May God make us worthy and able to carry your torch of love and march on to brotherhood. Amen.

THE EULOGY

Members of the bereaved family, distinguished citizens of the world, ladies and gentlemen.

To your great delight I'm cutting about five minutes off of this eulogy.

To be honored by being requested to give the eulogy at the funeral of Dr. Martin Luther King is like asking one to eulogize his deceased son, so close and so precious was he to me.

Our friendship goes back to his student days here at Morehouse. It is not an easy task. Nevertheless I accepted with a sad heart and with full knowledge of my inadequacy to do justice to this good man.

It was my desire that if I predeceased Dr. King he would pay tribute to me on my final day. It was his wish that if he predeceased me I would deliver the homily at his funeral. Fate has decreed that I eulogize him. I wish it might have been otherwise for after all I am three score years and 10 and Martin Luther is dead at 39.

How strange.

God called the grandson of a slave on his father's side and the grandson of a man born during the Civil War on his mother's side and said to him—Martin Luther—"Speak to America about war and peace. Speak to America about social justice and racial discrimination. Speak to America about its obligation to the poor and speak to America about nonviolence."

Let it be thoroughly understood that our deceased brother did not embrace nonviolence out of fear or cowardice. Moral courage was one of his noblest virtues. As Mahatma Gandhi challenged the British empire without a sword and won, Martin Luther King Jr. challenged the interracial injustice of his country without a gun. He had faith to believe that he would win the battle for social justice.

COURAGE IS HAILED

I make bold to assert that it took more courage for Martin Luther to practice nonviolence than it took his assassin to fire the fatal shot. The assassin is a coward. He committed his dastardly deed and fled. When Martin Luther disobeyed an unjust law, he suffered the consequences of his action. He never ran away and he never begged for mercy.

He returned to Birmingham jail to serve his time. Perhaps he was more courageous than soldiers who fight and die on the battlefield.

There is an element of compulsion in their dying. But when Martin Luther faced death again and again, and finally embraced it, there was no external pressure. He was acting on an inner urge that drove him on, more courageous than those who advocate violence as a way out, for they carry weapons of destruction for defense. But Martin Luther faced the dogs, the police, jails, heavy criticism, and finally death, and he never carried a gun, not even a pocket knife to defend himself.

He had only his faith in a just God to rely on and his belief that thrice is he armed who has his quarrels just—the faith that Browning writes about when he says: "One who never turned his back but marched to press forward never doubted that clouds would break, never dreamed that right, though worsted, wrong would triumph. . . ."

BELONGS TO POSTERITY

Coupled with moral courage was Martin Luther Jr.'s capacity to love people. Though deeply committed to a program of freedom for Negroes, he had a love and a deep concern for all kinds of people. He drew no distinction between the high and the low, none between the rich and the poor. He believed especially that he was sent to champion the cause of the man farthest down. He would probably have said: "If death had to come I am sure there was no greater cause to die for than fighting to get a just wage for garbage collectors."

This man was suprarace, supranation, supradenomination, supraclass and supraculture. He belonged to the world and to mankind. Now he belongs to posterity.

But there is a dichotomy in all of this. This man was loved by some and hated by others. If any man knew the meaning of suffering, Martin Luther knew—house bombed, living day-by-day for 13 years under constant threat of death, maliciously accused of being a Communist, falsely accused of being insecure, insincere and seeking the limelight for his own glory, stabbed by a member of his own race, slugged in a hotel lobby, jailed 30 times, occasionally deeply hurt because his friends betrayed him.

And yet this man had no bitterness in his heart, no rancor in his soul, no revenge in his mind, and he went up and down the length and breadth of this world preaching nonviolence and the receptive power of love.

He believed with all of his heart, mind and soul that the way to peace and brotherhood is through nonviolence, love and suffering. He was severely criticized for his opposition to the war in Vietnam. It must be said, however, that one could hardly expect a prophet of King's commitment to advocate nonviolence at home and violence in Vietnam.

Nonviolence to King was total commitment not only in solving the problems of race in the United States but in solving the problems of the world.

Surely, surely this man was called of God to his work. If Amos and Micah were prophets in the eighth century B.C., Martin Luther King Jr. was a prophet in the twentieth century. If Isaiah was called of God to prophesy in his day, Martin Luther was called of God to prophesy in his day. If Hosea was sent to preach love and forgiveness centuries ago, Martin Luther was sent to expound the doctrine of nonviolence and forgiveness in the third quarter of the twentieth century.

If Jesus was called to preach the Gospel to the poor, Martin Luther was called to bring dignity to the common man. If a prophet is one who interprets in clear and intelligible language the will of God, Martin Luther Jr. fits that designation. If a prophet is one who does not seek popular causes to espouse but rather the causes which he thinks are right, Martin Luther qualifies on that score.

NOT AHEAD OF TIME

No, he was not ahead of his time. No man is ahead of his time. Every man is within his time. Each man must respond to the call of God in his lifetime and not somebody else's time.

Jesus had to respond to the call of God in the first century A.D. and not in the twentieth century. He had but one life to give. Jesus couldn't wait. How long do you think Jesus would have had to wait for the constituted authorities to accept him—25 years, 100 years, 1,000 years, never? He died at 33. He couldn't wait.

Paul, Copernicus, Martin Luther, the Protestant reformer, Gandhi and Nehru couldn't wait for another time. They had to act in their lifetimes. No man is ahead of his time.

Abraham staying with his country in obedience to God's call, Moses leading a rebellious people to the Promised Land, Jesus dying on a cross, Galileo on his knees recanting at 70, Lincoln dying of an assassin's bullet, Woodrow Wilson crusading for a League of Nations, Martin Luther King Jr. fighting for justice for garbage collectors, none of these men were ahead of their time. With them the time is always right to do that which is right and that which needs to be done.

Too bad, you say, Martin Luther Jr. died so young. I feel that way, too. But as I have said many times before, it isn't how long one lives but how well. Jesus died at 33, Joan of Arc at 19, Byron and Burns at 36, Keats and Marlowe at 29 and Shelley at 30, Dunbar before 35, John Fitzgerald Kennedy at 46, William Rainey Harper at 49 and Martin Luther King Jr. at 39.

It isn't how long but how well.

PEOPLE RESPONSIBLE

We all pray that the assassin will be apprehended and brought to justice but make no mistake, the American people are in part responsible for Martin Luther King's death. The assassin heard enough condemnation of King and Negroes to feel that he had public support. He knew that there were millions of people in the United States who wished that King was dead. He had support. The Memphis officials must bear some of the guilt for Martin Luther King's assassination.

The strike should have been settled several weeks ago. The lowest paid man in our society should not have to strike to get a decent wage a century after emancipation and after the enactment of the 13th, 14th and 15th Amendments. It should not have been necessary for Martin Luther King Jr. to stage marches in Montgomery, Birmingham, Selma and go to jail 30 times trying to achieve for his people those rights which people of lighter hue get by virtue of the fact that they are born white.

We, too, are guilty of murder. It is a time for the American people to repent and make democracy equally applicable to all Americans.

What can we do? We and not the assassin, we and not the President, we and not the apostles of hate, we represent here today America at its best. We have the power to make democracy function so that Martin Luther King and his kind will not have to march.

DID NOT DIE IN VAIN

What can we do? If we love Martin Luther King and respect him as this crowd surely testifies, let us see to it that he did not die in vain. Let us see to it that we do not dishonor his name by trying to solve our problems through rioting in the streets.

Violence was foreign to his nature. He warned that continued riots could produce a Fascist state. But let us see to it also that the conditions that cause riots are promptly removed as the President of the United States is trying to get us to do. Let black and white alike search their hearts and if there be any prejudice in our hearts against interracial or ethnic groups let us exterminate it and let us pray, as Martin Luther would pray if he could: "Father forgive them, for they know not what they do."

If we do this, Martin Luther King Jr., will have died a redemptive death for which all mankind will benefit. Morehouse will never be the same because Martin Luther came by here and the nation and the world will be indebted to him for a century to come.

It is natural, therefore, that we here at Morehouse and Dr. Foster would want to memorialize him to serve as an inspiration to all students who study in this center.

I close by saying to you what Martin Luther King Jr. believed: "If physical death was the price he had to pay to rid America of prejudice and injustice nothing could be more redemptive." And to paraphrase words of the immortal John Fitzgerald Kennedy, permit me to say that Martin Luther King Jr.'s unfinished work on earth must truly be our own.

Mr. JAVITS. Mr. President, one thing that was said, in a most modest way, by the assistant pastor of Ebenezer Baptist Church, Rev. Ronald English, and when I say modest, I mean it; the capacity of that church is under 250, and it has a relatively small congregation—I shall never forget. Listen to what this very fine young assistant pastor said. I hope I never forget the words, and I hope the Senate never forgets the words.

He said:

He who would blaspheme the name of Martin Luther King will do violence in the streets.

I repeat:

He who would blaspheme the name of Martin Luther King will do violence in the streets.

I have hardly in my lifetime ever heard anything so well put, carrying so much meaning, as that. Indeed, this was the whole life of Martin Luther King, and the assistant pastor said it in a way that, it seems to me, all the world can understand. I think it deserves to rank in modern terms with, "Love thy neighbor as thyself," and other short, famous expressions, as, in my faith, "Behold, I have given you a good doctrine. Forsake it not," and many statements of the same kind. I repeat it on the Senate floor so that somewhere it may be preserved, I ask that the full text of Reverend English's prayer be printed in the RECORD.

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

PRAYER BY ENGLISH

Let us bow our heads in a moment of solemn utterance.

Eternal and everlasting God Our Father. The height of our aspirations, the depth of our existence, Thou who are the giver and sustainer of life, from Whom all things have come and to Whom all things shall return, we beseech Thy comforting presence in this hour of deepest bereavement.

For our hearts are heavily laden with sorrow and remorse at the removal of one of history's truest representatives of Thy Will and purpose for mankind.

While we pray for comfort we pray for wisdom to guide our thoughts aright at this hour. For we, oh God, in our limited vision cannot begin to comprehend the full significance of this tragic occasion.

And so we raise the perennial question of Job: "Why?" as we weep for the moment.

Yet we are reminded by the best of the Christian tradition that in the total economy of the universe good will ultimately triumph. Though sorrow tarries for the night, joy comes in the morning.

We know, oh God, that even in this little while of sorrow we need not weep for the deceased, for here was one man truly prepared to die.

NO FEAR OF DEATH

In his last hours he testified himself that he had been to the mountaintop, that his eyes had seen the glory of the coming of the Lord. We know he had no fear of death.

Help us to find consolation in the fact that his life was a gift given to us at this crucial juncture in our history out of the graciousness of Thy being.

And so we had no real claims upon him. In the fullness of time he came and in the fullness of time he has gone. He knew where he came from and he knew where he was going.

And so as we abide in this knowledge our gratitude will abate our sorrows.

We know, oh God, that life is but a moment in eternity and that he who lives for the moment will surely die, yet he who lives for eternity and dedicates his life to those ultimate principles of truth, justice and love as this man has done will never die.

Inspire us to accept the imperative that his life so fully exemplifies—that we would not judge the worth of our lives by their physical longevity, but by the quality of their service to mankind.

He has shown us how to live, oh God. He has shown us how to love. Yet the manner of his teaching and the manner of his being was so strange and unfamiliar in our world, a world that abounds in war, hatred and racism, a world that exhausts the wicked and crucifies the righteous, a world where a word of condemnation is familiar while a word of kindness is strange.

So this man was a peculiar man. He taught a peculiar teaching. So he was not of this world. So in the course of human events the forces of time, faith and the hopes of the oppressed converged upon a single man.

Though once in a century the midwife of oppression snatches from the womb of history a child of destiny, the record of events testifies to fact that history cannot bear the truth.

We have witnessed the life of the crucified Christ and we have seen the slaying of Martin Luther King. So like a wild carniverous beast that turns upon and devours them, history has turned once more upon its own because it could not bear the truth that he spoke or the judgment that he brought.

CHALLENGE STATUS QUO

And so, like Jesus, not only did Martin Luther King challenge the status quo, but he challenged our mode of existence. Therefore, like Jesus, he had to die as a martyr for a cause that challenged the world's assumed posture of security.

The light came into the darkness but the darkness knew it not.

Oh God, our leader is dead. And so now the question that he posed during his life finds us in all its garing proportions: "Where do we go from here? Chaos or community."

We pray, oh Merciful Father, that the removal of this man will not nullify the revelation given through him.

Undergird our feeble efforts with Thy strength and renew our courage to devote the full weight of our being to the ideas that he has thus far so nobly advanced.

Deepen our commitment to nonviolence so that this country will not be run asunder by a frustrated segment of the black masses who would blaspheme the name of Martin Luther King by committing violence in that name.

Grant that the Congress and President of this nation who have been so generous and gracious in their memorial tributes will be guided by the memory of this suffering servant and return to the legislative halls determined to pass without compromise or reservations legislation so vitally needed to preserve domestic tranquility and prevent social disruption.

PRAYER FOR PEACE

Grant, oh lover of peace, that we will effectively negotiate for a peaceful settlement in Vietnam to end the brutal slayings and communal atrocities committed in the name of democracy.

Turn our hearts, oh God, to hear and respond to the echoes of this undying voice of the ages, a voice of love and reconciliation in the present, a voice of hope and confidence in the future.

Grant that in response to his sacrificial death we will work toward that day when the long and tragic tune of man's inhumanity to man will resolve into a chorus of peace and brotherhood. Then love will tread out the baleful sighs of anger and in its ashes plant a tree of peace.

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

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

TEMPORARY TRANSFER TO SINGLE DISTRICT OF CIVIL ACTIONS INVOLVING ONE OR MORE COMMON QUESTIONS OF FACT

Mr. TYDINGS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on S. 159.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 159) to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact, and for other purposes, which were, on page 3, line 20, after "of" insert "the".

On page 5, line 3, after "for" insert "an".

On page 5, line 4, strike out "tranfer" and insert "transfer".

Mr. TYDINGS. Mr. President, S. 159 was passed by the House of Representatives on March 4. The amendments are extremely minor.

The word "the" is inserted on page 3, line 20.

The word "an" is inserted on page 5, line 3.

On page 5, line 4, there is a correction of the spelling of "transfer".

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

AMENDMENTS TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES

Mr. PERCY. Mr. President, in general, I believe that the amendments to the Charter of the Organization of American States are useful and sensible and reflect well on the judgment of those who negotiated them.

However, I feel that I would be remiss if I did not express my reservations to chapter III, article 8, which provides for the exclusion from membership of "political entities" whose territory was in dispute with an OAS member prior to December 18, 1964, until that dispute has been ended by peaceful procedure.

As has been noted by the Committee on Foreign Relations, this amendment to the charter would enable Venezuela to keep Guyana out and Guatemala to keep British Honduras out.

It is my feeling that a policy of inclusiveness would better serve the Organization of American States by bringing within this family of nations any American states which care to participate with the Organization in promoting peace, justice, and stability in the hemisphere.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before the vote on the treaty is taken, I would like to have the attention of Senators and the attachés of the Senate.

I have been informed that the next order of business after the treaty is disposed of will be a conference report on the supplemental appropriations. And I have been further informed that at that time a live quorum will be requested.

I suggest, therefore, that the attachés of the Senate and the appropriate Senate officials pass the word to each Senator as he comes in and ask him please to stay on the floor for a little while so that he can hear the debate.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, our asking for a live quorum was not with any desire to trouble anyone. We know that the time is short today, and we intend to shorten very much the time of debate.

We would like to have an oppportunity to speak in the presence of Senators so that they will know what the matter is about and will be able to vote on it in an informed manner.

EXECUTIVE SESSION—PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, under the order entered on Monday, the Senate will now go into executive session to vote on the resolution of ratification on Executive L (90th Cong., first sess.), protocol of amendment to the Charter of the Organization of American States.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oregon [Mr. MORSE], the Senator from Wyoming [Mr. MCGEE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. YOUNG of North Dakota. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Oregon [Mr. HATFIELD], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from California [Mr. KUCHEL], the Senator from California [Mr. MURPHY], and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The Senator from Texas [Mr. TOWER] is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Oregon [Mr. HATFIELD], the Senator from California [Mr. KUCHEL], the Senator from California [Mr. MURPHY], the the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 101 Ex.]

YEAS—75

Allott	Gruening	Morton
Baker	Hansen	Moss
Bartlett	Harris	Mundt
Bayh	Hart	Muskie
Bennett	Hartke	Nelson
Bible	Hayden	Pell
Boggs	Hill	Percy
Brewster	Holland	Prouty
Brooke	Hollings	Proxmire
Burdick	Hruska	Randolph
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Scott
Cannon	Javits	Smith
Carlson	Jordan, N.C.	Sparkman
Case	Jordan, Idaho	Spong
Church	Long, Mo.	Stennis
Clark	Long, La.	Symington
Cooper	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Dominick	McGovern	Tydings
Ellender	McIntyre	Williams, N.J.
Ervin	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Mondale	Young, N. Dak.
Griffin	Monroney	Young, Ohio

NAYS—0

NOT VOTING—25

Aiken	Hickenlooper	Morse
Anderson	Kennedy, Mass.	Murphy
Curtis	Kennedy, N.Y.	Pastore
Dirksen	Kuchel	Pearson
Dodd	Lausche	Ribicoff
Eastland	McCarthy	Smathers
Fannin	McClellan	Tower
Gore	McGee	
Hatfield	Montoya	

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Two-thirds of the Senate present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SENATE SHOULD APPROVE EVEN STRONGER TRUTH-IN-LENDING BILL ALONG LINES PASSED BY THE HOUSE

Mr. TYDINGS. Mr. President, on February 1, the House of Representatives approved S. 5, the truth-in-lending bill, by an overwhelming 382-to-4 vote. The bill will be considered by a House-Senate conference committee on Tuesday.

The House strengthened and improved the Senate bill in a number of very important ways. Representative LEONOR SULLIVAN, of Missouri, deserves the thanks of all consumers for her vigorous leadership in defending and improving the Senate bill.

Of course, none of this excellent protection for businessmen and consumers would be possible but for the extraordinary work of the Senator from Wisconsin [Mr. PROXMIRE], who, as the principal author of S. 5 and chairman of the Subcommittee on Financial Institutions, at last brought a very good bill to the Senate floor.

Mr. President, I am proud to have been a cosponsor of S. 5. I wish to make a few remarks today, however, not only as a cosponsor, but also as chairman of the Subcommittee on Business and Commerce of the Committee on the District of Columbia. In recent weeks, our subcommittee has been conducting hearings on the need for a broad range of consumer protection measures in retail installment sales. S. 5, of course, is a national bill and applies both to sales and cash loans.

A number of the problems exposed by our District of Columbia hearings would be significantly ameliorated by provisions which the House added to S. 5. On the basis of my investigation of retail sales abuses in the District, therefore, I strongly urge the Senate conferees to accept the House amendments improving the truth-in-lending bill.

Let me mention several of these improvements. First, the House bill eliminates the exemption the Senate granted for credit transactions in which the service charge is $10 or less. This is a fine victory for the average consumer, and, indeed, for all families, since the exemption would, in fact, deny this disclosure protection to the majority of ordinary transactions involving goods which cost as much as $100 to $110.

Second, the House bill eliminates the Senate's exemption permitting disclosure of monthly, rather than annual, rates for revolving credit charge accounts. If this exemption is not removed there is a real danger that a great percentage of consumer credit transactions would be quickly converted into revolving credit plans. This would, of course, defeat the purpose of the bill—to promote com-

parison shopping among competing sources credit by requiring disclosure of credit terms in readily comparable form.

Moreover, this exemption would give large department stores and others an unfair advantage over small retailers and lending institutions. I do not think the Senate intends, or will defend, such a discriminatory exemption, and I think this House amendment should be agreed to.

Third, the House bill effectively limits the amount of workers' wages which can be garnisheed by creditors in order to insure that wage earners and their families will not be harassed into virtual penury, and reduced to despair. Garnishment of wages has become the modern equivalent of debtors' prison, and most observers now agree that while debtors should pay their debts, they should not be subjected to harsh and inhumane collection pressures.

In addition, this House amendment forbids any employer from dismissing an employee who is subject to a single garnishment. I have found in my investigations that many employers follow a general practice of firing anyone whose wages are garnisheed. Such a practice tragically compounds the disabilities of the unfortunate debtor, and certainly does not help him to pay what he owes.

Fourth, the House bill gives new protections to homeowners who agree to give security interests in their homes in connection with credit transactions. Our District of Columbia Subcommittee hearings have conclusively shown that home mortgages entered into in connection with consumer sales—of home improvements in particular—are the foundation for a particularly flagrant set of abuses.

We have disclosed dozens of cases in which homeowners were tricked into unknowingly signing mortgage instruments by fast-talking salesmen who present to the confused homeowner piles of papers—including a concealed mortgage instrument—representing these papers as necessary for completion of the sale of goods or services.

The House amendment would protect homeowners by requiring clear disclosure, stated prominently on the face of the sales agreement, that a security interest in property was involved. Moreover, it would require a 3-day waiting period before such a contract could be concluded following notice to the homeowner that a security interest in his property was necessary for completion of a transaction. The notice and delay requirements should materially assist homeowners in both understanding and calmly evaluating any proposed agreement to place security interests on their homes.

Mr. President, while this provision of the House bill is excellent as far as it goes, in my judgment the facts disclosed in our District of Columbia consumer protection hearings clearly show it does not go far enough.

Our investigations have shown an extraordinary well-established system of abuse in this field which the House amendment does not touch. Typically, consumer finance agreements involving security interests in property are assigned by sellers to financing institutions. When foreclosure becomes desirable, these institutions claim that they are holders in due course of the assigned agreement, and that they had no notice of the frauds practiced by the sellers who obtained the security interests.

In our hearings, I have found that the holder in due course claim acts as the capstone of schemes to defraud the consumer. I believe that the only effective means to protect the consumer in credit sales is to permit him to assert all defenses he may have regarding the original seller against the finance company which purchases his note or obligation from the seller. In other words, the holder in due course doctrine should be removed from the battery of legalistic weapons which finance companies can use against aggrieved consumers.

The House provision regarding security interest does give some necessary protection against improper use of the holder in due course doctrine in mortgage transactions, and—do not mistake my criticism—I am pleased to have this step forward and I think it should be enacted in this bill. The House provision does so by providing that finance companies engaging in a continuing business relationship with sellers must, when they bring foreclosure actions, bear the burden of proving that they had no way of knowing that the original seller violated the disclosure or delay requirements of the act.

This provision, although useful, is, in my judgment, only a halfway step. I hope that the Congress will act in the near future, both for the District of Columbia and the Nation, to give stronger protection to consumers against the undue advantage which the holder in due course doctrine now gives to finance companies. I expect to sponsor appropriate national legislation in this field and I hope to secure very soon favorable Senate committee action on my District of Columbia bills.

In sum, I strongly support the added protections for the consumer which the House adopted in approving the truth-in-lending bill. I believe that in those matters where the House did not go far enough, nonetheless an excellent base for future legislative action is established and we should not fail to enact as much protection as we can in this bill.

I strongly urge the Senate conferees and the Senate to accept, in particular, the four House amendments to S. 5 that I have discussed.

SENATOR SMITH—1968 WOMAN OF THE YEAR

Mr. WILLIAMS of Delaware. Mr. President, the senior Senator from Maine [Mrs. SMITH], who also is chairman of the Republican conference of Senators, received a signal honor last month at a dinner given in her honor by the Congressional Secretaries Association. With 1,000 employees of House and Senate offices present, Senator SMITH received The 1968 Woman of the Year Award by a vote of Capitol Hill employees. This is a well-deserved tribute to an able Member of the Senate.

I ask unanimous consent that the words on the plaque she received be printed in the body of the RECORD at the conclusion of my remarks, along with a brief biographical sketch the congressional secretaries had printed in the dinner program.

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

PLAQUE AWARDED U.S. SENATOR MARGARET CHASE SMITH

The Congressional Secretaries Club is proud to present this award "the 1968 Woman of the Year," to the First Lady of the Congress.

The only woman in the history of the nation to have served in the United States House of Representatives and the United States Senate, the Honorable MARGARET CHASE SMITH, United States Senator, Republican, State of Maine.

Recognizing her outstanding record of devotion to the highest principles of public service during twenty-eight years in the United States Congress, holding an all-time phenomenal record of rollcall votes, being the only woman ever placed in nomination for President by a major political party; and having served in numerous leadership positions testing and proving her ability and her statesmanship.

JIM DUPREE,
President.

March 23, 1968.

U.S. SENATOR MARGARET CHASE SMITH

Mrs. Margaret Chase Smith, Republican, Skowhegan, Maine, served in the U.S. House of Representatives from 1940–1949, and the U.S. Senate from 1949 to date. Senator Smith has been a top vote-getter time after time, and has broken all records in her own State. She is the only woman to ever have been elected to four full terms in the United States Senate.

Senator Smith is the first woman to have been placed in nomination for President at a national convention of a major political party. In the final ballot at the 1964 Republican National Convention, she received the second highest number of votes. She is the first woman elected to a leadership post in the United States Senate, being unanimously elected Chairman of the Conference of all Republican Senators on January 10, 1967.

The only woman to serve in both houses of Congress, she was first elected to the House of Representatives in 1940 to fill the vacancy created by the death of her husband, the late Clyde H. Smith. Prior to that, she had served on the Republican State Committee (1930–1936) and as secretary to her husband during his congressional service (1937–1940). Prior to her marriage, she was successively a teacher, telephone, newspaper and woolen company executive. She was a nationally syndicated columnist for more than five years.

Her principal committee service in the House was on the Naval Affairs Committee for which she drew presidential commendation. She also served on the House Armed Services Committee. In the Senate she has served on the Appropriations Committee, the Armed Services Committee, the Space Committee, the Government Operations Committee, the Rules Committee the District of Columbia Committee and the Republican Policy Committee. In 1953 and 1954 she was Chairman of the Ammunition Shortage Investigating Subcommittee and the Reorganization Subcommittee and is presently serving on the Appropriations Committee, the

Armed Services Committee, the Space Committee, the Preparedness Investigating Subcommittee, and the C.I.A. Subcommittee. She has served as a Lieutenant Colonel in the Air Force Reserve and is the acknowledged Champion of Reserve legislation in Congress, having been cited for her service by the Air Reserve Association, the National Guard Association and the Reserve Officers Association.

Senator Smith has traveled extensively throughout the world from 1944 through 1961. Very few people have conferred with as many leaders of nations as has she. She has been rated as one of America's best and most effective ambassadors of good will.

In addition to the 1968 Woman of the Year award, Senator Smith has received degrees from 51 colleges, including George Washington University (1958), University of Maine (1949), Southeastern Massachusetts Technological Institute (1967), and American International College (1966).

Among her national honors are: (1967) One of the Most Influential Women in the World—UPI Poll; (1965) Women's Twentieth Century Hall of Fame; (1964) Woman of the Year—United Press Radio Editors; and (1964) Gold Medal Award for Humanitarianism—Institute of Social Sciences.

REGIONAL IMPACT OF RESEARCH AND DEVELOPMENT FUNDS

Mr. NELSON. Mr. President, the problem of an equitable distribution of Government research funds is still a knotty one, and one which this Congress should give serious consideration to correcting.

A 1965 report by the National Science Foundation noted that many industries are investing greater amounts of money in R. & D. activity than in other forms of long-term investments.

The key to the future for industry, and this country, lies in well-planned, well-financed research programs.

Most of the industry-performed research programs were federally financed.

In 1965, $7.8 billion was supplied by the Government while only $6.4 billion was supplied by the industries for R. & D. programs.

The Midwestern States of Wisconsin, Indiana, Michigan, Ohio, and Illinois spent one-third of the national total of industry-financed research funds. Yet they received only 5 percent of the total of the Federal funds granted for industry performed research. This is a situation which cannot go unchallenged.

I am happy to learn that the National Academy of Sciences and the National Academy of Engineering are embarking on a study which will relate research expenditures to the economic impact on the regions where the funds are spent.

A decent interval should be allowed before we expect answers to this important problem. Meanwhile, I look forward to the time in the near future when the Congress will be given the benefit of the Academy's findings and views.

I ask unanimous consent that two items worthy of a few minutes reading by my colleagues be inserted in the RECORD at this point. They are an article in the National Academy of Science's December 1967 newsletter, and a research memo published by the Division of Research and Statistics of the State of Ohio.

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

ACADEMIES BEGIN STUDY OF RESEARCH AND DEVELOPMENT AND REGIONAL DEVELOPMENT

A study of the impact of science and technology on regional development in the United States has been initiated by a special committee of the National Academy of Sciences and the National Academy of Engineering.

The fourteen-member group will study the major issues involved in the relationship of research to regional economies and prepare a report of its findings and recommendations. It is under the chairmanship of Daniel Alpert, Dean of the Graduate College and Professor of Physics at the University of Illinois.

Some aspects of the underlying issues are reflected in the public expectations about the potential regional economic benefits of institutions devoted to research or development. The most recent example is the highly publicized competition among various regional groups in the site selection for the 200-billion electron-volt accelerator. Should research and development be viewed as bones of regional contention or as activities that can help all regions of the country to share in and contribute effectively to the nation's economic advance?

Some individuals are concerned with the effect of federal policy on research grants or development contracts that have tended to enhance the technological status and competence of those regions of the country already well developed and to limit the development of regions that have not crossed the threshold of "high technology" industrialization. On the other hand, there are also serious concerns that the basis for present successful research achievements and vital contribution to federal missions may be undermined by the imposition of new and arbitrary criteria on the location of the institutions in which the R & D is carried out. There are valid concerns that a simplistic approach to the relationship of research or engineering to economic development may result in unrealistic objectives and failure to produce the hoped-for results. The committee study is intended to make a searching assessment of these issues.

FOUR PRELIMINARY SEMINARS

During the past year, a small core group of persons working on the problems for the two Academies has conducted four informal one-day seminars in Washington as a prelude to the larger study. These seminars led to the formation of the Committee on Science, Engineering, and Regional Development, the membership of which was completed in late November.

The committee hopes to provide guidance for future decisions at both the local and federal levels. Among the major topics it will investigate and appraise are:

The public expectations and the actual dimensions of R & D in the national economy. This will involve an attempt to gather and to present the stated views of political, financial, scientific, and engineering leaders on the implications of R & D to the national economy. The committee will gather information on the existing dimensions and distribution of R & D in the country and attempt to characterize how the different categories of institutions relate to the economy.

The underlying social, political, and economic factors that are necessary ingredients of economic development. The questions raised here bear on the matching of research or development with regional problems and resources and the role of local and federal decision-making in applying research or engineering to the problems of a region.

Categories of research and development and the dimensions of their regional impact. This will identify the significant differences between the major activities that come under the heading of research and development. It will include a delineation of the nature of the activities and the time expectancy for such activities to make a contribution to society.

The locational impact of R & D institutions. This will include an examination of the effects on a given region of different kinds of institutions—university, not-for-profit laboratories, industrial and government laboratories. Such a study will include an assessment of the role of R & D institutions together with an appraisal of other factors that may be involved in the development of a high-technology complex, such as risk capital, entrepreneurial skills, and political leadership.

Research or development activities directed toward the solution of regional economic problems. This will include an assessment of the kinds of supportive research or engineering activities (as distinguished from the location of the institutions in which they may take place) that may enhance the economy of a region. Examples of successful or unsuccessful experience from the past will be considered.

POLICY IMPLICATIONS

Following its assessment of these issues, the committee plans to consider the policy implications, suggested by such questions as—

1. In the pursuit of a strong national economy, to what extent should the distribution of federal research support be allotted on the basis of the geographic location of the R & D institutions and to what extent should it be allotted on the basis of the activities carried out within them?

2. In the context of its environmental impact on the regional economy, what additional criteria (i.e., beyond the selection of the region) might be used in the site selection for a new R & D installation?

3. Should geographical criteria enter into the allocation of funds that specify R & D activities rather than institutional support?

4. To what extent can location of major federal research installations, in regions that are culturally, educationally or scientifically less well developed, be an effective means of bringing such regions along so that they share in and contribute effectively to the over-all advance of the nation?

Plans call for the study to be completed by July of 1968. The members of the Committee on Science, Engineering, and Regional Development are Daniel Alpert (chairman), U of Illinois; Guy Black, George Washington University; Raymond Bowers, Cornell; Joseph Feldmeier, The Franklin Institute Research Laboratories; Clifford C. Furnas, Western New York Nuclear Research Center; William Garrison, U of Illinois at Chicago Circle; William K. Linvill, Stanford; Stephen Quigley, American Chemical Society; George S. Schairer, Boeing Co.; Albert Shapero, U of Texas; George Simpson, Jr., University System of Georgia; Dort Tikker, Nationwide Industries, Inc.; Murray Weidenbaum, Washington University; and Ralph Widner, the Appalachian Regional Commission. The executive secretary is Lawson M. McKenzie.

The study is being carried out under a contract with the Department of Commerce. Throughout the preliminary phases of the work, care has been taken to secure the cooperation of the government departments and Academy groups whose missions are relevant: the Office of Science and Technology; the Council of Economic Advisers; the National Science Foundation; the Department of Agriculture; the Small Business Administration, as well as participation of the officials of the Economic Development Administration of the Department of Com-

merce who are responsible for oversight of the contract.

RESEARCH MEMORANDUM NO. 68

To: Willard P. Dudley, administrator, Ohio Bureau of Employment Services.

From: William Papier, director, division of research and statistics.

Subject: Industrial research and development, 1965.

In its latest survey of "Basic Research, Applied Research, and Development in Industry, 1965" the National Science Foundation notes that "Many industrial firms tend to view expenditures for R&D activity and businesss expenditures for new plant and equipment as alternative methods of investing for long-term growth." The Foundation points out further that whereas new capital expenditures rose 48 percent between 1956 and 1965, total industrial R&D expenditures jumped about 115 percent. With the growth of industrial R&D from a $3.6 billion endeavor in 1953 to $14.2 billion in 1965:

"New modes of competition have evolved, with increased emphasis being placed on new and improved products and processes. It is anticipated that further changes in the competitive structure of American industry will develop as R&D activities continue to grow."

Most of the industry-performed R&D, however, was federally financed. Of the 1965 total, $7.8 billion came from federal funds while $6.4 billion (45 percent) stemmed from company funds. The ten leading states, in terms of their percentages of total federal and total company funds for industry-performed R&D were:

Federal funds	*Percent*
California	40
New York	8
Massachusetts	5
New Jersey	5
Florida	4
Pennsylvania	3
Texas	3
Maryland	3
Alabama	3
Ohio	2
Other States	24
All States	100
Company funds	
Michigan	14
New York	13
New Jersey	10
California	10
Pennsylvania	8
Ohio	7
Illinois	7
Massachusetts	3
Indiana	3
Texas	3
Other States	22
All States	100

The distribution of federal funds for industry-performed research and development was far different from that for company funds. California alone received a greater share of federal funds than the remaining nine states combined, among the top ten. In the case of company funds Michigan led the states, but the remaining top nine divided nearly two-thirds of the national total.

The East-North-Central States (Ohio, Illinois, Indiana, Michigan, and Wisconsin) spent one-third of the national total of company funds devoted to R&D. They received only 5 percent of the federal funds, however, for industry-performed R&D.

The extent to which company funds are devoted to R&D offers a measure of company assessment of prospective returns on such investments. It is probably indicative also of the relative status of scientists capable of research and development within various industries. At any rate, the National Science Foundation survey measured—for manufacturing industries throughout the nation—company funds devoted to R&D in 1965 as percentages of net sales. These industries ranked as follows:

	Percent
All manufacturing	2.0
Professional and scientific instruments	4.2
Chemicals and allied products	3.6
Electrical equipment and communication	3.5
Aircraft and missiles	3.4
Machinery	3.2
Motor vehicles and other transportation equipment	2.3
Rubber products	1.7
Stone, clay, and glass products	1.5
Fabricated metal products	1.2
Petroleum refining and extraction	1.0
Primary metals	.7
Paper and allied products	.7
Lumber, wood products, and furniture	.5
Textiles and apparel	.4
Food and kindred products	.4
All other manufacturing	.7

Company funds amounting to 2 percent of net sales suggest rather moderate support of research and development by manufacturing industries. Nevertheless, if we consider industries above the 2 percent level as strong supporters of R&D, and those below this level as weak supporters, and assume that Ohio manufacturers reflect national patterns in their respective industries, then this question becomes pertinent: What proportion of factory employment in Ohio is represented by industries whose support of R&D through company funds is relatively weak? The answer, based on 1965 averages, is 57 percent.

These data suggest that in order to improve Ohio's R&D potential, and as a result to enhance our competitive position among other states in the development and sale of new and better products and services, two needs are indicated: (1) to increase Ohio's share of federal funds for industry-performed R&D substantially above 2 percent of the national total; and (2) to urge Ohio industries allocating company funds to R&D amounting to less than 2 percent of net sales to lift their sights and allocations. A third need, suggested by data presented in Research Memo No. 65, is to raise salaries of Ohio scientists in business and industry above the national level. The national median for 1966 was $13,000, as compared with $12,000 for Ohio.

COMMENDATION OF NATIONAL EDUCATION ASSOCIATION

Mr. INOUYE. Mr. President, I want to commend the efforts of the National Education Association to encourage teachers to participate fully in the political processes of the Nation. April 5, 1968, marked the beginning of a Teachers-in-Politics Weekend designed to launch this movement in every State under the auspices of the National Education Association.

I have been encouraged by the fact that in recent months teachers in many parts of our country have exhibited a growing determination to make their voices heard in the land. Our teachers are charged with the education of our children and this most certainly includes an understanding of our political system and how this system can be made to respond to the desires and sensitivities of our citizenry.

Increased political activity on the part of our teachers deserves our wholehearted support at a time when only a fuller understanding of the American democratic system can help us resolve the many problems which confront us today.

RACIAL AND SOCIAL JUSTICE—A PETITION

Mr. CASE. Mr. President, 2 days ago a committee of students from Rutgers University came to Washington to present a petition urging congressional action to eradicate the causes of urban unrest. The petition was signed by more than 6,400 citizens in the New Brunswick area of New Jersey. The petitions were circulated by A Committee for a Better World for a period of only 48 hours. The response is therefore truly noteworthy, I believe, and heartening evidence of the concern of many Americans for racial and social justice in America.

As an alumnus of Rutgers, I am particularly proud of the initiative taken by these students.

I ask unanimous consent that the text of the petition be printed in the RECORD.

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

The death of Martin Luther King, Jr., marks the culmination of the major American tragedy. Not even this great Christian could attack non-violently the cult of racism and live.

We the undersigned wish to express our deepest, most profound sympathy at the death of Martin Luther King, Jr. Furthermore we wish to exert every fiber of our strength as men and women in a democratic society in order that our people and its government eradicate racism and inequality. Specifically we demand that the U.S. Congress guarantee, through the strictest of legislation, Open Housing, regardless of race, color, or creed. We also emphatically suggest that it is the responsibility of the Federal government to allocate whatever financial, human, and legal resources are necessary to bring about quality-integrated education adequate employment, equal opportunity, equal justice, and equal security for all.

Martin Luther King's dream is also ours.

ALASKAN MAN OF THE YEAR, BOB BARTLETT

Mr. GRUENING. Mr. President, my good friend and colleague from Alaska [Mr. BARTLETT] has been honored as the Alaskan of the Year. It is a real privilege for me today to say a few words about BOB and the distinguished Alaskan Award of the Year which he received March 29 in Anchorage. Proceeds from the Alaskan of the Year banquet benefits the R. B. Atwood—Alaska Methodist University—scholarship fund.

The Alaskan of the Year is a man with whom I have worked for many years, and I look forward to working with him for many more years. BOB can talk about Alaska and its promise and its challenge with the prescience needed to combat and overcome the impediments and problems which sometimes seem available in numbers greater than necessary. He does his job as U.S. Senator from Alaska with the quiet courage and vast knowledge we respect and love.

This morning in the mail I received a copy of House Concurrent Resolution 61, of the Alaska State Legislature, which commends BOB as the Alaskan of the Year. The resolution is self-explanatory. I ask unanimous consent it be printed in the RECORD.

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

HOUSE CONCURRENT RESOLUTION 61

Concurrent resolution commending Senator E. L. Bartlett, "Alaskan of the Year"

Be it resolved by the Legislature of the State of Alaska:

Whereas Senator E. L. "Bob" Bartlett has served Alaska and the nation with wisdom and integrity for many years; and

Whereas Senator Bartlett by his consistent devotion to the loftiest principles of representative democracy has shown himself deeply deserving of the highest recognition and praise; and

Whereas Alaskans will forever be indebted to Senator Bartlett for the social and economic benefits he has brought to the state;

Be it resolved that the Fifth Legislature joins the people of Alaska and the people of the nation in heartily congratulating Senator E. L. "Bob" Bartlett upon his being chosen Alaskan of the Year."

THE ALEX B. POSSINO CASE

Mr. LONG of Missouri. Mr. President, I am much pleased to announce that justice has finally been done in the case of Alex B. Possino, an employee who was fired by the Internal Revenue Service in May 1966, for having allegedly accepted a bribe.

Mr. Possino has suffered at the hands of IRS for almost 2 years now, and I am happy to say that he is to be restored to his former position this month.

The IRS case against Mr. Possino was a very weak one. To quote from the Civil Service Commission's Appeals Board decision which came down on March 8:

The agency's entire case as presented in this appeal consists of the sworn statement of a convicted racketeer and admitted perjurer (Grosso), an undated unsigned statement purported to be that of another convicted racketeer and admitted perjurer (Sigal), and some circumstances that this Board finds supporting the credibility of the employee instead of the agency.

The IRS' own hearing officer threw out the charges against Possino after a hearing in March 1967. Appealing through agency channels, IRS had the initial decision of its hearing examiner reversed. Possino then went before the Civil Service Commission's Philadelphia Regional Office. Once more, he was found not guilty and it was recommended that he be restored to his former position.

Not satisfied, IRS submitted an appeal to the Commission's Board of Appeals and Review. On March 8, 1968, the Board upheld the ruling of its regional office and again recommended that Mr. Possino be restored to his former position as a Revenue agent. This decision is final and the IRS can appeal no further.

As the Board pointed out in its decision:

The agency surely had more information than this on which it based its removal action. The file makes reference to the existence of an FBI report that was not made a part of the case file.

I can only add that if IRS had more evidence they surely would have brought it out in the open in one of the four forums that heard the case. Yet they did not do so, and we can only conclude that there was no such additional evidence. Despite this fact the IRS prosecuted this case against Mr. Possino with a vengeance such as I have never before seen.

Let us hope that IRS will accept the ruling of the Board and refrain from any further harassment of Mr. Possino.

There is one other interesting aspect of this case. At the initial hearing at the agency level, there was some testimony concerning some "national raids" carried out by IRS against certain gambling places in the Pittsburgh area. According to this testimony, many such raids are carried out for publicity purposes only. If IRS does conduct gambling raids solely for publicity purposes, I think we should look into this practice.

I ask unanimous consent that the full decision of the CSC Board of Appeals and Review in the Possino case be printed in the RECORD.

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

U.S. CIVIL SERVICE COMMISSION, BOARD OF APPEALS AND REVIEW—DECISION IN THE MATTER OF ALEX B. POSSINO, INTERNAL REVENUE AGENT, INTERNAL REVENUE SERVICE, PITTSBURGH, PA.

INTRODUCTION

The Internal Revenue Service appealed from the decision of the Commission's Philadelphia Regional Office issued October 19, 1967, recommending Mr. Possino's retroactive restoration to the position of Internal Revenue Agent, GS–12, step 4, Internal Revenue Service, Pittsburgh, Pennsylvania. He had been removed from this position on October 17, 1966.

STATEMENT OF THE CASE

By letter dated May 26, 1966, the agency proposed to remove Mr. Possino on charges of "Disclosure of Confidential Information, and Solicitation of Money From Taxpayers". On July 6, 1966 Mr. Possino's oral reply was heard by Mr. James R. Nolan, Chief, Administrative Division, District Office, Internal Revenue Service, Pittsburgh, Pennsylvania. Mr. Nolan's report of the oral reply also contained a recommendation that the letter of proposed adverse action be withdrawn. The agency notice of final decision of removal dated September 29, 1966 found the charges "fully supported by the evidence" and Mr. Possino was removed effective October 17, 1966.

An appeal through agency channels under Part 771 of the Commission's regulations was filed and an agency hearing was held on March 14–15, 1967 before Mr. Rex D. Davis, Assistant Regional Commissioner of the Cincinnati Regional Office. Mr. Davis' report of the hearing issued May 12, 1967 found the charges and specifications not sustained. The agency appeal decision issued August 28, 1967 stated that the charges and specifications were sustained and denied the appeal.

FIRST-LEVEL DECISION

Hubert I. Teitelbaum, Attorney at Law, submitted Mr. Possino's appeal to the Commission's Philadelphia Regional Office on August 31, 1967. The Regional Office by its decision issued October 19, 1967 found that the specifications of the charges were not sustained by the record and recommended Mr. Possino's retroactive restoration.

ANALYSIS AND FINDINGS

The agency submitted its appeal to the Board on October 24, 1967. Representations were received from the agency and Mr. Possino's attorney.

The charges in this case stem from an affidavit by Anthony M. Grosso dated May 6, 1965, tabbed as number 15 in the agency appeal file; an unsigned and undated statement allegedly given to the Federal Bureau of Investigation by Meyer Sigal, tabbed as number 14; and an affidavit dated July 8, 1966 by Michel J. Pugliese, tabbed as number 13. Mr. Pugliese's affidavit is to the effect that he was present as Mr. Sigal's legal counsel on June 3, 1965 when Mr. Sigal made an oral statement to two Agents of the FBI and that unsigned and undated statement attributed to Mr. Sigal and tabbed as number 14 is an accurate copy of what Mr. Sigal had said to the FBI on June 3, 1965.

The appellate file reflects that Mr. Grosso and Mr. Sigal were leading gambling rackets figures in the Pittsburgh area, both were convicted for violation of Federal Gambling laws, both were admitted perjurers, and both were seeking the assistance of the U.S. Attorney in reducing their sentences by making disclosure of alleged bribery of public officials in the Pittsburgh area.

The crux of the case is stated by the agency in its letter of February 16, 1968 wherein it states, "Fundamentally, this case turns on whether Grosso and Sigal were telling the truth when they gave their statements to the FBI. We think they were." Mr. Possino has continually denied the charges. The representations on both sides primarily were how the circumstantial evidence either supported or refuted the Grosso-Sigal statements.

The agency official designated to hear Mr. Possino's oral reply to the letter of proposed adverse action had the authority to make a recommendation as to the final decision. After hearing the oral reply in behalf of Mr. Possino, he recommended withdrawal of the letter of charges because the case against Mr. Possino consisted entirely of the statements of two admitted perjurers without any supporting or corroborating evidence. This recommendation was apparently ignored as reflected by the agency's decision of removal. The agency Appeals Hearing Officer, after hearing the case, found that the Grosso-Sigal statements were not credible and unsupported, and that the charges and specifications against Mr. Possino were not sustained. The agency appeals decision sustaining the charges gave no explanation as to why the Hearing Officer's findings were not followed.

The agency has contended that the evidence supports the credibility of the Grosso-Sigal statements. The contention that the details in Grosso's statement of an alleged ride in Larkin's car in 1960 in the North Side of Pittsburgh, in an area Larkin had lived in and knew very well, shows that Grosso knew of Larkin's familiarity with that area; and that this knowledge came about from Grosso's actual experience during the ride. This does not prove or support the Grosso statement at all. It would not have been too difficult to learn where Larkin lived, and information about the North Side of Pittsburgh is available to anyone, especially residents of the Pittsburgh area.

The Grosso statement alleges that Possino and Larkin gave him advance information about ten National Raids in 1960 and the agency contends that this was of value to Grosso. The testimony in the hearing was to the effect that these National Raids were for publicity purposes only and that advance knowledge of them would have been of little value; and further, no evidence was intro-

duced showing a pattern of "busted" or "tipped off" National Raids in 1960. If Grosso had truly been tipped off about ten National Raids in 1960, this would have and should have become evident to the agency.

Larkin was identified at the hearing as an undercover agent who played a major role in securing Grosso's conviction. The Board is unable to accept the agency's position that while working as an undercover agency agent actively and positively developing information that resulted in Grosso's conviction, Larkin made himself known to this same Grosso and took money from him for advance information on raids. If Larkin was in Grosso's pay, it is strange that Mr. Grosso was arrested and convicted.

No close connection between Larkin and Possino was ever revealed. They were in two different divisions in the agency and were not known to be friends. In fact, Sigal's statement alleges that he asked if Possino knew Larkin and the reply was in the negative. Larkin and Possino both have vigorously denied Grosso's allegations and their credibility has not been succesfully attacked.

Sigal's statement tells of a meeting with Possino at a bowling alley in early 1962 where Possino bowled regularly, and the evidence showed that Possino did have a regular bowling night at that alley. Sigal could have learned of the bowling alley by meeting Possino there in order to give him money; however, Sigal could have learned of his bowling through any of the many official government business meetings they had together, or through other means. The fact that Sigal's description of the area is correct does not prove that he learned of it only by virtue of having travelled that route with Possino. Accurate information as to places, locations and geographic details is available to anyone, and especially those who live in the general area.

The Sigal statement alleges that Sigal's personal income tax returns were basically correct, however, he alleges he paid Possino $3500 in 1962 to take care of his personal tax matters. The statement alleges that Possino proposed making errors in favor of the government in his computations so that at a tax conference Sigal could point out the errors and the conference would be settled in his favor. It appears that there was an error in the computations, however Sigal's accountant found them out by himself. The hearing produced testimony that this type of arrangement had never been heard of and it did not appear plausible that Sigal would pay $3500 for this when his returns were basically correct. If his returns were basically correct, there is some question as to the need for any conference to begin with.

The agency contends that Mr. Possino's job was to determine whether Sigal had correctly reported all his income, and to do that, he had to first determine the source of said income, and that it was that source that Sigal wanted to protect and that was why he paid the money to Possino in 1962. An examination of Sigal's statement and the evidence of record disclosed that the source of Sigal's income was already known to Mr. Possino and to the agency in 1962. In addition, Sigal had already been arrested in a raid on his numbers headquarters in November 1961, by the agency, so he really had nothing to protect.

The agency's entire case as presented in this appeal consists of the sworn statement of a convicted racketeer and admitted perjurer (Grosso), an undated unsigned statement purported to be that of another convicted racketeer and admitted perjurer (Sigal), and some circumstances that this Board finds supporting the credibility of the employee instead of the agency. The agency surely had more information than this on which it based its removal action. The file makes reference to the existence of an FBI report that was not made a part of the case file.

After a careful review of the complete appellate file and all subsequent representation on the part of the agency and Mr. Possino, the Board of Appeals and Review finds that the agency's charges against Mr. Possino have not been supported by the evidence of record.

DECISION

The Board of Appeals and Review hereby affirms the decision of the Commission's Philadelphia Region issued October 17, 1967 sustaining Mr. Possino's appeal, and recommends that he be restored to the position and grade from which he was removed retroactive to the date following the removal on October 17, 1966.

Section 772.307(c) of the Commission's regulations provides that decisions of the Board are final and there is no further right of appeal.

ACCOMPLISHMENT OF THE BOARD'S RECOMMENDATION

Under Section 752.401 of the Civil Service Regulations, this recommendation is mandatory and the administrative officer of the agency concerned shall take the corrective action recommended. The Board's decision is the authority to take corrective action by cancellation of the notification of personnel action which accomplished the appellee's removal, in accordance with instructions contained on page V–79, Federal Personnel Manual Supplement 296–31. Within a period of ten days from receipt of this notice, please furnish the Board of Appeals and Review with a copy of the official notification of personnel action advising the appellee with respect to the accomplishment of the required corrective action. The report should be addressed to the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415, Attention: Compliance Desk

For the Commissioners:

WILLIAM P. BERZAK,
Chairman, Board of Appeals and Review.
MARCH 8, 1968.

THE PROBLEMS OF THE FARMERS

Mr. YOUNG of North Dakota. Mr. President, the problems of the Nation's farmers and the continuing migration from our rural areas to our cities are among the most pressing problems facing us today. The Nation's commercial farmers are not enjoying an income that is anywhere near comparable to that received by people employed in other lines of endeavor. The small farmer who would like to supplement his farm earnings with off-farm employment is too often unable to find these opportunities.

An outstanding discussion of these problems appeared in the December 1967 issue of the Kansas Farmer in an article written by our colleague, the distinguished Senator from Kansas [Mr. PEARSON].

Mr. President, because of the urgent nature of this problem and the timeliness of this article I ask unanimous consent that it be included in the body of the RECORD as a part of my remarks.

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

THE "GOLDEN AGE" FOR AGRICULTURE: WHAT HAPPENED?

(By Senator JAMES B. PEARSON)

During the first part of 1966 optimistic assessments of the farm situation were numerous. Pointing to the depletion of our once great surpluses, many government officials, farm leaders, and agricultural writers were predicting higher farm prices and a gradual removal of production controls. This general sense of optimism caused some commentators to talk about a coming "Golden Age" for American agriculture.

However, the past few months have demonstrated that if there is ever to be a "Golden Age" it is still some way off. The promising price trend of early 1966 has reversed itself. Operating costs have continued to rise. Thus, once again the farmer is caught in a price-cost scissors which will cut net income figures for 1967 considerably below the 1966 level.

Several factors led to the optimistic miscalculations of last year. First, in the spring of 1966 we began to recognize the extent to which our decade-old CCC owned surpluses had been depleted. Second, it was about this time the growing concern about world food shortages reached something of a fever pitch. Many then over-reacted to these two developments.

Relieved that the surpluses were gone, we too quickly forgot how long it had taken to get rid of them. At the same time, many overestimated the export market potential by being too quick to assume that the mere existence of widespread nutritional deficiencies represented an almost unlimited demand for American farm products. But this ignored a hard learned historical lesson; namely, that there is no necessary connection between the food needs of the less developed nations and their actual capacity or willingness to import farm commodities at reasonable prices from the exporting nations such as the United States.

Another error in judgment conspired to expand the optimistic bubble. Poor crops had been harvested in several parts of the world for the past 2 or 3 years and specialists in the USDA were predicting that 1966 would be another marginal year.

However, by late summer it became apparent that actual production figures would hit an all time high. The miscalculation for wheat was particularly great. The earlier estimate of a moderate world crop was an important factor in the decision by the Secretary of Agriculture to expand domestic wheat acreage allotments by 30 percent. Then the confirmation of a large crop at about the same time that the acreage increase was announced had the effect of starting a reversal in the wheat price trend.

In essence the optimism of early 1966 resulted from faulty estimates of future supply-demand relationships; effective demand was overestimated, real supply was underestimated. While supply levels have not reached the surplus conditions of a few years ago, marketing volumes in recent months have been enough heavier than effective demand to force a general price decline.

Explanations of recent price conditions must take note of another factor. During 1966 the Administration took a series of actions (including large sales of CCC stocks, changes in Defense Department purchasing, the cattle hide embargo, curtailment of P.L. 480 sales, and others) which were aimed at slowing down the upward trend in farm prices that had begun to develop. This was an ill-conceived effort to reduce some of the general inflationary pressures that were beginning to get out of hand.

Precisely what were the Administration's long range intentions will be debated for some time. However, one thing is clear; these actions served to create a widespread belief that the Administration was committed to a policy of keeping farm prices down. Despite claims to the contrary, this impression still exists and continues to have a depressing effect on farm market psychology.

Thus, the upturn in 1966 was shortlived. Wheat prices have been 15 to 20 percent below last fall. Hog prices have fallen by about 20 percent; beef prices by at least 6 percent; egg prices by 15 percent.

But while prices have fallen, costs have continued to rise. Thus the parity ratio has dropped to its lowest point in the post-World War II period.

All this is to say that the farmers are faced with the same old problem that has plagued American agriculture almost constantly (the war years being about the only exception) since the 1920's, namely, low prices, high costs, and depressed income.

While it is fairly easy to describe the problem it is more difficult to explain why it persists and even more difficult to find agreement as to how it can be corrected.

Ironically, a large part of the basic problem flows from two of the farming community's greatest assets. First is the farmer's enormous capacity for efficient production. Since the 1940's no other section of the economy has recorded such a dramatic increase in productivity as has agriculture.

In most cases, an industry that improves its economic efficiency is rewarded with higher net profits. However, this has generally not been the case for agriculture. The improved efficiency has meant greater total production and because total production has expanded more rapidly than demand, prices have been kept at low levels. Thus, the consumer has been the prime beneficiary of the economic efficiency of American agriculture rather than the farmer himself.

A major reason why farmers have not been able to enjoy the economic benefits of their improved efficiency is that, unlike other producers, farmers are unable to control the prices they receive for their commodities. No individual farmer's production is large enough to affect total supply. Thus, if a Western Kansas wheat farmer withheld his wheat crop from the market it would make absolutely no difference in the average price of wheat. Moreover, because the several hundred thousand producers of each commodity are scattered all across the nation it has been virtually impossible for them to work together to regulate their marketings.

Although the adverse economic consequences are obvious, this diverse, individualistic structure is at the same time one of farming's principal assets. The American farmer is one of the few independent economic producers left in a society increasingly dominated by giant corporations and big labor unions. Individual free enterprise played a historic role in the development of this nation, but it is a way of life and a way of business that has lost its original meaning in virtually every sector of the economy except agriculture.

Not unexpectedly the developments of the past few months have served to generate a new round of debate as to what should be done about the farm problem.

Because of strong Congressional pressure, dairy imports have now been curtailed. Similar support is developing for tighter controls over beef imports. A group of Midwest Senators have pushed for hearings by the Senate Agriculture Committee on various proposals for strengthening wheat prices. And in an about face the Administration has announced a program of increased Food for Peace wheat sales.

Other changes are likely. However, a major policy overhaul is not likely until the existing commodity programs expire in 1969. But there is a growing agreement that sooner or later some very substantial changes are going to have to be made.

It is too early to tell what types of proposals will eventually gain the most support. For the moment, at least, there is a great deal of talk about the general idea of "farmer bargaining power." Although very few concrete proposals have been advanced, the variety of farm leaders and groups who have indicated an interest in this approach suggests that we will hear a lot more about bargaining power in months ahead.

Certainly this general concept deserves serious and careful study. However, despite the widespread support for the general concept, agreement as to specific procedures to be adopted will be extremely difficult to achieve. Moreover, even if agreement is reached, we should be careful not to "go overboard" in our expectations of what farmer bargaining power can achieve.

While the discussions about farmer bargaining should be encouraged, I would hope that this new debate of the farm problem will be much broader. Last year's prediction of a "Golden Age" for agriculture failed, but we do have a golden opportunity to take a fresh new look at the whole situation.

At this time I must in all frankness say I simply do not know what should be done. However, I am certain of one thing; we have got to break out of the pattern of the past, and be willing to consider new ideas and new approaches. In this respect it is worth noting that bargaining power is actually an old idea. It has cropped up periodically ever since the late 1890's, usually generating optimistic debate, but very few concrete results.

I am convinced that only through an open-minded, fresh reevaluation by all interested individuals and groups will there be any chance for developing a program whereby farmers, with the cooperative support of government when necessary, can successfully come to grips with the problems that have plagued agriculture for so many years.

In looking forward to this new debate and reevaluation, I would suggest three essential guidelines:

First, as we restudy the farm problem and consider policy alternatives, we have got to focus our thinking more sharply and purposely on the family farm unit. This, of course, will require no major shift because the promotion of the family farm system has always been the over-arching goal of American agricultural policy. But it seems to me that in our concern over prices and production, we have somehow tended to lose sight of the family farm unit itself. Favorable farm prices are, of course, absolutely essential, but more is needed than good prices. This is proven by the fact that the decline in farms and farmers has continued more or less constantly since the early 1940's, during periods of high farm prices as well as during periods of depressed economic conditions.

This continued movement from the farm demands concentrated attention. In the past 25 years the number of farms in the U.S. has been reduced by half. Between 1950 and 1964 the number of farms in Kansas dropped 32 percent. If this trend continued unchanged there would simply be no more farms left in Kansas in just 30 years! This, of course, would be impossible, but it serves to illustrate that if the family farm system is to be preserved the present trend will have to be drastically reduced.

Second, it is imperative, I believe, that the farm organizations make a new attempt to establish a greater sense of unity. Because of the complex nature of the farm problem, Congress always faces a difficult challenge when it writes farm legislation, but certainly that task has always been made more difficult by the fact that the various farm organizations present so many conflicting demands and often register more disagreement as to what needs to be done.

Related to this, I would suggest that farmers and their various organizations attempt to establish more effective and meaningful cooperation with the businessmen and residents of the towns and cities whose welfare is so dependent upon the agricultural sector. In the past there has often been tension and conflict, or at least a lack of positive cooperation, between farm and town. This situation must be changed.

Third, considerable emphasis should be given to programs that deal with the total rural community. Because of the close economic and social relationship between farmers and local businessmen and small town residents there is a real need to make a greater effort to design programs that will help strengthen all sectors of rural communities, farm and nonfarm alike.

In this connection, I would mention a bill which I introduced this summer and which has the objective of attracting new job-creating businesses and industries into rural areas. Such a program would not directly benefit the farmer although it would, I believe, make it possible for many individuals to continue farming on a part-time basis while also working in a nearby town. Also, of course, the new opportunities for local jobs would mean that more of our farm youth could remain in their home communities rather than being forced to move to a larger, distant city.

Such a program would contribute to the economic development of rural areas. This in itself would be worthwhile. But it would accomplish much more than this. With expanded economic opportunities in the rural areas, many more people would be able to continue to live in their home communities than is presently the case, and would help to slow down the great migration to the cities. Thus, in the final analysis the cities would also benefit because it is now clear that many of the problems of the cities stem from the massive concentration of people and economic resources into an extremely small geographic area.

This proposal has attracted a great deal of support. This extremely favorable public reaction has been most encouraging, because it indicates that the nation as a whole is beginning to realize that we must do a better job of controlling the economic and social forces, which have been depopulating the countryside and the small towns and at the same time adding to the population pressures of our already overcrowded cities.

This constitutes another reason why the next 2 years will provide an excellent opportunity for a new national debate on the farm problem and farm policy, out of which, hopefully will come a new era of American agriculture.

ROOM TO ROAM

Mr. MOSS. Mr. President, recently I received a copy of a new publication prepared by the Bureau of Land Management of the Department of the Interior. It is entitled "Room To Roam." I commend Secretary Udall and Director Boyd Rasmussen, of BLM, for this excellent publication. It will directly benefit the consumer and will meet a real need to better identify the recreational opportunities on the vast public lands of the West and Alaska. Not only does it show the points of interest on BLM-administered lands; it also shows the location of our other federally administered lands, the national parks, monuments, forests, wildlife refuges, Indian reservations, and other recreation areas. Thus the potential traveler to the West and Alaska has before him a series of maps of all federally owned lands open to recreation. To my knowledge this is the first time this has been done in such a functional fashion.

Also, it should prove very useful in the

Nation's current efforts to encourage travel in this country through the discover America program.

The booklet is offered for sale by the Superintendent of Documents; thus it represents a major effort to provide information to the public at minimum expense to the Federal Government.

OSCAR MAYER CO. OF WISCONSIN

Mr. NELSON. Mr. President, the Oscar Mayer Co., a great Wisconsin corporation, as the Nation's seventh largest meatpackers, offers 135 varieties of sausages and some 70 other processed meat products to the American consumer.

With sales in 1967 in excess of $400 million, the Mayer family can be understandably proud of the success of their company. Their company has come a long way since the Mayer brothers, Oscar, Gottfried and Max, first began making and selling sausages in the 1880's.

Through a series of technological advancements and imaginative marketing techniques, Oscar Mayer has kept itself in the forefront of the meatpacking industry for decades. All of Wisconsin is proud of the achievements of Oscar Mayer & Co.

An interesting article in the April 12 issue of Time magazine, applauding the Oscar Mayer Co., is well worth reading. I ask unanimous consent that it be printed in the RECORD.

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

FOOD: WURST FOR WARES

"I wish I were an Oscar Mayer wiener.
That is what I'd truly like to be.
'Cause if I were an Oscar Mayer wiener,
Everyone would be in love with me."

Musically accompanied by 101 pieces of the Vienna Symphony Orchestra, that jingle is now appearing on U.S. television. It is making a pitch for an old, redolent, profitable—and fascinating—company.

In the 1880s, in the back room of their neighborhood meat market on Chicago's North Side, the Bavarian Mayer brothers—Oscar, Gottfried and Max—worked hard stuffing sausages. Oscar's wife Louise helped, and their son Oscar G. stood on a butter tub behind the counter to take orders. Weisswurst, bockwurst, Leberwurst were packed into wicker baskets and piled on horse drawn wagons to make the rounds. They sold well—enough to send Oscar G. to Harvard, which he left with a Phi Beta Kappa key and ambitions to expand the family business.

Today on the same spot where the immigrant Mayers lived and labored stands one of the main plants of Wisconsin's Oscar Mayer & Co., the U.S.'s seventh largest meat packer, with sales last year in excess of $400 million. Headed now by the co-founder's grandson Oscar G. Mayer Jr., 54, as chairman of the board, and P. Goff Beach as president, the company is still largely family owned (79%) and has nine other members on the payroll.

AUTOMATIC STRIPPERS

Besides fresh meat, Oscar Mayer & Co. offers under its brand name 135 varieties of sausages and some 70 other processed-meat products, notably bland luncheon cuts and wieners (Mayer & Co. will accept the word frankfurter—but hot dog is taboo). Since 1954, in an industry traditionally plagued by meager returns, it has also squeezed out more profit than any other leading meat packer: 2.38% of sales in 1967, *v.* an industry-wide average of 1.01%.

Emphasis on processed-meat products (over 60% of total sales last year), which carry greater potential profit margins than fresh meat, partly explains the company's high earnings. But a series of ingenious inventions and industry firsts kept Oscar Mayer in the forefront of the meat-packing industry for decades. In 1929 it was first to break the traditional anonymity of most producers by banding its wienerslike cigars with a yellow paper ring. Then it developed an automatic banding machine, automatic linkers and strippers, and in 1950 hit on the idea for vacuum packaging in plastic, which quadrupled the shelf life of what were once highly perishable products.

COMPUTER DIRECTED

Today, all five of Oscar Mayer's processing plants across the U.S. have two-story contraptions where uninterrupted battalions of 36,000 wieners an hour glide toward their destination, untouched by human hands. Computers print out the best formulas for the next day's sausage production by comparing current market prices of meat cuts with the various recipes that may be used.

The money Oscar Mayer & Co. has spent on research, at an annual rate of $2.2 million recently, seems to have paid off. The company is also devoting some $4.5 million to advertising, so that everyone will really love an Oscar Mayer wiener.

IN PRAISE OF PRESIDENT JOHNSON

Mr. GRUENING. Mr. President, the decision by the President not to seek or accept renomination for the Presidency is called "statesmanship in its highest form" in Senate Joint Resolution 53, which has been introduced by the Labor and Management Committee of the Alaska State Senate. The resolution correctly commends the achievements of the nearly 40 years of public service of the President. I ask unanimous consent that Senate Joint Resolution 53 be printed at this point in the RECORD.

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

SENATE JOINT RESOLUTION 53

Joint resolution relating to the decision of the President of the United States not to seek or accept renomination

Be it resolved by the Legislature of the State of Alaska:

Whereas the decision by President Lyndon Baines Johnson not to seek or accept renomination for the Presidency of the United States in order to achieve national unity is statesmanship in its highest form; and

Whereas by this act, President Johnson has made a selfless sacrifice in the highest tradition of the office of the Presidency; and

Whereas by placing his country above himself and his office, the President has shown himself to be a truly great American; and

Whereas during his nearly 40 years of public service and during his Presidency, Lyndon Baines Johnson has shown courage to act in the face of adversity and has been instrumental in the passage of some of the most monumental laws of this century; and

Whereas the desire of President Johnson to end the war in Viet Nam may be fulfilled by his act of courage and determination and the thoughts of the American people are with him in this trying time of decision;

Be it resolved that the Fifth Legislature of the State of Alaska commends President Lyndon Baines Johnson on the achievements of his Presidency and for this supreme sacrifice in the interest of national unity.

Mr. GRUENING. Mr. President, I was in Fairbanks when the announcement of the President's decision was made, and in response to requests from the press and others made this statement:

I consider the President's decision to withdraw from the presidential campaign in the interest of national unity the greatest act of statesmanship in his long and dedicated career in public service. This now greatly increases the prospects for any early peace.

We may all be very proud of this man who seeks peace.

As Thomas Jefferson wrote in 1807:

The energy of the government depending mainly on the confidence of the people in the Chief Magistrate, makes it his duty to spare nothing which can strengthen him with that confidence.

This our President has done.

WASHINGTON SLUMLORDS TAKE TOO LONG TO MAKE REPAIRS

Mr. PROXMIRE. Mr. President, on Wednesday and Thursday of last week I spoke about the difficulties encountered by the city of Milwaukee in getting slumlords to make the repairs required by law. Lest anyone think that this problem is limited to Milwaukee, I should like to point out some of the problems faced right here in Washington, D.C.—the Capital of our great Nation which may have contributed to the recent senseless outbreak of violence.

Leonard Downie, Jr., a Washington Post staff writer, writing about the problems of urban renewals in the Shaw area of Washington found that—

A review of 100 Housing Improvement Center cases (now in the files of city housing inspectors) shows that the landlords generally took three to nine months to make repairs they were asked to finish voluntarily in one month.

Indeed, in a few cases, repairs took as long as 300 days to make.

The worst offenders were the large slum owners—the ones who owned almost entire blocks. These are the ones who take the greatest advantage of the tax advantages given to landlords. But it is precisely for this reason that passage of my bill, S. 3234, would be of great help in cutting down the time between the order to repair and the time the repair is actually completed. These large owners, the ones who benefit most from the depreciation deduction, have the most to lose from disallowal of the depreciation deduction. My bill would do just that—disallow the depreciation deduction—for those landlords who were convicted of violating a housing code. Thus, they would be most anxious to avoid being convicted by completing the required repairs within the time allotted to them by the inspectors.

NOMINATION OF POSTMASTER FOR DEER ISLE, MAINE

Mrs. SMITH. Mr. President, I have received a most disturbing letter from a resident of Deer Isle, Maine, addressed to both Senator EDMUND S. MUSKIE and myself, pertaining to the filling of a postmaster vacancy in that town.

As a Republican, I am excluded from any participation in the process for selecting postmasters. Consequently, the only manner in which I can respond in this matter is to bring it to the attention of those who do make the selection and the appointment.

I have, accordingly, written the Postmaster General about the matter.

I ask unanimous consent that Mr. Woodward's letter of March 27, 1968, be printed in the RECORD, and I invite the serious attention of the Committee on Post Office and Civil Service to it.

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

DEER ISLE, MAINE,
March 27, 1968.

HON. MARGARET CHASE SMITH,
HON. EDMUND S. MUSKIE,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: It is understood that a nomination, subject to Senate approval, of a Postmaster for Deer Isle, a position formally vacant for about two years, has finally been made.

It is also understood that many persons feel there may have been a disregard of the spirit and intent of Civil Service procedures, if not also of the law. In addition one is informed that either one or both of you have been written about this matter.

Should Senate confirmation be routine, the nominee, irrespective of what the full truth may be, could quite possibly be serving "under a cloud." It is therefore suggested that confirmation be deferred until concurrently therewith a statement can be included in the record that the Senate after investigation has found that no irregularities existed in the selection process.

This suggestion is made with the hope that its adoption may (1) eliminate a situation inviting community disunity, and (2) enable the nominee to serve "under a clean bill of health".

Trusting that you both may agree with the desirability of these objectives, I am,

Most respectfully yours,

HIRAM W. WOODWARD.

NOTABLE ADDRESS BY SENATOR EDWARD KENNEDY BEFORE ALASKA STATE DEMOCRATIC CONVENTION

Mr. GRUENING. Mr. President, on Sunday, April 7, 1968, the distinguished Senator from Massachusetts [Mr. KENNEDY] addressed the Alaska State Democratic Convention in Sitka.

The date for the convention had been set well in advance of the tragic event in Memphis on April 4, 1968, when a ruthless, bigoted sniper snuffed out the life of a great social leader and humanitarian, Dr. Martin Luther King, Jr.

Thus, when Senator KENNEDY arose to speak to the convention, he was speaking at a time of great national sorrow—at a time when riotings, lootings, and murders were spreading across American like a plague—at a time when racial tensions had reached an incendiary point.

In this tense atmosphere Senator EDWARD KENNEDY rose above party politics and delivered a memorable address in which he pointed out the dangers confronting the United States and the steps which should be taken at once to alleviate those dangers.

Senator KENNEDY spoke of the speech delivered in 1963 by Dr. Martin Luther King, Jr., at the Lincoln Memorial, in which he told of the dream he had "in which freedom would ring out for all Americans from the coast of Maine to the mountains of your beautiful west."

He will never see that dream—

Senator KENNEDY continued—

but the moment that we realize that his dream is truly our dream, and the moment we work as individuals to make it come true, we will be one again, we will be strong again, and we will proceed as a Nation to the fulfillment of our destiny, to the fulfillment of the statement that this nation is the most important occurrence of the second thousand years.

I ask unanimous consent that Senator EDWARD KENNEDY's remarks at the Democratic State Convention at Sitka, Alaska, on April 7, 1968, be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD KENNEDY, DEMOCRATIC STATE CONVENTION, SITKA, ALASKA, APRIL 7, 1968

Senator Robert Kennedy was scheduled to be here in Sitka today to address a great convention of Democrats in a great State. He was prepared to speak to you of the challenges we face together as one nation, one country in the uncertain world in which we live. He would have been proud to be in the company of the men and women who are truly America's New Frontiersmen—people who have pitted themselves against the elements, as did our forebears in New England, and people whose courage and independence is looked upon by all Americans as symbolic of all our ideals.

But there are times for all things—there is a time to talk to Democrats, and a time to talk to all men, regardless of party. There is a time to recount our past and recall those in our party who built a nation, and there are times to focus on the present to assure a future more secure. There is a time for meeting with friends to discuss the political challenges of the coming months—challenges created by men to be won or lost by men; and there are times to accept, for the moment, what God has given to us—or taken from us.

This Sunday in Sitka it is a time to meet in the full dignity of our sorrow. For this is a day of mourning—for Martin Luther King, for Washington, Detroit, Memphis and Chicago. And it should also be a day of mourning in Sitka—for as the earthquakes of Alaska were felt in Boston, so the impact of the shot in Tennessee must be felt in this city.

Events occur that alter the course of our Nation, events that must be recognized for what they tell us of ourselves, and where we stand in reality—rather than in our fondest dreams. Such an event—a tragic affair—occurred in Memphis, Tennessee Thursday night when Martin Luther King was shot and killed. And the tragedy of that occurrence is still upon us, and may remain with us for many days to come. So today I will not make a political speech—today I wish to share with you my personal thoughts in a time of sorrow—and in a time of fear.

As we meet today, you should know that 10,000 Federal troops have been stationed in your Nation's Capital, they surround the White House, and they surround Capitol Hill. The people of Washington, D.C. have been ordered off the streets from 4 at night until 6:30 in the morning, and firemen who attempt to fight blazes in the District of Columbia have taken gunfire.

Last night there were fires in 70 Washington stores, and this morning there is a red glow over the city. The city of Chicago is also under a curfew and National Guard troops have been called in by the Governor.

I am not stressing these things to be an alarmist or to strike fear into your hearts—I tell you these things because they are occurring, and until we recognize things for what they are, until we recognize how serious a situation confronts our Nation, we will never be able to meet the crises, or forge realistic and meaningful solutions.

A man of vision has made the observation that the most exciting, the most dramatic, and the most promising development for all mankind is the second thousand years since the birth of Christ is—the United States of America. Never before in the history of the world have a people developed a form of government and a set of ideals so close to the most intimate dreams and wishes of all men—than have we in America. If any man ever doubted the good intentions of his fellow man, if any man ever wondered whether institutions of government could be responsive to human needs, if any man ever yearned for a way of life that satisfied his desires for human freedom and dignity—he could look to America.

This was our image—in truth, this was America—as we knew it, as we grew in it, and as we have taught our children. Yet one feels today that we have been so content to live with what we were convinced our country was, we have refused to take sight of what, in the decade of the sixties our country has become.

If we are willing to face it, all of the ugly signs are there to see. It seems that we have lost hold of our communities. It seems as though our country is pulling apart into separate peoples who do not know one another. Separate societies of rich and poor, white and black, old and young. Where whites have jobs and Negroes have unemployment, where the middle class lives in suburbs and the poor are left in the ghettos, where one group of Americans looks upon another group of Americans with growing mistrust, and even dread. And where, unfortunately, not because we lack the goodwill, but because we lack the faith in ourselves, our response often is to bolt the door, hire more police, and stay as far away from centers of violence as possible.

In this decade we have lived through periods of more hate and violence than perhaps at any other time in the history of our country. It is a decade the likes of which we must never—we can never—live through again. But as we approach the Seventies we must keep in mind the events of the Sixties or we will be compelled, as it has been said, to relive the past we have forgotten.

The death of Martin Luther King was not the work of the white society, it was the work of a sad mind filled with hate. The death of Medgar Evers, of Emmet Till, of the four little girls in the 16th Street Baptist Church in Birmingham, of the Rev. James Reeb of my own state of Massachusetts, or Viola Liuzzo of Detroit, of Schwerner, Chaney and Goodman—none of these tragic occurrences were the result of any one group or another. They all suffered at the hands of individuals who somehow had the notion, in their sickness, that their violent actions would be tolerated. To the extent that all of us are to blame, black and white together, we are to blame for the apathy that gave the hater the license to hunt people in America.

And those who now loot and steal, those who claim that they have the right to honor the memory of a man of peace, a man who stood for everything that was non-violent, by burning our cities, breaking into places of business and terrorizing neighborhoods, they too are suffering from an illness that if allowed to go unchecked will further drag

down this great Nation. Their actions cannot be tolerated—they will not be tolerated—for they do not mourn a great leader, they mock him.

What has become of our land? What disease has afflicted us as a people? How many good men must we give—common men in the streets, a holder of the Nobel Peace Prize, and even a President, before we finally face the fact that the weakness of our society is the weakness in ourselves—within each and every one of us who is complacent, who is doing well, who realizes the comforts of material gain, and who is, above all else, apathetic. Where is the moral strength within us; the qualities of character that we attribute in stories to our children of the American heroes that have gone before us?

I for one do not feel that we are any less than our forebearers. I for one do not feel that there is anyone within this room who has less courage, less conviction, or is any less dedicated to the American dream than generations past. But I do feel that in a few short years we have let events master us, rather than we them. I do feel in our great history we have fallen into a lapse—we have refused, each and every one of us, to exercise the talents and the character bred into us. As a result, in a land that was created on the Judeo-Christian ideals of love and brotherhood we have let the haters take the lead, and we are paying that price today, as we have paid for it many days in this difficult decade.

It is not until we recognize that hundreds of years of oppression must be accommodated, not by the least we can give, but by the utmost we can give, will these days of sadness and fear end. It is not the bigot among us who has brought us to where we are, for men of good will ignore him. It is not the racist among us who has brought our society so low, for he is easy to see and discount. We are where we are because all of us are passing through life with our own personal blinders on—we race through the ghetto on expressways looking neither to the right nor the left until we find the comfort of our own home. We favor civil rights bills and feel a warm glow in our hearts when we hear the eloquence of a man like Dr. King. We cluck our tongues over agitators in the street and call them outside troublemakers or n'er-do-wells. In essence, we are all very decent men and women of good will, and we are all very busy with our careers and with our families—all too busy with our own concerns to fight injustice, and poverty, and ill will in the immediate world around us.

As a United States Senator, my message to you today is very simple. We only delude and mislead ourselves if we feel that we lift a personal burden from our shoulders by passing pieces of legislation important as that is—if we feel legislation can be our only response to our fellow men who are deprived.

But beyond that, I would say that no matter how the most difficult question of Vietnam is solved, no matter how we meet the future challenges in the Middle East, no matter how strong the controls we develop over the horror of atomic weapons, and no matter how we face the domestic problems of health care for the poor, education for our young, decent housing and better roads for the more distant parts of America—no matter how well we do these things, they will only be the epitaph of a great nation that could not bind its own wounds within itself—and as a result lost itself.

If laws do not meet the need, and they don't, if speeches will not meet the need, and they won't, if marches and demonstrations won't meet the need, and they won't where are we to turn?

We can only turn to ourselves for in a moment of national crises such as we are experiencing now, that is all that is left. Men in public life to be true to themselves must be more candid with whomever they speak, regardless of the political consequences. Our ministers, our priests and our rabbis, must be more relevant in social sermons with their flocks regardless of how unhappy some people may become. Our educational institutions and our teachers must see to it that America's young are not shielded from the realities of their society, but are educated to meet the challenges that will soon be theirs. And in our homes, as parents, we have our own responsibilities to wipe away cynicism, and to introduce the understanding that we wish to see future generations exercise—so they will not suffer as their mothers and fathers have suffered.

Last Thursday night I left my office to attend a midnight church service in Washington—not in a church of my faith, but in a church of the faith of Martin Luther King. During that service the pulpit was given up by the men of the cloth and those in attendance were asked to speak their views and to console each other. Black and white alike rose to the occasion. Some were eloquent, others were harsh—I found myself recalling that day before the Lincoln Memorial in 1963 when Martin Luther King stood before a crowd of 250,000 Americans and proclaimed that he had a dream—he had a dream in which freedom would ring out for all Americans from the coast of Maine to the mountains of your beautiful west. He will never see that dream, but the moment that we realize that his dream is truly our dream, and the moment we work as individuals to make it come true, we will be one again, we will be strong again, and we will proceed as a nation to the fulfillment of our destiny, to the fulfillment of the statement that this nation is the most important occurrence of the second thousand years.

These are the thoughts I wanted to share with you today and I thank you for letting me come back to Alaska.

DR. MARTIN LUTHER KING

Mr. LONG of Missouri. Mr. President, our Nation has lost an important leader. The St. Louis Post-Dispatch, the St. Louis Globe-Democrat, and the Kansas City Times have spoken eloquently of his life and service on their editorial pages. Dr. Martin Luther King will live on as a part of our Nation's history. His devotion to nonviolence should be an inspiration to us all. He made it clear that even if all his supporters advocated violence he would stand alone for nonviolence. Such dedication to peace and justice cannot be forgotten.

Mr. President, I ask unanimous consent that the editorials referred to be printed at this point in the RECORD.

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

[From the St. Louis (Mo.) Post-Dispatch, Apr. 5, 1968]

A NATIONAL TRAGEDY

"Martin Luther King had more faith in America than America has in itself," Whitney Young of the Urban League said sadly after the assassination of his old friend in Memphis.

It is true. The Rev. Dr. Martin Luther King Jr. spoke for the best in this nation. He spoke for the continuing process of securing liberty and freedom of individuals, and he spoke for this in the context of nonviolence. Those should not be aspirations of Negroes only. They should be the aspirations of the American people.

The trouble is that America has been too often a violent nation. What a spectacle our form of civilization must seem today to many peoples not blessed with it. The most powerful, the richest nation, steeped in abundance; the nation that early spurred the world to ideals of democracy; the nation in which only too short a time ago was killed a President to whom even other nations looked hopefully; the nation which now has seen the senseless destruction of a man to whom the world looked up as rightful winner of the Nobel peace prize. And a nation which continues to spend far too much of its wealth on a war in a little Asian country, rather than spending anywhere near enough to repair its racial ravages at home.

Still, it needs to be said that this nation grieves for the Rev. Dr. King, and this is true for whites as well as Negroes. The atmosphere of violence is not one which most individual Americans welcome; it is one which increasingly troubles them.

They are more troubled now. Troops have been moved into Memphis, too late to protect Martin Luther King. Clearly they are there to protect the city against Negro wrath. What of that righteous wrath? Is it now to take the form of the violence, already indicated in some cities, that the Rev. Dr. King despised and that would undo the great progress he brought to his people and to all Americans?

What of the eventual reaction of the white majority? Is that majority to heed its prophets of doom and be heedless of the growing despair of the minority? A greater tragedy than the death of the Rev. Dr. King would be the transformation of the United States into a garrison state, sealing off the Negro ghettos, creating apartheid by counter-power and counter-violence.

The nation faces a choice now, a choice no different from the one it has confronted all along, but heightened by the effects of tragedy. Grief is not enough, and when it passes, what then?

Then there is only one way for this country to atone, not for the death of one man, but for all the wrongs that have been done for centuries to too many Americans. That is for the President and the Congress and the public to resurrect the report of the National Advisory Commission on Civil Disorders and to act on it.

That means creating millions of new jobs, providing substantial compensatory public assistance to schools for children handicapped by their cultural history, and sweeping out an outmoded and often inhumane welfare system to replace it with one that guarantees every citizen a decent living. That certainly means quick House acceptance of the Senate's civil rights bill, including open housing.

That means spending billions for social reconstruction instead of for war. So be it. The alternative would be a greater calamity than the one the nation has now suffered. It would signify a more depressing lack of faith in America. If Martin Luther King had faith in his people and their ideals, it is time for the people, white and black, to have faith in themselves.

[From the St. Louis (Mo.) Globe-Democrat, Apr. 6, 1968]

LEGACY OF MARTIN LUTHER KING

The brutality of an assassin has struck down Dr. Martin Luther King, the most effective leader Negroes had in their difficult drive for equal rights, equal citizenship. No man exerted more influence for racial justice during the last dozen years, among his own people and throughout the nation.

All America is shocked and deeply distraught that such savagery could happen, and to such a man. The act was utterly senseless, an outcropping of violence that has spread its malignancy in a democracy we assume to be civilized.

Dr. King was a compassionate and dedicated spokesman for the rights he sought. A magnetic personality, he possessed a compelling eloquence, especially in the earlier

days of his demonstrations, such as the Montgomery bus boycott which raised him to national prominence.

Modeling his philosophy and leadership on India's Mahatma Gandhi, he became the apostle of non-violence in the Negro cause. What an ugly irony that violence destroyed him. It was because of his non-violent successes that he received the Nobel Peace Prize.

The last few years, hectored by young Negro militants who often preached mayhem and shooting, Dr. King became more emotional in his appeals and his demonstrations brought violence. He became an outspoken opponent of the Vietnam war, which alienated other Negro leaders who felt such an attitude harmed the rights movement.

But his voice never lost magic for his people. Crowds centered wherever he went. He sacrificed all to the cause of his minority's rights—in the end himself.

His martyrdom must not be lost in a resentment of his people, stirred to blind anger. It would be a great tragedy if the death of Dr. King were to spark extremist uprisings—a repudiation of his life teaching.

The killing of Dr. King is lamented and mourned by the millions of white folk as well as Negroes. This assassination was certainly not an act of the white community which has been as stricken with revulsion as any of his supporters.

Just as in the murder of President John F. Kennedy, the shot that killed Dr. King was from the hand of a mad or very sick man. Against such an assassin there is really no protection. Martin Luther King knew this as his public words indicated the night before his death.

The aftermath of the King tragedy must not be a national rash of new violence, steeped in murder, looting, arson and rioting.

President Johnson, who has done more than any other White House incumbent for Negro needs and equality, has asked "every American citizen to reject the blind violence that has struck down Dr. King, who lived by non-violence. We can achieve nothing by lawlessness and divisiveness among the American people."

There is no such thing as national guilt for such an act as the slaying of Dr. King. But the fact such bloody things recur must give pause to our people—including minorities—to sift out causes of the violence cancer, then seek remedy.

Martin Luther King became known worldwide not simply because he was a leader of Negro disadvantaged. He will hold a niche in history because of his philosophy of activist non-violence. That is his legacy to his race and to his country. What a tragic pity were this legacy to be dissipated.

[From the Kansas City (Mo.) Times, Apr. 6, 1968]

DR. KING'S DREAM MUST BECOME REALITY

Admist the confusion, fears and national bewilderment that follow the death of Dr. Martin Luther King, America and the world need to remember who the man was, what he stood for and, above all, the meaning of his dream.

President Johnson expressed the nation's sorrow and shock in his special message yesterday to the American people proclaiming that tomorrow will be a day of national mourning.

At this terrible moment in our history, he said, violence must be denied its victory. And then the President asked to meet not later than Monday with the Congress so that the legislative branch can hear his recommendations.

Thus, while the people of America grieve, the government of the people can move toward a correction of the wrongs that consumed the energies, and perhaps the life, of Dr. King. Almost certainly the President will ask for the swift passage of the civil rights bill that contains a fair housing provision and he may have other proposals. And surely the American people and their elected representatives can agree that action already has been tragically delayed; that the time for deeds is here. Now.

Martin Luther King, a black American, achieved world stature because of his unending search for peace and justice and because of his boundless courage and perseverence in a cause he regarded as God's will.

He sought simply to apply the principles and institutions of the American society to the lives of all the American people. He asked only that the freedoms and rights guaranteed through our laws and inherent in our customs be a matter of citizenship with no exclusions. His fame and influence came not from personal ambition or a reach for power, but because he was trying to extend freedom in the land of the free. For that reason history may judge him not only as the foremost leader of his race, but as one of the great American patriots whose sacrifice will let the American civilization survive and flourish.

All Americans must remember Dr. King's dream. And now the representatives of all Americans must act upon it.

THE NATIONAL LABOR RELATIONS BOARD AND ITS CRITICS

Mr. YARBOROUGH. Mr. President, on March 12, 1968, the Wall Street Journal carried an editorial which discussed a recent decision of the National Labor Relations Board. Because of the continuing oversight functions which the Committee on Labor and Public Welfare, mandated by the Congressional Reorganization Act, has over the NLRB, I wrote to the Chairman of the Board in my capacity as chairman of the Labor Subcommittee to ask for his views as to the correctness of the Wall Street Journal editorial. The reply that I received merits the attention of all Members of this body.

Mr. President, I ask unanimous consent that my letter, Chairman McCulloch's reply, the decision of the Board in the subject case, the Wall Street Journal editorial, and the comments in NAM. Reports referred to in Mr. McCulloch's letter be printed in the RECORD.

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

MARCH 25, 1968.

Mr. FRANK W. MCCULLOCH,
Chairman, National Labor Relations Board, Washington, D.C.

DEAR MR. CHAIRMAN: The *Wall Street Journal* for March 12, 1968, carried an editorial purporting to describe the decision of the National Labor Relations Board in the *Allied Supermarkets* case, 169 NLRB No. 135. In view of the investigation about to begin by the Subcommittee on Separation of Powers, I think it is important to determine the facts behind this editorial which was placed in the CONGRESSIONAL RECORD for March 19, 1968, where it appears at page 6946.

Would you please advise me as to the correctness of the *Wall Street Journal's* description of the Board's decision in that case.

Sincerely yours,

RALPH W. YARBOROUGH.

NATIONAL LABOR RELATIONS BOARD,
Washington, D.C., March 27, 1968.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I greatly appreciate the opportunity to reply to your inquiry of March 25, 1968, about the recent *Wall Street Journal* editorial characterization of our *Allied Supermarkets* decision.

The editorial in question contains a clear misstatement of the facts involved in the Board's decision. In fairness to the *Wall Street Journal,* however, I should say from my reading of the two accounts that the editorial may have been based upon a comment on the case in the March 4, 1968 issue of *NAM Reports,* headlined "Employer Follows NLRB Doctrine, Found 'Unfair.'" This report, which omitted crucial facts, could not possibly have been written by anyone who had read the decision carefully. It is bad enough that this report may have misled the *Wall Street Journal* editorial writer, and that both reports were certainly misleading to their readers; it would be more unfortunate if the Senate of the United States were to be misled by it.

Before turning to the decision itself, we should examine the predicate for the *NAM Reports'* criticism. The report says that "when a union gets cards signed by a majority of employees and demands that the employer recognize and bargain with it, the Board generally dispenses with the secret-ballot election provided by Congress for settling representation questions and orders the employer to bargain with the union on the basis of cards."

This is just not so.

The question of a union's majority status is almost always (98.6% of the time) resolved by means of a secret-ballot election—50,300 elections to 716 card cases in 6½ years. In 1967, the Board conducted 8122 elections. The number of cases in which the union majority was established by cards was 157, and in most of those the employer's actions had made a fair election impossible.

Turning now to *Allied Supermarkets,* we learn that on the basis of an independent card check this Employer recognized and signed a contract with the Meat Cutters Union, a minority union as it turned out, since a number of the employees had also signed cards for the Retail Clerks Union. Under clear Board and Supreme Court decisions, such recognition of and contract with a minority union are unlawful and the Board so ruled in this case. It is said in the editorial and *NAM Report,* in their attempt to excuse the Employer's and Meat Cutters' conduct and cast doubt on the Board's, that the Employer "unwittingly" got himself into this fix in an attempt to "follow Board doctrine" because "unknown to the employer" the rival union's organizing efforts were being carried on "secretly."

This is the nub of the factual misstatement of the case—that while the Meat Cutters Union was "openly" organizing among the employees, the Retail Clerks Union was "secretly" engaged in obtaining authorization cards. On the contrary, the facts—spelled out in the Board's decision—are that at the time recognition was extended to the Meat Cutters, the Employer had had written notice (by telegram and my registered letter) of the Clerks' organizing campaign and of its request to be notified if another union sought recognition; and that at the time the Employer and the Meat Cutters executed their contract, the Clerks' petition for a *secret-ballot election* had been on file for a week, to the knowledge of the Meat Cutters Union, at least.

These facts established, the criticism of the case falls apart, for there is no Board doctrine that requires, or even suggests, that an employer faced with this situation must rely on cards to resolve the question of a union's majority status.

Indeed, there is no Board doctrine that would have required this employer to rely on cards even if there had been only one union on the scene, for "Absent an affirmative showing of bad faith, an employer, presented with a majority card showing and

a bargaining request, will not be held to have violated his bargaining obligation under the law simply because he refuses to rely upon cards, rather than an election, as the method for determining the union's majority." (*Aaron Brothers Company of California*, 158 NLRB 1077, at 1078 (May 25, 1966).)

If the employer here "unwittingly" got himself into this fix, as the *Wall Street Journal* says, one is led to wonder whether it might have been because he too was misled by what he read in inaccurate accounts of Board decisions like the one in the *NAM Reports*?

Thank you for allowing me to set the record straight on this matter. I am also enclosing a copy of the decision itself for your fuller information.

Sincerely yours,

FRANK W. MCCULLOCH,
Chairman.

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD—ALLIED SUPERMARKETS, INC., ALLIED DISCOUNT FOODS DIVISION, AND RETAIL CLERKS UNION, LOCAL 1557, CASE NO. 26–CA–2729—AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, LOCAL 405 (ALLIED SUPERMARKETS, INC., ALLIED DISCOUNT FOODS DIVISION), AND RETAIL CLERKS UNION, LOCAL 1557, CASE NO. 26–CB–369

DECISION AND ORDER

On October 24, 1967, Trial Examiner John G. Gregg issued his Decision in the above-entitled proceeding, finding that Respondents had not engaged in the alleged unfair labor practices within the meaning of the National Labor Relations Act, as amended, and recommending that the complaint be dismissed, as set forth in the attached Trial Examiner's Decision. Thereafter, the General Counsel and the Charging Party filed exceptions to the Decision and supporting briefs, and the Respondent Employer filed an answering brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel.

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Trial Examiner's Decision, the exceptions and briefs, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner only to the extent that they are consistent herewith.

We cannot agree with the Trial Examiner's findings and conclusions which resulted in dismissal of the complaint. Unlike the Trial Examiner, we do not believe the *Keller Plastics*[1] principle is here applicable to immunize the Respondent Employer and the Respondent Union from the violations alleged in the complaint with regard to their entering into a contract on March 24. In that case we held that a validly recognized union is entitled to continuing representative status for a reasonable period of time during which it may negotiate a contract notwithstanding the fact that it may have lost majority status during this interim period. Furthermore, in *Keller Plastics* there was no petition filed by a rival union prior to the execution of the contract as in the present case, and the holding was, of course, based upon a valid recognition in the first place. Inasmuch as we do not believe the Respondent Employer's recognition of the Respondent Meatcutters Union on March 14 was in fact a valid one, it follows that *Keller Plastics* is inapplicable and would not insulate the Respondents from the violations alleged regarding the execution of the contract of March 24.

More specifically, the recognition of March 14 was based on a card check made by a labor-relations consultant hired by the Employer. Of the 45 signed authorization cards submitted by the Respondent Union, the consultant found 42 as valid in the broad wall-to-wall unit involved which was determined at that time to encompass 78 employees. However, the record discloses, and we so find, that on the critical recognition date there were actually 79 employees in this broad wall-to-wall unit and there were 43 signed authorization cards rather than 42.[2] As of this date 27 employees in this same unit had signed authorization cards with the Charging Party, 15 of which duplicated cards signed for the Respondent Meatcutters Union. Under well established principles,[3] the 15 cards submitted by the Respondent Union which were duplicated by the Charging Party are not reliable evidence of the signers' selection of the Respondent Union as their exclusive bargaining representative, and as a substantial number of these cards were necessary to support the Respondent Union's claimed majority status, it follows that the Respondent Union was not the duly designated representative of the Respondent's employees within the meaning of Section 9(a) of the Act.

It was in fact a minority union. It may be true that Respondents were not aware that some of the employees who had signed cards for the Respondent Union had also signed cards for the Charging Party and that the demand for and extension of recognition were undertaken in entire good faith. However this may be, it is clear that the grant of recognition to a minority union violates the Act without regard to the parties' good or bad faith.[4] Moreover, it is true that Respondent Employer, at least, was aware of the Charging Party's organizing efforts amongst its grocery and food department employees at the time recognition was extended, and that the Charging Party had filed a representation petition for a unit of grocery and food department employees, excluding the meat department, prior to the Respondents' execution of a contract. In view of these circumstances, we hold that Respondents acted at their peril in relying on a card check which failed to provide for the participation of the Charging Party and an examination of the cards in its possession.

Accordingly, we find that the Respondent Employer recognized the Respondent Meatcutters Union as the exclusive representative of its grocery and food department employees at a time when the latter had not been designated as their exclusive representative, and that it thereafter entered into a collective-bargaining agreement covering such employees at a time when a question concerning their representation for purposes of collective bargaining existed. We find that by such conduct Respondent Employer violated Section 8(a)(2) and (1) of the Act. We also find that Respondent Meatcutters Union violated Section 8(b)(1)(A) of the Act by accepting recognition as the exclusive representative of the grocery and food department employees of the Employer and by thereafter dealing and contracting with the Employer in the circumstances described above.

In view of the foregoing findings, we deem it unnecessary to determine on the basis of the record before us, as did the Trial Examiner, which of the different units sought by the competing unions is the appropriate unit for purposes of collective bargaining. That determination can best be made by the Regional Director in the pending representation case. We do not, therefore, adopt the Trial Examiner's findings in this regard.

CONCLUSIONS OF LAW

1. Allied Supermarkets, Inc.—Allied Discount Foods Division is an employer engaged in commerce within the meaning of Section 2 (6) and (7) of the Act.

2. The Respondent Meatcutters Union and the Retail Clerks Union are labor organizations within the meaning of Section 2(5) of the Act.

3. By recognizing the Respondent Meatcutters Union at a time when the latter was not the exclusive representative of its grocery and food department employees and by contracting with it at a time when a question concerning the representation of such employees existed, the Respondent Employer thereby rendered and is rendering unlawful assistance and support to a labor organization, and has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a)(2) and 8(a)(1) of the Act.

4. By recognizing the Respondent Meatcutters Union at a time when the latter was not the exclusive representative of its grocery and food department employees and by contracting with it at a time when a question concerning representation of such employees existed, the Respondent Employer has interfered with, restrained, and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act and thereby has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a)(2) and 8(a)(1) of the Act.

5. By accepting recognition as the exclusive representative of grocery and food department employees at a time when it was not the exclusive representative of such employees and by contracting with the Employer at a time when a question concerning representation of such employees existed, the Respondent Meatcutters Union restrained and coerced employees in the exercise of rights guaranteed in Section 7 of the Act and has engaged in and is engaging in unfair labor practices within the meaning of Section 8(b)(1)(A) of the Act.

6. The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act.

THE REMEDY

Having found that the Respondent Employer has engaged in unfair labor practices in violation of Section 8(a)(2) and (1) of the Act, we shall order Respondent Employer to cease and desist therefrom and take affirmative action necessary to effectuate the policies of the Act.

We have found that the Respondent Employer recognized the Respondent Meatcutters Union on March 14, 1967, at a time when said Union has not been designated as the exclusive representative for the purposes of collective-bargaining by a majority of the employees involved and thereafter entered into a collective-bargaining agreement with the Union at a time when there existed a real question concerning representation of the employees covered thereby. By such conduct, the Respondent Employer has interfered with, restrained, and coerced its employees in the exercise of their right freely to select their own bargaining representative, and has

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[1] *Keller Plastics Eastern, Inc.*, 157 NLRB 583.

[2] The Trial Examiner found that there were 76 employees in the unit he found appropriate. It would appear that employees Jerry Guy, David Parkhurst, and Annette Keck should have been added to this number. The evidence also indicates that Guy's card should have been counted toward the Respondent Union's majority by the third-party consultant. Thus the Respondent Union should have been credited with 43 rather than 42 validly signed authorization cards.

[3] *J. W. Mortell Company*, 168 NLRB No. 80; *Bendix-Westinghouse Automotive Air Brake Co.*, 161 NLRB No. 63; *I. Posner, Inc.*, 133 NLRB 1573; *International Metal Products Company*, 104 NLRB 1076; *Weirton Ice and Coal Supply Company*, 103 NLRB 810.

[4] *International Ladies Garment Workers' Union, AFL–CIO (Bernard-Altman Texas Corp.) v. N.L.R.B.*, 366 U.S. 738.

accorded unlawful assistance and support to the Respondent Meatcutters Union. In order to dissipate the effect of Respondent Employer's unfair labor practices, we shall order said Respondent to withdraw and withhold recognition from Respondent Meatcutters Union as the exclusive representative of grocery and food department employees and to cease giving effect to the aforementioned agreements to the extent they cover food and grocery department employees, or to any renewal or extension thereof, until such time as Respondent Meatcutters shall have been certified by the Board as the exclusive representative of the employees in question. Nothing herein shall, however, be construed to require the Respondent Employer to vary or abandon any existing term or condition of employment.

We have also found that the Respondent Meatcutters Union has engaged in unfair labor practices in violation of Section 8(b)(1)(A) of the Act, and we will likewise order Respondent Union to cease and desist therefrom and take affirmative action necessary to effectuate the policies of the Act.

We have found that the Respondent Meatcutters Union accepted exclusive recognition from the Respondent Employer on March 14, 1967, at a time when it had not been designated as the exclusive representative by a majority of the employees involved and thereafter entered into a collective-bargaining agreement with said Employer on March 24, 1967, at a time when there existed a real question concerning representation of the employees covered thereby. By such conduct, the Respondent Meatcutters Union has restrained and coerced the employees in the exercise of their right freely to select their own bargaining representative. In order to dissipate the effect of Respondent Meatcutters Union's unfair labor practices, we shall order said Respondent to cease maintaining or giving effect to its current recognition and collective-bargaining agreements with the Respondent Employer to the extent they cover the Employer's food and grocery department employees, or any renewal or extention thereof, until such time as the Respondent Union shall have been certified by the Board as the exclusive representative of the employees in question.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that:

A. Respondent Allied Supermarkets, Inc.—Allied Discount Foods Division, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Assisting or contributing support to the Respondent Meatcutter Union, or to any other labor organization, by recognizing such labor organization as the exclusive representative of its food and grocery department employees for the purpose of collective bargaining at a time when such labor organization has not been designated by a majority of such employees involved as such exclusive bargaining representative.

(b) Assisting or contributing support to the Respondent Meatcutters Union, or to any other labor organization, by entering into a collective-bargaining contract with such labor organization as the exclusive representative for the purpose of collective bargaining of its food and grocery department employees at a time when there exists a real question concerning representation.

(c) Giving effect to its contract of March 24, 1967, with the Respondent Meatcutters Union to the extent that such contract covers food and grocery department employees or to any renewal, extension, modification, or supplement thereof, unless and until said labor organizations has been duly certified by the National Labor Relations Board as the exclusive representative of such employees.

(d) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action which is found will effectuate the policies of the Act:

(a) Withdraw and withhold all recognition from the Respondent Meatcutters Union as the exclusive representative of its food and grocery department employees for the purposes of collective bargaining unless and until the said labor organization has been duly certified by the National Labor Relations Board as the exclusive representative of such employees.

(b) Post at their stores located at 1508 Gallatin Road and 4095 Nolensville Road, Nashville, Tennessee, the attached Notice marked "Appendix A."[5] Copies of said notice, on forms provided by the Regional Director for Region 26, after being duly signed by the Respondent's representative, shall be posted by it immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent Employer to insure that said notices are not altered, defaced, or covered by any other material.

(c) Post at the same places and under the same conditions as set forth in (b) above, as they are forwarded by the Regional Director, copies of the Respondent Meatcutters Union's notice marked "Appendix B."

(d) Mail signed copies of the attached notice marked "Appendix A" to said Regional Director for posting at the hiring hall operated by Respondent Meatcutters Union, in places where notices to members and employees and prospective employees are customarily posted. Copies of the notice, on forms provided by said Regional Director, shall be returned forthwith to the Regional Director after they have been signed by an official representative of the Respondent Employer for such posting.

(e) Notify the Regional Director for Region 26, in writing, within 10 days from the date of this Order, what steps Respondent Employer has taken to comply herewith.

B. Respondent Amalgamated Meat Cutters and Butcher Workmen of North America, Local 405, its officers, agents, and representatives, shall:

1. Cease and desist from:

(a) Accepting exclusive recognition as the representative of the food and grocery department employees of the Respondent Employer, or any other Employer, for the purposes of collective bargaining at a time when it has not been designated as the exclusive representative by a majority of such employees.

(b) Entering into a collective-bargaining agreement with the Respondent Employer, or any other Employer, as the exclusive representative of its food and grocery department employees for the purpose of collective bargaining at a time when there exists a real question concerning representation.

(c) Giving effect to its contract of March 24, 1967, with the Respondent Employer to the extent it covers food and grocery department employees, or to any renewal, extension, modification, or supplement therof, unless and until it has been duly certified by the National Labor Relations Board as the exclusive representative of such employees.

(d) In any like or related manner, restraining or coercing employees of Respondent Employer in the exercise of the rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action which is necessary to effectuate the policies of the Act:

(a) Post at its business offices and meeting halls in Nashville, Tennessee, copies of the attached notice marked "Appendix B."[6] Copies of said notice, on forms provided by the Regional Director for Region 26, after being signed by the Union's representative, shall be posted by Respondent Union immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to its members are customarily posted. Reasonable steps shall be taken by Respondent Union to insure that said notices are not altered, defaced, or covered by any other material.

(b) Post at the same place and under the same conditions as set forth in (a) above, and as soon as they are forwarded by the Regional Director, copies of the attached notice marked "Appendix A."

(c) Mail to the Regional Director signed copies of Appendix B for posting by Respondent Company as provided above herein. Copies of said notice, on forms provided by the Regional Director, after being signed by Respondent Union's representative, shall be forthwith returned to the Regional Director for such posting.

(d) Notify the Regional Director for Region 26, in writing, within 10 days from the date of this Decision, what steps Respondent has taken to comply herewith.

Dated, Washington, D.C.

JOHN H. FANNING,
HOWARD JENKINS, Jr.,
SAM ZAGORIA,
Member.

APPENDIX A: NOTICE TO ALL EMPLOYEES

Pursuant to a decision and order of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify you that:

We will not assist or contribute support to the Amalgamated Meat Cutters and Butcher Workmen of North America, Local 405, or to any other labor organization, by recognizing such labor organization as the exclusive representative of any of our food and grocery department employees for the purpose of collective bargaining at a time when such labor organization has not been designated by a majority of such employees as their exclusive representative.

We will not assist or contribute support to the Amalgamated Meat Cutters and Butcher Workmen of North America, Local 405, or to any other labor organization, by entering into a collective-bargaining agreement with such labor organization as the exclusive representative of our food and grocery department employees at a time when there exists a real question concerning representation.

We will not give effect to our contract of March 24, 1967, with the Amalgamated Meat Cutters and Butcher Workmen of North America, Local 405, to the extent that it covers food and grocery department employees, or to any renewal, extension, modification, or supplement thereof, unless said labor organization has been duly certified by the National Labor Relations Board as the exclusive representative of such employees.

We will not in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights guaranteed in Section 7 of the Act.

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[5] In the event that this Order is enforced by a decree of a United States Court of Appeals, in each Notice marked "Appendix A" or "B," there shall be substituted for the words "a Decision and Order" the words "a Decree of the United States Court of Appeals, Enforcing an Order."

[6] See footnote 5, *supra*.

All our employees are free to become, refrain from becoming, or remaining members of the above-named or any other labor organization.

ALLIED SUPERMARKETS, INC., ALLIED DISCOUNT FOODS DIVISION,
Employer.

Dated ———.
By
(Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

If employees have any question concerning this notice or compliance with its provisions, they may communicate directly with the Board's Regional Office, 562 Federal Courthouse Bldg., 801 Broadway, Tel. No. 242–5922.

APPENDIX B: NOTICE TO ALL MEMBERS OF THE AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, LOCAL 405

Pursuant to a decision and order of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify you that:

We will not accept exclusive recognition as the representative of any of the employees of Allied Supermarkets, Inc.—Allied Discount Foods Division, or any other Employer, for the purposes of collective bargaining at a time when we have not been designated as the exclusive representative of such employees.

We will not enter into a collective-bargaining agreement with Allied Supermarkets, Inc.—Allied Discount Foods Division, or any other Employer, as the exclusive representative of any of its employees for the purposes of collective bargaining at a time when there exists a real question concerning representation.

We will not give effect to our contract of March 24, 1967, with Allied Supermarkets, Inc.—Allied Discount Foods Division, or to any renewal, extension, modification, or supplement thereof, unless and until we have been duly certified by the National Labor Relations Board as the exclusive representative of such employees.

We will not in any like or related manner restrain or coerce employees of the above-named Company in the exercise of the rights guaranteed in Section 7 of the Act.

AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, LOCAL 405.
Labor Organization.

Dated ———.
By
(Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

If members have any question concerning this notice or compliance with its provisions, they may communicate directly with the Board's Regional Office, 562 Federal Courthouse Bldg., 801 Broadway, Tel. No. 242–5922.

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD, DIVISION OF TRAIL EXAMINERS, WASHINGTON, D.C.—ALLIED SUPERMARKETS, INC., ALLIED DISCOUNT FOODS DIVISION, AND RETAIL CLERKS UNION, LOCAL 1557, CASE NO. 26–CA–2729—AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, LOCAL 405 (ALLIED SUPERMARKETS INC., ALLIED DISCOUNT FOODS DIVISION) AND RETAIL CLERKS UNION, LOCAL 1557, CASE NO. 26–CB–369

Hutton S. Brandon, Esq., and *Owen E. Adams, Esq.*, for the General Counsel.

E. L. Collins appearing for the Charging Party.

Howard K. Schwartz, Esq., for the Respondent Employer.

Charles R. Isenberg, Esq., for the Respondent Union.

TRIAL EXAMINER'S DECISION

Statement of the case

John G. Gregg, Trial Examiner: This consolidated trial took place at Nashville, Tennessee, on July 6, 1967. The complaint alleges that, by certain conduct, Allied Supermarkets, Inc., Allied Discount Foods Division, herein referred to as the Respondent Employer violated Sections 8(a)(1) and 8(a)(2) of the Act, and that the Amalgamated Meatcutters and Butcher Workmen of North America, Local 405 herein referred to as the Respondent Meatcutters Union violated Section 8(b)(1)(a) of the Act. The Respondent Company and Respondent Meatcutters Union deny the commission of any unfair labor practices.

Upon consideration of the entire record, my observation of the demeanor of the witnesses, and the briefs filed by the parties herein, I make the following:

Findings of fact

I. Jurisdictional Findings

The Respondent Employer is now and has been at all times material herein a Delaware corporation engaged in the operation of a chain of retail grocery stores located in 30 separate States of the United States. On or about March 8, 1967, the Respondent Employer purchased and assumed the operation of two retail grocery stores located at 1508 Gallatin Road and 4095 Nolensville Road, Nashville, Tennessee.

The Respondent Employer's two Nashville stores, during the past calendar year, which period is representative of all times material herein, sold and distributed grocery products at retail, the gross volume of such sales exceeding $500,000. During the same period of time the Respondent Employer received goods valued in excess of $10,000 at its Nashville, Tennessee stores, transported to such stores from suppliers located outside the State of Tennessee. The Respondent Employer is now, and has at all times material herein been an employer engaged in commerce within the meaning of Section 2 (6) and (7) of the Act.

II. The Labor Organizations Involved

The Amalgamated Meatcutters and Butcher Workmen of North America, Local 405, hereinafter referred to as the Respondent Meatcutters Union is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act. The Retail Clerks Union, Local 1557, hereinafter referred to as the Retail Clerks Union is now and has been at all times material herein a labor organization within the meaning of Section 2(5) of the Act.

III. The Unfair Labor Practices

The consolidated complaint alleges essentially that the Respondent Employer recognized the Respondent Meatcutters Union and executed an agreement with the Respondent Meatcutters Union in regard to wages, working conditions and classifications of the employees notwithstanding the fact that at the time of the said agreements a real question concerning representation existed in that a substantial number of the Respondent's employees had designated the Retail Clerks Union as their exclusive bargaining representative in an appropriate unit consisting of all grocery clerks and food department employees excluding meat department employees and other statutory exclusions; and notwithstanding the fact that at the time of said agreements the Respondent Meatcutters Union was not in fact designated by a majority of the Respondent Employer's employees in the aforesaid unit as their exclusive collective-bargaining representative, and that thereby the Respondent Employer rendered and is rendering unlawful assistance and support to a labor organization within the meaning of Section 8(a)(2) of the Act and interfered with, restrained and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act, thereby violating Section 8(a)(1) of the Act. The complaint additionally alleges that by such acts the Respondent Meatcutters Union restrained and coerced employees in the exercise of rights guaranteed in Section 7 of the Act thereby violating Section 8(b)(1)(a) of the Act. The Respondent Employer and the Respondent Meatcutters Union deny the commission of any unfair labor practices.

A. The facts

The facts herein are essentially undisputed. The Respondent Employer operates approximately 300 retail grocery supermarkets in various States. The record discloses that approximately 80 percent of these stores have been organized basically by various locals of the Retail Clerks Union and the Amalgamated Meatcutters Union.

On March 8, 1967, the Respondent Employer assumed the operation of the two Nashville, Tennessee, stores hereinabove mentioned. The predecessor employer *K. G. Food Corporation* had been ordered by a recommended order of a Trail Examiner in a prior proceeding, *K. G. Food Corporation* 26–CA–2347, to cease and desist from refusing to bargain with the Respondent Meatcutters Union herein and to bargain with said Union, on request, as the exclusive representative of the employees in the appropriate unit, which unit was found by the Trail Examiner to be "All meat department employees at the Nolensville and Gallatin Road stores, Nashville, Tennessee, excluding guards and supervisors as defined in the National Labor Relations Act." The two stores were acquired by the Respondent Employer herein prior to compliance by the predecessor corporation with the foregoing decision. The assumption of operation by the Respondent Employer did not result in any physical change or change in the operations or duties of the employees.

On March 13, 1967, the Respondent Meatcutters Union, having begun an organizational campaign among the grocery employees and having obtained employee signatures on 45 union authorization cards asserted to the Respondent Employer that it represented a majority of all the employees at the subject stores and demanded recognition in a broad wall-to-wall unit including all food department employees. The record indicates that a card check requested by the Respondent Meatcutters Union was initially denied by the Respondent Employer on March 13, but was agreed to under threat of a strike. The March 13 meeting continued through March 14, 1967, when the Respondent Meatcutters Union presented the Respondent Employer with the 45 signed authorization cards as proof of claim of a majority. When received by the Respondent Employer's personnel director and representative, Mr. Saul, the cards were turned over to Jack Bushkin, a third party labor relations consultant of Detroit, Michigan, for the purpose of checking the cards against the Respondent Employer's payroll records.

As a result of the card check, Bushkin advised the Respondent Employer that the Respondent Meatcutters Union represented a majority of the employees in the broad unit of all food department employees excluding certain managers, comanagers, management trainees, office clericals and all guards, professional employees and supervisors within the meaning of the Labor Management Relations Act of 1947, as amended, employed at the Nashville, Tennessee, stores. Bushkin ruled out 3 of the 45 signed cards as invalid and accepted 42 cards as valid in the unit found to encompass 78 employees. Subsequently, that day the Respondent Employer and the Respondent Meatcutters Union executed a memorandum certifying

the results of the card check and executed a memorandum agreement recognizing the Respondent Meatcutters Union as the exclusive bargaining representative of all the food department employees at the subject stores with the exclusions as noted.

Subsequently, on March 23, 1967, negotiations for a collective-bargaining agreement were commenced and continued through March 24, 1967. The negotiations produced agreement on the terms and conditions of a collective-bargaining agreement covering all of the bargaining unit employees and a memorandum agreement was executed by the Respondent Employer and Respondent Meatcutters Union on March 24, 1967.

In the meantime, however, the Retail Clerks Union had commenced an organizing campaign. After securing one card on March 4, 1967, the Retail Clerks Union on March 6, 1967, directed a telegram and letter to the Respondent Employer as follows:

RETAIL CLERKS UNION LOCAL 1557,
Nashville, Tenn., March 6, 1967.

This is to inform you that Local 1557 Retail Clerks Union, Nashville, Tennessee, has an interest in the two Nashville K-Mart Food Stores which you have acquired and are assuming operation of this week. We would expect to be contacted by your company in the event another labor organization expresses an interest in or seeks recognition for the clerks in these stores. Letter to follow.

E. L. COLLINS,
Secretary-Treasurer.

MARCH 6, 1967.

MR. ROBERT HILLIARD,
Allied Food Co.,
Detroit, Mich.

DEAR MR. HILLIARD: We have been informed that you are presently acquiring the K-Mart Food Stores located at 1508 South Gallatin Road and 4095 Nolensville Road, Nashville, Tennessee.

This is to inform you that we are presently engaged in an organizing campaign for the clerks in these stores, excluding the meat department employees and supervisors.

At present, we have an interest in these clerks which we can show.

We expect to be notified in the event any other labor organization claims to have an interest in or seeks to represent the employees in these stores other than meat department employees.

Yours truly,

E. L. COLLINS,
Secretary-Treasurer.

The record reflects a postal receipt indicating that the letter was received by the Respondent Employer on March 8, 1967. There was no response to the foregoing communications. In the meantime, the Retail Clerks Union continued its organizing campaign by securing approximately 26 additional cards thereafter between March 8, 1967, and March 13, 1967. Following the recognition on March 14, 1967, by the Respondent Employer of the Respondent Meatcutters Union, and prior to the execution of the agreement relative to wages and conditions of employment, the Retail Clerks Union on March 17, 1967, filed a petition with the National Labor Relations Board for certification as representative of the employees of the Respondent Employer in a narrow unit excluding the meat department employees and other statutory exclusions.

1. The telegram and letter

Concerning the receipt of the telegram, testimony by E. L. Collins, Secretary-Treasurer of the Retail Clerks Union, was as follows:

"Answer. The notation says "Delivered 1:50 p.m. to Robert Hilliard."

"Question. Do you know how that happened to be put there?"

"Answer. My secretary put this on there when the phone company called back and verified it or when Western Union called back and verified delivery of the telegram and her initials are marked there."

As to the receipt of the registered letter, Collins testified as follows:

"Answer. Well, one attachment is the receipt for the registered article which is the letter, the other one is the return receipt that was requested along with it signed—well, I can't make out the name but it is signed by Allied Food and stamped March 8, 1967."

Collins testified additionally as follows:

"Question. Did your union take any other steps to become the employee representative with the Respondent Company's grocery department employees?"

"Answer. On March 17, 1967, we filed a petition for a representation election among the employees."

On cross-examination E. L. Collins testified as follows:

"Question. Mr. Collins at any time prior to the filing of your petition on March 20, 1967, did you offer to the Employer to examine your representation cards?

"Answer. We offered proof of our interest in the stores.

"Question. How did you offer such proof?

"Answer. Through the telegram and letter.

"Question. Did you in so many words at any time prior to the filing of the petition contact any official of the Employer and say here are my cards?

"Answer. No, sir."

Testimony by Lawson Saul, director of personnel for the Respondent Employer, was as follows:

"Question. Directing your attention to the telegram and registered letter sent to your Mr. Hilliard on March 6, 1967, did that ever come to your attention? Did you ever see the letter and the telegram?

"Answer. Yes, as a matter of fact that type of communication as it would affect our division is automatically sent to me by Mr. Hilliard. The telegram was sent to my office through our office mail and I actually didn't see that telegram until March 13, the morning of March 13, because I was out of town. The letter dated March 6 was a registered letter which did not appear on my desk until March 22, however, in examining the signed receipt, I recognize that it was in our office some place. I'll have to excuse our office mail for not getting it to me, but I did not receive it until March 22."

On the basis of the foregoing, I find that at the time the Respondent Employer recognized the Respondent Meatcutters Union on March 14, 1967, the Respondent knew that the Retail Clerks Union had communicated with it by way of the telegram expressing an interest in the grocery store employees in the Respondent Employer's two Nashville stores. While the Respondent Employer claims that it did not acquire actual knowledge of the registered letter until March 22, on the basis of the testimony and exhibits of record, particularly the postal receipt initiating delivery on March 8, 1967, I charge the Respondent Employer with receipt and knowledge of the letter prior to March 14, 1967.

2. The question of the appropriate unit

Turning to the question of the appropriate unit, the complaint herein alleges that all grocery clerks and food department employees employed by the Respondent Employer at its Nolensville Road and Gallatin Road stores, Nashville, Tennessee, excluding meat department employees, store managers, comanagers, management trainees, office clerical employees, all guards, professional employees and supervisors as defined in the Act, constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act. By its answer, the Respondent Employer denied that this is an appropriate unit and affirmatively declared that the aforesaid bargaining unit is inappropriate and that the only appropriate unit for the purposes of collective bargaining within the meaning of Section 9(b) of the Act includes all meat, grocery and produce department employees employed by the Employer in the subject stores excluding the store managers, comanagers, manager trainees, office clerical employees, all guards, professional employees and other supervisors as defined in the Act. On the other hand, in its answer, the Respondent Meatcutters Union admits the allegation of the complaint dealing with the appropriate unit, but asserts in its brief that although the unit requested by the Retail Clerks Union is an appropriate unit, it is not, in the circumstances of this case, the appropriate unit, in view of the recognition extended to the Respondent Meatcutters Union in the larger but equally appropriate unit consisting of all employees of the Respondent Employer in the grocery and meat department with statutory exclusions.

The Board in a recent representation case involving the Respondent Employer at another location held that a separate unit of grocery employees, excluding meat department employees, may constitute an appropriate bargaining unit. As in other industries, the appropriateness of such unit depends upon analysis of all relevant factors. The Board indicated that "upon such analysis, we are satisfied that there are sufficient differences between the grocery store and meat department employees in this case to support the appropriateness of a separate unit limited to grocery employees. Thus, the two departments are physically and functionally separate, there is very little interchange of employees between them, and each is subject to sepaarte immediate supervision. Meat department employees wear uniforms to distinguish them from other employees, and in general, they have skills which differ from those of grocery department employees. Moreover, the general bargaining trend in the retail food store industry supports separate representation of meat and grocery department employees. Accordingly, we find a unit of full-time and regular part-time grocery store employees, excluding meat department employees, constitute a separate appropriate unit. *We note however, that although community of interest among all employees supports the appropriateness of a store-wide unit as well,* no question concerning intervenors representation of meat department personnel has been raised on the present record . . ." (emphasis supplied). *Allied Supermarkets, Inc.,* and *Retail Clerks Union, Local 445,* (September 8, 1967) 167 NLRB No. 48.

It is clear therefore that in the Board's view any one of at least three units might be appropriate here. In the circumstances of this case, considering the fact that on March 14, 1967, the Respondent Meatcutters Union possessed an uncoerced majority of the employees in the broad unit, I find that an overall broad unit as requested by the Respondent Meatcutters Union and as accepted by the Respondent Employer herein is an appropriate unit.

B. Discussion

The General Counsel contends that this case is controlled by the rule in *Midwest Piping and Supply Company Inc.,* 63 NLRB 1060, wherein it was established that an employer faced with conflicting claims of two or more rival unions which give rise to a "real question concerning representation" may not recognize or enter into a contract with one of these unions until its right to be recognized has finally been determined under the special procedures provided in the Act. A review of the decision of the Board in *Midwest Piping* indicates that the Board found that the Respondent knew at the time of the execution of the contract that there existed a real question concerning the representation of the employees in question. "The record shows that both the Steamfitters and the Steelworkers had vigorously campaigned in the

plant, had apprised the Respondent of their conflicting majority representation claims, and had filed with the Board conflicting petitions which were still pending alleging the existence of a question concerning the representation of the employees covered by the agreement." The Board in *Midwest Piping* went on to state that in that case the Respondent elected to disregard the orderly representative procedure set up by the Board under the Act for which both unions had theretofore petitioned the Board, and to arrogate to itself the resolution of the representative dispute against one union and in favor of the other. The Board found that by executing an agreement with one union in the face of representation proceedings pending before the Board the Respondent accorded that union unwarranted prestige, encouraged membership therein, discouraged membership in the other union and thereby rendered unlawful assistance to one union which interfered with, restrained, and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act. The rule in *Midwest Piping* is now well settled.

In *Novak Logging Company*, 119 NLRB 1573 the Board found a question concerning representation to exist when the Employer recognized one union in the face of recent bargaining negotiations with another union which had been the contractual representative of the employees in question during the preceding 4 years, holding that the Employer could not assume to judge for itself upon a showing of authorization cards which of the contending unions was the statutory representative of the employees. In a more recent case, *B. M. Reeves Company Inc.*, 128 NLRB 320, the Board reviewed the *Midwest Piping* doctrine, adverting to its decision in *William Penn Broadcasting Company*, 93 NLRB 1104, wherein the Board held that Section 8(a)(2) is not violated by an employer's execution of a contract with an incumbent union unless there existed at the time a real question concerning representation as ultimately decided by the Board on the basis of the same criteria uniformly applied in determining whether such a question existed before proceeding to an election under Section 9(a). In *William Penn* the Board stated that in the interest of industrial stability the Employer may continue to deal with an incumbent so as not to deprive the employees of the benefits of uninterrupted collective bargaining whenever a clearly unsupportable or specious rival claim is made on the Employer. It is well established that an employer does not violate the Act by extending recognition to one of the competing unions where the rival union's claim is clearly unsupportable or specious, or otherwise not a colorable claim. *The Boys Market, Inc.*, 156 NLRB 105.

In the case at hand it is asserted by the Respondent that the rule in *Midwest Piping* is inapplicable because the Retail Clerks Union did not specifically state its claim to representation but advanced merely an ill-defined and bare claim insufficient to create a real question concerning representation which is a necessary element in the *Midwest Piping* rule.

The General Counsel contends that the fact that competing unions do not specifically state their claims to representation does not prevent the existence of a question concerning representation, citing *The Wheland Company*, 120 NLRB 814. I do not find that case applicable herein for in *Wheland* the facts showed that the Respondent Employer granted recognition to one union with full knowledge of the claims of both unions to represent employees in a newly created unit, the Board stating that under these circumstances the fact that both unions did not specifically state their claims representation is of no significance. It was a relatively simple matter for the Board in that case to recognize the existence of a real question concerning representation in the face of clear underlying claims by the contending unions and actual statements by the Respondent Employer therein to representatives of both unions assuring them that the question of representation would be resolved by a board election, a case clearly distinguishable from the one at hand. Examining the case at hand, and the situation as it existed on the critical date of March 14, 1967, in order to determine whether or not there existed at that time a genuine question concerning representation, it is clear from the record that at that time the Respondent Employer had before it an unmistakable claim by the Respondent Meatcutters Union to represent all the food department employees in an appropriate, broad, wall-to-wall unit which included both grocery and meat department employees with appropriate statutory exclusions. At the same time it was presented with proof confirmed by an independent third party check of the majority status of the Respondent Meatcutters Union in the unit claimed.

Was there in existence at that time a conflicting claim sufficient to raise a real question concerning representation? At that time the Respondent Employer was in receipt of the Retail Clerks Union telegram of March 6, 1967, and based on the findings hereinabove was charged with notice of the Retail Clerks Union registered letter of March 6, 1967. An analysis of the telegram and letter reveals that no assertion is made by the Retail Clerks Union of majority status nor is there in fact any demand for recognition contained in these communications. The telegram and letter undoubtedly placed the Respondent Employer on notice of the fact that the Retail Clerks Union had an "interest" in the employees which they could show. A reading of the letter and telegram at best would advise the Respondent Employer that the Retail Clerks Union was initiating an organizing campaign for the clerks in those stores and had an interest of an undisclosed and undefined extent. There are no circumstances herein, on the critical date, as in the *Midwest Piping* and *Novak Logging* line of cases, such as the existence of petitions for election by the competing unions or an incumbent union, or a history of prior discussions or bargaining between the Respondent Employer and each of the competing unions. In *Midwest Piping* and *Novak Logging* the existence of the conflicting claims is apparent and unquestionable, whereas in the case at hand it is not. On the contrary, the telegram and letter to the Employer herein, at a time when the Respondent Employer was in the process of assuming the operation of the stores for the first time, making no assertion of majority status nor in any way demanding recognition would not, in my opinion, place the Respondent Employer in the position of being faced with conflicting claims of such nature as to raise a genuine question concerning representation. This view finds support in the record which clearly indicates that at the time the telegram and letter were dispatched the Retail Clerks Union had, in fact, secured only one authorization card.

While the record does indicate that the Retail Clerks Union in the week preceding the critical date of recognition conducted an organizing campaign and secured additional authorization cards, the record also discloses that this was not communicated to the Respondent Employer and that no further action was taken by the Retail Clerks Union to establish a claim or otherwise communicate with the Respondent Employer until after recognition had been accorded to the Respondent Meatcutters Union. At this time the Retail Clerks Union was not an incumbent, had not filed a petition, and had not, in my view, indicated to the Respondent Employer any more than an interest in organizing some of its employees. Under these circumstances, I find that on March 14, 1967, there did not exist a "real question concerning representation" within the *Midwest Piping* rule and that the Respondent Employer herein was accordingly free to recognize the Respondent Meatcutters Union as the exclusive bargaining representative of the employees, in the appropriate unit claimed, on the basis of a clear showing of majority status certified to through an independent third party check.

Measuring the situation from a different perspective, and generally applying the yardstick suggested by the Board in *B. M. Reeves Company, supra*, that is, the criteria uniformly applied by the Board in determining whether such a question exists before proceeding to an election under Section 9(a) of the Act, we find that on the date of recognition the claim by the Retail Clerks Union does not equate to an active and continuing claim within the ambit of *Novak Logging*, and that while the claim involved an appropriate unit it was not supported by an adequate showing of interest. I do not find in the telegram and letter herein a clear claim of representation which was active and continuing when recognition was accorded the Respondent Meatcutters Union. I find an absence of an adequate showing of interest in behalf of its claim by the Retail Clerks Union, for while it is true that the Retail Clerks Union had secured a number of authorization cards in the interim between the telegram and letter and the date of recognition it is clear from this record that this fact was not communicated to the Respondent Employer and the Respondent Employer had no notice or knowledge thereof. Even measured by this yardstick, the circumstances of this case do not clearly establish the existence of a conflicting claim of such nature as to raise a "real question concerning representation." I find therefore that the recognition of the Respondent Meatcutters Union by the Respondent Employer on March 14, 1967, was valid.

The General Counsel argues that the recognition on that date was not valid, since on that date the Respondent Meatcutters Union did not, in fact, enjoy majority status. The record discloses that on March 14, 1967, the total number of employees as reflected on the payroll of the next nearest date is 80. With the deletion of 4 supervisors the total number in the overall unit is 76. The testimony of record fails to establish that the Respondent Meatcutters Union did not, in fact, enjoy majority status in the broad wall-to-wall unit on March 14, 1967. The General Counsel argues that the lack of majority is evidenced by the mere existence on March 14, 1967, of 15 duplicate cards, that is cards signed for the Retail Clerks Union by employees who prior to that time had signed for the Respondent Meatcutters Union, thereby, according to the General Counsel, revoking their prior designation of the Respondent Meatcutters Union as their exclusive bargaining representative. I do not so find. The total number of cards secured on behalf of the Retail Clerks Union was approximately 27. Objections were made to the admissibility of many of these cards and as to the weight to be accorded them, particularly in view of testimony by Lee which indicated that cards were solicited by him with the statement that "This was the only way it could be used, there was two unions involved, was for an election." Aside from the fact that some of these cards would therefore appear to be invalid,[1] in my view the existence of these duplicate cards, some tainted in their solicitation, is of questionable value in establishing a clear revocation of the prior authorizations, and does not affirmatively provide a preponderance of evidence of probative value sufficient to establish the fact that the prior authorizations were, in fact, revoked and

[1] *Cumberland Shoe Corporation*, 144 NLRB 1268.

that the Respondent Meatcutters Union did not enjoy majority status in the broad wall-to-wall unit on March 14, 1967. I therefore find that the Respondent Meatcutters Union did enjoy majority status in the broad wall-to-wall unit on the date of recognition, March 14, 1967.

Finally, examining the situation following the recognition, the record discloses that the petition filed by the Retail Clerks Union bears the date of March 20, 1967. Concerning its receipt, the record discloses uncontradicted testimony by Saul, on behalf of the Respondent Employer, that at the time of the execution of the contract he had not been served with the petition, that the petition was served on the store managers on Saturday, March 25, 1967, but did not come to his attention until his return from Louisville Monday, May 27, 1967, subsequent to the execution of the contract. The record contains no proof of the date of forwarding of notice nor receipt of notice except that as testified to by Saul. Under these circumstances, and crediting Saul's testimony, I find that on March 24, 1967, the Respondent Employer had no knowledge of the filing of the petition herein.

In any event, having found the recognition accorded to the Respondent Meatcutters Union by the Respondent Employer on March 14, 1967, to be valid and in good faith, I would apply the decision of the Board in *Keller Plastics Eastern, Inc.*, 157 NLRB 583, wherein the Board stated, "With respect to the present dispute which involves a bargaining status established as the result of voluntary recognition of a majority representative, we conclude that, like situations involving certifications, Board order, and settlement agreements, the parties must be afforded a reasonable time to bargain and to execute the contracts resulting from such bargaining. Such negotiations can succeed, however, and the policies of the Act can thereby be effectuated only if the parties can normally rely on the continuing representative status of the lawfully recognized union for a reasonable period of time."

In *Keller Plastics* the Board found to be reasonable a 3-week period, from February 16, the date recognition was lawfully accorded to March 10, the date the contract was executed. I would find herein that the period March 14 through March 24 to be a reasonable period. I am not unmindful of the recent pronouncement of the Board in *Superior Furniture Manufacturing Company, Inc.*, 167 NLRB No. 40, wherein the Board stated that the recognition agreement therein accorded to the Union on the basis of signatures on authorization cards was not considered a bar within the rule announced in *Keller Plastics*. That case is distinguishable from the case at hand not only on the basis of the fact that a petition had been filed backed up by a showing of interest of 33 cards out of approximately 45 employees contemporaneously with recognition, but the petitioner therein had apparently secured a majority of the cards at the time it filed its petition, all contemporaneous with the recognition. In the case at hand, at the time of recognition no petition had been filed and no claim raising a real question concerning representation was in existence. Following the past pronouncements of the Board the burden of establishing the facts to support the violations alleged in the complaint rests upon the General Counsel who must prove that a real question concerning representation existed when the Respondent Employer herein recognized and contracted with the Respondent Meatcutters Union. In my view, the record does not establish this by a proponderance of the evidence, nor does it establish that the Respondent Employer rendered unlawful support to the Respondent Meatcutters Union as alleged in the complaint. Accordingly, I recommend dismissal of the complaint herein insofar as it alleges violations by the Respondent Employer of Sections 8(a)(1) and 8(a)(2) of the Act.

For the reasons explicated hereinabove and in view of the findings herein that no real question concerning representation existed on the critical dates, and that the Respondent Meatcutters Union enjoyed majority status on the date of recognition, I also recommend dismissal of those portions of the complaint alleging violations by the Respondent Meatcutters Union of Section 8(b)(1)(a) and Section 2(6) and (7) of the Act.

Conclusions of law

1. Allied Supermarkets, Inc.-Allied Discount Foods Division is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

2. The Respondent Meatcutters Union and the Retail Clerks Union are labor organizations within the meaning of Section 2(5) of the Act.

3. All meat, grocery, and produce department employees employed by the Employer in the Employer's Gallatin and Nolensville Road, Nashville, Tennessee, stores, excluding the store managers, comanagers, manager trainees, office clerical employees, all guards, professional employees, and other supervisors as defined in the Act constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

4. The Respondent Employer did not render nor is it rendering unlawful assistance and support to a labor organization, and has not engaged in nor is it engaging in unfair labor practices affecting commerce within the meaning of Section 8(a)(2) and Section 2(6) and (7) of the Act.

5. The Respondent Employer did not interfere with, restrain and coerce its employees in the exercise of rights guaranteed in Section 7 of the Act and did not engage in unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and Section 2(6) and (7) of the Act.

6. The Respondent Meatcutters Union did not restrain and coerce the employees in the exercise of rights guaranteed in Section 7 of the Act and has not engaged in unfair labor practices affecting commerce within the meaning of Section 8(b)(1)(a) and Section 2(6) and (7) of the Act.

In view of the foregoing conclusions of law and based upon the entire record herein, it is recommended that the complaint be dismissed in its entirety.

Dated at Washington, D.C.

JOHN G. GREGG,
Trial Examiner.

[From the Wall Street Journal]

LIKE THE OLD SHELL GAME

This particular labor relations case is almost as baffling as the old shell game, which over the years has befuddled so many rubes.

It involves the employes of two Nashville, Tenn., supermarkets, under one management. Now there are two ways an employer can be required to recognize that his employes want a union and hence be required to bargain with them. One is by a secret ballot election as provided by Congress. The other is by the use of "union authorization cards" as permitted by rulings of the National Labor Relations Board.

If a union can get a majority of a company's employes to sign authorization cards, according to NLRB policy it can demand that the employer recognize and bargain with it, dispensing with a formal election.

In the case of the supermarkets, the AFL–CIO Meat Cutters Union openly conducted an organizing campaign, demanding recognition and bargaining on the basis of signed authorization cards. When the employer, however, asked for an NLRB election, the meat cutters threatened to strike. So to avoid a tieup and all the legal fuss insistence on a secret ballot election would entail, the markets agreed to accept the signed cards as evidence of the employes' intentions, provided the cards were checked by an independent labor relations representative.

The check was made, the consultant reporting that the union had valid signed authorization cards from 42 of the 78 employes in the two stores. The employer therefore bargained with the meat cutters and signed a contract with them.

Now enters the AFL–CIO Retail Clerks Union. It seems that while the meat cutters were holding their organizing campaign, the retail clerks secretly were conducting a campaign of their own to obtain signed authorization cards and held cards from 15 of the 42 workers who had signed the meat cutters' cards. In short, some employes had signed cards of two different unions.

The NLRB then did the only thing it could do: It ruled that the 15 cards could not be counted for any union. That, of course, denied the meat cutters a majority. But the NLRB went further. Although it conceded that the employer, unaware of the duplications, had acted in good faith, the board held this was immaterial and charged the employer with granting recognition to a minority union and hence with violation of the labor laws.

Plainly, when an employer unwittingly can get himself into such a position, the NLRB's policy of permitting union recognition through the signing of cards ought to be thrown out, and all recognition and bargaining cases resolved by secret ballot as Congress intended all along. Otherwise, how is an employer to know under which shell a union is hiding the pea?

[From NAM Reports, Mar. 4, 1968]

EMPLOYER FOLLOWS NLRB DOCTRINE, FOUND "UNFAIR"

The notorious unreliability of union authorization cards as evidence that employees want a union is again illustrated in a recent decision of the National Labor Relations Board.

When a union gets cards signed by a majority of employees and demands that the employer recognize and bargain with it, the Board generally dispenses with the secret ballot election provided by Congress for settling representation questions and orders the employer to bargain with the union on the basis of the cards. In the present case, however, the employer complied with the Board's doctrine and recognized the union on the basis of cards but the Board held this was an unfair labor practice because, unknown to the employer, some of the employees had signed cards of two different unions.

The case came up at two stores of Allied Supermarkets, Inc., in Nashville, Tennessee, where the AFL–CIO Meat Cutters Union conducted an organizing campaign and demanded bargaining on the basis of authorization cards. When the company declined and urged a Board election, the union threatened to strike. Faced with this threat, and mindful of the many NLRB decisions ordering employers to bargain with unions on the basis of authorization cards, the company agreed to have the cards checked by an independent labor relations consultant and to abide by the results of his check. The consultant conducted the card check and reported that the union had valid signed authorization cards from 42 of the 78 employees in the two stores, a clear majority. Accordingly, the company bargained with the union and entered into a contract.

Shortly thereafter, the AFL–CIO Retail Clerks Union filed charges with the NLRB alleging that the Meat Cutters Union did not have a majority and that the employer's act of recognizing and contracting with the Meat Cutters was, therefore, an unfair labor practice.

At the hearing on these charges, it developed that, while the Meat Cutters Union was openly conducting its organizational

campaign, the Retail Clerks Union was also secretly engaged in obtaining authorization cards and, at the time of the employer's recognition, it held signed cards from 15 of the 42 employees who had signed Meat Cutters cards.

On these facts, the Board ruled that the 15 cards could not be counted and, therefore, the Meat Cutters did not have a majority. Thus the Board stated:

"Under well established principles, the 15 cards submitted by the Respondent Union which were duplicated by the Charging Party are not reliable evidence of the signers' selection of the Respondent Union as their exclusive bargaining representative, and as a substantial number of these cards were necessary to support the Respondent Union's claimed majorly status, it follows that the Respondent Union was not the duly designated representative of the Respondent's employees within the meaning of Section 9(a) of the Act. It was in fact a minority union."

The Board recognized that the employer acted in good faith and without knowledge that any of the employees had signed cards with a second union. But it ruled that this was immaterial. On this point, it said:

"It may be true that Respondents were not aware that some of the employees who had signed cards for the Respondent Union had also signed cards for the Charging Party and that the demand for and extension of recognition were undertaken in entire good faith. However, this may be, it is clear that the grant of recognition to a minority union violates the Act without regard to the parties' good or bad faith."

This case again illustrates why employers should never be required to grant recognition on the basis of authorization cards and why the Board should never order such recognition but instead should adhere to the secret ballot election procedure provided by Congress.

THE PHILADELPHIA PHILLIES—REAL CHAMPIONS

Mr. CLARK. Mr. President, as a longtime baseball fan, I have often had occasion to be proud of the Philadelphia Phillies. But I was as proud of them this week as I have ever been before. In refusing to play their opening game on the day of Dr. Martin Luther King's funeral, at the risk of being charged with a forfeit, they have demonstrated the kind of sportsmanship that makes them champions in the eyes of all Americans. I salute the Philadelphia Phillies—players, coaches, and management—as athletes, sportsmen, and gentlemen.

I ask unanimous consent to have printed in the RECORD an editorial entitled "Real Champions," published in the Philadelphia Inquirer of April 9, 1968.

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

REAL CHAMPIONS

The measure of sportsmanship, in the highest sense of the word, is not whether you win or lose but how you play the game. Sometimes it's how you don't play the game.

In our book, the Phillies are National League champions before the season starts. The team management, backed up by the players, refused to play the scheduled opener in Los Angeles on the day of Dr. Martin Luther King's funeral, even if it meant forfeiting the game.

The controversy never should have arisen in the first place, as other games were canceled as a matter of decency and respect. But the Phillies were confronted with an issue and they made their stand. It was a big league performance.

ARIZONA STATE SENATE CONDEMNS IRS PRACTICES

Mr. LONG of Missouri. Mr. President, the Honorable Ernest Garfield, Arizona State Senator, recently forwarded me a copy of a memorial passed by the Arizona State Senate which calls the Internal Revenue Service to task for certain of its practices.

The memorial particularly criticizes the agency's practice of placing liens on real and personal property without granting the taxpayer either notice or a public hearing. The memorial goes on to request that Commissioner Cohen take administrative action to institute notice and hearing procedures to be followed before the placing of a lien or levy on property.

My Subcommittee on Administrative Practice and Procedure has heard a great deal of testimony on the evils of these IRS practices and it is gratifying to have the support and encouragement of the Arizona State Senate in our endeavors.

At this point I would like to have the letter of transmittal and the memorial placed in the RECORD.

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

ARIZONA STATE SENATE,
Phoenix, Ariz., March 9, 1968.

Senator EDWARD V. LONG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR LONG: Enclosed is a copy of the memorial that was recently passed by the Arizona State Senate.

It directs our Secretary of State to write to the Commissioner of Internal Revenue asking him to rectify areas that appear to be operating irregularly in that department.

Knowing of your concern in this matter, I would like to volunteer any assistance that I possibly can give you.

Sincerely,

ERNEST GARFIELD.

SENATE MEMORIAL 3

A memorial requesting the Commissioner of Internal Revenue to guarantee judicial and constitutional protection of the individual taxpayer in his relations with the Department of Internal Revenue

To the Honorable Sheldon S. Cohen, Commissioner of Internal Revenue:

Your memorialist respectfully represents:

Whereas, almost every citizen of the United States has some form of relationship with the Department of Internal Revenue; and

Whereas, in the relationship of the citizen to his government, each citizen should be treated fairly and in accord with constitutional and judicial rights; and

Whereas, in certain instances officials of the Department of Internal Revenue have placed liens and have levied against real and personal property of taxpayers without granting such taxpayer the rights of established legal procedures which would involve not only notice but a judicial hearing.

Wherefore your memorialist, the Senate of the State of Arizona prays:

1. That the Honorable Sheldon S. Cohen, Commissioner of Internal Revenue, take administrative action for the purpose of preventing any departmental official from taking action against a taxpayer in placing a lien or levy against real or personal property without first going through the usual judicial procedures of notification and hearing before a properly constituted court or hearing procedure of the Internal Revenue Service.

2. That the Secretary of State of the State of Arizona, is directed to transmit a copy of this Memorial to the Director of each Internal Revenue Office located within the State of Arizona and to the Honorable Sheldon S. Cohen, Commissioner of Internal Revenue.

PRESIDENT JOHNSON'S VIETNAM PEACE MOVES CAN BE SUCCESSFUL ONLY IF BASED ON FACTS NOT FANCY

Mr. GRUENING, Mr. President, President Johnson's announced intent to induce peace talks with Hanoi by limiting U.S. bombing of North Vietnam—and Hanoi's announcement that it would be willing to talk to representatives of the United States about the cessation of the bombing of North Vietnam—are steps in the right direction, even though quite belated.

However, any talks with Hanoi will be successful only to the extent that the United States bases its position on facts not fancy.

For so long as the United States bases its position on the theories with which it has deluded itself for years, then these talks are doomed to failure and the bloody fighting in Vietnam will continue far into the future.

The United States must face the fact that it originally barged into a civil war in South Vietnam upon its own invitation in support of a puppet ruler imposed by the United States upon the people of South Vietnam.

The United States must face the fact that the present government of South Vietnam is a corrupt military dictatorship which is without the support of the people and would be deposed immediately but for its support by U.S. economic and military might.

The United States must face the fact that the continued graft and corruption in places high and low in the South Vietnamese Government alienate more and more Vietnamese people daily.

The United States must face the fact that the major portion of the fighting in South Vietnam is being done by the so-called Vietcong controlled by the National Liberation Front, which must be a party to any negotiations.

The United States must face the fact that the National Liberation Front is not a puppet of Hanoi and that any agreement reached with Hanoi must be acceptable to the National Liberation Front.

The United States must face the fact that "search and destroy" operations do not win the hearts and minds of the South Vietnamese people.

The United States must face the fact, as proved by the so-called Tet offensive that the vast majority of the people of South Vietnam do not support the government in Saigon and will permit the Vietcong forces to come and go at will.

Over 4 years ago, on March 10, 1964, in a speech on the Senate floor entitled "The United States Should Get Out of Vietnam," I proposed:

I urge the President to take steps to disengage the United States immediately from this engagement.

All our military should immediately be relieved of combat assignments. All military dependents should be returned home at once. A return of the troops to our own shores should begin.

I also urge the President to go to the American people and explain in detail how the United States got involved in Vietnam; when we got involved in Vietnam, and why we are getting out of there.

Had that advice been taken at that time, more than 20,000 American lives would have been saved.

That advice should be heeded now before more American boys lose their lives in the teeming jungles of Vietnam keeping in power a grafting, corrupt military junta.

Much more deescalation on the part of the United States is needed, and at once.

The bombing of all of North Vietnam should cease, at once.

All search and destroy operations should cease, at once.

An inplace cease-fire should be announced by the United States and South Vietnamese Governments, effective at once.

The National Liberation Front and North Vietnam should be called upon to declare a similar, inplace cease-fire, effective at once.

The Thieu-Ky government should be required to broaden its base by bringing into the government representatives of those segments of non-Communist Vietnamese people who oppose the present Saigon government and many of whom are now languishing in jails.

Places of refuge should be found in other lands for those South Vietnamese who will want to leave that part of Vietnam when peace comes.

The International Control Commission should be strengthened greatly to supervise the peace when it comes.

The newly strengthened and more broadly representative Government of South Vietnam should undertake negotiations with the National Liberation Front to work out political solutions for South Vietnam's problems.

The United States and North Vietnam should develop a plan for the orderly withdrawal of their respective troops on as rapid a basis as possible.

Many proposals have been advanced for extricating the United States from its Vietnam folly. The foregoing is one of those.

Another has been advanced by Dorothy Hutchinson, chairman of the Women's International League for Peace and Freedom, urging "A Peace Settlement Based on All the Principles of the Geneva Agreements." I ask unanimous consent that that proposal be printed in the RECORD at the conclusion of my remarks.

Men of good will can bring peace to Vietnam. But they can do so only if they proceed on the basis of the facts as they are and have been and not on the basis of myths and fancies.

Let us hope and pray that this opportunity for an end to this disastrous war will not again be missed.

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

NEEDED—A PEACE SETTLEMENT BASED ON ALL THE PRINCIPLES OF THE GENEVA AGREEMENTS

Both sides in this war have publicly declared their desire to return to the principles of the Geneva Agreements. The implementation of this well-balanced set of principles could logically include the following tasks for a reconvened Geneva Conference:

(1) overseeing the prompt withdrawal of U.S. and all other foreign troops and military equipment from South Vietnam and, simultaneously or immediately thereafter, the withdrawal from South Vietnam of North Vietnamese regulars.

Both Hanoi and the NLF have indicated that *U.S. military withdrawal is not a prerequisite for negotiations* but that it must take place *before* the implementation of the negotiated settlement. While they may accept Geneva Conference verification of this implementation, they will not accept "enemy" supervision. And they are justified in demanding every possible guarantee against a repetition of U.S. failure to permit implementation of the original Geneva Agreements of 1954.

On the other hand, Hanoi will undoubtedly point out that its soldiers are not "foreign troops" in South Vietnam and that their withdrawal "equates the victim of the aggression with the aggressor." However, they can hardly justify North Vietnam's military presence in South Vietnam *after* the "American aggression" is ended and an international presence is established there. North Vietnamese military withdrawal would be a convincing refutation of U.S. charges of their aggressive intent. And inclusion of this stipulation would go far toward selling the peace package to the American people whose support for it is necessary.

(2) achieving agreement forbidding all foreign nations from having military bases on Vietnamese soil or military alliances with Vietnam.

Both the U.S. and NLF have declared that the independence of Vietnam from foreign interference is their major objective. By this the U.S. means the prevention of Chinese domination and the NLF means the permanent ending of U.S. domination of South Vietnam. Only neutralization can meet these crucial requirements for peace.

(3) forbidding foreign interference with the reunification of North and South Vietnam by negotiation between their two governments, whenever they see fit.

The U.S. has declared its willingness for the reunification of Vietnam. Since the NLF has clearly indicated that it does not desire reunification with the North until a much later date and Hanoi has publicly agreed to this, the above arrangement is in harmony with the declared desires of all parties (except the Saigon government which has expressed the desire to conquer North Vietnam but seems not in any position to do so without U.S. help).

(4) guaranteeing all segments of the population of South Vietnam against reprisals and protecting the right of all to have their fair voice in their own political future.

Such provisions are more needed now, after thirteen additional years of bitter civil war, than they were when they were written into the 1954 Geneva Agreements. The NLF, which expects to be politically the strongest faction in post-war South Vietnam, made it clear at the Stockholm World Conference on Vietnam (July 1967) that it considers South Vietnam's militant Buddhists "unpatriotic" in spite of the suffering they have endured because of their opposition to the Saigon regime and to the U.S. role in their country. The NLF seems now to regard as disloyal competitors, all organized groups or leaders who have not actually *joined* them. Yet these represent no one knows how many South Vietnamese who do not adhere either to the Saigon regime or to the NLF. This segment of the South Vietnamese population merits and may welcome insurance of their political rights. Since the principle of a broadly based and democratically elected government is part of the declared political program of the NLF, the NLF can hardly object to the same kind of Geneva Conference supervision of such elections as was clearly envisaged in the original Geneva Agreements, *provided* the U.S. has withdrawn and wholly turned over the implementation of the agreements to this international body.

(5) charging an interim international presence (such as the ICC or some agreed modification thereof) with inspection and supervision of the newly negotiated implementations of the principles of the Geneva Agreements.

Such an interim presence may be expected to be welcome to all South Vietnamese who have reason to dread the social, political, and economic chaos which is the inevitable result of a generation of war.

Possible current implementations of the principles of the Geneva Agreements of 1954 have been here described in some detail simply to show how applicable they still are. No one can guarantee that exactly these implementations would be decided upon by a reconvened Geneva Conference. Certainly they do not constitute a set of unilateral *demands* which any of the combatants can make of such a Conference.

The United States need only declare that taking responsibility for the future of South Vietnam has come to involve a degree of destruction of Vietnam and slaughter of Vietnamese and Americans, which it finds morally unacceptable and that it has, therefore, decided to *entrust the solution to a reconvened Geneva Conference which can thus terminate the U.S. "commitment" and permit our honorable withdrawal.*

This decision need involve no humiliation for the U.S. A nation which extricates itself from an untenable position is not condemned as cowardly but praised as wise. And a nation which ends a situation which threatens the whole world with war earns the gratitude of the world.

STATISTICS COMPILED BY THE EXECUTIVE OFFICE OF THE PRESIDENT ON NONTARIFF TRADE BARRIERS BY COUNTRY

Mr. MUSKIE. Mr. President, on March 7, I placed in the RECORD a series of statistical tables showing nontariff barriers imposed by the various countries of the world. They appear on pages 5697 through 5703 of the RECORD for that date.

As I indicated at that time, I continue to have mixed feelings about the official trade policy of the United States which is directed toward the reduction of tariff and the encouragement of free trade among nations. Our policymakers and trade negotiators must give sufficient weight to the problems confronting our industries which face floods of low-wage imports. Also, considerations of the impact of nontariff barriers on our capacity to sell our goods overseas should be carefully made. I think these negotiations have tended to focus on the visible tariff barriers and to ignore invisible barriers which may be much more harmful.

At my request, Mr. William Roth, Special Representative for Trade Negotiations in the Executive Office of the President prepared an inventory of nontariff barriers imposed by other nations. On March 7, I introduced the first 52 tables in a series of 73 tables which describe current nontariff barriers. I have just received from Mr. Roth tables 53 through 73. For the benefit of Senators who share my interest and concern for the problems of nontariff barriers, I ask unanimous consent that the concluding tables be printed in the RECORD.

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

PRELIMINARY INVENTORY OF NONTARIFF TRADE BARRIERS, BY COUNTRY

The attached Tables 1 through 73 are an initial attempt to list the more important non-tariff trade barriers on industrial products imposed by the 73 countries listed below. They were compiled on the basis of reports and complaints received by Government agencies from the business community and other information relating to non-tariff trade barriers. This preliminary inventory does not purport to be either comprehensive or accurate in all respects.

As indicated above, this preliminary inventory is limited to industrial products. With the exception of certain processed goods, such as alcoholic beverages and tobacco products, agricultural products are not included. The information presented is divided into three general classifications for each of the countries covered: "Non-Agricultural Quantitative Restrictions," "Health, Sanitary and Safety Restrictions," and "Other Restrictions."

The tabulations are included in Tables 1 through 73, as follows:

EUROPE

1. Austria
2. Belgium-Luxembourg
3. Denmark
4. Finland
5. France
6. Germany
7. Greece
8. Italy
9. Netherlands
10. Norway
11. Portugal
12. Spain
13. Sweden
14. United Kingdom

WESTERN HEMISPHERE

15. Argentina
16. Brazil
17. Canada
18. Chile
19. Dominican Republic
20. Haiti
21. Nicaragua
22. Peru
23. Trinidad & Tobago
24. Uruguay

FAR EAST

25. Australia
26. Indonesia
27. Japan
28. Korea
29. Malaysia
30. New Zealand.

NEAR EAST–SOUTH ASIA

31. Burma
32. Ceylon
33. Cyprus
34. India
35. Israel
36. Kuwait
37. Pakistan
38. Turkey

AFRICA

39. Cameroon
40. Central African Republic
41. Chad
42. Congo (Brazzaville)
43. Gabon
44. Ghana
45. Kenya, Tanzania, Uganda
46. Malawi
47. Nigeria
48. Sierra Leone
49. South Africa
50. Southern Rhodesia
51. Upper Volta
52. Zambia

EUROPE

53. Czechoslovakia
54. Iceland
55. Malta
56. Poland
57. Switzerland
58. Yugoslavia

WESTERN HEMISPHIRE

59. Barbados
60. Guyana
61. Jamaica

NEAR EAST–SOUTH ASIA

62. United Arab Republic

AFRICA

63. Burundi
64. Dahomey
65. Gambia
66. Ivory Coast
67. Malagasy Republic
68. Mauritania
69. Niger
70. Rwanda
71. Senegal
72. Togo
73. Tunisia

TABLE 53.—CZECHOSLOVAKIA

Product	Type of restriction
All imports	State trading.

TABLE 54.—ICELAND

Product	Type of restriction
Nonagricultural quantitative restrictions: Electric transformer, building board, arms and ammunition, certain furniture, ladies' stockings, brooms and brushes, and works of art.	Global quotas.
Valuation and taxes:	
All goods except footwear, aviation gasoline, packaging, fishing equipment, and aircraft.	Turnover tax: 8.25 percent levied on c.i.f. duty-paid value.
Motor vehicles	Special import tax of 90 percent levied on f.o.b. price of automobiles; 30 percent on f.o.b. price of jeep type vehicles.
Gasoline	Special import tax.
Tubes and tires	Special import tax of 9 kronur per kilo (about 16 cent per kilo).
Cement, timber, and reinforcement iron for construction.	Special import tax of 0.5 percent of the declared customs value.
Goods subject to import licensing	Import license fee: 0.5 percent of the import price as stipulated by the license.
Other restrictions:	
All imports except grains, cereals, feeds, coffee, petroleum, fishing gear, fertilizers, and industrial raw materials.	Deposit requirement on sales of foreign exchange for imports into Iceland. A deposit must be lodged with bank selling exchange equal to 15 to 25 percent of amount of foreign exchange purchased; deposit held for at least 3 months.
Tobacco, fertilizers, wine and liquor, perfumes, safety matches, and fresh vegetables.	State trading.

TABLE 55.—MALTA

Product	Type of restriction
Nonagricultural quantitative restrictions: Approximately 15 manufactured products, including: electrical wiring accessories, men's trousers, steel wool, ladies' nylon stockings, and plastic or leather handbags.	Import licensing. Licenses issued according to previous imports.
Other restrictions: Approximately 30 manufactured products including: machinery for the production of stockings, flour, and certain other food products: refrigeration machinery, motor buses, and arms.	Prohibition.

TABLE 56.—POLAND

Product	Type of restriction
All imports	State trading.

TABLE 57.—SWITZERLAND

Product	Type of restriction
Nonagricultural quantitative restrictions: Trucks, cotton fabrics, jute textiles, clothing of all kinds, certain carpets, and various minerals and chemicals.	Import licensing.
Valuation and taxes: Motor vehicles	Road taxes and auto insurance.
Health and sanitary restrictions:	
Drugs, certain cosmetics, matches, food wrapping materials, pharmaceutical products.	Certificates of inspections, labeling regulations.
Electrical consumer appliances	Certificates of inspection.

TABLE 58.—YUGOSLAVIA

Product	Type of restriction
Nonagricultural quantitative restrictions:	
Nearly all machinery and equipment, most consumer goods, and some raw materials.	Global foreign exchange quota (GDK).
Salt, coke, rye, wheat, wheat flour, potatoes, rice hops, asbestos, tobacco waste, coal, certain chemical raw materials, pig iron, and selected iron and steel manufactures.	Commodity quota (RK).
A variety of products, including oil coke, certain iron and steel semimanufactures, and certain chemicals.	Commodity quota.
Selected drugs and pharmaceutical semiproducts.	Import licensing.
Passenger and cargo aircraft, tractors of all sizes, railroad locomotive and rolling stock, wines, narcotics, and explosives.	Licensing (D).
Other restrictions:	
A broad range of commodities, including spices, tropical fruits, and many chemicals.	Commitments to import from clearing areas.
Raw materials and semimanufacturers contained on the RK and GDK lists and used in the shipbuilding, electric textile, and food industries.	Export-in-order to import contracts.
All imports, except goods on the RK list and consumer goods on the GDK list.	Export incentive.

TABLE 59.—BARBADOS

Product	Type of restriction
Nonagricultural quantitative restrictions: Fish, feeds, plastic bags, poultry, wheat, condensed milk, fats and oils, eggs, detergents, alimentary pastes, sugar, some pharmaceuticals, gold, shirts (not knitted), and vegetables.	Specific import license.
Valuation and taxes: Automobiles and accessories, liquor, tobacco, lumber and wood, electrical and photographic appliances, preserved fruit and vegetables, cosmetics, fuel and oil for motor vehicles, wood furniture, hardware and tools, polishes, oil meal and oil cakes, typewriters, and turpentine.	Surtax 10 percent of duty.
All other items	Surtax 20 percent of duty.
All imports (except those exempted by the basic tariff).	Package tax B$0.25 per package or item, wrapped or not. Certain bulk items are charged by weight, volume, or number.
Automobiles	1st registration tax, 20 percent of c.i.f. value.
Rum, beer, gasoline, and diesel fuel	Excise taxes of varying amounts.

TABLE 60.—GUYANA

Product	Type of restriction
Nonagricultural quantitative restrictions: Alcoholic beverages, cigars and cigarettes, and tobacco extracts.	Prior import license.
Valuation and taxes: All imports of chairs; footwear parts.	Chairs subject to a surcharge of G$5 per chair; footwear parts G$0.75 per pound. Guyana dollar equals US$0.50.

TABLE 61.—JAMAICA

Product	Type of restriction
Nonagricultural quantitative restrictions: Approximately 150 items including the following: Asbestos cement pipes, earthenware pipes, metal structual forms, tiles roofing materials, cement rubber products, metal furniture, aluminum household articles and misses' garments, men's and boys' garments, hosiery, detergents.	An import license is required for the purpose of quantity control.
Valuation and taxes:	
Processed vegetables, essential oils, perfumery, cosmetics, soaps, cleansing and polishing preparations, ammunition, pyrotechnical articles, certain textile fabrics, made-up articles and carpets.	A surtax of 20 percent of duty is levied.
All other imports	A surtax of 10 percent of duty.
Clocks and watches, citrus and other fruits, and specified animals.	Import prohibition.
Health, safety and sanitary regulations:	
Pharmaceuticals, drugs and poisons	Prior authorization from the Ministry of Health or Drugs and Poisons Control.
Livestock and specified agricultural products	Prior authorization from the Ministry of Agriculture and Lands.
Firearms ammunition, and the like	Prior authorization from the Collector General of Customs.

TABLE 62.—UNITED ARAB REPUBLIC

Product	Type of restriction
Nonagricultural quantitative restrictions:	
Imports in general (see remarks)	Foreign exchange allocations, state trading.
Most dairy products; poultry meat; most fruits and vegetables; certain animal and vegetable oils; preparations of meat (except beef); glucose and sugar confectionery; preparations of fruits and vegetables; beverages and tobacco manufactures (unless approved by Tourism Department); acetylene gas; perfumery and cosmetics; toilet soap; shoe polishes and creams; certain plastics manufactures; saddlery and harness; leather travel goods; ready-made furs; manufacturers of wood; wallpaper, paper and paperboard cut to size or shape, and calendars; many types of textiles and textile products; footwear (except protective); tiles; manufactures of asphalt (except flooring tiles); asbestos cement; ceramic products; certain glass products; certain manufactures of iron and steel; rolled copper wire; aluminum and copper domestic utensils; certain aluminum manufactures; lead pipes, tubes, hollow bars, and joints for pipes and tubes; self-contained air conditioners; domestic refrigerators; domestic water heaters and dishwashers; various types of industrial and electrical machinery and apparatus; motorcars for personal use; bicycles; watches; sporting guns, parts, and cartridges; household furniture; brooms and brushes; playing cards; and others.	Import prohibition.

TABLE 62.—UNITED ARAB REPUBLIC—Continued

Product	Type of restriction
Valuation and taxes:	
All imported goods with certain exceptions (see remarks).	"Statistical duty."
Pure and denatured alcohol; beer; benzine; cement; coffee; cotton yarn; electric accumulators for motor vehicles; fuel oil (Mazout); lighters; lubricating oil; matches; mineral greases; playing cards; artificial silk fibers and yarns; sugar; tire cases for motor vehicles; white spirits; ordinary wine; sweet wine; fine wheat flour; wool yarns; carbonated beverages; cooking ranges; and washing machines.	Excise or consumption duty.
Brandy, gin, cognac, and whiskey	Additional excise or consumption duty.
All imports	Pavement duty and porterage duty.
Health, safety, and sanitary restrictions:	
Fresh and canned meat	Sanitary certificates.
Pharmaceuticals	Health.
Other restrictions:	
All imports	Arab boycott of Israel.
Imports in general	Bilateral agreements.
Cotton textiles	Export subsidies.

TABLE 63.—BURUNDI

Product	Type of restriction
Nonagricultural quantitative restrictions:	
All imports	Import licensing.
Used clothing	Import licensing.
Valuation and taxes: All imports	Statistical tax.

TABLE 64.—DAHOMEY

Product	Type of restriction
Nonagricultural quantitative restrictions: All imports.	Quota system and import licensing.
Valuation and taxes: All imports	Standard tax, Stamp duty, and turnover tax.
Health, Safety, and Sanitary Restrictions: Military supplies and used clothing.	Special certification.
Other restrictions: Imports from Southern Rhodesia and South Africa.	Import prohibition.

TABLE 65.—GAMBIA

(None. No nontariff trade barriers are known to exist in Gambia)

TABLE 66.—IVORY COAST

Product	Type of restriction
Nonagricultural quantitative restrictions:	
All imports	Quota system and import licensing.
Paint, detergents, matches, and coffee-husking machines.	Prohibition.
Valuation and taxes:	
All imports	Value-added tax.
Used clothing	"Mercurial" value.
Health, safety, and sanitary restrictions: Military supplies and used clothing.	Special certification.
Other restrictions: All imports from Southern Rhodesia.	Prohibition of commercial relations with Rhodesia.

TABLE 67.—MALAGASY REPUBLIC

Product	Type of restriction
Nonagricultural quantitative restrictions: All imports.	Quota system and import licensing.
Valuation and taxes: Some consumer goods, such as tobacco, footwear, alcoholic beverages, and some foodstuffs.	Consumption tax.
Health, safety and sanitary restrictions: Used clothing.	Fumigation certificate.

TABLE 68.—MAURITANIA

Product	Type of restriction
Nonagricultural quantitative restrictions: All imports	Quota system and import licensing.
Valuation and taxes:	
All imports	Standard import tax, turnover tax, and statistical tax.

TABLE 69.—NIGER

Product	Type of restriction
Nonagricultural quantitative restrictions: All imports.	Quota system and import licensing.
Valuation and taxes: Used clothing	"Mercurial" valuation.
Health, safety, and sanitary restrictions: Used clothing and military clothing.	Special certification.
Other restrictions: All imports from Rhodesia	Import prohibition.

TABLE 70.—RWANDA

Product	Type of restriction
Nonagricultural quantitative restrictions: All imports.	Import licensing.
Valuation and taxes: Petroleum products and alcoholic beverages.	Production and consumption taxes.
Other restrictions: Most imports from Southern Rhodesia.	Import prohibition.

TABLE 71.—SENEGAL

Product	Type of restriction
Nonagricultural quantitative restrictions: Most imports.	Quota system.
Valuation and taxes: All imports	Standard tax, turnover tax, and statistical tax.
Health, safety, and sanitary restrictions: Military and used clothing.	Special certification.

TABLE 72.—TOGO

Product	Type of restriction
Nonagricultural quantitative restrictions: All imports.	Import licensing.
Valuation and taxes: All imports	Transactions tax, statistical tax, and stamp tax.
Health, safety, and sanitary restrictions:	
Military equipment	Special certification.
Used clothing	Do.

TABLE 73.—TUNISIA

Product	Type of restriction
Nonagricultural quantitative restrictions:	
Most imports	Quota system.
All imports	Import licensing.
Valuation and taxes: All imports	Production tax, consumption, and customs formality tax.
Other restrictions: All imports from Southern Rhodesia.	Prohibition of trade with Southern Rhodesia.

FORMER PRESIDENT EISENHOWER ASKS AMERICANS TO BACK PRESIDENT JOHNSON IN VIETNAM

Mr. SPARKMAN. Mr. President, former President Dwight Eisenhower has written an important article for Reader's Digest calling for Americans to "close ranks on the homefront" behind President Johnson's efforts to end aggression in Vietnam.

Along with many other Americans—myself included—President Eisenhower is disturbed by the depressing divisions in our land over a war so vital to the security of America and the free world.

We cannot see the Vietnamese war through to an honorable conclusion—no more than we could have the Second World War—without a united effort at home.

Now, as in World War II, President Eisenhower reminds us we are "fighting for the cause of freedom and human dignity." Now, as then, a common determination at home is necessary to maintain the morale of our soldiers in the battlefield. Now, as 25 years ago, our united purpose will show the enemy that she cannot lose the battle on the war front and hope to win it on the homefront.

Virulent antiwar critics have gone far beyond the bounds of honorable dissent. They have substituted emotion for logic and conjecture for fact. Their bleak armchair forecasts of the war's progress—contrary to our best military experts—discourage our people.

They insist on their right to free speech but deny it to others. They make honorable negotiations more difficult.

President Eisenhower, an expert in fighting wars and winning peace, carefully explains our reasons for protecting South Vietnam. We act not to gain territory or treasure but to save a brave nation from succumbing to aggressive Asian communism. We fight to keep all of free Asia from gradually falling to the Communists. We stand in Vietnam because American traditions of freedom and liberty—as well as our national security—demand it.

President Johnson needs our support during these difficult days. Dwight Eisenhower's message asks Americans to stand with their President in purpose united.

I am confident that Americans will respond to his call, for, as President Eisenhower concludes:

It is unthinkable that the voices of defeat should triumph in our land.

I ask unanimous consent that a digest of President Eisenhower's article, published in the April Reader's Digest, be printed in the RECORD.

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

LET'S CLOSE RANKS ON THE HOMEFRONT

(NOTE.—Former President Eisenhower speaks out against those critics of the war in Vietnam who, in defiance of both common sense and their country's best interests, preach discord and rebellion.)

(By Dwight D. Eisenhower)

In a long life of service to my country, I have never encountered a situation more depressing than the present spectacle of an America deeply divided over a war—a war to which we have committed so much in treasure, in honor and in the lives of our young men. What has become of our courage? What has become of our loyalty to others? What has become of a noble concept called patriotism, which in former times of crisis has carried us through to victory and peace?

If in the desperate days of World War II we had been torn by this kind of discord, I doubt that we and our allies could have won. Looking back, I think how disheartening it would have been to those of us who commanded forces in the field if we had been called home to make speeches and hold press conferences—to shore up a wavering solidarity on the home front. Nothing of the sort happened then. But it is happening now. And how the enemies of freedom throughout the world—from Hanoi to Moscow—must be rejoicing!

In our war against the Axis powers a quarter of a century ago, we were fighting for the cause of freedom and human dignity, just as we are now. And in the long-range sense, we were also fighting for our own salvation, for a way of life we hold dear, just as we are now. In that war the American people understood this, and it was inspiring to see the single-minded way this country faced up to the job of fighting two first-rate military powers simultaneously.

We had a few slackers and draft dodgers, of course, but they were objects of scorn. We grumbled a bit about rationing and sometimes accused our draft boards of partiality, but these minor irrationalities were mostly a way of letting off steam. Essentially, we were united, and nearly everyone found some way of helping in the war effort. As a nation, we were dedicated to the job of winning completely and swiftly. And we did win—at least a year earlier than the most optimistic military timetables had forecast.

As commander of the Allied armies in Europe, I can testify that this solidarity, this upsurge of patriotism on the home front was a wonderfully encouraging thing. Neither I nor any other military leader had to lie awake nights wondering whether the folks back home would stick with us to the end. It never occurred to us that they might not. We knew that the American spirit had rallied to the cause, and this knowledge buoyed us up immeasurably—all of us, right down to the private in the ranks.

Today the reverse is true. We have "chosen up sides," as youngsters say in lining up their ball teams, and we call ourselves hawks and doves. This terminology in itself is inaccurate and ridiculous. A hawk is a bird of prey, a dove the helpless victim of predators. We are neither. We covet nobody's territory or property, want no dominion over others. On the other hand, we have always shown ourselves capable of self-defense. I trust we always shall.

No one who believes in our democratic processes can object to honorable dissent. This is part of the American credo, part of our birthright. There are those who now sincerely believe that we have no business being in Vietnam. I think they are terribly and dangerously wrong, but they have the right to state their views.

The current raucous confrontation, however, goes far beyond honorable dissent. Public men and private citizens alike take a stance and defend their positions angrily and unreasonably, often substituting emotion for logic and facts. * * *

A ludicrous, and dangerous, aspect of this bitter quarrel is the large number of public men who regard themselves as military experts. One large defeatist group proclaims loudly and positively that "we can never win the Vietnam war." Others insist, contrary to

the best military judgment and to clear evidence, that our air strikes "do no good" and we must cease all bombing of targets in the North. Still others want our troops to sit down in "defensive enclaves" and drop all offensive action—presumably until a tough enemy gets tired of looking at our military might and goes quietly home.

Instead of giving faith and backing to the men who are responsible for the conduct of the war these armchair strategists snipe at every aspect of the conflict. Moreover, they never seem to lack a rostrum for their pronouncements. They are quoted endlessly and prominently in the press and on the airwaves, and of course their words give aid and comfort to the enemy and thus prolong the war.

A tactic of some dissenters—and this alarms me more than all the empty shouting—is their resort to force in open defiance of the laws of the land. They try to prevent recruiting officers from doing their job, and sometimes succeed. They try to halt the work of personnel recruiters from industries which manufacture war materiel. They lie down on the pavement in front of draft-induction centers; they jeer at the inductees and try to keep them from answering their call to service.

Some young Americans publicly burn their draft cards and state they will never go to war. The "peaceful" anti-war demonstrations frequently get out of hand and become bloodily violent. Dissenters of this type insist on their own right to free speech, but are unwilling to grant the same right to others. How often lately we have been subjected to the shocking spectacle of some distinguished speaker being smuggled in the backdoor of a lecture hall to avoid physical harm from the demonstrators out front!

These militant peace-at-any-price groups are a small minority, but all too often they get away with such illegal actions—and also get away with the headlines. There is no reason to tolerate this arrogant flouting of the law. It could be stopped—and should be stopped—at once. Their action is not honorable dissent. It is rebellion, and it verges on treason.

In the midst of this disgraceful public uproar, the dissenters continue to demand that we negotiate. I am a firm believer in constructive negotiation, provided both sides come to the conference table with honest and reasonable intentions. Thus far, North Vietnam has made it emphatically clear that it wants no negotiation—except on terms which would mean our complete capitulation. Listening to all the anti-war sound and fury on our home front, Hanoi obviously prefers to wait it out in the hope that public opinion in the United States will eventually compel our withdrawal. It is probable that the behavior of the dissenters themselves is making honorable negotiation impossible.

Those who oppose the Vietnam war and insist on our unilateral withdrawal have said over and over that the American people have never been given a sound reason for our presence there. If they believe this, it must be because they refuse to read or listen to anything they don't like. There are reasons why it is critically important to fight the communists in Vietnam, and they have been stated often.

The first and most immediate reason—so obvious that it shouldn't have to be explained—is that we are trying to save a brave little country, to which we have given our solemn promise of protection, from being swallowed by the communist tyranny. We want the people of South Vietnam to have their chance to live in freedom and prosperity, and even in the midst of a bitter war we are already doing much to help them build up their economy.

If anyone doubts the determination of the communists to subjugate this small country and take it over by sheer savagery, let him read the accounts of the Vietcong's impersonal butchery of whole villages of innocent people. The communists' tactic of conquest by terror, their callous disregard for human life, their philosophy that the end justifies the means—no matter how barbarous and immoral the means may be—are precisely the same in Vietnam as they have used in gobbling up other countries and other free peoples of the world. Their objectives have not changed or softened over the years. The only language they understand is force, or the threat of force.

There is a larger reason for our military presence in Vietnam—and that is the urgent need to keep all Southeast Asia from falling to the communists. Some of our self-appointed military experts discount the "domino theory"—which, as applied to Southeast Asia, simply means that if we abandon South Vietnam to communism, the other countries of that area will also topple. In my opinion, the domino theory is frighteningly correct. I suggest that the peace-at-any-price advocates who scoff at this threat study the behavior of communism over the past two decades.

Here at home, this is election year, and I hope we do not permit the Vietnam war to become a divisive political issue. It is right and proper to advocate a change of leadership and to discuss the conduct of the war. But it is improper, and I think unpatriotic, to voice dissent in such a way that it encourages our enemies to believe we have lost the capacity to make a national decision and act on it. Meanwhile, I state this unequivocally: *I will not personally support any peace-at-any-price candidate who advocates capitulation and the abandonment of South Vietnam.*

As any citizen does, I deeply regret the necessity of pouring the blood of our young men and our treasure into this faraway war for freedom. But it is a necessity. This is an hour of grave national emergency. It is time that we do more thinking and less shouting; that we put our faith in our democratic processes and cease the dangerous tactic of deciding which laws we will and will not obey.

We should also ponder the previous successes and sacrifices we made in checking the advance of communism: how we helped save Western Europe through the Marshall Plan; how we checked aggression in Korea, on the free Chinese islands of Quemoy and Matsu, in Lebanon and the Dominican Republic. How we saved Formosa, and are successfully helping the South American nations resist the Cuban conspirators. These things we must continue to do, even when we stand alone—even when so-called friendly nations criticize our actions.

Sometimes I find comfort in going back even further in history. At one time during the Civil War, a profound spirit of defeatism developed in the North. A considerable portion of the people, discouraged and fearful, cried: Let the South go its way; we can never win this horrible war. Abraham Lincoln was reviled; draft laws were defied; hundreds were killed in resisting recruiting agents. The pressure on the government to acknowledge defeat was intense.

Lincoln, however, saw two things clearly. He knew that the successful secession of the South would fragment America and deny it its great destiny. And with a clear-sighted evaluation of the manpower and resources of both sides, he also knew that the North could win. He stood steadfast, and before long the courage and common sense of the people revived, the defeatists subsided, and the Union was saved.

It is my hope and belief that history will now repeat itself. I still have abiding faith in the good sense of the great majority of the American people. It is unthinkable that the voices of defeat should triumph in our land.

UNITY: THE LEGACY OF MARTIN LUTHER KING

Mr. GRUENING. Mr. President, slightly more than 4 years and 7 months ago—on August 28, 1963—it was my privilege to be present at the Lincoln Memorial at ceremonies marking the conclusion of the march by 200,000 Americans for jobs and equality of opportunity. One speaker on that historic occasion was Dr. Martin Luther King.

Those listening—and we numbered millions—remember his description of the America he sought—the America in which the words "free" and "equal" mean the same for every American.

Last Friday, in Alaska, I made a statement I never wanted to make when I commented on the assassination of the Reverend Dr. Martin Luther King. This is the statement. It is very brief.

> This is one of the most tragic events in all of American history. This is a tragedy comparable in scope to the assassination of Abraham Lincoln and John F. Kennedy. The loss is irreparable. We can only hope that the mission of Martin Luther King in life—of seeking to assuage passion and hate with kindness, dignity and principle in pursuit of his great objectives of equality and fairness, regardless of race—will in some way live on stronger in death.
>
> This tragic event should call for implementation of the recommendation of the President's Commission on Civil Disorders and an application of the recommendation made some time ago by Hubert Humphrey of a Marshall Plan for our cities in order to get rid of civil strife and all the other underlying causes of discrimination, poverty and degradation.

Dr. King, in 1963, spoke of the need to transform the "jangling discords of our Nation" into what he described as "a beautiful symphony of brotherhood."

His words apply not only to our land but to all lands. During his brief 39 years on earth, he communicated, perhaps better than any other individual, the real meaning and the real need for the brotherhood of man—our common goal.

Violence of any kind—a bombing in Birmingham, a murder in Angola, or a napalm burning in the denuded hills of Vietnam—saddened him, because he realized that peace and civil rights are also brothers.

Martin Luther King watched the noble goals of the Great Society eviscerate as our tragic involvement in Vietnam deepened. As he wrote:

> I knew that America would never invest the necessary funds or energies in rehabilitation of its poor so long as Vietnam continued to draw men and skills and money like some demonic, destructive suction tube. So I was increasingly compelled to see the war as an enemy of the poor and to attack it as such.

Part of the tragedy of April 4 in Memphis is that the destructive act by the sniper has prevented Martin Luther King from being here to help the President in his renewed quest for peace.

Martin Luther King marched in the mantle of nonviolence. He led a peaceful attack. If we believe in the brotherhood

of men, we must make certain that his peaceful attack continues. To do less is to destroy everything he has built as well as ourselves.

Let us now prove beyond doubt that the peaceful approach is the correct approach. Let us make certain the goals he sought are attained by the utmost speed.

We have made some progress today.

Congress has approved, and sent to the President, amendments to the Civil Rights Act which include a fair-housing section.

Newspapers this morning carried the welcome announcement by Levitt & Sons that it was eliminating segregation "any place it builds, whether it be the United States or any other country in the world," and that its policy was "effective at once." Levitt & Sons made clear that this was its tribute to Dr. King.

And the Senate has indicated its desire to fund such worthwhile programs as Headstart by its vote today on the conference report on supplemental appropriations.

We will, I believe, find new ways during this coming Easter recess which will enable us to build a living memorial to the man who, more than anything else, thought of himself as a drum major for justice, peace, and righteousness.

Throughout the executive and legislative branches of Government, men and women are working right now to put together the ingredients for the peaceful marching band of enlightenment which our fallen drum major sought.

The instruments of that band must include jobs, houses, schools, food, funds, and equality and compassion for our fellow men. That band will exclude bigotry, fear, sorrow, illiteracy, pestilence, and hunger.

That band will create the music Martin Luther King called a beautiful symphony of brotherhood.

These views, Mr. President, I have held for some time. They are likewise expressed in the two leading editorials in today's New York Times. I ask unanimous consent that they be printed in the RECORD.

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

THE VISION OF DR. KING

The heart of the city and of the nation stood still for a little while yesterday morning. The normal pace of life visibly slowed; the thinly peopled streets, the shuttered stores, the silent schools of this metropolis gave token to the fact that there was just one place toward which the eyes of the American people were turning: to a simple brick church in Atlanta, Ga.

To this church had come many of this country's distinguished leaders; to it had come some its humblest citizens; to it had come a widow, whose poignant dignity masked masked her sorrow, with her four young children, whose father had just given his life for the American dream. To this church came the thoughts and the prayers of the American people.

Seldom in its history has this country been so deeply moved, so shamed, so shocked, as it has been by the death of Martin Luther King. Seldom in its history has this country had a leader of such transcendent spirit combined with iron will, of such integrity of purpose combined with magnetic appeal, of such devotion to a great cause combined with the courage to pursue it.

Martin Luther King, the man of peace, evoked the very best in Americans of every race and creed; and the tremendous outpouring of silent and spoken grief that centered yesterday in Altanta gave expression to the overwhelming sentiment of a stunned and united nation. United? It must be united.

This is the legacy of Martin Luther King, as it was his vision. The people of this country cannot fail him now. The concept of racial inferiority and racial discrimination is intolerable if the United States is to survive. It is the fundamental question, and Dr. King, apostle of brotherhood, understood it as such. In all its power and all its majesty these United States must move to make his vision a reality.

THE NEEDED COMMITMENT

What is most needed in this hour of national trial is a program that offers realistic promise of swifter advance toward a society of equal opportunity. The dimensions of that program are clearly set forth in the report of the National Advisory Commission on Civil Disorders; the absent factor is a long-term commitment by the American people to make the sacrifices necessary to assure good schools, housing and jobs for all.

It is obvious that no full commitment is going to be made while the Vietnam war is raging and higher taxes are required merely to keep the dollar from collapse. But the apparent imminence of talks to seek a beginning to an end of that wasting conflict provides both an opportunity and an obligation to demonstrate to the millions now shut out of any real participation in American society how genuine is this country's resolve to give substance to the guarantees of equality that are their birthright.

When President Johnson makes his deferred address to Congress what more constructive monument to Martin Luther King could be suggested than a pledge that every dollar released through a scaling down of the Vietnam war will be committed to the monumental tasks of social regeneration in urban and rural slums?

For the first time there seems a simultaneous disposition in Washington and Hanoi to undertake exploration of ways of halting the conflict, with its staggering cost in blood and money. In any event, military spending is not likely to taper off quickly, and certainly the attack on poverty and the horrors of the ghetto must not languish while the search for disengagement in Vietnam goes forward.

But a great contribution to restored faith in Americas' humanitarian tradition can be made by coupling such immediate forward steps with a permanent undertaking to use for human betterment the vast sums currently applied to instruments of destruction, just as quickly as the military situation eases. That is the road to true internal security as well as social justice.

AN IMPORTANT ARTICLE ON THE FEBRUARY 1967 PEACE EFFORT

Mr. HARTKE. Mr. President, I would like to call attention of my colleagues to an important article on the details of the abortive peace talks of February 1967 which has just appeared in the Louisville Post-Dispatch. I am asking that it may appear in the Extensions of Remarks, and call it to the attention of all those who have concern for the success of our present efforts toward talks and peace in Vietnam.

AN ENCOURAGING SIGN OF FREE WORLD ECONOMIC COOPERATION

Mr. PERCY. Mr. President, we have heard a great deal in recent years about the impending breakdown of free world economic cooperation. Too often in the past the major countries of Western Europe have roundly scolded the United States for its balance-of-payments deficit and urge that we put our house in order. The United States, on the other hand, has repeatedly asserted that the surplus countries of Western Europe have a responsibility for restoring international equilibrium at least as great as our own.

In the light of these recriminations, it is highly encouraging to note recent actions which have been proposed by the European countries, including France, to assist the United States in solving its balance-of-payments problem. Both the European Economic Community and the European Free Trade Association appear ready to complete the final stage of their Kennedy round tariff reductions by next January 1 instead of in three annual installments from 1970 to 1972. The United States would be permitted to delay reductions in tariffs agreed to at Geneva. This arrangement—if consummated—would improve the U.S. trade balance by some $300 million in 1969.

It is especially encouraging that Britain—beset by serious balance-of-payments problems of her own—has been instrumental in initiating this action by the EFTA countries.

In return for their concessions, the Europeans ask that the United States repeal the American selling price system on chemical imports, a request which our negotiators earlier agreed to make to the Congress, in the course of the Geneva negotiations, and upon which hinge additional concessions agreed to at the time of the negotiations. The Europeans also ask that we abandon any thought of imposing a border tax or quotas on imports or other protectionist measures. These would be contrary to our present trade policy in any case.

This initiative of the Europeans in rescheduling their tariff cuts should be welcomed by the United States for what it is: a gesture of goodwill and cooperation. It will help to avoid the strangulation of trade that would occur with the imposition of more restrictions and controls. The European proposal would cause some hardship for European workers and businessmen during the next few years when the United States would enjoy a tariff advantage. But our European friends see clearly that their own enlightened self-interest—as well as the best interests of the United States—require some sacrifice to maintain free and open trading in the world market.

I want to express my own appreciation to those leaders in Europe who have had the consideration, courage, and good sense to promote this program. At the same time, I want to urge that the Congress not turn its back by taking actions which would scuttle the chances for this initiative and for the enhanced atmosphere of free world economic cooperation that can be gained by it.

I ask unanimous consent to have printed in the RECORD an article published in the EFTA Reporter of March 18, 1968, and an article published in the Wall Street Journal of April 10, 1968, which discuss the European initiatives

for a speedup in their Kennedy round tariff cuts.

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

[From the EFTA Reporter, Mar. 18, 1968]

EFTA OFFERS TO SPEED KENNEDY ROUND CUTS

Offers by EFTA countries to assist the U.S. balance of payments by accelerating the tariff cuts agreed in the Kennedy Round have now increased the possibility of a positive solution to this problem. The British Government announced its proposals in a statement (see below) made in the House of Commons on Thursday, March 14, by the President of the Board of Trade. It is known that similar proposals have already been communicated to the U.S. Administration by the EFTA countries of Scandinavia. The Swiss authorities are known to have an open attitude on the question. Austria and Portugal, the remaining EFTA countries, had not been heard from at the time of writing.

The first formal proposal that America's main trading partners should assist the United States by accelerating the Kennedy Round cuts was made by the German Government to its five partners in the Common Market at the beginning of March. In making its proposals, which envisaged no reciprocal action on the part of the United States, Germany stipulated approximately the same conditions as are included in the British statement. The result of the German initiative in the Common Market was an instruction to the European Commission to prepare, within two weeks, a report on the problems and consequences involved in such action. At the time of writing, this report had not been presented to the Common Market Ministers, so their decision is not known. It is clear, however, that the attitude of the EFTA countries will lend considerable support to the German proposal to its Common Market partners.

A great deal depends on the decisions still to be taken by the Common Market by Japan—and by the United States. The best solution of current difficulties lies in the expansion rather than the contraction of international trade.

TEXT OF THE BRITISH STATEMENT

"In January of this year the U.S. Government announced certain measures to restrain overseas investment and some other forms of external expenditure in order to safeguard their balance of payments. We accept the actions which they have so far taken.

"But the Administration also have under consideration the possibility of other measures, notably in the field of trade, which we should find it hard to accept both because of the threat to our own trade and the danger of wider repercussions that might affect the development of world trade.

"In the light of the overwhelming importance of maintaining the expansion of world trade and avoiding a possible chain reaction of restrictive measures, H.M. Government after consultation and in agreement with our fellow members of EFTA, have informed the U.S. Government that we are willing to implement the United Kingdom's Kennedy Round tariff cuts in full by the 1st January 1969 provided that:

"First other EFTA countries, the EEC and Japan do the same;

"Secondly, the U.S. Government do not introduce measures in the field of trade such as an export rebate or an import surcharge and;

"Thirdly, the U.S. Government proceed at least as quickly as hitherto contemplated with their own Kennedy Round cuts and with legislation to abolish the American Selling Price system for chemicals.

"This would mean that in addition to the 40 percent of the Kennedy Round reductions already agreed for 1st July, we should propose to make the remaining 60 percent of the cuts on 1st January next, instead of in three annual instalments over the years 1970 to 1972. We have been in touch with other Commonwealth governments.

"We have noted with satisfaction that the EEC Commission are studying the possibility of a similar move by the EEC. We have informed the governments of the EEC countries, and the Commission, of our proposals. We hope that they and the Japanese Government will join us and our EFTA partners in this enterprise, which we believe will strengthen the principle of international cooperation at a crucial moment and enable the U.S. to deal with their current problems in a manner that will increase rather than restrict world trade."

[From the Wall Street Journal, Apr. 10, 1968]

COMMON MARKET OFFERS TO SPEED ITS TARIFF CUTS—DEMANDS MADE OF UNITED STATES TO END ITS CHEMICAL PRICE RULE, BAN PROTECTIONIST STEPS—UNITED STATES ACCEPTANCE UNCERTAIN

(By George Melloan)

LUXEMBURG.—Common Market finance ministers agreed to speed up Kennedy Round tariff cuts, to help the U.S. reduce its balance-of-payments deficit, if the U.S. abolishes its "American selling price" rule on benzenoid chemicals, and doesn't take any further protectionist measures this year.

The way in which the proposal was phrased, at the insistence of French Finance Minister Michel Debre, leaves important doubts about whether the proposal will be acceptable to the U.S.

The ministers agreed to make on Jan. 1 next, a year earlier than scheduled, the third of five tariff reductions agreed to during the Kennedy Round trade talks last year. The U.S. would be permitted to delay its second cut, due Jan. 1 next, for one year, and make two cuts on Jan. 1, 1970.

It's estimated that if this measure also were adopted by other industrial nations, most of which have indicated they favor such help to the U.S., it would improve the U.S. trade balance by about $300 million in 1969. The deficit occurs when the U.S. spends more abroad than it earns overseas from all transactions.

However, at French insistence, the ministers agreed that this so-called asymmetrical acceleration of tariff cuts wouldn't take effect next January until the six Common Market, or European Economic Community, nations had agreed unanimously that the U.S. had complied with Common Market conditions. Those conditions, set out at the meeting here, are that the U.S. abolish the American selling price rule applied to the imports of benzenoid chemicals and that it take no further measures this year to protect U.S. companies against foreign imports.

The American selling price rule applies tariffs to imported chemicals on the basis of prices in the U.S. market, rather than on their export value. Although no one can accurately estimate how much its removal would increase sales of European chemicals in the U.S., its existence has been a sore spot with European chemical producers. The U.S. Administration agreed during the Kennedy Round to ask Congress to abolish the rule.

The Kennedy Round trade agreement, so named because legislation authorizing U.S. participation was passed during the Kennedy Administration, was regarded as a major milestone in a world move toward free trade. It was agreed that industrial nations would reduce tariffs by some 35% in five steps over five years. The U.S. made its first cut last Jan. 1, and was due to make the second cut a year later. The Common Market, comprising France, West Germany, Italy, Luxembourg, Belgium and the Netherlands, agreed to make two reductions July 1 this year.

U.S. trade negotiators are reluctant to agree to the proposal concerning abolition of the American selling price because they can't guarantee Congressional action. The Dutch delegates vainly sought to soften the wording of the condition because of their fears that Congress would resent the implication that the proposal was an ultimatum.

The second condition, that no further protectionist measures be taken, also presents problems. It would, in effect, give any Common Market nation—most significantly France—the power to decide what constituted a new protectionist measure by the U.S. A tax bill currently before Congress already has a rider that would set new textile import quotas.

Late last year, the U.S. warned other industrial nations, with special emphasis on the Common Market, that they would have to help the U.S. reduce its high balance-of-payments deficit or the U.S. would be forced to take unilateral actions that would be felt by its trade partners. Britain, other nations of the seven-nation European Free Trade Association, and Japan have given support to the asymmetrical acceleration idea.

The plan also has the support of Eric Wyndham White, secretary general of the General Agreement on Tariffs and Trade, under whose auspices the Kennedy Round was conducted. Whether the conditional nature of the Common Market proposal might limit the ability of the industrial nations to agree on a common formula remains to be seen. It's expected that the Common Market commission will now take its proposal to GATT, the central group for the Kennedy Round, to see if a common proposal can be worked out.

THE DREAM LIVES

Mr. BARTLETT. Mr. President, the Nation buried Martin Luther King yesterday, but not his dream.

Across our land, certain few people destroyed sections of cities, but not his dream.

Throughout history, man has been defeated, but the dream that led Martin Luther King to the mountain top has never been destroyed, and for good reason. That dream is nothing less than the dream every man has for himself. It is the dream for a chance to become all that one is capable of becoming, of being judged as an individual and not as a member of a group, of being free at last of limits artificially imposed by society because of physical appearance or of beliefs held.

Every man dreams of being free. Unfortunately, too few men extend their dream beyond themselves. They remain mired in the valley, their view of the mountain top blocked by the confines of their narrow visions.

As we in public life and those in private life search for ways to help make this dream a reality in a nation which calls itself the land of the free, we must not let the emotions of the past few days narrow our vision lest we lose sight of that mountain top.

Yesterday we mourned the death of Martin Luther King, but tears and rhetoric are not the stuff to turn dreams into reality. We must not be satisfied that our public display of grief over the murder of Dr. King is a substitute for action.

For several days we have been dismayed, if not outraged, at the senseless destruction in our cities, but we must not let those feelings convince us that to do what we should, to do what we

should have been doing long ago would be, in fact, to reward rioters. That is an easy if bad argument. That is an easy way to excuse past inaction. That is an easy way out for men content to remain in the valleys.

However, if we would have history say of us we labored to extend every man's dream to all men, we should reject such agreements and get on with the task. To do otherwise would be to predicate our actions on senseless acts. Surely we owe the people of the Nation a better basis than that for acting or not acting.

Mr. President, history affords only a few opportunities to reach out for the mountaintop. Martin Luther King did not draw back from the opportunity and was rewarded by reaching the crest of the mountain.

We in Congress have a similar opportunity. As we work on developing and funding programs to build our cities and to alleviate poverty, to extend the dream to all men, there is a chance for greatness.

To draw back from such a rare opportunity because of the senseless acts of a few would be tragic indeed—tragic for those who have waited so patiently for the opportunities which are rightfully theirs, and tragic for us who refused a chance, for whatever reason, to reach for the mountaintop.

Mr. President, the Nation buried Martin Luther King yesterday, not his dream.

Certain few people destroyed sections of cities, not the dream.

The dream lives.

Let us not fear to work to make every man's dream a reality for all men.

STRAPPED STUDENTS

Mr. RIBICOFF. Mr. President—

It's going to be a lean year for many students—and families—who are counting on scholarships, grants and loans to help pay for college costs next Fall.

So says Richard Martin, staff reporter of the Wall Street Journal, in that paper's lead article for Tuesday, April 9.

Growing enrollments and rapidly increasing tuition costs, combined with Federal cutbacks because of Vietnam, lead educators to say "the squeeze is on."

Hardest hit will be the average student—the C student—from the lower- and middle-income groups who will be cut first and feel it the most.

Existing funds will be spread thinner. Charles Culp, financial aid director of Ohio University, in Athens, which raised its tuition and fees along with many others this winter, points out:

If we have a student who needs $700, for example, we may be able to provide him only $500.

Mr. President, this excellent article in the Wall Street Journal graphically illustrates the need for the enactment of a tuition tax credit, such as the Senate approved by a vote of 53 to 26 last year, to fill in the gaps in existing programs.

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

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

STRAPPED STUDENTS: FUNDS FOR SCHOLARSHIPS, LOANS MAY BE SHORT ON CAMPUSES NEXT FALL—RISING ENROLLMENTS, TUITION COSTS WORSEN THE PINCH—CUT IN FEDERAL AID HURTS—THE MIDDLE-INCOME SQUEEZE

(By Richard Martin)

It's going to be a lean year for many students—and families—who are counting on scholarships, grants and loans to help pay for college costs next fall.

"We'll have to be pretty tightfisted with our loan money, as well as with our outright grants," says Richard L. Tombaugh, financial aid director at Purdue University.

"The squeeze is on," says Russell I. Thackrey, executive director of the 99-member National Association of State Universities and Land Grant Colleges. "The evidence that we get is that it's going to be a real tough year."

In recent years, schools' own aid funds haven't grown as fast as enrollments and tuition costs, but Federal money for student loans and grants has been taking up much of the slack. Now, however, Vietnam war costs are forcing sharp cutbacks in these and other Government expenditures, and many schools are finding themselves short of money for strapped students.

"There's no question that the cutbacks in Federal programs and increases in tuition and fees are going to hurt us next fall," says Gary A. Lee, director of financial aid at Cornell University. "We may have to spread our money thinner to stretch it among more applicants."

ROOM AND BOARD HIGHER

Cornell's tuition and fees will rise $150 next fall, to $2,200 a year, for undergraduates enrolled in the school's 11 privately endowed colleges. (Cornell's other four colleges—agriculture, veterinary medicine, industrial relations and home economics—are state supported and charge lower fees.) Room rents will go up 8%, food prices will rise 10% and freshmen will be required to live and eat in Cornell facilities for two semesters instead of one, beginning next fall.

Ohio University, in Athens, raised its tuition and fees this winter, "and there's a strong possibility we'll have another increase next school year," says Charles Culp, financial aid director. He says his budget will be slightly higher in the coming school year, "but I think there will be problems taking care of the total needs of students. If we have a student who needs $700, for example, we may be able to provide him only $500."

James B. Puryear, financial aid director at Florida State University in Tallahassee, says: "Up until the current school year, we always had enough money to go around." But the $2.5 million of financial aid his office currently is providing is $200,000 short of students' needs, he says, largely because the cost of attending Florida State jumped about $350 this year when the school switched to a quarter system from a semester system.

A BLOW TO THE C-STUDENT

Next fall, Mr. Puryear expects his budget to be about the same—and short of students' needs again. "When we run short of money, we start giving it out according to grades, so the C-student is the one who's probably going to be hurt the worst," he says.

Some other college officials say the squeeze next fall will be toughest on C-students from lower income families, since they frequently don't score as well on competitive scholarship examinations as youngsters from higher income families.

"Scholarships are still being given out as rewards and prizes, they're not being given on the basis of need," complains William Somerville, who heads a financial aid program designed to help needy students at the University of California at Berkeley. Poorer students often apply for grants from schools' private funds to help pay for their studies, he says, but such money is scarce on many campuses.

Mr. Tombaugh at Purdue, says, however: "There's generally more gift aid available for students from poor families than there is for the average income student, even if he's really smart."

SQUEEZE ON MIDDLE-INCOME FAMILIES

At Cornell, "a youngster from a poverty background can get in and get a pretty full scholarship package if he's smart enough," says Mr. Lee, the financial aid director. "But we've got so many eminently qualified applicants from families whose incomes range from about $8,000 to $15,000, that a lot of them won't be able to make it here if their parents haven't really sacrificed and saved to send them to college."

For this reason, Mr. Lee fears that "private colleges and universities are in tremendous danger of becoming enclaves of only the wealthy and the poverty stricken." Robert P. Huff, financial aid director at Stanford University, says: "The middle-income student can go to college, there's no question of that. The question is whether he can go to the college of his choice. With costs at Stanford in the neighborhood of $3,500 a year, there are students from families in the $20,000 to $30,000 income brackets who need financial aid."

In the past few months, Federal allocations to many schools have been cut back from the levels previously budgeted for the current semester. Next fall's financial aid picture, of course, won't be entirely clear until Congress acts on the budget for fiscal 1969. But most college financial aid directors anticipate further cutbacks in many areas of Federal support for student aid programs next fall. Moreover, they don't expect Federal programs that aren't trimmed to rise above current levels, even though the U.S. Office of Education estimates that college enrollments will rise to more than 6 million students from less than 5.7 million last fall.

"Any modest increases in schools' own financial aid funds in the coming year will be more than offset by enrollment increases at most schools," says Allen Purdy, financial aid director at the University of Missouri and chairman of the National Financial Aid Council, an association of college financial aid officials.

For fiscal 1969, the President has asked Congress for $149 million for Educational Opportunity Grants, about the same as in the current fiscal year. This program provides exceptionally needy students with Federal grants of up to $800 a year, and college financial aid directors say the need for such grants already exceeds the supply.

"The Federal austerity program unexpectedly cut off a portion of our Educational Opportunity Grants this year," says Mr. Culp at Ohio University. But his office had already promised the aid to some students, he says, "and where we're going to make up this money, I don't know."

PART-TIME WORK

The Government's College Work Studies Program, designed to provide financial aid to students by increasing the amount of part-time student employment on campus, will be cut back, too. The Government currently puts up 85% of the funds for such employment programs, and schools put up 15%. But next fall the Federal share will be cut to 80% and schools will have to provide 20%.

By far the biggest sources of student financial aid are two Federal loan programs. One, the National Defense Education Act loan program, allows students preparing for careers in teaching and certain scientific fields to borrow up to $1,000 a year. The recipients don't have to start repaying these loans for 10 years, and interest charges don't accrue until after graduation. The Government "forgives" up to 75% of an NDEA loan if a student teaches for five years after graduating.

Some schools complain that their NDEA loan allocations have been cut already this year, and the proposed budget for fiscal 1969 calls for NDEA loans to drop from $190 mil-

lion this year to about $150 million next year.

ATTRACTING BANKERS

The other loan program—under which the Federal Government guarantees and pays the interest on money students borrow from banks and other commercial lenders—is "bogged down all over the country because the 6% interest fee just doesn't interest a lot of bankers," says H. Palmer Hopkins, director of student aid at the University of Maryland.

The Federal program was intended to provide about $700 million in 10-year, $1,500 loans to students this year, but only about $400 million actually has been lent. The President has asked Congress to provide a $35 service fee to banks handling such loans in order to make them more attractive to lenders.

Without such a handling fee, "it's safe to predict that banks aren't going to expand this program very much next fall," says Mr. Hopkins. "We're going to continue to have a great number of students who won't be able to secure loans."

Some financial aid directors think that might not be an entirely bad situation. They say too few students seem to realize how difficult it might be to pay off their educational debts while trying to raise a family and meet other expenses. "It's possible for students to accumulate a pretty sizable amount of debt this way," says Edson W. Sample, financial aid director at Indiana University. "Unfortunately, no studies have been made of the impact of these debts after graduation, but it obviously presents a real problem for the single girl who comes to her husband with this sort of negative dowry," says Mr. Sample.

The sharpest Federal cutbacks in financial aid for students have come at the graduate level. The National Aeronautics and Space Administration, for example, gave 750 predoctoral three-year fellowships in 1967 but will give only 75 this year. The National Science Foundation and National Institutes of Health have slashed their fellowship funds for next fall, too.

Just how hard graduate schools will be hit by the Federal cutbacks remains to be seen. If the draft cuts into graduate school enrollment as deeply as expected, some financial aid officers dourly predict that there will be plenty of fellowships to go around.

The Ford Foundation's new emphasis on support of pre-doctoral studies will help some graduate schools. Last year 10 universities—California, Chicago, Michigan, Pennsylvania, Wisconsin, Cornell, Harvard, Princeton, Stanford and Yale—received $17.6 million from the foundation for support of graduate foundation will provide another $23.9 million to other schools.

UNANSWERED RIOT QUESTION

Mr. WILLIAMS of Delaware. Mr. President, the Washington Daily News has today published an excellent editorial entitled "Unanswered Riot Question." The editorial asks some pointed questions which need to be answered. 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:

UNANSWERED RIOT QUESTION

There has been a variety of excuses for failure to preserve order in American cities. Those of Attorney General Ramsey Clark as to the riots in the District are about as lame as they come.

"Look at the deaths," advised Mr. Clark. "Very few deaths compared to what could have been expected under the circumstances."

How many deaths could be accepted as permissible, "under the circumstances?" The troops, when finally they were called got the disorder under control without firing a shot.

"I think the police acted firmly here; I think they acted fairly here; I think they did a good job," Mr. Clark said.

We agree with that, heartily. Nowhere has there been any criticism of police. But they were hopelessly outnumbered until, finally, after too many hours of indecision, the troops were brought in.

Mr. Clark was asked whether the nation is willing to accept unlimited property damage because "we don't want to inflict any deaths upon the looters and rioters." Mr. Clark replied:

"That is not the issue. I don't think we suffered unlimited property damage here. The property damage here would be a very small fraction of the property damage at Watts or the property damage at Detroit."

He seems to argue that law enforcement officials shouldn't try to stop a mob from burning down your house for fear of injuring the arsonist. But skip that. The record is that people get killed in the heat of riot. The killing stops, or doesn't even start, when authorities move in firmly to enforce the law.

"Restraint" merely has encouraged the riots to spread, making big ones out of little ones. This restraint apparently is prompted in recognition of injustice and out of concern for public sentiment in the Negro community.

Think that one over. The slum dwellers are the first and principal victims of these disorders. Thousands of them are being fed and clothed today at relief centers.

Does it make any sense to assume these poor people wanted their homes and small possessions burned, their sources of food destroyed, their jobs sent up in smoke? What little they had was lost because the authorities failed to protect them, thus piling neglect on top of injustice.

Attorney General Clark replies to all the questions save the main one:

Why was the looting and burning permitted to spread, practically without hindrance, for nearly 24 hours before troops were called in from across the river?

What have we got here? A Government or an alibi factory?

A STUDY OF THE EXISTING COMPENSATION SYSTEM FOR MOTOR VEHICLE ACCIDENT LOSSES

Mr. MAGNUSON. Mr. President, I am deeply gratified by the Senate's action today in unanimously approving Senate Joint Resolution 129. This resolution would authorize and direct the Secretary of Transportation, in cooperation with other Federal agencies, to conduct a comprehensive 18-month study and investigation of the automobile accident compensation system. The study will cover all aspects of the present system of compensating automobile accident victims under the doctrine of fault liability, and the methods and functions of insurance industry operations under that system. Upon completion of the study the Secretary is to submit to the President and Congress a final report outlining his findings and recommendations. The Secretary will also submit any interim recommendations or findings he deems appropriate.

In 1944 the Supreme Court reversed a previous decision and ruled that insurance of all kinds was indeed interstate commerce and therefore subject to Federal regulation. Responding to this decision, however, the Congress enacted, in 1945, the Insurance Moratorium Act, popularly known as the McCarran-Ferguson Act. In this statute, it declared that the public interest was best served by continuing primary regulatory responsibility for the insurance industry in the States.

Today, more than two decades later, there is increasingly evident grave dissatisfaction with the performance of the automobile insurance industry under the scheme of the McCarran-Ferguson Act. The RECORD and the national press are replete with accounts of the ills besetting the entire spectrum of automobile insurance, and I will not recount them here. Suffice it to say, the investigation is long overdue, and I am hopeful that the House will approve the authorizing legislation at an early date.

SENATOR JAVITS AND SENATOR YARBOROUGH TO REPRESENT THE UNITED STATES AT ILO CONFERENCE IN JUNE

Mr. PROXMIRE. Mr. President, the 52d session of the International Labor Conference will be held this June 5 to 28 in Geneva, Switzerland.

Two of our able and distinguished colleagues, the senior Senator from New York [Mr. JAVITS] and the senior Senator from Texas [Mr. YARBOROUGH] have been wisely chosen as the Senate's representatives to this Conference. I commend both of these wise choices. However, the attendance of Senators JAVITS and YARBOROUGH will unfortunately serve to highten the Senate's continuing failure to act on the two ILO conventions before it: the Convention on Freedom of Association and the Convention on Forced Labor.

The Convention on Freedom of Association was adopted by the International Labor Conference of the ILO in 1948 as a direct result of American initiative and in response to a suggestion by the United Nations. President Truman submitted this convention to the Senate in 1949, but no action has been taken during the intervening 19 years.

The Convention on Forced Labor was adopted by the International Labor Conference of the ILO in 1957, again as a result of American initiative and in response to an invitation by the United Nations. President Kennedy submitted this convention to the Senate in 1963 and although hearings were held on it by the Dodd subcommittee in 1967, the full Foreign Relations Committee failed to take any positive action.

There is no reason for the Senate's failure to act on these two human rights conventions. There are just lame excuses. I sincerely hope that the appointment of Senators JAVITS and YARBOROUGH to the International Labor Conference will constitute a positive step toward the long overdue ratification of not only these two conventions, but as well the Conventions on Political Rights of Women and Genocide.

A MEMORIAL FOR DR. KING: DEDICATION TO JUSTICE AND LIBERTY

Mr. HARTKE. Mr. President, the brutal murder of Dr. Martin Luther King, Jr., is shocking to all true Americans—shocking because murder is always wrong before God and man, and shocking because violence has stilled the leading voice of nonviolence. We have lost the voice of a good shepherd.

Dr. King's leadership was a reason for hope that we could continue to work toward greater progress in the whole field of human rights. It was a philosophy of progress which could continue without violence and bloodshed. The violent death of Dr. King has dire implications for these hopes, for our Nation.

The most fitting memorial for Dr. King would be immediate commitment by all Americans to the cause of justice and liberty for all people. Our commitment should be to nonviolence and to rational and humane solutions to our problems. I repeat in the words of Dr. King: "I am tired of violence." Let us be tired of violence, let us stop the brutalization of life, let us quit the things we know are wrong.

An old prayer used by churches of many denominations on the announcement of death says, "So teach us to number our days and to apply our hearts to wisdom." I believe the situation is serious, but I refuse to believe it is hopeless if we truly apply our hearts to wisdom. I call upon my colleagues in the Congress, I call upon all responsible agencies of the Government, I call upon all Americans to apply themselves to the challenges at hand. I call upon the Congress of which I am a part to look at the face of poverty; to look at the face of discrimination; to look at the face of injustice—and act immediately to redress these evils.

I especially want to call upon the young people of America to lead the way in creating a new spirit, shaping new attitudes and constructing new avenues for a new America. Hopefully, the youth of America will dedicate themselves to the cause of peace in our land just as they have so zealously worked for peace in Southeast Asia.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1968—CONFERENCE REPORT

Mr. HILL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15399) making urgent supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Apr. 4, 1968, p. 9020, CONGRESSIONAL RECORD.)

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

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

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

Mr. HILL. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I wish to remind Senators of the admonition given before the vote on the treaty. This will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 102 Leg.]

Allott	Gruening	Morton
Baker	Hansen	Moss
Bartlett	Harris	Mundt
Bayh	Hart	Muskie
Bennett	Hartke	Nelson
Bible	Hayden	Pell
Boggs	Hill	Percy
Brewster	Holland	Prouty
Brooke	Hollings	Proxmire
Burdick	Hruska	Randolph
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Scott
Cannon	Javits	Smith
Carlson	Jordan, N.C.	Sparkman
Case	Jordan, Idaho	Spong
Church	Long, Mo.	Stennis
Clark	Long, La.	Symington
Cooper	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Dominick	McGovern	Tydings
Ellender	McIntyre	Williams, N.J.
Ervin	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Mondale	Young, N. Dak.
Griffin	Monroney	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The Senator from Alabama is recognized.

Mr. HILL. Mr. President, the bill as reported by the committee of conference contains total appropriations of $1,213,980,863, a reduction of $191,465,000 from the Senate allowance, a reduction of $800,000 from the House bill, and a reduction of $2,040,000 from the budget estimates.

The bill contains two urgent items—and I want to emphasize this—the first for "unemployment compensation for Federal employees and ex-servicemen," and the second for "grants to States for public assistance." For this latter item the Congress allowed the full budget estimate, $1,135 million, and for the former item, amendment No. 5, the budget estimate and House allowance was $28,800,000; the Senate allowed $28 million, a reduction of $800,000, and the conference agreement accepts the Senate amendment.

The conference report indicates that the Senate receded on five of its eight amendments—Nos. 1, 2, 3, 4, and 7—the House receded on two amendments—Nos. 5 and 8—and one amendment No. 6, was reported in disagreement.

I should report at the outset that the House conferees at the very beginning of discussions on the disagreeing votes of the two Houses indicated that no consideration would be given by them to any increase added by the Senate, and none was.

The conferees discussed amendment No. 6 for "school assistance in federally affected areas" for quite some time, and finally a majority of the Senate conferees indicated a desire to sign the conference report, which contemplated the amendment being taken back in disagreement with the House to move to recede and concur with an amendment to allow $20,810,000, the amount by which the item was reduced last year in accordance with Public Law 90–218—House Joint Resolution 888—and with the funds to be available only for payment of entitlement of so-called a children of parents who live and work on Federal property. Some opposition was encountered in the House with respect to this substitute amendment, but it was approved by a vote of 199 yeas to 189 nays.

On amendments Nos. 1 and 2 the Senate receded. Amendment No. 1 merely inserted a title. Amendment No. 2 proposed $25 million for the Farmers Home Administration direct loan account. The conferees recommend that the Bureau of the Budget release $25,000,000 from the reserve fund of $300,000,000 established by section 203(a) of Public Law 90–218, House Joint Resolution 888.

That was $300 million we held in reserve when we passed the resolution making the reductions at the close of the last session of Congress.

On amendment No. 3, proposing an appropriation of $500,000 to the Forest Service for forest protection and utilization: The conferees direct the Department of Agriculture to transfer not to exceed $500,000 of the unobligated balance remaining in the insect and disease control activity for this purpose.

I may say we have the assurance that this $500,000 is available for that purpose, and the transfer can be made.

On amendment No. 4 the Senate proposed an appropriation of $75 million for manpower development and training activities, Department of Labor; and on amendment No. 7 the Senate proposed an appropriation of $25 million for the Office of Economic Opportunity, Headstart program. The Senate yielded on both of these amendments inasmuch as it was established that the Office of Economic Opportunity has sufficient funds on hand to do whatever planning that may be desirable in connection with these programs, and due to the fact that the House conferees again and again made clear and declared that they would not agree to any amendments that brought about any increase.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Did not the House conferees also tell us that at this very time they are conducting hearings on an additional supplemental bill and, that these items were acted upon without prejudice and could be brought up at that time if the administration so desired?

Mr. HILL. The House conferees did tell us that. They had a supplemental bill before them at that time, as the Senator has said, and these items could go on that supplemental bill.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HILL. I yield to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. I support the chairman of the Senate conferees the distinguished Senator from Alabama in approving the conference report today. I see no alternative but to support it. The Senator from Alabama knows that the conferees met from time to time over a period of a month with the House conferees. The House determined at first to take no part of the Senate increase. Finally the House conferees agreed to $21 million for impacted school areas, and very reluctantly so.

I personally asked that the distinguished Senator from New York [Mr. JAVITS] be named a conferee. He very ably defended the Senate's position with respect to the $25 million for Project Headstart and $75 million for Neighborhood Youth Corps type summer jobs. No one could have done a more able job than he did. It was a question of either taking what we got or nothing at all.

OEO does have a considerable amount of money and has considerable transferability authority. The appropriation for 1968 was $1.773 billion. That was about $100 more than the $1.687 billion appropriated the previous year, in 1967. There is a 10-percent transferability provision. So they are in a position to take care of most of the more urgent needs, at least, until the next supplemental appropriation bill.

Mr. HILL. The Senator is correct. They can take care of their more urgent needs. With the supplemental bill in the House, they will take care of their whole needs.

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

Mr. HILL. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. On page 2 of the report, I find, under "Department of Health, Education, and Welfare," at the bottom of the page, it is stated:

> The managers on the part of the House will offer a motion to concur with an amendment to provide $20,810,000, which sum will permit payment of 98 per cent of entitlements under sec. 3(a) of Public Law 874, as amended.

I do not recall the exact figure, but it seems to be that in the markup sheet we had before us in the Appropriations Committee, the figure was $91 million.

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

Mr. ALLOTT. I yield.

Mr. HILL. It was $90.965 million.

Mr. ALLOTT. That was not the figure on the sheet. The figure on the sheet was $91 million.

Mr. HILL. The exact figure was $90.965 million.

Mr. ALLOTT. The testimony before us was that if Public Law 874 were to be implemented fully, it would require all of the $90.965 million which was mentioned in the hearing. I find it impossible to understand how $20,810,000 would be 98 percent of the entitlements under Public Law 874 when the testimony before us was that it would take almost $91 million to do it.

Mr. HILL. There are A children and B children. The A children would be taken care of by 98½ percent of the full entitlement, whereas the B children would receive 80 percent of the entitlement.

Mr. ALLOTT. The Senator is saying that the $20,800,000 would take care of only the situation of children actually residing on a post?

Mr. HILL. The Senator is correct.

Mr. ALLOTT. So, if we accept this report, we will have left out of the bill hundreds of impacted areas, maybe thousands—I do not know how many there are—in the United States which face crucial—and I mean crucial—educational problems because of the President's demands for 2 years, maybe 3 years now, to chop off the funds under Public Law 874.

If we accepted the conference report, we would leave out of the bill entirely funds for the class B children, or whatever they are designated. We would leave out of the appropriations for Public Law 874 all of those who suffer severe problems because of impaction?

Mr. JAVITS. Mr. President, will the Senator yield to me so we can get the yeas and nays while we have enough Senators present?

Mr. HILL. Very well. I yield for that purpose.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, is the statement I made correct?

Mr. HILL. The statement is correct. Those whose parents live and work on Federal property will get 98½ percent. The others will receive 80 percent.

I will say this about it: Not only has the President reduced these funds, but one thing that has had a psychological effect, if I may be so frank, is that when we were in conference the Senate had passed legislation providing for a 10-percent surtax and a $6 billion reduction in the budget.

Mr. ALLOTT. We can effect the $6 billion reduction in the budget with the cooperation of the House Appropriations Committee. Actually, it was a $6 billion reduction in expenditures, not the budget. We can effect it.

Last year, as a result of the actions of the Appropriations Committees of the House and Senate, we were able to effect a $6.2 billion cut in the President's budget.

What concerns me about this is that we are asked to vote into being all these new programs, and yet we are asked to pauperize and skeltonize the very basic elements of school assistance provided for under Public Law 874 money, which goes to the blood, bones, and muscles of these schools.

One school in Colorado, which I recall exactly, in the town of Security, close to Fort Carson, near Colorado Springs, a town with approximately 12,000, 13,000, or 14,000 people, now has an educational tax levy in excess of 40 mills. This is based, roughly, upon a 40-percent property valuation tax. Most of the people who live there are employed at Fort Carson.

But this will not help their schools at all; and if they do not get their Public Law 874 money, it means that the levies for school purposes will have to go up to the neighborhood of 71 or 72 mills, for education alone. This amount goes into the support of the school system; it is not adding on some fancy program that somebody over in HEW or over at the White House or somewhere else thought up. It goes to the support of the system itself.

I do not see how any of us can go back to those people and say:

> We have had this for 15 years, it is built into the structure of our educational system, but we are sorry, you will just have to make out the best you can.

Mr. President, how can a community of modest-sized homes raise its mill levy from 41 or 42 mills up to 71 or 72 mills?

Mr. HILL. I can only say to the Senator that the conferees did their best to get this amendment agreed to.

Mr. ALLOTT. I am sure they did.

Mr. HILL. But, as the distinguished Senator from South Dakota, who was one of the conferees, knows, the House conferees simply took an adamant position that they would not agree to the increase.

Under the second item to which the Senator refers, the schools systems would get 80 percent of the entitlement.

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

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

Mr. HOLLAND. I believe there was a deeper reason that has not yet come out in the debate supporting the attitude of the House conferees. The Senator will remember, of course, House Joint Resolution 888, which both Houses passed last December, the Senate by a unanimous vote. One of the provisions of that resolution was that even the $300 million buffer fund which we gave the President could not be so used by him so as to exceed the original appropriation of last year.

The House conferees very adamantly took the position—and, frankly, I could understand their position, although I did not agree with it by any means—that they would not depart from the philosophy of that joint resolution.

So, in offering to put back the amount that was put back for the impacted school program—and I suspect that I represent a State that is adversely affected to about as great a degree as any other State in the Union by this decision—all they would restore was the amount reduced by the Bureau of the Budget and the administration, under the provisions of House Joint Resolution 888 which passed both Houses of Congress last fall.

That was a rather consistent position for them to take, because they had strongly stood behind House Joint Resolution 888. I might say that most of the Senate conferees in this matter did the same. I remind the distinguished Sena-

tor that he and I, and every other Senator now present, voted for House Joint Resolution 888. My recollection is that more than 80 Senators were present when we unanimously approved that measure. If the Senator will go through the figures, he will find out how meticulously we stood by that proposal.

The real reason for not going along with the Headstart items and the item for the support of the Manpower Development and Training Act was that in both instances those amounts were not only not in the budget, but they were above the amounts of the appropriations made by Congress last year. In other words, they departed entirely from the philosophy of House Joint Resolution 888. There is no question about it.

We are all in sympathy with that. I stated in the committee and in the subcommittee as well, when the Headstart item was under consideration, that it was the item which in my State was most admired and had given greatest satisfaction. That was stated over and over again by various members of the conference committees from both Houses. But it was felt that unless we were prepared to depart completely from the philosophy of House Joint Resolution 888, we could not put those two items in the conference report.

I have already mentioned the impacted school program; we included for it all that we could, under the philosophy of House Joint Resolution 888. If the Senator will refer to the appropriation for the Farmers Home Administration Direct Loan Act as to the $25 million there, we were willing to put that in because it could be done under House Joint Resolution 888. I see that the Senator from South Dakota [Mr. MUNDT] is present. He and the Senator from North Dakota had both wanted us to add a good deal to that amount originally, in our committee, because it is needed. The Farmers Home Administration is without funds, in many States, to support the spring planting efforts of farmers who are in the marginal classification.

I believe we could have put that $25 million in. Every Senate conferee endeavored to have it put in. But the best we could get out of it was the provision in the conference report recommending to the Bureau of the Budget that this item be paid out of the $300 million reserve fund provided for in House Joint Resolution 888.

I am able to state to the Senate that the Department of Agriculture is carrying through on this matter. I have not had a report from the Bureau of the Budget, unless it has come today—and I have not had time to confer with the Appropriations Committee staff—but the Department of Agriculture immediately followed up our recommendation that an effort be made to get that $25 million restored out of the $300 million buffer fund. That effort is underway, with the strong support of the Department of Agriculture. I hope it will be successful.

But the reason I am going to this length—and I ask the indulgence of the Senator from Alabama——

Mr. HILL. The Senator is making a good speech.

Mr. HOLLAND (continuing). Is that there was involved in all of this matter an insistence on the part of the House conferees, which I could easily understand because I had sat with them for nearly 2 months last fall when we were trying to work out the conference report on House Joint Resolution 888, that the philosophy of that report be adhered to; that after we had done almost a unanimous job on the other side of the Capitol, and a unanimous job here, in insisting that the administration live up to the philosophy of that report, it would be very unseemly indeed if we ourselves departed from it on the first opportunity we had, the first supplemental bill that was before us.

I thought it appropriate to have this explanation in the RECORD, because there is not any doubt that this was a compelling motive on the part of the House conferees, and one which the Senate conferees found it very difficult to meet.

We could meet the impacted-school fund only by yielding and including all of what could be provided under House Joint Resolution 888. That is the whole story.

The items that were entirely omitted in the Senate could not have been put into the bill under the provisions of House Joint Resolution 888 and were not in the budget. There was every reason in the world why the House conferees should have insisted as they did.

I may say again—and I hope, again, that I am not speaking too long—that the House conferees, who were the senior members on the Committee on Appropriations, told us, over and over:

> We are holding hearings now on the last supplemental appropriation bill. We will start hearings at an early date—on the annual appropriation bill. We are not forgetting about these items. We are as much interested in them as you are. We are willing to hear about them at either time, either on the last supplemental bill or on the annual bill. But we are not willing to include them in this bill and be the first ones to disregard our own strong instructions, given to the administration, and which were voted for unanimously by the Senate.

That is the story in this matter. If I have stated it incorrectly, I am sure the Senator from Alabama will correct me.

Mr. HILL. The Senator from Florida has stated the case exactly correctly. He has told the story exactly. The House conferees were adamant in their position. They had the encouragement that the Senate had only shortly before passed a bill providing both for a 10-percent surtax and a $6 billion reduction in the 1969 budget.

Mr. HOLLAND. Mr. President, will the Senator from Alabama yield for 1 more minute?

Mr. HILL. I yield.

Mr. HOLLAND. The States began to run out of welfare funds in March. I am unable to say, now, how many States have exhausted those funds. I heard not long ago a very large figure, but I shall not repeat it because I am not sure of it.

The staff member handling the item has told me that no payments have been made under medicaid since April 1 because funds are not available. This punctuates the necessity for early action upon the supplemental appropriation conference report.

Mr. HILL. For action now.

Mr. HOLLAND. For action now, because we are delinquent in our responsibilities to many States. We are delinquent in our responsibilities to all of the States that have adopted medicaid, because there are no funds remaining to pay them. We should act quickly.

I support entirely the aims of the chairman of our committee. The conference report should be agreed to without further delay. As a nation, we are already embarrassed because our obligations to many States are delinquent. Those are the obligations to old people, for aid to dependent children, to those who are the beneficiaries of medicaid, and also to others who are in the less privileged groups.

I thank the Senator from Alabama for yielding.

Mr. HILL. Mr. President, the House is now considering a supplemental appropriation bill.

Mr. HOLLAND. The Senator is correct.

Mr. MUNDT. Mr. President, the distinguished Senator from Colorado [Mr. ALLOTT] brought up a very important problem which this conference committee report does not meet. The chairman of the Senate conferees, the Senator from Alabama [Mr. HILL], fought a tough, hard, consistent, and unyielding fight for the position of the Senate. I do not know how many times we met in conference, but it was time after time, and there were long, time-consuming conferences.

The House conferees were adamant in refusing to go along with the impacted area funds discussed by the Senator of Colorado and which were appropriated in the Senate. They said that the House Members would support them in their position. Apparently their guess was accurate, but by a very narrow margin. They did have a vote on the House side. There was a margin of only 10 votes by which the House supported their action.

This leaves the problem unsolved. We were told that there would be another supplemental bill coming along in about 3 weeks. I think that the friends of education in the areas affected should probably begin an educational campaign now on the Members of the other body, because we cannot appropriate unilaterally in a bicameral legislature.

We held up on the matter for many weeks, as the Senator from Florida pointed out, and we did get the House finally—just in the last hour of the last conference—to go along from the standpoint of the urgent problem involving the military bases and the Indian reservations where they have a great number of section 1 funds, and to give them 98 percent of entitlement.

I share the point of view of the Senator from Colorado [Mr. ALLOTT], however, that we have a moral commitment to the school districts in the country to give them the entitlement which is rightfully theirs for the rest of the impacted area program.

I am glad that the Senate kept its commitment. I am sorry that the House would not go along. I think that we should resume our efforts in the next

conference if, by any chance, the Senate itself in its good wisdom rejects this conference report. I shall vote to approve the conference report because this is the best job we were able to do without having another vote in the Senate. However, if the Senate, which is the parent body—because the conferees get their instructions from the Senate—rejects it, I think we should move to add today the full entitlement we had so that the whole thing would go back to conference, because it certainly is not compatible with sound government and credibility and good faith on the part of the Federal Government to change the rules in the middle of the game.

Whatever flaws there are in the impacted areas legislation should be corrected legislatively, but not in the middle of a school year by reducing promised appropriations whereby we would bring distress, disappointment, disillusionment, and handicap to a great many school districts.

Mr. President, before I yield the floor, I should like to say also that what the Senator from Florida has said is correct as to why we did not get any new money for the $25 million added on the Senate side concerning the FHA funds. We did come up with a clear mandate, as far as Congress can mandate the administration to take from the $300 million contingency fund—of which we have been told less than $40 million has been committed—$25 million and make that immediately available to agriculture. That can be done, and that should be done. And, hopefully, it will be done.

I am glad to have the Senator from Florida advise the House that the Department of Agriculture—which had not previously asked for this money—has now taken the necessary steps to request it. I hope that the White House will now conform to the mandate of the conferees and Congress and the request of the Department of Agriculture.

It is far short of what is needed. It is less than half of what is needed, but it is in conformity with the concepts established by House Joint Resolution 888. It would make it the full amount appropriated in the Senate.

Mr. HOLLAND. Mr. President, I confirm what the Senator from South Dakota has said. I did report to the Appropriations Committee and to the conferees that, upon my inquiry of the Department of Agriculture, I found to my surprise that they had not asked that any part of the $300 million buffer fund be apportioned to any agricultural objective.

Mr. MUNDT. That made our job more difficult in conference because it took away an argument.

Mr. HOLLAND. I have already stated that I am now assured by the Department of Agriculture that, following up the discussion with the conference committee, they immediately submitted to the Budget Bureau a request to be allowed to divert out of the $300 million, or that part that is undistributed—and it is by far the major part—$25 million. That does not come out of the free funds, but comes out of the revolving funds for the Farmers Home Administration.

We have done everything we could to meet the needs of the situation. The House has finally gone along with us insofar as it could without departing from House Joint Resolution 888.

I can sympathize very much with them because it happens that—and even more so than in the case of the Senate conferees—the same individuals sitting on the conference committee were the identical ones who had participated in the nearly 2 months of conferences last fall before House Joint Resolution 888 came up.

Mr. HILL. On amendment No. 8 for "claims and judgments" the House receded, approving the language inserted by the Senate to provide for use of postal funds to pay certain claims.

Mr. ALLOTT. I would not want anything I have said to be taken in the context of being critical of the Senate conferees. Having been a member of the Appropriations Committee for 10 years, I can understand, as well as anyone, exactly the situation that the Senate conferees faced. I probably should make it plain, particularly to the Senator from Florida, that I did not vote for House Joint Resolution 888 because I was absent from the Senate on official business at the time the matter was voted on. However, I should also make it perfectly clear that had I been here, I not only would have voted for the measure, but also would have supported it vigorously.

I do not want any duplicity of motive on my part to exhibit itself here.

One thing that occurs to me is that we have run into this situation every year for several years, as it concerns Public Law 874 funds. Everyone says, "Well, this is not exactly fair. There are areas in particular places in which schools are getting an unfair share of 874 funds."

Well, this is the Senate. It goes into the RECORD. It should be said at this time, for all time, that if this law needs amending—and I believe it does—one part of the business of the Senate should be to see that such hearings are held and such corrective legislation introduced that we will not be in the position of having the administration and the Members of the House say to us repeatedly, in regard to these funds, "Well, this is not really a fair law."

We have done this for many years. We have put this into the law. It has been a part of the support of our school system. Frankly, many areas are involved, not only the States of the Senator from Florida, the Senator from Alabama, the Senator from Colorado, the Senator from New York, the Senator from Kentucky, the Senator from Massachusetts, the Senator from Texas, but schools in essentially all our States are involved in this matter.

It seems completely illogical to me—this is the point I make—that under the guise of the very same corrections that should be made by the legislative committee, we pull a major basis of support in impacted areas out from under the schools and really wreck them, while at the same time we are trying to pile on top of them all sorts of special educational programs. It will not do us any good to pile on special educational programs if we cannot keep the backbone of a particular school operating. This is my point.

This is also the point I wish to make with respect to the agriculture.

I am aware of this situation. I support the Senator from South Dakota in his amendment for $25 million. It is unfortunate—in fact, it is a tragedy—that this revolving fund has remained at $300 million all these years.

I believe I know something about this act, because I wrote it, as the Senator from Florida well remembers; and then, with some slight modifications, it was passed in 1961. It has, however, been amended since then.

In view of the increase in the value of land, with the situation of tractors costing two and three times what they cost 8 years ago, together with the cost of all other farm equipment and labor, it is no wonder that we see the exodus of people from farmlands; families going into the cities; and family farm life being destroyed under our very eyes. The $300 million revolving fund today is not even equivalent to $150 million when the act was passed, and this is contributing greatly to that exodus.

I feel very strongly about these matters. I repeat that I do not want anything I have said construed as being critical of the chairman, for whom I have much affection, or of the other members of the committee, with whom I work. I know exactly the situation they faced in the House conference. We are appreciative of their efforts, even though in several places this leaves us in a situation which we find almost intolerable.

I thank the Senator for yielding.

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

Mr. HILL. I yield.

Mr. YARBOROUGH. Mr. President, I wish to express my esteem for the distinguished chairman, whom I cherish not only as a colleague in the Senate, but also as a long-time personal friend. I also wish to express my esteem for all the Senate members of the conference committee.

I am a member of the Appropriations Committee, and it would be with great reluctance that I, as a member of the committee, would oppose a report of our committee. However, this is not a report of the Senate Appropriations Committee; this is a conference committee report.

The House trimmed this amount and is attempting to ram it down the throats of the Senate. The Senate conferees tried to get some reason out of the House managers. When the Senate conferees failed, they brought the measure back. I believe we should send it back, not because of lack of appreciation of our Senate colleagues, but to let the House know that we mean business.

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

Mr. YARBOROUGH. I yield.

Mr. HILL. I may say that the chairman of the House Appropriations Committee, the chairman of the House conferees on this bill, is from the great State of Texas.

Mr. YARBOROUGH. He is a friend of

mine. And I compliment this great Alabamian for standing fast for school aid and the other items in the bill. I can say to the Senator from Alabama that the senior Senator from Texas does not agree with the Representative from Texas, the chairman of the House Appropriations Committee, on this matter. I have great esteem for the Honorable GEORGE MAHON, but we do not see eye to eye on this particular matter.

Mr. HILL. I yield the floor to the Senator from Texas.

Mr. YARBOROUGH. I thank the Senator.

Mr. President, the argument has been made that since a general resolution was passed providing for Federal cuts, it is impractical and not feasible and not in keeping with that resolution for us to add this impacted aid money.

What has been stated here ignores a rule of law and ignores a rule of legislation. If you have a general law and then pass a specific or special law, the special law controls in the field to which it applies. The argument that a general law takes priority over a special law, to do a special job, is erroneous.

In adding this impacted aid money, it is not new money. This is not a new appropriation. The law provided for this money, and it was cut back. As was stated in the committee, if there is any way by which the Federal Government can make a commitment under its laws, and by which it can be bound by that commitment, it is under the impacted aid laws. The commitment was made. The school districts made up their budgets for the year.

I believe the school laws in my State are similar to those in other States. In my State, the school laws provide that a school district cannot now raise the tax to make up the money that has been cut out. That would be a retroactive tax. The school district can only raise its taxes in futuro.

Furthermore, we have a law that if a school district runs out of money, it cannot use deficit financing. When this Federal money is gone, it means that the school districts must lessen their efforts for the remainder of the year. They can put 60 pupils in a room, instead of 30, and let one teacher go. They can eliminate some courses. It means they must cut out part of what they are doing, because they cannot raise taxes and they cannot use deficit financing. That is the situation in my State and in many other States.

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

Mr. YARBOROUGH. I yield.

Mr. BARTLETT. Mr. President, I share the concern expressed by the Senator from Texas and other Senators about the impact that this cutback in Public Law 874 funds will have.

At the same time, I agree with those who spoke on this subject earlier. I have every faith that the Senate conferees did everything they could to maintain the position of the Senate in this matter. After all, the Senate added, with no great opposition, $90 million-plus to make possible the full entitlement. After the 1968 appropriation was passed, Congress liberalized this legislation; and, truthfully, we would have required $486 million with respect to full entitlement.

The way the matter has come from conference, the class A pupils are taken care of adequately, in the main.

I believe that 98 percent of the entitlement for that class is met. However, for the class B, there will be only an 80-percent payment. I believe the Senator from Texas made the vital point in that regard. The fact is that these school districts and other school bodies simply do not have the means now at this late date to get the money from any other source. Contrary to what has been said elsewhere to the effect that there was adequate warning served on the school authorities prior to the opening of school last year, the fact is that it was not until January 31, 1968, that the Office of Education notified school districts that they would receive only 80 percent of the entitlement.

I think we are going to create a chaotic situation unless we get full entitlement. Had this action been taken earlier, in June or July of last year, the situation might have been different. However, that was not the fact and we have left these school districts and school bodies in a dreadfully unexpected situation financially. I think we do have the duty of appropriating the funds to meet the requirements in the law.

I thank the Senator.

Mr. YARBOROUGH. I thank the Senator from Alaska.

While I am greatly disappointed with some of the provisions that are contained in the conference report to H.R. 15399, the Urgent Supplemental Appropriations of 1968, I am particularly distressed that the Senate conferees failed to hold firm on amendment No. 6, the provision restoring $91 million to the entitlements of local school districts qualifying for impacted aid under Public Law 874.

These are the school districts across America that are asked to provide free, public education to the children of parents who live or work on a nearby installation of the Federal Government—in most cases, this installation is a military base. Under Public Law 874, passed in 1950, the Congress of the United States pledged national aid to these local school districts that are federally affected. There is no clearer statement of the congressional commitment to these districts than the one stated in title I, section 1 of Public Law 874:

SECTION 1. In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following section of this title) for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that—

(1) the revenues available to such agencies from local sources have been reduced as the result of the acquisition of real property by the United States; or

(2) such agencies provide education for children residing on Federal property; or

(3) such agencies provide education for children whose parents are employed on Federal property; or

(4) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

Mr. President, subsection (4) to which I have just referred is particularly applicable to my State because of the steady buildup in Vietnam, which has placed a great and heavy burden upon the school districts, which are asked to provide free education to the children of these military families.

Mr. President, it saddens me to think that Congress, for the first time in 18 years, is failing to fulfill its commitment to the education of these children. Federally affected school districts across the Nation expected and budgeted for a 1968 entitlement of $486 million. Congress cut that figure to $416 million, and then the Bureau of the Budget made available for allotment only $395 million. In all, the children who benefit under Public Law 874 were compromised to the tune of $91 million—a cut of 18.8 percent.

In the Appropriations Committee and on the floor of the Senate I fought to restore this cut. I supported in word and deed the measure introduced by the distinguished Senator from Arkansas [Mr. FULBRIGHT] to fund Public Law 874 up to its full entitlement of $486 million. The Senate, wisely in my opinion, restored this money.

Now, however, the conference committee reports a compromise on the Senate action that reduces the $91 million to $20,810,000 and limits even that slim amount to those children of families actually living and working on Indian lands or military reservations.

Mr. President, this will not do. Under their original entitlements, school districts in Texas were to receive $26,066,402. With the action of the conference committee, Texas will be cut back to $21,954,631—over a $4 million reduction.

I have received telegrams from educators in Texas who state the need for full funding of Public Law 874. As an indication of the concern that this cutback on our educational commitment has aroused in my State, I ask unanimous consent that telegrams to me from Mr. L. P. Sturgeon, of the Texas State Teachers Association; Mr. W. C. Woolridge, superintendent of the De Kalb, Tex., Independent School District; Mr. E. J. Wranosky, superintendent of the Flour Bluff, Tex., Independent School District; Mr. J. Weldon Bennett, of the Friendship Independent School District in Wolfforth, Tex.; and Mr. Morris S. Jennings, superintendent of the Poteet, Tex., Independent School District, be printed at this point in the RECORD.

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

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, I cannot in good faith to the people whom I represent support a measure that economizes to this great extent on the education of their children, and particularly those for whom we have a special responsibility because their parents are employed by the Federal Government under conditions written into the law in 1950. They deserve more—indeed, they must have more, if their edu-

cational programs are to meet even minimal standards.

Accordingly, I shall vote against this conference report, and I urge all my colleagues to do likewise, so that we may have another conference and stand firm for the full $91 million for aid to these schoolchildren.

Mr. President, I shall do that with great reluctance because of my high esteem for members who serve on the conference committee, but we must demonstrate to the House of Representatives that we mean business.

Mr. President, still other provisions in this conference report disappoint me. Along with the distinguished Senator from New York [Mr. JAVITS] I sponsored an amendment to provide $150 million for badly needed summer programs in the great urban centers of our Nation.

I believe everybody in the Nation is waking up to the fact that the funds are needed now.

In the Appropriations Committee I fought to obtain this full amount, but the committee reported the lesser sum of $75 million to supplement Neighborhood Youth Corps type programs. Though I preferred the larger and broader figure, $75 million can provide a significant boost, materially and spiritually, to those trapped in the stifling ghettos of America. I was pleased that the Senate saw fit to approve at least the $75 million recommended by the Appropriations Committee.

Similarly, I supported the floor amendment offered by the distinguished Senator from Pennsylvania [Mr. CLARK] to provide $25 million to supplement the ongoing Headstart program. Surely, none of our efforts to lift people from the misery and degradation of poverty have been more successful or are more worthy of our continuing support than is the Headstart program. This educational effort for the children of poverty has produced remarkable rewards all across our land, and I was pleased to support and vote for Senator CLARK's successful amendment.

In conference, however, the $75 million for summer jobs, and the $25 million for Headstart, were eliminated. I feel that this cutback is unwise, and I am unwilling to vote for a conference report that ignores to this extent our commitment to alleviate poverty.

Accordingly, I join the bipartisan effort of Senator CLARK, Senator JAVITS, and the many other Senators who are urging that this report be rejected, so another conference committee can be appointed with instructions to hold firm for these badly needed funds.

Mr. President, I have the utmost confidence in Senators who were members of the committee on behalf of the Senate. I hope our vote will be on the need for this money, not a vote of our esteem for the conference committee, for which I have the highest esteem. There is no one I know of anywhere for whom I have more esteem than the chairman [Mr. HILL]. He is the chairman of the Committee on Labor and Public Welfare, and I have never seen a fairer chairman.

This is not a personal thing. We are not voting on esteem for these gentlemen. It could not be higher. I want every Member to know that my vote is not a vote to repudiate them. I will be voting to get impacted aid, summer jobs, and Headstart programs. I urge my colleagues to join me in rejecting this conference report, so we again can go to conference and stand firm for what the Senate already has so wisely provided.

EXHIBIT 1

AUSTIN, TEX.,
March 21, 1968.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Will appreciate your contacting Senate House conferees working on HR 15399 and urging retention of 91 million dollars in additional funds for school districts operating under Public Law 874. Loss of these funds will seriously curtail additional educational opportunities of many Texas children.

L. P. STURGEON,
Texas State Teachers Association.

DE KALE, TEX.,
March 26, 1968.

Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

I am advised that House conferees adamantly opposed to 91 million dollars PL874 deficiency appropriation in HR 15399. Request you encourage Senator Hill to hold Senate funds otherwise vote against conference report when submitted.

W. C. WOOLDRIDGE,
Superintendent, De Kalb Schools.

CORPUS CHRISTI, TEX.,
March 27, 1968.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Thank you for your support of the 91,000,000.00 impact money added to the recent appropriation bill. It is desperately needed to finance schools this year more than ever before. If there is any way possible to hold this 91,000,000 I am sure you will maneuver this to secure favorable action on this bill and support Senator Lister Hill in handling legislation in such manner that this will be in the appropriation bill.

E. J. WRANOSKY, Sr.,
Superintendent, Flour Bluff, Indiana School District.

LUBBOCK, TEX.,
March 27, 1698.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.:

Thank you for your support of impact legislation please encourage Senator Hill to hold Senate funds or otherwise vote against conference report when submitted encourage House conferees to favor the 91 million impact money added by the Senate.

J. WELDON BENNETT,
Friendship School, Wolfforth, Tex., Lubbock County.

SAN ANTONIO, TEX.,
March 28, 1968.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Sorry to learn House conferees opposed to Senate bill aid to impact schools in amount of 91 million dollars. Please encourage Senator Hill to hold line on these funds. Otherwise please vote against conference report. This is most serious. Thanks for your hard work.

MORRIS S. JENNINGS,
Superintendent, Poteet Independent School District, Poteet, Tex.

Mr. SPONG. Mr. President, I am reluctant to vote against the conference report. I am aware of the fine efforts made by the Senate conferees and of the problems they faced. I feel, however, that I must vote against the report. Other than California, the State of Virginia is more affected by the cut in impacted area funds than any other State in the Union.

There are several school divisions in Virginia which last year adopted budgets dependent on the funds. Traditionally, these districts have been able to depend on receiving their entitlement. I therefore believe that the Federal Government has a commitment to provide those funds. There will be no earlier opportunity to honor this commitment than by voting to reject the Senate conference report.

I also believe the Senate should be mindful of the fact that the House took a vote on impacted areas funds separately from the vote on the conference report itself. The House vote to provide the full $91 million needed for 100 percent entitlement failed by only 10 votes, with a number of absentees.

Mr. President, I ask unanimous consent to have printed in the RECORD telegrams received from Bernard F. Hilenbrand, executive director, National Association of Counties, and several school superintendents throughout Virginia, attesting to the fact that the funding of their school districts will be severely impaired if Federal funds are not restored.

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

WASHINGTON, D.C.,
April 5, 1968.

Senator WILLIAM SPONG,
Senate Office Building,
Washington, D.C.:

Impacted area counties and school districts have budgeted in anticipation of Federal education commitments and will be severely affected if full $90 million added by Senate is not retained. Token amount of $20 million offered by House does not assist all counties and districts who have counted on PL–874.

BERNARD F. HILENBRAND,
Executive Director, National Association of Counties.

FAIRFAX, VA.,
April 5, 1968.

Senator WILLIAM SPONG,
Senate Office Building,
Washington, D.C.:

Urge support of Senate recommendation of ninety million dollars impacted area appropriation.

E. C. FUNDERBURK,
Superintendent, Fairfax County Public Schools, Fairfax, Va.

PORTSMOUTH, VA.,
April 5, 1968.

Senator WILLIAM B. SPONG, Jr.,
Senate Office Building,
Washington, D.C.:

We have noted with deep concern the action on supplementary impact funds, Public Law 874, recommended by conferees of the House and Senate and concurred in by the House. Such a reduction in these funds for fiscal year 1968 will seriously impede the operation of the Portsmouth public schools for the school year 1967–68, since the current budgets of the city and the school board include these funds for the full operation of

the Portsmouth public schools. It is urgent, repeat urgent, that impact funds be restored to the full amount for the fiscal year 1968.

M. E. ALFORD,
Superintendent of Schools, Portsmouth, Va.

NORFOLK, Va.,
April 5, 1968.

Senator WILLIAM B. SPONG,
U.S. Senate,
Washington, D.C.:

Respectfully urge you to stand fast in your opposition to proposed House cut in 874 funds. As you know loss of this anticipated revenue could impair educational programs in areas affected.

E. E. BRICKELL,
Division Superintendent, Virginia Beach Public Schools.

ARLINGTON, Va.,
April 5, 1968.

Senator WILLIAM B. SPONG,
Senate Office Building,
Washington, D.C.:

The Arlington County public schools respectfully urge that you exert every effort to restore full Public Law 874 funds in order that there be no reduction in the program of education offered the children of Arlington County in these critical times when education is of paramount importance. These funds are part of the anticipated revenue for the current year and any reduction will have a serious and immediate effect on our programs this year.

RAY E. REID,
Superintendent of Schools.

NORFOLK, Va.,
April 6, 1968.

Senator WILLIAM B. SPONG, Jr.,
Senate Office Building,
Washington, D.C.:

Strongly urge support of Senate version of impacted area funds. Any cut in funds this late will cause budget deficit which cannot be replaced. Instructional program for children of members of Armed Forces would necessarily suffer.

E. L. LAMBERTH,
Superintendent of Norfolk City Schools.

CHESAPEAKE, Va.,
April 5, 1968.

Senator WILLIAM B. SPONG,
U.S. Senate,
Washington, D.C.:

Our superintendent, Mr. Chittum, left for Russia this a.m. I talked to him briefly about the situation on Public Law 874. We are deeply concerned our school operating budget was predicated on receiving full entitlement. Any proration will seriously hamper our operation and directly affect quality education. Please do what you can to alleviate a serious situation.

D. C. ELEY,
Assistant Superintendent and Clerk of the Board.

Mr. JAVITS. Mr. President, momentarily, I shall suggest the absence of a quorum, not with the idea of making it live, but only to notify Members with respect to a discussion and laying out of our complete opposition to the conference report in all its aspects, so that they may have an opportunity to come into the Chamber, listen, and participate.

I therefore 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.

Mr. JAVITS. Mr. President, to outline, for the information of the Senate, exactly what those of us who are opposed to the conference report propose to do, I wish first to state that we shall seek rejection of the report, which is preliminary step to any instructions to the conferees. If the report is rejected, then we would hope to move to instruct the conferees not only to insist on the Senate amendments, but also, specifically, to insist upon the three Senate items: $90,950,000 for school assistance in federally impacted areas under Public Law 875, $25 million for the Headstart program in addition to the existing program, and $75 million for summer jobs—all of these items having been passed by the Senate and rejected in conference.

Before we come to that point, of course, it is necessary to have a vote to reject the report. I deeply believe that it should be rejected. As one of the conferees, I did not sign the report for that reason.

First, let us state that, under the normal rules of seniority, I would not have been a conferee, because I am a very junior member of the Appropriations Committee. It was done only because the Senator from North Dakota [Mr. YOUNG] felt it was fair to have me be a conferee, in view of the action of the Senate in inserting an item of $75 million for jobs, pursuant to an amendment jointly offered by the Senator from Texas [Mr. YARBOROUGH] and myself, and which the distinguished Senator from West Virginia [Mr. BYRD] so graciously permitted.

It was expected, when I was made a conferee, that I would fight for the programs. Indeed, I did, as the Senator from North Dakota [Mr. YOUNG] so graciously said. It was also expected that I would continue to fight, which I am continuing to do. So I hope the Senator from North Dakota [Mr. YOUNG] will not feel I presume on his generous action, which I do not. I was put on the conference to do this. In view of the failure to achieve any of the objectives for which I was put on the conference, it is only natural that I should carry the burden of this opposition.

One basic argument is made which seeks to convince the Senate it ought to approve the report. It is that we did the best we could. The House was adamant. Therefore, it was necessary for the managers on the part of the Senate to sign the report, as it was necessary to bring about this appropriation, and they had to yield on this point with the statement that these items are passed over "without prejudice," and that there is another supplemental bill coming along, in which the matter will have another chance.

The difficulty with that argument is that it takes two to be adamant, and we had only one in that instance, to wit, the other body. The chairman of the conferees on the other side just sat tight. Indeed, it was impossible to move him at all. He would do absolutely nothing.

He said, "This urgent appropriation is needed, and unless you come to our terms, the United States, and those affected, will not have the money."

It seemed to me the Senate has been played with that way a long time, and I felt it was high time that two could play the same game, and that it was just as necessary to the Members of the House as it was to Members of the Senate that appropriations which are immediately required should be made available. Therefore, if they wanted to be adamant, especially since there was no attempt to understand our position and our feeling in these matters, then I felt we should have been adamant.

Now let me address myself to the question of prejudice. The largest item in this report is $1.135 billion in grants to States for public assistance. The Senate should understand the facts in that matter. The only time for which we could be delinquent in respect to AFDC payments would be the last 2 weeks in March, because once the 1st of April comes around, it is possible to make payments to the States based upon future appropriations. That is the law. They can do that.

One other thing that suffers momentarily is the item with reference to Federal employees and veterans' compensation, for which I understand payments can be made after April 1, again through this method of using future appropriations.

The other argument which is made—to which I address myself at once—is that there is another supplemental bill coming along, and that these items have been denied without prejudice and we will have another look at them in the other supplemental bill.

The answer to that argument is that here is real prejudice. That other supplemental bill cannot possibly be passed until the end of May, if then. By then the horse will be completely out of the barn, as far as a long, hot summer is concerned, if we are to have one, and school will be over in the impacted areas. Member after Member of the Senate has been heard to say that the amounts paid to impacted areas is a built-in part of school budgets.

So, although the House Members say they are willing to consider these items in the next supplemental bill, as far as I am concerned it will be a dead horse we will be waiting for.

The last argument made—and then I shall go into the details of what these cuts mean and how they are going to manifest themselves in the situation in this country at this very moment—is that Resolution 888 was passed by the other body and by the Senate at the end of last year, and that under that resolution our colleagues in the House have no elbow room and cannot move.

In the first place, the House of Representatives and the Senate passed that resolution as it applied to expendiures for fiscal 1968. As seen in these items we are discussing, there is, at the very least, a bridge or transition to fiscal year 1969, in summer job funds, Headstart funds, which would be spent after, not before, June 30, 1968. The allowability for the schools is, I will agree, somewhat along this line. But it is very indicative that there is a certain allowance being made,

notwithstanding Resolution 888, by the other body, and notwithstanding the absolute resistance in which Members of the other body originally announced, they are accepting $20 million. It seems to me, on the doctrine of de minimis, that amount can be increased in order to do justice for the same kind of children who are in areas where there is a tax base as well as children who are where there is no tax base.

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

Mr. JAVITS. If I may finish my argument——

Mr. HOLLAND. As to the $20-million-plus, I want to say to the distinguished Senator——

Mr. JAVITS. With the Senator's permission, I want to finish my argument.

Mr. HOLLAND. I understood the Senator to say he had yielded to me.

Mr. JAVITS. No; I did not.

Mr. HOLLAND. I am sorry.

Mr. JAVITS. I am sorry.

Now, Mr. President, the argument with respect to Resolution 888, and then I shall yield to the Senator from Florida—I did not mean to be impolite at all; I wanted to finish the thought I had—falls on this proposition, and this is the nub of the controversy between the Senate and the House. The Senate has approved a tax increase and has approved a reallocation of authority by approving an overall expenditure cut of $6 billion. The House has not done that. That is what is really at stake. In other words, the House is saying, "We want you to go along with our static position with respect to a tax increase and reallocation of expenditures."

The Senate, instead of saying, "We are sorry; we are not going along with your static position, because the state of our country will not tolerate it," yielded to the House position, notwithstanding the policy of the Senate to seek a tax increase and an overall expenditure reduction and a reallocation of authority within that expenditure cut.

That is really what is at stake here, Mr. President, and nothing else. If the House of Representatives must be brought to face itself in terms of the fundamental policy decision which we have made and which they refuse to make, then it becomes entirely practicable for these allowances, which do not amount to a great deal of money anyway as these things go—there is only $170 million involved, as compared with an aggregate expenditure of $186 billion that we are talking about—to be restored. If the House can be brought to face itself on the basic policy issue, then these expenditures will be acted upon, without any question.

But as long as we go along with the House on the fact that they will not face this issue in the interests of the Nation, then, of course, it follows immediately that these expenditures will be stricken out at the demand of the House of Representatives, if we yield to them.

Mr. President, I think we might just as well lock horns on that, as we have locked horns on the general issue of policy as to where this country is going, whether we are going to be fearful of the actions which the country requires, or whether we are going to be brave enough to take them. The Senate has been brave enough; the House of Representatives has not. The issue has got to be fought out on this matter, just as it is being fought out on the tax increase and on the expenditure reduction.

I am now happy to yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. President, I remind the Senator that the action of the conferees in including the $20 million-plus for partially meeting the Federal obligation to the impacted schools is not in opposition to nor contrary to the terms of House Joint Resolution 888. The contrary would be represented by the full restoration of that part of the appropriation which we made last fall which was reduced under House Joint Resolution 888.

As a matter of fact, the President did not have to make that cut at all. He also had the privilege, under the legislation we passed, of replacing that cut out of the $300 million buffer fund which we set up and placed in his hands. As conferees, we simply expressed our opinion that this nearly $21 million was so necessary an expenditure that it should be appropriated, whether it be regarded as simply a restoration of the appropriation for last year or whether it be considered simply as dipping into the $300 million buffer fund. We were able to do that without violating the provisions of the intent of House Joint Resolution 888.

That was in strict accordance with the philosophy of House Joint Resolution 888. But the amendment of $91 million which we placed in the bill in committee and which I voted for on the floor though not in the committee, was not in accordance with the philosophy of House Joint Resolution 888.

In closing on this point, I remind the distinguished Senator, that by our action in unanimously approving House Joint Resolution 888—and I believe the Senator from New York was one of those who voted for it—we laid down a rule for fiscal 1968. Now, in this first supplemental bill for 1968—the same year—the Senator from New York and those who agree with him are asking us to forget about the expression of philosophy that we made unanimously, when we acted in the fall of 1967, to forget about the directions we gave the administration, and, to the contrary, to be the first ones to ignore our own action.

I want the Senator to remember that that is the position we would place ourselves in, and that is the position which the House of Representatives repeatedly made clear that they did not want to be placed in. I can sympathize with that position. Though, as a conferee from the Senate, I vigorously supported the Senate appropriation, I thought the House was right on that issue. We finally yielded, perforce.

We thought this $1.150 billion required for welfare funds for the States, and the $28 million required to pay veterans' and unemployment compensation for Federal employees, were important enough items that we should not permit them to go in default any longer. They are in default now, and that is something which we want to bring to an end.

I thank the Senator for yielding.

Mr. JAVITS. Mr. President, I said exactly what I meant, and I think it took into account fully everything that has been said by the Senator from Florida, when I said that the spirit of House Joint Resolution 888 in my judgment, is being not violated, and that this was not holy writ that we had passed; and, second, that we were locked in difference with the House of Representatives on the policy to be pursued for the future in terms of our being ready and willing to pass a tax increase and their not being ready and willing to pass a tax increase. Moreover, we might just as well be deadlocked on the issue of these appropriations, since it would be too late if they were made later on the next supplemental appropriation, if they were made later at all, which I doubt very much. I think that probably all Senators present would agree that if we do not force a showdown now, the House will not be likely to yield on the next supplemental or thereafter.

As far as the job money is concerned, it does provide a bridge into fiscal year 1969. Those funds are designed for the summer; and, therefore, they fall outside the letter if not the spirit of House Joint Resolution 888.

I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I agree with the Senator from New York that the conference report should be rejected. I believe that we must have austerity. I favor the tax increase, as well as the reduction of expenditures; but, I believe that reductions can be more wisely made elsewhere.

I am a member of the Committee on Aeronautical and Space Sciences, as is the distinguished Senator from Florida. I believe that we can cut back $400 to $500 million on that program, and I believe that we should. I think we can cut back hundreds of millions of dollars on public works. We can save $2 billion, a significant part of the $6 billion, by bringing back some of our troops from Europe, and letting Europe defend itself to a greater extent than it does now, which it can well afford to do.

Mr. President, I do not believe that austerity should begin, this month, with the young, culturally deprived children of this Nation, nor with the unemployed young people, who cannot get jobs, when, by being idle, particularly in the summertime, they well may aggravate some of the great problems we have already faced this year.

Speaking of jobs, about 2 weeks before the riots broke out in Chicago, I spent a weekend on the West and South Sides of Chicago, visiting the headquarters of such organizations as the West Side Organization, a constructively militant group of people who have gotten together under the leadership of a hard-working Negro, Chester Robinson, to fight for jobs for unemployed Negro youths. There I learned that one out of four Negro adults in that section of the city are today idle and unemployed. When idleness

occurs during the summer, I feel it leads to the kind of activity we have experienced recently, which is so costly to our society.

I know that there are those who would say, "There are plenty of jobs available; why do these young people not just go out and go to work?"

Mr. President, it is not that simple. I believe there are three principal reasons.

First of all, in the inner city—certainly this is true of my own city of Chicago, and many others—jobs have, for years, been transferred out to the suburbs. For example, the stockyards in Chicago used to employ 8,000 to 9,000 people. Today, 6 years after the achievement of that level of employment, they are down to 2,400 employees. The great meatpacker of the world is now down to the point where meat is being processed in decentralized locations, for the sake of greater efficiency.

We simply do not have the jobs in the inner core of the city that we used to have.

Another reason is that it is hard to get companies to hire temporary employees for the summer.

A third reason is that, since the jobs have moved to the suburbs, we cannot get the young people out to them.

Many companies will say they will hire someone if he has an automobile. But how does an unemployed, low-income, and culturally deprived family get together the money for an automobile to go out to jobs that are sometimes 20, 25, or 30 miles away?

I think we have to find ways to put people to work. There is work that needs to be done in the inner cores of the cities, to keep young minds and bodies active and employed during the otherwise idle summer months.

We should not try to save money now by saying that we do not have money with which to support operation Headstart, when it is the one clear-cut program that has had universal support throughout the country, has taken these young children out of homes where they are not getting the care and attention that they should receive, has enabled the mothers to go to work rather than to stay home and take care of the children, and has given the children a chance to receive the kind of a start in life that they need in order to compete once they get into school. I think it is a program that should be vastly expanded rather than stabilized or, in effect, even cut back.

I think this is the way to reach many of these families when we cannot reach them in any other way.

In a prior Headstart program that I have been associated with for several years and continue to be associated with, getting to the young children of 3, 4, and 5 years of age has enabled us to get to the older children and give them booster programs for homework. It has enabled us to get to the families and to help them with their family budget problems.

We became interested in them and in their problems, and they became interested in what we had to say. We could help them plan their budgets, and then we could help them plan their families.

It would be disastrous for us to have austerity as it concerns those elements of society least able to afford it, and at the same time continue with all of the pork-barrel programs that we know could better be delayed and put into the economy at a time when the economy needs and can afford them.

Mr. President, I will certainly vote to reject the conference report. I think that the Senate was correct in what it stood for originally. I think that we should fight for and stand by our prior action.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Illinois for his comments. I assure him that we are fighting for that action right now and will continue to do so in this bill and in every other bill that we can.

The question that will be asked as an aftermath of the violence and riots which we have recently experienced is, "What are you going to do about it tangibly? Is it going to continue to be a matter of the presence of the National Guard, the Regular Army, and the police, or will there be some effort to alleviate many of the conditions which have brought on this situation?"

It is well known, as the Senator from Illinois stated, that the rate of unemployment for young people in the slums and ghettos runs two, three, and even four times the rate of unemployment for young people living outside of the slums and ghettos. This just will not do.

I attribute the relative peace which prevailed last summer in certain areas of the country to the summer jobs programs. My city of New York had an extraordinary record because our mayor was ready with a summer program and summer jobs. The city was able to take hold of the situation in time to do something about the matter.

Mr. President, to cite the experience of one city concerning what we are proposing to do about this program today, New York City's opportunity for summer jobs will be cut by two-thirds if we fail to act this year as we did last year.

Altogether some 100,000 summer jobs are involved in the summer job program to which I have referred. And city after city, facing the most sensitive situation, is affected.

In 1967, New York City had 24,000 federally funded summer youth jobs. It is now planned that in 1968 New York City will have one-third of that number of jobs, or 8,400 jobs.

Washington, D.C., which has almost been torn up by the roots, had 7,000 summer jobs in 1967. It is planned that Washington will have 2,000 summer Youth Corps jobs in 1968.

In 1967, Chicago had 20,000 summer jobs. It is planned that in 1968 Chicago will have 9,000 summer jobs. That is a reduction of more than 50 percent.

In 1967, Detroit had 2,750 summer jobs. It is planned that in 1968 Detroit will have 2,000 summer jobs.

In 1967, Dallas, Tex., had 1,454 summer jobs. It is planned that in 1968 Dallas will have only 600 summer jobs. That is a reduction of almost 60 percent.

Mr. President, the orders of magnitude have been very clearly reported. We are spending $54 billion for defense, quite outside of Vietnam. Instead of looking to that amount for a reduction, we are looking to programs that are so critical to the tranquillity of the people of the United States.

It does not make sense. The Senate knew that it did not make sense when it acted as it did with respect to a tax increase, the reduction of expenditures, and a reallocation of priorities.

This very morning we have headlines in the newspapers throughout the country which say, "U.S. Aid to Cities Cut for Summer Work." There will be a smaller allocation of funds to the six Northeastern States, as well as to New York, New Jersey, and all of the other States of the country.

Seventy-five million dollars is not a lot of money for such an item. However, it is a sum of money that can do a great deal of good in this field.

Let us remember that the estimated damage in the United States from violence over the past few days is $30 million. Nevertheless, the recent violence threatened to upset the whole American society. There were curfews, disorders, and social disorganization of the worst kind in practically all the major cities of the United States.

The present request is for only $75 million, but it is keyed to an effort to have some grip on the most incendiary elements in the cities this coming summer.

If we do not learn from experience and get burned twice, we will certainly be mighty poor legislators.

There is one element in the matter that I would like to speak on very frankly. I do not speak of this in any partisan sense, because the other side has stood with me and I with them in this matter.

So far, we have not had the advantage that we had in 1967, when there was Presidential intervention to help us.

In 1967, we had a special Presidential message for $75 million, and we got that amount. I hope that if we have another conference, the President will make his influence felt by means of a special message to Congress, or by some other suitable means.

It is absolutely essential that the President speak out strongly for summer jobs and Headstart. Supporting the $100 million figure to which we have been referring.

I urged the President in a telegram to the White House last Friday to do this. I have not spoken of it before because, as we know, it is very inappropriate to speak on that until the President has had a full opportunity to reply.

I am not finding any fault, but the administration, in an effort to avoid this supplementary appropriation, has scrounged up a few funds and has not met the obligation which must be met in this measure.

There is no use in begging the question. It must be faced.

I hope the President will give us his

views on this matter in the court of another conference.

The basic facts are clear. In 1967 we had a base program of 194,000 summer jobs. The supplementary measure provided another 100,000. We had a total of 294,000 for the 1967 program.

In 1968, unless we pass the supplemental, the amount of summer jobs will be cut by 74,000.

I have recited the consequences of such action in the major cities. We will have a base program of 220,000 jobs instead of the 294,000 summer jobs we had last year.

The supplemental measures which we are now fighting for will provide another 105,000 jobs for the 1968 program, or a total of 325,000 jobs, slightly in excess of what we had last year and notwithstanding the fact that although it is now only April, the situation is already as hot as it humanly can be.

We know the truth of this statement. The Senator from Pennsylvania [Mr. CLARK], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Illinois [Mr. PERCY] have already spoken with respect to the impacted areas as well as the problems concerning jobs. Other Senators will express themselves in detail upon these problems.

The essence of the matter concerns what we will say to the slums and ghettos. Will we say that there will be action, that action has been taken by the Senate and that the Senate will fight for action and will not yield to a narrower view, but will stand on its ground in this matter? Or, considering the first onslaught in this supplemental, will we give up, which is exactly what we would be doing, no matter how we gild the lily.

Only the Senate, Mr. President, can call the tune in this matter. I thoroughly agree with the Senate conferees that we face a blank wall with the House conferees. So the Senate must speak.

I wish to point out that there is no broad and unanimous opinion in the other body, because with respect to the impacted areas item, they voted 189 to 199 to sustain the conferees, which is a pretty narrow vote.

There is very distinguished support for the position I am espousing in the House. Fifty members of the House are sponsoring a $200 million supplemental appropriation for this summer. The AFL–CIO has wired me, as have the League of Women Voters of the United States, veterans organizations, and so forth. I ask unanimous consent that some of the communications I have received be printed at this point in the RECORD.

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

WASHINGTON, D.C.,
March 4, 1968.

Senator JACOB JAVITS,
U.S. Senate, Washington, D.C.:

AFL–CIO strongly supports addition of Yarborough-Javits $150 million summer job monies to 1968 supplemental appropriations bill (H.R. 15399). We urge you to vote to include these necessary funds in bill being considered by appropriations committee.

ANDREW J. BIEMILLER,
Director, Department of Legislation.

WASHINGTON, D.C.,
March 1, 1968.

Hon. JACOB K. JAVITS,
Senate Office Building, Washington, D.C.:

We applaud your efforts to obtain the $150 million supplemental for summer jobs and antipoverty programs and hope that the full appropriations committee will endorse your proposal.

MRS. ROBERT J. STUART,
President, League of Women Voters of the United States.

NATIONAL OFFICE, AMERICAN VETERANS COMMITTEE (AVC),
Washington, D.C., February 19, 1968.

Urgent you support much-needed summer supplemental appropriation antipoverty program to prevent city summer violence.

Dr. EUGENE D. BYRD,
National Chairman, American Veterans Committee.

Mr. JAVITS. Mr. President, a great Nation like this, which can afford to do what it is doing throughout the world, must afford to do—because the situation demands it and will take no less an answer—what needs to be done in the situation we face today.

We have an opportunity this year to do it in time, the Senate having acted already, to make it really meaningful, when cities can prepare for it. It will be remembered that last year many cities were unprepared for the funds which we made available to them in May. This is an opportunity to give the cities a chance to be prepared and to use the money wisely, instead of jumping in at the last minute, even if we can, with money which they cannot use effectively, and then being dissatisfied because it was not used effectively.

The time is now. The emergency is upon us, and if we cannot respond to it intelligently and adequately within our means—and I have already made that clear—then we are blind, indeed, and I do not believe we are.

Mr. HARRIS. Mr. President, other Senators have spoken about the school impact funds which have been cut in the conference report. I shall not take the Senate's time to speak particularly on that subject, except to say that I associate myself with those who have expressed concern about it and I hope it will be possible to restore those funds.

I welcome this opportunity to join with Senator JAVITS, Senator YARBOROUGH, Senator CLARK, and others in the effort to secure a negative vote on H.R. 15399, the supplemental appropriations bill, in order to clear the way for the convening of a new conference which I hope would be instructed to restore $100 million in critically needed funds both for summer youth employment programs of the Department of Labor and for the Headstart program of the Office of Economic Opportunity. I testified in favor of Senator JAVITS' and Senator YARBOROUGH's original amendment to this appropriations bill at a hearing before the Senate Appropriations Committee 6 weeks ago, and I was pleased that the committee and the Senator recognized the acute need for these funds by approving $75 million for a Labor Department supplemental appropriation for summer jobs.

I rise at this time, Mr. President, to support the Senate's action and to support the action of the Senate Appropriations Committee. My service on the President's National Advisory Commission on Civil Disorders has confirmed my belief that there is a tremendous need, especially in cities, for funds for summer employment which local officials and citizens' groups can use to respond effectively to quite special and often swiftly changing local problems. The tragic events of the last 6 days serve to remind us just how acute the requirement is for such funds, because a great deal of the money we propose to restore will be used to employ young men in the crowded central ghettos of cities across the country.

Of the $100 million which the distinguished Senator from New York and others propose to add to this supplemental appropriation bill, $75 million would be used for precisely the same purpose for which the same amount was appropriated last summer. Senators YARBOROUGH and JAVITS describe quite succinctly how these funds were used last year in a memo they have circulated to Senators:

> The heart of the summer program last year was the $75 million appropriated for special Community Action and Neighborhood Youth Corps projects. These are the funds which are relatively unrestricted and which mayors can wheel into action in the sectors that most need it, according to variance in local conditions.

The administration has proposed cutting back certain full-year programs such as Headstart, the legal services program, and the Job Corps partly in order to fund summer projects and partly to fund the important concentrated employment program which I support. I believe these cutbacks are themselves highly questionable; but, more important for the issue at hand, no provision whatever has been made, so far as I am aware, to fund by this or any other method the real core of last year's summer program—the $47 million program which created tens of thousands of useful jobs for ghetto youth.

It was no accident that the President's National Advisory Commission on Civil Disorders chose to place employment at the head of its list of recommendations for national action. The amendment which the distinguished Senator from New York proposes would provide funds only for summer employment, it is true; but that fact by no means diminishes the importance of employment as a central institution in our society to which young people at the point of maturity are tremendously sensitive. As the Commission put it:

> The capacity to obtain and hold a "good job" is the traditional test of participation in American society. Steady employment with adequate compensation provides both purchasing power and social status. It develops the capabilities, confidence, and self-esteem an individual needs to be a responsible citizen, and provides a basis for a stable family life. . . .
>
> For residents of disadvantaged Negro neighborhoods, obtaining good jobs is vastly more difficult than for most workers in society. For decades, social, economic, and psychological disadvantages surrounding the

urban Negro poor have impaired their work capacities and opportunities. The result is a cycle of failure—the employment disabilities of one generations breed those of the next.

Thus, not the least important virtue of the program we seek funds for is that it can help to break that "cycle of failure" by introducing young ghetto residents to useful and dignified employment at a point in their lives when that experience will be tremendously important to them.

Just 10 days ago, on a Saturday morning, my wife LaDonna and I met with two groups of ghetto youth here in Washington. We had been invited by the youth groups themselves, who are organized in two youth centers funded by the U.S. Department of Health, Education, and Welfare—two of some 10 or 11 such centers which exist in Washington.

The young black men and women we talked with impressed us with their articulateness, with their sophisticated grasp of local and national political and social policy issues, but most of all with their astonishing maturity and their determination not to reject our system of government or our society. They convinced me again that, if given half a chance, they want most of all to use our system, as others have before them, to break out of poverty and frustration into the main current of the American society and economy.

This determination on their part was not undercut but was reinforced by their fierce racial pride and by their intense determination to see their youth centers continue. What was striking to me was that they so clearly and rightly viewed their youth organizations as far more than casual social clubs. For these young men and women, their youth organizations are stable institutions which exist in a society and environment which is often terribly destructive of all those institutions—family, home, and ordinary social relations—which white Americans take for granted but which, in the black ghettoes, often crumble so easily.

We demean many young men and women—and ourselves as well—if we regard these summer supplemental funds and other social and economic welfare programs merely as efforts to purchase a cool summer cheaply. Not only is that objective illusory, but also, there is a far more profound and essential aim at stake. In all good conscience, we cannot afford for our Nation to lose, beyond recall, the intelligence, energies, resourcefulness and basic impulse towards decency represented by the young men and women with whom I recently spoke and tens of thousands of others like them across the Nation.

For similar reasons, it would be improper of us to propose that these supplemental funds somehow must be voted out of respect for Dr. Martin Luther King's sacrifice, if only because so small a tribute insults his legacy. But I cannot ignore the fact that the reconciliation of black and white for which he fought and now has died is somewhat at issue here today. If we deny these funds many will clearly understand us to say that the Senate has very quickly returned to business as usual. Our vote today has to be regarded not simply as a routine decision about a tiny sum of money in a budget which will exceed $180 billion next year, but as an expression of the intention of the Senate—on the first appropriate occasion the Senate has been offered following the catastrophic events of the past week—to assert its will and determination to relieve the deprivation and discrimination which as a nation we have long possessed the resources to cure.

Mr. President, those of us who are white know that the white man who apparently struck down Martin Luther King, Jr. does not represent the overwhelming proportion of white people in America. We must also understand that the rioters, looters, and others who broke forth very intolerably into violence following his tragic assassination do not represent the overwhelming proportion of Negroes in America. Therefore, we must not act out of a desire for expiation, out of fear, or with the thought of "rewarding rioters," which certainly would be unconscionable.

What we must do now in America and in the Congress is to make social and economic opportunity equal for all Americans. We can take a small but important step forward toward that goal by rejecting the conference report, which I hope we will do by upholding the Senate position and by asking that the conferees be reconvened to restore these badly and critically needed funds which are so important to our country.

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

Mr. HARRIS. I yield.

Mr. JAVITS. Mr. President, I wish to tell the Senator from Oklahoma how helpful I feel his intercession has been in this debate. The Senator is a member of the Commission on Civil Disorders and he speaks with great information and authority. I think it is a singular contribution to have his assistance in this effort.

The Senate has now shown, in the entire list of votes, that it does not intend to legislate out of resentment but rather out of wisdom, statesmanship, cool heads, and justice, no matter what the provocation. If the day is to be carried, that is the way it will be done.

Mr. HARRIS. I appreciate the kind words of the Senator from New York, whose leadership I am pleased to follow in this matter.

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

Mr. HARRIS. I yield.

Mr. CASE. Mr. President, I, too, want to express to the Senator my appreciation for his contribution now and in the days before this when he was one of the sponsors of the amendments which I was pleased to cosponsor and support, and which were adopted in the Committee on Appropriations, of which I was a member.

I agree with the Senator's statement that this should not be done because of the events of the last few days. I am sure the Senate does not need that kind of spur to take action. It is important to remember that we have the responsibility and this may be the only chance for the Congress to redeem its mistake when it turned this matter down in conference.

Mr. HARRIS. I thank the Senator.

In rising at this time, and by my words in support of the restoration of this $100 million in funds for these two programs, I honor the distinguished Senator from New Jersey, a member of the Committee on Appropriations, I honor the Committee on Appropriations for the position it took on these funds, and I join other Senators in hoping the Senate will endorse the previous action we have taken and reiterate our position in the conference committee.

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

Mr. HARRIS. I yield.

Mr. CLARK. Mr. President, first I wish to join the Senator from New York and the Senator from New Jersey in commending the able Senator from Oklahoma for the splendid statement he has just made on the floor of the Senate. As they both said, the Senator from Oklahoma is a member of the President's Commission on Civil Disorders. The Senator from Oklahoma has rendered his country a very real service.

I am delighted that he called attention to that report during the course of his remarks opposing this extraordinary action of the two Appropriations Committees in turning their backs against the needs of the children of our country.

Mr. President, when the conference report first came up for consideration, the Senator from Texas [Mr. YARBOROUGH], the Senator from New York [Mr. JAVITS], and I agreed that we would split the debate with respect to the reasons why this report should be soundly rejected. The Senator from Texas undertook to take the lead in connection with the part of the report which had rejected some $70 million for the impacted areas program, out of $90 million put in by the Senate. The Senator from New York undertook to support the opposition to the rejection of the $75 million for summer jobs. I undertook to explain to the Senate why the rejection of the $25 million for the Headstart program could not be supported logically or with any sense of compassion.

Mr. President, I speak as an individual Senator from Pennsylvania, but I also speak in my capacity as chairman of the Subcommittee on Manpower, Employment, and Poverty, and a member of the Subcommittee on Education of the Committee on Labor and Public Welfare, of which I am happy to be a member under the leadership of the Senator from Alabama [Mr. HILL], who, I fear, is slightly miscast in his role as supporter of this appropriation bill today. My heart bleeds for him. I know he has as much compassion as any other Senator, and I regret, as part of his duty, he sought to yield to the House and bring back this conference report.

Mr. President, one of the most critical programs now being cut back is Headstart. Headstart is the poverty program created under the act of 1964, under which preschool-age children of the ages of 3, 4, and 5 coming from disadvantaged communities and disadvantaged homes are given the opportunity to have available to them the normal preschool educational, public health, and social ad-

vantages which are given automatically to the children of more favored families from the middle classes and the wealthy.

It is true that the majority of these Headstart children are Negroes. They are not the only ones, although they constitute a very large majority.

I speak on behalf of those children who cannot speak for themselves, and their parents, who in too many parts of our country are still denied the right to vote.

I speak on the following basis: In fiscal year 1967, 215,000 American youngsters were given the benefit of the Headstart program as a result of funds obligated to the tune of $345.2 million. In 1968 there was an allocation which cut back those 215,000 children to 202,000 children. The amount of the allocation was $320 million. The 1969 budget request was for $325 million, which, unfortunately, would not make it possible to continue the Headstart program for more than 202,000 youngsters.

By a vote of 43 to 42 a few weeks ago—with the Vice President breaking the tie in favor, as he said to me, "in favor of the kids of America"—the Senate rejected the recommendations of its Committee on Appropriations and inserted $25 million to bring back to the former total of 215,000 the number of youngsters it would give the benefit of the Headstart program.

As a result of the action by the Senate it was hoped that we would be able to have under the Headstart program for the foreseeable future the same 215,000 youngsters, the beneficiaries of this program, as there had been in fiscal 1967.

To put it differently, by reason of having cut the $25,200,000 out of the appropriations bill which the Senate inserted as the result of a close vote, 13,000 youngsters are thrown out of school and out of the Headstart program and sent back to their underprivileged homes or out onto the streets.

To me, this action, particularly in this time, is completely unconscionable.

I do not want to raise the specter of the tragic assassination, which is highly in the minds of all of us, as reason to restore this sum. But, I commend the Senator from Oklahoma for having referred to it. I would say that this is peculiarly an inappropriate time to take out on the youngsters—whatever feeling there may be that our country is so divided—that we are not going to do the right, honorable, and decent thing at least to keep an inadequate program going for another year instead of cutting it back.

Now, Mr. President, in addition to the 13,000 children who are being thrown out of school, 2,500 jobs for program aid, most of whom are poor, are also going down the drain unless the Senate stands up to rejecting the recommendations of the Appropriations Committee.

I have had the opportunity to see a number of the Headstart programs in action. It is true that many of those who are assisting in the education, in public health, and in the feeding of the children are the poor people themselves. In many instances, they are the mothers and fathers and sometimes the older brothers and sisters of the children. So there is a total of some 15,500 individuals who are being cut off from the benefits of the program.

As a result of this cut, a further impact on employment is expected as working mothers who use Headstart for its day-care functions will be forced to stay home to take care of their children.

Among the programs cut are 14 percent in New York City; 24 to 30 percent in Miami, Fla.; 15 percent in Atlanta, Ga.; 20 percent in Oklahoma City, Okla.; 12.3 percent in Los Angeles, Calif.; and 25 percent in the State of Mississippi, where we know children are suffering from such intense malnutrition today that the borderline between hunger, malnutrition, and actual starvation is very hard, indeed, to determine.

In my own Commonwealth of Pennsylvania, 15 percent of the children who have formerly been part of the Headstart program are being turned back into their homes or out onto the streets.

In Mississippi, the cut is particularly severe, as I said a moment ago, including 8,000 children.

Now, Mr. President, the restoration of the $25 million for Headstart added by the Senate would have immediate impact in fiscal 1968, and would allow retention of 13,000 slots scheduled for cuts.

To me, there is no answer to what I have just said, to refer to the report of the conferees which gives but scanty recognition to the basic facts which have been referred to by my friends from New York, New Jersey, Oklahoma, and Texas. I see nothing in the conference report which could in any way justify the cutting back of these appropriations as authorized by the Senate.

Mr. President, I have little more to say. I hope very much that the Senate will recognize the conditions in the country today, the need to foster love, to turn our backs on hate, and the need for Congress to feel a sense of urgency about the plight of our children of every age, a plight which is being made worse by the action of the Appropriations Committee.

I listened to a good part of the debate early today. I heard it all when this matter was previously before the Senate. I could not find one single reason justifying the action taken by the Appropriations Committee.

I hope that the Senate will soundly reject the report and that it will instruct the conferees, or some conferees, in any event, to go back and try again and that, in due course, a sense of compassion, instead of a sense of false economy, will prevail in the Appropriations Committees of both bodies, and we will be able to do something for the children of America.

I yield to no man in my view that our situation with respect to money, gold, and balance of payments, is a critical one. It is far more critical than many people in America are aware. In my judgment, it threatens the savings of every man, woman, and child, and every pension plan and retirement scheme in the United States. It is clear we have to make some massive effort to bring our receipts and expenditures closer into balance.

In due time, and under an appropriation bill, I shall be happy to join in that effort. But, Mr. President, let us not take it out of the hides of the children of America. Let us take it where we should take it; namely, out of the swollen and unjustifiable military budget. The cut made by the Appropriations Committee, if restored by the Senate, will be less than the cost of 1 week of warfare in Vietnam. It will be less than any other minor cut in the swollen military appropriations budget.

If we are going to cut, let us cut it there.

I hope very much that the conference report will be rejected by the Senate and that we will send the conferees back to support the action which the Senate took some weeks ago.

Mr. JAVITS. Mr. President, I wish to express my appreciation to the Senator for his splendid part in this debate. Let us remember that it was upon the Senator's motion that the $25 million was added for Headstart. There have been other Senators who have played extremely helpful roles in this matter, including, may I say, the Senator from West Virginia [Mr. RANDOLPH] who was most helpful in our successful effort in the Senate committee in gaining the $75 million for summer jobs. As to Headstart, though it is a multimillion-dollar program—to wit, a $325-million program—it is being cut by about the 13,000 slots and the 2,500 jobs for the poor.

I hope very much that the Senate will listen to the Senator from Pennsylvania. I hope also that the Senate will reject the conference report.

Mr. CLARK. I thank my friend from New York.

Mr. President, I yield the floor.

Mr. YOUNG of North Dakota. Mr. President, I cannot stand idly by while the Senator from Pennsylvania denounces the Appropriations Committee for the action it took. That might be popular in Pennsylvania, but not throughout the United States, let me tell him.

We are holding up over $1 billion in welfare payments that were due long ago. The Appropriations Committee was under extreme pressure to make this money available to deserving people across the country. We did the best we could with the House. The Appropriations Committee does not deserve any condemnation for any action it took.

Mr. HOLLAND. Mr. President, will the Senator from North Dakota yield?

Mr. YOUNG of North Dakota. I yield.

Mr. HOLLAND. Mr. President, I am glad the Senator from North Dakota made that point. I heard some words, I am sure, which were not meant to be offensive. I heard the word "hate" used. I have not seen any show of hatred on the part of any member of the Appropriations Committee and certainly not on the part of any of the conferees. I think that the chairman of the Senate conferees is one of the most kind-hearted men in the Senate. I certainly so regard him. I have found him completely compassionate in his attitude toward me when I differed vigorously from him on many points.

I also heard indications that we had

no compassion in the matter. If there is any compassion in the Senate, I know it is possessed by the Senator from North Dakota.

I have seen that shown repeatedly. I think that has been shown by every member of the conference—and I am not speaking now of the Senator from Florida, but of every Member I have had a chance to see. I think the President is a rather compassionate person, and here we have no budget request for these two items. I think he is as much interested in serving the needs of the underprivileged persons of this Nation as is any Senator or any citizen or any person.

I think it is a reflection when there is talk of hatred and lack of compassion. I am glad the Senator from North Dakota has brought out that point.

In closing, I want to say it is mighty easy to use these terms when Senators have not been through the weeks of conference that the Senator from North Dakota and I have been through. It is mighty easy to use the terms when the other House says we deliberately, last December, passed a measure applicable to fiscal 1968—and we are still in that year, and this is a supplemental bill applicable to that year—laying down certain directions. The Executive has seen fit to follow the course of our directions. The Appropriations Committee has seen fit to follow those directions.

It is very easy to say the conferees from the other body, to whom we finally yielded, were animated by considerations other than of strict observance of what they regarded as the best interests of the Nation. As far as the Senator from Florida is concerned, he agrees completely with the statement of the distinguished Senator from North Dakota. There was no hatred. There was no lack of tolerance. There was no lack of compassion on the part of the conferees. And there shall not be.

If we go back to conference, I think it will be a supreme act of futility. If we do that, I think, when we have the second supplemental bill coming in a few days or weeks, and when the President is about to announce a new and perhaps expanded program in this field in the next few hours or days, depending on when he can get to it, and when action on that second supplemental bill is ahead of us, it would be an unfortunate thing to see Senators willing to hold up more than $1 billion in welfare payments and $20 million worth of funds for veterans and unemployed people who are in national employment, and to tie up other items of great importance which are on an urgent basis.

I think Senators who are willing to put first things first, willing to get to things a bit at a time—and that is what we have to do in a legislative body—should approve this conference report, which I hope they will do.

I thank my distinguished friend for yielding to me.

Mr. YOUNG of North Dakota. Mr. President, I appreciate the Senator's very kind references. The Senate Appropriations Committee has always been looked upon as the body for increasing appropriations. That is the reputation we have in the House, with some justification.

I attended a meeting at the White House with leaders of the House and Senate and members of the Appropriations Committees and Finance Committee and the Bureau of the Budget and others, everybody, from the President on down, was determined to cut appropriations. I think we will find, the rest of this session, that there will be precious few amendments being adopted which do not have budget estimates for them. The House is going to get tougher and tougher on appropriations.

To reject the conference report will be a disservice, in my opinion, to the people it is intended to help.

Mr. JAVITS. Mr. President, I was seeking the attention of the Senator from North Dakota so that he might yield to me, but I will speak on my own time.

I think the best answer with respect to any attitude by the Senator from North Dakota was that he had me appointed a conferee. That meant trouble to him——

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. YOUNG of North Dakota. The Senator from New York was the most able advocate of these appropriations on the Senate side. That is why I wanted him on the conference. The Senator from New York did a superb job. He did a fine job in attempting to sustain the Senate action, and I commend him for it.

Mr. JAVITS. I thank the Senator.

I think it is fair to say that, whatever words were uttered, the spirit and heart of it is that we have a deep feeling that these matters are essential, and this is the moment in which to deal with the question. Events will catch up with a new conference, just as is now happening in what was generally thought to be a throwaway proposition, an increase in taxes and a decrease in expenditures in an excise tax bill. The aftermath of the terrible situation the country is faced with will focus the attention of the President and the conferees on this matter. If we close the door on it, it may be 6, 8, or 10 weeks before we can act, much too late to take any action. That is the real nubbin of the situation.

So I cannot agree that sending the measure back to conference will be of great uselessness. To the contrary, this is the time when we should be in conference, rather than close the door, as is proposed, and reject the whole Senate's position. I emphasize that fact, because I think it is a decisive element in inducing the Senate to reject the conference report.

Mr. PELL. Mr. President, I should like to take this opportunity to urge the Senate to support complete funding of the Public Law 874 impacted aid program, by rejecting the conference report.

Public Law 874 is in effect a contract between the Federal Government and those school districts educating children whose presence is due to Federal activity. It is a contract, however, which is repeatedly broken by the Federal Government. To my mind, this is not correct and inimical to the best interests of both the Federal establishment and the children concerned.

The State of Rhode Island has a vital stake in the impacted aid program. Of the 39 cities and towns in the State, 25 of them are covered by Public Law 874. In 1966, of the 138,000 public school children in the State, 11,000 were children whose parents are stationed at or on naval establishments.

I can assure the Senate that the cutback in the impacted aid program, a cutback that would remain unless the Senate acts, will have a most deleterious effect on the education of our children. With the loss of previously expected funds there could be a general cutback in the quality of education in our local schools. This loss of quality will be felt alike by both military and nonmilitary personnel.

I believe it is incumbent upon the Senate to fully implement the impacted aid programs and place this burden upon the Federal Government, which is responsible for it. It certainly is not one which local communities should have to carry.

I should like to commend the senior Senator from Pennsylvania, JOSEPH CLARK, the junior Senator from Oklahoma, FRED HARRIS, and the senior Senator from New York, JACOB JAVITS, for bringing to the attention of the Senate that disappointing portion of the conference report which curtails the amount of funds to be utilized for our Nation's summer programs.

The tragic events of the last weekend make all the more cogent the need for a large and continuing Federal involvement in summer activities.

This supplemental appropriation is termed "emergency." I ask the Senate, What greater emergency do we face than the welfare of the youth in our urban areas? I believe that it is of the utmost necessity that the Senate clearly enunciate its concern with that emergency.

Is our country so poor that we cannot invest in the well-being of children? Are we so blinded by other considerations that we lack the will to recognize and treat what should be of greatest importance to us? I urge the Senate to support this move to reject the conference report and thus assure the people of our Nation that there is a concern for humanity here on the Hill, that there is a belief that the youth of our Nation are perhaps our finest and greatest responsibility.

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

Mr. PELL. I yield the floor.

Mr. CLARK. I would like to comment that I would hope that, while the Senator based most of his statement on the impacted areas situation, with which I agree, he would have some sympathy with the summer program and the Head-start program.

Mr. PELL. Obviously, I would not be here if I were not. I have hit on the points that I believe are most important.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRIS. 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. WILLIAMS of New Jersey. Mr. President, the horror in our streets should tell us quite emphatically that we cannot wait any longer for dramatic domestic repair. The madness in our cities should convince us of the terrible costs of sloth, and apathy, and neglect. The agony in our country should make it plain that if we are to heal the wounds of the Nation, if we are to avoid fresh wounds tomorrow, we must shake off the stigma of inaction. Indeed, our national complacency has reached an alltime high. We are couched in white security. We defend the status quo with tired and empty cliches. And we cap it all off by moving on the pressing issues of the day in morbid lethargy.

Today, the Senate is faced with one of these pressing issues—the conference report on the supplemental appropriations. Several weeks ago this body voiced its clear intention on the needs for the summer, but in the course of the legislative process, our position was "compromised" with the House of Representatives.

As a result, the $75 million to provide emergency summer jobs for the poor, and the separate $25 million for Headstart, will not be available this year. We are forced to talk about these reductions in terms of dollars, but I want to emphasize that the real effects of these cuts will be felt by people—and people, after all, are what these programs are all about.

If we accept the $25 million cut for Headstart funds, 13,000 preschool children all across the country who need the special attention of the Headstart program will be starting school on the threshold of the dropout syndrome. We will cancel out the last clear hope for at least 13,000 children who will not be able to keep up when they enter school.

We should have learned the results of inadequate preschool training. We should have acknowledged that inadequacies multiply, and put disabling pressures on the young child growing up. In fact, part of our consideration today is a remedial program for past mistakes: 170,000 summer jobs can be made available with the $75 million included in the original supplemental appropriation. If we accept this cut, we will deny opportunity to thousands of youngsters who want something constructive to do this summer. If we accept the $75 million cut proposed in this conference report for summer jobs, many youngsters who needed something to do last summer will have less opportunity this year. In my State of New Jersey, for example, the present indication is that jobs will be cut back in Jersey City from 750 last summer to approximately 410 this summer and, in Newark, from 2,610 last summer to 1,870 this summer. Similar reductions are projected in cities all across the country.

In another surprise "compromise," the $90.9 million that had been approved by the Senate for school assistance in federally impacted areas was cut down to $20.8 million. In my State of New Jersey alone, this cut represents a difference of approximately $2 million. My concern for this program in New Jersey and across the country is the effect of these cuts on the quantity and quality of education in the federally affected areas. Again the Federal Government has reneged on what we promised and on what these school districts have planned. How much longer will we continue in this fashion?

We must remember that we are not talking about abstract figures or cold, analytical charts and statistics. We are talking about people—people who are looking to us for some positive response to the obvious needs around us. If we accept these cuts in the supplemental appropriation, we will be making an error in the present tense that will come back to haunt us for the foreseeable future.

Mr. President, the only course we can take now is to reject the conference report and instruct the Senate conferees to return to the House of Representatives for the money we need to meet our responsibilities.

A folk poet who understands the anguish and anxiety of the times, has asked nine questions in a song called "Blowin' in the Wind." He asks:

How many roads must a man walk down before they will call him a man?
How many seas must the white dove sail before she sleeps in the sand?
How many times must the cannon balls fly before they're forever banned?
The answer my friend is blowing in the wind.
The answer is blowing in the wind.

How many years can a mountain exist before it is washed to the sea?
How many years can a people exist before they're allowed to be free?
How many times can a man turn his head and pretend that he just doesn't see?
The answer my friend is blowing in the wind.
The answer is blowing in the wind.

How many times can a man look up before he can see the sky?
How many ears must one man have before he can hear people cry?
How many deaths will it take til he knows that too many people have died?
The answer my friend is blowing in the wind.
The answer is blowing in the wind.

Mr. President, I urge the Senate to seize this moment to answer the questions, at least in part, by rejecting the conference report and calling again for full funding of these programs.

Mr. NELSON. Mr. President, the enormity of our urban crisis today is painfully clear. Our cities are torn by violence and looting and burning. A great leader has been cut down by an assassin's bullet.

We in the Congress of the United States face a grave challenge. We must respond to this crisis. We must provide thoughtful leadership and meaningful programs to meet the problems of unemployment, poverty, and education.

In the months ahead, the Congress must develop new, imaginative programs and must continue and expand on-going, successful programs.

Since 1965, 2,197,000 children have been served by the Headstart program. Currently, 209,000 children are involved in Headstart programs across the country, and this summer another 465,000 young people will be given the opportunity to get a headstart on their educations.

Through appropriation cuts and administration fund allocations, the Headstart program was cut back by $25 million from its operating level for this fiscal year. The Senate attempted to restore this money by adding an amendment to the administration's urgent supplemental request; this amendment was deleted by the House-Senate conferees.

This $25 million would allow the Headstart program to continue at the level at which it is now operating. It would not expand the program, although that is what we really should be considering. Without this money, 13,000 children will be denied an opportunity to be prepared to meet the challenge of formal education.

The effects of this cutback go even further. Parents who have their children in Headstart day care centers while they work to provide the essentials of life for their families will be forced to quit their jobs in order to stay home with their children.

Two thousand five hundred Headstart teachers—many of them from poor families—will lose their jobs.

Last summer we spent $47 million on the Neighborhood Youth Corps programs; these programs produced 74,000 jobs. There is no money available for similar programs this summer.

The Senate Appropriations Committee added an appropriation of $75 million to the supplemental request for summer jobs; this provision, too, was deleted in conference.

This $75 million would provide an estimated 90,000 to 100,000 jobs. The money would go to the Department of Labor where it could be directed into a variety of work programs.

There are a wide variety of programs which could use additional funding. The main thrust would be in Neighborhood Youth Corps type projects.

I would hope also that existing programs under the Nelson amendment—Operation Mainstream, Green Thumb, and others—would be expanded. These programs aimed at putting unemployed people to work on conservation and beautification projects have been tremendously successful.

Now is not the time to cut back on our job training and educational programs. Rather, we should redouble our efforts. I am opposed to the cuts made by the conference committee and intend to vote against accepting the conference report.

HARMFUL EFFECTS ON SCHOOLS OF FAILURE TO PROVIDE SUPPLEMENTAL APPROPRIATION FOR IMPACTED AREA PROGRAM

Mr. TYDINGS. Mr. President, I would draw the attention of my colleagues to the extraordinarily shortsighted actions taken last Wednesday by the conference committee considering H.R. 15399, the urgent supplemental appropriation bill for the 1968 fiscal year.

As passed by the Senate, this bill would have provided $90.9 million for aid to schools in areas with high concentrations of Federal employees and in disaster-stricken areas. This program, known as Public Law 874, was not excluded from the mandatory budget cuts enacted in

December of 1967. As a result, the funds due the "impacted areas," which are determined by formulas in the legislation, were drastically reduced. By amending the supplemental appropriation bill, the Senate attempted to correct this situation by providing $90.9 million to bring the program up to full entitlement.

The conference committee has cut the Senate amendment down to $20.8 million, and all of that amount is to cover entitlements under section 3(a) of the law. That section of the law provides aid to school districts in areas where large numbers of schoolchildren live on Federal property, that is, for the most part, military bases and Indian reservations.

Mr. President, school districts in my State will be severely affected by this move. Under Public Law 874 Maryland is entitled to $23,377,258. The 1968 entitlement as it stands, without the Senate amendment, would be $18,746,284, amounting to a reduction of over $4.6 million. It should be obvious to anyone that local school districts which are entitled under the law to impacted area aid rely on it in planning their annual operating expenses. For Congress to impose the severe reductions that the conference report indicates will wreak havoc with school budgets in many communities throughout the country.

A substantial proportion of the residents of many of Maryland's most populous counties are employed by the Federal Government. It was the intention of Public Law 874 that the financial burden imposed on the school systems in those counties as a result of the presence of numerous Federal employees be mitigated by assistance from the Federal Government. It would be the most severe injustice to suddenly expect the affected school districts to get along without the assistance to which they are entitled.

Mr. President, I have received letters from educators and others in Maryland who are vitally concerned that the State be able to provide a consistently high standard of public education. I ask unanimous consent that a sampling of these letters be printed in the RECORD at the conclusion of my remarks.

In short, Mr. President, I feel that the conference report on H.R. 15399 represents a bad compromise which, if it stands, will have the most serious consequences in many communities. Because the supplemental appropriation was and still is urgent, I intend to vote against the report with the hope that after Senate rejection the conferees will give us a more realistic bill. I hope many of my colleagues will join me in that decision.

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

MONTGOMERY COUNTY PUBLIC SCHOOLS,
Rockville, Md., March 29, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate Office Building,
Washington, D.C.

MY DEAR SENATOR TYDINGS: I have been informed that the H.R. 15399 Urgent Supplemental Bill was amended by the Senate to include $91 million in additional appropriations to fully fund P.L. 874, the Federal Impact Areas Bill, for FY 1968.

I further understand that this bill has been referred to a conference committee. It is my information that the House conferees do not look with favor on the increase as approved by the Senate. It is of utmost importance for the State of Maryland and Montgomery County that funds for P.L. 874 be included by this conference committee. I would appreciate your making all possible contacts to insure a favorable conference report.

If the conference report should receive an unfavorable report I would urge a vote against the conference report. Such an unfavorable report would mean a loss of revenue to Montgomery County of at least $1,000,000.

Thank you again for your support of P.L. 874. Once the authorization for FY 68 is increased to its full amount it will be necessary to continue working for full funding for FY 69. Our country is passing through a difficult period but conditions will only be worse if the support of public education is in any way reduced.

Sincerely yours,
HOMER O. ELSEROAD,
Superintendent of Schools.

[Special Memorandum No. 4]
BALTIMORE CITY PUBLIC SCHOOLS,
Baltimore, Md., March 27, 1968.

To: State of Maryland Senators and Congressmen.

From: Dr. M. Thomas Goedeke, Associate Superintendent-In-Charge; Dr. Robert C. Lloyd, Director, Special Projects and Programs.

Subject: Public Law 874 Urgent Supplemental Bill.

The House-Passed HR 15399 Urgent Supplemental Bill was amended by the Senate to include $91 million for FY–1968 appropriations required to fund fully the P.L. 874 Impacted Areas Aid. The amended bill was, of course, sent to Conference Committee which is currently seeking a resolution to the differing House and Senate versions.

We understand that the House Conferees are opposed to the $91 million of increased impact aid added by the Senate.

We strongly urge your every effort in retaining the Senate-approved increase.

If the Conference Committee excludes the P.L. 874 increase, we equally strongly urge a vote against the Conference Report when submitted.

We believe it would be helpful to advise Senator Hill of your intent to support the $91 million impact amendment introduced by Senator Fulbright.

Reference is made to an earlier memo from the Baltimore City Public Schools dated March 1, 1968. In this memo we gave additional information supporting and validating the urgent need for the full P.L. 874 appropriation in FY–1968, both for the Baltimore City Public Schools as well as for the State of Maryland.

We urge your support of the Fulbright Amendment to restore funds to P.L. 874.

We urge also your continuing support in the funding of the Impacted Areas Aid Program at the full authorization level in FY–1969.

Additional information that you may desire will be promptly submitted.

A copy of this memo is being sent to Senator Lister Hill, Chairman of the Appropriations Subcommittee on Education.

Your continuing support and cooperation is gratefully acknowledged.

ANNAPOLIS, MD.,
March 26, 1968.

Senator JOSEPH D. TYDINGS,
Senate Building,
Washington, D.C.:

Highly important you tell Senator Hill to hold fast 91 million impact money or otherwise we lose 400 thousand dollars.

BOARD OF EDUCATION, ANNE ARUNDEL COUNTY.

LAPLATA, MD.,
March 28, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.:

I again encourage you to support Senator Lister Hill of the Senate Appropriations Subcommittee on Education in the defense of Public Law 874. A loss of full Federal support at this late date in our operating year would seriously effect our educational programs.

BRUCE G. JENKINS,
Superintendent of Schools, Charles County Board of Education.

BEL AIR, MD.,
March 27, 1968.

Senator JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.:

Understand House conferees are violently opposed to the ninety one million dollars of impact aid money added to the recent supplementary appropriations bill. I hope you will encourage Senator Hill and other Senate conferees to hold out for inclusion of this sum in final conference report.

CHARLES W. WILLIS,
Superintendent of Schools, Harford County.

BOARD OF EDUCATION OF PRINCE GEORGES COUNTY,
Upper Marlboro, Md., March 8, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: The Board of Education of Prince Georges County and the Board of County Commissioners of Prince Georges County would appreciate your support of the legislation introduced by Senator FULBRIGHT which would increase the Public Law 874 appropriation for 1968 by $90,965,000.

This legislation, if approved by the Senate and concurred in by the House of Representatives, would restore the deficit in entitlement appropriations amounting to 20%. In the State of Maryland alone, the enactment of this amendment would provide $4,631,000, of which Prince Georges County would receive $1,560,000, the largest amount to be divided among the school jurisdictions receiving federal suport under Public Law 874.

It is most important that this legislation be supported and enacted. Failure to do so would result in the local jurisdiction being compelled to increase its real estate taxes to make up for the deficiency in the entitlement hopefully to be obtained under the provisions of Public Law 874.

Your help and assistance in this matter would be greatly appreciated.

Sincerely yours,
WILLIAM S. SCHMIDT,
County Superintendent.

BOARD OF EDUCATION OF HARFORD COUNTY,
Bel Air, Md., February 26, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Since writing you about a supplemental appropriation for Public Law 874 last week, I have received further information about this matter.

The House passed House Resolution 15399, Supplemental Appropriation, which dealt with Health, Education, Welfare items, but contained nothing for Public Law 874. I understand that Senator Fulbright has now offered an amendment, S. 1470, to add $90,965,000 to House Resolution 15399. It is my understanding that the Senate Appropriations Committee will take up House Resolution 15399 and the amendment early this week.

Maryland's total interest in this amount is $4,500,000 and Harford County's is approx-

imately $350,000 of this amount. These are funds that we are counting on for operating our schools in the current budget year, through June 30, 1968. I have no idea how we in Harford County would be able to make up this $350,000 shortage.

I sincerely hope that you will speak to the Senate Appropriations Committee and support the amendment, S. 1470, if and when it reaches the floor.

Sincerely yours,

CHARLES W. WILLIS,
Superintendent of Schools.

BOARD OF EDUCATION OF BALTIMORE COUNTY,
Towson, Md., February 22, 1968.

Re Impact Area Public Law 874—1868 H.R. 15399

Hon. JOSEPH D. TYDINGS,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR TYDINGS: We have been informed that the appropriation measure which will be supplemented in the Senate is before the Senate Committee at the present time.

May we remind you that Public Law 874 funds are provided through this legislation and Baltimore County will receive approximately $800,000 if the appropriation is made.

We urge that you inform the members of the Committee of our desire to have the funds include the appropriation and we are of the opinion that you feel the same since you have supported the appropriation in previous years.

Your assistance will be appreciated.

Sincerely yours,

WILLIAM T. WILLIS, JR.,
Assistant Superintendent in Business and Finance.

FREDERICK, MD.,
February 21, 1968.

Senator JOSEPH D. TYDINGS,
Washington, D.C.:

We urge your favorable consideration of amendment to provide full entitlement under P.L. 874.

JOHN L. CARNOCHAN,
Superintendent of Schools, Frederick County.

BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY,
La Plata, Md., February 20, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: The Board of County Commissioners of Charles County is very concerned over the negative results of reducing the impacted school aid to Charles County. The State of Maryland and its subdivisions are in the midst of adjusting to one of the most thorough tax reforms ever attempted by any state, and with all the new problems bearing down on us in 1968, any assistance in the form of fiscal constants is a most welcome sight.

Charles County can ill afford to loose the $141,000 to $169,000 suggested by a 25–30% reduction of last year's assistance.

The Administration's last attempt to cut back aid to impacted areas was defeated on the floor of Congress . . . and, we think, appropriately so! It is our sincerest hope that the impacted aid program will be continued at the present levels at the very least.

Ours is one of the fastest growing counties in the State. Our growth is related, in large measure, to the Washington Metropolitan area. This rapid growth places its greatest strain on the school system.

Our position is quite simple . . . nothing must be done to short-change the school children of Charles County! We look forward to your kind assistance in this important matter.

Very truly yours,

REED W. MCDONAGH,
President.

LEXINGTON PARK, MD.,
March 4, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate Office Building,
Washington, D.C.:

Please give your full support to Senator Fulbright's amendment S. 1470 which would add $90,965,000 to House resolution 15399 for impact aid. Our St. Marys County public school system is one of Marylands most rapidly growing school districts. The major cause of our growth is the Patuxent River Naval Air Station. A cut back in Public Law 874 funds will detrimentally affect nearly 10,000 public school pupils.

ROBERT E. KING, Jr.,
Superintendent of Schools, Board of Education, St. Marys County, Leonardtown, Md.

ELKTON, MD.,
February 22, 1968.

Senator JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.:

Please support Senate Committee Amendment 50 add 90,965,000 for Public Law 874 proving full entitlement 1968 fiscal year.

ROBERT A. GIBSON,
Cecil County Public Schools,
Booth St. Center.

LA PLATA, MD.,
February 21, 1968.

Hon JOSEPH D. TYDINGS,
U.S. Senate, Washington, D.C.:

Endorse action taken by Senate Appropriations Committee to increase beyond amount appropriated by House bill 15399 the level of financial support for federally impacted areas. Earnestly seek your support of this important source of funds for Maryland schools.

BRUCE G. JENKINS,
Superintendent of Schools,
Board of Education.

CUMBERLAND, MD.,
February 21, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate, Washington, D.C.:

Urge your support of House Resolution 15399 supplemental appropriation for impact area amendment to add ninety million nine hundred sixty-five thousand for PL874 in order to provide full entitlement for fiscal year 1968.

DR. WAYNE W. HILL,
Superintendent of Allegany County Public Schools.

OFFICE OF THE BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY,
Annapolis, Md., February 22, 1968.

Hon. JOSEPH D. TYDINGS,
New Senate Office Building,
Washington, D.C.

MY DEAR SENATOR TYDINGS: I am sure you realize that our country is finding it increasingly difficult to obtain the necessary monies needed to provide an adequate educational program for the children of this county. This is further brought about by the decrease in the appropriations to help educate those children in our county who live on federal property and whose parents are employed on federal property.

I am sure you will see the need to support a supplemental appropriation for Public Law 874 in order that we may receive our full entitlement.

Sincerely yours,

FRED L. ALEXANDER,
Director of Planning.
DAVID S. JENKINS,
Superintendent.

UNFORTUNATE CONFERENCE ACTION DELETING SUMMER YOUTH EMPLOYMENT AND HEADSTART FUNDS FROM SUPPLEMENTAL APPROPRIATION

Mr. TYDINGS. Mr. President, the conference committee considering the supplemental appropriation bill for fiscal year 1968 has completely deleted from the bill the Senate's amendment providing $75 million for employment and job training programs this summer. This is a strong reason for rejecting the report submitted last Wednesday by the conferees, and I intend to vote against that report.

As a cosponsor of the original Senate measure which would have provided $150 million for summer programs for young people in our major cities, I was disappointed when the Senate agreed to only $75 million. But to amputate that entire amount from the bill strikes me as sheer folly. At the same time, the conferees cut out $25 million that was intended for the Headstart program.

This indicates to me, Mr. President, that we are misjudging our needs. We are all acutely aware of the need to sustain confidence in the dollar and to demonstrate to those who are dismayed about our economy that it is, and will remain, strong. But we are biting off our nose to spite our face if we jettison the programs that educate and expand opportunities for young people while continuing to spend inordinate amounts on building supersonic transport planes, racing pellmell—regardless of cost—to the moon, maintaining a farflung military establishment, and fighting a war of dubious purpose.

I would like to point out that Mayor D'Alesandro has told me he needs $4 million in order to provide an adequate summer program for the young people of Baltimore. I am talking about the young people who live in the city all summer and need some organized activities, need access to school playgrounds and libraries, need hydrant sprinklers and public swimming pools, and need jobs. All of these needs could be met, with the help of both public and private resources, if we all felt that the quality of life our young people experience were as important as building a supersonic aircraft or competing in the space race.

The $75 million we passed for the summer program would not have given Mayor D'Alesandro the full $4 million that he needs by any means. But it would have provided a bare minimum; it would have given the people of Baltimore something on which to build with the generosity they have shown in supporting Operation Champ. Without it, many of Baltimore's children, and the young people of every other crowded city, will be left to their own devices.

Mr. President, I think all Members of this body are conscious of the needs I have been discussing. We worked hard last month to provide some realistic support for those dedicated people in the cities who are already planning a variety of activities for youngsters. Many of those planners are the young people themselves. They want a worthwhile summer. I urge my colleagues to support those young people; to uphold the

amendments we have already passed, and to vote against the conference report on H.R. 15399.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from a statement made by the Honorable W. Willard Wirtz, Secretary of Labor, presented to the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, April 5, 1968, in support of the "Partnership for Learning and Earning Act of 1968."

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

The President stated in his Education Message that "one and a half million young men and women will leave high school and enter the labor force this year—in a time of high employment, when skills are at a premium." If their experience is similar to those who left school in 1966, and it is likely to be, the transition to work will be a difficult proposition for a very significant percentage.

By October of 1966, those who had *graduated* from high school in June of that year endured an unemployment rate of *14.2%;* those who had *dropped out* of school that year, *17.4%*. The irony of this tragic situation is that it occurred, and is still occuring, in a period of high employment and skill shortages.

One of the most important questions we can ask ourselves is why youth unemployment remains so high after so many efforts to reduce it.

It is clear, of course, that teenage unemployment rates have receded in the past five years as total unemployment has dropped. In 1967, the rate for *16 to 19 year olds* was 12.9%, compared with the even more shameful level of 17.2% as recently as 1963.

Disturbing, however, is the fact that over the long haul, the position of teenagers is deteriorating relative to the *national* unemployment experience. When the Census was taken in 1930, before the depression began, the teenage unemployment rate was 8.3% about one and one-half times the total rate of 5.2%. By 1948, the teenage rate was nearly two and one-half times as high as the national rate. In 1963, for the first time, it was *three* times as high. And by 1967, it was nearly three and one-half times as high.

Even more disturbing is the fact that the position of the *nonwhite* teenager is deteriorating even faster. As late as 1954, the unemployment rate for nonwhite teenagers was 16.5%, only about 4 percentage points higher than the white rate of 12.1%. In 1967, the nonwhite teenage rate was 26.5%, almost two and one-half times the white rate of 11.0%.

Moreover, unemployment is not the whole story. In 1967, 343 thousand 16 to 19 year olds (9.4% of the "full-time" labor force) were working only part-time when they wanted full-time jobs. There are also the discouraged who are not looking for work, and those whose jobs have little potential and are personally unrewarding.

While unemployment, at the present, is our best developed measure of the youth situation, it leaves out as much as it tells. Better indicators are needed.

While these problems are most severe among low income families, they cannot be isolated as created by poverty alone. The teenage rate is 17.4% in poverty families. It is almost as high—16.6%—in families with incomes from $3,000 to $5,000. In families making $10,000 or more the rate is still double the national average.

The U.S. keeps a larger proportion of its youth in school longer than does any other nation, supposedly to ensure their adequate preparation for lifetime activity. Yet the unemployment rate of its youth is far higher than other industrialized nations. In most other developed countries, young workers are so much in demand that the danger is that they will be taken out of school too early. Yet the Nation with the most extensive educational system in the world and with the strongest economy is putting more than 10% of its youth through a bitter period of frustrating and difficult unemployment.

These are grim, devastating facts. There is one inescapable conclusion. The massive doses of medicine recently administered to the Nation's youth—the remedial youth training programs under MDTA, the Job Corps, the Neighborhood Youth Corps, and the Youth Opportunity Centers—have been essential to prevent a bad disease from becoming a fatality. *But,* they have not been enough to restore the patient to vital health.

Mr. BIBLE. Mr. President, when the Appropriations Committee and the Senate considered this supplemental appropriation I voiced my unqualified support for the amendment proposing a $91 million increase for full funding of Federal assistance in impacted areas. I was delighted to see the Senate give its endorsement to this program by approving the appropriation. It was, therefore, a great disappointment when only $20.8 million survived the conference on the bill.

I feel it is essential that we fulfill our commitment to public schools by giving our wholehearted support to this program. Failure to fund full entitlements of eligible school districts would be especially unfortunate this current fiscal year because, as you know, final action on appropriations last session and subsequent budget restrictions came so late in the year. School districts have long since obligated themselves in accordance with their expectations under the law. Now they are faced with the necessity of cutting personnel to readjust obligations. It is far too late for schools to cut back in other areas such as supplies and operating costs.

The $20.8 million which remains in the bill from the conference will be a boon to military installations and other Federal facilities which house their employees. But no relief is provided for communities swollen by an influx of Federal workers who do not reside on Federal property. For example, the Clark County school district in my State of Nevada is currently experiencing tremendous growth as a result of a major buildup at Nellis Air Force Base. The community is of course grateful for this growth, but approximately 95 percent of the land in the district is federally owned and the district is hard pressed to provide for increased school enrollment from its small tax base.

I strongly urge that the Senate send its designated representatives back to conference with the House with the full assurance that the Senate will stand behind its obligation by requiring full funding for this program.

To do anything less would be, in my opinion, a break in faith with the States and school districts of our Nation.

THE NEED FOR PROPER LEADERS

Mr. HARRIS. Mr. President, an item on the Associated Press wire, quoting me, has just come to my attention. I ask unanimous consent that the item be printed at this point in the RECORD.

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

HARRIS—RIOTS

WASHINGTON (AP).—Sen. Fred R. Harris, D-Okla., criticized today the reaction of the Nation's political leaders to the assassination of Dr. Martin Luther King, Jr.

Instead of calling in Negro leaders and asking what should be done, Harris said, "What we need to do is to call in white leaders and say what has to be done.

"We need to act now. We have got to root out racism," said Harris, who served on President Johnson's Commission on Civil Disorders.

He was interviewed on the CBS radio program "Capitol Cloakroom."

Harris made no direct reference to President Johnson, who met with civil rights leaders after King's assassination.

He noted that the Commission had pointed to white racism as the cause of riots last year and said that now "it is not so much a question of Negro leadership, but a problem of American leadership."

He said this was true for ordinary citizens as well as political leaders.

Mr. HARRIS. Standing alone, the item is not fully self-explanatory. The item correctly states: "Harris made no direct reference to President Johnson." Neither did I make indirect reference to him, Mr. President, and I wish to point out that at the meeting President Johnson called there were also congressional leaders.

Rather, what I had in mind in responding to a question as to the man who might replace the late Dr. Martin Luther King, Jr. as a Negro leader was that as Whitney Young, Jr., has said, more important than Negro leadership now is American leadership to move this country in the directions it must go and that this is, as the news item states, "true for ordinary citizens as well as political leaders."

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 103 Leg.]

Allott	Holland	Russell
Bartlett	Hruska	Sparkman
Brooke	Javits	Spong
Byrd, Va.	Jordan, N.C.	Talmadge
Byrd, W. Va.	Kuchel	Tydings
Cannon	Mansfield	Williams, Del.
Carlson	Moss	Yarborough
Harris	Pell	Young, Ohio
Hatfield	Prouty	
Hill	Randolph	

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Sen-

ators entered the Chamber and answered to their names:

Anderson	Griffin	Monroney
Baker	Gruening	Morton
Bayh	Hansen	Mundt
Bennett	Hart	Muskie
Bible	Hartke	Nelson
Boggs	Hayden	Percy
Brewster	Hollings	Proxmire
Burdick	Inouye	Ribicoff
Case	Jackson	Scott
Church	Jordan, Idaho	Smith
Clark	Long, Mo.	Stennis
Cooper	Long, La.	Symington
Cotton	McGovern	Thurmond
Dominick	McIntyre	Tower
Ellender	Metcalf	Williams, N.J.
Fong	Miller	Young, N. Dak.
Fulbright	Mondale	

The VICE PRESIDENT. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that pursuant to the provisions of section 202(a), Public Law 90–264, the Speaker had appointed Mr. GRAY, of Illinois, Mr. JONES of Alabama, Mr. FALLON, of Maryland, Mr. CRAMER, of Florida, Mr. MCEWEN, of New York, and Mr. SCHWENGEL, of Iowa, as members of National Visitors Facilities Advisory Commission, on the part of the House.

The message announced that the House had agreed to the amendment of the Senate to the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 16489. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1969, and for other purposes; and

H.J. Res. 1223. Joint resolution to continue for a temporary period the 7-percent excise tax rate on automobiles and the 10-percent excise tax rate on communication services.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 761) providing that when the House adjourns on Thursday, April 11, 1968, it stand adjourned until Monday, April 22, 1968, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, and it was signed by the Vice President.

HOUSE BILL REFERRED

The bill (H.R. 16489) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1969, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PASSAGE OF CIVIL RIGHTS BILL IS GOOD NEWS

Mr. MONDALE. Mr. President, the best news of the past few days is the passage by the House of Representatives of the 1968 civil rights bill. This is a fitting response, although an inadequate one, to the tragic death of Dr. King. Even more, it is a demonstration that the democratic process can work.

Passage of a national fair housing law will not stop those who are committed to violence in our cities, but it will rob them of Negro support. The psychological importance for Negroes of available decent housing may ease somewhat the frustrations of ghetto life, frustrations which are the breeding grounds for civil disorder. Congress has demonstrated to those who persevered to progress through legislative action that it can respond to a need that affects every single American, that white America will give full equality to black Americans, that the nonviolent means which Martin Luther King advocated do work.

The Riot Commission specifically recommended enactment of a comprehensive and enforceable Federal open-housing law. Today's action by the House meets one of the steps called for by the Riot Commission—but one step is not enough, clearly not enough when racial violence strikes 110 cities over a weekend. We must turn now to the other recommendations; before we rest easily we must be certain the millions of Negroes in this Nation are sharing the opportunity and economic progress that most whites know and enjoy.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1968—CONFERENCE REPORT

The Senate resumed the discussion of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15399) making urgent supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

Mr. JAVITS. Mr. President, in the presence of at least more Senators than we have had on the floor this afternoon, I wish to sum up briefly the position of those of us who oppose the conference report and ask for its rejection.

If the conference report is rejected it will open the door to a motion to appoint new conferees. That motion will be made by the Senator from Pennsylvania or by me, or by someone else. At any rate, a motion will be made that the conferees be instructed to insist on the Senate amendment adding $90,950,000 for school assistance in federally affected areas under Public Law 874, $25 million for the Headstart program, and $75 million for the summer job program.

Mr. President, the summation of the argument as we have made it is that this is the very time when this conference should not be closed up, but rather the deep problems in which the country is plunged in its major cities demand the very programs which are here being rejected in the supplemental measure.

A minimum of 6 weeks or more would be required to get a new supplemental bill, with the same struggle taking place on that measure, and with no assurance that it would be successful. Any other supplemental bill will come too late to use the money for summer jobs, as an addition to the Headstart program, or as aid to impacted areas. Therefore, this is the time to act and this is the time to demonstrate that this is the time to act.

The other body has just approved the historic civil rights bill which was passed in this body, with decisive votes and strong support on both sides of the aisle, which indicates Congress is going to act out of a sense of justice rather than resentment. We should do the same thing here today. We should signal this, as has been done in the other body. I know of nothing that could better indicate that nonviolence will be encouraged, because Congress intends to demonstrate it intends to do justice and at the same time make clear that it will not tolerate anarchy or disorder.

With respect to the national tranquillity, the Senate has given its answer with respect to increased taxes, reduced expenditures, and reallocation of priorities. The real deadlock with the other body lies in the fact that it has a different view on that subject so far. We will not yield on the general policy that a tax increase is needed and that a reduction in expenditures is needed, as well as a reallocation of priorities. Why should we yield on these necessary measures at this time?

We should keep the conference open so that there will be a real chance that something can be done for the summer program.

Finally it would give an opportunity, which is essential, to the President to do as he did last year and give us his ideas with respect to what is a required program to deal with our current situation. Last year a special message was sent to the Congress with respect to this matter. This year there may be some other way to manifest the views of the executive branch, but if we close it off by accepting the conference report today we will not be able to move in time with respect to what must eventually and necessarily be done.

Mr. President, for those reasons I urge that the report be rejected.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HILL. Mr. President, the Senate conferees weighed the matter in conference to get the Senate amendments agreed to but the House conferees, headed by the chairman of the Committee on Appropriations of the other body, said in the first meeting that they would not agree to any amendments and they stood adamant on every proposition except the allowance of $20,410,000, which was in the last conference under Public Law 874. The parliamentary situation is this: We can agree to the conference report and then we will have a separate vote on the amendment dealing with the school impacted funds under Public Law 874. So that anyone not satisfied with the funds under Public Law 874 can vote for the conference report, and then vote against the amendment under Public Law 874, which means

that we will go back in disagreement with the House.

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

Mr. HILL. I yield.

Mr. HOLLAND. The point made, which is, of course, completely correct, is based, is it not, on the fact that the item was reported in disagreement——

Mr. HILL. It was, indeed.

Mr. HOLLAND (continuing). In the fight which occurred on the House floor, and that the $21 million is the amount of the cut from the impacted schools appropriation which Congress made last fall.

Mr. HILL. The Senator is exactly correct, and that amendment is in disagreement. The report can be agreed to and then we will have automatically, under the rules of the Senate, a separate vote on the question of the impacted areas. So that if a Senator does not wish to agree to what the House did on that, he can vote it down and still vote for the conference report.

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

Mr. HILL. I yield.

Mr. JAVITS. That is not true, though, on the Headstart program.

Mr. HILL. No.

Mr. JAVITS. They are not included in this agreement, so that when we approve the conference report, we kill those two items.

Mr. HILL. Yes, just as the Bureau of the Budget did, and the House killed them, too. The House conferees stood adamant on that point, but we can vote separately and will vote separately on the impacted area funds. We can have them. I emphasize again that we can vote on the impacted area funds, which will come up in a separate amendment if the conference report is agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], and the Senator from Arkansas [Mr. MCCLELLAN] are necessarily absent.

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from California [Mr. MURPHY], and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

On this vote, the Senator from Kansas [Mr. PEARSON] is paired with the Senator from California [Mr. MURPHY]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from California would vote "nay."

If present and voting the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. FANNIN] would each vote "nay".

The result was announced—yeas 24, nays 54, as follows:

[No. 104 Leg.]

YEAS—24

Anderson	Holland	Smith
Bennett	Jordan, N.C.	Sparkman
Byrd, Va.	Long, La.	Stennis
Byrd, W. Va.	Miller	Talmadge
Carlson	Monroney	Thurmond
Ellender	Mundt	Tower
Hayden	Proxmire	Williams, Del.
Hill	Russell	Young, N. Dak.

NAYS—54

Allott	Griffin	Metcalf
Baker	Gruening	Mondale
Bartlett	Hansen	Morton
Bayh	Harris	Moss
Bible	Hart	Muskie
Boggs	Hartke	Nelson
Brewster	Hatfield	Pell
Brooke	Hollings	Percy
Burdick	Hruska	Prouty
Cannon	Inouye	Randolph
Case	Jackson	Ribicoff
Church	Javits	Scott
Clark	Jordan, Idaho	Spong
Cooper	Kuchel	Symington
Cotton	Long, Mo.	Tydings
Dominick	Mansfield	Williams, N.J.
Fong	McGovern	Yarborough
Fulbright	McIntyre	Young, Ohio

NOT VOTING—22

Aiken	Hickenlooper	Montoya
Curtis	Kennedy, Mass.	Morse
Dirksen	Kennedy, N.Y.	Murphy
Dodd	Lausche	Pastore
Eastland	Magnuson	Pearson
Ervin	McCarthy	Smathers
Fannin	McClellan	
Gore	McGee	

So the conference report was rejected.

Mr. HILL. Mr. President, I move that the Senate further insist upon its amendments, request a further conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

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

Mr. CLARK. Mr. President, I desire to be heard on that motion before conferees are appointed. If the motion is confined to asking for another conference, I have no comments on that; but with respect to the appointment of conferees, I desire to be heard.

Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. Is this the appropriate time to make a motion for substitute conferees?

The VICE PRESIDENT. The Chair would suggest to the Senator from Pennsylvania that if it is his desire to offer a motion to name the conferees, then the question that is placed before the Senate by the Senator from Alabama should be divided, so that the request for another conference be one issue or one question, and the appointment of conferees and their designation be a second question.

Mr. CLARK. Mr. President, I ask that the question be divided, and I support the motion for a new conference.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. Mr. President, it is my intention to move to instruct the conferees. Am I correct in assuming that after the first part of the motion that is divided is decided, if it is in the affirmative, that will be the appropriate moment to move the instruction of the conferees?

The VICE PRESIDENT. The Senator can move to instruct the conferees after the motion on the first request has been acted upon; namely, that the conference report be returned to the House for further conference.

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

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. Is that the pending motion?

The VICE PRESIDENT. That is the pending motion.

Mr. JAVITS. May I then request the Chair that I receive recognition thereafter for the purpose of making a motion to instruct the conferees?

The VICE PRESIDENT. The Chair so understands.

The motion now before the Senate is to insist on the Senate amendments and ask for a further conference with the Members of the House. [Putting the question.]

The motion was agreed to.

The VICE PRESIDENT. The Senator from New York.

Mr. JAVITS. Mr. President, I move that the conferees be instructed to insist upon the Senate amendment adding $90.950 million for school assistance to federally impacted areas under Public Law 874; and $75 million for summer job programs; and $25 million for the Headstart program.

The PRESIDING OFFICER. The Chair may state that it was the view of the Chair that the original motion, as just agreed to, did carry with it insistence on the Senate amendments. These are Senate amendments. That does not deny the Senator from New York the right to make a motion to ask for that.

Mr. MUNDT. Mr. President, I wonder if the Senator from New York would include another item which was omitted, and that is $25 million for the FHA, the original Senate position?

Mr. JAVITS. I shall gladly agree to that, if the Senator wishes it.

SEVERAL SENATORS. Mr. President, we cannot hear.

The VICE PRESIDENT. Will the Senator from South Dakota please speak out so that Senators on the other side of the Chamber can hear him?

Mr. MUNDT. Mr. President, I asked the Senator from New York whether he would be willing to agree to incorporate in the motion that we also include the $25 million for FHA, which was in the original proposal as passed by the Senate. While we have worked out temporarily an agreement with respect to our request for the White House to relinquish $25 million from its contingency fund, as long as we are voting to sustain the Senate in its other original actions, we should also insist on sustaining the Senate in our action on extra funds for the FHA.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CLARK. I assume the instruction which the Senator from New York is requesting the Senate to give to its conferees will include his position with respect to all three of the matters under debate this afternoon—restoration of the impacted area fund, restoration of the money for the summer program, and restoration of $25 million for Headstart. Is that correct?

Mr. JAVITS. That is correct. The Senator from South Dakota has requested that we include the item of $25 million for Farmers Home Loan Administration, direct loan account.

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

Mr. JAVITS. I yield.

Mr. MUNDT. The reason I did that is that if we failed to include this $25 million now, it would look as if the Senate had retreated from its earlier position. If we retain it and the agreement developed in conference were acted upon, fine. If not by adding it again now, we will be back to the solid position we had in the first instance.

Mr. JAVITS. Mr. President, if I may address Senators who voted with us on this proposition, that sounds fair to me, because the Senate conferees did not get what they wanted to get and should have gotten on this proposition. They accepted a very watered-down proposition.

Mr. President, I shall withhold amending my motion until the Senator from North Dakota has spoken. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I am a bit confused by the Senate vote. Just a few days ago, the Senate voted to cut Federal expenditures by some $5 or $6 billion. I am not quite clear, from the results of the vote, which part of these appropriations the Senate wishes to retain. Therefore, Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. YOUNG of North Dakota. Can this vote be divided, with one vote on the impacted areas provision and another vote on the additional $100 million for the welfare program?

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Chair will first answer the inquiry of the Senator from North Dakota.

A Senator can offer a motion that would direct the Senate conferees, and instruct them on certain matters. The question may be divided.

Mr. YOUNG of North Dakota. By the lopsided vote, it looks as though the Senate wants to keep all the money in the conference report. I do not know which item it wants worst. The House, of course, will not agree to all the money the Senate wants.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HOLLAND. Is it not true that the Senate, by voting to reject the conference report, has voted to sustain the position of the Senate on all matters?

The VICE PRESIDENT. The Senator is absolutely correct; but as the Chair has stated, if a Senator wishes to have additional emphasis on some part of the instructions to the conferees, he can do it by his motion.

Mr. JAVITS. Mr. President, I amend my motion to include also the following: $25 million for the Farmers Home Administration Direct Loan Act.

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

The motion was agreed to.

REQUEST TO BE RELEASED AS CONFEREE

Mrs. SMITH subsequently said: Mr. President, I left the floor to make a telephone call, and on my return to the floor was advised that I had been named as a conferee on the supplemental appropriations conference. Had I been consulted, I would have had to decline. I voted for the conference report just voted on. Therefore, I ask unanimous consent that I be released from this appointment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, I rise to speak on a delicate matter, having no intention of doing anything adverse to my affection and loyalty to the Members of our body who have hitherto acted as conferees in this matter. I shall not push my position to a rollcall vote, but I do wish to call the attention of the Senate to certain precedents in this body with respect to the appointment and action of conferees. I shall read into the RECORD the pertinent section of Watkins and Riddick on Senate Procedure:

> The conferees in theory are appointed by the Presiding Officer but in fact are designated by friends of the measure, who are in sympathy with the prevailing view of the Senate, and with consideration for the usual party ratio. And the Senate, on motion, may elect its conferees as it sees fit.

Quoting another section:

> Resignation or Declination To Serve:
>
> Senators have declined to serve as conferees in some instances because they were not in sympathy with the provisions of bills as passed by the Senate or, after a conference report was rejected, a Senator declined to serve on a second conference committee because of views not in harmony with the action of the Senate.
>
> Conferees have resigned because they were not in sympathy with the action of the Senate on the bill or opposed to the bill in question.
>
> Second Conference:
>
> If and when a motion that the Senate further insist on its amendments in disagreement and ask for another conference is agreed to, the Senate has a right to appoint new conferees if it desires to do so.

Turning to page 221 of Senate Procedure, I quote further:

> When the Senate rejects a conference report or a point of order is sustained in the Senate against a conference report which has been agreed to by the House, it is in order for the Senate to ask for a further conference and reappoint the same conferees or appoint new conferees.
>
> If a conference report is rejected, a motion to insist further and ask a further conference is in order and a motion to instruct conferees is in order prior to the appointment of the conferees and after the motion for a conference has been adopted.

Mr. President, on this conference, the conferees—and I simply state basic facts, and again reiterate my affection for the Senators who acted as conferees—there was only one question in controversy at the time the bill was passed by the Senate. That was the question of whether or not the Headstart program should be given an additional $25 million.

The conferees were appointed in accordance with the usual rule, which is by seniority. The Democratic conferees were Senators HILL, RUSSELL, ELLENDER, HOLLAND, and BYRD of West Virginia. Every one of them voted against the position of the Senate, which was sustained by the vote of the Vice President breaking a tie.

On the Republican side, there were three conferees: Senators MUNDT, YOUNG of North Dakota, and JAVITS. All except Senator JAVITS voted against the position taken by the Senate by the 43–to–42 vote.

I regret that the Senator from Louisiana [Mr. LONG] is not present in the Chamber, because at the time the Submerged Lands Act was before the Senate in 1952, after conferees were appointed, Senator LONG of Louisiana protested that three of the five had voted against the so-called Holland-Connally substitute which had been approved by the Senate. Senator LONG contended the provision of Cleaves' Manual, quoted above, had been violated. He entered a motion that the Senate reconsider the appointment of conferees.

On the following day, Senator O'Mahoney, of Wyoming, announced that one of the conferees, Senator McFarland, of Arizona, had asked to be excused from service on the committee and that the next two senior men on the committee, Senators ANDERSON of New Mexico, and Lehman, of New York, had made like requests because they too had opposed the substitute amendment which had prevailed. The next Senator in order, Senator LONG, accepted appointment and withdrew his motion to reconsider.

On other occasions, protests at the appointment of conferees not in sympathy with the prevailing Senate opinion have been registered, but withdrawn upon assurance by the conferees that they would faithfully support the Senate position despite their own divergent views. Yet

the necessity for such demeaning public assurances would not arise were it not for the doubt that inevitably exists when "the child is put to a nurse that cares not for it."

Whenever the question of abandoning the seniority system is raised on a particular bill, the issue becomes one of personalities. As was so notably the case in the lengthy and harsh debate on appointment of conferees on the Muscle Shoals bill, Senators seeking to assert the right of the majority to select the Senate managers are accused of impugning the integrity and honor of the senior Senators. At the same time, the senior Senators who would be bypassed are placed in a bad light if in other cases other committee chairmen and ranking Members have been trusted to handle bills with which they were not in agreement.

Mr. President, I shall not move that the Chair appoint any conferees other than those suggested by the manager of the bill, the Senator from Alabama [Mr. HILL]; but I would hope very much that before he presents to the Chair the list of conferees whom he wishes to have, he will give grave and prayerful consideration to the clear Senate precedents which I have just read into the RECORD.

Mr. President, the procedures in this regard have always been that where the conferees are not in accord with the position of the Senate, and where their views have been rejected, they resign, in order to make way for other Senators to take their places on the conference committee.

There are presently, on both sides of the aisle, on the Appropriations Committee, an adequate number of Senators who did support the position of the Senate, both when this matter came up a couple of weeks ago and right now.

Mr. President, I have said my piece. I do not care to make any motion. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I wish to say, as a gesture of real appreciation to the ranking minority member, that at his suggestion I was appointed a conferee, although I am the lowest ranking in seniority on the Republican side. He knew that it would spell trouble. He knew that I was ardently for the cause that the Senate today sustained. I think that in all fairness and deference to a man of that character and quality, I should make that statement.

I would say on my honor, that as far as the Senator from North Dakota [Mr. YOUNG] is concerned, he will indefatigably champion the Senate position even though he voted against it.

Mr. CLARK. Mr. President, I think the Senator from New York is entirely correct, and since he wishes to pay such deserved tribute to the Senator from North Dakota, I would like to say that the Senator from Alabama [Mr. HILL], as chairman of the Committee on Labor and Public Welfare, has been a loyal friend and an able chairman. I have no doubt that the Senator will fight for the Senate position. He did so before.

I hope that the Senators will take into prayerful consideration the precedent of the Senate going back for many a decade, and that when these new conferees meet with the House conferees there will be some new blood that believes implicitly and sincerely in the position taken by the Senate as opposed to the position taken by the conferees at the prior conferences, with the exception of the Senator from New York [Mr. JAVITS].

Mr. RUSSELL. Mr. President, I served on the conference and signed the conference report. I wish respectfully to ask the Senator from Alabama, who, I think, handled the measure in the committee, not to include my name among the conferees.

There are certain parts of the conference report that I cannot in all good conscience support.

I have always strongly believed in these school programs. However, last year Congress, and that included the Senate, passed a resolution calling for a reduction in obligations and expenditures that applied to all agencies of the Government.

We instructed that there be a reduction of several billions below the President's budget request for 1968.

In section 202 of House Joint Resolution 888 we instructed them, in determining the amount to be reduced, that it would include 2 percent of the amount included in such estimates for personnel compensation and benefits. Some of this reduction has been restored in the pending measure.

I do not propose to put myself in the duplicitous position of claiming that I was for economy when we passed the bill last year and then come here and say, "I made a mistake, and I demand that the House also change its mind." The House passed the same joint resolution. I am not going to be for economy in a general way when I know that it does not mean anything and then run back here and vote for a specific item and tell the advocates of that item, "Well, what we have done for you is to restore the item again. I voted to cut it last year, but I know that I made a mistake. Therefore, I changed my mind and we restored it this year."

I cannot be placed in the duplicitous position of not defending in conference a reduction that was ordered by my vote and by a vote of the majority of the Senate last year.

We would be confronted with that as soon as we arrived there. Of course, I know how easy it is to be for economy in general terms, and I know that when there is a wave of feeling sweeping the country to reduce Federal expenditures, it is easy to say, "I voted for the economy bill," and then come back in the next session of the Senate and vote to restore and increase the very item that we instructed the President to reduce.

Mr. President, I respectfully ask that I not be assigned to serve on this conference.

The Senate can vote and it can instruct, but the Senate cannot compel me to stultify myself. I ask, therefore, that my name not be listed among the conferees.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the joint resolution which became Public Law 90–218 of the 90th Congress on December 18, 1967, where Congress directed that this economy bill, which we are now proceeding to repeal in part, be put into effect.

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

PUBLIC LAW 90–218

(90th Congress, H.J. Res. 888)

Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of October 5, 1967 (Public Law 90–102) is hereby amended by striking out "October 23, 1967" and inserting in lieu thereof "December 20, 1967".

TITLE II—REDUCTIONS IN OBLIGATIONS AND EXPENDITURES

SEC. 201. In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable programs for the fiscal year 1968 should be reduced by no less than $9 billion and $4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose.

SEC. 202. (a) During the fiscal year 1968, no department or agency of the Executive Branch of the Government shall incur obligations in excess of the lesser of—

(1) the aggregate amount available to each such department or agency as obligational authority in the fiscal year 1968 through appropriation acts or other laws, or

(2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1968 by—

(i) 2 percent of the amount included in such estimate for personnel compensation and benefits, plus

(ii) 10 percent of the amount included in such estimate for objects other than personnel compensation and benefits.

(b) As used in this section, the terms "obligational authority" and "budget estimate of obligations" include authority derived from, and estimates of reservations to be made and obligations to be incurred pursuant to, appropriations and authority to enter into contracts in advance of appropriations.

(c) The references in this section to budget estimates of obligations are to such estimates as contained in the Budget Appendix for the fiscal year 1968 (House Document No. 16, 90th Congress, 1st Session), as amended during the first session of the 90th Congress.

SEC. 203. (a) This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading "relatively uncontrollable" in the table appearing on page 14 of the Budget for the fiscal year 1968 (House Document No. 15, Part 1, 90th Congress, 1st Session), and other items required by law in the fiscal year 1968, or (4) programs, projects, or purposes, not exceeding $300,000,000 in the aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

(b) This title shall not be so applied as to require a reduction in obligations for national defense exceeding 10 percent of the new obligational authority (excluding special Vietnam costs) requested in the Budget for the fiscal year 1968 (House Documents Nos. 15, Part 1, and 16), as amended during the

first session of the 90th Congress: *Provided*, That the President may exempt from the operation of this title any obligations for national defense which he deems to be essential for the purposes of national defense.

SEC. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a)(2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

SEC. 205. To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

SEC. 206. The amount of any appropriation or authorization which (1) is unused because of the limitation on obligations imposed by section 202(a)(2) of this title and (2) would not be available for use after June 30, 1968, shall be used only for such purposes and in such manner and amount as may be prescribed by law in the second session of the 90th Congress.

Approved December 18, 1967.

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

Mr. RUSSELL. I yield.

Mr. HOLLAND. Does the Senator remember that the Senate voted unanimously for that bill?

Mr. RUSSELL. No, I do not remember; but I am not surprised because it did not point out any specific project that was going to be cut. If it had pointed out any specific project, there would have been at least one vote against it because some Senator would say, "I cannot vote for that; I have to vote against it."

I am not surprised the vote was unanimous, because this was a unanimous declaration that we were in favor of economy. Senators were getting ready to go home then and perhaps some of their constituents were interested in economy. My constituents, some of whom are old fashioned, I concede, have expressed an interest in economy. I think they are really sincere. I was not taken to follow my own instincts and believe in the sincerity and knowledge of the Secretary of the Treasury and the Chairman of the Federal Reserve Board.

But we shall see what we shall see.

I have put in the RECORD this solemn mandate of the Congress that was adopted by unanimous consent. I will probably have an opportunity to have it printed again and again during this session of Congress when we get to the appropriations, because there is no doubt in my mind but what Congress is always much more willing to appropriate than it is to raise funds to meet those appropriations. I have noticed that through a good many years.

Mr. HOLLAND. It was unanimous in the Senate, but not in the House of Representatives.

Mr. RUSSELL. The Senator from Florida reminds me that this was unanimous in the Senate but that it was not a unanimous vote in the other body. Someone there had the prescience to see that it might get one of his projects and he was not going to vote for something that might get one of his projects. Some of us here were not that wise. I was not. I voted for it, and, unfortunately, I voted for it seriously and not with the intention that I would repudiate it the first opportunity I had.

Mr. YOUNG of North Dakota. Mr. President, I spent 3 hours one night last week at the White House with the President of the United States, all the Democrat and Republican leaders of Congress, the Director of the Bureau of the Budget, Secretary of the Treasury Fowler, and the Chairman of the Federal Reserve Board, William McChesney Martin, on the financial crisis we are faced with, and they pleaded with Congress to have a more balanced budget. It was agreed at that meeting that the budget would have to be cut drastically and income taxes increased.

In view of the economy commitments made that night and the action taken by the Senate for economy, and, of course, this is always the opportunity to put these items in the next supplemental appropriation bill, I could not in good conscience serve on this conference committee. It would just be impossible to enthusiastically support further the Senate position.

I ask, therefore, that I not be included as a member of the conference committee.

Mr. BYRD of West Virginia. Mr. President, I respectfully ask the distinguished chairman of the subcommittee that I not be again assigned as a Senate conferee on this bill.

Mr. JAVITS. Mr. President, I think that the conscience of the Senator from Alabama will properly handle the matter. I have no doubt of that.

I hope very much that the Senator from Alabama will continue to be the chairman of the conferees. I join with the Senator from Pennsylvania [Mr. CLARK] in expressing that hope.

Mr. CLARK. Mr. President, I share that hope.

Mr. JAVITS. It was my understanding that the distinguished Senator from Pennsylvania had so stated.

I do take this time, however, to say a few words about the matter of economy. The total amount involved in all of the items which have been sent back to conference with instructions that the Senate provision is to be adhered to, if humanly possible, amounts to $200 million.

We have outlined time and again in the debate on the income tax increase and the $6 billion expenditure reduction that not only are those two things needed, but that a proper allocation of the priorities of the Nation is also needed. And in the absence of a proper allocation of priorities on the part of the President, Congress must take the matter into its own hands and do it the best way it can.

As I understand it, the vote is for a reallocation of those priorities to deal with the very urgent program outlined time and again in the long debate on excise taxes. We have outlined today exactly what there is to cut. There is $100 billion to cut.

Mr. President, may we have order?

The PRESIDING OFFICER (Mr. SPONG in the chair). There will be order in the Senate Chamber.

The Senator may proceed.

Mr. JAVITS. Mr. President, there is $100 billion available for cuts. There is $54 billion in the Defense appropriations, other than Vietnam, and there is something in the neighborhood of $36 billion to $39 billion in the area of other expenditures available in the way of cuts.

We are talking about $200 million in the most urgent situation in which the Nation finds itself in terms of its own domestic tranquillity.

I deeply believe that we cannot recede from our determination.

I feel perfectly clear in my own conscience that we are doing what we need to do.

If the President does not reallocate these priorities, we have to, because that is the very nature of cutting. You cut and then you reallocate the priorities for what you have left.

Finally, Mr. President, may I say that I am confident—and I pledge no one but myself—that the President of the United States is going to reallocate priorities precisely in response to the very dangerous domestic situation. He just has not done it in time to deal with the situaion. Now we are going to give him a chance to do so, because it is going back to conference, and I hope very much that he will let us know what he would like to do. But he has to do something. It is not sufficient to just leave it to us to be enacted.

At the same time that you plead for expenditure reduction and more taxes, you also have to tell us where you want to cut and why, and where you may want to add—because the situation changes, as it did here—and why. That is the basis upon which we have made our plea to the Senate, and that is the basis upon which I understand the Senate to have voted.

Mr. HOLLAND. Mr. President, I believe I am no different from other Senators in never wanting to undertake hard work that I can avoid, particularly when I believe it is futile work. It would please me very much to have no further obligations in connection with this bill. The fact is that I am not in position to take that position in the event that the distinguished chairman of our committee names me as a conferee.

In the markup of this bill, the Senator from North Dakota and the Senator from South Dakota offered an amendment to add $52 million to the loan fund of FHA for this current fiscal year, or that much additional authority for them to lend out of the revolving fund, at a time when many States find themselves completely out of funds. This hits the poorer marginal farmers, who are not in a good enough position that they find themselves able to borrow from the banks or other commercial sources.

In the full committee, I told the two Senators mentioned that in the event

they would reduce their request to $25 million, which was the maximum we could put back into the bill and still adhere to what the Senate had unanimously voted to do in December 1967, as to all of fiscal 1968 appropriations, I would support them in that proposal, as chairman of the subcommittee handling agricultural appropriations. I agreed to support them in committee, on the floor, in conference, with the Department of Agriculture, and with the Bureau of the Budget. I have lived strictly up to that obligation, as the two Senators know. I do not propose to run out from under it. So that if I am named by the Senator from Arizona, our distinguished chairman, as a member of the conference committee, I shall regretfully accept the assignment, simply because of that obligation.

I do not believe we will get anywhere on the other matters, but I am accustomed to living up to my obligations, and I shall do so to the best of my ability in this regard.

My own feeling is that there is no more necessitous item in the bill than that which will permit the making of production loans to needy farmers, particularly in the Midwest area, where so many have been hard hit and where they have no other sources of credit, and where crops must be planted in the immediate future.

I certainly recognize that obligation, and I want to make that clear for the RECORD.

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

Mr. HOLLAND. I yield.

Mr. MUNDT. Mr. President, the Senator from Florida has very eloquently expressed the position which I have in connection with this conference committee. I hope very much that the distinguished chairman of our committee does not reassign me as a conferee. It is hard, laborious work, against some insuperable odds. We spent the better part of four entire afternoons working there.

Even those who had voted against the two items alluded to by the Senator from Pennsylvania, feeling bound to uphold the Senate position, stood fast with the Senator from New York, who was appointed especially in order to present that position—even to the point at one session, when the Senator from New York was inadvertently away, in New York, of preventing a vote from occurring in his absence; because I feel that a conferee does not serve on a conference committee to represent his personal point of view, but to reflect the attitude of the body that sends him there.

Certainly, I have no yearning to serve on that conference committee again. If I am appointed, I will serve, because I am vitally interested in at least two of the items, one of which has been discussed very effectively by the distinguished Senator from Florida, and is of vital concern as we approach the growing season, to make adequate credit available now to the agricultural economy of this country, so that it can get on with the spring work. I believe we can prevail on that point in the conference and retain the $25 million approved in the Senate for FHA.

With respect to the impacted educational areas, and the amendment with which I associated myself in introducing in the committee and supporting in the Senate, to provide full entitlement, I do not believe that it is economy to deprive growing children of an education, or to change rules in the game so that the school administrators and the school boards have to cut a 9-month school year down to 7. I hope we can also prevail in that position.

But I assure my colleagues in the Senate that if they can find more persuasive people to serve on the conference committee, I am willing to yield; and I know, too, that they will be bound by the action of the Senate as we are.

Confronted with a fait accompli now, the House conferees will realize that the Senate position has been affirmed and reaffirmed, and I would hope that they would be willing now to take this argument back to the House floor and let the House Members themselves reinstruct the conferees of the House.

I say to any of my colleagues, however, of any rank in seniority on the Appropriations Committee, if they are looking for assignment to this conference committee, they should ask the chairman of the committee to appoint them, and I will pat them on the back and applaud them. I am not looking for the job.

Mr. HOLLAND. Mr. President, I wish to close by saying that I have the same interest in the impacted schools situation that the Senator from South Dakota has just expressed. I believe he has been the spearhead for that effort on numerous occasions in the Senate. I believe I have sustained him and supported him and generally joined him every time he has made that effort.

The school impacted area program is of tremendous significance in two counties in my State—the county in which Eglin Air Force Base is located, where half the county has been taken off the tax roll because of the base, and the county in which the Cape Kennedy installation is located, where practically all the valuable property has been taken off the tax roll.

I certainly join the Senator from South Dakota in that expression.

Mr. President, I wish to express for myself and other members of the conference our appreciation of the feelings of affection expressed for us by the Senator from Pennsylvania.

Mr. RUSSELL. Mr. President, I merely wish to observe that a very powerful argument can be made in behalf of every item in the appropriation bills that were reduced last year. A very strong argument, and appealing to me, can be made for every item in the present budget that was sent here this year.

So if we are to thrash these things over again and, like the good Duke of York, march up the hill with his 10,000 men and then turn around and march them down again, we should approve them all, with perhaps a few increases here to make up for omissions of the President, who has himself expressed some interest in economy in the last year or two.

Perhaps I am naive, but I have believed some of these very insistent and persistent statements that have been made by the Secretary of the Treasury and the Chairman of the Federal Reserve Board that the American dollar was in some danger. I know it has been slowly eroding, because the dollar has much less value today than it had 10 or 15 years ago.

But if we are to vote from our hearts on these appropriations, I will join with my brethren, and we will vote out a budget of $150 billion of expenditures and see what the effect will be. There is no doubt that every item in this bill has great appeal to some particular Senator, if not to all the Members of the Senate.

Mr. FULBRIGHT. Mr. President, I did not intend to engage in this debate but there has been reference to this unanimous vote, which often happens in this body with a general expression of no particular significance.

There are a number of items in connection with which I am prepared to vote for a major cut. I do take seriously our economic situation and I do take seriously what has happened in this city and in many other cities during the last week or 10 days.

I think the country is in dreadful condition, certainly the worst condition since the Civil War, if not including that period.

I wish to point out to the Senators who have been saying that we have no interest in this that I would be more than anxious to cut down 90 percent of the Apollo moon shot, which gave us such a demonstration of efficiency during the last 10 days; to eliminate the ABM, which has been authorized for $5 billion; I would like very much to defer the TFX on which we have spent $4.5 billion, which is no good at all, and which has been proved to be ineffectual. The McNamara line has very dubious value, according to reports in the press. All of those items add up to $15 billion. I would be more than willing to cut on them. However, why do we have to cut on a small educational program. In my State there is involved a very small amount; not a great sum at all. We have to go forward. There is $25 million for FHA. This is ridiculous compared to what we have thrown out with such a project as the TFX, which is an absurd thing.

My senior colleague from Arkansas has pointed out to this body and the Government all about the TFX and he did so at the time we made the commitment. It came as no surprise.

Mr. President, all of this only means that I do not accept the infallability of the administration in the allocation of these funds. I do not at all accept the idea that I voted for economy and then will not vote for the cut. I have tried to cut some of these things but we failed to do it. One of the reasons is that we did not realize at all the terrible condition we are in because we had been misled by innumerable statements from the administration that everything was going fine in Vietnam, that we were in good condition here, and so forth. We had been misled. Now, we recognize how serious the condition is in this country

and I am more than willing to cut on a number of things. However, I cannot see the significance of cutting these items.

Mr. CASE. Mr. President, I associate myself with the chairman of the Committee on Foreign Relations in items he pointed out as susceptible to wise reduction or elimination in amounts totaling billions of dollars.

Mr. FULBRIGHT. They are very large amounts.

Mr. CASE. And I repudiate any suggestion that it is because we consider these piddling amounts that we want to send this back to conference. I wish to repudiate any suggestion that we are not interested in economy or do not have concern for the balance of payments or anything else involving our fiscal situation.

Mr. FULBRIGHT. I appreciate the Senator's confidence.

The PRESIDING OFFICER. The question is on agreeing to the last part of the motion by the Senator from Alabama; namely, that the Chair be authorized to appoint conferees. [Putting the question.]

The motion was agreed to; and the Presiding Officer appointed Mr. HOLLAND, Mr. ELLENDER, Mr. MAGNUSON, Mr. BIBLE, Mr. MCGEE, Mr. YARBOROUGH, Mr. MUNDT, and Mr. JAVITS conferees on the part of the Senate.

EASTER ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 761.

The PRESIDING OFFICER. The Chair lays before the Senate, House Concurrent Resolution 761, which will be stated.

The assistant legislative clerk read as follows:

HOUSE CONCURRENT RESOLUTION 761

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, April 11, 1968, it stand adjourned until Monday, April 22, 1968.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of line 4, strike the period and insert the following: ", and that when the Senate adjourns on Thursday, April 11, 1968, it stand adjourned until Wednesday, April 17, 1968."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

The House concurrent resolution, as amended, was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, April 11, 1968, it stand adjourned until Monday, April 22, 1968, and that when the Senate adjourns on Thursday, April 11, 1968, it stand adjourned until Wednesday, April 17, 1968.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, before the distinguished Senator from Louisiana is recognized, I wish to express deepest personal thanks to the distinguished Senator from Wyoming, who has been waiting patiently all day, but who consented to permitting this matter to come before the Senate for consideration.

EXTENSION OF EXCISE TAXES ON AUTOMOBILES AND COMMUNICATIONS FOR 1 MONTH

Mr. LONG of Louisiana. Mr. President, the revenue bill which the Senate passed recently, H.R. 15414, which included the 10-percent surtax proposal and the $6 billion ceiling on expenditures, will be in conference for a considerable period of time because of the very large and significant amendments added by the Senate.

Meanwhile, the 7-percent manufacturer's excise tax on automobiles and the 10-percent excise tax on communication services have expired. When H.R. 15414 becomes law these taxes will go into effect retroactively—back to April 1. However, this creates problems, since the longer we take in conference without completing action on these excise taxes, the further back they will necessarily be retroactive, when they eventually take effect. Therefore, the conferees recommended the passage of a bill extending these excises for 1 month. The House has just agreed to House Joint Resolution 1223, which is a simple extension of the manufacturer's excise taxes on automobiles and communication services for 1 month—up to the first of next month, May 1.

The conference will need at least that long to complete its work because it is anticipated that there will be action in the House, to express the views of the responsible House committees, and perhaps of the House itself, on certain of the vital issues dealt with in H.R. 15414, such as the major tax increase and the major limitation on expenditures.

That being the case, the 1-month extension of the excise taxes was discussed with both the majority and the minority members of the Committee on Finance, and also with the Ways and Means Committee of the House. These Members of both Houses agreed that the simple extension of these excise taxes for 1 month should be adopted.

Now the Senator from Delaware [Mr. WILLIAMS] has some remarks he wants to make on the subject. While I do not necessarily agree with the remarks he may make, I believe that he and I both agree it would be appropriate to continue the existing excise taxes on automobiles and communication services until the 1st of May, so that the conference will have the opportunity to meet while the tax is still in effect.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed immediately to the consideration of House Joint Resolution 1223.

The PRESIDING OFFICER (Mr. HART in the chair). The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

H.J. RES. 1223

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the following provisions of the Internal Revenue Code of 1954 are each amended by striking out "March 31, 1968" and inserting in lieu thereof "April 30, 1968", and by striking out "April 1, 1968" and inserting in lieu thereof "May 1, 1968":

(1) Section 4061(a)(2) (relating to tax on passenger automobiles);

(2) Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles); and

(3) Subsections (a)(2) and (c) of section 4251 (relating to tax on certain communications services). Subsection (c) of such section 4251 is amended by striking out "February 1, 1968" and inserting in lieu thereof "March 1, 1968", and by striking out "January 31, 1968" and inserting in lieu thereof "February 29, 1968".

(b) The amendments made by subsection (a) shall take effect as of March 31, 1968.

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

There being no objection, the Senate proceeded to consider the resolution, which was read twice by its title.

Mr. WILLIAMS of Delaware. Mr. President, I shall go along with the administration's request for an extension of the excise taxes on automobiles and telephones from April 1 to May 1, but I do so reluctantly and with concern that this may be the end of the bill.

The fact that a 30-day extension is even necessary is a further indication of the fiscal irresponsibility of this administration and its failure to cooperate with the Congress on questions of fiscal restraint.

When H.R. 15414 was before the Senate an amendment sponsored by Senator SMATHERS and myself was approved by a vote of 53 to 35. This amendment provided for—

First. A $6 billion mandatory reduction in spending for fiscal 1969;

Second. A roll back in Federal civilian personnel to the level of September 20, 1966—the date of President Johnson's alleged freeze order. This would result in a 140,000 mandatory reduction in Federal civilian personnel, and it would be accomplished without the dismissal of any employee. This section provided for the hiring of but two of each four normal resignations or retirements until the September 20 level had been reached;

Third. It directed the President to submit a plan for reducing the 1969 budget authority by $10 billion; and

Fourth. A 10-percent surtax with such tax effective January 1, 1968, for corporations and April 1, 1968, for individuals.

The conference committee acting on H.R. 15414 has not been able to reach an agreement on the Williams-Smathers expenditure-reduction, tax-increase package primarily because the adminis-

tration made it clear to the conferees that while it wanted a tax increase it would not accept the expenditure reductions contained in our amendment.

Likewise, those of us supporting this amendment have made it equally clear that we would not support the tax increase unless there were mandatory control over spending written in the law.

Let the record be clear, the conference is not deadlocked as some would try to claim. I have stated to the Senate and I have repeated in the conference that while I would use every argument of persuasion I could to get our amendment accepted, nevertheless I would not tie up the conference. Since the administration seems determined not to accept the expenditure reductions and since we are determined not to accept the tax increase without the expenditure cuts, why prolong the argument?

My suggestion to the conferees was that, since it is obvious that this expenditure-reduction, tax-increase proposal will not be accepted by the administration, why not proceed to approve the rest of the bill, the purpose of which would be to extend the excise taxes for an extra year?

In making this suggestion, however, I want to make it clear to the Senate that the administration will have to accept the full responsibility for any disastrous consequences that may result from such failure to act on the Williams-Smathers package.

Our country is confronted with a serious threat of inflation, one which cannot be ignored. The Business Survey Committee of the National Association of Purchasing Agents completed a survey in March wherein they pointed out that:

For 60 consecutive months, prices have gone up from the month before. Even more frightening, they pointed out that the inflation enters its sixth year with a grip on the economy more powerful than it had at the start. Continuing they noted:

For the first time in 8 months there is no item to report on the downside of price movements.

The American dollar is in trouble, and once the central banks of Europe become aware that this administration and the Congress will not display some degree of fiscal restraint, embracing both realistic expenditure controls and a tax increase, there may well be precipitated another run on the dollar.

For the past 5 years this administration has spent over $60 billion more than the taxes collected in revenue, with the deficit for fiscal 1968 estimated at approximately $20 billion while the deficit for fiscal 1969 is estimated at $28 billion.

These projected deficits will be reduced only by whatever expenditure reductions or tax increases may be enacted. Furthermore, this combined $48 billion projected deficit for 1968 and 1969 does not include the extra $5.5 billion which the President requested last week as representing additional costs in Vietnam.

Action must be taken toward reducing expenditures and increasing taxes. We cannot afford to continue to operate this Government at an average deficit in excess of $2 billion per month.

Failure to act means more inflation. Interest rates, already at the highest level within the past 100 years, will go higher. The cost of living will continue to rise while millions more of our retired citizens living on fixed incomes will be further pauperized.

For 15 months this administration has been talking about reducing spending and raising taxes, yet thus far not a single member of the President's party in Congress has introduced their tax bill, with the result that questions are being asked—does the administration really want to control this inflation by curtailing expenditures and raising taxes, or do they just want a political issue? The American taxpayers are entitled to a clear answer to this question.

Even now with an expenditure reduction and tax increase proposal having passed the Senate and in conference, they cannot decide whether or not to support it. To keep the record straight, it passed the Senate with no support from the administration. Sure, they want the tax increase in order to get more money to feed the Great Society spending schemes, but they are determined not to accept the expenditure reduction proposals.

As stated earlier, I shall support the 30-day extension of the excise taxes from April 1 to May 1, but before the end of this period I will expect a decision to be made as to whether there will or will not be a reduction in expenditures along with a tax increase this year.

The policy of the Johnson administration in managing both its foreign and domestic policies has been to wait for a crisis before acting.

The next crisis on financial policy may well be too late. Let us not overlook the fact that devaluation of any nation's currency is nothing less than international recognition of national bankruptcy. Why wait for another crisis before we act on this bill?

There is only one reason why—I repeat, there is only one reason why—the tax-increase, expenditure-reduction bill is before us here today for final action—it is the determination of this administration thus far not to support any expenditure reductions.

Mr. LONG of Louisiana. Mr. President, the Senator from Louisiana is very familiar with the views of the Senator from Delaware on this subject. However, I sometimes wonder if there is communication between the Senator and those who speak for the administration. In many respects I do not agree with either one of them. I did not vote for the income surcharge when it was added to the bill or for the expenditure limitation when it was added. But it seems to me that the position of the Senator from Delaware is clear and that the position of the administration also is clear. Therefore, I do not see any reason for one to misunderstand the position of the other.

Having heard the discussions in committee, in open hearings, and on the floor, there has never been any doubt in my mind as to where the difference lay between the administration's position and the position of the Senator from Delaware. They both agree there should be a major increase in taxes. That is their position. The administration has certainly urged, in every way it could, to vote for a tax increase. At least, that has been my impression. The President has done everything he could to persuade us. My impression is that without the administration's support, it would not have been agreed to in the Senate.

Further, the administration is willing to make reductions in its own budget, which it had recommended, and has favored some agreement between the Congress and the administration in order to do that.

As the Senator understands the situation, it would be the President's present view that if he could have the revenue—if that were practical—he would prefer not to cut those items he asked for in his budget; but recognizing the facts of life, that Congress will not agree to that big a tax increase without expenditure cuts, the President—and those who support him in the executive branch—is prepared to accept a major reduction in Federal spending. However, the administration does not like the figure the Senator from Delaware wants. He likes the idea of a spending cut of $6 billion. Even that figure, I think, is somewhat of a retreat from the figure the Senator would prefer, since he previously sponsored in a bill providing for a cut of $8 billion.

So it is very clear that the Senator favors a reduction somewhat beyond that which the administration feels is practical.

My understanding of this matter is that the executive branch, representing the President, feels that if one looks at where these expenditure cuts will have to be made to get the $6 billion reduction in expenditures which the Senator from Delaware wants, it would be deeper than Congress would want and certainly deeper than the administration would want.

So if one looks at the expenditure cuts that would have to be made, item for item, he will see that Congress and the administration are not in full agreement. The administration thinks there must be a major reduction, given the existing situation, but not the $6 billion the Senator favors.

It may be that Congress will agree to the Senator's suggestion and make that big a reduction, but in my judgment that is not a matter where there is insincerity on either side. The Senator favors a $6 billion reduction. The administration feels that if that deep a cut were made, it would do harm to important programs recommended by the administration in messages to Congress and which the Congress has supported. This is indicated today by the action on the conference report to return this report to conference to provide greater appropriations in certain areas than the House conferees previously were willing to provide.

So this matter is something that will have to be worked out by good men working together, each seeking to achieve the national interest, as he understands it, according to his knowledge and the dictates of his conscience.

There is also a difference between the

administration and the Senator from Delaware with regard to how the Government could best reduce the number of Federal employees. Here also the administration favors the objective of eliminating nonessential employees. It has a different suggestion, however, as to how this objective can be obtained than does the Senator from Delaware.

In my judgment, as one who once served on the Post Office and Civil Service Committee, which has jurisdiction over matters of this type, and as one who once served on the Government Operations Committee, which also would have the responsibility in this area, the way the administration would go about reducing personnel appears to me to be preferable to the way the Senator from Delaware would go about it. But who am I to say I am right and the Senator from Delaware is wrong? He may be entirely right. But all I say is that these are procedures for doing something, about which men can have honest differences of opinion, without one reflecting on the other. I pray that the man who is right will prevail, and that the good Lord will protect me from my own mistakes if I am in error. All I can do is my best as the good Lord gives me the light to see it, which may not be very good light.

The Senator from Delaware did not say much about an additional item, which is very important, that threatens the success of the conference between the Senate and the House in this major revenue bill, and that is the amount of obligational authority to spend money that should be available as a result both of the bills Congress has passed in prior years and those which it is currently considering. It is the view of some of those in the House that the present and proposed obligational authority is excessive; that it will lead to excessive spending; and that the administration should agree to some sort of procedure which will greatly reduce the amount of obligational authority of the executive branch to spend money.

The Senator from Delaware had in his proposal which was in the substitute agreed to by the Senate, a suggestion which would have had the administration outline for the Congress what a $10 billion reduction in obligational authority would mean for various budget items. As I understand it, those who speak for the Ways and Means Committee seem to think that is not enough; that there should be a bigger cut. Also they want a mandatory cut in obligational authority.

So while the administration is dissatisfied with the proposal for the spending cut, and while the senior member of the House Ways and Means Committee would appear to be dissatisfied with the Senator from Delaware's proposal with respect to obligational authority, that does not mean they do not think the Senator from Delaware is 100 percent sincere, an honorable man, a man who believes in fiscal responsibility, and a man who is doing the best he can to discharge his responsibility under his sworn oath to preserve the Constitution and preserve the Nation. They just feel there should be a bigger cut in obligational authority than the Senator was willing to suggest and also that the obligational authority proposal should be mandatory.

So as far as the Senator from Louisiana is concerned, he is somewhat in the position of the shuttlecock in a badminton game, being batted back and forth across the net between two contending sides, trying to get people together and get them to agree on something, as the Senator would have us do, after the Senate, in passing a bill, has made major amendments to a measure which the House sent us.

Mr. President, while I agree in large part with the Senator, and appreciate his cooperation in moving these matters along and his willingness to agree on things that must be done, I do wish I could persuade him that the President of the United States is sincere in what he is trying to do. The man does not plan to run for office again. I am convinced he is sincere about that. Someone even suggested that he might end up supporting a Republican for President before the campaign is concluded, though it seems to me that is carrying nonpartisanship to an unnecessary extreme.

But the President has tried to take himself completely out of politics, to try to resolve some of these difficult matters, the war in Vietnam in particular, as well as other problems that accompany it, including the big deficit we have which in many respects may be regarded as a part of that overall problem.

So I urge the Senator from Delaware to be charitable and tolerant with the President in the President's desire and effort to discharge his responsibilities, and with Secretary Fowler's efforts to do his duty as the merciful Lord permits him to see it. I ask the Senator to give him the benefit of the doubt and the presumption that, while they may not see their responsibility precisely as the Senator sees it, or recommends exactly the same things he recommends, in the last analysis they are seeking to reach the same objectives he is seeking to reach, and that I seek to reach in my way, though I am sure that sometimes I make mistakes which I would not make if I were better advised, more fully informed, and more able, as I am sure must happen to others also.

So I would hope that we can agree on this matter, and that we can work out these differences in conference. It has been a long time since we passed a bill with as many major points of difference as H.R. 15414, now in conference between the two Houses. I appreciate the efforts of the Senator from Delaware to make the Senate view prevail. He is doing his very best, as a conferee, to achieve that result; and while I did not vote for all the amendments, I shall certainly support the Senate positions to the best of my ability.

Mr. WILLIAMS of Delaware. Mr. President, I wish to make it clear that I am not insisting that the President of the United States, the Senate, or the House of Representatives has to buy my views on how to solve the financial crisis which I believe confronts us. I offered a package on January 31 which I thought would do the job. It embraced a tax increase and a mandatory reduction in expenditures.

My reason for offering it was that while for the past 2 years the President has been making speeches about being interested in a tax increase up to that point—in fact, up to the present time—not a single Member of Congress on the President's side of the aisle, in either the House of Representatives or the Senate, has backed him up to the extent of introducing the bill. The man simply could not get his bill introduced.

So I said, "If you cannot find a man in your own party with respect enough for the President of the United States to do it send the bill down, and whether I agree with it or not, I will introduce it to get it before a committee." But even that suggestion was not accepted.

Finally, recognizing that we were drifting into a financial crisis—and we are in one—on January 31, 1968, I introduced a bill incorporating mandatory expenditure reductions, which I was willing to support, with a tax increase.

The bill passed the Senate and is now in the House of Representatives. I say again, if they have a different idea let them go ahead and reject our proposal; let the administration send down its own bill. Surely somebody in the House of Representatives will introduce it. The House can pass it, sending it over here; and if it is along the same lines and would attain the same objectives as the bill I introduced—namely, provide for reductions in spending together with a tax increase—I shall support it. I have no pride of authorship.

But we are confronted with the situation that not a single member of the Democratic Party will introduce his bill.

Mr. President, the situation boils down to this: This administration is the greatest spendthrift that has occupied the White House in the history of our country. They spent $60 billion above our income in the first 5 years the President was in office; and our deficit now is running at the rate of $2 billion a month. We cannot get any cooperation at all from the White House when it comes to cutting back on spending, and to make the situation even worse, the Senate here this afternoon displayed little concern over curtailing expenditures.

The suggestion is made that the President has a better proposal for reducing employees than I have offered. He has a proposal, but it is not worth the paper it is written on as far as being effective to control the number of employees. It is more like the previous efforts.

I go back and review his record on cutting employees. In December 1965 he called a special press conference down at the Texas ranch and announced to the public that he was cutting the number of employees by 25,000 during the remainder of that fiscal year. That was the next 7 months.

The proposal was hailed all over the country as a great step toward economy, one that would save several hundred million dollars; but what happened? Instead of cutting out 25,000, the administration added 190,000 in the next 7 months.

Then the election of 1966 approached. The American people were getting concerned about the cost of government; so the President on September 20 issued an Executive order freezing Federal civilian employment at the July 1, 1966, level. This was another grandstand display of economy.

What happened again? He actually added another 140,000 employees during the following 7 months. Then last December—just this past December—Congress passed a proposal which most of the Members thought would reduce the number of personnel by 2 percent. Again the proposal was hailed as an economy measure. But what happened this time? The President has sent to Congress a budget for fiscal 1969 asking for 46,650 more employees in the next year.

In short, we are about to go broke on these phantom reductions in employees. We are about to go broke from the false economy as practiced by this administration.

We hear much about the "promised land". I say, Mr. President, that we are in it now, and we cannot afford it. We have here a situation where in the plain judgment of the Federal Reserve Board and the Secretary of the Treasury this Congress dare not—I repeat, dare not—reject the proposal to cut spending and raise taxes.

So what happens? The administration refuses to accept the package, and it is languishing in conference.

I shall support this resolution today to give them a chance to work out an agreement, but I do expect it to be worked out during the remainder of this month. That is time enough. If the House is jealous of its prerogatives and want to introduce its own bill then let them do so. Let them pass it and send it over—the same bill or one which will achieve the same objectives, and I will support it. I have no interest in preserving the sponsorship of the measure. But something had to be done, and it was apparent that there was not another man in Congress who would introduce such a bill. I have appealed to the chairman of the Committee on Finance, "Please introduce your own President's bill." But it is not here.

I say again that speaking of the promised land, we are living in the promised land, and we are about to go broke on the Johnson promises. We just cannot afford any more of this economy built on promises alone.

I wish to make it clear again: while I sponsored this tax increase, coupled with a bona fide expenditure reduction I will not support it when it comes out of conference if the expenditure reduction provisions are deleted or eliminated. Having made that clear, I see no need for debating the issue for 3 months or 6 months. The time has come for Congress to put up or shut up. The time to act is now, or it may be too late.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 1223) was ordered to a third reading, was read the third time, and passed.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The Chair advises the Senator from Florida that for long hours the Senator from Wyoming [Mr. HANSEN] has been waiting for the floor.

Mr. HOLLAND. Mr. President, will the distinguished Senator from Wyoming yield to me simply to make an announcement?

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

Mr. HOLLAND. Mr. President, I have already been in touch with Representative MAHON, the chairman of the Appropriations Committee of the House of Representatives and chairman of the House conferees on the matter of the conference on the supplemental appropriation bill.

As soon as the Chair announced that I had been appointed as chairman of the Senate conferees, I immediately put in a call for Representative MAHON. I am sorry to report, in spite of the fact that I had hoped we could have a conference in the morning, that Representative MAHON advised me there will be no quorum available in the House in the morning. The House has already been released except for a pro forma meeting tomorrow.

Representative MAHON advised me also, that the conferees, for the most part, are gone and that there is no way for us to have a conference on the supplemental bill until after April 22, the day on which the House will return.

I regret to make this announcement, but I thought that in respect to the various Senate conferees I should get this word to them as quickly as I can.

I ask the secretaries on both the majority and minority sides to please advise the conferees concerning that situation. There can be no conference on the supplemental bill until April 22 or thereafter.

I thank my distinguished friend, the Senator from Wyoming [Mr. HANSEN], for yielding.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the resolution was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO RETIRING POSTMASTER GENERAL AND NEW APPOINTEE

Mr. HOLLINGS. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. Mr. President, I yield to the Senator from South Carolina without losing my right to the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Delaware just commented about the country going broke. I do not wish to dispute or argue that particular point, but I think there is a notable exception with respect to facing up to fiscal responsibility, and that is that during the past year, with respect to the Post Office affairs of this Nation, Congress raised the postal rates by $1 billion.

I believe that Congress acted wisely in raising the postal rates by $1 billion and putting the Postal Department on a businesslike basis. I believe that we have done so as an accolade and approval of the policies and leadership of Larry O'Brien who, in my judgment, has been the greatest Postmaster General of all times.

We have just heard the announcement of the resignation of Larry O'Brien as Postmaster General.

Succeeding him, the President has announced his intention to appoint Mr. Marvin Watson. Mr. Watson comes to the executive branch of the Government with executive ability. I commend President Johnson for his choice of a very worthy successor for Postmaster General O'Brien.

All Members of the Senate are very familiar with Mr. Watson's dedication to every task he undertakes. He is one of those people who never knows a time clock and believes that every problem should receive constant attention until it is resolved. This is the type of job involved in the position of Postmaster General.

Mr. Watson is an able administrator. The office of Postmaster General requires a talent for administration.

Mr. Watson is personable, and the Postmaster General must be personable.

Mr. Watson is an innovator and the job of moving our country's mail, requires our constant innovation.

In my opinion, Mr. Watson will make an excellent Postmaster General.

I commend the President on his choice and urge that the Senate give speedy confirmation to this appointment.

I thank the distinguished Senator from Wyoming for yielding.

CRISIS IN OUR COUNTRYSIDE

Mr. HANSEN. Mr. President, there is a growing awareness that the crisis of our cities is really a reflection of the crisis of our countryside.

As John Fischer, of Harper's magazine, said recently:

> So far attention has been focused almost entirely on one end of the river of migration; the cities, where it ends up. That is where the trouble is noisiest and most visible.

Mr. Fischer goes on:

> The woes of the cities almost certainly are insoluble, therefore, so long as they continue to import poverty on an unlimited basis. Their only apparent hope of salvation is, first of all, to halt the stream of migration and then, eventually, to reverse the flow.

Thus, Mr. President, I shall speak of ways to combat the grave ills of urban America today, by speaking for the needs and aspirations of sparsely settled areas, rural districts, places of declining population. In a very direct way, the steps which we can take now to hold people in, and attract people to, Wyoming and other sparsely settled areas, are steps toward stabilizing and then solving our urban ills.

Let us consider briefly the overall picture of the outmigration from the countryside since 1950. From 1950 to 1960, a net total of 4.6 million Americans moved away from rural counties. Rural population for the decade actually fell some 400,000 overall, while the country

as a whole increased by 28 million persons. Since 1960, it has been estimated that the outmigration has averaged 804,000 per year—or about 5.5 million people in 7 years.

Who are these migrants? Briefly, they are the young, the best educated, the least educated, and southern Negroes. They come from both farm and nonfarm occupations.

During the 1950's, 60 percent of the people leaving our rural areas were under 20 years of age. As Alice C. Kinkead, of the Legislative Reference Service, points out in her excellent paper, "Rural to Urban Migration in the United States":

> Rural areas tend to lose permanently many young people who earn college degrees, since jobs for which a college education is necessary are generally found in urban areas.

Mr. President, I ask unanimous consent that Miss Kinkead's paper be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HANSEN. Mr. President, at the same time, those whose skills have not adapted to changes in the rural economy, together with small-scale farmers who are below average in education, wealth, or management skills, also migrate to the cities in search of better opportunities. Thus, the best and the least educated lead the depopulation of our rural areas.

The youth of outmigrants, moreover, leads to a distortion in the structure of the remaining population. We find a shortage of adults in the working age brackets, and a small proportion of young families to stabilize the rural population.

What we have, then, is a vicious circle. Rural areas continue to lose population because the young leave; but rural life is less attractive because there are so few young people to fill jobs, to form community life, to raise children. This vicious circle—if I may change my metaphor—meshes with that of urban overcrowding much like two gears mesh.

My own State of Wyoming, Mr. President, has lost population since 1960. This is a reversal of earlier trends, and there is reason to believe that it is a temporarily reversal. But what has happened in Wyoming is instructive.

Between 1950 and 1960, Wyoming's population increased by about 40,000, or 13.4 percent. But at the same time, the population in rural areas—outside the larger towns and cities—decreased by about 3,400, or 2.3 percent. Since 1960, Wyoming's population has actually dropped an estimated 15,000, or 4.6 percent. Of this decline, nearly all can be attributed to rural areas. The Wyoming Department of Agriculture estimates the State will lose 100 farms during 1968.

There are two sides to this problem in our sparsely populated State. On the one hand is the continued decline in agriculture. This is a several sided problem.

During the last two decades many farm operating costs have increased some 80 percent, while agricultural products are selling at about the same price level they were 20 years ago. Simply, many in agriculture are going broke.

Great advances in mechanization and technology have increased agricultural output. Fewer people are required to hoe the corn and pick the cotton. At the same time, the cost-price squeeze is forcing farmers whose labor costs far outstrip price increases to mechanize as much as possible.

Another major factor is that Federal programs have benefited larger farm operators at the expense of smaller ones.

But the other side of the problem is essentially nonagricultural. There has been a lack of educational facilities, job training and job opportunities, and high-level public services and amenities in our rural areas. Consequently, those who have grown up in rural areas and those who can no longer make a living in agriculture have found nothing to keep them in the area where they live.

Up to now, Mr. President, we have dealt with these problems in a disjointed and piecemeal fashion. Because we have not put these problems in perspective, many of our efforts have been ineffectual. We have, for instance, failed to view facilities grants for small communities, job retraining, scientific education, Federal contracting and many other programs and activities in the light of the need to stabilize or even further disperse our population. A continuing failure on our part to take this view will mean a continuing inability to deal with the crisis of the cities.

Mr. President, I ask unanimous consent that a thoughtful editorial from the Wyoming State Tribune, "Wyoming and the Cities," be made a part of the RECORD.

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

WYOMING AND THE CITIES

In view of two recent developments it might be timely to repeat a pertinent statement made to a Senate subcommittee in Washington nearly a year ago, by Lewis Mumford, noted author and for more than 40 years recognized as an outstanding authority on cities and their problems.

Said Mr. Mumford at that time: "The rapes, the robberies, the destructive delinquencies, the ever-threatening violence . . . are symptoms not just of bad planning, or even of poverty, but of a radically deficient and depleted mode of life, a life from which both the most destitute slum dwellers and the most affluent suburbanites equally, though in different ways, suffer. There is no planning cure for a machine-centered existence which produces only psychotic stresses, meaningless happenings, and murderous fantasies of revenge.

"On the basis of this wholesale reversal of our good intentions I must ask you: Is there any reason to suppose that a massive attempt by the federal government to wipe out the existing slums—however we may define them—will succeed any better than those we have been building on a large scale all over the country since 1947?

"Is there any plausible reason for expecting any better results from wholesale government intervention, under our present auspices, no matter how much money you are prepared to spend? If you embark on such a program without asking more fundamental questions about the reasons for our past failures, and if you fail to set up more human goals than those which our expanding economy now pursues, you will be throwing public money down the drain. And worse: in the course of doing this you will bring about even more villainous conditions than those which you are trying to correct; for you will wipe out on a greater scale than ever what is left of neighborly life, social cooperation, and human identity in our already depressed and congested urban areas."

Mumford, who has studied the cities since the 1920s, is appalled at "sprawling megalopolitan messes." People, to have a real meaning to their lives, must know and understand each other and have some identity; this can come only from relatively small units, or communities, he says.

We quote Mumford again because we believe firmly and definitely his is the only message of meaning and hope for Americans today as they strive to cope with the massive social problems created for America in the 1960s by the cities. Quite obviously Mumford has not yet been read by President Johnson's Anti-Riot Commission which proposes to do what Mumford says must not be done: Compound the miseries and problems of the great urban blights of this country by spending billions of dollars that not only seem destined to accelerate urban disorders and disarray, but also set the stage for the destruction of our nation as we know it.

But others have heard; or if they have not heard they share similar ideas with Mumford. Yesterday, a story in this newspaper quoted from a memorandum prepared by the executive director of our own state's Natural Resource Board, Roy Peck, that was distributed to a Wyoming-sponsored meeting of corporation executives and investment bankers in New York City last week.

On a slightly different note, if nevertheless preached the essential Mumford message: Do not contribute further to the plight of the cities by building more plants and factories around the already congested peripheral areas of the great cities! Move your plants out into the countryside where people can begin living again, and whereby the pressures exerted on the decaying core of the urban agglomerations can be relaxed!

Wrote Mr. Peck in his memorandum entitled "The Wyoming Quality Growth Plan":

"Urban decay is progressive, fed geometrically by uncontrollable population growth . . . Western man is essentially work oriented. His job is his main status symbol. He loves his job, and he will go where his job is. Industry then can control urban decay best. Private enterprise has it within its power to play the leading role in the de-urbanization of America—by diversifying into rural America—not just moving to the surburbs and further entrapping the inner city.

Cities can remain the nerve-centers of America, but industry can remove a part of the urban polluters—people.

"For it is not essentially the big plant that pollutes, but the people who roar to work in their endless cars, who drain their detergents down overloaded pipes, who burn their stinking garbage, who overcrowd their own schools, who change their homes into ghettos, their incessant noise—it is people pollution that destroys the city," says Peck.

Suburbia contributes to that urban erosion, he adds, because it destroys human values and also destroys the great and valuable cultural value, the city.

"Urban planners and philosophers alike . . . fight a losing battle unless the economic pattern of the nation is changed," he says. "Only private enterprise can effect this change. No amount of housing and urban development planning will accomplish this task, for their spiral bound volumes and heady words will gather dust on the shelf while the mayors and the governors of states try to get the garbage picked up."

Last year, quoting Mumford, we said America must tear down its cities and scatter them across the countryside, a figure of speech because literally to do so would be an impossibility and probably undesirable.

But we can, and must, stop their growth, their snowballing process, their compres-

sion—because to continue to do these things is to invite disaster. That, unfortunately, is precisely what the President's Anti-Riot Commission proposes to do, and why it must not be allowed to succeed in a course that is sheer calamity.

Mr. HANSEN. Mr. President, what is to be done? Let me suggest in outline form.

We must give the States and localities more flexibility and more resources to deal with the problem at the local level.

We must disperse our higher educational efforts, and also the scientific technologically oriented activities of the Federal Government and its contractors.

We must encourage new industry and new vocational training in rural areas.

We must push an orderly and balanced development of our natural resources.

We must set to work at once to study and analyze the patterns and trends of our population and our economy, to gather relevant and sufficient data for sound future decisionmaking.

The tools for these tasks are right at our hands. We need only take them up. A number of legislative proposals now before us can easily be combined into an effective "reclamation project" along that river of migration which ends in our great cities.

The proposals I would include are—

First. Senate Joint Resolution 64, introduced by Senator MUNDT. This resolution would create a Commission on Balanced Economic Development which would gather and analyze in a coordinated way information about the causes and effects of the distribution of economic development and population in the United States.

In spite of objections from the administration that such a Commission was unnecessary, the Senate passed Senate Joint Resolution 64 in 1967. I urge that the House act quickly and favorably.

Second. S. 522, by Mr. ALLOTT, and other proposals aimed at fostering the orderly development of our natural resources.

Many of our sparsely populated and declining areas are anything but poor. In themselves, they have a great wealth of natural resources—of minerals, of soil, of water, of wildlife, and of clean air. This certainly is true of Wyoming, Mr. President, and it is true of many areas from which thousands of Americans migrate to Los Angeles, Chicago, Pittsburgh, or New York.

Orderly development of viable and sustained extractive industries is of paramount importance here. I have spoken out at length twice in the Senate on this subject, and I shall continue to demand a policy for the balanced development of our great oil shale and associated mineral resources.

Such industries can generate jobs, spinoff employment, tax revenue and many other essentials for revitalizing sparsely settled areas.

Of course, the control of air and water pollution, the furtherance of forestry and wildlife management, and the wise conservation of water for multiple-use end—all of these things, which are continually reappearing in the legislation which we consider, ought to be measured in terms of the powerful attraction which they exert to offset the urban magnet.

Third. S. 2134, the Rural Job Development Act, introduced by Senator PEARSON. This legislation would provide tax credits for both the building of new industry and for the hiring and training of the jobless in rural job development areas, to be designated by the Secretary of Agriculture.

Mr. President, I ask unanimous consent that a brief description of S. 2134 be included at this point in the RECORD.

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

SUMMARY OF MAJOR PROVISIONS OF S. 2134

The purpose of this bill is to create jobs and job-training in rural areas. This, in turn, is an effort to stem the migration from country to city. The hope is that more job opportunity, a greater economic base, and a larger tax base will hold people in smaller towns and isolated areas.

The means—the core of the bill—are special tax incentives. A business locating in a "rural job development area" would receive:

(1) 14 per cent investment credit on equipment

(2) 7 per cent investment credit on buildings

(3) Accelerated depreciation—⅔ normal life for equipment and buildings

(4) Deduction of 125 per cent for wages and salaries paid to low income persons, for first three years.

In addition, the Manpower Development and Training Act is amended, and additional funds authorized, for MDTA coverage. Much of this is expected to be on-the-job-training.

A "rural job development area" is determined by the Secretary of Agriculture according to the following criteria: A county which (a) forms no part of an SMSA; (b) has no city of 50,000 or more; and (c) (i) has 15 per cent of its families with incomes of less than $3,000, (ii) has had a decline of employment at a rate of more than 5 per cent per year during the past 5 years, or (iii) where closing or curtailing of a military installation is likely to cause a substantial migration out of the area. An Indian reservation may also qualify.

To qualify, a firm must:

(1) Demonstrate that it has not discontinued an operation somewhere else, and that it will not reduce employment elsewhere.

(2) Must create at least 10 new jobs right away, and show a reasonable ratio between investment and jobs created.

(3) Must hire 50 per cent or more of its initial work force from residents of the area; and 33 per cent from among individuals who have low incomes or have just completed military service or Job Corps training.

(4) Provide written notice from local authorities that the proposed enterprise meets local zoning requirements.

(5) Must be engaged in industrial production, wholesale operation or, if not competing with existing local enterprises, in recreation. Retail and service operation, which would threaten existing local business, are excluded.

The bill has recapture provisions in case of non-compliance. It also provides for the Secretary of Agriculture to make a survey to determine which areas qualify.

Mr. HANSEN. Mr. President, nearly everyone agrees that we must have more jobs, more training in the skills which today's complex jobs often require, and more retraining in new skills for those whose occupations are declining.

But if we concentrate on developing jobs and training in the cities and ignore the countryside, we shall lose the battle, and very possibly the war, against unemployment and poverty. In fact, we must take some action which deliberately tilts the economic factors in favor of locating and expanding industry in rural and declining areas.

The equalization of opportunities between village and gotham is a necessary step to stop the escalation of urban crises.

One method which has worked with some success to create new jobs in the remoter areas of the country is that of locally initiated industrial development funding. A community like Green River, Wyo., for example, might issue tax-exempt bonds in order to develop industrial park facilities. The town, in turn, would have new jobs, new people, new trade, and new tax revenues.

Unfortunately, the Treasury Department saw fit to end tax-exempt status for these bonds. So far as I am concerned, Mr. President, this action displayed too well the lack of broader vision which still hampers our efforts to attack national problems in a coordinated, effective manner. I regret very much that the Senate recently supported the Treasury's view in this matter.

If the Congress does not review and restore the tax exemption for development bonds—as I hope it still might—then there is all the more reason why we must act on alternative steps to attract industry to our sparsely settled regions. The most promising alternative is the tax credit approach.

Fourth, Senate Concurrent Resolution 29, introduced by Senator MILLER; Senate Concurrent Resolution 22, by Senator PEARSON; and Senate Resolution 110, by Senator CURTIS. All these bills call for the Federal Government to weigh the question of population dispersal in awarding noncompetitive contracts and in distributing research and development funds.

The first three steps I advocated all require Federal Government action in one way or another. But they do not take account of the importance of Federal spending in our economy. Because Washington is the major source of funds for research and development projects in the United States, as well as the largest single purchaser of goods and services, even marginal changes in the pattern of Federal spending can have significant impact.

A great deal of Federal spending for research and development, and for procurement, involves an element of discretion. It is not handled on a competitive bid basis. Some of this Federal money provides jobs in manufacturing and services. Much of it supports industries propelled by the most advanced technologies. Still more of it, directly or indirectly, feeds technical and higher education, and university research.

It is imperative, Mr. President, that the impact of this Federal spending be dispersed so that job and education opportunities reach the countryside. High growth, pacesetting technological industry must not be confied to the perimeters of our metropolitan areas.

At the very least, Federal spending which involves some discretion ought

not be used to bind in steel the vicious circle of urban migration.

Fifth. S. 1236, the Tax-Sharing Act, introduced by Senator BAKER, together with myself and 14 other Republican Senators.

This act would provide a substantial portion of the resources necessary for the States to meet head on the crises of rural decline and urban explosion.

We shall delude ourselves and betray much of our American heritage as well if we think we can meet these crises with Washington-based policies alone. During the past 30 years, we have too often forgotten the importance of diversity and local initiative. To reverse the crushing centralization of our population, we must reverse the tide of centralization of our Government.

Mr. Fischer, in his Harper's piece, put the case better than I ever could. He said:

> Most of the rural states, as they are now organized, are almost helpless to do anything about the poverty within their borders, or the seepage of migration which it causes. The reasons for this are many, ancient, and too complex to discuss in detail here. They include obsolete state constitutions (and outmoded tax systems . . .
>
> The federal government, as it is now organized, can't do much better. The poverty programs have helped some, but they have been largely offset by other federal operations which are doing positive harm . . .
>
> The one thing on which all Governors agree—regardless of party—is that this country can't be run from Washington. They have a professional bias, of course; but in this case I suspect they are right.

Writing of the national Governors' conference held aboard the SS *Independence*, Mr. Fischer calls its participants "doomed men" because they are caught in a political dilemma. They can try to meet the urgent and insistent demands of the people of their States; but if they do, they will be forced to up taxes to the point of political suicide. But if they prefer to "hold the line" on taxes, and to let Washington's Great Society have the field, they will not meet the people's needs and demands, and their political careers will soon end.

The key to the dilemma is, of course, to combine the immense resource-gathering capabilities of the Federal Government with the flexibility and political responsiveness of State and local governments. Prof. Daniel P. Moynihan has put it succinctly:

> The federal government is good at collecting taxes and it is rather bad at disbursing services.

Mr. Fischer foresees the development of new and exciting governmental structures and programs at the State and local level in order to stem the exodus from our rural areas and to achieve stable solutions to our urban problems. But I would submit, Mr. President, that these critical State and local initiatives will be severally stunted unless and until the Federal Government counteracts the resource squeeze.

Mr. President, I ask unanimous consent that Mr. Fischer's excellent article be included in the RECORD at this point.

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

A SHIPLOAD OF DOOMED MEN

Man and boy, I have seen a good deal of bad reporting; and I have produced enough shabby copy of my own to feel qualified as a connoisseur. The sorriest job of news coverage that I can remember, however, was committed by the flower of American journalism, in massed ranks, at the Governors' Conference last October.

For nearly six decades the Governors of the states and territories have been accustomed to meeting once a year, usually at some comfortable resort, to sip whisky and swap notes on their peculiar trade. This time, at the invitation of the Governor of the Virgin Islands, they assembled on board the USS *Independence* for a cruise to St. Thomas and St. Croix, talking business en route. Along with them went more than a hundred newspaper, radio, and television reporters, including many political analysts of high renown. Their working conditions were close to ideal. The liner's tourist quarters had been converted into amply equipped press rooms. To move their copy and broadcast tapes, they had a battery of special radio transmitters, plus helicopters shuttling at frequent intervals from ship deck to shore. Dreamiest of all, the reporters had their quarry—the Governors, together with their wives, pollsters, press agents, and political soothsayers—all penned together for a week, helpless and within easy range, like fish in a barrel. From such a setup, one might reasonably expect vintage political reporting, rich with insight and sagacity.

Alas, most of the vast wordage which flowed from the *Independence* turned out to be not only thin and perfunctory stuff; much of it was also—in my view, at least—downright misleading.

To be fair, this was not entirely the reporter's fault. Most of them obviously had been instructed by their home offices to focus exclusively on Presidential politics. The resulting stories were trivial because in this area nothing really happened. The Democratic Governors were, of course, stuck with Johnson, like him or not. Among the Republicans, no yet-uncommitted politician was stupid enough to pledge himself, at this early stage of the campaign, to any candidate. About all that remained to be said, therefore, was that: (1) Romney confirmed his right to the title, bestowed on him by Al Otten of the Wall Street Journal, of The Dynamic Bore; (2) Reagan looked smarter, or at least more nimble-witted, than most reporters had expected; (3) Rockefeller seemed to mean it when he said—like Stevenson in 1952—that he would not lift a finger to reach for the Presidential nomination. But his henchmen were henching hard, with confidential hints that if the nomination should float into his hands, as it did into Stevenson's, he would not throw it out the window. And the suspicion grew that he stood the best chance of beating Johnson.

For the rest, the press filed color stories about The Purloined Telegram and gubernatorial antics on the dance floor. Some of them made the whole expedition sound like an Elks outing.

In fact, it was more like a Greek tragedy. To my considerable surprise, I discovered that many of the Governors regard themselves as doomed men. They suspect that they face early political extinction, which they cannot avoid no matter what they do. This is true of men in both parties, including some of the best as well as the mediocre. The best, incidentally, are very good indeed. I got the impression that this batch of Governors probably is the ablest, on the average, that the country has had at any one time for at least a generation. The younger Republicans are especially impressive—such men as Chafee of Rhode Island, Evans of Washington, Love of Colorado, and Agnew of Maryland. In style and habits of mind, these junior Governors are remarkably like their Democratic counterparts—for example, Breathitt of Kentucky and Hughes of New Jersey. That is, they are well educated, thoroughly at home in the contemporary world, and pragmatists rather than idealogues; the terms "liberal" and "conservative" hardly apply, since they carry connotations of ancient battles. The bright young Governors of both parties are more concerned with issues which loom ahead, of a very different kind.

The brightest, indeed, are the most anxious, for they understand most clearly the dilemma that confronts them. Briefly, it is this. Nearly every state government is being called upon to accomplish certain novel, urgent, and enormous tasks, for reasons to be noted in a moment. If the Governors fail to tackle these jobs, they will be thrown out—because the voters are demanding action wtih sharply rising impatience. But if a Governor does try to do what needs to be done, he is likely to be defeated anyway—because he will have to ask for a doubling (or more) of his state's taxes. To put it another way, "the great, rancid American public," as Mark Sullivan used to call it, knows what it wants from its state governments; but it does not yet know the price tag, and when it finds out, it will be appalled.

Even that great economizer, Ronald Reagan, cannot escape. His aides aboard ship were openly apprehensive about what might happen this month, when Californians will get their biggest tax bills ever. And one Eastern Governor was even gloomier. He predicted privately that "a whole generation of political leadership will be wiped out in the next five years" in the coming struggle to make needs and costs meet.

These blanching facts emerged, piecemeal, during the working sessions of the conference which were virtually ignored by the press. Often they were concealed in the impenetrable prose of staff reports, which the newsmen—understandably—seldom hurried to read. A pity, for the underlying story is an epic—a major historical drama, which involves the whole American people, whether they realize it or not.

What is happening, essentially, is one of the great migrations of history. It is comparable to the invasion of the Roman empire by the Goths; and the results are, in some ways, quite similar. *During the last fifteen years, roughly ten million people have moved from rural areas into the big cities.* And they are merely the crest of a flood which has been running for a long time. When I was born, in 1910, a third of all the people in this country lived on farms; today the figure is only 6 per cent. In just the last twenty years, the farm population has been cut in half.

The tide, moreover, will continue to flow. The best estimates available suggest that at least two million additional workers will move out of rural areas by 1970.

Why do they leave? Primarily because they can no longer make a living on the land. They are being pushed off by a technological revolution more far-reaching (though less publicized) than the automation which is under way in our factories. A few weeks ago, for example, I visited a cotton plantation in Louisiana which had given homes and work to forty Negro families for more than a century. Dreadful homes, true enough, and not much work: only about 120 days a year, chopping the weeds out of the cotton rows in the spring and picking the ripened bolls in the fall—but enough for survival, with a little help the dooryard truck garden. This winter thirty-seven of those forty families will have to leave. From now on all the work on that plantation can be done by three men, using chemical weed killers and tractor-drawn cotton-picking machines.

Where these evicted families will go is a matter of considerable interest to all of us—including, especially, every Governor aboard the *Independence*. Certainly there are no jobs

for them in Louisiana, and precious little hope for public assistance. Probably most of them will head for Memphis, the first big city to the North—and then drift on to Chicago and Los Angeles and New York, where, they have heard, it is possible for hungry folks to get on The Welfare.

They will have plenty of company. Some 55,000 people in similar plight will be leaving Mississippi farms this winter, and every other Southern state will add its battalions to this army of bewildered wanderers. Nor do they come from the South alone. The Midwest and every other major farming area are engaged in the same process of replacing field hands with machines and chemicals. Even in California, traditionally a heavy employer of migrant agricultural labor, the jobs are disappearing fast. Witness the latest triumph of the FMC Corporation: it has just announced that its plant in San Jose, California, has developed "a new self-propelled mechanical grape harvester" which "will pick about twenty tons of grapes per hour." Within three years, it added, "the majority of wine grapes will be mechanically harvested."

The hemorrhage is running not only from the farms. The small towns all over the country are being depopulated too. Originally most of them served as shopping and service centers for farm families living within a few hours' drive by horse-and-wagon. Now their customers are mostly gone—and those left can easily shop in the nearest city, thanks to the auto and the paved highway. (The result in human terms was movingly portrayed by Larry King in his "Requiem for a West Texas Town," published in the January 1966 issue of *Harper's*.)

Meanwhile, Megalopolis continues to grow like a cancer, uncontrolled and apparently uncontrollable. Already 70 percent of all Americans live on only one per cent of our land—squeezed into the sixteen great metropolitan areas—and plenty more are on the way.

A shift of population on this scale is bound to throw any society out of joint. But even the Governors, from their special vantage point, are barely beginning to realize the violence of the dislocation—and to think about ways of mending it.

So far, their attention, like that of the nation's press, has been focused almost entirely on one end of the river of migration: the cities, where it ends up. That is where the trouble is noisiest and most visible; that's where the riots happen, where the relief rolls swell with bankrupting speed, where the school systems break down, traffic clogs like a plugged artery, and slums and sewers overflow. Consequently everybody—from CORE to the Chambers of Commerce—is demanding in panicky haste that we Do Something about the cities.

At first glance, the remedies seem obvious enough: more public housing, more money for relief, more training programs for the people who stream into town unskilled and often illiterate. Above all, more jobs—preferably in the core of the city where unemployment and hopelessness are worst.

At second glance, maybe not. These things, if undertaken on the necessary scale, would break the fiscal backs of the cities and the urban states not to mention the political necks of the men in government who try to raise the taxes to pay for them. Moreover, they probably would not work. On the contrary, they might well speed up the flood of poor people from the boondocks. After all, if these refugees can get jobs and housing and medical care—or even relief checks—in the city, that is the sensible place to go.

The woes of the cities almost certainly are insoluble, therefore, so long as they continue to import poverty on an unlimited basis. Their only apparent hope of salvation is, first of all, to halt the stream of migration and then, eventually, to reverse the flow.

These are some of the conclusions which began to emerge from the quiet, worried committee meetings of the assembled Governors. Four other conclusions began to take shape as well:

1. Although the well-publicized troubles of the cities are, God knows, bad enough, they are not so shocking as the still-almost-unknown troubles of the rural areas. Ordinarily we think of poverty as a curse of the slums. In fact, there is even more poverty in the country and small towns. According to the rough measure used by government agencies, an average family with an income of less than $3,000 a year is "poor." By this gauge, one person out of every eight in the metropolitan areas is living in poverty. But in rural areas the figure is one out of every four. Altogether fourteen million rural Americans are poor—and a lot of them, naturally enough, are thinking about moving to the city. (They are not, as one might think, mostly Negroes. In fact, of the fourteen million, eleven million are white.)

2. Most of the rural states, as they are now organized, are almost helpless to do anything about the poverty within their borders, or the seepage of migration which it causes. The reasons for this are many, ancient, and too complex to discuss in detail here. They include obsolete state constitutions, outmoded tax systems, and in many cases a structure of government which worked fine in pre-Civil War times, but makes no sense at all today. Kentucky, for instance, has 120 counties—all but a few of them too small and feeble to function as effective tools of government. (Some, indeed, have trouble raising enough tax money to pay the county judge, with nothing left over to repair the courthouse or keep up the local roads.) The better Governors are trying hard to modernize their state machinery, but the job is barely begun.

3. The federal government, as it is now organized, can't do much better. The poverty programs have helped some, but they have been largely offset by other federal operations which are doing positive harm. For example, the intricate system of farm subsidies has enriched the big landowners at the expense of the little farmer; and by artificially speeding up the process of mechanization, it has hastened the flight from the land. Again, the Bureau of Reclamation has (at staggering cost to the taxpayer) shifted much of the cotton business from the Mississippi Delta to Arizona and California, ruining innumerable Old South families in the process. Even the benevolent bureaucracies—such as the Office of Economic Opportunity and the Farmers' Home Administration—have been so ham-handed, so entangled in Congressional red tape, and so snarled in inter-bureau quarrels that they have, all too often, simply multiplied confusion in the local communities where they operate.

The one thing on which all Governors agree—regardless of party—is that this country can't be run from Washington. They have a professional bias, of course; but in this case I suspect they are right.

4. Since neither the states nor the federal government is now set up to do what has to be done, it seems likely that new institutions, new structures of government, will soon begin to take shape. For this country is not about to throw up its hands in despair and go out of business. As a people, we have shown a remarkable capacity for political innovation. When pushed by brute necessity, we always have invented tools to do the job at hand—from the New England town meeting to the Tennessee Valley Authority, Community Action Programs, and regional transport agencies. Already, I believe, we are moving into an era of fresh political creativity, which may change the whole structure of American society within the next generation.

The familiar frameworks of government—states, counties, townships, and so on—will not disappear. In all probability they will persist, at least in vestigial form, while the new institutions grow up within them and gradually take over many of their functions, together with new functions which nobody is now performing. An analogy, perhaps, is the way the nation states developed during the late Middle Ages within the feudal system. Feudal remnants linger on to this very day—England's Lord Privy Seal, for example—but the power has moved elsewhere.

The first signs of such a transformation already are showing up in some unexpected places. West Virginia, Kentucky, and Georgia—imagine, Georgia!—are beginning to group their counties together into something called Development Districts. They are in effect super-counties, large enough to tackle certain urgent tasks which are utterly beyond the capacity of the individual counties—notably economic planning to attract new industries and create jobs. If they work, they will be a significant first step toward halting the stream of migration to the big cities. Mayors Lindsay, Daley & Co. should be praying that they do.

Again, some states are beginning to join together to cope with problems which no one of them can handle alone. River and air pollution, obviously, are no respecters of state boundaries; nor does it make sense any longer to plan highway and airport systems on anything smaller than a regional basis. A first response is such multi-state groupings as Appalachia, Ozarkia, and the Four Corners region of the Southwest; conceivably they, and their counterparts elsewhere, will be operating before long as super-states for some important purposes. So at least the Governors' Conference suggested, in an astonishingly far-reaching set of recommendations on regional cooperation.

To cite a final example, the country is groping to find some way to govern Megalopolis. Today the great metropolitan areas literally have no government. Greater New York, as everybody knows, sprawls into three states; in the words of Robert C. Wood, it is "one of the great unnatural wonders of the world" because it contains 1,467 distinct political units—counties, villages, sewer districts, and so on—with no central authority to keep them marching in step. Its performance, consequently, is a little like that of the brontosaurus, who floundered to extinction because he had no central nervous system capable of commanding his vast bulk. Our other urban blobs—in Southern California, around the tip of Lake Michigan, along the shores of Puget Sound, and elsewhere—are in a similar plight. Each of them is trying, in very different ways, to develop a central nervous system; their varying outcomes, we can be sure, will be unlike any machinery of government we have yet known.

Unlike some of the Governors, who were preoccupied with their own impending doom, I came away from the Conference in a mood of exhilaration. I had a feeling that I had been given a glimpse of an exciting time just ahead. It may be a time when we find a new national purpose: to resettle the deserted hinterland, to discover ways of moving people and jobs away from Megalopolis before it becomes both uninhabitable and ungovernable. It may be a period when we invent new ways to govern the modern state, as we invented the machinery for settling and governing an empty continent two hundred years ago. Certainly it will be a period of political realignment—possibly more drastic than anything yet imagined either by the despairing youngsters of the New Left or the frightened oldsters of the Extreme Right.

Mr. HANSEN. Mr. President, as former Secretary of Health, Education, and Welfare, John Gardner said before the Subcommittee on Intergovernmental Relations of the Senate Government Operations Committee:

Federal dollars can be given to a State under conditions that strengthen State government, preserve the State's freedom of decision, and encourage the dispersed initiative that has been the strength of our system.

Thus the States, together with the local units of government under them, have a great challenge. If we in Congress act boldly on revenue sharing, then the States may succeed where Washington has failed.

The river of migration into our cities can best be regulated at and near its headwaters—at the local, regional, and State level.

We have before us proposals which can, if enacted soon, redirect Federal policy toward stabilizing our population distribution. The principal step which we can take is to inject new vigor and new possibilities into State and local government by transferring Federal resources.

For the sake of the youngster in the overcrowded, inadequate ghetto school, and for the sake of his poorly educated cousin, whose hometown horizons in the sparsely settled South or West are tragically limited, let us do these things now.

EXHIBIT 1

RURAL TO URBAN MIGRATION IN THE UNITED STATES: BACKGROUND FACTS AND RELATED FEDERAL PROGRAMS AND LEGISLATIVE PROPOSALS

The large wave of migration from rural to urban areas during the last two decades has been one of the major economic phenomena of our time. This migration has not only heightened the seriousness of many highly publicized urban problems, but it also has been a major factor in rural unemployment and poverty, which though less dramatic than those of urban slums, are now seen to be related to existing urban ills.

Rural manpower requirements are changing more rapidly than the skills of rural workers can be updated. The 90th Congress has shown considerable concern over the resulting problems of the cities and depressed characteristics of rural areas. This paper is intended to give a brief background concerning the magnitude and direction of U.S. migration since 1940 and to outline the Federal programs dealing with the resultant problems presently in operation and proposals being considered in the 90th Congress.

RATE OF RURAL OUT-MIGRATION

The latest available figures on rural out-migration come, for the most part, from the 1960 Census and the Census projections. Based on that enumeration over two-thirds of the U.S. population is now concentrated in little more than 200 metropolitan centers, and here 85 percent of U.S. growth is taking place. Moreover, the rural population is no longer predominantly farm—three-fourths of the 54 million rural residents do not live on farms.

Between 1950 and 1960 an estimated net total of 4.6 million people moved away from rural counties. This represented a rural depopulation of some 400,000 in the face of an overall increase in U.S. population of 28 million. During this period at least 60 percent of the rural migrants were under 20 years of age, while the migrant rate for the middle age group rarely exceeded 10 percent.

The net out-migration rate in the 1960's has been slightly higher than in the 1950's. The estimated annual net out-migration for the period 1960-1966 was 804,000 persons. According to the Department of Agriculture, the average annual net out-migration from rural areas for 1950–1955 was over 1,000,000, while for 1955–1960 it was only about 900,000. Even though these annual net out-migration figures are less for the 1960's than they were a decade earlier, the rate of out-migration is slightly higher, due to the smaller rural population base.

Those with the highest rate of migration have been the southern Negroes. Between 1950 and 1960 the Negro rural population of the South declined by about 600,000.

WHO IS MOVING AND WHY

Both farm and non-farm residents are leaving rural counties. Some of these migrants are well educated; others are not. As noted above, southern Negroes have the highest migration rate. This is due primarily to their displacement in agriculture by mechanization and the decline of the share tenant system. Another important factor contributing to the high migration rate of Negroes is their search for equality of social and economic opportunity. The question of why people are migrating from rural areas can only be answered in terms of these broad categories, since it has been found that many move for personal reasons, such as a relative recently moving to an urban area or better urban educational opportunities. It, therefore, cannot be assumed that job opportunity is the primary reason for rural out-migration nor that simply creating rural jobs is the answer to stopping rural to urban migration. (See Appendix.)

Rural areas tend to permanently lose many young people who hold college diplomas, since jobs for which a college education is necessary are for the most part in urban areas. Beyond this normal rural loss, the questions of whether the "best" of the youth are leaving has not been answered. While many well educated do leave, many other advantaged youths stay, since the remaining rural opportunities in stable or declining areas are most readily available to families who own businesses or have ample resources of land and capital.

The agricultural or farmer out-migration has generally been among the small-scale producers who are below average in education, wealth or management ability, and who are attracted by the possibilities of higher wages and other advantages of urban work and living.

Paradoxically, both the best educated and the least educated have the strongest motives for leaving rural areas.

As one would expect, according to the Census Bureau, the most common migrant is between the ages of 18 and 29—a young person, just out of school (either graduate or drop-out) who must find a job. (1967 Manpower Report projections estimate the out-migration percent for 1960–1970 for this age group to be 34.2 percent.) He thus migrates to where job opportunities are better. The middle age migrant is less common since at that age the benefits of moving are generally less.

This high rate of rural youth out-migration has in recent years led to a distortion of the age structure of rural populations, resulting in a comparative shortage of adults in the working age brackets. This is particularly true of the farm population. Births have also declined in rural areas due to the high percentage of young migrants. Therefore, in many rural counties the absolute population decline is often due to natural causes—more deaths than births.

Little else is known about the characteristics of the migrants. There are virtually no data for rural non-farm migration and very little information on where the farmer migrant actually went.

WHAT IS KNOWN ABOUT WHERE MIGRANTS SETTLE

By comparing Department of Commerce residence data for April 1955 and April 1960, it was possible to ascertain who, in the interim, had departed from the following three predominantly rural areas: the heart of Southern Appalachian coal fields (consisting of parts of West Virginia, Virginia and Kentucky); the Mississippi delta subregion (consisting of parts of Missouri, Arkansas, Louisiana and Mississippi); and the South Central Corn Belt (consisting of parts of Iowa, Missouri and Illinois).

It is believed that most of the migrants from the Appalachian area went north to industrial centers or northeast across the mountains. The most frequent metropolitan destinations of some 62 percent of these migrants were cities in the Midwest and Middle Atlantic States: Cincinnati, Cleveland, Columbus, Dayton, Detroit, Chicago, Washington, D.C., Baltimore, New York and Norfolk. It is estimated that by 1960, 50 to 55 percent of the rural youth between the ages of 10 to 17 years had moved away from West Virginia's rural areas. This appears to be characteristic of most of the Appalachian plateau.

Migrants from the Mississippi delta subregion also favored metropolitan centers. Approximately a fourth moved north into the Midwest, primarily to Chicago and St. Louis. About a tenth migrated to the Pacific Coast, notably Los Angeles. The remaining Mississippi migrants settled largely in Memphis, Detroit, Houston and Dallas. At least 60 percent of these migrants from Mississippi were Negroes, their departure mainly prompted by agricultural mechanization.

The majority of those changing residence in the South Central Corn Belt simply moved within the region, with nearly a half moving only to another part of their home State. Many went to Chicago, St. Louis and Kansas City, but a lower proportion of the total migrants moved to metropolitan centers than in the case of the other two regions.

Nevertheless, a factor common among migrants of all three regions was convergence on metropolitan areas. Groups of predominantly urban counties gained population. The gains, however, were not sharpest in the big cities, but in the less urbanized counties, suburbs and middle sized cities. Over the last five years, the decline in employment opportunities for blue collar workers in the industrial North has tended to discourage migration to that area.

The Department of Commerce has estimated the net migration by color and region for the period 1950–1960. The rate of Negro out-migration from the South for this period was approximately 14.1 percent or 1,457,000 persons, compared to a net in-migration of .1 percent or 52,000 for whites. The Northeast and North Central appear to have received the largest number of these Negro migrants; a net figure of 558,000 or 23.8 percent of the Negro migrants settled in the North Central, accounting for 23.8 percent of the Negro population there, as opposed to a white net out-migration of 679,000 or 1.6 percent of the white population there. Whites also migrated from the Northeast at a rate of 0.6 percent or 206,000, whereas Negroes settled in the Northeast for a net increase of 541,000 persons, or 26 percent of the Negro population there. Both Negroes and whites had net in-migration rates for the Western States of 39 percent and 18.4 percent respectively. However, in absolute figures, 3,036,000 more whites than Negroes migrated to the West.

PROGRAMS TO AID RURAL AREAS

The 1965 Manpower Report of the President noted that rural dwellers are on the whole less educated or well trained to compete successfully in our modern, urbanized society. Therefore, the Report suggested there is a particular necessity to identify and train the rural migrant before he moves or to provide adequate jobs in rural areas where the potential migrant is located. The Federal programs presently in operation are designed to this end.

1. The purpose of the *Area Redevelopment Act of 1961 (ARA)* is to redevelop low income

areas where persistent unemployment and underemployment exist. The development of physical plants and industrial expansion is encouraged in an effort to reduce out-migration. Occupational training is provided under the program, and some 65,000 new jobs were created in rural areas by the time of the program's termination in 1965.

2. The *Public Works and Economic Development Act of 1965* replaced the ARA and emphasized multi-county redevelopment and established regional planning for groups of States which are geographically, culturally, historically and economically related. There are five of these multi-state regions: New England, the Upper Great Lakes, the Ozarks, the Coastal Plains, and the Four Corners (which includes adjoining parts of New Mexico, Colorado, Arizona, and Utah).

3. The *Appalachian Regional Development Act of 1965* established a Federal-State commission to formulate coordinated programs for overall development of the region, to provide the basic facilities essential to regional growth and development of human resources and to encourage private investment and individual initiative. Under the auspices of the Act, construction has begun on a 2,350-mile highway network to facilitate mobility of the region's labor supply. In addition, plans and guidelines have been developed for a multi-county health demonstration program consisting of construction of hospitals, clinics, health centers and nursing homes. Construction of some 40 vocational and technical schools has begun, and an Educational Advisory Commission has been established to evaluate the quantity and quality of the region's educational facilities.

4. There are, in addition to the above mentioned programs, numerous rural community programs formulated under Title II of the Economic Opportunity Act of 1964, such as Community Action Programs (CAP). Moreover, the Manpower Development Training Act offers opportunities to many rural residents. Federal services are also extended to rural areas through the Farmers Home Administration, the Extension Service and the Federal Employment Service.

FUTURE CONSIDERATIONS

There are two primary factors which will tend to influence the future rate and direction of rural migration. First, the bulk of demographic adjustment stemming from changes in the agricultural industry has now taken place. The rate of change from this reduced base can remain high for another decade or so, but the absolute change will be less.

Secondly, there are indications of some modifying factors of a growth nature for the presently depopulating areas. The spreading peripheries of metropolitan centers will bring more rural districts into urban commuting distance, and Federal programs put into operation since 1961 will tend to aid development of nonagricultural rural areas. These programs will no doubt ease further rural out-migration. It should be noted, however, that rural out-migration has in fact resulted in two separate sets of problems: those for redevelopment of depopulated rural areas, and assimilation of the migrants in urban centers. Both sets of problems will require extensive study and treatment.

PROPOSALS IN THE 90TH CONGRESS

There are numerous bills pending in the 90th Congress directed toward dealing with the rural-urban migration problem. These proposals can be classified in three main categories: job development incentive programs; rural job development programs; and urban employment opportunities development programs.

Ten *job development incentive* bills have been introduced in the House. They are for the most part identical to H.R. 9032, introduced by Congressman Burton of Utah, which directs the Secretary of Agriculture to designate as job development areas those areas in which he finds a county with more than 25 percent of the family residents earning incomes under $3,000 a year; an Indian reservation; or substantial out-migration due to curtailment of defense installations. The bill provides for certification of special tax treatment for new plants moving into the area, and in certain cases, an additional 7 percent investment tax credit and allowance for deduction and amortization of development facilities for a period of 60 months.

This bill and others similar to it are designed to provide tax incentives applicable only to new businesses entering the less developed areas of the U.S. with the intention of offering sufficient enticement to get businesses to locate rurally, rather than in developed metropolitan areas.

There are four *rural job development bills* in the House and one in the Senate, S. 2134, introduced by Senator Pearson. These bills are similar to the job development incentive bills in that they offer tax incentives to businesses locating in certain designated rural job development areas—the criteria for designated rural areas differ, however. The Pearson bill is more inclusive and broader in scope in that it includes all those counties not included in the Bureau of the Budget standard metropolitan statistical areas, or containing no city over 50,000 or where more than 15 percent of the resident families have incomes under $3,000 a year. Furthermore, a county can be a designated job development area if it has experienced a decline in employment for 5 years at an annual rate of more than 5 percent, or is an Indian reservation, or an area experiencing substantial out-migration due to defense installation curtailments.

The Pearson bill, like the other rural job development bills, goes further than the job incentive bills by providing for job training program allowances and further tax incentives to those businesses hiring a certain percentage of their staff locally.

Sponsors of these rural job development bills claim they have a dual purpose. They are designed not only to stimulate rural development but to ease the migration to urban centers—perhaps even stimulate a slight reverse flow of urban to rural migration.

There are 15 *urban employment opportunity development bills* in the House and one in the Senate, S. 2088, introduced by Senator Robert F. Kennedy. These bills are directed toward the urban problems resulting from rural out-migration. The Kennedy bill provides income tax incentives and other benefits for taxpayers operating certain commercial and industrial facilities in urban poverty areas. The bill further provides for a tax deduction of 25 percent of the compensation paid during the tax year to employees who were not in jobs in existence prior to certification of program eligibility, or for low income employees residing in such poverty areas and not previously employed. The bill also authorizes $20,000,000 for fiscal year 1968 for job training assistance. Under this bill, the Secretaries of Health, Education, and Welfare; Labor; Commerce; and Housing and Urban Development certify eligibility and authorize training assistance.

APPENDIX

TABLE H.—REASON FOR MIGRATING: LABOR FORCE STATUS OF MIGRANTS JUST BEFORE MOVE, BY AGE

[Percent distribution]

Labor force status just before move, and age	Total		Reason for migrating						
	Number (thousands)	Percent	To take a job	To look for work	Job transfer	Better housing	Marriage and family	Other [1]	Not available
Total, 18 to 64 years [2]	3,269	100	29.5	11.9	8.1	10.9	14.6	24.5	0.6
Employed	2,048	100	31.3	7.6	11.6	13.8	13.2	22.3	.2
Unemployed	398	100	29.8	42.2	1.8	6.8	11.9	7.1	.5
Not in civilian labor force	678	100	23.6	8.8	1.5	4.4	21.0	40.2	.6
Total, 18 to 24 years [2]	931	100	26.0	13.4	3.5	6.7	25.3	24.3	.8
Employed	417	100	27.6	11.0	6.2	9.8	27.1	17.6	.7
Unemployed	108	100	46.3	35.2	----------	5.6	11.1	1.9	----------
Not in civilian labor force	370	100	19.4	9.4	1.1	3.5	28.8	36.7	1.1
Total, 25 to 64 years [2]	2,338	100	30.8	11.3	9.9	12.5	10.3	24.6	.6
Employed	1,631	100	32.2	6.7	12.9	14.9	9.6	23.5	.1
Unemployed	290	100	23.6	44.8	2.4	7.3	12.2	9.0	.7
Not in civilian labor force	308	100	28.6	8.0	1.9	5.5	11.6	44.4	----------

[1] Includes such reasons as health, residing far from place of work, leaving the Armed Forces, and miscellaneous reasons.

[2] Includes some persons whose labor force status just before move is not known.

Source: Special Labor Force Report No. 44, reprint from Monthly Labor Review, August 1964, Bureau of Labor Statistics, Department of Labor.

TABLE I.—LABOR FORCE STATUS OF MIGRANTS IN MARCH 1963 BY LABOR FORCE STATUS IN MARCH 1962 AND JUST BEFORE MOVE

Labor force status in March 1962 and just before move	Labor force status in March 1963						
	Total	Percent distribution					
		Total	Employed	Unemployed	Not in labor force		
					Total	In school	Other
Labor force status just before move, total [1]	3,269	100	82.1	9.4	8.5	4.2	4.3
Employed	2,048	100	91.1	5.2	3.8	1.5	2.3
Unemployed	398	100	71.2	24.7	4.0	.5	3.5
Not in civilian labor force	678	100	61.8	14.3	23.9	13.1	10.8
Employed in March 1962 [2]	2,267	100	89.6	6.5	3.8	1.5	2.3
Status just before move:							
Employed	1,919	100	91.9	5.0	3.1	1.1	2.0
Unemployed	188	100	70.8	24.9	4.3	----	4.3
Not in civilian labor force	44	[3]	----	----	----	----	----
Unemployed in March 1962 [2]	235	100	71.9	23.0	5.1	.9	4.3
Status just before move:							
Employed	47	[3]	----	----	----	----	----
Unemployed	172	100	69.0	27.5	3.5	----	3.5
Not in civilian labor force	12	[3]	----	----	----	----	----
Not in civilian labor force in March 1962 [2]	740	100	62.2	13.9	23.9	13.5	10.4
Status just before move:							
Employed	65	[3]	----	----	----	----	----
Unemployed	35	[3]	----	----	----	----	----
Not in civilian labor force	616	100	60.8	14.7	24.5	13.2	11.3

[1] Includes some persons whose labor force status in March 1962 or just before move is not known.
[2] Includes some persons whose labor force status just before move is not known.
[3] Percent not shown where base is less than 100,000.

Source: Special Labor Force Report No. 44, reprint from Monthly Labor Review, August 1964, Bureau of Labor Statistics, Department of Labor.

TABLE F.—REASON FOR MIGRATING: LABOR FORCE STATUS OF MIGRANTS IN MARCH 1962, BY AGE

[Percent distribution]

Labor force status in March 1962, and age	Total		Reason for migrating						
	Number (thousands)	Percent	To take a job	To look for work	Job transfer	Better housing	Marriage and family	Other [1]	Not available
Total, 18 to 64 years [2]	3,269	100	29.5	11.9	8.1	10.9	14.6	24.5	0.6
Employed	2,267	100	31.4	10.1	11.2	12.9	12.3	21.6	.5
Unemployed	235	100	30.9	37.3	.8	9.3	10.6	10.2	.8
Not in civilian labor force	740	100	24.0	8.4	1.2	5.1	22.4	38.3	.5
In school	(246)	100	40.0	6.1	----	6.5	31.0	14.7	1.6
Other	(494)	100	16.0	9.5	1.8	4.5	18.1	50.1	----
Total, 18 to 24 years [2]	931	100	26.0	13.4	3.5	6.7	25.3	24.3	.8
Employed	455	100	31.0	13.0	6.3	8.2	23.9	17.6	----
Unemployed	54	[3]	----	----	----	----	----	----	----
Not in civilian labor force	411	100	20.0	9.2	1.0	4.4	29.2	35.3	1.0
In school	(184)	100	29.0	8.2	----	7.6	40.4	12.6	2.2
Other	(227)	100	12.7	10.1	1.8	1.8	20.2	53.5	----
Total, 25 to 64 years [2]	2,338	100	30.8	11.3	9.9	12.5	10.3	24.6	.6
Employed	1,812	100	31.2	9.5	12.4	14.2	9.4	22.6	.6
Unemployed	181	100	30.9	36.5	1.1	8.8	9.4	12.2	1.1
Not in civilian labor force	329	100	29.1	7.3	1.5	6.1	13.8	42.2	----
In school	(62)	[3]	----	----	----	----	----	----	----
Other	(267)	100	18.9	9.1	1.9	6.8	16.2	47.2	----

[1] Includes such reasons as health, residing far from place of work, leaving the Armed Forces, and miscellaneous reasons.
[2] Includes some persons whose labor force status in March 1962 is not known.
[3] Percent not shown where base is less than 100,000.

Source: Special Labor Force Report No. 44, reprint from Monthly Labor Review, August 1964, Bureau of Labor Statistics, Department of Labor.

TABLE B.—COMPONENTS OF POPULATION CHANGE FOR THE METROPOLITAN AND NONMETROPOLITAN POPULATION, 1960-65 AND 1950-60

[Number in thousands. Rates computed per 1,000 midperiod population]

Area	1960 to 1965				1950 to 1960			
	Components of change		Average annual rate of—		Component of change		Average annual rate of—	
	Natural increase	Net migration	Natural increase	Net migration	Natural increase	Net migration	Natural increase	Net migration
United States	12,626	+1,846	1.3	+0.2	25,337	+2,660	1.5	+0.2
Metropolitan counties	8,589	+2,436	1.3	+.4	16,336	+8,634	1.5	+.8
Central counties	6,620	+740	1.3	+.1	12,910	+4,131	1.5	+.5
Suburban counties	1,969	+1,696	1.4	+1.2	3,426	+4,504	1.6	+2.1
Nonmetropolitan counties	4,037	−590	1.2	−.2	9,002	+5,974	1.5	−1.0

Source: Current Population Report, series P-25, No. 371, Aug. 14, 1967, Bureau of the Census, Department of Commerce.

TABLE C.—POPULATION CHANGE FOR METROPOLITAN AREAS, 1960–65, BY SIZE IN 1965

[Numbers in thousands]

Size category	Population		Change, 1960–65		Net migration, 1960–65	
	1965	1960	Number	Percent	Number	Percent of 1960 population
All metropolitan areas [1]	129,313	118,377	+10,936	+9.2	+2,400	+2.0
1,000,000 and over	72,182	66,157	+6,025	+9.1	+1,525	+2.3
500,000 to 1,000,000	24,048	21,884	+2,164	+9.9	+535	+2.4
100,000 to 500,000	31,220	28,604	+2,616	+9.1	+366	+1.3
Under 100,000	1,863	1,733	+130	+7.5	−26	−1.5

[1] Excludes Middlesex and Somerset Counties, N.J.

Source: Current Population Report, series P–25, No. 371, Aug. 14, 1967, Bureau of the Census, Department of Commerce.

TABLE D.—METROPOLITAN AREAS WITH POPULATION INCREASE OF 25 PERCENT OR MORE, 1960–65

Standard metropolitan statistical area	Percent increase, 1960–65	Standard metropolitan statistical area	Percent increase, 1960–65
1. Las Vegas, Nev.	82.4	6. San Jose, Calif.	37.8
2. Oxnard-Ventura, Calif.	59.5	7. Reno, Nev.	33.2
3. Anaheim-Santa Ana-Garden Grove, Calif.	57.3	8. Fort Lauderdale-Hollywood, Fla.	32.2
4. Huntsville, Ala.	45.4	9. Fayetteville, N.C.	30.2
5. Santa Barbara, Calif.	44.1	10. San Bernardino-Riverside-Ontario, Calif.	26.7

Source: Current Population Report, series P–25, No. 371, Aug. 14, 1967, Bureau of the Census Department of Commerce.

TABLE E.—METROPOLITAN AREAS WITH POPULATION INCREASE OF 200,000 OR MORE, 1960–65

Standard metropolitan statistical area	Population increase, 1960–65	Standard metropolitan statistical area	Population increase, 1960–65
1. Los Angeles-Long Beach, Calif.	727,000	7. Houston, Tex.	278,000
2. New York, N.Y.	671,000	8. San Francisco-Oakland, Calif.	270,000
3. Chicago, Ill.	468,000	9. San Jose, Calif.	243,000
4. Washington, D.C., Maryland, and Virginia	419,000	10. Detroit, Mich.	224,000
5. Anaheim-Santa Ana-Garden Grove, Calif.	404,000	11. San Bernardino-Riverside-Ontario, Calif.	217,000
6. Philadelphia, Pa., and New Jersey	321,000	12. Dallas, Tex.	205,000

Source: Current Population Report, series P–25, No. 371, Aug. 14, 1967, Bureau of the Census, Department of Commerce.

TABLE 1.—ESTIMATES OF THE TOTAL RESIDENT POPULATION OF STATES AND PUERTO RICO, JULY 1, 1966, AND COMPONENTS OF POPULATION CHANGE SINCE APR. 1, 1960

[Figures include persons in the Armed Forces stationed in each area]

Region, division, and State	July 1, 1966	Apr. 1, 1960 (census)	Change, 1960 to 1966		Components of change			
			Number	Percent	Births	Deaths	Net migration	
							Number	Rate [1]
United States	195,936,000	179,323,175	+16,613,000	+9.3	25,590,000	11,091,000	+2,113,000	+1.1
Regions:								
Northeast	47,949,000	44,677,819	+3,271,000	+7.3	5,846,000	3,021,000	+446,000	+1.0
North Central	54,669,000	51,619,139	+3,050,000	+5.9	7,235,000	3,224,000	−962,000	−1.8
South	60,794,000	54,973,113	+5,821,000	+10.6	8,272,000	3,257,000	+806,000	+1.4
West	32,524,000	28,053,104	+4,471,000	+15.9	4,237,000	1,590,000	+1,823,000	+6.0
Northeast:								
New England	11,244,000	10,509,367	+735,000	+7.0	1,430,000	712,000	+17,000	+.2
Middle Atlantic	36,705,000	34,168,452	+2,536,000	+7.4	4,416,000	2,308,000	+429,000	+1.2
North Central:								
East North Central	38,736,000	36,225,024	+2,511,000	+6.9	5,128,000	2,235,000	−382,000	−1.2
West North Central	15,933,000	15,394,115	+539,000	+3.5	2,107,000	989,000	−580,000	−3.0
South:								
South Atlantic	29,105,000	25,971,732	+3,133,000	+12.1	3,892,000	1,554,000	+795,000	+2.9
East South Central	12,804,000	12,050,126	+844,000	+7.0	1,764,000	740,000	−180,000	−1.4
West South Central	18,795,000	16,951,255	+1,844,000	+10.9	2,616,000	963,000	+191,000	+1.1
West:								
Mountain	7,717,000	6,855,060	+862,000	+12.6	1,133,000	365,000	+94,000	+1.3
Pacific	24,807,000	21,198,044	+3,609,000	+17.0	3,104,000	1,225,000	+1,730,000	+7.6
New England:								
Maine	978,000	969,265	+8,000	+.9	137,000	68,000	−60,000	−6.2
New Hampshire	676,000	606,921	+69,000	+11.4	86,000	43,000	+27,000	+4.3
Vermont	411,000	389,881	+21,000	+5.5	55,000	28,000	−6,000	−1.6
Massachusetts	5,403,000	5,148,578	+254,000	+4.9	690,000	350,000	−77,000	−1.5
Rhode Island	898,000	859,488	+38,000	+4.5	112,000	58,000	−16,000	−1.8
Connecticut	2,878,000	2,535,234	+343,000	+13.5	350,000	156,000	+149,000	+5.5
Middle Atlantic:								
New York	18,205,000	16,782,304	+1,423,000	+8.5	2,200,000	1,143,000	+366,000	+2.1
New Jersey	6,899,000	6,066,782	+832,000	+13.7	820,000	393,000	+405,000	+6.2
Pennsylvania	11,601,000	11,319,366	+281,000	+2.5	1,396,000	773,000	−342,000	−3.0
East North Central:								
Ohio	10,364,000	9,706,397	+658,000	+6.8	1,339,000	598,000	−83,000	−.8
Indiana	4,951,000	4,662,498	+289,000	+6.2	669,000	292,000	−88,000	+1.8
Illinois	10,786,000	10,081,158	+705,000	+7.0	1,413,000	661,000	−48,000	−.5
Michigan	8,468,000	7,823,194	+644,000	+8.2	1,135,000	443,000	−47,000	−.6
Wisconsin	4,167,000	3,951,777	+215,000	+5.4	573,000	242,000	−115,000	−2.8
West North Central:								
Minnesota	3,572,000	3,413,864	+158,000	+4.6	498,000	202,000	−138,000	−4.0
Iowa	2,760,000	2,757,537	+3,000	+.1	363,000	180,000	−180,000	−6.5
Missouri	4,564,000	4,319,813	+244,000	+5.6	568,000	308,000	−17,000	−.4
North Dakota	643,000	632,446	+11,000	+1.7	94,000	34,000	−49,000	−7.8
South Dakota	679,000	680,514	−1,000	−.2	102,000	41,000	−62,000	−9.2
Nebraska	1,439,000	1,411,330	+28,000	+2.0	199,000	90,000	−80,000	−5.6
Kansas	2,275,000	2,178,611	+97,000	+4.4	284,000	134,000	−53,000	−2.4

See footnotes at end of table.

TABLE 1.—ESTIMATES OF THE TOTAL RESIDENT POPULATION OF STATES AND PUERTO RICO, JULY 1, 1966, AND COMPONENTS OF POPULATION CHANGE SINCE APR. 1, 1960—Continued

[Figures include persons in the Armed Forces stationed in each area]

Region, division, and State	July 1, 1966	Apr. 1, 1960 (census)	Change, 1960 to 1966		Components of change			
			Number	Percent	Births	Deaths	Net migration	
							Number	Rate[1]
South Atlantic:								
Delaware[2]	513,000	446,292	+67,000	+14.9	71,000	27,000	+23,000	+4.8
Maryland	3,611,000	3,100,689	+510,000	+16.5	479,000	183,000	+214,000	+6.4
District of Columbia	806,000	763,956	+42,000	+5.5	124,000	56,000	−26,000	−3.3
Virginia	4,465,000	3,966,949	+498,000	+12.6	595,000	224,000	+126,000	+3.0
West Virginia	1,809,000	1,860,421	−51,000	−2.8	228,000	117,000	−162,000	−8.8
North Carolina	4,974,000	4,556,155	+417,000	+9.2	675,000	248,000	−10,000	−.2
South Carolina	2,589,000	2,382,594	+207,000	+8.7	377,000	131,000	−39,000	−1.6
Georgia	4,445,000	3,943,116	+502,000	+12.7	631,000	228,000	+99,000	+2.4
Florida	5,893,000	4,951,560	+942,000	+19.0	712,000	339,000	+569,000	+10.5
East South Central:								
Kentucky	3,181,000	3,038,156	+143,000	+4.7	429,000	191,000	−95,000	−3.1
Tennessee	3,866,000	3,567,089	+299,000	+8.4	495,000	214,000	+18,000	+.5
Alabama	3,511,000	3,266,740	+244,000	+7.5	483,000	195,000	−44,000	−1.3
Mississippi	2,337,000	2,175,141	+158,000	+7.3	356,000	140,000	−58,000	−2.6
West South Central:								
Arkansas	1,956,000	1,786,272	+169,000	+9.5	266,000	117,000	+20,000	+1.1
Louisiana	3,617,000	3,257,022	+360,000	+11.0	542,000	191,000	+9,000	+.3
Oklahoma	2,477,000	2,328,284	+148,000	+6.4	304,000	149,000	−8,000	−.3
Texas	10,747,000	9,579,677	+1,167,000	+12.2	1,504,000	506,000	+169,000	+1.7
Mountain:								
Montana	702,000	674,767	+27,000	+4.0	99,000	41,000	−31,000	−4.5
Idaho	697,000	667,191	+30,000	+4.5	96,000	36,000	−30,000	−4.4
Wyoming	319,000	330,066	−11,000	−3.3	48,000	17,000	−41,000	−12.7
Colorado	1,955,000	1,753,947	+202,000	+11.5	261,000	99,000	+40,000	+2.2
New Mexico	1,002,000	951,023	+51,000	+5.4	179,000	41,000	−87,000	−8.9
Arizona	1,603,000	1,302,161	+301,000	+23.1	236,000	72,000	+136,000	+9.4
Utah	1,007,000	890,627	+117,000	+13.1	157,000	40,000	(3)	(3)
Nevada	431,000	285,278	+145,000	+51.0	57,000	18,000	+107,000	+29.8
Pacific:								
Washington	3,040,000	2,853,214	+187,000	+6.6	378,000	171,000	−19,000	−.6
Oregon	1,973,000	1,768,687	+204,000	+11.5	223,000	111,000	+92,000	+4.9
California	18,802,000	15,717,204	+3,085,000	+19.6	2,348,000	912,000	+1,649,000	+9.6
Alaska	265,000	226,167	+39,000	+17.1	48,000	8,000	−1,000	−.4
Hawaii	727,000	632,772	+94,000	+14.9	107,000	22,000	+9,000	+1.3
Puerto Rico	2,667,000	2,349,544	+318,000	+13.5	489,000	107,000	−64,000	−2.6

[1] Per 100 midperiod population.
[2] A special census of Delaware was completed as of Sept. 20, 1967. A preliminary count which became available at the time this report was being published indicated a population of 524,421.
[3] Less than 500 or 0.05 percent.

Source: Current Population Reports, series P-25, No. 380, Nov. 24, 1967, Bureau of the Census, Department of Commerce.

TABLE 2.—PROJECTED CHANGE AND COMPONENTS OF CHANGE FOR STATES: SELECTED PERIODS, 1965-85

[Numbers in thousands]

Region, division, and State	Series II-B[1]													
	1965–85					1965–75					1975–85			
	Net change		Components of change			Net change		Components of change			Net change		Components of change	
	Number	Percent	Births	Deaths	Net migration	Number	Percent	Births	Deaths	Net migration	Number	Percent	Births	Deaths	Net migration
United States	69,816	36.0	104,583	42,559	+7,792	28,993	15.0	45,215	20,013	+3,792	40,822	18.3	59,368	22,545	+4,000
Regions:														
Northeast	13,754	28.9	22,970	10,871	+1,654	5,674	11.9	9,950	5,156	+880	8,080	15.2	13,020	5,714	+774
North central	15,253	28.2	27,914	11,831	−830	5,614	10.4	12,204	5,684	−905	9,639	16.1	15,710	6,146	+75
South	22,764	37.9	34,369	12,943	+1,337	9,820	16.3	14,984	6,026	+863	12,944	18.5	19,386	6,916	+475
West	18,045	56.4	19,329	6,914	+5,630	7,886	24.7	8,077	3,146	+2,954	10,159	25.5	11,251	3,768	+2,676
Northeast:														
New England	3,373	30.3	5,513	2,521	+381	1,342	12.0	2,387	1,207	+162	2,032	16.3	3,127	1,314	+219
Middle Atlantic	10,381	28.5	17,457	8,350	+1,273	4,332	11.9	7,564	3,950	+718	6,048	14.8	9,893	4,400	+555
North central:														
East north central	11,787	30.8	20,006	8,194	−25	4,454	11.6	8,697	3,898	−345	7,333	17.2	11,309	4,297	+321
West north central	3,466	21.9	7,908	3,637	−806	1,159	7.3	3,506	1,787	−560	2,306	13.6	4,401	1,850	−246
South:														
South Atlantic	12,290	42.7	16,500	6,309	+2,099	5,354	18.6	7,118	2,897	+1,133	6,936	20.3	9,381	3,412	+966
East South Central	3,617	28.2	7,015	2,715	−683	1,486	11.6	3,117	1,293	−338	2,132	14.9	3,898	1,422	−345
West South Central	6,857	37.0	10,855	3,920	−78	2,980	16.1	4,749	1,837	+68	3,877	18.0	6,106	2,083	−147
West:														
Mountain	3,931	51.1	4,863	1,528	+596	1,675	21.8	2,081	698	+292	2,256	24.1	2,782	829	+303
Pacific	14,114	58.1	14,466	5,387	+5,034	6,211	25.6	5,997	2,448	+2,662	7,903	25.9	8,469	2,939	+2,373
New England:														
Maine	194	19.7	478	220	−63	57	5.8	214	108	−48	137	13.1	264	112	−15
New Hampshire	266	39.4	359	154	+60	121	17.9	155	73	+39	145	18.2	204	81	+22
Vermont	109	26.8	206	90	−7	39	9.7	91	44	−8	69	15.6	115	46	+1
Massachusetts	1,404	26.2	2,569	1,227	+63	507	9.5	1,116	594	−14	897	15.3	1,453	633	+77
Rhode Island	185	20.8	417	198	−34	73	8.2	184	96	−15	112	11.6	233	102	−19
Connecticut	1,215	42.9	1,484	631	+363	544	19.2	627	292	+209	671	19.9	857	339	+153
Middle Atlantic:														
New York	5,481	30.3	8,859	4,199	+821	2,384	13.2	3,818	1,988	+554	3,097	15.1	5,041	2,211	+267
New Jersey	2,915	43.0	3,531	1,542	+925	1,312	19.3	1,490	710	+532	1,603	19.8	2,041	832	+393
Pennsylvania	1,985	17.1	5,067	2,609	−473	637	5.5	2,256	1,251	−368	1,348	11.0	2,811	1,358	−105
East North Central:														
Ohio	3,289	32.1	5,345	2,168	+111	1,242	12.1	2,317	1,029	−46	2,047	17.8	3,028	1,138	+157
Indiana	1,444	29.5	2,527	1,035	−48	540	11.0	1,107	493	−72	903	16.6	1,420	540	+24
Illinois	3,301	31.0	5,485	2,368	+184	1,238	11.6	2,362	1,130	+6	2,063	17.4	3,123	1,239	+179
Michigan	2,534	30.5	4,475	1,697	−245	996	12.0	1,962	798	−167	1,537	16.5	2,514	898	−78
Wisconsin	1,221	29.5	2,175	927	−27	438	10.6	950	446	−67	783	17.1	1,225	481	+39
West North Central:														
Minnesota	1,052	29.5	1,910	789	−68	364	10.2	834	384	−87	688	17.5	1,076	406	+18
Iowa	394	14.3	1,257	646	−217	80	2.9	565	322	−163	314	11.1	692	324	−54
Missouri	1,064	23.7	2,216	1,073	−78	392	8.7	974	525	−57	672	13.8	1,242	549	−21
North Dakota	117	18.0	337	131	−88	36	5.5	152	64	−52	82	11.9	184	67	−36
South Dakota	111	16.2	352	151	−90	27	3.9	159	75	−57	84	11.8	193	76	−33
Nebraska	270	18.5	724	335	−119	93	6.4	324	166	−64	176	11.4	400	169	−55
Kansas	457	20.3	1,113	511	−145	168	7.5	498	251	−80	289	12.0	615	260	−65

See footnotes at end of table.

TABLE 2.—PROJECTED CHANGE AND COMPONENTS OF CHANGE FOR STATES: SELECTED PERIODS, 1965-85—Continued

[Numbers in thousands]

Region, division, and State	Series II-B[1]														
	1965-85					1965-75					1975-85				
	Net change		Components of change			Net change		Components of change			Net change		Components of change		
	Number	Percent	Births	Deaths	Net migration	Number	Percent	Births	Deaths	Net migration	Number	Percent	Births	Deaths	Net migration
South Atlantic:															
Delaware	251	49.9	306	103	+49	110	21.9	129	47	+28	141	23.0	176	56	+21
Maryland	1,741	49.3	2,087	721	+375	791	22.4	885	325	+232	950	22.0	1,202	396	+144
District of Columbia	356	44.5	500	197	+53	135	16.9	207	93	+21	221	23.6	293	104	+31
Virginia	1,778	40.2	2,544	870	+104	814	18.4	1,103	400	+111	964	18.4	1,441	470	−7
West Virginia	81	4.5	748	383	−283	−27	−1.5	349	187	−189	109	6.1	398	196	−94
North Carolina	1,565	31.7	2,729	971	−194	685	13.9	1,211	448	−78	880	15.7	1,518	522	−116
South Carolina	814	31.9	1,504	479	−211	339	13.3	671	223	−109	474	16.4	833	256	−102
Georgia	1,658	37.8	2,609	873	−77	757	17.2	1,142	405	+20	901	17.5	1,467	468	−98
Florida	4,046	69.7	3,473	1,711	+2,284	1,749	30.1	1,420	767	+1,097	2,296	30.4	2,053	944	+1,187
East South Central:															
Kentucky	666	21.0	1,616	668	−283	257	8.1	729	323	−149	408	11.9	887	345	−131
Tennessee	1,125	29.2	2,010	819	−66	500	13.0	889	385	−4	625	14.4	1,121	434	−62
Alabama	1,117	32.0	1,953	732	−104	451	12.9	862	345	−66	666	16.9	1,091	388	−38
Mississippi	710	30.8	1,436	495	−231	277	12.0	636	240	−120	433	16.7	800	256	−111
West South Central:															
Arkansas	549	28.3	1,074	459	−65	248	12.8	475	222	−5	301	13.8	508	237	−60
Louisiana	1,492	41.9	2,251	724	−34	611	17.2	977	337	−29	881	21.1	1,274	387	−6
Oklahoma	535	21.9	1,182	567	−80	218	8.9	527	274	−35	317	11.9	655	292	−45
Texas	4,281	40.4	6,349	2,169	+101	1,904	18.0	2,770	1,003	+137	2,377	19.0	3,579	1,166	−36
Mountain:															
Montana	193	27.5	381	145	−42	68	9.6	168	70	−30	126	16.3	213	75	−12
Idaho	208	29.9	364	142	−14	72	10.3	161	68	−21	136	17.8	203	75	+7
Wyoming	96	29.1	166	66	−3	26	7.9	72	31	−15	70	19.7	93	35	+11
Colorado	878	45.0	1,136	400	+142	380	19.5	487	186	+79	498	21.4	649	213	+63
New Mexico	564	55.6	708	174	+31	205	20.2	301	78	−17	359	29.5	407	96	+48
Arizona	1,178	74.7	1,124	340	+394	523	33.2	466	148	+205	654	31.2	657	192	+189
Utah	508	51.1	670	177	+16	215	21.6	288	81	+7	294	24.3	382	96	+8
Nevada	[2]306	[2]70.5	315	83	[2]+73	186	43.0	138	35	+84	[2]119	[2]19.2	177	47	[2]−11
Pacific:															
Washington	963	32.4	1,518	656	+100	343	11.5	655	312	(3)	620	18.7	864	344	+100
Oregon	637	32.8	965	449	+121	290	15.0	420	213	+82	347	15.6	545	236	+38
California	12,131	65.9	11,353	4,112	+4,890	5,402	29.4	4,648	1,845	+2,599	6,729	28.3	6,705	2,267	+2,291
Alaska	140	52.7	206	32	−33	64	24.2	88	14	−9	76	23.0	118	18	−24
Hawaii	243	34.3	424	137	−44	112	15.8	186	64	−11	131	16.0	238	74	−33

[1] Assumptions—migration rates will change from recent levels so as to result in no net migration among States in 50 years. Moderate increases from present levels of national fertility.
[2] Correction of erroneous figures presented in the advance report, series P-25, No. 362.
[3] Less than 500.

Source: Current Population Reports, series P-25, No. 375, Oct. 3, 1967, Bureau of the Census, Department of Commerce.

TARIFF COMMISSION REPORT ON ANTIDUMPING CODE

Mr. JAVITS. Mr. President, on March 8, the Tariff Commission submitted a report to the Senate Finance Committee on Senate Concurrent Resolution 38, which concerns the Antidumping Code signed by the United States and other countries in Geneva on June 30, 1967. This report is in two parts—one signed by Commissioners Sutton, Culliton, and Clubb, comprising the majority, and the other signed by Chairman Metzger and Commissioner Thunberg, comprising the minority.

Both parts of the report deal with two basic issues—the consistency of the Antidumping Code with the Antidumping Act of 1921, and the applicability of the code to the Tariff Commission as an agency administering the act.

With respect to the first issue, it is noteworthy that neither part expressly concludes that the code is in irreconcilable conflict with the act. To be sure, the three Commissioners indicate that there are differences between the code and the act, and that in certain respects the code would change past practice of the Tariff Commission. But they fall short of saying flatly that the act and the code could not be administered in a consistent fashion.

Chairman Metzger, who has the most expertise in this area on the Commission, and Commissioner Thunberg conclude—and I think quite wisely—that it is not possible to decide the question of consistency until specific dumping cases are considered in the light of the provisions of the code.

With respect to the second issue, the three Commissioners take what I can only characterize as an unsustainably narrow position. In substance, they argue that the Tariff Commission's responsibilities are established exclusively by the Antidumping Act and that the code therefore has no necessary relevance or application to the Tariff Commission's consideration of dumping cases. The logical consequences of this position are to my mind strange and anomalous.

Let us assume—as I in fact believe—that the code is consistent with the act, recognizing that in any case the code as an executive agreement could not change the act in any respect. The three Commissioners are therefore saying that in spite of the fact that the code is consistent with the provisions of the act and in spite of the fact that it is in furtherance of the purposes established by the Congress in enacting the act, the Tariff Commission must disregard it. Moreover, the three Commissioners are saying that the code should be disregarded even though the code brings distinct and important advantages to U.S. exporters—notably through the adoption of an injury standard by Canada, and the establishment of fair and open procedures when dumping complaints are brought against them.

And even beyond these considerations, the three Commissioners would disregard the code in spite of the fact that it constitutes a significant step forward in the multilateral resolution of nontariff barriers.

I would emphasize that the Congress has itself endorsed the objectives of increasing the opportunities for U.S. exporters and circumscribing the operation of potential nontariff barriers of other countries. It has done so in enacting trade agreements legislation for more than 30 years, and most recently in the Trade Expansion Act of 1962. Thus, I find the position of the three Commissioners especially anomalous, since it runs counter to established congressional policy in the field of international trade. In short, the three Commissioners cling tenaciously to their own narrow notion of exclusive reliance on the Antidumping Act while disregarding the more important aspects of the case.

Chairman Metzger and Commissioner Thunberg, on the other hand, are clearly sensitive to these considerations and take what I regard as a reasonable position. In substance, they conclude that the Antidumping Code is an international obligation of the United States which the Tariff Commission should follow except insofar as it might prove to be irreconcilable with the Antidumping Act in any given case.

Let me quote Chairman Metzger and Commissioner Thunberg's statement on this point:

> Having examined those provisions of the Code and of the Act relating to the direct functions of the Commission under the Act, we limit ourselves to the statement that a) they are founded upon common basic concepts; b) they obviously differ in language, and c) these differences in language do not appear obviously or patently to call for differing results in future cases regardless of their inevitably differing facts and circumstances. Indeed, we are unable, in the absence of the particular combination of facts and circumstances involved in each injury de-

termination, to assert categorically that in such cases their application would lead to identical or to differing results.

If, following July 1, 1968, the Commission has occasion to perform its statutory duties under the Anti-Dumping Act (there are presently no cases thereunder pending before the Commission), and a question of consistency between a provision or provisions of the Code and of the Act is a relevant issue and there has been no intervening new American legislative action, the Commission should apply the principles of American law to the task of interpretation of the Act as it affects the facts of the investigation, including those principles relating to interpreting the Act so as to avoid inconsistency between it and the international obligations of the United States. If this proved not to be possible, the Commission should apply the provisions of the Act to the facts found, not those of the Code.

This position acknowledges the presumptive validity of the Antidumping Code—which was signed, after all, upon the express authorization of the President of the United States—while upholding the clear obligation of the Tariff Commission to administer the Antidumping Act in a manner consistent with its provisions and purposes—both being entirely consistent.

Also, the applicability of the code to the Tariff Commission involves questions concerning first, the force and effect of Executive agreements; and second, the relationship of the Tariff Commission to the President. The first is an issue on which the Tariff Commission as an agency can claim no special expertise. And the second issue involves the Tariff Commission so intimately as to make it an interested party and its view a brief, not a decision.

Whatever honest doubts the three Commissioners may have had, it surely would have been far more proper and constructive to assume the applicability of the code to the Tariff Commission, to begin to consider cases in the light of the code and the act, and then to come to specific conclusions, subject to whatever the courts might decide.

Nevertheless, unfortunate as the report of the three Commissioners may be, I am still hopeful that the act and the code can be administered by the Treasury Department and the Tariff Commission in a consistent fashion. If abstractions can be laid aside and if concrete cases can be objectively considered in the light of the provisions of both the code and the act, no violence whatsoever need be done either to the act or to the statutory obligation of the Tariff Commission in administering that act. At the same time, the United States, together with the other signatories of the code, will be able to render the code a constructive, growing, and adaptable multilateral agreement. This will be in the interest of a liberal trade policy and in the national interest as well.

The Senator from Indiana takes the position that in at least three respects the Antidumping Code signed by the United States and other countries on June 30, 1967, is in conflict with the Antidumping Act, 1921. Accordingly, he argues that the code should be submitted to the Congress for its approval and he has introduced Senate Concurrent Resolution 38 to that effect.

Senator HARTKE's charges are obviously serious ones and I should like to comment on them, especially since I have, for the past several years, strongly urged the President and the executive branch to negotiate exactly the kind of code which has been concluded. On July 28, 1965, I introduced a resolution, Senate Resolution 133, to this effect with my Republican colleagues on the Joint Economic Committee. A similar resolution was introduced in the House by Representative THOMAS CURTIS of Missouri, the ranking Republican Member from the House on the Joint Economic Committee.

The Antidumping Code signed on June 30, 1967, was agreed upon by most of the major trading nations of the world—EEC, the EFTA countries, Japan, and Canada—after close to 2 years of tough negotiations. The United States undertook these negotiations in an attempt to prevent the proliferation of highly restrictive antidumping laws and procedures in the industrialized nations of the world. In my judgment this code will achieve this end and will thereby remove new protective barriers against U.S. exports and international trade in general.

I wish to emphasize, that before these negotiations were undertaken by Ambassador Roth, the Trade Information Committee of his office held public hearings during the week of September 12, 1966, at which representatives of industry and labor expressed their views on the possibility of an international antidumping agreement. It is important to note that a significant majority of those submitting views to the Committee supported an effort to negotiate such an agreement. There were, of course, some differences of views regarding the exact provisions to be included in an agreement. But the majority firmly endorsed the principle espoused in my Senate Resolution 133—namely, that international harmonization of antidumping laws and procedures is vitally important to insure continued growth of international trade. Among those in support of such an agreement were the Manufacturing Chemists Association, the Synthetic Organic Chemical Manufacturers Association, the Dow Chemical Co., General Electric, the Aluminum Association, the U.S. Chamber of Commerce, the Commerce and Industry Association of New York, the National Council of American Importers, the Committee for National Trade Policy, and the Committee for Economic Development.

The Trade Information Committee's hearings have clearly shown that the proponents of an international antidumping agreement speak for a broad national constituency, while the opponents, such as the American Iron & Steel Institute, the Cement Industry Committee for Tariff and Antidumping, speak only for a limited group of special interests with essentially protectionist purposes for their own enterprises.

In conclusion, I would like to discuss briefly some of the more general questions raised by Senator HARTKE—and especially the question of what is the proper relationship between the Congress and the President in a case like the present one.

I would first like to point out that the provisions of the code deal with matters as to which the act is silent. The provisions therefore have the effect of interpreting some of the important terms used in the act. I would like to stress this point. The code fills in the gaps, as it were, in the act and brings to the surface concepts which have to be dealt with in the consideration of an antidumping case but which the Congress did not feel obliged to deal with when it passed the act in 1921. In other words, the code does not attempt to substitute new terms for existing terms in the act or to set up concepts different from those in the act. Instead, it seeks to articulate matters which are relevant to the concepts dealt with in the act but which the act itself does not express. I would therefore emphasize that the code is fundamentally an interpretative and not an amendatory document—were it the latter, I would have as much concern about it as Senator HARTKE.

Senator HARTKE's basic assertion seems to be that it is fundamentally unlawful for the President to interpret by executive agreement the terms of a domesic law such as the Antidumping Code. This is a considerably restrictive view, it seems to me, of the relationship between the Congress and the President and one which gives absolutely no scope, in this instance, to the President's constitutional responsibilities. Is the President—as Senator HARTKE suggests—really in the position where by executive agreement he cannot fill out and elaborate some of the concepts used in the act, in a manner which is fully consistent with the act?

I see no reason why the President cannot conclude an agreement which interprets the act in a manner consistent with the provisions and purposes of the act and then proceed to have the agreement implemented in accordance with the act. The key question in my mind is not whether the President has the basic authority to do so but rather how he exercises it and whether, in the final analysis, each interpretation provided for in the agreement is in fact consistent with the act.

That is why I made the detailed statement I did about the matter which has come up with respect to such consistency. If it is, then I see the executive agreement, and the act interacting in a complementary relationship, each supporting the other and both working toward a common objective—one which was, of course, in the first instance laid down by the Congress. In this manner, the respective constitutional responsibilities of the Congress and the President are fully respected and fully discharged. If, on the other hand, an interpretation is inconsistent with the act, then to that extent the agreement clearly has no validity and the act remains paramount. Insofar as I have studied the code to date, I am satisfied that it is faithful to the purposes of the Antidumping Act.

I would have thought that it was generally accepted that we should do our utmost to increase international cooperation in the field of trade. Certainly the code represents a significant step forward in harmonizing international practices in the field of antidumping and avoiding the often troublesome friction and differences that arise from the application of conflicting national laws. It

is especially in this light that I am unwilling to agree that the President is foreclosed from promoting the purposes of the act in an executive agreement which does not change, but only interprets, the act, and leaves the act paramount.

An important aspect of Senator HARTKE's basic argument seems to be that it is fundamentally wrong for the President to reduce the discretion of the Tariff Commission or the Treasury Department by elaborating or refining the terms of the act. This argument puts a maximum premium upon the retention of administrative discretion to the exclusion of all other considerations—and this I cannot accept. Surely, the whole effort both in our domestic law and in international law has been to develop through experience an increasingly refined and certain body of rules to guide our behavior. To put it another way, our efforts have for many years now been devoted to moving from the general to the specific and from the hortatory to the obligatory and to the specific in an attempt to work out the elements of a peaceful and productive society both in our country and throughout the world.

This is in large part achieved through the constant refinement of rules of law, so that areas of ambiguity and potential conflict are reduced as much as possible and interested persons have as complete an understanding as possible of their rights and obligations. This is why I have felt so strongly that the negotiation of an antidumping code would be a significant step forward in increasing cooperation in international trade.

Moreover, the agreement is a Presidential action which has ample precedent in past executive agreements. For example, the General Agreement on Tariffs and Trade—GATT—an executive agreement whose validity has been upheld by the courts—in many respects interprets U.S. law and to that extent limits the discretion of agencies administering such laws.

Mr. President, I ask unanimous consent that excerpts from an article entitled "The General Agreement on Tariffs and Trade in U.S. Domestic Law," written by John H. Jackson and published in the Michigan Law Review, be printed at this point in the RECORD.

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

THE GENERAL AGREEMENT ON TARIFFS AND TRADE IN UNITED STATES DOMESTIC LAW

(By John H. Jackson) *

I. INTRODUCTION

The General Agreement on Tariffs and Trade,[1] "GATT," is a multilateral international agreement which is today the principal instrument for the regulation of world trade. Over eighty nations, including the United States, participate in GATT and it has been estimated that about eighty per cent of world trade is governed by this agreement.[2] With the recent completion of five agonizing years of "Kennedy Round" [3] tariff negotiations under GATT auspices, tariffs for many goods will be reduced to a point where they will no longer be effective barriers to world trade.[4]

* * * * *

Court opinions. Another factor that reinforces the argument for the validity of GATT is that it has been recognized by both federal and state (including territorial) courts. The specific issue of GATT's validity was raised in only one case, but that case was dismissed on other grounds.[103] However, a number of other cases have resulted in decisions necessarily implying the validity of GATT—particularly in tariff cases before the Customs Court and the Court of Customs and Patent Appeals.[104] In fact, since tariff concessions embodied in GATT are so extensive, the majority of cases in those courts now involve tariff rates proclaimed by the President pursuant to GATT or amending protocols.[105] Other than in these courts, only seven American cases, and three opinions of the California Attorney General,[106] have been found which explicitly cite or mention GATT.[107] Of these, four were in state or territorial courts [108] and three in federal courts.[109] In each case GATT's validity was either assumed, upheld, or not decided. No opinion citing or mentioning GATT has yet been rendered by the United States Supreme Court.

Mr. JAVITS. Mr. President, take, for example, article VI of the GATT which deals with dumping and which is, of course, that article of the GATT which the code elaborates and defines. When article VI was first negotiated as part of the GATT in 1947, it very largely reflected the concepts and provisions of our Antidumping Act. But with respect to the concept of injury in the act, which was—as it still is—simply stated as "injury" and without any elaboration, article VI provided that antidumping duties may be imposed only where dumped imports cause "material injury" to a domestic industry. I think the reason for the addition of the interpretative term "material" is quite clear. As I have noted above, it was obviously intended to avoid the imposition of antidumping duties in cases where the injury was only slight or negligible. This interpretation has stood since 1947, has never to my knoweldge been challenged, and has been consistently used in the determination of injury in dumping cases.

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The author is indebted to Walter Hollis, Legal Advisor's Office, United States State Department, who generously read the manuscript of this article and made a number of useful suggestions. The author is also indebted to members of the GATT Secretariat in Geneva for assisting his general research into GATT.—J.H.J.

[1] General Agreement on Tariffs and Trade, 61 Stat. pt. 5, at A3 (1967); 55 U.N.T.S. 194 (1967) (hereinafter referred to as GATT). GATT has been extensively amended and modified, as can be seen from app. C. A more current version of GATT can be found in GATT, 3 Basic Instruments and Selected Documents (rev. vol. 1958) (hereinafter referred to as BISD). Subsequent changes may be found in GATT Doc. IPRO/65–1 (1965) (which added pt. IV) and GATT Doc. INT (61) 34 (1961) (which modified art. XIV:1).

Although the full text of GATT is not being reprinted in this article, the general subject matter of each article can be seen from the table in app. A. On GATT generally, *see* Jackson, *The Puzzle of GATT—Legal Aspects of a Surprising Institution*, I. J. WORLD TRADE L. 131 (1967) and authorities cited therein. For an economist's view, *see* G. CURZON, MULTILATERAL COMMERCIAL DIPLOMACY (1965). As to GATT documents in general and their availability, *see* GATT Docs. INF/121 & INF/122 (1966); Jackson, *supra* at 131 n.2.

[2] Statement issued by the Director General of GATT, GATT Press Release 990, reprinted in N.Y. Times, May 16, 1967, at 20, col. 3; GATT Press release 973 (Nov. 1, 1966).

[3] *See* Farnsworth, *Kennedy Round Succeeds*, N.Y. Times, May 16, 1967, at 1, col. 8. *See also* International Monetary Fund, *Kennedy Round Agreements*, 19 INT'L FINANCIAL NEWS SURVEY 213 (1967).

[4] *See* Statement by Eric Wyndham-White, Director General of GATT, to the Deutsch Gesellschaft für Auswärtige Politik at Bad Godesberg, GATT Doc. INT(66) 567 (Oct. 27, 1967); address by Eric Wyndham-White at the meeting of the Trade Negotiating Committee at Geneva, GATT Press Release 993, at 4 (June 30, 1967); Chase Manhattan Bank, *Perspective on World Business*, 7 WORLD BUS. 3 (July 1967).

[103] Morgantown Glasswork Guild v. Humphrey, 236 F.2d 670 (D.C. Cir. 1956).

[104] *See, e.g.*, Bercut-Vandervoort v. United States, 151 F. Supp. 942 (C.C.P.A. 1957); George E. Bardwil & Sons v. United States 42 C.C.P.A. 118 (1955).

[105] Examination of any current volume of these courts' reports reveals that the vast majority of the cases cite a presidential proclamation which effectuates a GATT agreement. For instance, in vol. 44 only twelve out of fifty-three fully reported decisons do not cite such a proclamation. *See* app. C for presidential proclamation citations for various GATT agreements.

[106] The California Attorney General's opinions are 59–164, 34 Cal. A.G. 302; 60–141, 36 Cal. A.G. 147; 62–165, 40 Cal. A.G. 65.

[107] The Shepard citators for all states and territories of the United States and for all federal courts of the United States were searched since 1947 to the most currently available supplement in June of 1967 for all cases which cite 61 Stat. pts. 5 & 6, at A 3. Since GATT is sometimes cited without using the "Stat." reference, it is possible that persons who prepare the citator could have missed some cases if they did not translate a different citation into the statutory citation. In addition to searching the citators, various attorneys both in and out of government were contacted who might have knowledge of other cases.

[108] Baldwin-Lima-Hamilton v. Superior Court, 208 Cal. App. 2d 803, 25 Cal. Rptr. 799 (1962) (California "Buy American Act" held to be unenforceable because violative of GATT); Bethlehem Steel Corp. v. Board of Comm'rs, Civil Nos. 899165 & 897591 (Super Ct., County of Los Angeles 1966) (also challenged the California "Buy American" Act); Territory v. Ho, 41 Hawaii 565 (1957) (struck down as unconstitutional and contrary to GATT a territorial law requiring retailers selling imported eggs to advertise that fact); Texas Ass'n of Steel Importers v. Texas Highway Comm'r, 364 S.W.2d 749 (Tex. Ct. App. 1963) (administrative ruling of the highway commission requiring the use of domestic steel in highway projects challenged as contrary to state law, the Constitution, and GATT—disposed of on state law grounds). The *Bethlehem* case held that *Baldwin-Lima-Hamilton* was controlling and that the plaintiffs had an adequate remedy at law and therefore denied a petition for a preliminary injunction. On May 2, 1967, defendant's motion to dismiss was granted. The author has been informed that the case has been appealed. *See* note 286 *infra*. *See also* Comment, *GATT, The California Buy American Act, and the Continuing Struggle Between Free Trade and Protectionism*, 52 CALIF. L. REV. 335 (1964); Note, 17 STAN. L. REV. 119 (1964).

[109] Talbot v. Atlantic Steel, 275 F.2d 4 (D.C. Cir. 1960); Morgantown Glassware Guild v. Humphrey, 236 F.2d 670 (D.C. Cir. 1956); C. Tennant, Sons & Co. v. Dill, 158 F. Supp. 63 (S.D.N.Y. 1957).

I have one final thought concerning Senator HARTKE's charges. He—and I think sincerely—believes that the code should be presented to the Senate as a treaty and cannot be legally justified as an executive agreement. The executive branch—and I think equally sincerely—takes the opposite view. I for one am not prepared to impute bad faith to either side. But there is obviously a very serious difference of view on this important matter.

The question is how best to resolve the issue. I seriously question whether the most effective or indeed the most appropriate way is a political confrontation between the Senate and the executive branch. The resolution of the sort Senator HARTKE has introduced cannot, as we all know, force the President to submit the agreement as a treaty, and he has already made the choice.

Would it not be far more consistent with the manner in which our laws are administered to leave the issue to the courts, which is where the GATT agreement was decided?

Mr. President, after all, it is the judiciary which under our system of a separation of powers is the competent body to consider and resolve such an issue. I am wholly in favor of having the Senate as fully informed as possible about the provisions of the code and about the intentions of the executive branch in carrying it out. But I very much doubt that Senator HARTKE's resolution will actually help us to come to grips with the merits of the case. Insofar as any private person believes that, following the entry into force of the code, the act is being improperly administered, he can certainly seek judicial relief, for again I repeat the act not being superseded by a treaty remains paramount if it cannot be construed consistently with the executive agreement. At the point, we will all be able to have the benefit of a considered, objective, and final ruling on the issue.

Mr. President, that is the central theme I am presenting to the Senate. Once the judiciary is asked to pass on this matter, we will all be able to have the benefit of a considered, objective, and final ruling on the issue. Whereas a political confrontation between the Congress and the President would result in no such ruling; it may result in political heat but not a final decision hence the executive agreement should stand.

Mr. President, I ask unanimous consent that there be printed at the end of my remarks the minority views of Chairman Metzger and Commissioner Thunberg of the Tariff Commission from the Commission's report on the International Antidumping Code dated March 8; a letter from the Secretary of the Treasury to Senator HARTKE dated September 20, 1967; and the reply of the Office of the Special Representative for Trade Negotiations to Senator HARTKE's comments on the Antidumping Code dated August 24, 1967.

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

[From the report of the U.S. Tariff Commission to the Senate Finance Committee on Senate Concurrent Resolution 38, Mar. 8, 1968]

SEPARATE VIEWS OF CHAIRMAN METZGER AND COMMISSIONER THUNBERG

S. Con. Res. 38 upon adoption would resolve, "That it is the sense of Congress that—

"(1) the provisions of the International Antidumping Code, signed at Geneva on June 30, 1967, are inconsistent with, and in conflict with, the provisions of the Anti-Dumping Act, 1921;

"(2) the President should submit the International Antidumping Code to the Senate for its advice and consent in accordance with article II, section 2, of the Constitution of the United States; and

"(3) the provisions of the International Antidumping Code should become effective in the United States only at the times specified in legislation enacted by the Congress to implement the provisions of the Code."

Paragraph (1) of S. Con. Res. 38 would resolve that it is the sense of the Congress that the provisions of the International Antidumping Code, signed at Geneva on June 30, 1967, "are inconsistent with, and in conflict with, the provisions of the Anti-Dumping Act, 1921".

The "Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade" of June 30, 1967, was accepted on that date by signature on behalf of the United States of America, to enter into force for each party accepting it on July 1, 1968 and is referred to as the "International Antidumping Code".

Article 14 of the Code states that, "Each party to this Agreement shall take all necessary steps, of a general or particular character, to ensure, not later than the date of the entry into force of the Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of the Anti-Dumping Code." The Code itself, therefore, does not purport to change domestic laws in any country. If a country is of the view that there is a need to make changes in its domestic law in order for it to conform with Code requirements, any such changes would have to be achieved through domestic law changes in the usual manner—in the United States through Congressional action amending the Anti-Dumping Act.

It is our understanding that the Executive Branch has been and is of the view that the provisions of the Code and the Act are not inconsistent with, and in conflict with, each other. During the course of negotiation of the Code prior to June 30, 1967, representatives of the Executive Branch met with the Commission to discuss the provisions of the Code then under international negotiation. The then-Chairman of the Commission expressed the view that the Code and the Act were not inconsistent. He did not purport to speak for the Commission as a whole. The Commission was not requested to, and did not, take an official position on that question, nor did any Commissioner volunteer his views at that time.

The functions of the Tariff Commission under the Anti-Dumping Act, 1921, assigned to it since 1954, are to determine, within three months after the Secretary of the Treasury determine that a class or kind of foreign merchandise is being, or is likely to be, sold at less than its fair value, "whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States."

The procedure pursuant to which the Commission performs these functions does not appear to be affected by any provision of the Code. The Commission can continue in the future as it has in the past to make its determinations within three months of receiving the Secretary of the Treasury's less than fair value determination, following the procedures established by the Commission's Rules of Practice and Procedure.

We have examined the provisions of the Code relating to injury, causation, and the definition of industry, in relation to the Act, for the purpose of commenting upon paragraph (1) of the resolution.

A. Injury.

Regarding injury, the Code (Article 3) refers to "material injury," or a threat thereof, to a domestic industry or "material retardation" of the establishment of such an industry; it states that evaluation of injury shall be based on an examination of "all factors having a bearing on the state of the industry in question"; it enumerates a number of such factors; and it avers that no "one or several of those factors can necessarily give decisive guidance."

In implementing the Act, the Commission since 1954 has determined whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of sales at less than fair value. As did the Secretary of the Treasury in the years before 1954, the Commission has determined since that time whether the injury being caused or threatened is "material", and in many cases has considered injury in these terms. In evaluating injury the Commission has made an overall judgment, taking into account all relevant matters.

B. Causation.

The Code states (Article 3 (a)) that a determination of injury shall be made only when less than fair value sales "are demonstrably the principal cause of material injury to a domestic industry, or the "principal cause" of material retardation of the establishment of such an industry. It further states that in reaching this decision, there shall be weighed "the effect of" the less than fair value sales, on the one hand, and "all other factors taken together which may be adversely affecting the industry", on the other hand; that the determination be based on "positive findings and not on mere allegations or hypothetical" possibilities; and that in cases of "retarding the establishment of a new industry" in the importing country, "convincing evidence of the forthcoming establishment of an industry must be shown".

The Act states that the Commission must determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, "by reason of" the importation of less than fair value merchandise. Neither the Congress, nor, so far as we are aware, the Treasury Department during its administration of the "injury" provisions prior to 1954, nor the Commission, has attempted to define or qualify the term "by reason of", which has the dictionary meaning of "cause". Formulations which have been used from time to time in other statutes, such as "caused in whole or in part", or "have contributed substantially", or "caused in major part", have not been employed. The Commission has made an overall judgment, after considering all the relevant facts and circumstances, whether there has been injury "by reason of" less than fair value imported merchandise.

C. An industry in the United States

The Code defines "domestic industry" (Article 4) as referring to "the domestic producers as a whole of the like products", or to those whose "collective output of the products constitute a major proportion of the total domestic production of those products". In "exceptional circumstances", however, the industry "may, for the production in ques-

tion, be divided into two or more competitive markets and the producers within each market regarded as a separate industry, if, because of transport costs, all the producers within such a market sell all or almost all of their production of the product in question in that market, and none, or almost none, of the product in question produced elsewhere in the country is sold in that market or if there exist special regional marketing conditions (for example, traditional patterns of distribution or consumer tastes) which result in an equal degree of isolation of the producers in such a market from the rest of the industry, provided, however, that injury may be found in such circumstances only if there is injury to all or almost all of the total production of the product in the market as defined."

The Act refers to "an industry in the United States". The Commission, in the absence of special circumstances where there has appeared to be a discrete geographical market area for the product, has considered the industry in national terms. In some cases, however, where there is such a discrete geographical market area, the Commission has determined that it constitutes "an industry in the United States" for the purpose of the Act. The Commission has considered all relevant factors affecting such a determination in arriving at its judgment.

* * * * *

The Commission is primarily a fact-finding agency, performing its duties by finding particular facts in particular investigations and applying the standards laid down by law to those facts as found. While it may find it necessary to interpret the law in the course of applying it to such particular facts, it has not done so by regulations or by general advisory opinions in advance of its findings of facts in particular investigations. Apart from those circumstances in which the obvious meaning of a proposed statute or international agreement is so at odds with an existing instrument as to warrant a flat statement to that effect without more, it is our opinion that to attempt to interpret law and derive subsidiary standards of application thereof out of the context of the specific facts of particular investigations would tend to result in abstract interpretations and standards which have not emerged from the factual setting of a particular investigation and thus have not been tested against specific conditions for the carrying on of the trade and commerce of our country. Moreover, the Commission would not have had the advantage of briefs and arguments from interested parties in regard to the appropriate interpretation or standard to be applied to the facts of the particular investigation, and thus would be risking, through such an advance abstract interpretation, affecting the results of future investigations in circumstances which have strong adversary connotations. These considerations appear to us to be of particular importance where interpretations of a statute in relation to an international agreement might affect the performance of the international obligations of the United States. We are of the opinion that our position in these regards is consistent with the Commission's primary fact-finding function.

Accordingly, having examined those provisions of the Code and of the Act relating to the direct functions of the Commission under the Act, we limit ourselves to the statement that a) they are founded upon common basic concepts, b) they obviously differ in language, and c) these differences in language do not appear obviously or patently to call for differing results in future cases regardless of their inevitably differing facts and circumstances. Indeed, we are unable, in the absence of the particular combination of facts and circumstances involved in each injury determination, to assert categorically that in such cases their application would lead to identical or to differing results.

If, following July 1, 1968, the Commission has occasion to perform its statutory duties under the Anti-Dumping Act (there are presently no cases thereunder pending before the Commission), and a question of consistency between a provision or provisions of the Code and of the Act is a relevant issue and there has been no intervening new American legislative action, the Commission should apply the principles of American law to the task of interpretation of the Act as it affects the facts of the investigation, including those principles relating to interpreting the Act so as to avoid inconsistency between it and the international obligations of the United States. If this proved not to be possible, the Commission should apply the provisions of the Act to the facts found, not those of the Code.[1]

We have also examined the provisions of the Code and of the Act which relate to those aspects of the Anti-Dumping Act whose Administration has been entrusted primarily to the Secretary of the Treasury—relating to determination of "dumping" (Article 2), investigation and administration procedures (Articles 5, 6, and 7) and anti-dumping duties (Articles 8, 9, 10 and 11). With the exception of the provisions of Article 5 relating to the timing of investigation of the questions of less than fair value sales and of injury, these articles concern matters with which the Commission has not had practical administrative experience, and as to which we would not presume to speak authoritatively. It is our understanding that the Treasury Department takes the position that none of those provisions requires implementation in such a way as to be in conflict with any provision of law administered by it. We limit ourselves to the statement that the Code's provisions in these respects do not appear obviously or patently to call for different results or procedures than those required by the Act.

Regarding the timing of the initiation and subsequent investigation of "dumping and of injury resulting therefrom" (Article 5), the Code requires that an investigation shall be initiated, or continued after initiation, only if there is "evidence both on injury and on injury resulting therefrom", and that such evidence must be considered simultaneously beginning on the date when "provisional measures" (i.e., withholding of appraisement) are applied, unless requested otherwise by the exporter and importer.

Since the Act assigns to the Commission the task of determining whether injury has resulted or is likely to result by reason of the importation of merchandise at less than fair value, the question may be raised whether the Treasury Department, in conforming its anti-dumping regulations to the provisions of the Code as in its Proposed Procedures under the Act (32 Fed. Reg. 14955, Oct. 28, 1967), will in this respect be impinging upon the Commission's statutory function of determining whether injury has occurred or is likely. It appears to us that the answer depends upon the purpose of the simultaneity requirement, and the nature of the consideration of evidence of injury which will be undertaken by the Treasury Department.

The Proposed Treasury Regulations of October 26, 1967, require that "information indicating that an industry of the United States is being injured, or is likely to be injured, or prevented from being established", be furnished to the extent feasible (Sec. 53.27). It is our understanding that the Treasury Department would require that this evidence be furnished, and would examine it, not with a view to determining whether there has in fact been injury (a question which under statute is within the province of the Commission), but with the purpose of assuring itself that initiation of the investigation would not be futile, in the sense that it would be a waste of taxpayers' money for the Government to initiate a full anti-dumping investigation in the absence of any indication that it would possibly result in an assessment of anti-dumping duties.

If the Act is administered in this manner, as it is our understanding that the Treasury Department intends that it shall be, it is our view that the Commission's statutory function of determining the question of injury within three months of a determination by the Secretary of the Treasury that there have been sales at less than fair value, can continue to be performed by it as in the past.

* * * * *

The remaining articles of the Code (Articles 12, 13, 15, 16 and 17) relate to "formal" matters, to international consultative mechanisms, and to the possibility of anti-dumping action on behalf of a third country. The latter is wholly permissive in respect of any signatory; since the Act does not authorize such action by the United States, it is not of practical significance at present.

* * * * *

Paragraphs (2) and (3) of S. Con. Res. 33 appear to involve questions of Constitutional law relating to the Presidential and the Congressional power affecting the foreign relations, and the regulation of the foreign commerce, of the United States, which are outside the special competence of this Commission. Accordingly, we offer no comment upon them.

THE SECRETARY OF THE TREASURY,
Washington, September 20, 1967.

HON. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR VANCE: I appreciate your thoughtfulness in sending me with your letter of July 31 a copy of your letter of July 25 to the Members of both Houses of Congress relating to the recently signed International Anti-dumping Code.

I want to make clear from the outset that the Treasury Department participated in the negotiation of this Code with the clear understanding that any agreement reached would have to be consistent with the existing United States law. We are satisfied that this objective was achieved.

The attached memorandum, prepared by my staff, explains why we believe this to be the case insofar as Treasury's responsibilities in this field are concerned. My lawyers have also studied and agree with the conclusions of the more general memorandum transmitted by the President's Special Representa-

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[1] See *Restatement of the Law, Second, Foreign Relations Law of the United States* (American Law Institute, 1965) Secs. 1,3(3), and Comment j. to Sec. 3. Section 3 (3) states that, "If a domestic law of the United States may be interpreted either in a manner consistent with international law or in a manner that is in conflict with international law, a court in the United States will interpret it in a manner that is consistent with international law." Section 1 definies "international law" to mean those rules of law applicable to a state or international organization "that cannot be modified unilaterally by it." After July 1, 1968, the International Anti-Dumping Code will contain rules of law applicable to the United States in its relations with other states which "cannot be modified unilaterally by it." The fact that it is an executive agreement, made by the President under his own authority, makes it no less binding upon the United States in this regard as an international obligation (Sections 122, 131. See also *McCulloch* v. *Sociedad Nacional de Marineros de Honduras*, 372 U.S. 10 (1963); *Murray* v. *Schooner Charming Betsy*, 2 Cranch 64, 118 (1804); *Lauritzen* v. *Larsen*, 345 U.S. 571, 578 (1952).

tive for Trade Negotiations, which reflects this same viewpoint.

One thing in particular strikes me in these analyses. Because the Code is an Executive Agreement, it is legally binding on the United States only to the extent that it is consistent with existing United States law. Whether any particular provision of the Code is, in fact, in conflict with existing United States law is an issue which will ultimately, of course, be open to challenge in the Courts. If a Court were to decide that a conflict existed, it seems clear that in such event the provisions of the United States law would be held to prevail.

Although the attached memorandum is concerned primarily with the technical legal points raised by you, I feel that it is also important not to overlook the very significant advantages that will be achieved for American business as a result of the Code. The investigation that will take place under the new procedures should help to expedite Treasury's processing of antidumping complaints by domestic producers. In addition, American exporters will be protected under the Code from arbitrary antidumping actions by foreign signatory governments.

Thank you for providing me with an opportunity to comment on this issue.

With best regards,

Sincerely yours,

HENRY H. FOWLER.

TREASURY DEPARTMENT COMMENTS ON CONTENTIONS OF SENATOR HARTKE REGARDING CONFORMITY OF INTERNATIONAL ANTI-DUMPING CODE WITH U.S. ANTI-DUMPING ACT

1. *Senator Hartke's Contentions.* Senator Hartke, in his letter of July 25, contends that the International Anti-Dumping Code alters the U.S. Anti-Dumping law. He concludes from this that the substantive changes in the U.S. law brought about by the Code constitute "unauthorized legislation by an international agreement whose execution exceeds the mandate for these negotiations and usurps the legislative responsibility of the Congress."

In the attachments to his letter, Senator Hartke states in substance that:

(a) Article 3 of the Anti-Dumping Code restricts the freedom of the Tariff Commission in determining injury to those situations where the dumped imports are "demonstrably the principal cause of material injury";

(b) Article 4 of the International Anti-Dumping Code also restricts the freedom of the Tariff Commission in determining injury by defining the term "domestic industry" to include all of the industry producing the item in question; and

(c) Articles 5 and 10 of the Code are inconsistent with the U.S. Anti-Dumping law in that they require simultaneous consideration of dumping prices and injury and restrict the institution of provisional measures.

Items (a) and (b) concern questions involving responsibilities under the Anti-Dumping law of the Tariff Commission rather than of the Treasury Department. In view of this, the specific comments in this memorandum will be addressed solely to Item (c). It is understood that Senator Hartke has also sent similar letters to the members of the Tariff Commission and to the President's Special Representative for Trade Negotiations, and that he will be receiving an answer from these sources on the points not specifically covered in this memorandum.

2. *General Observations.* One point should be made clear from the outset. It is not contended herein that the International Anti-Dumping Code will have no impact on the future administration of the U.S. Anti-Dumping law. On the contrary, modifications of the Anti-Dumping regulations of the Treasury Department are presently being drafted with a view to reflecting this impact. The revised regulations will be published in tentative form in the Federal Register for comment, and all comments received will be fully considered before the regulations are issued in final form.

It is concluded herein that no provision of the International Anti-Dumping Code requires implementation in such way as to be in conflict with United States law. In reaching this conclusion this memorandum follows the customary rule of construction that where alternative interpretations of two "laws" (in this case a statute and an Executive Agreement) are possible, that interpretation should be followed which will avoid a conflict. It is our conclusion, after a thorough study of the Code and comparison of its provisions with the Anti-Dumping law, that the Code is consistent with the U.S. statute.

It should be borne in mind also that the International Anti-Dumping Code is an Executive Agreement. As such, it will be legally binding on the United States *only* to the extent that it is consistent with United States law. The Courts have held that an Executive Agreement, such as this, which is not entered into pursuant to statutory authorization or which is not approved by Congressional action, does not and cannot supersede a prior statute. If, despite what is concluded in this memorandum, there were found to be inconsistencies between this Agreement and the U.S. Anti-Dumping statute, it seems clear that the provisions of the statute would prevail.

3. *Consistency of Articles 5 and 10 of International Anti-Dumping Code with United States law.* Senator Hartke contends on page 2 of his letter of July 25 to members of both Houses of Congress that Article 5 of the Code, which provides that a dumping investigation shall be initiated only when supported by evidence of both dumped prices and injury to the industry involved, is in conflict with the U.S. Anti-Dumping law.

The Treasury Department has traditionally exercised a degree of discretion under the U.S. Anti-Dumping statute in determining under what circumstances it would initiate an anti-dumping investigation. For example, where the information submitted in an anti-dumping complaint is patently in error or if the merchandise involved is not being imported in more than insignificant quantities, the current Treasury regulations provide that a case may be closed without initiation of a full investigation.

The rationale for this policy is perfectly obvious. It would be futile and a waste of the taxpayers' money for the Government to initiate a full anti-dumping investigation in the absence of any indication that it could possibly result in an assessment of anti-dumping duties.

A similar rationale is applicable to the injury requirement of the Anti-Dumping law. Unless there is some evidence of injury, the initiation of a dumping investigation would be little more than a nugatory gesture. It is therefore entirely reasonable for the Treasury Department, before deciding whether to initiate an investigation, to require that the complainant submit such evidence of injury as is available to him. In doing this, the Treasury Department would in no way violate the Anti-Dumping law. It is interesting to note in this connection that the Treasury's current anti-dumping regulations presently require that there be submitted with the initial complaint information that may be reasonably available to the complainant regarding the total value and volume of domestic production of the merchandise in question.

The fact that the President has now agreed to the spelling out in the International Anti-Dumping Code of a policy requiring that such evidence be submitted with respect to injury, brings neither the policy nor the Code in conflict with the United States Anti-Dumping law.

In the revision of the Treasury's Anti-Dumping regulations currently under way, the Treasury Department contemplates that a provision will be included, in accordance with the first sentence of Article 5(b) of the Code, requiring complainants to submit some evidence of injury with their complaint to the Treasury. The Department, under the contemplated procedure, would examine the evidence submitted, not with a view to determining whether there has in fact been injury (for under the law this is clearly within the province of the Tariff Commission), but with the purpose of assuring itself that initiation of the investigation would not be futile.

Senator HARTKE contends also that the requirement in Article 5(b) of the Code, that evidence of dumping and injury shall be considered simultaneously, is in conflict with that section of the U.S. Anti-Dumping Act which stipulates that the Tariff Commission shall make an injury determination within three months after the Treasury Department has made its "less than fair value" determination.

The article in question requires simultaneous consideration of dumping and injury, during the investigation beginning not later than the date on which appraisement is withheld. This provision will require a modification of the current Treasury Anti-Dumping procedures. Inasmuch as the Secretary has broad discretion under Section 201(b) of the Anti-Dumping Act, this presents no legal problem.

It is contemplated that, under the revised procedures, the present practice of issuing a "tentative determination" would be abandoned. At the point at which it is decided that appraisement should be withheld (viz. there is reason to believe or suspect that the purchase price or the exporter's sales price, as the case may be, is less, or is likely to be less, than the foreign market value) a determination that the merchandise is being, or is likely to be, sold at less than fair value would normally be issued. This would trigger the Tariff Commission's consideration of injury.

Under the U.S. Anti-Dumping Act, the Tariff Commission has three months to make its decision. Since the Treasury's determination of sales at less than fair value may have been made upon information that was somewhat less than unassailably certain (it might have indicated only that the merchandise was "likely to be sold" at less than fair value). Customs would, where appropriate, continue during the three months period to evaluate the information on hand and consider any new information obtained. If this were to lead to the conclusion that the merchandise is not being and is not likely to be sold at less than fair value, a determination to that effect would be published in the Federal Register forthwith, within the three month period provided under Article 10(d) of the Code. This would have the effect of revoking the initial determination and making further consideration of injury by the Tariff Commission academic.

It should be noted that nothing in the Anti-Dumping Act prohibits the Tariff Commission from conducting an investigation concurrently with the Treasury's investigation. The Act merely requires that the Tariff Commission's formal determination of injury be made within three months after the Treasury's determination of sales at less than fair value. This requirement will be adhered to under the new procedures.

4. *Conclusions.* It is concluded from the above analysis that in no case, in so far as the Treasury's administration of the Anti-Dumping law is concerned, would the International Anti-Dumping Code alter the U.S. Anti-Dumping law. A more detailed examination of how the Government's administration of the Anti-Dumping law will be meshed into the new Code must, of necessity, be put

off until the Treasury has had an opportunity to complete the contemplated revisions of its administrative regulations.

REPLY TO SENATOR HARTKE'S COMMENTS ON ANTIDUMPING CODE OF THE OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS, AUGUST 24, 1967

In his letter of July 25, 1967, to members of the Congress, Senator Hartke asserts that the Antidumping Code, which the United States signed in Geneva as part of the Kennedy Round on June 30, 1967, is in conflict with the Anti-dumping Act, 1921. In particular, he cites three areas in the Code to support his assertion. These areas deal with the casual relationship between dumped imports and injury, the definition of the term "industry", and the timing of the consideration of dumping (i.e. sales at less than fair value) and injury.

For the reasons set out below, this memorandum concludes that, when the provisions of the Code cited by Senator Hartke are properly read on their face or construed in the light of negotiating history, they can only be considered to be consistent with the Act. Indeed, they constitute reasonable and appropriate interpretations of the Act, which further its purposes and are in no way inconsistent with its legislative history.

The first area relates to Article 3(a) of the Code, which provides in pertinent part as follows:

"(a) A determination of injury shall be made only when the authorities concerned are satisfied that the dumped imports are demonstrably the principal cause of material injury or of threat of material injury to a domestic industry or the principal cause of material retardation of the establishment of such an industry. . . ."

Senator Hartke points out that section 201(a) of the Act speaks only in terms of whether "an industry in the United States is being or is likely to be injured . . . by reason of the importation of [dumped] merchandise". He further notes that the Act does not use terms like "the principal cause" and "material injury".

The notion of "the principal cause" is both reasonable and consistent with the Act. The purpose of the Act is to impose antidumping duties only when injury is directly attributable to imports. Accordingly, the Code uses the notion of "the principal cause" as the relationship which is most responsive to this legislative purpose. Moreover, the test of principal cause is consistent with past determinations of the Tariff Commission (AA 1921–16, AA 1921–19, AA 1921–22, and AA 1921–49).

The notion of "material injury" is also reasonable and consistent with the Act. In the first place, it would be contrary to the Act to impose dumping duties in cases where injury is insignificant. Moreover, during consideration of the Customs Simplification Act of 1954, the Ways and Means Committee was explicitly informed by the General Counsel of the Tariff Commission that the notion of "material injury" had been applied in antidumping cases and would continue to be applied, as it has been in determinations of the Tariff Commission. (Hearings on H.R. 9476 before the Committee on Ways and Means, 83d Cong. 2d Sess. 37–38 (1954)).

The second area relates to the definition of the term "industry". Article 4(a) of the Code reads as follows:

"(a) In determining injury the term 'domestic industry' shall be interpreted as referring to the domestic producers as a whole of the like products or to those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products except that

"(i) when producers are importers of the allegedly dumped product the industry may be interpreted as referring to the rest of the producers;

"(ii) in exceptional circumstances a country may, for the production in question, be divided into two or more competitive markets and the producers within each market regarded as a separate industry, if, because of transport costs, all the producers within such a market sell all or almost all of their production of the product in question in that market, and none, or almost none, of the product in question produced elsewhere in the country is sold in that market or if there exist special regional marketing conditions (for example, traditional patterns of distribution or consumer tastes) which result in an equal degree of isolation of the producers in such a market from the rest of the industry, provided, however, that injury may be found in such circumstances only if there is injury to all or almost all of the total production of the product in the market as defined."

Senator Hartke notes that section 201(a) of the Act refers simply to "an industry of the United States". He then points out that Article 4(a) of the Code defines the term "domestic industry" to include all of a country's producers of a product which is like the dumped imported product under consideration.

At the outset, it should be noted that Senator Hartke overlooks the fact that the initial clause of Article 4(a) provides two equally available and permissible alternative definitions of the term "domestic industry". The first does, in fact, refer to the domestic producers as a whole of the product in question. But the second relates to those domestic producers whose collective output of the products constitutes simply a major proportion of the total domestic production of the product.

In past determinations, the Tariff Commission has considered "an industry of the United States" as either including all domestic producers or as constituting a discrete geographic segment of those producers. The second definition in the initial clause of Article 4(a) permits a third basis of delineation—a major proportion of the domestic producers. This alternative is both reasonable and certainly not inconsistent with the Act. It will permit determinations of injury where geographic segmentation is not proper and where the domestic industry as a whole is not materially injured by dumped imports.

Senator Hartke also asserts that Article 4(a)(ii) establishes an exceptional and restrictive concept of a geographically segmented industry, while the Act is written only in terms of "an industry of the United States."

In the first place, the use of the word "exceptional" in Article 4(a)(ii) is supported by the determinations of the Tariff Commission, since geographic segmentation has rarely been used by the Tariff Commission. In addition, Senator Hartke overlooks the fact that Article 4(a)(ii) provides not one but two situations in which geographic segmentation may be used. The first—involving segmentation due to transport costs—has been applied by the Tariff Commission (AA 1921–39). The second—involving special regional marketing conditions—allows segmentation in a variety of cases in a manner consistent with the Act. Moreover, it is certainly reasonable to permit geographic segmentation only if there is injury to all or almost all of the total production in the area. Such a condition is needed to maintain the integrity of the concept of "injury" and it is not in conflict with the determinations of the Tariff Commission.

The third area concerns Article 5(a) and (b) and Article 10 of the Code. The pertinent provisions of Article 5(a) and (b) read as follows:

"(a) Investigations shall normally be initiated upon a request on behalf of the industry affected, supported by evidence both of dumping and of injury resulting therefrom for this industry. . . .

"(b) Upon initiation of an investigation and thereafter, the evidence of both dumping and injury should be considered simultaneously. In any event the evidence of both dumping and injury shall be considered simultaneously in the decision whether or not to initiate an investigation, and thereafter, during the course of the investigation, starting on a date not later than the earliest date on which provisional measures may be applied. . . ."

Article 10(a) of the Code provides as follows:

"(a) Provisional measures may be taken only when a preliminary decision has been taken that there is dumping and when there is sufficient evidence of injury."

Senator Hartke asserts that these provisions of the Code require simultaneous investigations of dumping and injury and permit the withholding of appraisement only if there is evidence of injury. He therefore concludes that they are in conflict with the Act.

It should first be noted that the first sentence of Article 5(b), by virtue of the use of the word "should", does not legally obligate the United States to take any action. The first sentence of Article 5(a), the second sentence of Article 5(b), and Article 10(a), on the other hand, do impose obligations, and therefore raise the question of the operative meaning of the term "evidence."

Under the procedures contemplated by the Department of the Treasury, acceptance of a dumping complaint will be contingent upon the inclusion of certain limited supporting information concerning possible injury which is reasonably available to the complainant and which is needed to give some assurance that the investigation conducted by the Treasury Department will not be fruitless. This kind of information will be considered sufficient evidence of injury for purposes of both Article 5(a) and (b) and Article 10(a) of the Code.

To require information relating to injury in a dumping complaint is both reasonable and consistent with the Act. The Department of the Treasury now requires a dumping complaint to include information which bears upon the question of injury (19 CFR 14.6(b)(3)(1967)). Moreover, it is difficult to believe that the Congress intended that the question of dumping be investigated in cases where there is not even a preliminary indication of injury and that investigations therefore be undertaken needlessly.

The subsidiary question raised by the second sentence of Article 5(b) of the Code concerns the simultaneous investigation into the questions of dumping and injury after the date of application of the provisional measure, i.e. the withholding af appraisement. Under its contemplated procedures, if the Department of the Treasury believes that dumping is taking place, it will, at one and the same time, withhold apraisement and make a determination of dumping under section 201(a) of the Act. The Tariff Commission will then begin its investigation into the question of injury, and the Department of the Treasury will in most cases maintain a continuing review of the case. If, during this review, it should discover that dumping is not in fact taking place, it will rescind its earlier determination. Since the simultaneous consideration of dumping and injury will therefore take place only *after* the date of the determination of dumping by the Department of the Treasury, the second sentence of Article 5(b) is consistent with the Act.

In terms of the Antidumping Code as a whole, it is our view that the Code sets forth a series of interpretations of the Antidumping Act, 1921, which are in accord with that Act. Accordingly, the Code and the Act reinforce each other and promote objectives which are fundamental to the trade policy of the United States. On the one hand, the Congress has exercised its authority to

regulate commerce with foreign nations in order to lay down the basic guidelines with respect to injurious dumping. On the other hand, the President has exercised his authority to conduct foreign relations in order to obtain commitments from other countries which will significantly assist U.S. exporters, while continuing to safeguard domestic producers. In this way, the prerogatives of the Congress and the President are fully exercised and mutually respected.

TRIBUTE TO RETIRING POSTMASTER GENERAL AND NEW APPOINTEE

Mr. MONRONEY. Mr. President, it was with regret that I learned from the ticker of the resignation of Postmaster General O'Brien.

Postmaster General Larry O'Brien made a distinguished record as Postmaster General of this country. In the 18 years that I have served on the Committee on Post Office and Civil Service, none of the Postmasters General has every approached the record of progress that this distinguished American has made in his service there.

We have moved from the slow delivery of mail by railway postal cars and by other means of transportation that made the passage of mail take some 4 or 5 days for distant points to the day when about 90 percent of all first-class mail is air lifted and, if deposited in the early afternoon, will reach its destination the next morning.

The morale of the Post Office Department has been stepped up. In general, there has been a tremendous giant step forward in the Post Office.

For this reason I deeply regret having to say goodby to a very distinguished public servant, a man who has served President Johnson and the people of the United States well.

It is my understanding that papers have been received nominating the Honorable W. Marvin Watson, who is Special Assistant to the President, to succeed Larry O'Brien as Postmaster General of the United States.

We know his fine qualities and know the responsible position he has held of being the man closest to the President of the United States for the past 3 years. He has been serving in high office as Special Assistant to the President. He is the man that the House of Representatives and the Senate have made their contacts with in order to pass on ideas to the President, to seek appointments with the President, and to suggest modifications of matters pending before the executive department in relation to pending legislation.

Few men, if any, in the administration or in the White House, have handled such intimate details on matters of policy or on Government reports that must necessarily by law and by custom be made to the White House as has Mr. Watson in his confidential position to the President of the United States.

While we regret to see Mr. O'Brien leave, we are appreciative of the great qualities of Mr. Watson. He is a skilled man of business, having served as executive assistant to the president of the Lone Star Steel Co., one of the largest industrial concerns in the South. He was director of the Chamber of Commerce of the Red River Valley Association, and he has a distinguished record in the educational field.

He is a graduate of Baylor University, one of the outstanding universities of the South, with a bachelor of arts degree in 1949, with a master of arts in economics in 1950; and he spent 1 year in teaching economics at Baylor after his graduation. Also, he has had vast experience in matters relating to human relations.

Mr. Watson was the former State chairman of the Democratic Party of the Lone Star State, one of the largest in area and one of the largest in population, and his intimate friendship with the President goes back to 1948. He was appointed Special Assistant to the President in 1965.

Because of all these qualities and more, I am happy to see such an able, qualified, competent, energetic, and faithful young man—he is a young man—given this great opportunity to head one of the greatest businesses in the world—a business that has been left in good order, but still with much to do, by his predecessor, Mr. Larry O'Brien.

As chairman of the Committee on Post Office and Civil Service, I expect to conduct a hearing on April 22, to take up this nomination, and to report it as promptly as possible; and I am certain that a favorable report will be made after the hearing has been held.

Mr. RANDOLPH. Mr. President, will my capable colleague, the Senator from Oklahoma, yield at this point, if I do not interrupt his continuity of thought?

Mr. MONRONEY. I am happy to yield to the distinguished second-ranking member of the Post Office and Civil Service Committee, and chairman of its Subcommittee on Civil Service, who takes a great interest in all postal matters, both in making the books balance on proper charges and in keeping the rules straight for prompt delivery of our mail.

Mr. RANDOLPH. Mr. President, I join in the commendation by our able chairman of the Post Office and Civil Service Committee of the Senate, in the appropriate words that he has spoken with respect to the remarkable record of Lawrence F. O'Brien as the Postmaster General of the United States. Mr. O'Brien possessed the qualities for a successful career in that position. He was creative and resourceful in providing guidance for improvements in our vast postal system. Therefore, I am delighted to express my appreciation, as the chairman of our committee has expressed his appreciation for the effective efforts of Lawrence O'Brien.

I am especially gratified to comment on the nomination by President Johnson of Marvin Watson to succeed Mr. O'Brien as Postmaster General of the United States. It is helpful to those of us who work side by side with the knowledgeable Senator from Oklahoma to know that he is thinking in terms of our committee hearing on this nomination on Monday, April 22, This provides for prompt attention to the nomination. The committee, under our system, is composed of a majority of Democrats and a lesser number of Republicans. There is, Mr. President, a minimum, almost an absence, of partisanship. Our consideration of the nominee will be objective.

I reemphasize the administrative ability of Marvin Watson, an astute ability which has been tested and found not wanting as he worked as special assistant to the Chief Executive of the United States. Mr. Watson is a diligent worker in the Government of the United States, particularly at the White House level. He has cooperated with Members of the Senate on many problems that concern the executive branch and the legislative branch in our efforts for constructive partnership.

His background of service in the Federal Government, his experience in industry and business, and the superb qualifications of the man will be recognized by the members of our committee and later by the Senate. I not only believe that his nomination will be reported favorably by our committee to the Senate, but also that the action of the Senate itself will be without a dissent. In this nomination we will have the privilege to support a public servant worthy of the confidence expressed in him by the President of the United States.

I am grateful for the opportunity to speak these words, remembering a friend who did his task well. Now, I earnestly commend the nomination by the President of the successor to Mr. O'Brien.

Mr. MONRONEY. Mr. President, I thank my distinguished colleague, the ranking member of the Post Office and Civil Service Committee, for his very eloquent praise of our retiring Postmaster General and for the splendid description he has given of his very competent and able successor.

We are very happy to have these comments, so that the country may know the opinion of those who have served with Mr. Watson regarding his competency.

Mr. President, I yield to my distinguished colleague the senior Senator from Maryland, the chairman of the Subcommittee on Health Benefits and Life Insurance of the Committee on Post Office and Civil Service.

Mr. BREWSTER. Mr. President, I thank the chairman of the Committee on Post Office and Civil Service for yielding to me so that I may say a few words with respect to the next Postmaster General of the United States. I am extremely pleased and commend the President on his nomination of Marvin Watson for the post of Postmaster General.

Rarely has a man been so uniquely qualified by experience, temperament, and talent to serve in the President's Cabinet as Marvin Watson.

For 4 years he has been the President's most trusted counselor. He has stood at the President's right arm during the major decisions of the Johnson years. He is the man official Washington calls to get things done—speedily and efficiently.

He has won the admiration of his President for his loyal service, and I am confident that he will win the admiration of his Nation as Postmaster General.

As a member of the Committee on

Post Office and Civil Service, I certainly will support this nomination in our committee's deliberations.

As I congratulate the President on this appointment and praise the new Postmaster General, I also wish to commend Postmaster General Lawrence O'Brien on the splendid job he has done in this most difficult post through the past years. He has served his Nation very well and has done an efficient and capable job. We on the Post Office and Civil Service Committee of the Senate know how well he has performed under trying circumstances and what a pleasure it has been for us to work with him in improving the mail service in our country.

Mr. MONRONEY. I thank my distinguished colleague.

In closing, Mr. President, we in Congress will miss the faithful services of Mr. Watson in the very important position he occupied so close to the President, as the distinguished senior Senator from Maryland has so well described.

I am hopeful and I feel certain that the two specialists who have been named by the President will be able to take over the duties in all matters of service to the President, as has Mr. Watson.

I also share confidence in Jim Jones, an assistant to Mr. Watson, a young man who received his practical education in government as an employee of the House of Representatives and who was endorsed by the President to serve in the White House. He has been justly rewarded for his competence by being appointed a special assistant. I also pay tribute to Mr. Larry Temple who will share in these great responsibilities and in keeping in harmony and coordination the various branches and the relationships between the legislative branch of government and the executive branch of government.

Mr. MANSFIELD. Mr. President, first, I wish to say that I regret deeply the resignation of Lawrence O'Brien, who has served faithfully, loyally, and well two Presidents of the United States. He has done a good job in the Post Office Department by making it more effective and efficient, and he has brought about savings even while costs have been mounting there. He will be missed, not only because he was a good Postmaster General, but also because he is a good politician, in the best meaning of that word.

His passing will be made up by the appointment of a man whom I consider to be one of the unsung heroes in the Nation's Capital. I refer to Marvin Watson, of Texas, who has served as the President's right-hand man for some years now, who is an unassuming, quiet decent, honest man, who is averse to publicity, who does not seek the limelight, but who patiently and carefully works, and works well and diligently. He is a man of great loyalty and a man of tremendous administrative talents. One would never know that unless one knew Marvin Watson who has given his whole life and devotion to the man who occupies the Presidency of the United States. He is now about to become Postmaster General of this Nation.

I have no doubt that his nomination will be reported unanimously by the Committee on Post Office and Civil Service and that he will be approved unanimously by the Senate, without any trouble at all.

It is my understanding that some time next week hearings will get under way on the nomination of Marvin Watson. As soon as that nomination is reported favorably by the Committee on Post Office and Civil Service, it is my intention to bring it up on the floor of the Senate at the earliest possible moment for disposition, and I am sure it will be approved.

Again, I want to say that I am deeply sorry that Larry O'Brien has resigned. I can understand the reasons and the circumstances. I am very happy, though, that a thoroughly competent, honest, and decent man, in the person of Marvin Watson, has been designated by the President as his successor.

With both of these men the Post Office Department has been and will be in good hands.

AMENDMENT OF TARIFF SCHEDULES REGARDING CLASSIFICATION OF CHINESE GOOSEBERRIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 489, H.R. 2155.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2155) to amend the tariff schedules of the United States with respect to the classification of Chinese gooseberries.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments, on page 1, line 8, after "SEC. 2" to insert "(a)"; on page 2, after line 2, to insert:

(b)(1) The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

(2) For purposes of section 351(b) of the Trade Expansion Act of 1962, the rate of duty in rate column numbered 2 of the Tariff Schedules of the United States for item 140.48 (as added by the first section of this Act) shall be treated as the rate of duty existing on July 1, 1934.

After line 15, to insert a new section, as follows:

SEC. 3. Section 551 of the Tariff Act of 1930, as amended (19 U.S.C. 1551), is amended by adding at the end thereof the following new sentence: "A private carrier, upon application, may, in the discretion of the Secretary, be designated under the preceding sentence as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant."

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

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries, and for other purposes."

LIMITATIONS ON OCEAN CRUISES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1063, H.R. 12639.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 12639) to remove certain limitations on ocean cruises.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 2, line 7, after the word "section" strike out the colon and insert "*Provided, however,* That no operator may cruise for more than five months of each year on any essential trade route assigned to another United States-flag steamship company."; and on page 2, after line 16, strike out:

SEC. 3. Section 613 of the Merchant Marine Act, 1936, as amended, is repealed effective on the last day of the three-year period which begins on the date of enactment of this Act.

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

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF THE NATIONAL SCHOOL LUNCH ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1049, H.R. 15398. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The BILL CLERK. A bill (H.R. 15398) to amend the National School Lunch Act to strengthen and expand food service programs for children, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows:

"SEC. 4. (a) There is hereby authorized to be appropriated for each of the fiscal years 1969 and 1970, $6,500,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools. Appropriations and amounts expended for the purposes of this Act shall be considered, for the purposes of budget presentations, to relate to the functions of the Government concerned with health, education, or welfare rather than to functions concerned with agriculture."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent request, which I have cleared with the appropriate Senators, and I ask that it be stated at this time.

The PRESIDING OFFICER. The unanimous-consent request will be stated.

The legislative clerk read, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That immediately after the conclusion of morning business on Wednesday next (April 17, 1968)—which period of morning business shall not exceed 15 minutes—the Senate shall proceed to the consideration of Calendar No. 1049, H.R. 15398, and that at 1 p.m. on said day the Senate shall vote on the committee amendment to strike out the House language and to insert a substitute therefor; and that immediately after the disposition of the committee amendment the third reading be had on the bill to be immediately followed by a vote on the final passage; that the time prior to 1 p.m. shall be equally divided between the senior Senator from Louisiana [Mr. ELLENDER] and the senior Senator from Michigan [Mr. HART] or whoever they shall designate.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement submitted by the Senator from Montana?

The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I repeat, there will be no further business tonight except speeches. I believe the distinguished Senator from New York is trying to work out something.

Mr. JAVITS. My matter can go over until tomorrow.

Mr. MANSFIELD. Very well.

Mr. President, for the information of the Senate, I would hope that Senators will keep in mind that there will be a vote at 1 o'clock on Wednesday, April 17, 1968. It is anticipated that when the school lunch bill is disposed of, the Senate will then immediately turn to the consideration of the authorization bill for the Department of Defense, which will be a very sizable item.

I express the hope that Senators would keep in mind the above program, and that we would all be back on Wednesday next, prepared to get down to business at once.

RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the distinguished senior Senator from New York [Mr. JAVITS] be recognized for not to exceed 20 minutes.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes tonight. The National School Lunch Act will be considered tomorrow. The leadership is hopeful it may be possible to get the Coast Guard authorization bill reported and placed before the Senate, but I can offer no assurances to that effect.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be excused from the Senate tomorrow for a part of the day.

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

EXTENSION OF TIME FOR FILING REPORT BY SPECIAL COMMITTEE ON AGING

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey [Mr. WILLIAMS], I ask unanimous consent that the time for filing the report of the Special Committee on Aging be extended from April 17, 1968, to April 29, 1968.

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

INDIVIDUAL RESPONSIBILITY IS BASIC IN AMERICAN SOCIETY

Mr. BYRD of West Virginia. Mr. President, on the evening of April 6, 1968, I addressed the Robert White and Equality Blue Lodges of the Ancient, Free and Accepted Masons, in Martinsburg, W. Va.

I ask unanimous consent that my remarks on that occasion be printed in the RECORD.

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

I am honored that you asked me to speak on this significant occasion. The project that you have undertaken, which will provide a more adequate and a more commodious home for your Masonic activities in Martinsburg, is impressive and commendable, and I congratulate you, the members of the Robert White and Equality Blue Lodges, for it and for all the good work you are doing. The new temple you are preparing will stand as a monument to the important place that Masonry occupies in this community.

The roots of Freemasonry reach far back into history. Yet, the tenets on which it was founded are as valid today as they were at the beginning.

I believe that the precepts of the Masonic order, the high ethical standards to which you as individuals subscribe and to which you aspire can constitute a vigorous influence for good in any community.

Freemasonry has played an important role in the development of our country from its first formative years, and I believe and I hope that it will continue to do so. Many of the Founding Fathers of this Nation were Masons—and indeed, George Washington, the Father of our Country is said to have presided as Master over the first Masonic Lodge that met west of the Blue Ridge, while this area was still Virginia, the meetings of which, I am told, were held in a cave near Charles Town. Masonry, thus, has been a force in the Eastern Panhandle of West Virginia since the earliest days of the Republic.

The term "Freemasonry" originally meant a craftsman, an artisan who worked with mallet and chisel in stone to carve out objects of beauty and worth, and I believe it is not amiss to thing of good citizenship in that light today—individuals who are civic craftsmen, helping to build a better society, a better country, and a better world.

It is significant, I believe that Freemasonry is, and always has been, proscribed in totalitarian countries. Authoritarian governments, regimes in which the state is all-powerful, will not—in fact they can not—tolerate its presence.

It is equally significant, I believe, that, in countries in which free men, free institutions and governments responsive to the people have existed, Freemasonry has often played an important role. Heads of government and influential members of cabinets and legislative bodies have often been Masons.

Freemasonry has had a powerful influence in the development of free societies. It has helped mold the character of individuals and helped give strength to national institutions, for in Freemasonry, men of all walks of life, blue collar, white collar, intellectual and artisan, meet together, bound to each other in brotherhood by a strong ethical and moral code which guides their lives.

It is only natural that such men should believe strongly in individual responsibility—which is the topic that I want to discuss with you this evening.

Today we hear a very great deal about the responsibilities of society and the responsibilities of government. We have grown to be a rich and a powerful country—and our society and our government do have awesome responsibilities at home and abroad. Perhaps in this day of ever-increasing bigness, of an ever more complicated society, and an ever more frustrating world, it is only natural that individuals should more and more look to government for the solutions to their problems.

Poverty has become the concern of government, and we hear demands from the ultra-liberals and the theorists of the new left that government go all-out to end it. We hear all sorts of definitions for poverty, mostly based on some arbitrary level of monetary income, which may or may not take into consideration other factors that could both raise and lower a person's relative economic status.

Housing has become the concern of government, and we hear more and more demands for housing projects of many and varied kinds, for model cities programs, for urban renewal programs, for a wide variety of progams to improve or do away with the "ghettos" that we now hear so much about.

Social discrimination has become a concern of government, along with job discrimination, forced integration, and a multitude of other socialy-oriented issues.

Society or government is blamed for our failures, and our short-comings. A social structure that is called indifferent and cal-

lous by some is blamed for unemployment and a lack of work opportunities, at a time when it is almost impossible to hire people for many of the jobs that need doing.

Society is blamed for poor education, for juvenile delinquency, for the rising trend of illegitimacy, in short for most of the ills that beset us.

A presidential Commission to study riots blames riots on the structure of society, on "white racism," if you please, on a lack of opportunity, on deprivation, on ghetto life, on the long, hot summers—on any and everything, in fact, except on those who riot.

Bleeding-hearts blame crime on the same things—on everything, in fact, except the criminal, and they excuse his behavior on the grounds that he had an unhappy childhood or that he was in some way disadvantaged.

Growing welfare dependency is blamed on society; the draft card burners and the pot smokers multiply and their actions are blamed on society; and more and more demonstrators march and sit-in and lie-in—and their disorders are blamed on society.

Everything is blamed on something else. We hear on every hand that society has failed to do this and do that, that government has ducked this issue and dodged that responsibility—and those of the far left and the demagogues take up the cry that, unless the legislation they demand is enacted and billions more are appropriated, dire events are going to occur and the country is going up in flames this summer.

The government is blamed for all of mankind's ills by a weird assortment of pseudo-intellectuals, new left liberals, pulpitless pastors, wild-eyed hippies, drunken poets, commie-sympathizers, and crackpots in general, who point the finger of scorn at society as a whole and "the establishment" in particular as they preach their new gospel of individual irresponsibility.

Somewhere along the line, many of the people of this Nation have gotten on the wrong track. Somehow they have gotten terribly mixed up in their sense of values and in their philosophy of life.

The Government of the United States does not owe anyone a living; it does not bear the responsibility for individual success or failure; there is nothing anywhere that says the government should have to take care of the citizen, any citizen, from the cradle to the grave.

Somewhere, somehow, too many people in this country have lost sight of the unalterable fact that the one thing, in addition to a reasonable amount of intelligence and good health, that is essential and necessary to success and satisfaction in this life—whether a person be born black or white, rich or poor, whether he be born in the suburbs or in the ghetto—is individual responsibility and incentive. Without individual responsibility it is impossible to reach any goal, achieve any success or to realize the full potential of any life.

Advocating individual responsibility may not be the popular thing to do in the estimation of some who are in politics. It may seem to them more politically advantageous to talk about the government's responsibility. I am not one of those persons.

America is at a crossroads on this matter of responsibility. We are in danger of losing something very basic in our national life unless the spirit of individual responsibility is revived. We simply cannot afford to go much farther in the direction of placing responsibility for everything on government.

Individual initiative and individual effort and individual responsibility made America great, and can keep America great. Individual irresponsibility can wreck us.

Think back in our history. Did the poor Jewish and Irish boys who rose to fame from the tenements of Boston and New York demonstrate and riot because they lived in the ghettos? Did Abraham Lincoln throw up his hands because he was raised in sub-standard housing and went to sub-standard schools?

Where would we have been as a Nation if only a few years ago the philosophy that so many have now embraced had then prevailed? The great men of every generation in America have been men who looked to themselves, and not to the government, for the solutions to their problems.

Men live in a social structure—whether it be in a household, a primitive tribe, a clan or a state—so that collectively they can do for themselves what they cannot do individually. But always, individual effort and responsibility must exist if either the household or the tribe or the state is to survive and be strong. None of these entities was created, nor should it exist, to replace the responsibilities of the individual.

We talk of "progress" very loosely these days as we consider many of the activities of government. But more than a hundred years ago, about the time when what so many people think of as "modern progress" started, the well-known 19th Century French writer Pierre Charles Baudelaire said:

"There can be no progress except in the individual, and by the individual himself."

We ought to take that statement to heart in this age, for it is still a fact that there can be no progress except in the individual or by the individual himself.

Look back again through history, and you will readily see that almost every significant accomplishment or achievement, whether in the arts, in the sciences, or, yes, in government itself, was the work of one individual.

How many committees ever painted a picture, or wrote a symphony, or produced an invention? How many governments ever achieved anything without a dedicated individual or individuals to lead the way?

Certainly I do not say, or mean to suggest, that government does not have a responsibility in the social and economic areas to which I have referred. It does have great responsibility.

But that responsibility lies in providing the freedom, the opportunity, and the atmosphere in which citizens can exercise their own initiative and their own efforts. That is the basic concept of the function of government in America. And the first thing that government must do, to insure to every citizen his rightful opportunity, is to provide for domestic stability through law and order.

It is not a function of government to confer status upon any citizen or minority. All that any government can or should do is to provide the opportunity for the acquiring of status. Government can no more give stature or station in life to an individual or to a minority than it can give an individual instant education or legislatively bestow any other kind of success in life upon him.

Any philosophy of government that does not lay the primary stress upon individual responsibility, runs counter to human nature, and it is, in my opinion, doomed to failure. Human nature being what it is, many people will simply let the government do it for them, exercising no initiative of their own. This is the fatal flaw in the communist system, and it can be the fatal flaw in paternalistic government in America as well.

What I am saying here may be thought by some to be old-fashioned, and perhaps it is. But I think it might be good for us to be a little old-fashioned, to hark back to the old virtues and the time-tested principles of rugged individualism that made this Nation great.

I think that every school and college in America, every church, every fraternal organization, every agency that believes in America should begin a great crusade to preach once again to every person in this land, and especially to our young men and women, the great doctrine of individual responsibility.

THE TYPICAL RIOT SUSPECT: HE'S "AMAZINGLY RESPECTABLE"

Mr. BYRD of West Virginia. Mr. President, on April 8, 1968, there was published in the Washington Post an article entitled "The Typical Riot Suspect: He's 'Amazingly Respectable'" which was written by Jim Hoagland and Stephen S. Rosenfeld.

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:

THE TYPICAL RIOT SUSPECT: HE'S "AMAZINGLY RESPECTABLE"

(By Jim Hoagland and Stephen S. Rosenfeld)

The first riot suspects in court here yield a portrait of a typical suspect about 29, who attended 11 grades of school, has a job paying $85 to $95 a week, and has not been in trouble with the law before.

"This is an amazingly respectable crowd, compared with the people we usually get here," says a weary interviewer from the D.C. Bail Agency. "They have firm home addresses, families, and few criminal records."

In Washington, the first sampling shows, more than half the adult riot suspects were married. A large number work for the Federal Government, and many have some college education.

This data came from a reporter's examining records for the first 119 riot suspects interviewed by the Bail Agency on Friday and Saturday. (Up to last night, about 1000 people had been charged with riot-connected felonies.) More than 100 of the 119 were charged with burglary, the formal count for looting. The rest face charges like possessing stolen property and assaulting policemen.

The typical suspect here differed somewhat from the typical rioter described by the National Advisory Commission on Civil Disorders in its study of 22 disturbances throughout the country last summer.

Part of the reason for this is, of course, that juveniles are not taken into account in this sample. Suspects under 18 will be processed later in Juvenile Court; there are no statistics on them yet.

Further, the Riot Commission drew its profile not only from arrested persons but on others who were not arrested but who admitted taking part in rioting.

SUSPECT QUIET, CONFUSED

Among the hundreds of men (and a handful of women) who arrived at the cellblocks in the court of General Sessions was a man named Durand, about 40, who was short, quiet and apparently confused. An assistant cook, he has made all his rent payment for the last two years, and is a deacon at his church.

Also in the noisy, sweaty basement cell, kept full with new prisoners through the day as its earlier occupants ascended to the five working courtrooms above, was James Pringle. A Northeast resident, 38, with five children, he has lived in Washington since 1951 and has worked as a GS–3 mechanic since 1960.

These two men do not resemble the Riot Commission's profile of the rioter as a young single Negro male, 15 to 24, who is a lifelong resident of his city and who dropped out of high school after one or two years.

Although the Bail Agency figures illuminate the type of person local police arrested, their role in the rioting cannot yet be judged because they have not yet been tried. So far suspects have appeared in court only to request bond and receive dates for later court hearings on the charges against them.

The Bail Agency picture is a surprising one. Five Howard University students, including three senior women and a freshman on schol-

arship, are among the 119. So are a Virginia Seminary freshman, three high school students charged with burglary, a 42-year-old real estate agent, a United Planning Organization counselor, an apartment house manager and an assistant librarian.

These arrestees all are Negroes. Indeed, all but one of the Bail Agency's 119 suspects are Negroes. (A white man from Adelphi, Md., was arrested on a charge of assault with a dangerous weapon.) The Riot Commission reported that 85 per cent of all persons arrested last summer were Negro.

The Commission noted that in the Detroit and Newark riots, 74 per cent of those arrested were brought up in those cities. But more than half of those arrested in Washington, according to this sample, were born elsewhere, principally the Carolinas.

FEW DROPOUTS ARRESTED

There were many dropouts arrested in Washington—but they were not young. Most were over 30. Of the 26 persons under 21, only six had not finished high school. A total of 49 persons had not gone beyond the 10th grade; 15 others dropped out after the 11th.

But 27 were high school graduates, and nine persons had attended college. There were two college graduates.

Although the 119 suspects had a higher educational level than the Commission's typical rioter (again, it must be noted that no juveniles are in this sample), they did hold generally low-status jobs. This parallels the Commission's findings.

Only 13 of the 119 were unemployed. This is about 10 per cent, or roughly half the unemployment figure the Commission reported for Detroit and about a third of that for Newark.

Construction workers were most apt to be arrested in Washington. There were 14 of them in the 119. There were 10 janitors. Another 18 held other manual-labor jobs, including carpenter, dishwasher, mover, cook and mechanic.

Salaries ranged from $47 a week for a hotel janitor to $150 a week for a fence installer. Income averaged $85 to $90 a week.

Eleven persons interviewed by the Bail Agency work for the Federal Government, mostly in clerical positions. Five of the 11 work for the Post Office.

Of the group, 44 were between 18 and 24 years old. There were 44 persons between 25 and 34. Seventeen suspects were over 40.

Five of those were older than 50, including a 62-year-old widower who is a janitor. He lives in the 2700 block of 14th Street nw., and was arrested for burglary.

Like three out of four of the arrested in the sample, he lives in and was apprehended in an area in which heavy looting and burning took place.

Of the 20 who lived outside riot areas and who were arrested at the scene of looting, 13 had criminal records. Only seven other persons, all of whom lived in riot areas, had records for other than traffic or petty misdemeanors, the Bail Agency's records showed.

In Detroit, 61.4 per cent of those arrested were men. There were only 15 women in the D.C. Bail Agency's sampling, or about 12 per cent. All were under 28, and many were 21. Five were housewives. About 30 per cent of all 119 suspects had four or more children.

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

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

HON. LARRY O'BRIEN

Mr. HART. Mr. President, I was in the chair when the announcement was made that Larry O'Brien had resigned as Postmaster General and that Marvin Watson had been nominated to replace him.

While the hour is late, I want merely to add my expression of appreciation to Larry O'Brien for his magnificent contribution to the administration of a difficult department of Government.

I concur in everything my majority leader has said with respect to the devotion that has characterized his service to two Presidents.

I also join my majority leader in his expression of confidence in Marvin Watson, whose loyalty to the President has never been questioned and whose background indicates very clearly that he is a man of great capacity. I wish him all good things in his new assignment.

NAVY NUCLEAR SUBMARINE PROGRAM

Mr. THURMOND. Mr. President, yesterday, the Senate Committee on Armed Services gave the Navy nuclear submarine program some badly needed support.

In the markup for authorization of the fiscal year 1969 appropriations, the Armed Services Committee added $33.9 million for the nuclear attack submarine construction program.

This act was made in recognition of previous requests by Vice Admiral Rickover. The committee provided funds for long lead time procurement of the new type, improved nuclear submarines advocated by the admiral. They added $13.5 million for procurement and $4 million for research and development, thus ensuring that one of two submarines to be funded in fiscal year 1970 will be of a new type. In addition, the committee added $16.4 million to the fiscal year 1969 budget for use in long lead time procurement of a "new generation" nuclear submarine that will be funded after 1970.

I am greatly pleased with the committee action on this important matter, and commend Vice Admiral Rickover for his long struggle and hard work to ensure that our submarine force continues to advance. In the face of the Soviet nuclear submarine developments, it is imperative that the United States continue to maintain its technological advantage. This action by the Senate Armed Services Committee is an important and productive step toward the protection of this country.

ADJOURNMENT

Mr. HART. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 11, 1968, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, April 10, 1968:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

Roger L. Kennedy
Ellis W. Grimes
Lywald W. Hendricks
Michael J. Schiehl
Larry E. Sartin
Robert D. Bowen
John F. Ebersole
Henry D. Jacoby
Michael W. Olivo
James L. Phaup
Marvin L. Grier, Sr.
Robert G. Gipe
Howard A. Tawney
Michael F. Cook
Robert J. Sancrant
John R. Neu
Harry F. Schmecht
Joseph P. Solometo, Jr.
Roland W. Callis
James T. Marcotte
George S. McDowell, Jr.
William R. Paul
John B. Cullens
Ivan L. Reznor
Raymond J. Pratte
Robert A. Danforth
Ronald D. Lapp
Perry A. Biles
James T. Cushman
John H. Cragin, II
William E. Wyche, Jr.
William G. Whetstone
Wilbern K. Elkins
Donald C. Crooks
Richard B. Disharoon
Richard G. McLean
Richard D. Wescott
August E. Redlinger
Charles H. Eason
Timothy C. Hess
James M. Hough
Robert W. McKee
James H. Thomson
John D. Derenthal
Joe F. Poteat
Edward K. Mullan
Robert N. Lynch
Kenneth N. Ryan
Michael D. Rems
Anatol Rozumny
George L. Vanbelkum
Thomas B. McCarty

The following-named officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant commander:

James M. Mullen
Robert N. Finnie

The following-named officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Kenneth F. Bishop, Jr.
Martin J. Danko
William E. Zimmerman, Jr.
William J. Merrill
Roger W. Allison, Jr.
Gary T. Morgan
Frederick H. Clausen
Milton J. Foust
Thomas J. McKerr
Irving G. Sauer

The following-named officer to be a member of the permanent commissioned teaching staff of the Coast Guard Academy as an assistant professor with the grade of lieutenant commander:

Robert L. DeMichiell.

The following-named officer to be a member of the permanent commissioned teaching staff of the Coast Guard Academy as an Instructor with the grade of lieutenant:

David A. Sandell.

The following-named persons to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Kenneth Barry Allen
Fred Lewis Ames
Leighton Thomas Anderson
Richard Joseph Asaro
John Anthony Bastek
Roger James Beer
Robert Paul Bender
Robert Byron Bower
Kennedy Dudley Boyd
Thomas Daniel Brennan
Stanley Clarke Brobeck, Jr.
Ralph Walter Brown, Jr.
Dennis Leroy Bryant
Joseph Edwards Casaday
Richard Lee Cashdollar
Graham John Chynoweth
Richard Ross Clark
James Cameron Clow
Thomas Hansen Collins
Edward Charles Cooke
Mark Joseph Costello
Jay Allen Creech
Steven John Delaney
Harold Bruce Dickey
Ronald Lee Edmiston
Michael Joseph Edwards
Normal Conklin Edwards, Jr.
William Christopher Eglit
Dennis Robert Erlandson
Paul Nicholas Fanolis
Kevin Vincent Feeney
David Albert Fletcher
Terry Raymond Fondow
Stanley Wayne Funk
Daniel Arthur Gary
Paul Vincent Gorman, Jr.
Larry Victor Grant
Terry Lee Grindstaff
Robert Eino Gronberg
Walter Raymond Guest, Jr.
James Clifford Haedt
William Corbett Hain, III
Olav Robert Haneberg
Michael Alexander Francis Haponik
Geoffrey Marshall Harben
Richard Warren Hauschildt
Michael Frank Herman
Charles Jay Hermann
James Lynn Hested
Victor Edward Hipkiss
William Raymond Hodges, Jr.
William Frederick Holt
Ronald Charles Hoover
Ronald Fred Hough
John Rudolph Hruska
Paul Ibsen
James Theodore Ingham
Thomas Hunter Jenkins
William Raymond Johanek
Christopher Fred John
Thomas Stanley Johnson III
Robert Kirk Jones
Edward Bruce Peter Kangeter III
Edward Carl Karnis
Joel Edward Karr
John Kenneth Kastorff, Jr.
Brian Patrick Michael Kelly
Edmund Ignatius Kiley
Robert James Lachowicz
James Lester Lambert
John Hardy LeGwin III
Peter David Lish
Ronald Konrad Losch
Douglas Allen Macadam
James Marc MacDonald
John Alexander Magiera
Richard Lloyd Maguire
Dennis Michael Majerski
Walter Frank Malec, Jr.
John Alvar Mantyla, Jr.
Francis Thomas Ephrem Marcotte
Ronald Scott Matthew
John Willis McBride
Dennis Lynch McCord
John David McDevitt
Arthur William McGrath, Jr.
Daniel Bryon McKinley
Kenneth Joseph McPartlin
Michael William Meehan
George Henry Mercier
Richard Brian Meyer
James William Milas
Frederick Vernon Minson
Roger Dale Mowery
Glendon Lee Moyer
William Frank Mueller
John Joseph Mulligan, Jr.
Frank Peter Murray
George Thomas Oakley
Joseph Frank Olivo, Jr.
Larry James Olson
Larry Eugene Parkin
James Thomas Paskewich
George Raymond Perrault
Stanley Michael Phillips
Peter August Poerschke
Alexander Timothy Thomas Polasky
David Arthur Potter
David Lee Powell
Victor Pierre Primeaux
Glenn John Pruiksma
Dennis Patrick Purves
Kenneth Robert Riordon
Ernest Raymond Riutta
James Dodd David Rufe
John Richard Ryland
Juan Tudela Salas
Theodore James Sampson
Roy Clifton Samuelson, Jr.
Frank Joseph Scaraglino
Jack William Scarborough
Ronald Francis Schafer
Daniel Joseph Schatte
Anthony Harmon Schieck
Richard William Schneider
Norman Virgil Scurria, Jr.
Wayne Fulton Shade
Ronnie Lee Sharp
Arthur Francis Shires
Wayne Keith Six
James Allen Smith
Mont James Smith, Jr.
James Gilbert Soland
Phillip John Stager
Gerald Brian Steinke
Lonnie Eugene Steverson
Michael Martin Storey
Nicholas Stramandi
Roger Boyd Streeter
Stephen Lucas Swann
Richard Lynn Swomley
John Robert Taylor
Peter Richard Alan Tennis
William John Theroux
Floyd William Thomas
Thomas Edward Thompson
Michael Edward Tovcimak
John Thomas Tozzi
Robert Bruce Vanasse
John Richard Vitt, Jr.
Clifton Krell Vogelsberg, Jr.
Jeffery Scott Wagner
Stephen Ralph Welch
Bruce Eric Weule
Gregory Thomas Wilson
Randall Roy Winn
Wayne Young

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of 10 U.S.C. 3283, through 3294:

To be captains

Dygert, George H., [redacted].
Endicott, James A., [redacted].
Haight, Barrett S., [redacted].
Servis, Hubert T., [redacted].

To be first lieutenants

Anderson, Gary L., [redacted].
Ayers, Glenn R., [redacted].
Bolt, Andrew, II, [redacted].
Bruning, Richard C., [redacted].
Cowan, James D., Jr., [redacted].
Cox, Michael P., [redacted].
Denison, Gordon R., [redacted].
Deveaux, William P., [redacted].
Dolan, Thomas J., [redacted].
Eielson, John A., [redacted].
Finney, Jackie L., [redacted].
Greene, William P., Jr., [redacted].
Hanket, Mark J., [redacted].
Hargarten, James P., [redacted].
Heaston, William P., [redacted].
Hergen, James G., [redacted].
Herring, Charles D., [redacted].
Hieronymus, Edward W., [redacted].
Lane, Michael H., [redacted].
Lanoue, John D., [redacted].
Menson, Richard L., [redacted].
Modarelli, Robert O., [redacted].
Myers, William D., [redacted].
Pater, Gerald L., [redacted].
Prager, Henry J., [redacted].
Prosser, John R., [redacted].
Protzman, Robert R., [redacted].
Recchuite, Martin C., [redacted].
Slicker, Frederic K., [redacted].
Taylor, Ronald G., [redacted].
Tepe, William R., Jr., [redacted].
Van Brockhoven, Rolil., [redacted].
Van Wert, Ronald K., [redacted].
Woodward, William B., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of 10 U.S.C. 3283 through 3294 and 3311:

To be major

Ashworth, Servetus T., III, [redacted].

To be captains

Allen, James H. D., [redacted].
Beauchamp, Edward W., [redacted].
Bittrich, Lowell D., [redacted].
Blankenship, Malcolm, [redacted].
Bradley, George P., [redacted].
Brehaut, Joseph W., [redacted].
Chandler, Billy D., [redacted].
Cianciolo, August M., [redacted].
Cole, Edward F., [redacted].
Collins, William O., [redacted].
Daniel, Walter B., [redacted].
David, Erich W. P., [redacted].
Drake, Charles E., [redacted].
Duffy, Helen C., [redacted].
Duffy, Robert F., [redacted].
Fraker, William W., [redacted].
Garcia-Vergne, Manuel A., [redacted].
Gehlsen, Emory M., [redacted].
Hahn, William F., [redacted].
Henry, Charles R., [redacted].
Hill, Perry J., [redacted].
Hirotsu, Masuo, [redacted].
Hisey, James R., [redacted].
James, Robert B., [redacted].
Johnson, Richard S., [redacted].
Kamensky, Richard J., [redacted].
Kok, Sherwood J., [redacted].
Macheledt, Matthew W., [redacted].
McDonald, William, [redacted].
McKinzie, Daniel G., [redacted].
Miller, Lawrence R., [redacted].
Miller, Ronnie M., [redacted].
Miller, Teryl R., [redacted].
Mills, Frank L., [redacted].
Murray, Daniel G. O., [redacted].
Murray, John L., [redacted].
Narbuth, Benjamin L., [redacted].
Peterson, John A., [redacted].
Pierce, Wilford V., [redacted].
Pollock, Maurice I., [redacted].
Pretto, William H., Jr., [redacted].
Rando, Joseph T., [redacted].
Reddy, Charles J., [redacted].
Riggs, Clyde, Jr., [redacted].
Sannicks, Karl L., [redacted].
Sitter, Stephen C., [redacted].
Smith, Allan L., [redacted].
Van Sant, Thomas E., [redacted].
Vickery, Jane C., [redacted].
West, John J., [redacted].
White, Robert L., III, [redacted].
Zumbro, George L., [redacted].

To be first lieutenants

Aberg, Eric T., xxxxxxxx.
Ange, Charles G., Jr., xxxxxxxx.
Anundson, William D., xxxxxxxxx.
Ashley, Nancy R., xxxxx.
Baggott, Francis M., xxxxxxxx.
Beeman, Joseph R., xxxxxxxx.
Bennett, John R., xxxxxxx.
Bossio, Donald J., xxxx.
Brasel, James B., xxxxxxxxx.
Brown, Oren R., Jr., xxxxxxxx.
Bryant, James A., xxxxxxxx.
Byers, Charles M., xxxxxxxxx.
Cabell, Lawrence C., xxxxxxxx.
Campbell, Paul M., xxxxxxxx.
Cherry, John E., xxxxxxxx.
Christner, William L., xxxxxxxx.
Clark, Ralph C., xxxxxxxx.
Craig, John W., xxxxxxxx.
Crawford, Raymon E., xxxxxxxx.
Dayton, Miller P., II, xxxxxxxxx.
Delp, Steven P., xxxxxxxx.
Dickinson, William R., xxxxxxxx.
Dobson, Charles T., xxxxxxxx.
Dompe, John W., xxxxxxxx.
Dow, Thomas M., xxxxxxxx.
Ekvall, Charles J., xxxxxxxx.
Ellis, Claude, Jr., xxxxxxxx.
Esposito, Louis J., xxxxxxxx.
Fellers, Donald P., xxxxxxxx.
Ferington, Felicitus, xxxxxxxx.
Frazee, Robert M., xxxxxxxx.
Gesin, Frederick H., xxxxxxxx.
Glisson, Henry T., xxxxxxxx.
Gordy, John W., Jr., xxxxxxxx.
Greene, Mervin W., xxxxxxxx.
Griffard, John M., xxxxxxxx.
Hansen, Jerome K., xxxxxxxx.
Harvill, Edwin G., xxxxxxxx.
Hawley, James E., xxxxxxxx.
Hickman, Jerold W., xxxxxxxx.
Hoffman, Paul L., xxxxxxxx.
Holbrook, Rudy H., xxxxxxxx.
Holland, Leon L., xxxxxxxx.
Holsapple, Victor E., xxxxxxxx.
Hutcherson, James D., xxxxxxxx.
Johnson, Donald L., xxxxxxxx.
Johnson, Howard C., xxxxxxxx.
Johnson, Warren K., xxxxxxxx.
Jones, Carl M., xxxxxxxx.
Jordan, Jan E., xxxxxxxx.
Knobeloch, Arthur R., xxxxxxxx.
Madsen, Raymond L., xxxxxxxx.
Marquis, Geoffrey F., xxxxxxxx.
Martin, Hermen J., xxxxxxxx.
Matson, Erland G., xxxxxxxxx.
McElory, Joseph R., xxxxxxxx.
McEntire, Fred W., Jr., xxxxxxxx.
McGuire, Matthew M., xxxxxxxx.
Menard, Theodore A., xxxxxxxx.
Meyer, Nancy A., xxxxxxxx.
Middleton, Thomas C., xxxxxxxx.
Monroe, Dennis G., xxxxxxxx.
Montgomery, Raymond, xxxxxxxxx.
Moore, Thomas J., xxxxxxxx.
Morgan, John M., xxxxxxxx.
Morgan, Richard J., Jr., xxxxxxxx.
Morres, Anna V., xxxxxxxx.
Murphy, Haspard R., xxxxxxxx.
Naylor, Paul D., xxxxxxxx.
New, Eugene R., xxxxxxxx.
Norene, Luther N., xxxxxxxx.
Oldham, Larry S., xxxxxxxx.
Orndorff, Cynthia J., xxxxxxxx.
Papazian, Aroxie A., xxxxxxxx.
Parker, Robert L., xxxxxxxx.
Pickett, Robert L., xxxxxxxx.
Roder, William E., xxxxxxxx.
Rosenberg, Donald M., xxxxxxxx.
Rowan, James D., xxxxxxxx.
Sawyer, James R., xxxxxxxx.
Scribner, Theodore R., xxxxxxxx.
Shreffler, Lynn D., xxxxxxxx.
Shuput, Helen, xxxxxxxx.
Sikora, Stanley F., Jr., xxxxxxxx.
Smor, Francis M., xxxxxxxx.
Stetson, Mark R., xxxxxxxx.
Sullivan, David E., xxxxxxxx.
Theriault, Alfred J., xxxxxxxx.
Thomas, Joseph D., xxxxxxxx.
Turecek, Jack L., xxxxxxxx.
Turpin, Marcia L., xxxxxxxx.
Wardrope, Donald A., xxxxxxxxx.
Watt, Earl A., xxxxxxxx.
Weary, Robert W., Jr., xxxxxxxx.
Weirich, Danford N., xxxxxxxx.
Williams, Charlie R., xxxxxxxx.
Williams, Gary R., xxxxxx.
Williams, Norman E., xxxxxxxx.
Williams, Walter L., Jr., xxxxxxxx.
Winnicki, Michael L., xxxxxxxxx.
Wolfe, John R., xxxxxxxx.
Yeagle, Kathleen A., xxxxxxxx.
Zelmet, Raymond C., xxxxxxxxx.

To be second lieutenants

Allanach, William C., xxxxxxxx.
Bayer, William C., xxxxxxxx.
Blake, Walter B., xxxxxxxx.
Boss, Wayne V., xxxxxxxx.
Brown, Dorothy N., xxxxxxxx.
Buzzell, Calvin A., xxxxxxxx.
Carkhuff, Michael G., xxxxxxxx.
Colyer, Marvin T. L., xxxxxxxxx.
Cummings, Donald L., xxxxxxxx.
Denton, James F., xxxxxxxx.
Drummond, William F., xxxxxxxxx.
Frazer, Schley J., xxxxxxxx.
Hadac, Thomas F., xxxxxxxx.
Hamilton, John, xxxxxxxx.
Harris, Bruce A., xxxxxxxx.
Haugen, Lawrence A., xxxxxxxx.
Havlick, David A., xxxxxxxxx.
Hodgson, Dudley F. B., xxxxxxxx.
Jenkins, Rex D., xxxxxxxx.
Johnson, Barry J., xxxxxxxx.
Kehe, L. William, xxxxxxxx.
Kneisler, James R., Jr., xxxxxxxx.
Knepper, Glenn B., xxxxxxxxx.
Konopka, Michael A., xxxxxxxx.
Kuckowicz, Kenneth F., xxxxxxxx.
Lampton, Michael R., xxxxxxxx.
Loveall, William E., xxxxxxxx.
Maloney, Joseph P., xxxxxxxxx.
Manning, George S., xxxxxxxx.
McClellan, Dennis W., xxxxxxxx.
McManus, John G., xxxxxxxxx.
Minietta, Eugene D., xxxxxxxx.
Moore, Edward G., Jr., xxxxxxxx.
Moorhead, Wesley G., xxxxxxxx.
Most, Iris S., xxxxxxxx.
Mullori, Dominick M., xxxxxxxx.
Murray, Donald E., xxxxxxxx.
Myers, Byron D., xxxxxxxx.
O'Connor, Stephen J., xxxxxxxxx.
Olson, Thomas J., xxxxxxxxx.
Pack, Richard A., xxxxxxxx.
Parker, Douglas C., xxxxxxxx.
Perkins, Rudy C., xxxxxxxx.
Paulicivic, Joseph W., xxxxxxxx.
Poduszczak, Edward S., xxxxxxxxx.
Pryor, William L., xxxxxxxx.
Queen, Henry J., Jr., xxxxxxxxx.
Reed, Nathan K., xxxxxxxx.
Reppert, John C., xxxxxxxx.
Roedel, Frederick C., xxxxxxxx.
Salvadorini, David P., xxxxxxxx.
Schantz, John C., xxxxxxxx.
Sefrin, Paul R., xxxxxxxx.
Skidmore, Jack M., xxxxxxxx.
Slifer, William E., xxxxxxxx.
Squillace, Ralph C., xxxxxxxx.
Szczesniak, Edward J., xxxxxxxx.
Tepe, Kurt L., xxxxxxxx.
Tucker, David G., xxxxxxxx.
Worff, Herbert H., Jr., xxxxxxxx.
Beechley, Janet C., xxxxxxxxx.

To be second lieutenants, Army Nurse Corps

Adams, Nancy M., xxxxxxxxx.
Baker, Mary M., xxxxxxxxx.
Beasley, Susan W., xxxxxxxxx.
Bertand, Philip B., xxxxxxxxxx.
Boykoff, Bonnie J., xxxxxxxxx.
Burke, Rahel J., xxxxxxxxx.
Callen, Raivena I., xxxxxxxxx.
Chamberlain, Karen L., xxxxxxxxx.
Cook, Frances E., xxxxxxxxx.
Coons, Christine L., xxxxxxxxx.
Dexter, Nancy J., xxxxxxxxx.
Dinger, Ann C., xxxxxxxxx.
Dwinnels, Diane E., xxxxxxxxx.
Erickson, Carol L., xxxxxxxxx.
Faber, Joanne, xxxxxxxxx.
Fiorello, Patricia N., xxxxxxxxx.
Fiser, James R., xxxxxxxxxx.
Free, Martha A., xxxxxxxxx.
Fries, Sandra L., xxxxxxxxx.
Gawrada, Katherine J., xxxxxxxxx.
Goodbread, Lynn M., xxxxxxxxx.
Holler, Carol A., xxxxxxxxx.
Houser, Dianne L., xxxxxxxxx.
Huber, Mary A., xxxxxxxxx.
Huffman, Susan D., xxxxxxxxx.
Johnson, Joann, xxxxxxxxx.
Johnson, Lejane, xxxxxxxxx.
Kenison, Artha L., xxxxxxxxx.
Kreibich, Lila L., xxxxxxxxx.
Leatherman, Constance, xxxxxxxxx.
Leonard, Susan G., xxxxxxxxx.
McGillicuddy, Elaine, xxxxxxxxx.
Meyer, Jeanne K., xxxxxxxxx.
Meyer, Joanne K., xxxxxxxxx.
Millet, Marie T., xxxxxxxxx.
Nelson, Rosemary M., xxxxxxxxx.
Oberlin, Carole A., xxxxxxxxx.
Pasqualone, Nancy T., xxxxxxxxx.
Pawlowski, Janis L., xxxxxxxxx.
Pedersen, Cheryl L., xxxxxxxxx.
Prokop, Joan D., xxxxxxxxx.
Reed, Margaret S., xxxxxxxxx.
Reistetter, Eleanor M., xxxxxxxxx.
Riordan, Rosalind M., xxxxxxxxx.
Schager, Patricia T., xxxxxxxxx.
Shiver, Cynthia J., xxxxxxxxx.
Simons, Judith A., xxxxxxxxx.
Smith, Kathleen A., xxxxxxxxx.
Spinelli, Mary T., xxxxxxxxx.
Srubar, Paula R., xxxxxxxxx.
Stabingas, Sandra F., xxxxxxxxx.
Synakowski, Ralph G., xxxxxxxxxx.
Taylor, Linda B., xxxxxxxxx.
West, Janet A., xxxxxxxxx.
Wilson, Suzanne M., xxxxxxxxx.
Wittig, Virginia R., xxxxxxxxx.
Wittlif, Faith, xxxxxxxxx.
Wynn, Darlene A., xxxxxxxxx.
Zysk, Joanne M., xxxxxxxxx.

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of 10 U.S.C. 2107 through 3288 and 3290:

Bangasser, Hugh F.
Baxley, John B., Jr.
Crow, Patrick F.
Finlayson, Robert M.
Greinke, William P.
Jennings, David L.
Karl, Robert D., Jr.
Lederer, Frederic I.
Leman, James T.
Lewis, Paul W.
Lipke, Daniel E.
Mullendore, James M., Jr.
O'Brien, Lawrence J., Jr.
Ralph, Thomas L.
Smalkin, Frederick N.
Walker, Robert A.
Wehunt, William D.
Willis, John T.
Zucker, David C.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions 10 U.S.C. 2106 through 3290:

Agee, Darrell G.
Albus, Robert A.
Aliber, Stephen D.
Anderson, Glenn B.
Anderson, Gordon W., Jr.
Anderson, Lee C.
Anderson, Perry H.
Anderson, Scott R.
Apple, Larry L.
Applegarth, Paul V.
Artis, James A.
Bailie, John C.
Baker, David W.
Baker, John G.
Bangasser, Hugh F.
Banta, Roger L.
Barkham, Eric D.
Barnes, Gerald W.
Barnes, Lyndle, Jr.
Barry, Richard G.
Barth, James M.
Bartolomeo, John A.
Basquill, Michael J.
Bates, Donald R.
Bauer, John J., Jr.
Baur, Richard A.
Bayliss, Michael J.
Beaman, David E.
Becker, Lawrence J.
Beebe, Kenneth D.
Beemer, Raymond W.
Beiner, Allen H.
Belding, Charles V.
Berry, John M.
Berryman, Jon M.
Bishop, Lanier J.
Blackburn, William K.
Blaine, Richard C.
Blair, William R.
Blankemeyer, Robert H.
Boatwright, Leroy
Bogguss, Jeffrey S.
Bonifazio, Jack C.
Bonvillain, Frank B., II
Bostick, Benjamin R., IV

Bowker, Richard G.
Bowler, Arthur J., Jr.
Bowler, William L.
Brady, John M.
Bradley, David R.
Bradman, John F.
Branstetter, John E.
Braun, Marvin R.
Bria, Carmen J.
Brooks, Carlton P., III
Brown, James R.
Brugger, Carl G.
Bryant, Scott A.
Buchanan, Richard R.
Buck, Peter L.
Buresh, Dean A.
Burg, James C.
Burgess, Dennis M.
Burkes, Glenn R.
Butler, Gerald A.
Butler, Thomas M.
Caldwell, Vacal D.
Campbell, Francis J., Jr.
Campbell, John M.
Carfagna, Don R.
Carney, Hugh M.
Carper, Michael K.
Carroll, James P.
Carter, Harvey R.
Cash, Charles L.
Cassel, David F.
Castoria, Edward S.
Cecere, Robert A.
Cenname, Alfred J.
Chapin, Steven W.
Chase, Charles T.
Chiccehitto, Ronald J.
Chiefari, Peter A.
Chunat, Wayne J.
Ciarletto, John A.
Ciccolella, Richard G. I.
Cisneros, Henry G.
Clarizio, Dominick R.
Cody, Edward B.
Colby, David A.
Cole, Charles T., Jr.
Coleman, John R.
Collinsworth, Tim A.
Conatser, Edwin W.
Connell, Douglas A.
Connolly, James M.
Conrad, Thomas E.
Conroy, Henry S.
Cook, Bryan T.
Cook, David E.
Coppit, George L., Jr.
Craft, Troy L., Jr.
Craig, David B.
Crayton, Juan V.
Creagan, John P., Jr.
Crotty, Robert J.
Dahmann, Donald C.
Daley, Cameron H.
Damron, Thomas C.
Darby, Brooks L.
Davis, Allen, III
Davis, Thomas P.
Deck, William R.
Deering, Daryl L.
Demory, Clarence D.
Devlin, Bernard R.
Diehl, Larry C.
Diercks, James E.
Dillon, Gregory P.
Dionne, Craig D.
Dirlam, Richard R.
Dixon, Kenneth E.
Dodge, Charles T.
Dolan, Michael J., III
Donaldson, Steven L.
Donato, Jorge
Donnelly, James C., Jr.
Dooley, Alfred E., Jr.
Dorothy, Wade A.
Drake, James M., II
Dreesen, Alan D.
Drew, James J.
Drumgoole, Michael J.
Dubois Allan K.
Duke, Robert E., Jr.
Duty, John S.
Duval, William G.
Eak, Gerald J.
Evert, Roger L.
Eder, John W., Jr.
Edmonds, Lucien L.
Edmondson, Earl R., Jr.
Erion, John H., Jr.
Ezell, James J.
Fairman, Fredric C.
Feild, Frank E.
Fellinger, Paul W.
Fennema, Larry G.
Fernandez, Rafael
Fieldman, Leslie M.
Fields, Kenneth L.
Fineisen, Charles R.
Fitter, James P.
Flocke, Robert A.
Flom, Morgan L.
Foreman, James E.
Foss, Robert T., Jr.
Franklin, Gary A.
Franks, Robert G.
Frazier, Dane L.
Friberg, Philip E.
Friedberg, Alan C.
Frierdich, Michael V.
Fritchley, William H.
Fritz, Paul H.
Fry, James L.
Fulbruge, Charles R., II
Furbeck, Richard S.
Galloway, James E.
Gantner, Charles J., Jr.
Gates, Dennis E.
Gaven, Daniel F.
Genant, Robert E.
Gentzsch, Donald D.
Gerot, Edwin L.
Gibbons, David W.
Gibbs, Gary L.
Giger, John R.
Giles, Harold R., Jr.
Giovannetti, John B.
Gompf, Maurice M.
Gorka, Richard A.
Gorski, Edward C.
Gove, Roger C.
Goyne, Richard M.
Gravitt, Michael T.
Gray, Clarence E., Jr.
Green, Michael
Green, Thomas A.
Greenwell, Charles D.
Greer, Dennis L.
Griffin, William T.
Griswold, Richard H.
Groff, Edwin T.
Grotegut, Neil W.
Gushiken, Thomas T.
Guy, James L., Jr.
Haggray, Calvin L.
Harris, Edward M., Jr.
Hart, John M., Jr.
Hayes, Michael W.
Handley, Phillip W.
Hardy, Peter M.
Harris, Thomas G.
Hart, Bruce
Hartley, Donn L.
Heaston, Patrick H.
Helmcamp, Dewey E., III
Henderson, Douglas B.
Hennig, Thomas O.
Henry, James M.
Herrly, Peter F.
Hess, Richard E.
Hetrick, Andrew J.
Hicks, Donald E.
Higgins, Edgar J., Jr.
Hince, John C.
Hopkins, Johnny L.
Horgan, Daniel E.
Horning, James R.
Houghton, Robert D.
Houston, Donald
Howard, Alfred N.
Howery, David C.
Hubbard, William D.
Hudson, David E.
Hudspeth, Stephen M.
Hugg, Frank B.
Hurtado, Arthur D.
Hutchins, Edward I., Jr.
Hutchinson, William E.
Hyde, Justice, Jr.
Jackson, Dennis K.
Jackson, Robert L.
Jallo, Michael E.
James, Larry G.
Jameson, George H., II
Jeffress, Walton M., Jr.
Jessup, Eric P.
Johnson, Allan G.
Johnson, Carl S.
Johnson, Joseph D.
Johnston, Michael E.
Joiner, Herbert H.
Jones, Jerry G.
Jones, Richard W.
Jones, Ulysses S.
Joseph, Robert L.
Joyner, Charles A., Jr.
Judah, Michael W.
Julis, Edward R.
Kahler, Roger A.
Kamp, Charles J., III
Kante, William J.
Karl, Robert D., Jr.
Kaufmann, Richard J.
Keeney, Michael G.
Keleher, Robert B., II
Keller, Richard A.
Kelley, Creigh J.
Kellogg, Kenyon P., Jr.
Kelly, Paul L.
Kennedy, Frederick J.
Kennedy, Richard J.
Kerr, Donald W.
Keys, Gary L.
Kirby, Patrick T.
Klar, Lawrence E.
Knauer, Richard J., Jr.
Kovalchick, Richard M.
Kowalcyk, Edward J., Jr.
Krause, Gerald A.
Krenz, Allen E. W.
Kuehnle, William J., Jr.
Lahue, Martin H.
Lamkin, Charles E., Jr.
Lantz, John H.
Larensen, William R., Jr.
Larmore, David W.
Larnerd, Glenn H.
Latta, John A.
Lauffer, Franz C.
Ledbetter, Robert L.
Legler, Theodore R., II
Leighty, Norman S.
Leik, Roger C.
Lenze, Paul E.
Lettre, Marcel J.
Leveridge, Claybourne E.
Liddell, Robert J.
Lightman, Donald R.
Linder, Herbert P.
Lloyd, William C.
Loran, Carlos A.
Loukas, Ronald S.
Lott, Willie C.
Ludeke, Theodore W.
Ludwig, Christopher J.
Ludwig, Harry P.
Luker, Thomas M.
Lupa, Joseph M.
Lynch, Francis J.
Mabus, William N.
MacCary, Robert F.
Mack, Ronald W.
Madison, Donald
Maggiacomo, Peter J.
Maginn, Michael J.
Maguire, Michael J.
Mai, Robert W.
Malik, Wesley K.
Mallard, Ronald B.
Manhey, Richard J.
Maricle, Scott F.
Marcotte, Robert P.
Martel, Edward J.
Martindale, Charles R.
Masinter, Wade A.
Mason, David R.
Massey, Peter A.
Matthews, Van L.
McCabe, Thomas J.
McClanahan, Carl E.
McCloskey, James E.
McCormack, Daniel M
McDonald, Robert H.
McDonald, William H.
McFarlin, Michael A.
McFerren, Carl D., II
McIntosh, John R.
McKelvey, William A.
McKinney, David R.
McLaren, Richard D.
McManus, James D., Jr.
Meade, James N.
Merrell, Michael E.
Meyers, William F.
Middlebrook, Paul E.
Middleton, Donald B.
Mikkelsen, Gregory L.
Mikstas, Martin L., Jr.
Miller, Ambros C., Jr.
Miller, Cassius O., II
Miller, Francis J.
Miller, George Z., Jr.
Miller, James E.
Miller, Larry A.
Molnar, Edward A.
Molnar, Frank W.
Monk, Samuel H., II
Moogan, William G.
Moon, Gary L.
Moore, James A.
Morin, Charles L.
Moritsch, Denis J.
Morrison, Robert E.
Mrochinski, Richard R.
Mueller, David C.
Mullendore, James M., Jr.
Munn, Charles N.
Murphy, Robert W., II
Murray, Edward R.
Murray, Thomas K.
Neff, Lawrence T.
Nethers, Richard A.
Newman, Dan M.
Nichols, Richard B., III
Nickel, David E.
Norment, Thomas K., Jr.
Normile, James P., III
Noyes, Paul M.
Nuttall, Leonard W., Jr.
O'Brien, Lawrence J., Jr.
Olejnik, Kenneth R.
O'Neill, Robert B.
Onstot, Richard H.
Orashan, Thomas V.
Osborne, Robert G.
Owsiany, Daniel R.
Padgett, Richard P., Jr.
Page, Wayne
Palmer, Robert L.
Pappas, Aris A.
Parmelee, Michael A.
Paronto, William L.
Parsons, Gary W.
Pastore, Robert S.
Paxton, Paul J.
Peek, Joseph S.
Peloso, Joseph F.
Penwell, Robert D.
Perry, Clarence E.
Peterson, Robert A., Jr.
Pettibon, Thomas W.
Pettinelli, James D.
Pfeltz, Gary L.
Phelps, Dennis A.
Phillips, Ronald D.
Piche, Donald R.
Picot, John W.
Pierce, Richard
Pinson, Adolphus
Pittman, Garry L.
Podeswa, Robert L.
Pollard, Johnny W.
Pope, Arthur L.
Pope, John, Jr.
Poulos, Stephen P.
Powell, Stuart W.
Prasuhn, David R.
Prinzi, Charles G., Jr.
Puffer, Gilbert R.
Puffer, Willard G.
Pyatt, John N.
Quinn, Barry F.
Radbill, Michael E.
Rainville, Raymond P.
Ramos, Benjamin J.
Raub, Allen L.
Rausch, Steven F.
Ray, James K.
Read, John A., II
Read, John T., II
Reese, Thomas H., Jr.
Reindenbaugh, John R.
Reis, Richard A.
Renken, David A.
Renner, Steven E.
Reynolds, William R., Jr.
Rhoderick, Terre R.
Rich, Douglas P.
Rigg, Carl T., III
Rives, James L.
Roberts, James E.
Roberts, Rex D.
Robinson, Richard J.
Robinson, William J., III
Roche, Joseph E.
Roche, Richard L.
Rochotte, James E.
Roden, Jack R., Jr.
Rome, Henry F., Jr.
Rosa, Wilfredo
Rots, Paul L.
Rubin, William T.
Rudd, John D.
Ruiz, Ricardo
Rumph, Kenneth D.
Runcy, Edward A., Jr.
Ryan, Daniel B.
Sacavage, Charles M.
St. Clair, Leigh W.
Sakoda, Edwin T.
Salazar, Timothy C.
Sambrano, Richard
Sand, Richard L.
Santucci, Robert J.
Sasinowski, Edward T.
Schaper, Donald G.
Schaper, Ronald D.
Schmaizriedt, Robert E.
Schnabel, James D.
Schott, Charles S.
Schreibstein, Bertrand J.
Schuchat, Martin M.
Schwall, Jeffrey A.
Scott, Jeffrey A.
Scott, Joseph M., Jr.
Scotti, Daniel B.
Sears, Joseph J.
Seidl, Gerard E.
Semments, Eugene P.
Servidea, James S.
Skane, Michael J.
Shannon, Thomas E.
Sheehan, Dennis J.
Shepherd, Stephen K.
Shepherd, Thomas H.
Shinnick, Frederick L., Jr.
Silbernagel, Gary M.
Simms, Earl M.
Singh, Alvin R.
Skinker, Robert L.
Smith, John P., Jr.
Smth, Kirby L.
Smith, Paul C.
Smith, Warren B.
Smith, William R., Jr.
Smyth, Leslie A.
Snyder, James W.
Snyder, Neil N., III
Snyder, Richard V.
Snyder, Robert L.
Sper, Francis X., Jr.
Spencer, Wilfred F.
Spivey, Donald L.
Spurgeon, Dennis A.
Stanfield, James M.
Steidl, Franz X.
Stembridge, Daniel R.
Stites, Ronald J.
Stoeber, Wayne E.
Stokes, Orville T., Jr.
Stone, Samuel E.
Stubblefield, Michael E.
Stubbs, Richard W.
Sullivan, William T., Jr.
Swan, William E.
Swanson, Harry K., III
Sweetland, Dennis M.
Swenson, John E.
Taff, James R.
Talbott, Joseph C.
Tarkowski, David D.
Taylor, James T.
Taylor, William D.
Teske, Julius J.
Tharel, Lance M.
Theeler, John S.
Thieme, Thomas N.
Thompson, Darrell G.
Thompson, Richard H.
Tilley, Ben R.
Tobin, Gary M.
Trabric, Steven C.
Traylor, Charles E.
Trinidad, Felix F.
Trouth, Cecil L.
Tupper, Joseph L., Jr.
Tweed, Frederick D.
Tyler, Kenneth J.
Vacca, William J.
Venhoff, John B.
Viale, Charles R.
Viau, Russell N., Jr.
Varo, Gregory O.
Wallace, John K., III
Walton, George R.
Warren, Ray E., III
Webb, Charles R.
Weger, Carl J.
Weibe, Michael M.
Wetmore, John F.
Whitman, John W.
Wholeben, Brent E.
Wilken, Grant R.
Wilks, Riggs L., Jr.
Williams, Albert J.
Williams, Jimmy W.
Williams, Ken M.

Willis, Robert E.
Wilson, James M.
Wilt, Albert J., Jr.
Wiltshire, Robert B., II
Winkel, Craig A.
Winston, William A.
Wofford, Kenneth O., Jr.
Woodhouse, Charles F., II
Woodward, John C., III
Woolshlager, John C.
Wright, Joe Nathan
Yost, James D.
Young, Morton E.
Young, Robert A.
Young, Ronald B.
Zeller, Loren L.

TO BE POSTMASTER GENERAL

W. Marvin Watson, of Texas, to be Postmaster General.

CIVIL AERONAUTICS BOARD

John H. Crooker, Jr., of the District of Columbia, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1974 (reappointment).

HOUSE OF REPRESENTATIVES—*Wednesday, April 10, 1968*

The House met at 12 o'clock noon.

Rev. Henry B. Luffberry, D.D., St. Paul's Lutheran Church, Washington, D.C., offered the following prayer:

God of wilderness and promised land, Christ of Calvary and Easter, our journey brings us this day to another intersection of history and destiny.

As we ponder the uncertain way teach us thankfulness for cherished milestones, for glimpses of the horizon which confirm our faith, for those wayside shrines that refresh our souls and renew our resolve.

When we step from yesterday's concrete strip upon today's rugged terrain, when we face again a trackless tomorrow, may we not stumble, Lord, nor tire of the burdens we bear.

In brotherly love light our eyes, to faithful trust tune our hearts—and with the sharp ax of truth blaze our ascending trail. Amen.

THE JOURNAL

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

EL DORADO NATIONAL FOREST—DESOLATION WILDERNESS AREA

Mr. JOHNSON of California. 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 California?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, today I am introducing legislation to designate approximately 63,500 acres of the El Dorado National Forest in California as the Desolation Wilderness Area. As a member of the House of Representatives Committee on Interior and Insular Affairs and its Subcommittee on National Parks and Recreation, I had a substantial role in the creation of the national wilderness preservation system a few years ago. I am delighted, therefore, that one of the first areas to be designated under this legislation would be an important wilderness region in the Second Congressional District.

The proposed Desolation Wilderness Area which includes most of the Desolation Primitive Area and 22,725 acres of contiguous national forest land is an outstanding example of the rugged beauty of the Sierra Nevada range.

Located in the high mountains far from the hustle and bustle of civilization this is an area of peace and tranquillity. Here man can put behind him the cares, toils, and troubles of his everyday life and return to the mountains and to the country, to nature in our land as it was first created by our Maker. Here he can enjoy unmarred by civilization the majestic splendor of the mountains.

It was to set aside such areas as this that the wilderness legislation was initially conceived and enacted by this Congress. It is my feeling that the Desolation Wilderness will serve this purpose excellently.

Furthermore, the Congress established the principal of multiple use of our national forests. This includes all functions, including recreation, mining, grazing, and timber production. The wilderness seeker has a place in this multiple use and it is appropriate that those areas such as this which are most suitable for wilderness designation are set aside.

Mr. Speaker, the U.S. Forest Service, in considering the conversion of the existing Desolation Valley Primitive Area and adjacent national forest lands to the wilderness designation, has reviewed this proposal with State and local agencies and with the public as a whole. A public hearing was held in Placerville, Calif., about a year ago with a general expression of support for the wilderness designation. California's Governor Reagan, the Board of Supervisors of El Dorado County, and all interested Federal Departments and State and local governmental agencies have been consulted.

Accordingly, Mr. Speaker, I hope that Congress will have an opportunity to take early action on the proposal which I introduce here today to establish the Desolation Wilderness. I say this not only on behalf of the people of the Second Congressional District, but for those of all of northern California, for this proposed wilderness is located just west of Lake Tahoe within reach of wilderness seekers from throughout northern areas of our State.

THE LATE DR. MARTIN LUTHER KING

Mr. RYAN. 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 New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I take this time to call to the attention of the House a statement of commitment which 22 Members of the House have joined me in issuing at this time of national tragedy. The statement follows:

APRIL 10, 1968.

We mourn the death of Martin Luther King, Jr.

There is violence in our land, not simply in reaction to the death of a leader, but in the reaction to the oppression of a race. That oppression must end.

Martin Luther King, Jr. represented the hope that full equality could be achieved in America without violence. We, the Congress, must respond to the Poor People's Campaign that he did not live to lead. We must pass the bill which is before us to guarantee open housing and the free exercise of civil rights. But that is a barest beginning. We need also to implement the recommendations of the National Commission on Civil Disorders by acting to provide:

A decent job for every American able to work.

A good education for every child.

Decent homes for the one fifth of a nation who are ill-housed.

Dignified social welfare for the ill, the indigent and the aged.

Full equality before the law, effectively enforced.

This was the promise of America that attracted our immigrant fathers. Our cities are today armed camps because too many black citizens have little reason to believe in that promise. It is within the power of Congress to redeem the promise, if the Congress will only act.

The time for action is now.

WILLIAM F. RYAN, CHARLES C. DIGGS, JR., JOHN CONYERS, JOHN G. DOW, JONATHAN B. BINGHAM, PHILLIP BURTON, DANIEL E. BUTTON, DON EDWARDS, LEONARD FARBSTEIN, JACOB H. GILBERT, WILLIAM D. HATHAWAY, ELMER J. HOLLAND, AUGUSTUS F. HAWKINS, JOSEPH E. KARTH, WILLIAM S. MOORHEAD, ROBERT N. C. NIX, RICHARD L. OTTINGER, THOMAS M. REES, HENRY S. REUSS, JOSEPH Y. RESNICK, BENJAMIN S. ROSENTHAL, EDWARD I. ROYBAL.

PERSONAL EXPLANATION

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RYAN. Mr. Speaker, yesterday I attended the funeral services for the Reverend Dr. Martin Luther King, Jr., in Atlanta. I am sure that my constituents wanted me there to bear witness for them.

During yesterday's proceedings of the House there were two record votes and three quorum calls. Had I been present I would have voted "nay" on roll No. 92 and "yea" on roll No. 93.

LET US WALK TOGETHER—TRIBUTE TO REV. DR. MARTIN LUTHER KING, JR.

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

The SPEAKER. Is there objection to

the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NIX. Mr. Speaker, last week, for the first time in modern history, the world witnessed the extraordinary death of a distinguished American of African descent, Rev. Dr. Martin Luther King, Jr.

As an advocate of one of the basic principles of a society of law and order—nonviolence—he nonetheless died in the advocacy of that creed.

While many may have disagreed with the tenacity of his faith and its uncompromising pursuit, his death did command for 5 full days the undivided attention of one of the most powerful nations in the world. For 1 full day, the smoothly lubricated wheels of government creaked to a halt. The anguish of millions was carried to Atlanta by hundreds of thousands who left a multiplicity of occupations from janitor and sharecropper to Vice President and millionaire to make their pilgrimmage of respect.

All were there—U.S. Senators, U.S. Congressmen, Governors, mayors, foreign dignitaries alongside the unnamed, the lowly and the unemployed. Indeed, the measure of this slightly built blackman's greatness is calibrated by the thousands of messages of condolences and public expressions of grief from heads of state, His Holiness Pope Paul VI and citizens of the world.

And why did they all pay tribute?

In my judgment, this was the first time in this century or any century when an Afro-American, by what he said, by what he lived for touched the conscience of America. By his advocacy of nonviolence and the quality of his life, he even touched the hearts of his enemies who disagreed with his tactic, but respected his sincerity.

As Members of this highest and most respected legislative body, we are to consider today the 1968 civil rights bill.

I ask no one to vote for this piece of legislation or any piece of legislation solely out of the public notice and affectionate esteem accorded Rev. Dr. Martin Luther King, Jr.

Rather, I would ask my distinguished colleagues to examine their consciences. Can they espouse the same principles by which Reverend King lived? The love of all races, the forgiveness of your enemies and the oneness of the family of man?

Or are they prepared to abandon these principles and instead permit the unreasoned laws of the jungle to engulf us all?

This is not a threat, but an invitation to each man to determine himself what steps we shall take or what steps we shall not take to preserve the United States of America.

Whatever steps we do take must be based upon the law of reason.

For we cannot expect reason to triumph in the streets of this Nation unless reason survives in the Halls of this Congress.

And this particular law is an appeal to reason. As that great jurist, Sir Edward Coke, once wrote:

> Reason is the life of the law; nay, the common law itself is nothing else but reason . . . The law . . . is perfection of reason.

We who would appeal to all Americans to accept the law of reason and forgo the call of the violent—are we prepared to take that first step?

Reverend King took more than that first step. In heeding the injunction of another man of fellowship that "whosoever compel thee to go a mile, go with him twain," Reverend King walked that last mile to give his last breath of life for a country in which he believed, a country which he loved, and a country in which he never lost faith.

We are asked to walk just 1 mile today in the long journey for democracy's fulfillment and in the enactment of reasonable laws by reasonable men. If we cannot do this, then there is no other place for us to walk together.

THE CIVIL RIGHTS BILL

Mr. MONTGOMERY. 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 Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I hope the Members will not act in haste today, but will open H.R. 2516, the civil rights bill, up for amendments or send it to conference committee for further study.

This bill is so far reaching, covering open housing, riot control, gun control, American Indians, and civil obedience. Even though it originated as a House bill, the Senate added open housing, gun legislation and rights of the American Indian. Congressman BILL COLMER was right when he said this bill is being considered today "under the gun."

The open housing provision in this bill takes away the rights of an individual to dispose of his property in any way that he sees fit. This provision is not going to improve any living conditions; it only hinders the property owner and makes him subject to civil suit.

The gun section of this bill is not clear and certainly should be debated on the floor. Innocent people could be arrested crossing State lines because of the way this gun section of the bill is worded.

Congressman BILL COLMER, chairman of the Rules Committee, should be commended for holding this piece of legislation up for almost a month in his committee.

I urge the Members of the House not to act in haste, but look at the other side of the coin; the private homeowner and the taxpaying American citizens who if you pass this bill will be further penalized by his country for being a good citizen.

APPEAL FOR HUBERT HUMPHREY TO BE PRESIDENTIAL CANDIDATE

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

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

There was no objection.

Mr. SISK. Mr. Speaker, the events of the past week have placed in perspective the shocking depths of the cleavages which divide this Nation on our domestic policies, just as the events of the previous months had demonstrated the cleavage over our international policies.

As a supporter of President Johnson, I was shocked and dismayed to hear his announcement that he would not be a candidate to succeed himself. Although it was a measure of the President's greatness that he decided not to run, his withdrawal from the field left a void which I do not believe any of the heretofore declared candidates can fill.

I earnestly hope that the Vice President of the United States, HUBERT HUMPHREY, will make himself available as a candidate for this office. I realize that it is late for him to undertake a campaign, but I do not believe there is any other American who can draw the country together and bring unity out of discord.

The Vice President's experience as a legislator and a member of the executive branch are too well known to recount here. His background as a mayor qualifies him exceptionally well to know and understand the problems of the urban areas, which certainly are the focal point of our current domestic crisis.

I know I speak for millions of Americans when I express the hope that the Vice President will not unduly delay his decision on this matter, and for the sake of future generations of Americans and people everywhere, I fervently hope his decision will be in the affirmative.

SUPPORT FOR MAYOR WASHINGTON DURING CRISIS

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

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

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, last year I had the privilege of helping to manage the reorganization plan which established the present mayor-council form of government for the District of Columbia. This plan, which was the President's proposal, has in the last few days been severely tested by events in the District of Columbia. The men whom the President appointed to fill the posts set up under the plan, in particular Mayor Washington and Deputy Mayor Fletcher, have given service to this community without precedent. In our gravest hour, they have given us their finest effort.

I know that I am not alone in commending the Mayor for his courage and leadership during these dark days. I know that I am not alone in commending the hundreds of businessmen, private individuals and members of the police, National Guard, and Army units for their heroic service to the Nation's Capital. What happened here was a breakdown in our ability to think and act as

a community. If we will it, out of this can come a renewed dedication to be a community.

To the President, the Mayor, and Deputy Mayor, to the members of the City Council, I thank you for your efforts through many sleepless nights to give this city the essential continuity of leadership so desperately needed.

MARTIN LUTHER KING, JR.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GILBERT. Mr. Speaker, yesterday I attended the funeral of Dr. Martin Luther King, Jr. It was an honor I would have preferred to forgo. I would have preferred that Martin Luther King live to continue his great work in behalf of his country. He was a great American and a great patriot. It is amazing that in just 39 brief years he made such a magnificent impact that his name was known and revered around the world, in the capitals of powerful nations and in the mudhuts of impoverished peasants.

Martin Luther King was an inspiration to all of us. He brought honor to America. Even more important, he brought us a message of justice and reason. The American people shall sorely miss him. The Nation grieves at his loss.

TRIBUTE TO DR. MARTIN LUTHER KING, JR.

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

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, tribute to a great man like Dr. Martin Luther King, Jr., is difficult to express in mere words. Yesterday I participated in the funeral procession in Atlanta, Ga., to express my esteem and respect for this great religious and spiritual leader and to underscore my own personal determination to make his life's dream of freedom and equality for our fellow Americans a reality.

Our Nation is not likely to see soon the emergence of such a leader among men who by the sheer strength of his teachings and the magnetism of his words could capture the conscience of all men of good will and dramatize the work that we must do in order to make real the American's creed of freedom from oppression.

His words stung deep into the hearts of Americans, and we must now rise to his challenge to create a society where all men may enjoy the blessings of liberty and opportunity.

An eloquent voice for justice has been silenced. Those who will now count among the living will be those who will be willing to transform their regard for him into actions which will achieve the goals to which this Nation has been since its inception dedicated.

The tragedy is that men must still die to win freedom and equality in America. Dr. King is dead; so long as he lived he bore the cross of our conflict, of our conscience and of our guilt. Sad that he should have died before his dream came true. Sad that his dream had to be only that, when America's pride was in its ideals of liberty and justice for all.

The time has come for America to free its soul of hate and begin to rewrite the chapters of our noble history so that human dignity can be the basis of our mode of life and the creed of our country.

DR. FREDERICK SEITZ TO BE NEW PRESIDENT OF ROCKEFELLER UNIVERSITY

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DADDARIO. Mr. Speaker, on April 4 it was announced by Rockefeller University in New York that Frederick Seitz would become the new president of that institution in the near future. Rockefeller University is to be congratulated upon its choice, but those of us in Washington who have worked with Dr. Seitz for a number of years as president of the National Academy of Sciences will most certainly miss him.

While Dr. Seitz will remain as a part-time president of the Academy until that post is subsequently filled, his principal duties will lie with the university in New York.

I should like to point out, Mr. Speaker, that it was under Dr. Seitz' tenure and with his assistance and vision that the Congress has been able to conclude, for the first time in history, contractual relationships with the Academy. These have been at the instance of the chairman of the Committee on Science and Astronautics, Mr. MILLER, and have resulted in several studies for the committee of the highest utility. Even though that relationship with Dr. Seitz will change, the mechanisms which he helped develop with the Academy will remain. We are grateful for this.

Mr. Speaker, I should like to incorporate the following brief biography of Dr. Seitz at this point:

Frederick Seitz was born in San Francisco, California, on July 4, 1911. After attending San Francisco schools, he entered Stanford University and graduated with an A.B. degree in mathematics in 1932. He earned a Ph. D. in physics at Princeton University in 1934 and remained there for another year as a Proctor Fellow. Since then he has been successively instructor in physics, 1935–36, and assistant professor, 1936–37, University of Rochester; research physicist, General Electric Company, 1937–39; assistant, then associate professor of physics, University of Pennsylvania, 1939–42; and professor and chairman of the physics department, Carnegie Institute of Technology, 1942–49. In 1949, he was appointed research professor of physics at the University of Illinois and in 1957, head of the physics department. He began a four-year term as President of the National Academy of Sciences in 1962, while continuing in his position at the University of Illinois. On September 1, 1964, he became Dean of the Graduate College and Vice President for Research at the University. He resigned the latter position effective June 30, 1965, following his re-election for a six-year term as President of the Academy under revised bylaws that provided for a resident, full-time president.

Dr. Seitz's major professional scientific interest has been in the theory of solids and nuclear physics. In addition to numerous review articles and scientific papers, he wrote *The Modern Theory of Solids* (1940) and *The Physics of Metals* (1943), published by McGraw-Hill. He is co-editor of *Preparations and Characteristics of Solid Luminescent Materials*, published by John Wiley & Sons in 1948; co-editor of *Solid State Physics* series, Academic Press, Inc.; and author of the chapter on "Fundamental Aspects of Diffusion in Solids" in *Phase Transformations in Solids*, John Wiley & Sons, 1951. He is also a member of the editorial boards of *Die Umschau, Il Nuovo Cimento*, and *physica status solidi*.

He was a civilian member, National Defense Research Committee, 1941–45; consultant to the Secretary of War, 1945; director of the training program in atomic energy, Oak Ridge National Laboratory, 1946–47; science advisor to the North Atlantic Treaty Organization, 1959–60; member, Statutory Visiting Committee for the National Bureau of Standards, 1962–66; consultant, Education Commission of Enquiry, Government of India, 1964–66. He is now a member of the President's Science Advisory Committee; member, President's Committee on the National Medal of Science (chairman, 1962–63); member, Defense Science Board (chairman, Dec. 1963-March 1968), Department of Defense, member, Naval Research Advisory Committee (chairman, 1960–62), Office of Naval Research; member, Scientific Advisory Group, Office of Aerospace Research; member, Smithsonian Institution Advisory Council; member, National Science Service Scientific Advisory Group; member, Board of Trustees, Pacific Science Center Foundation; member, Midwest Science Advisory Committee (chairman, 1965); member, Science Advisory Council of Illinois (chairman, 1964–66); member, Policy Advisory Board, Argonne National Laboratory; member, Liaison Committee for Science and Technology, Library of Congress; consultant, Organization for Economic Cooperation and Development; member, State Department Liaison Committee on Science; and member of other advisory and liaison groups.

INTERNATIONAL BIOLOGICAL PROGRAM AND GROWING PROBLEM OF PLANETARY ECOLOGY

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DADDARIO. Mr. Speaker, the Washington Post on April 5 carried an editorial based on a report issued by the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics. That report deals with the international biological program and the growing problem of our planetary ecology.

As the editorial points out, these programs have to date been very poorly supported by the Federal Government, even though the administration has an-

nounced its support and created the administrative machinery to carry the program out. The amount of money necessary to get the program underway is extremely small in relation to the crucial nature of the problems it seeks to attack. Yet, so far we have not been willing to provide the necessary funds.

If we fail in this, our failure could be amongst the most devastating in history, even in comparison to present political, military and social dilemmas.

Mr. Speaker, the editorial is as follows:

BIOLOGICAL MYSTERIES

The International Biological Program has had little of the fanfare that accompanied the International Geophysical Year, perhaps because it is harder to put a finger on what the IBP is all about. But a thoughtful report of a House subcommittee on science, research and development underlies its importance and recommends that the Federal Government provide its programs with more support than they have yet received.

The main goal of the IBP, which was set up by scientists all over the world, is to help us learn more about what we are doing to the planet on which we live. The shortage of knowledge about what modern living and scientific advancements do to the balance of nature is frightening. Dr. David Gates, for example, told the subcommittee, "We do not understand the dynamics of a forest, grassland, ocean, lake, pond or river nor are we proceeding rapidly enough toward this understanding . . . We will go down in history as an elegant technological society struck down by biological disintegration for lack of ecological understanding."

The fact that we do not understand what happens in a lake may not seem of much importance. But in the last 25 years Lake Erie has been turned into a dead lake, nearly devoid of any fresh-water life. That means, obviously, an end to fishing. But it also means an end to the food supply of certain species of birds and, eventually, the end of whatever role those birds play in the rest of nature. And we don't really know what that role is as it affects agriculture and forestry. Similarly, the mass destruction of acres of forests and of grasslands has some effect on the cycle of oxygen and carbon dioxide in the air. But we don't know exactly what that effect is and we don't know whether we are approaching the point at which the air we breathe becomes so different in its composition that the plants we now know can no longer survive.

The list of problems of this type is endless. Is the production of heat by humans and by the machines they devise so great that in time the average temperature of the earth's atmosphere will rise to the danger point? Are we dumping so many pollutants into the atmosphere that the entire weather pattern will be drastically altered? Are we killing off so many species of animals and plants that eventually the world will be populated merely by man and the specific things he has domesticated?

It is questions like these that the IBP is attempting to confront. Its requests to the Government for aid have been small in terms of what it hopes to achieve—it is asking $200 million over five years. The subcommittee has recommended that it get $3 to $5 million next year as a starter. Surely a priority for such an amount can be found somewhere inside a Federal budget that is about 50,000 times more than that.

PRESENT CLIMATE TOO CHARGED WITH EMOTION FOR PRODUCTION OF WELL-REASONED LEGISLATION

Mr. ABBITT. 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 Virginia?

There was no objection.

Mr. ABBITT. Mr. Speaker, in my opinion, this is no time for the House of Representatives to be taking up a so-called civil rights bill. The present climate is too charged with emotion for the production of well-reasoned, well-thought-out legislation. This measure tends to deprive the people of America of the right to control their own property. The right to own and dispose of real estate is one of the basic fundamental rights of mankind. Never before in a free society has it been contemplated that the Government had a right to tell free people that they cannot sell their homes to whomever they choose. A man's home is supposedly in a free land to be his castle and here we find that the leadership of our Nation is trying to strike down this concept and compel free men and women to give up the right to control their own property and dispose of it as they see fit.

Disorder is rampant in the land—arson, armed robbery, murder, and rioting in the streets. The Nation is faced with armed insurrection and nothing worthwhile is being done by the administration to suppress it—only containment. Here we are today being asked to pass more civil rights legislation to deprive our law-abiding citizens of their rights and privileges. It is shocking to me that we now find ourselves in such a situation. It is shotgun action calculated to intimidate enough of the Members because of the grief throughout our land over the recent killing of a prominent citizen and the armed insurrection on the other hand of a vast lawless element.

What we need is a firm stand by this administration to restore law and order and not pussyfooting around in an apologetic manner to those who are trying to take over by force and might as we would expect in the jungles. Such conduct is expected only of wild beasts and paranoid creatures completely devoid of conscience. The law-abiding citizens of this Nation are entitled to better treatment than this.

I ask the membership of this body to turn down this legislation, to set it aside, to refuse to goosestep to the chant of the rioters and insurrectionists and then to see that law and order are restored to America that once again the average citizen may walk down the streets of America without the fear of being murdered, robbed, or raped or to find his home or business utterly destroyed by arsonists.

LAND OF THE FREE?

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

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

There was no objection.

Mr. CASEY. Mr. Speaker, when H.R. 2516 passed the House last year, it had not only my vote, but my wholehearted approval, because it was an act as the title stated "to prescribe penalties for certain acts of violence or intimidation." The bill preserved and guaranteed some of the freedoms which we all enjoy. The freedom to peaceably speak out in behalf of the cause of civil rights.

The United States has been known, since its inception, as the land of the free, and many of the freedoms allotted to our citizens do not meet with the approval of the majority of the people, but nevertheless, the majority of the people feel that every citizen is entitled to his basic freedoms whether we like them or not.

Yes, our citizens have the right and the freedom to criticize their own Government, even to the point of slurring and derogatory remarks against their Congressmen, their Governors, and even the President of the United States.

The black power advocates are free to voice their hatred of the white, and by the same token, the white supremacy advocates may vent their venom on the Negro race.

The Supreme Court has ruled that even those who deny God Almighty may insist that the majority must give in to their freedom to the extent that prayers are denied in school.

Traditionally, the ownership and control of land has been one of the basic rights and freedoms of this Nation of ours. The early immigrants came across the seas because they had the right to own and control their own land and homes. This has been the basic stimulus for the defense of our country.

Today, under consideration, we have a proposal to tear down this great basic freedom. I do not deny the high motives of those who advocate this legislation, but do these ends justify the drastic means, and will anything of any magnitude be accomplished, other than this precedent of destruction of this basic freedom, which may come back to haunt us in the years to come?

As I stated in the beginning, the bill which we passed to protect civil rights workers in the peaceful exercise of their pursuit had my support, but now the other body has placed in the bill what is known as the open housing section. If you have read the bill, and I doubt if all the Members have read this bill, and I am sure most of the editorial writers have not, one section is completely unnecessary and meaningless. I refer to that portion dealing with property owned by the Federal Government, or which has been built, in whole or in part, with the aid of loans, advances, grants, or contributions made by the Federal Government. This is basically FHA and VA financed housing, as well as those types of housing for the aged and elderly financed by loans and grants under the Housing and Urban Development Agency. This housing was "open" by Executive order of the late John F. Kennedy, and I think rightly so, since all taxpayers' money was being used in this regard.

The balance of the section is an assault on the freedom of contract; and yes, even thought.

Do you know that this applies, not to just buildings in being, but applies to vacant land as well, because the bill

states that it includes "any vacant land which is offered for sale or lease for the construction or location thereon of any such housing, building, structure, or portion thereof." I think all of you familiar with the recent rulings of the Supreme Court will agree that the Court will consider any vacant land subject to these provisions.

Some of you are under the impression that an owner-occupied, single-family dwelling is exempt. Read the bill, for after December 31, 1969, there will be no exemptions as a matter of practical application.

The other body also placed an amendment to this bill a section in which they endeavor to deal with militants, black and white, who conduct instruction in the making of firearms or explosive or incendiary devices. This section is so worded that it affects every lawful manufacturer of firearms in this country, including those who are making arms for our fighting men in Vietnam. It is so worded that an Attorney General of the United States could stop the shipment of every shotgun or hunting rifle in the United States.

We should not act hastily on accepting the other body's amendments. Did they not spend several months on these amendments? Should we not at least spend more than 1 hour on the consideration of these amendments?

Due to the basic rights of all citizens involved herein, the courageous thing to do is to send the bill to conference where these amendments can be considered with deliberation.

I will have no disrespect for those who see differently than I do in this regard, because that is the very basis of my argument here today, that it is your basic freedom to think as you please, but by the same token, let us preserve it for all the Nation.

WE ARE CALLED UPON TO MAKE A BEGINNING IN STRUGGLE FOR CIVIL RIGHTS

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

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

There was no objection.

Mr. CORMAN. Mr. Speaker, the events of the past 4 days have taken a terrible toll of human life and property.

A man who worked for the peaceful attainment of liberty and equality has been murdered. Our city streets have once again been torn by violence, burning, and looting. Seldom, if ever, have we been faced with a domestic problem approaching the critical proportions of the present crisis.

Every man has a choice, Mr. Speaker. A white man can, as one did in Memphis, commit murder for what appears to have been a racist cause. Or a white man can feel sorrow and shame for the inequality and lack of opportunity which besets many Americans and go about doing something constructive to improve the situation.

A black man can join the forces of hatred and racism too. He can "get a gun" and take to the streets. Or a black man can remember the words of Dr. Martin Luther King, who time and again pleaded for nonviolent efforts to attain equality for Negro Americans.

We in the Congress have a similarly profound choice, Mr. Speaker. We can sit and deplore, for whatever reason is most comfortable, the havoc that is shaking this Nation. We have done that often enough.

Or we can stand up and furnish the leadership necessary to end the vicious and deep-rooted causes of racial hatred and fear—causes so recently set out in the report of the President's Commission on Civil Disorders.

We can continue to deplore—but have we not had our fill of that? Are we not at long last ready to take up the hard and costly battle for equal justice and to recognize that this is to be no "limited war"?

In the House of Representatives today there is a bill which would, if written into law, make a beginning on the road to victory in this struggle. It would be nothing more than a beginning—and this should be recognized, because there can be no comfort taken in any false hope that the battle we join will be brief.

But a beginning is what we are called upon to make today. Making the beginning—promptly—will serve at least to show our citizens, black and white, that racism, poverty, and ignorance are being challenged. I urge Members of the House of Representatives to take that first step—now—before any thought is given to an Easter recess—by approving the amended bill H.R. 2516.

WE SHOULD NOT CONSIDER CIVIL RIGHTS LEGISLATION UNDER PRESENT SENSITIVE CIRCUMSTANCES

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

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

There was no objection.

Mr. BURLESON. Mr. Speaker, obviously the House is proceeding today under sensitive circumstances. Frankly, in my opinion we should not be in session at all and specifically, we should not be considering the legislation before us under prevailing conditions.

There is not a Member here who would not assume that I am opposed to the pending bill but let me say to those of you who support it that you would do well for the country to wait for a more sober and a more calm atmosphere to act than is the obvious case at the present time.

I think if I were for this so-called civil rights bill, with its open housing feature, I would not want to cast my vote for it while soldiers and marines are having to stand guard in front of this Capitol. I resent threats of force and duress in anything and if I had to legislate under such conditions I would walk out of this Chamber and not return.

There is a way to honorably and with courage meet this issue, since apparently it is going to be acted on within the next hour or so. That is, to send this measure to conference with the Senate. Let differences between the House and Senate bills be resolved and brought to each body for approval or disapproval under more calm circumstances.

This matter has no deadline except the threats of these groups who look for any excuse to riot and demonstrate. If it is not this, it likely will be something else. When the drums call they will be there and it is high time we challenge the drummer.

It is a sad commentary on this Congress if it yields to the pressures of the moment. I for one had rather yield my seat in this House than to do so.

IT IS IMPOSSIBLE FOR CIVIL RIGHTS LEGISLATION TO RECEIVE RATIONAL CONSIDERATION IN PRESENT CIRCUMSTANCES

Mr. HUNGATE. 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 Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, we meet in the midst of 13,000 troops called to protect life and property against the threat of imminent destruction. Three blocks from this Chamber shops and stores are boarded up against further pillaging. Three blocks from the White House buildings are looted and burned. This may be the way to move this Congress. It is not the way to move this Congressman. I think it would be appropriate, under the circumstances, if necessary, to consider legislation for the strengthening of the police and the levying of troops or taxes for their support. But it is scarcely otherwise a time or place for calm, deliberate legislative decisions.

If an example is wanted of legislative lightning followed by administrative molasses, see the Gulf of Tonkin resolution. A joint session of Congress is presently inadvisable. The President cannot even go to a funeral in safety. Civil disorder is a national epidemic. It does not spare the 20 States who already possess civil rights legislation with open housing provisions, many of them stronger than that under consideration here. Their effects in New York, California, and New Jersey have been less than overwhelming.

It can be argued that those who would salve consciences with legislation, the benefit of which would be long in coming, if indeed, they ever appear as advertised, do more to disillusion the disadvantaged than those who adamantly oppose such proposed legislation.

I think particularly of those who would support a people's greatest aspirations with everything except money. These are the same people whose concern for economy and detail would lead them to search

for a needle in a haystack, if it was their needle.

This country has real problems that it will take real money and real taxes to solve. But you as Congressmen will get different letters from different people when the time for that action is here.

While the compliment is doubtless well intended, I think it ill behooves the House to dispose of legislation in 1 hour which occupied the Senate for months. I have supported, and urge all of you who support this bill today, to give substance to this bill's promises by supporting model cities, aid to education, and farm legislation to aid those areas where 50 percent of the Americans in poverty live. Can a nation which grants a $20 million tax benefit to one corporation afford $10 million to supplement the rent of those in ghettos so that they may have not only the right to move but the money with which to do it? Can a nation which can afford to lose $12 million on two airplanes in 3 days, can such a nation afford $10 million for better housing for its citizens over a 1-year period?

Under present circumstances, it is impossible for this legislation to receive the rational consideration it deserves. Therefore, I shall vote against the previous question and if the bill is nonetheless to be considered at this time, my vote shall be "present."

FUNERAL OF MARTIN LUTHER KING

Mr. O'HARA 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. O'HARA of Illinois. Mr. Speaker, on yesterday, the 9th of April in the year 1968, there were two record votes and three quorum calls I, who pride myself on attendance and regularity in answering all quorum calls and record rollcalls, missed them all, and I have no apologies to offer. With some 60 of my colleagues I was in Atlanta, Ga., at the Ebenezer Baptist Church and on the campus at Morehouse College representing the Congress of the United States at the funeral of the Reverend Dr. Martin Luther King. My colleague from Chicago who came with me to the 81st Congress, Mr. YATES, and my colleague from the Springfield district, Mr. FINDLEY, with the junior Senator from Illinois, Mr. PERCY, made up the delegation from this Congress from the State of the martyred Abraham Lincoln to the funeral of the martyred Martin Luther King. Illinois also was represented by its great Governor, Otto Kerner.

I think it was in the minds of all of us, as certainly it came to me several times during the sorrowful services in Atlanta, that the assassination of Lincoln and the assassination of King both were cruel and hideous aftermaths of man's inhumanity to man when slaves were brought to America to do our work.

Lincoln sought to free the slaves, and the price he paid for the chains hammered from their wrists was death from the gun of an assassin.

King sought to free the people of whom he was one from the social chains of prejudice and discrimination, and the price he paid was death from the gun of an assassin.

Mr. Speaker, I hope and pray that the day is dawning when not only in our own beloved country but in all the countries of the world there will be peace and good will and forever will be ended the harsh cruelty of man's inhumanity to man.

I could not conclude these observations on the rarified atmosphere in which your delegation to the funeral of Martin Luther King spent yesterday, when the House was answering to many quorum calls and record votes, without mention of the fine young men from the century-old Morehouse College and the fine young women from the companion woman's college, who labored in the hot sun for many hours directing and aiding in every possible way the many thousand visitors who had come to pay a tribute of love. They constituted a student body of which any school in the land could have been proud. My warmest congratulations also go to the members of the Morehouse College Glee Club, a magnificent organization of accomplished musicians.

Mr. Speaker, had I been here, my vote on rollcall No. 92 would have been "no," and my vote on rollcall No. 93 would have been "aye."

PROPOSED LEGISLATION DENIES LENDER AUTHORITY TO DETERMINE WHETHER OR NOT TO MAKE LOAN

Mr. WAGGONNER. 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 Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, time is going to be so limited during the debate on the bill this afternoon, that I want to bring in this 1 minute the attention of the House to something that few Members know is in the bill. Before we vote, I want Members to get the bill and read it—which I know some have not done. Turn to page 29, section 805, which is the section entitled "Discrimination in the Financing of Housing." Read it, because, gentlemen, it is so written that it can be interpreted to deny any lender authority in making the determination whether or not he can make a loan.

There are some other factors in which discrimination is involved, but the basic decision of whether or not a loan will be made could be totally denied to any lender.

My colleagues, this bill must at least go to conference for clarification. You are yielding to blackmail if you do less. Even a member of the Rules Committee said he was afraid of what would happen if we did not pass this bill. He made this statement when I was before that body on Monday last. Do not make this House a second-class legislative body. You should at least have a part in writing this legislation and then vote for it or against it on the basis of merit and not emotion.

EMERGENCY FAMILY LOAN PROGRAMS FOR VICTIMS OF CURRENT CIVIL DISORDERS

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

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

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, yesterday, I called on the Acting Director of the Office of Economic Opportunity to immediately allocate funds to set up emergency family loan programs for victims of current civil disorders in Washington and other cities who desperately require this assistance.

Experience has shown that one of the most pressing problems faced by low-income families, not on welfare, in a crisis situation, is the need for money to buy such basic staples as food, clothing, medicine, and housing. Time is of the essence. These persons usually have little or no savings. They possess no financial reserves to cushion the blow of a crisis.

In my opinion, the family emergency loan program which I originally sponsored is one of the most useful anti-poverty programs in the Nation. In this time of crisis, I can think of no more responsive or decisive act the Government can take to meet the urgent needs of families than to establish immediately this program in disaster areas. I urge the Office of Economic Opportunity to make funds available at once.

Funds of the Small Business Administration have been made available for business damages resulting from the recent disorders. Surely the Government has a responsibility to people—victims of the disorders. There is authority in the Economic Opportunity Act to do so. Last year, of $8 million set aside for this purpose, loan programs were authorized in only 17 States, $2½ million being allocated therefore; the balance of $5½ million which should have been used for those programs throughout the entire Nation were diverted to other areas of the antipoverty program. I urge an allocation of at least $10 million to be distributed throughout those areas in the Nation where these emergency loans are required.

PRESERVATION OF THE INTEGRITY OF CONGRESS

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

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

There was no objection.

Mr. POOL. Mr. Speaker, on the civil rights bill we will have 1 hour of debate. Being more or less a junior Member of the House, I probably will not have

any time allotted to me to talk, so I want to read to the House two paragraphs of a letter I received today. It is in opposition to the civil rights bill.

The integrity of Congress must be preserved, for Congress, it appears, is the only place left for the people of this country to look for the preservation of our American system of due process of law and the recognition of the rights of its citizens as *individuals*. Apparently, many of our national leaders are so ambitious for block votes that they are willing to pour further fuel on the fire in encouragement of these groups which are making destruction and violence so widespread throughout the country.

Congress must not pass legislation out of fear and in response to threats. The advocates of more so-called "Civil Rights Legislation" should be told in no uncertain terms by Congress that the first order of business is a cessation of violence and disregard of the laws of the land.

I agree with my constituent who wrote these words. I pray we have the stamina to stop this unconstitutional bill.

WASHINGTON DAILY NEWS COMMENDS PRESIDENT JOHNSON'S PLEA FOR UNITY

Mr. NEDZI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. NEDZI. Mr. Speaker, President Johnson—in the words of the Washington Daily News—"made a noble move" to end the divisiveness which threatens the future of America.

By eliminating the Presidency from politics, Lyndon Johnson has made a bid to restore unity where there is now disunity, common purpose where there is now partisan division.

The strength of our country, now as in the past, lies in the unity of our people. This is not the unity of common means, but of shared dreams, not of identical solutions but untied purpose. Only through this unity can America survive the enormous challenges of this decade.

Abroad we seek an honorable solution to a bloody war. At home we seek national reconciliation for a nation rent with division and torn with racial anguish. United we cannot fail, divided we cannot succeed.

President Johnson has set an example for the Nation of devotion to peace and unity which all Americans must emulate.

In the troubled days ahead we must debate, but never delay, we must discuss, but never divide, in our attempt to bring economic stability and social justice to the Nation and a just peace to the world.

As the Washington Daily News puts it, President Johnson "has put it up to the rest of us to do our part." I am certain that the American people will not falter before the challenges of today—and tomorrow.

I include in the RECORD the editorial from the Washington Daily News.

THE PRESIDENT'S STUNNING DECISION

President Johnson always has been a man of surprises—but never before did he, or any President, drop such a spectacular surprise on the American people as Mr. Johnson delivered Sunday night.

He not only said he would not run for reelection—he would not accept renomination on the Democratic ticket.

His statement was as irrevocable as such a statement can be.

Since becoming President in 1963, indeed throughout his political career, Mr. Johnson has been a consensus man.

His decision not to run again clearly was an extreme bid—the most extreme he could make—to restore unity among the American people. His purpose was to eliminate himself as a divisive factor.

"I have concluded," he said, "that I should not permit the Presidency to become involved in partisan divisions that are developing this year."

He followed that by reiterating a philosophy he often has extolled:

"Whatever the trials and tests ahead, the strength of the country will lie . . . in the unity of the people."

The unity Mr. Johnson seeks obviously is the unity demanded to bring the bloody, frustrating, prolonged war in Vietnam to a just conclusion.

Coupling his withdrawal from the Presidential contest with his new appeal to North Vietnam for peace talks and his decision to stop most of the bombing of North Vietnam, Mr. Johnson was making an unprecedented gesture to prove to the nation his own devotion to peace.

Although he is a man of complex character and his motives have not always been clear, Mr. Johnson's action in this amazing instance hardly can be suspected of anything other than what he said it was: To regain for the next 10 months some of the consensus to which he has been so beholden, especially as applied to the war effort.

But the question is—an enormous question—whether it will work.

It may soften the personal attacks on Mr. Johnson by his anti-war critics. It should erase the suspicions, which inevitably would have arisen if he were a candidate, that his war policies were geared to the election.

But Mr. Johnson has made a lame duck of himself.

Hanoi has not listened to his reasoning or any of his proposals up to now. Is Ho Chi Minh any more likely to listen to a President whom he knows will be out of office within the year?

Of late, Mr. Johnson has had increasing trouble getting action from Congress on any of his proposals. Will his withdrawal from the Presidential race enhance his influence in Congress? It is not likely to.

Nevertheless, Mr. Johnson has made a noble move. The magnanimity in his purpose cannot be disparaged.

The consequences are not at once predictable. But, one way or another, they are apt to be substantial.

We hope, and we think the President's action deserves, the results he intended: That the debate in the coming political campaign be constructive, and not merely petty; that the people and its Government unite as they did in World War II to push more than ever for a just conclusion of the war; and action in Congress to bring economic stability on the homefront—higher taxes and reduced spending.

Mr. Johnson at least has put it up to the rest of us to do our part.

ATTENDANCE AT FUNERALS FOR POLITICAL PURPOSES

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

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

There was no objection.

Mr. HAYS. Mr. Speaker, I despise violence, and I believe the most cowardly form of violence is assassination.

My heart goes out to the family and friends of Dr. Martin Luther King, who was struck down by a cowardly assassin's bullet.

Some people asked me why I did not go to the funeral yesterday, and I replied it would be completely out of character for me had I gone. I have never made a practice of going to funerals in my own constituency except those of extremely close friends. I believe the bereaved family wants only close personal friends near them in time of deep grief.

I just do not believe funerals ought to be used for political purposes by announced presidential candidates. I thought the most poignant thing I heard about the funeral of Dr. King yesterday was of the aged Negro woman who was a member of his parish who wandered around and was unable to find a seat, she said, because of all the rich white people who had come in to be present in front of the television cameras.

ATTENDANCE AT THE FUNERAL OF DR. KING

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

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

There was no objection.

Mr. CONYERS. Mr. Speaker, on behalf of all of those Members who came to Atlanta to participate in the last rites for Dr. King, I want to thank them from the bottom of my heart. I do not know of anybody who was down there to make political mileage out of traveling under those very adverse circumstances. They came to make certain that they at least identified in death with the great principles of what I considered to be one of America's great leaders, not black leaders but great leaders, period. I think it was tremendous; I think it was moving, that so many people came there yesterday, not just from the political sphere but concerned Americans at all levels of our life.

Yes, Mr. Speaker, the church was overflowing. Certainly there were many more present than the several thousand people who were able to get in. Many of the dignitaries, including the Members of Congress, were unable to get in, because we asked that only personal friends of the family be admitted to the church services. Most of the congressional delegation present were not inside the church at all, but, instead, joined some thousands in the march to the Morehouse campus to participate in the last rites conducted there.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I am glad to yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, I feel—and I know I speak for many Members of the House in this—that we owe a great debt of gratitude to the distinguished gentleman from Michigan,

Mr. CONYERS, who made it possible for this body to be represented at the funeral of Dr. Martin Luther King yesterday. I estimated there were 60 of us on the plane that left Washington early in the morning and were in attendance at the funeral and at the ceremonies at Morehouse College. I believe the vast majority of the membership of the House were pleased that this historic body was represented at a funeral that in a large sense rededicated this country to its mission under God. It could not have happened had it not been for the pioneering, the planning, and the hard, earnest work of the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from Illinois.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

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

Mr. BURTON of California. Mr. Speaker, I, too, would like to add my word of commendation to our distinguished colleague, my friend, the gentleman from Michigan [Mr. CONYERS]. His efforts made it possible for the congressional delegation, some 70 or so members, to attend the most moving and impressive services for Dr. King in Atlanta yesterday.

I was happy to join with him and my colleagues in this personal expression of sympathy to Dr. King's family and of respect for all that this heroic man stood.

Dr. Martin Luther King, Jr., a man of peace, a man of God, a leader of his people and of this Nation is dead. He was taken from among us cruelly and stealthily by an assassin's bullet. Yesterday, I was in Atlanta, Ga., where he was laid to rest "free at last."

Our Nation mourns him but we do not despair because his words of hope still ring in our ears.

Our Nation is touched again by tragedy and loss but his courage binds us together and leads us on.

Our Nation's sight is blurred with tears and sorrow but his vision is clearly before us, summoning us to the cause for which he gave his life.

Our Nation is sleepless in its grief and shame because his dream is still to be accomplished.

Martin Luther King spoke of that dream on the steps of the Lincoln Memorial in 1963. His words rang out then and the echo of those words can be heard even now.

> Let us not wallow in the valley of despair. I say to you today, my friends, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident that all men are created equal."

Martin Luther King would not have us mourn, "as those who have no hope." He would have us carry on the quest for peace, for human dignity, the quest to fulfill his dream. The first step toward fulfillment of that dream must come now with the speedy enactment of the Civil Rights Act of 1968, but more must follow. Jobs, education, training, better housing, expanded public assistance, and health services administered with concern for human dignity must follow.

More than that, the quickened conscience of the Nation must harken to the words of Dr. King and understand the motivation of this heroic figure. He said:

> More than ever before, my friends, men of all races and nations are today challenged to be neighborly. The call for a worldwide good-neighbor policy is more than an ephemeral shibboleth; it is a call to a way of life which will transform our imminent cosmic elegy into a psalm of creative fulfillment. No longer can we afford the luxury of passing by on the other side. Such folly was once called moral failure; today it will lead to universal suicide. We cannot long survive spiritually separated in a world that is geographically together. In the final analysis, I must not ignore the wounded man on life's Jericho Road, because he is a part of me and I am a part of him. His agony diminishes me, and his salvation enlarges me.

Dr. Martin Luther King could not ask the Biblical question, "Am I my brother's keeper?" For him, the answer was as obvious as it was forcefully affirmative.

He was involved in mankind. He was concerned and that concern extended from collective bargaining rights for sanitation workers in Memphis where he gave his life to the right of Negro men and women to sit on buses in Montgomery where the cause of human dignity first propelled him into the national spotlight.

His concern for humanity and the dignity of the person made his advocacy of the nonviolent confrontation inevitable. A man of reason, he challenged men to act reasonably. A man of justice, he challenged men to act with justice. A man of God, he saw clearly and challenged others to see the spark of divinity in each man which makes sacred human life and gives dignity to our humanity. This concern caused him to be jailed. It also caused him to be honored with the Nobel Peace Award.

It was natural that this man of peace who sought justice at home should speak out so clearly and eloquently against the injustice and brutality of the war in Vietnam. Dr. King lived the Sermon on the Mount and lived the words, "Blessed are the peacemakers."

Martin Luther King was the apostle of nonviolence and peace, and his life, his words, his deeds and his martyr's death gave witness to his creed. He is no longer with us but in the forefront of every struggle for human dignity, for peace, his spirit will march on.

Men will continue to dream his dreams and in the words of the song of the movement:

> Black and white together,
> We shall overcome!

We shall overcome injustice and enslaving poverty.

We shall overcome bigotry and prejudice.

We shall overcome the vestiges of hatred which have led us to tragedy.

> Freedom will ring out—

In Dr. King's words—

> from the prodigious hill tops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snow-capped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California. But not only that, let freedom ring from Stone Mountain of Georgia.
>
> Let freedom ring from Lookout Mountain of Tennessee.
>
> Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring. And when we allow freedom to ring, when we let it ring from every village, from every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: "Free at last! Free at last! Thank God Almighty, we are free at last!"

As we consider the civil rights bill today, we have the opportunity to take one more step toward the fulfillment of Dr. King's dream and one more step toward freedom.

OPPOSITION TO PASSAGE OF CIVIL RIGHTS BILL

Mr. TUCK. 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 Virginia?

There was no objection.

Mr. TUCK. Mr. Speaker, I rise in opposition to taking up H.R. 2516 at this time and also in opposition to the passage of the bill at any time.

Legislation of an emotional nature should never be acted upon by the Congress at a time when we are faced with tensions such as those which now exist throughout the Nation and particularly here in Washington. Laws should be considered and acted upon only in an atmosphere of careful and thoughtful deliberation.

The so-called civil rights bill now before us, as well as previous ones, is highly objectionable to those who have regard for the principles of liberty embodied in the Constitution. The loss of life and human suffering both have been terrific in recent weeks and in more recent years. In fact, we have had trouble, as I predicted we would, ever since the passage of the first civil rights bill in 1957. Millions of dollars in property loss has been sustained.

The horrendous situation which now exists is accentuated by what appears to be a complete and abject surrender of the executive and legislative departments of our Government to these ruthless racists, looters, thieves, and incendiarists whose real object is to pillage and plunder and also destroy the Government of the United States. Action upon this bill today is an open and written invitation to these despicable groups and characters to multiply and increase the harm and evil which they have already done.

The slaying of Martin Luther King, Jr., was a cruel and wanton act. The perpetrator thereof should be apprehended and given the extreme penalty of the law. It is my fervent hope that this senseless murderer will be brought to justice speedily. I deprecate violence. The killing

of King was indeed unfortunate. The man who committed this crime has done a great disservice to our country, and his act serves to exacerbate the racial tensions and hatreds which were already intolerable throughout the Nation.

I have heartfelt sympathy for the bereaved family of the deceased. However, in expressing sympathy to the members of the bereft family, the Nation should not overlook certain outstanding characteristics of the life and career of Martin Luther King, Jr.

Although it is conceded that he openly advocated nonviolence, he fomented discord and strife between the races. Violence followed in his wake wherever he went, North or South, until he himself fell a victim to violence. He who sows the seed of sin shall reap and harvest a whirlwind of evil. I believe with the Bible that he who takes up the sword shall perish by the sword.

This victim of murder preached compliance only with the laws he approved of and thus was in contempt of statutes not to his liking. Hence, he and his followers, in a most brazen and flagrant manner, flouted the time-honored concepts of this Nation, which is one of laws and not of men.

In one of his last public utterances, he openly stated that he intended to violate a solemn court injunction. At the same time, he was planning to invade Washington with a horde of the hosts of evil, to disrupt and stay the wheels of the Government of the United States. Every sensible person knows, as he himself must have known, that such an act would result in wholesale property destruction, bloodshed, and death to this beleaguered city.

This man trampled upon the laws of our country with impunity, and the Stokely Carmichaels and the Rap Browns were spawned in the waters of hate agitated by his public utterances.

Thus it is discouraging to observe the extent to which the President of the United States and others in high political office have lost perspective in this period of turbulence. The candidates for President in both of the larger political parties joined in this display of maudlin and effusive sentimentality. Dignified and appropriate display of sympathy is always fitting and proper.

I hope that the American people will insist upon a rigid and firm adherence to justice and to a prompt and resolute enforcement of all the laws at every level of government and the swift and certain punishment of law violators irrespective of whether they be white or black.

Mr. Speaker, on April 4, prior to the death of King, I made a statement before the Rules Committee of the House of Representatives in opposition to H.R. 2516, and the same is as follows:

Mr. Chairman, I am grateful to you for allowing me to appear in opposition to H.R. 2516.

On many occasions in the last 11 years I have spoken out in the hope of blocking legislation of this type. That which the Congress already has adopted has done the country tremendous damage. I cannot acquiesce in the reasoning that we should add evil to the already mischievous legislation now on the statute books and thus stir into a maelstrom the seething cauldron of social unrest that already has reached serious proportions and threatens to get worse.

I made the prediction in 1957 that the adoption of the initial so-called Civil Rights bill would be marked by countless future years of irritation and acrimony. I pointed out that, instead of relieving the tensions, it would exacerbate whatever tensions and prejudices were already in existence.

The proponents of the measure contended that the legislation was needed because it would bring peace and tranquility. Where is that peace? Certainly not in the riots which have rocked our cities during recent years and are forecast to be even worse during the summer of 1968. The situation has become infinitely worse and has reached desperate stages. I think longingly and nostalgically of those years of peace, years free of strife, when we had no civil rights legislation.

I cannot see that the legislation of this nature which has successfully passed through the Congress and which I have constantly opposed has done us one iota of good. On the contrary, in my opinion it has done us grave harm by bringing on boundless trouble, misunderstanding, bitterness and hatred where cordiality formerly existed. And now we are considering a proposal designed to deter and punish interference by force or threat of force with activities protected by Federal law.

This bill has been in the Senate since last year. It was almost completely rewritten, making it a more punitive bill than was approved in the House where it was first considered. Now provisions have been added, some not at all germane to the title of the bill, some so drastic and ill-conceived that they constitute the measure's worst features. Despite this, our leadership, with encouragement from the White House, is suggesting that we accept them en toto without further study.

I do not think we need this bill, and I am convinced we will be making a serious mistake to accept even in part the changes which the Senate has made.

My main reason for disapproving of this horrendous measure is my desire to preserve our time-honored American freedom, a goal that has been a guiding light with me throughout my long years in public life. This bill strikes a serious blow at our liberty. Its proponents say that it is aimed at eliminating discrimination, and yet couched therein are flagrant provisions that abet and condone discrimination. Moreover, they would do grave violence to individual rights, the bedrock upon which the nation was built and for which our forefathers struggled for generations to establish and preserve.

It has always been my understanding that the Constitution and the laws of this nation have as their purpose the protection of the right of its citizens to equal justice. I cite this assumption as typical of America and of her form of government. The bill we now have before us is clearly unconstitutional and out of harmony with our American way of life. It extends rights and protections to a limited group. If it is to operate for any, Federal justice should be extended to all. I need not point out to you the dangers of legislation which serves only a few, as our earlier civil rights bills have sought to serve.

The most objectionable feature of the bill we now have under consideration is involved in Title VIII, the so-called open housing provision. Herein lies the main reason for the controversy which has developed over this legislation. What its open-occupancy clause does in effect is say to every owner of residential property that he cannot sell or rent his residential property to the person to whom he wishes if some other private individual objects and demands that he himself be permitted to buy.

While we are told its purpose is to wipe out discrimination, this bill clearly permits discrimination in certain instances. You will see that it allows the single-family homeowner to discriminate if he owns three or fewer single-family houses, sells no more than one in any two-year period, sells without the service of a broker, and sells without any discriminating advertising. Also exempt are dwellings occupied by no more than four families living independently of one another, if the owner maintains and occupies one of the units involved. Religious institutions and private clubs also are permitted to discriminate in non-commercial operations.

Banks and similar institutions, as well as brokerage services, on the other hand, are forbidden from discriminating.

I have always understood that every man has a right to trade or refuse to trade with anybody on any ground whatsoever. This bill, however, would give one citizen the right to acquire property from another citizen who does not wish to sell it to him. By this process, we would lose a degree of freedom that is deeply rooted in our traditions and in our common law. It would mean that the Federal Government could give one person a certain right even if, in so doing, another person was deprived of a right.

Economic security of private property is the only dependable foundation of personal liberty. Yet this bill would authorize the government to force a homeowner to rent a room or sell his home to a person with whom he does not choose to execute a rental or sales agreement. It seems to me that to require the owner of a home to enter into a contract with one not of his choice is an affront to our traditions of freedom of contract. We have always in the past felt safe in the thought that we need not, without our consent, become involved in a contract with someone else.

The Constitution grants no such powers. The power to enter into a contract willingly is a fundamental right. I know of no justification in forcing a person to enter into a contract with another person for the disposition of private property against his will.

What we would be doing in effect is converting private homes into public utilities. Public utilities must dispense their services without arbitrary discrimination, which is the main difference between public and private business. This bill would impose the obligations of public utilities on the homeowner, which, according to my interpretation of the law, has no constitutional foundation.

The proponents of this bill base its constitutionality on Section 5 of the 14th Amendment, which empowers Congress to enact laws applicable to private discrimination. They also cite the commerce clause as a constitutional basis for forcing homeowners and rental property owners to contract with persons other than those of their choice. It is true that the component parts of a home may at one time have flowed in commerce, but the finished home has stopped its traveling and is a part of the land. To hold that the rental of a room in a home, or the sale of real estate, is part of interstate commerce is fatuous. The only movement of real estate is the movement of the earth, and that was going on long before anybody heard of commerce.

If private homes fall under the commerce clause, nothing falls outside of it, not even household articles.

Under this bill, any offended party may file a complaint with the Secretary of Housing and Urban Development, who is authorized to devise programs of voluntary compliance. If the Secretary is unsuccessful, the offended party may go into a Federal District Court and seek an injunction or other court order. If proof of discrimination is established, the court may award actual and punitive damages, together with court costs and attorney fees. No reputable attorney or title guaranty company would be willing to certify to the title of any real estate conveyed after the passage of this act for fear that both parties would become involved in expensive and endless litigation. Because of the rank

invasion of the field of private rights that this bill involves, the only hope that a sensible person has is that it will not be enforceable. It will serve only, as have its predecessors, to create new sores of unrest and dissatisfaction in a society that is already suffering from nervous prostration and is on the verge of anarchy.

Title I of this bill prescribes punishment for interfering with persons in the enjoyment of certain rights, including voting, enrollment in public schools and colleges, participation in Federal programs, and use of common carriers and facilities. This is clearly aimed at protecting the civil rights workers who go from place to place fomenting strife and discord and stirring up racial violence.

It is obvious that this bill serves to protect agitators and incitors, and I will not offend your ears by calling the names of some of these. If legislation along this line is needed, it should be designed to punish these persons for the heinous misdeeds which they have committed upon society and which have resulted in destruction of property and loss of life.

This bill is a threat to the powers of the states and represents an unwarranted incursion upon the states' authority and responsibility for the enforcement of the law and suppression of public mischief. However, I must commend it for the provision that would impose a fine of $10,000 and a prison sentence of five years upon anyone who travels in interstate or foreign commerce for the purpose of inciting a riot. I introduced similar legislation in both the 88th and 89th Congresses, but failed to get it even before a subcommittee. At that time racial disturbances were confined to Danville, Va. As soon as they spread to New York and Chicago and Detroit and other large cities, the House of Representatives was stirred to pass an anti-riot bill, H.R. 421, by an overwhelming majority.

The focus of any legislation looking toward the stoppage of riots is good, so far as its intentions are concerned. However, I will tell you the best way to stop riots:

The law should be enforced in such a manner that no city should have to cope with mobs gathered on the streets in violation of state and local laws and court injunctions. Those who disturb the peace and break our laws, irrespective of their race, creed, or color, must be dealt with firmly and resolutely and in such fashion as to make them and all others like them know that lawlessness will not be tolerated in any locality in the United States of America. Instead of intimidating, harassing and impeding our police officers, the government at all levels, local, state and national, should let these policemen know that they are expected to use whatever force is necessary to complete an arrest and to subjugate a criminal. At the same time, if help from the state or national government is needed, the local authorities should be assured that it will be promptly forthcoming.

This nation was founded on the principle that observance of the law is the eternal safeguard of liberty. Defiance of the law is the surest way to tyranny. Few laws are generally loved by all citizens, but they are to be respected and not resisted. A man may disagree with the law, but no man may disobey it. We must have a government of laws, not of men.

We must forthwith put an end to the practice of minority group leaders who go about telling the dissatisfied element that they should obey the laws they favor and violate the ones they do not like. These men are a danger to our society. We have too great a country to stand idly by and allow lawless and irresponsible men to encourage lawless and riotous conduct.

The rights of law-abiding citizens should take precedence over the rights of criminals. When a crime is committed, the question in law should be whether or not the accused is guilty and what punishment is merited and not a determination as to whether or not the criminal had a lawyer before he confessed. There are no indications that our law-abiding citizens need further protection from the police, while there is every indication that they need considerably more protection from the lawless.

The claim is made that our troubles can be traced to the ghettoes. I can see little relationship, if any, between impoverished circumstances and criminal behavior. There is overwhelming evidence that poverty does not cause crime and that elimination of poverty will not prevent crime. America has had less poverty in 1967 and 1968 than in any previous years in our history. If the argument of these politicians and sociologists is correct, we would have had a genuine revolution all over the country in the depression years of the 1930's and our present prosperous days would be marked with unprecedented peace and tranquility.

The most effective method the Federal Government could employ to assist in the suppression of crime would be to support the states and localities in their efforts to enforce the law and to desist from the past practices of hindering and impeding them. Law enforcement is a local responsibility. Without exception, I feel that states are capable and desirous of enforcing the law on a local basis. This can be accomplished if they are protected from the vicious outside influences which snub our laws and ignore our community mores, resulting in the chaos which has occurred in some of our larger cities and just a few days ago in Memphis. Our safety and our liberty depend on the excellence of local and state law enforcement. The anti-riot provision of this bill in no way impedes or usurps local law enforcement, but rather would give force and support to it. I hope such legislation will be voted into law.

As for the other provisions of H.R. 2516, I recognize Title X as worthy of consideration, although the matter taken up therein is one that should be handled by the states and not by the Federal Government.

Rather than concentrate on housing, the Congress would be acting much more in the interest of our constituents if it took steps to protect them from the looters and rioters and rowdies who have run so rampantly through the streets of our cities in recent months. Therein lies the real danger to our country, rather than in whether or not a person disposes of his real estate without discrimination.

Surveys have shown that much of the crime which results from these enemies to the welfare of our nation goes unreported simply because people feel the police could do nothing about it. We need laws to offset this sense of public helplessness and to arm our law enforcement officers so that they can stop the wave of crime. H.R. 2516, with the exception of the provisions I have cited as worthy of consideration, would place us further within the power of the demonstrators and looters and make us even more their victims.

Let us help the people and the police, not the lawbreakers.

What has happened to our American statesmanship that we have created such conditions as now exist in this country? In the April 1 issue of Newsweek magazine there appeared an article sponsored by a large American industry containing the following passage which I commend to you for your consideration:

"We pamper criminals and hamper police, when the police are all that save us from anarchy.

"We spend billions to pay people not to work—when we need the workers, and haven't got the billions.

"Devoted men in uniform spend their lives, underpaid and in jeopardy, fighting to keep our nation safe. Then, for political advantage, we sweep aside their gravest advice.

"Companies which provide millions of the best-paying jobs in the world were built out of profits made by ambitious men who plowed those profits back, to make more. Now Government and unions call such men selfish, and tax and destroy the profits vital to tomorrow's jobs.

"We spend billions to get to the moon, for some ridiculous 'prestige', instead of using those billions to reduce our debt and make us safe and solvent again.

"For voters at home we placate our enemies abroad and attack our friends (and *how* we need those friends!).

"We concentrate more and more power in a central government (too often of little people) and so weaken the local governments—which are the very essence of democracy and freedom.

"We spend billions for foreign aid and let prosperous foreigners who owe us billions spend *our* money to deprive us of *our* dangerously-needed gold.

"*Common sense* used to be the outstanding trait of Americans. In Heaven's name, *what has happened to it?*"

PROPOSED NATIONAL RESERVE OF GRAIN PRODUCTS

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. OLSEN. Mr. Speaker, today I am introducing legislation which would provide for the establishment of a national reserve of grain products. This legislation is identical to the McGovern bill which was introduced in the Senate during the last session.

Although there are many things which must be done in the area of legislation to make it possible for our farmers to share more equitably in this Nation's economic abundance, legislation enacted in the last several Congresses has effectively eliminated the burdensome surpluses which plagued our agricultural producers during the 1950's.

The elimination of these surpluses has been beneficial to our farmers, but it has also accentuated the need for our country to maintain a strategic reserve of agricultural products to protect our citizens against drought or natural disasters which are a constant threat to agriculture throughout the world.

The United States has established strategic reserves of nearly every commodity, a shortage of which could threaten the Nation's security and welfare. I share the view of many of my colleagues in the Congress and our leading farm organizations that it is imperative that we include food—the most vital of all commodities—in the national security stockpile.

I do not think it is possible for us to expect our farmers to carry the burden of excess supplies which we need for our national safety. As the record will show, a very slight increase in excess supplies can drive down farm prices by 5 to 10 percent. Therefore, if our farmers would attempt to provide the stockpile which our country needs, without the protection

which this legislation would provide, they would be unfairly penalized.

I submit, Mr. Speaker, that this legislation would work hand in hand with existing farm legislation. If our Government would move to make provisions for a necessary reserve and if these provisions provide the protection for our producers which is absolutely necessary, I feel certain it would result in a better supply stability for both the agricultural industry and consumers and better price stability for our farmers.

My bill would establish an interim, farmer-owned and farmer-controlled emergency reserve of wheat, feed grains, and soybeans. It would direct the Department of Agriculture to provide the Congress with data from which it can determine the proper sized long-term reserves this Nation should maintain of the commodities covered plus rice, cotton, and flaxseed.

In addition, it would authorize the Secretary of the Agriculture to make contracts with producers on a pro rata basis, as practicable, to put 200 million bushels of wheat, 500 million bushels of corn or other feed grains and 75 million bushels of soybeans into storage, under producer control, either on their farms or in elevators.

Mr. Speaker, this Congress must continue to protect the welfare of this Nation and our farmers—particularly our small, family farmers—with improved legislation and imaginative legislation which will help all concerned to cope with the problems which we face. I believe this legislation would give both farmers and consumers the protection which they deserve and must have.

LET US NOT IMPUGN MOTIVES OF OTHERS

Mr. OLSEN. 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 Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, I believe that, particularly here among adults and the trained gentlemen of this body, it is not quite fair to be talking about the motives of other people, the motives of why one votes a certain way, or where you go to a funeral, or the reason why you go. I believe that is pretty unfair.

I believe it is unfair for a Member to get up here and say "I know you did not read the bill." How does anyone know whether I read a bill? We have been studying this legislation for more than 2 years.

How does anyone know what my motives are; whether I am sympathetic about someone's death, or why I go to a funeral? I did not go to Dr. King's funeral. But I presume those who went were sincere mourners.

Mr. Speaker, I did not mean to take the floor today, but I do not like to hear such things as this said in this great body. The questioning of somebody else's motives is, I believe, a particularly unfair thing to do.

I believe everyone knows that this civil rights bill was scheduled a long time ago, was scheduled by the leadership of the House, and agreed to on both sides of the aisle, and they picked a date. Why did they pick a date 2 weeks hence from the time they picked it? They picked it because they wanted to be sure that everyone would have notice to be here, and to do their own will. That is why we will be voting on this bill today. We are voting on it because it was planned to be voted on today. It was planned in advance, so that people could be here, and do whatever is their honest will.

Mr. Speaker, while I am on my feet, I want to remark about the Fourth Estate. I heard on NBC one of the commentators point out every celebrity who was at the funeral, but then, in addition, he went on to impugn their motives, and he said "Where are the poor people?"

But he left it hanging there. Why did he not go and find out? I am sure the poor people were there. I am sure that great Christian leader's friends were there.

Mr. Speaker, the only reason I have taken the floor today is to say for goodness' sake, among adults and honest people, let us not be impugning each other's motives at this place—in the House of Representatives of the United States.

HOPE FOR A MORE HARMONIOUS TOMORROW

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

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

There was no objection.

Mr. JOELSON. Mr. Speaker, I did not attend the funeral of the Reverend Dr. Martin Luther King, but today or tomorrow I intend to place a rose on his grave by voting for the pending civil rights resolution.

I have not had the opportunity to deliver a funeral oration, but I hope to speak very eloquently in one word, in fact, in one syllable, when I say "aye" for the resolution.

Mr. Speaker, I believe that there can still be good will in this country and hope for a more harmonious tomorrow.

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

ARSON, LOOTING, AND DEMOCRACY

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BENNETT. Mr. Speaker, no recent editorial in my district has attracted more attention than the following by my constituent, George Wachendorf, business editor of the Florida Times-Union. I think it should be widely read and we should not pass off lightly the comments he ably makes. I include it herewith:

ARSON, LOOTING, AND DEMOCRACY

(By George Wachendorf)

One of the fascinating things about the free marketplace is the way it reflects the condition of society.

At the moment, for instance, the so-called protection industries—those which manufacture devices to protect the householder against fire and crime—are considered prime growth areas. At the same time, a trend is emerging in real estate development with the growing popularity of suburban apartment and home projects ringed with fences manned by armed guards, which reflect the increasing breakdown of law and order both as far as individual criminal acts and mass civil disorders are concerned. And it certainly is reminiscent of the Middle Ages, when every substantial home was a fortress and every man trained to arms.

The point has been made that what is being attempted in this country is the establishment of something unique in the history of the world—total democracy. Heretofore, in every democratic society there has existed a depressed and suppressed portion of the population with little share in the benefits of the society.

The effort is a worthy one, perhaps, but the course of recent events begins to cast doubt not only on whether it can succeed, but on whether it will not ultimately do our form of government to the death.

In the wake of the most recent riots, there have come increases in insurance rates, more talk about the pressing necessity of establishing government-financed riot insurance, and a curious apathy about a declared riot-control policy which essentially abandons the concept of protecting property.

In Washington we had the spectacle of looting on the part of well-heeled and employed individuals coupled with a goodly amount of self-satisfaction on the part of authorities that they held down the death toll by restricting the use of firearms by police and troops even at the cost of letting arsonists and looters escape.

When Mayor Daley of Chicago advocated a policy of shooting to kill arsonists and shooting to maim looters a storm broke about his head on the grounds he was advocating a policy of indiscriminate shooting.

What is happening is the logical extension of the curious idea that "human rights" and "property rights" are somehow mutually exclusive. As if the right to peaceful possession of one's property is not a human right.

It is the job of any government to protect its citizens in the enjoyment of their property. But ours seems to be moving to the position that the life and well-being of the looter and arsonist are of greater concern than the rights of the men they are unlawfully attacking.

Not only that, but that it is somehow the responsibility of the peaceful majority to pay for the damage wrought by the minority—and no back talk either. Next to the currently developing doctrine "Alice in Wonderland" is a study in rational thought.

What seems to escape most of those involved in assuring a sizable proportion of the citizenry of regular periods of uninterrupted theft is that societies are organized only to regularize the relations of man to man. And that government-blessed anarchy is not civilization.

If there is anything that history teaches, it is that when a government grows too weak to put down disorder—either in terms of available force or in moral resolution—it is too weak to maintain itself.

This may not be the situation in this nation at the moment. But the conclusion seems inescapable that if a majority of the citizens of this country becomes convinced that our vaunted democracy will not or can-

not provide a life free from the fear of violence, democracy will have to give way to a form of government that can.

And who could say that such a majority would be wrong?

JOHN D. DINGELL, DEDICATED CONSERVATIONIST

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, many people today say that the young people are not as good as their parents. Snide remarks are often made that someone only got ahead because his father or grandfather paved the way for him.

I would like to call your attention to a Member of Congress whom I consider a real friend—one who despite the criticisms of the youth of today is a real leader. Yes, he has even exceeded the excellent record made in the House of Representatives by his illustrious father, the late Honorable John D. Dingell, Sr.

JOHN DINGELL is a dedicated outdoorsman—an avid hunter and fisherman—but one to whom the quest is more important than the bag—one who believes in his country and is striving to make it a better place in which to live, not only for himself and his family, but for all Americans.

JOHN DINGELL'S name is known throughout the entire country as a real working conservationist.

Because of my high regard for the gentleman from Michigan and because I am very much aware of his legislative activities in the field of conservation, I am pleased to report to the House of Representatives that Congressman DINGELL has been honored by that largest of all private conservation organizations, the National Wildlife Federation.

I have just learned that at its president's Conservation Achievement Banquet on March 9 in Houston, the Federation presented to Congressman DINGELL its 1967 Distinguished Service to Conservation Award for legislative achievement. The award is in the form of a whooping crane statuette.

In presenting the award to Congressman DINGELL, Herbert F. Smart, vice president of the National Wildlife Federation, stated:

An outstanding Member of the Congress since 1955, here is a man who has authored and steered to enactment a number of major conservation bills. As chairman of the Subcommittee on Fisheries, he has been involved, either as sponsor or stanch supporter, in every major piece of legislation considered in recent sessions of the Congress. They cover an amazingly wide range of important natural resources problems—all the way from protecting the polar bear of our Arctic regions to saving the living versions of our statuette awards, as well as many other endangered species of wildlife.

For his statesmanship in representing the best interests of not only the people of his district but every American as well . . . for his distinguished service to the cause of conservation . . . for his outstanding record of accomplishment, we are proud to introduce a great sportsman, an avid outdoorsman, and a dedicated conservationist . . . the Honorable John D. Dingell, Member of the United States House of Representatives from Michigan's 16th Congressional District.

I wholeheartedly concur in these comments about the gentleman from Michigan as they are well discerned and truly earned. I join with thousands of other conservationists in the United States to say to JOHN DINGELL, "Thanks for a job well done."

THE 125TH ANNIVERSARY OF ST. PAUL'S LUTHERAN CHURCH

Mr. SCHWEIKER. 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 Pennsylvania?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, one of the oldest and best-known churches in Washington, St. Paul's Lutheran Church on Connecticut Avenue, will begin on Easter Sunday the celebration of its 125th anniversary.

Dr. Henry B. Luffberry, who at the invitation of our Chaplain offered the opening prayer for today's session of the House, is the pastor of St. Paul's. Under his outstanding leadership, St. Paul's has been growing spiritually, physically, and in its membership as well. The congregation of St. Paul's is most fortunate to have such a dedicated person as Dr. Luffberry serve their church at this most critical time.

At their Easter services this coming Sunday, Dr. Luffberry will read a proclamation commemorating this historic observance of the 125th year of their founding. I congratulate Dr. Luffberry on his excellent work and extend my best wishes to him and to the entire congregation of St. Paul's Lutheran Church.

I would like to include in the RECORD at this point the proclamation commemorating this important occasion:

A PROCLAMATION

To the residents of the City and environs of Washington, District of Columbia, and to our brethren in faith throughout the Land:

We, the members of St. Paul's English Lutheran Church, in gratitude to Almighty God for his constant blessing and unfailing providence, do hereby proclaim the observance of the One Hundred Twenty-fifth Anniversary of our congregation's founding. The celebration thereof shall begin on Easter Sunday in the Year of Our Lord One Thousand Nine Hundred Sixty-eight, and shall culminate in the dedication of an edifice for the religious education of the youth of our congregation and community on the first Sunday after Epiphany of the ensuing year. As we now rejoice in the labors and fruit of our forefather's faithfulness, and as we confront eagerly the mission to which Christ inspires His Church today, we would share with our neighbors and fellow-Christians the Services and other events planned to commemorate this anniversary. We invite them one and all, in glad and thankful heart, to invoke with us the continuing grace and guidance of the Lord upon all religious institutions and endeavors, upon the government and people of these United States, and upon all men of faith and good will wherever they may dwell.

Published and proclaimed on behalf of St. Paul's English Lutheran Church, witness my hand and the seal of the congregation, April 10, 1968.

[SEAL] HENRY B. LUFFBERRY,
Pastor and President of the Congregation.

THE LATE DR. MARTIN LUTHER KING

Mr. BIESTER. 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 Pennsylvania?

There was no objection.

Mr. BIESTER. Mr. Speaker, our country has witnessed, in recent days, a series of tragic events. The assassination of Dr. Martin Luther King was a shock to the Nation. This criminal act gave rise to a wave of violence. Many of our cities, including Washington, were and are afflicted with arson, looting, and other forms of lawlessness.

The vast majority of our citizens, persons of all races, view these events with profound sadness. The damage has been done. The struggle for equality of opportunity—never an easy one—is now all the more difficult.

But we cannot simply throw up our hands in despair. We must not permit the voices of unreason—the apostles of violence or repression—to prevail.

The problems which beset our Nation are so grave that no single measure can represent more than a modest step toward solution. Still, positive steps can and must be taken.

Now pending in this House is the civil rights bill already passed by the other body.

The differences between the first part of the bill passed by this body and the rights protection portion of the bill adopted by the other body are minor.

The need for a Federal law forbidding racial discrimination in the sale and rental of housing is unmistakable. Prompt action on this measure will hearten all those who put their trust in the rule of law.

We simply cannot justify further delay. We must act immediately and adopt the civil rights bill of 1968. Let us demonstrate that our system of law is responsive to the needs of the country. Let us make clear that the violence of the few will not dissuade us from meeting the just grievances of millions of our people.

LEVITT & SONS—AMERICAN FREE ENTERPRISE AT ITS FINEST

Mr. CAHILL. 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 New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, I am pleased to inform the House of Representatives that today Levitt & Sons, the

most successful builder of dwelling houses in the United States and perhaps in the world, has announced the complete elimination of segregation in its housing policy any place it builds—in the United States and any other country in the world. Ir. the past, Levitt & Sons has abided by local law or custom and, as a result, some Levitt communities have been integrated and others have not.

This new policy announced in full page ads in the daily newspapers of our country today is courageous, truly American and, I believe, an historic step in the realization of the true brotherhood of man. This announcement should do more to encourage and develop open housing in the United States than all the State laws and, hopefully, after today, the Federal laws that have been or will be enacted. This decision of Levitt & Sons sets an example for all builders of homes everywhere—for all Americans everywhere.

The concluding words of the advertisement carried this morning by the daily press should be heeded by all:

> We ask our colleagues to adopt a similar policy without delay. The forces of bigotry and prejudice must not be permitted to prevail any longer, and we urge all builders—large and small alike—to do their part in making America once again the ideal of the world.

I congratulate William Levitt, his associates, and the officials of the International Telephone & Telegraph Corp. on this timely, courageous, and farsighted policy of American free enterprise at its finest.

CIVIL RIGHTS BILL

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

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

There was no objection.

Mr. HALL. Mr. Speaker, whiie the smoke is still rising from the ruins it may be far too early to view the tumultuous events of the past week with any hope for perspective and objectivity. But so many events have been set in motion that are designed to influence the Congress, that Members of this body are not afforded the luxury of waiting for the clearer vision that hindsight always affords. It is already clear that while the President and the extreme black militants may have little, if anything else in common they both believe the House of Representatives should pass immediately the Senate amendments to the previous House-passed civil rights bill. This is a bill which has very little resemblance to the lengthy and highly controversial measure that has been returned to us. The national television networks, or at least those who guide its editorial policies, would now have the very seat of representative government abandon due process, and give unquestioned approval to a measure which the Members of this body have never seen, and whose particulars we would be prohibited from debating.

It may well be that the steamroller will engulf the Congress just as it has, erroneously in my opinion, engulfed the mass media, or at least a significant portion thereof. But, we have a higher duty than to be swept up by the uncertain currents of emotion, currents which might just as easily have carried us in the opposite direction in the wake of mass disorders and riots across the land. Let us therefore review the events that have happened and try to relate them to our duties as we are given the light to see those duties.

On last Thursday, a cowardly act of murder took the life of Martin Luther King. From what we are told by the Attorney General, the slaying was the act of a single deranged individual. I hope he is apprehended and punished to the full extent of the law, But, the reaction to the slaying suggests that many otherwise responsible people have chosen to lose sight of what King was trying to accomplish in Memphis.

He was not there campaigning for an open-housing law. He was leading a campaign to force the city to give in to the demands of the Garbage Collectors' Union. It was essentially a wage dispute, not a civil rights dispute. Furthermore, the main issue dividing the city and the union negotiators was not discrimination in employment, but whether or not the city should agree to a demand for a "checkoff" of union dues. That King lent the support of the Southern Christian Leadership Conference to a labor-management dispute, surely does not automaticaly change the character of the dispute from what it was; an effort to force the city to do something for one group of city employees that it does not do for any other group of city employees, white or black.

Point No. 2 is that in the course of trying to pressure the city of Memphis to give in to the demands, King announced his clear intention to violate a Federal court injunction, prohibiting a mass march on city hall. A former Member of this body was denied access to this body for disobeying the law, so I cannot believe that this House is willing to concede for 1 minute the right of another person to defy the law. Is the Congress to react by passing a law when the prime exponent of nonviolence was planning on demonstrating his contempt for the law and a Federal court injunction? Would Congress, or the courts be as lenient to those who might wish to nonviolently disobey an open housing law?

Have we reached a point in history where it is all right for some persons to defy some laws with which they do not agree? Is it not at least a slight incongruity that the flags are flying at half-mast for one who expressed contempt for the law, and who was leading a march in violation of a Federal injunction? Does the horrible nature of the crime that was committed justify forgetting the methods which the victim was proclaiming? They had another "violent nonviolent" march in Memphis the week before. As someone said afterward, a fellow could get killed amongst all this nonviolence, and indeed a young Negro youth was killed, and stores were looted, and buildings were burned—"nonviolence," indeed.

Now let us look at the events that occurred with such rapidity immediately after the assassination. The reaction to the violent death of the advocate of nonviolence was violence. If the first and immediate reaction was grief, and I think we would agree it was, what followed was an orgy—an orgy of burning, looting, sniping, mass destruction on a scale that threatened the very seat of government itself. Along with many of you, I watched in disbelief the atmosphere of a "Roman holiday" that was taking place on the streets of Washington. I did not see people crying as they set the torch and carried out their booty. If a wake seemed more appropriate, what happened took more the form of a celebration. Open housing did not seem to be on the minds of thousands of people, as much as free stereo and hi-fi sets, television sets, whisky and Scotch, new suits, and shoes, and other assorted booty.

Suddenly here was an occasion when everybody could take for the asking. And the calls of the moderate leaders of the Negro community, went unheeded and ignored.

Crystal ball gazing is always a hazardous occupation, but I frankly doubt if the open housing bill had been signed into law a month ago, the spectacle that we witnessed would have been appreciably different. After all Congress has adopted numerous civil rights laws in the past few years and the riots have continued unabated. The Civil Rights Act of 1964 was followed 2 years later by Watts, and then Detroit and Newark.

So the theory that passing laws will appease those bent on destruction is a very tenuous theory indeed. And the theory that passing laws without due process, as an automatic response to riots, will prevent riots is an exercise in absurdity. It will only further convey proof to the black militants that the more you riot the more you get, and when an insatiable appetite is to be filled there is no end to the things to be gotten. In fact, television commentators are already telling us that open housing is just the first in a long series of "tributes" that will have to be paid to quell the mobs. I am not convinced that their judgment is any more sound than their colleagues who announced over TV in Washington that looters were being allowed to loot without interference by the police, and thereby probably doubled and tripled the number of looters. It was a sickening and possibly suppressed story that had to be told, but later, not when the very act of telling it compounded the problems of the law enforcement, inadequate as it was.

The other inadequacies of dealing with the Washington riots should, must, and will be investigated and revealed, but that is not my purpose in speaking today. I have lived through curfews, martial law, and looting before, and in other places throughout the world, and I could not believe that authorities could be so inept as they were here in the Nation's Capital. I emphasize the word "authorities," and detract not one whit from the dedication and long hours of police, firemen, and soldiers.

So, Mr. Speaker, if there was serious question and doubt as to the wisdom of the open housing legislation on April 4, not a word and not a comma of this proposed legislation has been changed, and I submit that due process should not now be forever discarded.

Are we, in this body, now to abandon our role as legislators and merely serve a "rubberstamp" role with not the slightest consideration for the merits and means of the bill under consideration? Is it prudent or wise to act, not on the basis of reason but of blind emotion? Are we to not even consider the fact that the Senate amendments create not open housing, but "forced" housing? Are we to not even consider that this bill would, in effect, create two separate and contrary laws; one for the person who sells his home directly, and the other for the person who sells it through his real estate agent? Are we such prisoners of the looters and the burners, that we must grasp for any straw, however weak and unsound that straw may prove to be in actual operation?

Is that tragic and cowardly act of assassination to be the catalyst that caused this representative body to commit its own cowardly act of ignoring due process? Surely not, Mr. Speaker.

The representative process in our Republic is and must remain a two-way street. We must represent those who are informed. Providing information is our responsibility. The people are smart enough to distill information into intelligence. Given information and time, they will do the rest and act with prudent judgment. Thus we can represent properly and wisely, and our system of government will survive.

We are moving through dangerous and perilous times. Let us at least have the wisdom to consider this legislation in the arena of public debate, with adequate interpretation and explanation of its provisions, with prudent recognition of what the bill does, and with recognition of the fact that those who now beseech us to jump on the bandwagon, are themselves uncertain and unknowing of its basic provisions.

There is a great healing task that lies ahead, but let our effort be to bind the wounds, and not reopen them.

CIVIL RIGHTS BILL

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

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

There was no objection.

Mr. WATSON. Mr. Speaker and my colleagues of the House, is it not great to be a Member of the greatest deliberative body in the world—the U.S. House of Representatives?

But today we are being asked to consider and to vote on a matter of such importance and magnitude, affecting the lives and property of every American—but you are only being granted 8 seconds apiece in order to debate this measure. The Senate spent 40 days—and this House of Representatives has 1 hour, which will average out at 8 seconds per Member.

Can we go back home and tell the American people that this is a great deliberative body?

Mr. Speaker, may I just read two paragraphs from a letter I received from a minister. He said:

> All Presbyterian ministers are being asked to write their congressmen urging them to pass the Civil Rights bill, and not to recess until this action is taken.
>
> I am writing you to request an opposite action.

This is the part of his letter that I hope you will listen to carefully. He said:

> Even if this bill is right and proper, it should not be acted upon in the present state of affairs. I am sure you agree that far-reaching legislation should not be passed as a memorial to a person, nor should it be extracted by torch and gun.
>
> There is an element in our country which snatches every opportunity to forward their program. They have leaped upon the present situation and seem determined to use it for their ends.
>
> If this legislation is good, then it ought not to have the stigma of being passed in an atmosphere of tension. If it is bad, then it ought not to be passed simply because of the crisis through which our nation is passing.

Mr. Speaker, our acts today will neither stop nor start riots. Enforcement of existing criminal laws, rather than enactment of any civil rights law, is always the key to law and order. Despite the many bills which have been passed in this field during recent years, the insatiable appetite of the lawless has not waned, but has actually been whetted.

Today constitutional and representative government are on trial. The only test we face is whether representative government will survive, if indeed whether or not we are deserving of the name representative. It is incomprehensible to believe that the other body deliberated on this matter for 40 days and we have allocated just 1 hour—in fact, about 8 seconds for each Member to determine the property rights of American citizens. That alone should be sufficient grounds to vote against this measure and send it to a committee for further study.

The American people are looking to us to keep our heads when apparently so many all about us are losing theirs. The Nation is looking for calm amid confusion, responsibility amid irresponsibility, lawfulness amid lawlessness and sense amid senselessness. They have a right to expect as much from their representatives and God help us if we fail them.

This measure will not grant rights but deny rights, not restore rights but rob citizens of rights. It will not stop riots but encourage further rioting. Indeed, passage of earlier civil rights measures has not lessened tensions but actually heightened them. If ever this Nation needed a period of calm reflection rather than intemperate action, it is now.

If we err in our finite wisdom, let it be in fairness to all Americans rather than granting special favors for a few. Regardless of how you might attempt to explain or rationalize our vote, if we pass this bill today, the American people will conclude that we have succumbed to the most insidious and despicable form of blackmail—defiance of law and order. If you vote for it, you will be telling your constituents that 8 seconds for each Member is adequate time for the greatest deliberative body in the world to determine the basic civil rights of all Americans; namely, ownership of property.

In fact, I daresay 90 percent of the American people are unaware that under the terms of this bill a private citizen will be prohibited from advertising his home or placing a "for sale" sign in his yard without coming under the forced provisions of this legislation.

Mr. Speaker, today we stand on trial before the American people. Let us not by precipitous action tell them that anarchy has replaced democracy in America.

CIVIL RIGHTS BILL

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

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

There was no objection.

Mr. GROSS. Mr. Speaker, nearly 15,000 troops are quartered in and near the Nation's Capital today.

They are here in an attempt to put an end to the arson, looting, and anarchy that has brought death and hundreds of millions of dollars in damage to Washington and scores of other cities across the Nation.

It is in this climate of lawlessness—of contempt for law and order—that the House of Representatives is being called upon today to approve a bill, many of the provisions of which have never before been considered by the House Members.

To approve this legislation today means setting aside all orderly procedures. It means a capitulation to those who have nothing but contempt for law and order.

It will be a shameful day in the Nation's history if on this day the House of Representatives spinelessly capitulates and if it does I suggest that the U.S. flag be promptly lowered to half staff in mourning for this once great Nation.

CIVIL RIGHTS BILL SHOULD BE REFERRED TO THE JUDICIARY COMMITTEE OR TO CONFERENCE COMMITTEE

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

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

There was no objection.

Mr. HARRISON. Mr. Speaker, the House of Representatives has been directed to vote straight up or straight down on the Senate passed civil rights bill that carries the number: H.R. 2516.

That number is the same as a civil rights bill which passed the House August 16, 1967, with my concurring vote, but the contents of the measure bear no

resemblance to what the House last year wrote, debated and sent to the Senate. It has come back to us now as an entirely different bill.

Now the House is being told, in the frenzy of rioting in a half dozen American cities, to give a blank check endorsement to the Senate passed bill even though the House has not held hearings on a single one of the Senate amendments.

The House has not considered the massive changes in Federal law contained in this measure.

The House has not considered the immediate and long range effects this bill will have on the lives of Americans of all races.

The House has not been consulted on the broader programs of civil rights legislation of which this will be a part.

But the House is expected to buy this weighty and poorly phrased pig in a poke with neither debate nor dissent, neither hearings nor amendments.

In short, the House of Representatives is expected to concur blindly in what the other body has done with out bill, our prerogatives, and our responsibility.

The Senate which expects us to buy this package without debate has the temerity to warn us in its report:

> The elected representatives of the people should discharge their sacred obligations by taking time to draft legislation properly and adequately.

Splendid advice.

The first place to start is by sending this bill to the Judiciary Committee or at least a conference committee so the House can study the vital matters on which it is expected to vote.

H.R. 2516 as presented to the House is a single dimension bill. The Senate passed it hastily with perfunctory debate on major amendments that will determine the status of the rights of private property and personal choice for decades to come.

I had the privilege of voting for the original House-initiated version of this civil rights bill. I would endorse it again on the basis of its original rights and protections.

The Senate added to the House provisions—which were also completely rewritten—housing, antiriot, and Indian rights measures.

Two of these additions would appear to be desirable. We have long needed a strong antiriot measure and that need is accentuated by the tragic violence underway at this hour in some of America's proudest cities.

Our American Indians—the Shoshone and Arapahoe of Wyoming and the citizens of more than 280 other tribes in our country—have long needed the protective covenants of the additions to this bill which directly and immediately affect them.

The heart of the House-passed H.R. 2516 was language as law to strengthen the Government's capability to meet the problem of civil rights violence. The bill would have protected any American as he engaged in voting, use of public education facilities, and common carriers, or engaged in a host of other stipulated functions.

The heart of the newly contrived H.R. 2516 is open housing.

This provision vitiates the rights of the seller of a home in deference to the exclusive rights of the buyer. How the constitutional protections and guarantees of those who sell homes got lost en route to the forum, I do not know, but lost they got and lost with them are the rights of an American to dispose of his lawful property as he sees fit.

In its infinite wisdom, the other body has drawn the postulate that wrongdoing is only wrong if done by a real estate agent. On this premise the bill permits the bigoted bargaining away of a home to a non-Negro by the owner. This, says the Senate, is okay. But the bargaining becomes evil under law if a real estate agent happens along and takes part in the transaction. This to my mind is a most curious twist of law and logic.

If it is to be permissible for an American to sell his home with consideration to race, creed, color, or national origin, and the Senate bill says such a deal is okay, how can the entry of a real estate agent into the picture so rupture morality as to completely upend the intent of the law.

The Senate wrote it, but the Senate has failed to enlighten us on its reasoning in so doing.

I have had the privilege of supporting civil rights in my five terms in Congress.

I voted for the original House version of the bill being voted on today.

I fully appreciate that legislation will be required as we search with all Americans for the answer to what is certainly the most critical dilemma facing our Nation since the Civil War: how to bring the 10 percent of our population that is nonwhite into full citizenship and equality of opportunity.

But in seeking and championing this goal we can neither bring justice to the oppressed nor punishment to the oppressor by precipitously passing bad legislation.

This bill foisted off on the House by the other body is a patchwork quilt of legislated morality and contradictory intentions. We will ill-serve the needs of America by foisting it off on the Nation.

Lincoln is reported to have observed that you do not strengthen a man by weakening his adversary. Neither do you guarantee the rights of the Negro by gutting the rights of other Americans.

Let us take this package of ambiguity to our committees and give it the full measure of attention and considered judgment that it deserves. Let us report out a bill that may cover all the points of this one—open housing, civil rights protection, antiriots and Indian rights—but let our bill eliminate the contradictions and the inconsistencies that will throw this measure into a thousand courts for a thousand interpretations when enforcement is attempted.

Let us report out and pass a civil rights bill that is both civil to our citizens and right for our Nation.

THE MAJORITY VIEW ON CIVIL RIGHTS

Mr. THOMPSON of Georgia. 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 Georgia?

There was no objection.

Mr. THOMPSON of Georgia. Mr. Speaker, under our traditional republican form of government it is the duty of a Congressman to represent the views of his constituents.

I wish that all Congressmen had taken the time that I have taken to poll their constituents on the question of open housing. I have talked with many, and most have told me that in their opinion their constituents would be opposed to this measure.

I sent out a questionnaire, and out of the thousands and thousands of replies that I have received, over 82 percent of the people in my district, which is Atlanta, Ga., want to reserve for themselves the right to determine to whom they will sell their property. They want to retain the right to sell their property regardless of race, creed or color. This is one of the ancient rights and one of the rights of contract law that is inherent in our form of government.

Mr. Speaker, I am concerned that a minority of the people who have contacted me have said that I should disregard the majority view because the majority does not know what is good for themselves. To them I can only say this: that this is the same rationale used by dictators when we attempt to substitute our will and thoughts for those of the majority of the people.

CIVIL RIGHTS BILL SHOULD GO TO CONFERENCE

Mr. CEDERBERG. 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 Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, I take this time because I realize it will not be available when we debate the rule today.

I want to say that in the 16 years that I have been here, I have supported every civil rights bill. However, I believe in the interest of sensible procedure this matter should go to conference. It should have gone to conference long ago.

Let me say further that the House of Representatives passed this legislation last August. It was pending in the other body for 6 months. Now we are asked to adopt it immediately. The blame for delay is the Senate not the House.

I just want to say publicly that I favor civil rights.

I believe that every man, woman, or child in this country, regardless of race, creed, or color, ought to be able to live anywhere that his economic ability will permit him to live. But I think there are important differences in this legislation. The Senate has added riot control, antiriot provisions, and Indian legislation. I do not consider this a civil rights vote at all when I vote to send this bill to conference. If it does not go to conference,

of course, I will vote for the legislation, but I believe that it is wrong to use this particular procedure.

PROPOSED LEGISLATION WILL RESULT IN CHAOTIC SITUATION IN REAL ESTATE MARKET

Mr. SCOTT. 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 Virginia?

There was no objection.

Mr. SCOTT. Mr. Speaker, my mail is overwhelmingly in opposition to H.R. 2516 and some of the letters from constituents who support the bill indicate they do not believe in Government discrimination in housing. Certainly, I do not believe in the Government discriminating against any citizen. However, I am not aware of any existing law which does discriminate against any person on the basis of race, color, religion, or national origin. Any person in the country can sell any piece of property he owns to anyone he chooses. If a black man chooses to sell his property to a white man, he has this right. If a Buddhist chooses to sell his property to a Jew, he has this right. If a foreign-born citizen chooses to sell his property to a native-born citizen, he has this right. If there is prejudice existing in this country, and I am sure there is, that prejudice is in the mind of the individual citizen, and I do not believe this Congress has the power to remove prejudice by enacting legislation. The Government should be colorblind in all of its dealings with its citizens, but we have to distinguish between the actions of the Government and the private actions of our citizens.

Referring to a more specific matter, section 810 on page 34 of the bill provides that any person who claims to have been injured by discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur may file a complaint with the Secretary. Now can you imagine the length of time it will take the Secretary of Housing and Urban Development under this bill to process and act upon a petition? Some of the petitions that would be filed if the bill is enacted would be valid ones. Undoubtedly, some would be invalid and without merit.

A property owner would not be able to dispose of his property during this interval for the practical reason that no one would buy a piece of property when there was a cloud upon the title or the right of the owner to dispose of it. In my opinion, Mr. Speaker, this would result in a chaotic situation in the real estate market throughout the country. This bill requires careful consideration by the appropriate committee of this House, and should not be acted upon without thorough consideration by the House committee. If it is adopted without amendment it will come home to haunt each of us. Therefore, I hope this House will vote down the previous question, and that the House will be permitted to work its will in the matter.

CIVIL RIGHTS LEGISLATION WAS NOT DELAYED IN HOUSE OF REPRESENTATIVES

Mr. CUNNINGHAM. 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 Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, I am not going to comment upon how anybody should vote on this measure. I have made up my mind, and that will be recorded in the RECORD.

However, I am very much alarmed, shocked, disappointed, and angered with the various news commentators, but particularly the Attorney General of the United States, who appeared on several nationally televised programs when they and he not only inferred but came right out and said the delay in this measure is due to the action of the House of Representatives. How irresponsible and untruthful they were.

We passed the original civil rights bill last year, in August. It is not the House of Representatives that is responsible for any delay. The delay occurred in the other body. I wish people who are getting up and saying on radio and TV and writing in newspapers that the House of Representatives is responsible for delay in this legislation would discontinue their unjust criticism of the House, because I think we have acted in a responsible manner. It is not our fault that this legislation comes before us at this late date and in this emotional atmosphere. Where were these commentators and officials in the executive branch when our civil rights bill left the House last August and was buttoned up in the other body?

Mr. Speaker, the conduct of the persons mentioned above is inexcusable.

STORY OF AMERICA IS CHRONICLE OF EFFORT TO APPLY WITH PERFECTION THE CONCEPT OF EQUALITY

Mr. FINDLEY. 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. FINDLEY. Mr. Speaker, the story of America is essentially the chronicle of our efforts to apply with perfection the concept of equality. None of the steps taken has been in itself perfect, and I daresay what we do today will not be perfect. But I am proud of the role that the party of Lincoln has played throughout this long period in which we have sought to apply this concept with perfection.

I am proud, also, of my colleague, the gentleman from Illinois [Mr. ANDERSON], who yesterday played an important role in the action of the Rules Committee. I am confident and hopeful that when this day is done the party of Lincoln will once again have played a major part in progressive legislation in civil rights.

THE "LITTLE MAN" WINS

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, for a long time I have worried, as our Federal Government has grown in size and scope, that the "little man," the ordinary citizen was becoming lost in the shuffle; that he was becoming a number rather than a person and that it was becoming increasingly difficult for him to gain a sympathetic ear from our vast governmental bureaucracy.

This week I had a heartening experience which renewed my admittedly shaky faith in our governmental functions, and I would like to relate this experience to my colleagues.

A constituent of mine, listening to his radio in a small New Hampshire community some 500 miles from Washington, heard an announcement that was offensive to him. He felt it was derogatory to the American free enterprise system, whose source of strength is the private business community.

"Do you want to spend the next 2 years trying to please a boss who is trying to please his boss" went the announcement. It wound up with a plea for the listener to avoid all of this by joining the Peace Corps.

My constituent resented this as an innuendo against private business. And he resented even more the fact that, as a businessman and taxpayer, he was paying for this message.

He complained to his Congressman and to the Peace Corps. I am sure there were other complaints, that his was not the only one. But the point is that, in this case anyway, the little man apparently won his battle and made his point with the large governmental agency.

Because this week, I received the following letter from Mr. Brent Ashabranner, Acting Director of the Peace Corps, confirming that the offending announcement had indeed been withdrawn:

PEACE CORPS,
Washington, April 1, 1968.

Hon. JAMES C. CLEVELAND,
House of Representatives.

DEAR CONGRESSMAN CLEVELAND: Mr. Vaughn is presently out of the city and in his absence I am replying to your letter of March 15, in which you request information for a constituent regarding a Peace Corps advertisement.

We have recently reviewed our series of radio announcements, specifically the one to which you refer, and are currently preparing a new series.

We have found that the commercial you mention is subject to misinterpretation, and the Advertising Council, which prepares spot announcements for us as a public service, has

requested radio stations to discontinue its use.

Thank you very much for your interest in this matter and in the Peace Corps.

Sincerely,

BRENT ASHABRANNER,
Acting Director.

A TRIBUTE TO DR. MARTIN LUTHER KING, JR.

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

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

There was no objection.

Mr. HALPERN. Mr. Speaker, during the past few days, from one end of this earth to the other, Dr. Martin Luther King has been memorialized in a manner befitting the life he led and the cause for which he strove. The senseless act of murder that stilled his voice cannot kill his words nor dim his dream.

Applying his symbolic philosophy of nonviolence to attain goals of equal justice for all, Martin Luther King was a champion of justice, a revered leader whose vision and indomitable spirit gave profound meaning to the cause of human rights.

From the moment he first led the Montgomery bus boycott in 1956—through the Albany, Ga., demonstrations, the renowned 1964 March on Washington, the march from Selma to Montgomery, the jail terms in Birmingham and Albany—through all this Dr. King counseled peace and justice—and in so doing served not only the cause of equality but the American cause as well.

Out of the intensity of Dr. King's crusade sprang the civil rights bills of 1957, 1960, 1964, and 1965, proclaiming the equality of opportunity as it affected voting rights, public accommodations, employment, and education.

In tribute to his work for justice, coupled with his appeals for peace, in 1964 Dr. King was awarded the Nobel Peace Prize. The tribute was well deserved, for if ever a man had fought for reform, in defiance of those favoring oppression on the one hand, and those favoring revolution on the other, it was Dr. Martin Luther King.

It is ironic, tragically ironic, that the memory of a man who lived and died dedicated to achieving reform by nonviolent means, should be used as a mask for the violence that has swept the country these past 6 days. Let those who have defiled and who would defile the greatness of Dr. King, know that they act in their own name and not in his.

Yesterday, I was among those who journeyed to Atlanta to pay our last respects to Dr. King. It was one of the most moving experiences of my life, one I shall never forget. From every walk of life, every color, every religion, came people to do homage as much to a single principle as to the man who so eloquently gave voice to it—the principle of justice.

Let it be our hope that true brotherhood among all men will be the most lasting memorial to Martin Luther King.

REAPPRAISAL OF RACE RELATIONS

Mr. BETTS. 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 Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, the one area in American life which demands immediate reappraisal is that of race relations. The main difficulty, as I see it, is our persistence in refusing to approach the problem, as it should be, on a basis of understanding. The very concept of civil rights implies government domination by government decree. We have legislated extensively in this area and quite properly. We have insured civil rights by law—by providing equality in the right of suffrage, equality in public places, equality in judicial proceedings, and I have supported all of this legislation.

Now we should lay aside the term "civil rights" and in its place use a more appropriate term such as "personal rights" or "individual rights." Civil rights has become associated with controversy, belligerency, demonstrations, and police actions—all negative responses. The need now is for positive means—understanding, reasoning, and education.

In this delicate relationship of individuals to each other it is absurd to think of creating harmony and understanding by means of Federal laws grown out of strife and controversy and enforced by the massive police power of the Federal Government. The tendency is to create more controversy and more strife.

The Federal Government has performed magnificiently in the field of civil rights. It has insured equality of every person as a citizen of the government. The challenge now should be directed to other sources—the churches, civic organizations, educational institutions, and individuals.

I question whether a person can live happily in a neighborhood where his entrance has been supervised and even forced by the Federal Government. It can happen only when he is accepted as an individual whose right to be there is the result of respect and not a Federal law. The President's Commission on Riots acknowledge the basic problem is one of attitude. Until we move positively in that direction, we can never have understanding between the races.

A verbal barrage of statements has appeared in the press recently in support of the proposition that it is time to look to the individual and the community instead of the Federal Government for the solution of this problem.

Vice President HUMMPHREY has said that the Riot Commission report does not address itself to Washington but to the people of the country.

Addressing a group of Southern Baptist leaders, President Johnson said:

The solution to frustrations and discontent will require a change in men's hearts—in the way they treat their brothers.

Wilbur Cohen, the new Secretary of Health, Education, and Welfare commented at a news conference:

I wish some of the energy that has gone into rioting had gone into efforts by the rioters for self-government.

William H. Crook, executive director of VISTA told the Southern Baptist Conference that the churches must react to the Riot Commission report by rooting out bigotry and racism in the churches themselves.

On October 4, 1967, the New York Times reported Swedish Philosopher Gunnar Mydal as saying that America must attend to its poor in terms of both white and black rather than in terms of the Negro population alone, or risk a policy of racism comparable to South Africa.

Bishop John Harris Burt of the Episcopal Diocese of Ohio said:

I hope that at every level of our church life we will see the crucial importance of rooting out the basic social cancers which can well destroy our Nation and our world unless we eradicate them. Chief among these are racism, poverty, and war.

And so, sentiment is building up that more and more the task is ours and not solely the Government's.

Of course, there will be a thousand excuses for not going ahead with community and church programs. But back of all these excuses lies the plain and unvarnished reality that it is much easier to let the Government do it than to tackle the job ourselves.

That it can be done, however, is proven by the work of a group of housewives in Kansas City as related by a recent article which appeared in the Republican Courier of Findlay, Ohio. I submit it as an indication of the positive way to avoid certain danger if we continue to rely on the police state to solve the delicate problems of human relations.

An article follows:

PANEL OF AMERICAN WOMEN REACH PEOPLE
CIVIL RIGHTS LEADERS CAN NEVER TOUCH

KANSAS CITY.—In this era of the picket sign and the fire bomb, what can a bunch of housewives do to advance the cause of human rights?

"We can do anything," insists Mrs. Ether Brown, a Kansas City mother of four and founder of the Panel of American Women.

"It isn't what we say but the way we say it."

The approximately 700 panel members scattered around the nation simply tell people what it's like to be a Negro, a Jew, a Catholic or even belong to the white Protestant majority.

Utilizing their image as respectable middle-class matrons to the hilt, they address audiences in churches, colleges, civic clubs and other places where the Rev. Martin Luther King or Stokely Carmichael might not be welcome.

"And the best part is we never go unless we're invited," said Mrs. Brown. "Frankly, we can get by with murder. People look at us and can see we're just ordinary housewives."

Mrs. Brown, wife af an automobile parts supplier, said she founded the first panel 11 years ago "by sheer accident" to provide a program at a Jewish temple meeting.

Today the vivacious brunette heads 30 operating panels and has requests to form more than 300 others. Her groups have more invitations to speak than they can handle.

Each panel consists of a Catholic, a Jew, a Negro, a white Protestant and perhaps someone from another minority group prominent in the area. A moderator completes the team. Each woman reads a typewritten five-minute

talk on her own experiences, and then the audience asks questions. That's all there is to it.

But she noted in many communities the appearance of her panel is the first time issues like racial intermarriage, school segregation or separation of church and state have been discussed in the open.

"It gets people to think about members of minority groups as individuals—not just blank masses," Mrs. Brown explained. "Maybe this is the first time it's happened to them."

A Jewish member of the panel tells how her 6-year-old daughter came home crying because a playmate had taunted her for "killing Christ."

"I never killed anyone," the child sobbed. "What are they talking about?"

A Negro woman recalls her small son gazing at a carnival merry-go-round and asking, "Where's the back? I want to ride."

"People may not agree with what we say," Mrs. Brown contends, "but at least we can open the door."

Occasionally a panelist does lose her temper, Mrs. Brown admitted. She recalled one attractive young Negro matron who was asked about racial intermarriage just once too often.

"Why would we want to marry you after all the things you've done to us?" she demanded of her white questioner.

And there are lighter moments, like the time a Jewish panelist said:

"If you think all Jews are rich and clever, you should meet my husband's relatives."

Most panelists are young and have husbands in business or the professions. This gives them entry into middle-class havens even in the South.

Personality counts more than dedication when it comes to choosing panel members.

"As a matter of fact, we don't appoint women if they are over-committed on civil rights," explained Mrs. Brown. "They become too impatient.

"Oh, I know some of the civil rights people think we don't go far enough. But they admit we're reaching people they could never touch. And that's how we do it—by always remaining polite and not pushing too hard."

CIVIL RESPONSIBILITIES LEGISLATION

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, yesterday I introduced H.R. 16554, a proposal to amend title 18 of the United States Code to promote civil responsibilities, insure domestic tranquility, and foster the general welfare by making unlawful certain acts which foment domestic disorder. This proposed legislation contains a number of recommendations that deal with various aspects of rioting and civil disorder and which urgently need legislative action to curb this present danger to our national security.

As we all know, all rights presuppose corresponding responsibilities. I have the right to maintain property free from the danger of Molotov cocktails. But I have the responsibility of not using such a weapon on the property of others. It is indeed tragic that today so little is said about our responsibility not to loot, not to snipe, not to burn. If we are to maintain our way of life, it is imperative that the balance between rights and responsibilities be restored among our citizenry.

The city of Baltimore, Md., is one of the many cities which experienced rioting, firebombing, and looting this week. The Baltimore Sun of April 10 ran an extensive treatment of the disorder which struck that city in the last several days. To emphasize the urgent need for a renewed awareness of our civil responsibilities and to bring wider public attention to the tragic experience which has visited this historic city recently, I place the above-mentioned account in the RECORD at this point:

BACKBONE OF RIOTS BROKEN IN CITY, OFFICIALS SAY—LOOTINGS, FIRES DROP, BUT SOME SNIPING CONTINUES—DEATH TOLL RISES TO 6—50 POLICE AMONG 600 HURT IN 4-DAY UNREST—ARRESTS NEAR 5,000 MARK—BANKS TO OPEN DOORS TODAY—GUARD TROOPS TOLD TO REMOVE BAYONETS FROM RIFLES

Military and governmental officials reported last night that the backbone of the riots that have wracked Baltimore for three days and four nights had been broken. But sporadic lootings and fire bombings continued—and reports of sniping were increasing.

The death toll from the disturbances rose to six with the suffocation of a 74-year-old man who was trapped in his apartment above a store fire lit by an arsonist.

The injury list rose to about 600. It included 50 members of the Baltimore Police Department.

CITY FIRES, 1,150

Since Saturday, firemen have responded to more than 1,150 alarms for blazes that have burned out hundreds of stores and homes throughout the inner city. Lootings jumped over the 1,150 mark last night.

The number of arrests approached 5,000—most of them for violations of the nightly curfew.

Despite all the troubles, strong efforts were made to get the city on as normal a footing as possible under the circumstances.

Public schools reopened. So did downtown department stores and several shopping centers that had been shuttered against the rampagers.

BASEBALL SEASON TO OPEN

The Baltimore Orioles were given the go-ahead to start another American League season this afternoon at Memorial Stadium.

All banks will be open for business today after a one-day holiday.

Authorities relaxed the 7 P.M. to 5 A.M. curfew to allow nightshift workers at factories to report to their jobs.

One sign that the tension was easing—10,987 regular Army and National Guard troops patrolling the city were instructed by Lt. Gen. Robert H. York, their commanding officer, to "bare rifles," tuck away the bayonets that they had affixed to their firearms.

Another sign—some children in a Northeast Baltimore area where children had been in the vanguard of the looters, were flying their kites under a clear blue sky yesterday afternoon.

But authorities took grim notice of the growing restiveness of some white neighborhoods bordering inner city Negro areas.

SHOOTING, BEATING INCIDENT

For example there was a shooting and beating incident sparked by white toughs in West Baltimore yesterday afternoon.

But all-in-all, authorities expressed optimism yesterday in their estimate of the situation as they saw it.

They pointed out, for example, that the 219 lootings logged by 9 P.M. yesterday totaled just one more than those reported during a single two-hour period Sunday night.

ATTITUDES "SOFTER"

The bitter attitudes of Monday's surging mobs had given way to something "softer," as one high National official put it.

And Negro militants themselves were spreading the word through the ghettos to "cool it."

Rumors, as they always do in times of strife, swept the city. A policeman had been shot. Stokely Carmichael, the black militant, was fomenting strife. The Ku Klux Klan was about to march. They were not founded on fact.

Here are some of the facts that did come out during the day:

1. Under the direction of William Donald Schaefer, president of the City Council, the Small Business Administration is collecting a list of merchants who suffered losses in the time of troubles. Indications were they would be offered quick tide-over loans.

2. There will be at least one more night of curfew, to start at a time designed by Governor Agnew after consultation with General York.

3. Taxpayers who are prevented from compiling their 1967 Federal and State returns because of the riot will be allowed to file after the April 15 deadline without penalty. However, they must be prepared to show, if directed, that the riots—and not their own dilatory tactics—caused their past-deadline filings.

Emergency food supplies—much of it from the Federal Government's surplus—flowed into Baltimore by the ton. In addition, several independent agencies started collecting food and clothing for distribution to inner city residents.

Scarcities of milk and gasoline developed during the day.

And in response to requests from authorities in Delaware, where disturbances are also taking place, Governor Agnew added Cecil county to the list of subdivisions where the sale and on-street possession of alcoholic beverages are banned until further notice.

The other subdivisions are Baltimore city and Baltimore, Howard, Harford and Anne Arundel counties.

RIOT SIDE-EFFECTS

Baltimore hospitals, incidentally, have had to take care of more than 35 victims of riot side-effects—alcoholics who, cut off from their normal supplies, have gone into delirium tremens. They are being treated with massive doses of vitamin B-12 and paraldehyde.

The number of direct casualties of the rioting those hospitals have had to admit have been remarkably low—19.

But talk of what is being done, what has been done, and what remains to be done before real peace is restored is subordinated to the overriding interest in what happens on the streets from hour to hour.

Everyone hailed the news that not a single piece of fire equipment was away from its station from 9:30 until 10 o'clock last night as another sign that the city was "over the hump."

Lootings dropped to fewer than 10 an hour at that point, and very few arrests were reported.

COURTS WORK OVERTIME

As they have for three days, the courts worked overtime to clear the dockets of the criminal cases arising from the rioting.

More than 80 per cent of those booked since Saturday had been tried by late last night.

Governor Agnew and his staff stood by in Annapolis, taking frequent reports from Mayor D'Alesandro, General York and others on the hour-by-hour state of affairs in the city.

They are also keeping a close eye on the rest of the State, looking for signs of restlessness that could develop into trouble.

BURCH TAKES TOUR

Francis B. Burch, State attorney general who has been acting as an unofficial on-the-scene State liaison with military authorities took another of his frequent tours of the inner city last night.

"It's as quiet as it can be," he said.

Maj. Gen. George M. Gelston, adjutant general of Maryland, who directed National Guard troops until they were Federalized Sunday under General York's command, also took a tour of the stricken ghettos.

He too reported that things were relatively quiet, but that a food shortage was developing.

General Gelston said the "people seemed friendly."

"I think the mood has changed considerably on the street," said the general, who, as a veteran of the Cambridge (Md.) disturbances of past years is an expert on such matters.

He said that, without further investigation, it is "impossible to tell if the riots had organized elements in them," or whether they were completely spontaneous.

Actually, conditions in Baltimore began to improve late Monday night, when there was an abrupt falling-off of disorder.

FOURTH DAY STARTS QUIET

With a strict curfew in force and few persons about, the first hours of the fourth day were quiet.

But a fire alarm was sounded shortly after 3 A.M. Another grocery had been set ablaze—this one in the 400 block of Myrtle avenue, in the heart of the West Baltimore ghetto.

Mopping up after the extensive blaze was extinguished, firemen found the body of Doddie Hudson, 74, in a second floor apartment. He had been suffocated.

It was the sixth riot-connected fatality.

SIXTH FATALITY

A temporary peace descended on the city. Looting came to a standstill. The fire alarms stopped. Soldiers and police continued their routine pick-ups of curfew violators.

At 7 A.M. another curfew was lifted. And with it came a renewal of troubles.

Road blocks that had sealed Baltimore off from the outside world were removed, and the city was inundated with traffic from the suburbs.

At the same time, the looting began all over again. There were ten reports of forays on grocers, saloons and dry cleaning shops within an hour. Two stores were set afire.

FORTY-NINE RAIDS IN 2 HOURS

Looters staged 49 raids between 8 and 10 A.M.

A sniper on Aisquith street sent a bullet crashing into an automobile carrying office workers to their downtown jobs at 9:30 A.M. No one was hurt—and the sniper had disappeared into a maze of back alleys by the time police arrived.

Tear gas was used to disperse disorderly crowds in the 200 block Edmondson avenue and at Dukeland street and Edmondson avenue at about the time children were returning to school for the first time this week.

Downtown stores reopened as the struggle to regain a degree of normal life began—but they attracted few customers. About a quarter of the dress shops, drugstores, furniture stores and other businesses that stretch along Monument street on the extreme edge of the East Baltimore ghetto, were open for business. But their windows were boarded against bricks.

LAND OFFICE BUSINESS

East Baltimore street merchants came out of hiding—and did a land office business from their horse-drawn vegetable wagons.

Except for a few isolated incidents, East Baltimore seemed to be coming out of its three-day nightmare of fire and violence.

But sporadic looting continued in the crowded west side neighborhoods.

Theodore R. McKeldin, the former Mayor who worked so hard while in office to avoid what finally happened, was a spectator at noon-time fire which burned out a laundromat and a haberdashery in the 1500 block of Pennsylvania avenue.

He drew some cheers and young Negroes crowded around for a pat on the head and a handshake.

"I think this [the riot] is dying out," he said.

Meanwhile Mayor D'Alesandro and other city officials were in conference with General York at the Army's 5th Regiment Armory command post. They were assessing the situation of the moment—and found real room for optimism.

Despite the continued lawlessness, their personal tours and intelligence reports had convinced them that the atmosphere was changing—that the end was in sight.

Emerging from the meeting, Mr. D'Alesandro issued this brief statement: "On the basis of information available to me which clearly shows a drastic decrease in the number and intensity of lawless acts, I am confident that the worst is over."

FORTY-EIGHT PERSONS ARRESTED

Within the next hour, 48 persons were arrested, 19 new lootings were reported by Police Headquarters and 3 new fires were set.

At 2:10 P.M., a liquor store—its stocks already hauled off by looters—was put to the torch and burned out at Chase and Wolfe streets.

An hour later police reported that there was some sniper activity at a fire at Fayette and Pulaski streets.

SOLDIERS ORDERED NOT TO FIRE

At 2 P.M. Leonard Logan, 25, of the 1900 block Aisquith street, walked out of a looted saloon at Harford road and Lafayette avenue with a load of wine. He ran right into the arms of three policemen.

Hustled to Central Municipal Court, he was booked, tried and fined $100 within 30 minutes.

But most looters operated in almost complete safety. Acting on the theory that their first duty is to preserve life, soldiers are under orders not to fire except in self-defense or against snipers.

City police have been forced to use their weapons a few times—but not to the degree that policemen in other riot-torn cities have in the last year.

Negroes are not causing all of the trouble in Baltimore. A few whites have taken part in the store-raiding. And on occasion, young white toughs in racial borderline areas of Baltimore have fomented strife.

One of the ugly incidents of yesterday took place at 4 P.M. at Monroe and Pratt streets, an area where whites and Negroes confronted one another Monday.

WHITE YOUTHS GATHER

A cocky crowd of white teenagers and young white men gathered at the corner, spoiling for a fight.

A 20-year-old white woman, wearing an orange blouse and tight white denims cut off at the knees paraded back and forth with the words "white power" scrawled across the seat of her pants in red crayon.

At about 4:20 P.M., according to eyewitnesses, a Negro family driving by was stoned. The driver, a young Negro man, got out of the car leaving his wife and three young children in the car. A mob of whites attacked him. Others jumped on the car and kicked in the windows and stomped in the hood.

THREE SHOTS FIRED

A tall white man wearing a white T-shirt and black pants ran past, pulled out a pistol and fired three shots into the car at the children. He tossed the pistol into a grocery store and ran south.

About eight policemen arrived to reinforce small clumps of guardsmen on the corners. The police pushed the white crowd back.

The battered Negro car lurched off as the father apparently sought to get to a hospital.

The crowd started jeering and then surged against the helmeted policemen. Two white men and the slogan-carrying white woman were arrested.

THREE WHITES CONVICTED

The three whites arrested were booked at 5 P.M. and convicted of disorderly conduct 25 minutes later by Judge Basil A. Thomas. David R. Shears, 26, of the 1800 block McHenry street, a city sanitation worker, and James Walls, of Mount Airy, a laborer, were both fined $25. The woman, Anna E. Stein, of the 300 block Font Hill Avenue, a mother of two, was ordered held for sentencing on $250 bail until tomorrow.

High officials said in private that their greatest fear was for an increase in the frequency of such white-Negro standoffs. They say that any great increase in the number of those incidents could rekindle the troubles they believe are coming to a foreseeable end.

TROUBLE SUBSIDES

Troubles subsided (as they have each day) during the 5 P.M. to 6 P.M. dinner break.

Arrests dropped from 62 between 4 P.M. and 5 P.M., to 21 in the next hour; lootings from 30, to 9, and fires from 5, to 1.

Then the mischief-makers took to the streets again—and from 6 to 7 P.M., eighteen stores were raided and nine fires were hit.

With the 7 o'clock curfew, Regular Army troops, National Guardsmen and police set up their checkpoint barricades again and began their sweeps of ghetto streets and alleys for "strays" to be jailed as violators.

RIGHTS WORKERS TAKE TOUR

Anyone with a valid excuse—hospital workers, late shift employees in factories, newsmen, utility workers, doctors—were allowed to proceed if they could show proper identification.

Sixteen young civil rights workers were taken on after-curfew automobile tours of "sensitive" areas by plain-clothes Negro policemen.

Perhaps better than any sixteen others in the city, they know the potential trouble-makers and their haunts—and they were as anxious as anyone else to bring the riots to an end.

Several of the sixteen have police records, and a few of them had donned pseudo-African garments.

They went on the pacifying cruises with the understanding that their actions were not going to lead to new arrests.

"GONNA MEDIATE"

As one of them put it:

"We're not gonna snatch them—we're gonna mediate with them."

Walter H. Lively, the Negro militant who ran for a Second district seat in the City Council last year and is now director of the Urban Coalition, an organization sponsored by prominent whites and Negroes in an effort to further the cause of racial harmony, showed up and asked to be taken on the cruise.

He was turned away after a heated argument.

Shortly after the curfew hour, Patrolmen Charles George and Albert Warfield subdued a recalcitrant violator with chemical mace—the new weapon which serves as a tear gas and nerve-tingler at the same time.

In the process, they themselves got mace in the face and had to go to Mercy Hospital for a thorough scrubbing.

The violator was hustled to a police sta-

tion, his cheek streaming blood from a push against the sidewalk as he struggled to escape.

As the night wore on, it was evident that the pace was slackening from that of Sunday and Monday.

One veteran of many racial disturbances theorized that the hooligans were running out of steam, getting a little bit bored at what was becoming old-hat, looting and burning.

But there were some still loose (hundreds were in jail) who were up to no good.

Early in the night, in the West Baltimore street block between Mount street and Fulton avenue, police heard the crack of a rifle shot, then a shotgun blast. The shots had been fired from one of the red-brick row houses in the block.

Two Negro men were flushed from their hiding nook in a back yard. They were placed under arrest, but no weapons were found.

At about the same time, someone was firing a rifle from the third floor window of a row-house on Longwood street, near North Avenue. The rifleman made his escape before police surrounded the house and searched it from top to bottom.

FEW AMONG RIOTERS BELIEVED OUTSIDERS

Reports of persons from outside of Maryland taking a large role in the four days of Baltimore rioting appear to be exaggerated, although one top State Police official says some outsiders "unquestionably" have been involved.

"Some looters unquestionably have come from out of Maryland," Maj. Thomas Smith, who heads the State Police intelligence unit, said yesterday.

"We've seen a lot of Virginia tags riding around," he said. Other policemen and newsmen have reported an unusually high number of cars with license plates from New Jersey and Washington.

SOME ARRESTED

There have been some out-of-staters arrested, but because of the flood of paperwork in the courts no reliable estimate is available on how many.

One judge. Robert B. Watts, who has been sitting in Central Municipal Court, said he had not noticed any out-of-staters directly involved in the rioting.

"And I've been looking for them," he said. Judge Watts is a Negro. A court clerk at Central Municipal Court said he remembered "a few" out-of-Staters, but they all had valid reasons for being in Baltimore.

Two who got caught were young Washington men who drew 60 days in jail and $50 fines for violating the curfew Monday night after police found two empty gasoline cans and an oil can in their car.

Judge William J. O'Donnell, who sentenced them, said that their stories "just test the credulity of the most credulous."

The two were Ervin Davis, Jr., 21, an apprentice pressman, and James Brockman, 22. They said they were going to Philadalphia to visit Brockman's aunt. Their car was having fuel pump trouble, they said, explaining the cans. They were arrested at Lombard street and Central avenue.

LUNCH COUNTER GIVES FREE FOOD TO POLICE

A merchant whose lunch counter was almost burned out early in the rioting has been providing free coffee, stew and standwiches to all comers at the West side command post ever since.

Samuel Kurland cleaned up the mess left by a fire bomb, then got his lunch counter and grocery store in the 1800 block Pennsylvania avenue into round-the-clock operation.

Besides the police, soldiers and firefighters, he served a 23-year-old mother of two from the 1300 block North Eutaw place yesterday.

Miss Carol Lewis, desperate for milk for her two sons, 3 months and a year old, knew of nowhere else to go, Mr. Kurland gave her a half-dozen cans of evaporated milk and police arranged for an escort to get her home safely after the curfew.

SEND THE BILL TO CONFERENCE

Mr. DOLE. 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 Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, the key vote today will be whether or not the civil rights bill, H.R. 2516, should go to conference. I shall vote to send it to conference because of the many amendments added by the Senate which have not been fully debated in the House. The Senate added provisions on rights of Indians, fair housing, a civil disorders section which includes provisions dealing with the transportation of explosives and incendiary devices, as well as other provisions.

If the previous question is voted down then I urge my colleagues to support the motion which will be offered by the gentleman from California [Mr. SMITH]. As everyone here knows if the vote on the previous question is in the affirmative then a second vote will be on the question of accepting the Senate amendments. It seems certain, because of recent events, that the House will not today vote to send this highly controversial measure to conference. In that event, and only in that event, will I vote to accept the Senate amendments.

While my mail reflects that the so-called fair housing section is the most controversial it is not, in my opinion, the most important or far-reaching provision in the bill. The riot section, which passed this House by a vote of 347 to 70 on July 19, 1967, is still almost intact. With civil disturbances and unrest at an alltime high in our country the antiriot provision, if properly administered and strictly enforced will put an immediate end to the activities of Stokely Carmichael, Rap Brown, and all other militants, regardless of their race or color. I opposed previous open housing provisions and voted against the bill containing a "fair housing" provision, though it passed the House on August 9, 1966, 259 to 157. I do not now believe the housing section to be the overriding provision in H.R. 2516. On balance I believe that if the House does not send the bill to conference then the Senate amendments should be accepted. I would add there is nothing in this bill preventing a homeowner from selling his property to anyone. I repeat that the antiriot section coupled with the civil disorders section can be helpful in curbing civil strife in the weeks and months ahead.

THE CIVIL RIGHTS BILL

Mr. LLOYD. 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 Utah?

There was no objection.

Mr. LLOYD. Mr. Speaker, a decent respect to the opinions of the citizens of the Utah Second Congressional District, and perhaps to my family and friends, requires that I should declare the reasons for the decision which I have made in the matter of the civil rights bill which will come before us today which includes title VIII covering the subject of open housing.

This issue of open housing has divided the people of my district more than any issue of my knowledge in 8 years in the Utah State Senate and more than 3 years in the U.S. House of Representatives. At the same time, it has challenged me to assemble and analyze the individual opinions of my constituents, more than 500 of whom have personally communicated with me on this issue and to further assemble and analyze the hard evidence and statistics which make of this issue a situation approaching a national emergency.

As a Member of the U.S. House of Representatives in 1964, I supported the civil rights bill of that year which was designed to eliminate discrimination in the fields of education, employment, public accommodations, and voting, among others. At that time, and later, I voiced my opinion that to extend this legislation to the field of housing would be an undue infringement upon the property rights of the individual.

Social and economic changes in the United States since that date have brought me to an opposite conclusion.

In the long war in Vietnam, I have voted to draft Negro youths to risk their lives in defense of this country. How can I, therefore, now vote against eliminating a discrimination which faces them when they return home?

In the past week we have had burning, rioting, and looting in the Nation's Capital and in other cities of the Nation in the wake of the assassination of Dr. Martin Luther King. Effective law enforcement has become an emergency need of this country, perhaps more than ever before in our history. How can I, therefore, insist upon, and work for complete, effective and nondiscriminatory law enforcement when the fact of discrimination in housing gives the Negro American an excuse, however false, that he is entitled to violate the law because of the discrimination which exists against him. If the majority of the Members of Congress were to vote flatly against elimination of discrimination in housing, I think it is entirely possible that the black smoke that has enveloped the dome of the Capitol of the United States during the last week might develop into hot flames which would spread across the Nation.

There are more than 22 million Negroes in America. This exceeds the entire population of Canada. This minority group against whom discrimination in the housing field has been accepted in the past cannot be further ignored in America. We can either have a nation divided into hostile camps of black and white, or we can learn to live in harmony together. There seems to be only one realistic, safe and sensible course to me, given the facts of the real world in which we live.

The great volume of correspondence

which I have received from the people I represent has voiced opposition to this legislation, and I cannot avoid my responsibility to the people whom I represent. Granted that some of this mail has been inspired by organizations who are more interested in inflaming passions than enlightening and urging citizens to reason, there are still hundreds of sincere, thoughtful, and worried citizens who have written me out of their personal convictions that they consider this bill an unwarranted invasion of their property rights, and I must respect their thoughtful judgment.

Today there will be two votes. The first will be a vote on whether or not we should vote on the Senate-passed civil rights measure without chance for amendment or further conference with the Senate. I think there are good reasons why I should vote against this motion. First, out of respect to the majority of those I represent; second, because the legislation as passed by the Senate has never had the opportunity to be exposed to the natural legislative process of committee hearings; and third, because there exists a discrimination against one industry, the real estate industry, which I believe can be reduced by a House-Senate conference. As a matter of fact, this bill before us today was originally a House of Representatives bill which was aimed at increasing the tools we need to punish those who go across State lines for the purpose of inciting riots. Under House rules, the Senate amendment, if it had first been offered on the House floor during our discussion of this antiriot legislation would, in my opinion, have been ruled out of order as not being germane. No such rule exists in the Senate. For these and other reasons, therefore, I think it entirely appropriate that I vote against the motion to consider the Senate bill, and if this motion should fail, we will then have the opportunity to improve the Senate-passed legislation in a climate of peace and calmness rather than in the climate of emergency and ill-will that is apparent throughout the Nation today.

If this motion should prevail, however, and I am called upon either to accept this civil rights legislation as passed by the Senate, or reject it out of hand, I will vote for the legislation for the reasons which I have given.

I recognize that this decision, which is based on my best judgment of many weeks of serious thought and investigation, will not meet with the approval of all my constituents. I can only request that they accord to me the same respect and consideration for my honest views as I do theirs, and in reality this is more than a conscience vote; it is a vote in which consciences are in conflict.

It is our responsibility as Members of Congress to promote domestic tranquility, and to make those judgments which will produce maximum benefits from the potentials of our society, a society which is both black and white and which must be united rather than divided in the interests of ourselves and our posterity and of this Nation which we all love so well.

THE PROGRAM FOR CONSIDERATION OF CIVIL RIGHTS LEGISLATION

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, in a 1 minute speech a few minutes ago my distinguished friend the gentleman from Iowa [Mr. GROSS], after expressing the same concern which we all share about the rioting and disorders which have been taking place in this city and elsewhere across the Nation, stated that he hoped that the House would not capitulate to such activity.

Now, let us get the record straight. On Thursday afternoon, before the tragic death of Dr. King, before the first tragic act of rioting had taken place in the city of Washington or elsewhere, the program for this week was announced. It was announced at that time, before any of these events, that H.R. 2516, to provide penalties for interference with civil rights, which was subject to action by the Committee on Rules, would be taken up this week. It was stated at the time that we expected to finish this act before the Easter recess.

Who would it be who would be capitulating to the unfortunate events to which the gentleman from Iowa referred if we changed the program at this time?

CLEVELAND PLAIN DEALER PRAISES PRESIDENT JOHNSON'S SACRIFICE

Mr. FEIGHAN. 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 Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the Cleveland Plain Dealer has expressed our Nation's admiration to President Johnson for the "statesmanship with which he coupled his political withdrawal with a new drive for peace" and for his "eloquent appeal for national unity."

During this time of challenge for America we must show the reason and responsibility displayed by President Johnson—not frenzy and emotion. We must have unity and high purpose—not division and partisanship.

Few Presidents in American history have been subjected to the burden of criticism heaped on President Johnson—but none have borne the burden so nobly. The President has not sacrificed prudence for popularity, rationality for ratings.

The President's ultimate sacrifice could set an example of selfless devotion to a country which will end the rancor and division in our land. His renewed attempt at peace could help end the war which has polluted our political discussion.

Together, this Nation under President Johnson carved out legislative milestones which set a standard of creativity and compassion for future generations to emulate.

United we moved to help the aged and the young, the poor and the rich, the farmer and the city dweller enjoy a fuller, more meaningful life.

We must not lose through division all that we have gained through unity. We must continue to debate—but never divide.

The President has given the Nation, in the words of the Cleveland Plain Dealer, "a powerful lesson in devotion to duty." We must all repair to the banner of peace and unity the President has raised.

Together we can meet the difficult tomorrows ahead.

I insert into the RECORD the Cleveland Plain Dealer editorial:

L. B. J.'s CONCEPT OF PRESIDENCY

With the same statesmanship with which he coupled his political withdrawal with a new drive for peace, President Johnson has made an eloquent appeal for national unity without which the nation would be in great danger.

His call for reason and responsibility among all the "frenzy and emotion" of an election year is one that public and candidate can take to heart with profit to both.

The respect with which he looks upon the office he holds was apparent in his strong support for great responsibility on the part of presidents.

"For a president to buy public popularity at the sacrifice of his best judgment is too dear a price," he told the National Association of Broadcasters in Chicago. "The nation cannot afford such a price or such a leader."

Depth of his belief in the rightness of his Vietnam decisions was never more accurately measured than in this simple statement of his concept of presidential responsibility.

Criticism of Mr. Johnson has centered on his dogged adherence to the country's commitment made to South Vietnam long before he became President.

By abandoning it or by altering it, he could have put himself on the side of large segments of the public, especially among the young, and enhanced his numerical support.

But he would have found himself on a collision course with his concept of his duties as President.

He has chosen to remain steadfast in that concept rather than make the "pursuit of public tranquility" his first goal.

He has given the nation a powerful lesson in devotion to duty, for which suitable gratitude could be expressed by hearkening to his appeal to let reason prevail over frenzy.

JOHN CARDINAL KROL MAKES ELOQUENT PLEA FOR BROTHERHOOD

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address.

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

There was no objection.

Mr. FEIGHAN. Mr. Speaker, perhaps the greatest problem confronting all mankind today is how to translate the word "brotherhood" into reality.

One of the many people who has been working tirelessly to achieve this objec-

tive is John Cardinal Krol, of Philadelphia.

The National Conference of Christians and Jews honored him for these efforts at a recent dinner in my home city of Cleveland. Mr. A. M. Luntz was chairman of the dinner, which was attended by many of our city's leading citizens.

Cardinal Krol spoke of the problem of bringing "unity out of the greatest diversity." He eloquently pointed up the fact that, however different their origins and backgrounds may be, all members of the human race have much more in common than they have differences.

Because of the great wisdom and importance of his message, I am placing the text of Cardinal Krol's address in the CONGRESSIONAL RECORD for the guidance and inspiration of all who may read it. The Cardinal's address follows:

ADDRESS BY CARDINAL KROL

Distinguished members, friends and guests of the National Conference of Christians and Jews: It is a pleasure to accept the signal award conferred upon me. I accept with sentiments of deep gratitude and with the conviction that the conferral reflects your benevolence towards me, more than it does my merits.

It is an added pleasure to receive the reward in my native city of Cleveland, and to receive it on the very day of my transfer seven years ago to the See of Philadelphia. The transition was an easy one because the high level of brotherly love practiced in Cleveland easily qualified me for citizenship in Philadelphia—the City of Brotherly Love.

Cleveland has been a microcosm of various nationalities, ethnic groups, creeds, colors and cultures. The people of Cleveland were not a rootless people. They were not receptive to the suggestion of purifying the alleged dross of alienism in a melting pot. They were unwilling to trade their rich cultural heritage, their ancestral identity for an amorphous americanism. They chose to preserve the best elements of their traditions and to integrate them into that great mosaic which is Cleveland, and which is America. They lived according to the motto—"E Pluribus Unum"—"Unity out of the widest diversity."

Living according to this motto, they gave living proof that economic, social, racial, ethnic, religious and other differences were not a necessary cause of strife. They lived in peace and harmony sharing each others joys and sorrows. They maintained their identity and engaged in a healthy rivalry and competition which served as an incentive to greater effort. Raised in such an atmosphere and inspired by the principles of faith, the concept of brotherhood—of the one family of God, became a living reality. Whatever worthwhile efforts I have made in the areas mentioned in the citation are due largely to the influences and experiences that were mine in this city of Cleveland. I take pride in being one of Cleveland's sons, and I acknowledge my debt to the city and to its people.

My acceptance of the award is intended also as a tribute to the National Conference of Christians and Jews for its forty years of effort to promote its objectives. The Conference came into existence shortly after the alarming demonstration of religious prejudice in the 1928 presidential election. The Conference was not intended to be an interfaith movement geared toward religious syncretism or common worship. It was established as a civic organization of religious motivated people. It was an effort to coordinate the efforts of different religions in order "to promote justice, amity, understanding and cooperation . . . to eliminate intergroup prejudices which disfigure and distort religions, business, social and political relations." All of the efforts of the Conference were conducted "with a view to the establishment of a social order in which the religious ideals of brotherhood and justice shall become the standards of human relationships."

Since my offer to make a two-minute speech of acceptance was graciously smothered under a directive to speak no less than ten minutes, I shall spend the time by directing your attention to those "religious ideals of brotherhood and justice" which must be the standards of human relationships.

We are privileged to live in a very interesting age. The speed of technical and scientific progress in our times defies the imagination. Some of us have witnessed the invention and development of the automobile, the telephone, radio, television, electric light and power, air and space travel. There has been comparable progress in some areas of human relations. We have moved from isolationism to global interest and involvement. We have become the keepers of our brothers in Africa, India, Asia and in other parts of the world. Through governmental and voluntary agencies, we feed and clothe people, and share with them our time, talents and technical know-how.

On the home scene progress in the social, economic, civic and welfare areas is incredible. We have moved from the *laissez-faire* and "dog eat dog" policies to a "tender loving care" policy covering human life from cradle to the grave. Laws were enacted to protect the civil rights of fellow citizens. The disadvantaged, the handicapped command special attention; the aged, the sick, the orphaned receive adequate support. Social Security, Medicare and Medicaid—the War on Poverty and on illiteracy—all of these are manifestations of our concern for neighbor, and of our practical implementation of the concept of brotherhood of all men. Such progress, truly unprecedented in the history of the world—is most gratifying, and will forever remain a compliment to our age—to our generation.

This gratifying progress instead of diminishing, seems to occasion an epidemic of unrest and dissatisfaction. The order of the day seems to be unfettered criticism, suspicion, cynicism, racial hatred, ideological fanaticism, resentment, violence and riots. Signs of anarchy and repression are increasingly evident. Our national crime rate is increasing seven times faster than our population, and causes a drainage of $27 billion dollars annually from our economy.

Why, in spite of such improvements in the social and economic conditions, is there such a deterioration or demoralization in the area of human relations? Why should there be so much conflict—so much violence? Why have we not found a proper solution to our woes? The problem is complex. The answers are varied. But there is an underlying principle—a premise which must inspire and guide all solutions, and that is that social order cannot be maintained to the exclusion of religious ideals and principles. The world is not an accident, but was created by God, and we are God's creatures. We and the world can operate successfully only by following God's blueprint—His commandments and teachings. There must be in our daily life and activities a return to God.

Four centuries ago natural scientists started a movement by proclaiming their autonomy and rejecting all that could not be sensed, weighed or measured. This movement proved to be the fertile soil for a variety of materialistic philosophies in various disciplines and fields of study. It helped to spawn a variety of strange theories, which when applied to the practical order resulted in a great deal of mischief, disorder and tragedy. A prime example of such theories are those of Karl Marx which developed into the system of Communism.

The movement away from God still enjoys a measure of popularity. The "God is Dead" cliche which recently made profitable copy is now filtering through to the primitive areas, but it is regarded as a sign of subnormal culture. A reverse movement is setting in among the intellectual leaders of the scientific community. As they probe into space and acquire mastery over the tremendous forces of nature, they realize that their calculations are based on predictable patterns of movements in the world and in space. They know that they are not creating but merely discovering what is and has been.

Their reflections cause them to reject the fiction that the world is an accident; the fiction that human life is meaningless; the fiction that man is a prisoner of his own limited resources, and a captive of the boundaries of space and the limits of time. They realize that without God, man would be entering the world without his own prior knowledge or consent, and he would be destined for extinction, leaving but a brief memory, and a faint trace of dust. They realize that faith in God is not an escape from life and its responsibilities, but rather an affirmation of the indestructible meaning and purpose of every man. The trend to return to God by leaders of the scientific community is neither noisy or massive, but it is current and growing.

The Catholic Church, with its two thousand years of experience, has almost a seismographic ability to detect great movements of the human mind. Four centuries ago, at the beginning of the trend toward materialism, the Church recognized the danger. The now famous Council of Trent was convened. The Council Fathers adopted a defensive posture. Ties with outside communities were reduced to a minimum. Fear of contamination and contagion caused a closing of windows and doors. The Church became a fortress committed to preserve not only the purity of faith, but faith in God itself.

Now, four centuries later, seeing a favorable shift in the winds of human thinking, the II Vatican Council was convened by Pope John XXIII. Doors and windows were thrown open. The defense posture was changed into an apostolic—an aggressive posture. Bridges were lowered to establish dialogue with other communities of believers and unbelievers. Initiatives were taken to unify the Christian and the whole human family. Intensive and relentless efforts are being made to restore peace and justice in the human family.

Today, the Church proclaims more vigorously than ever before the basic premise for social order. That premise is that man is a person—a spiritual subject who by nature and hence by God is endowed with inalienable rights to reach his perfection and destiny. These basic rights must co-exist and be exercised harmoniously with the basic rights of other individuals.

This basic premise must penetrate into every phase of human relations. If man does not recognize his responsibility to his Creator—to God his Father, he will have no reason or motive to recognize his responsibility to his neighbor—his brother. Human laws and programs, as necessary as they are, are not sufficient to insure social order and good human relations. These relations must be governed by the religiously inspired virtues of honesty, sincerity, love and reverence for life and a practical acknowledgment that all men are children of the one Father in Heaven.

Spiritual and religious leaders, particularly those who accepted Christ's challenge to cast fire upon the earth, must speak and work to promote religious and spiritual values. It is paradoxical that efforts to introduce such values into the mainstream of daily life are used to discredit religious leaders. They are

regarded by some as purveyors of weak sentimentality which cannot survive in the free-swinging competition of the market place. They are regarded by others as enemies to the policy of Church-State separation, as if there were no room for co-operation of all forces, including religious ones, for the good of mankind and for the common good. Still others will regard all references to the social order, to civil rights, etc., as cause for anxious concern about possible infiltration of communist ideas into religion.

It is well to recall that Communism takes advantage of any weakness, any fault in society, to represent itself as the only possible remedy for such weaknesses. The stated ultimate objectives of Communism are to promote man's betterment, liberation, and to insure justice, equality, peace and plenty for all. These objectives are promised to all who submit in total obedience to the elite corps of social engineers. Communism for all its anti-God and anti-religion protestations, is in fact an involuted religion and as such is a tragic fiction.

Communism inflames man's sense of mission and his ambition for creativity. It involves him in an effort to achieve a transcendent goal beyond and better than the world appears to offer. Such promised opportunities have attracted intellectuals even at the price of treason to their own country. The stated ultimate objectives of Communism are to improve the lot of man, and to establish a social order—not according to religious ideals which respect the dignity of man, but according to materialistic philosophies, which accord all right and power to the State, rather than to men.

The 40 year efforts of the Conference of Christians and Jews to establish a social order in which human relations will be governed by the religious ideal of brotherhood and justice, have been a signal service to God, to man and to Country. No nation can survive without a religious and moral core. No amount of laws, no amount of welfare programs can preserve social order and good human relations. Our love for man, to be universal and all embracing, must derive from the love of God. We cannot claim ties of brotherhood unless we acknowledge a Common Father.

I take occasion to congratulate the Conference on this its 40th anniversary. I pray that in the next forty years your progress in promoting good human relations may exceed that of our scientific and technological development, so that we might all enjoy the rich blessings of God on earth and His presence in heaven.

Again I thank you for the signal award, for your cordial reception and I thank all of you for your kind and patient attention.

Mr. Louis B. Seltzer, retired editor of the Cleveland Press, wrote an article for the dinner program which vividly describes the career of Cardinal Krol. This article follows:

He was the fourth child of Polish immigrant parents who settled on Cleveland's Southeast Side. They named him John J. Krol.

John grew up like any other Cleveland boy—had his fun, had his fights, his parental discipline, learned he must work and sacrifice to reach goals.

He went to Cathedral Latin High School. He studied for the priesthood here. It wasn't really that simple. He and his mother would go out hanging wallpaper to earn that extra money for schooling.

After he became auxiliary bishop in Cleveland, there was a splendid reception one time at the Bratenahl home of the late Archbishop Edward Hoban. An alpine rib roast of beef towered over all dishes at the buffet. Behind it a man named Krol presided, carving knife flashing.

"Why, bishop, you do that like a professional," one of the guests remarked.

"I ought to," he smiled. "I worked my way through school doing this." He had been a meat-cutter, a butcher for one of the major food store chains during those character-formative years.

Today Cleveland's John J. Krol is, of course, John Cardinal Krol, archbishop of Philadelphia—a far cry from a paperhanger, a long shout from a butcher. He wears a Red Hat.

How did he come to the attention of the Vatican?

Somehow, somewhere along the line, when John J. Krol was a young priest, Archbishop Edward F. Hoban, that most astute church leader encountered him and instantly recognized in him a certain spark, a budding administrative genius, a scholarliness about him—and a rich soul.

Cardinal Krol, even when he was a monsignor, had gained a name hereabouts as a foremost authority on canon law. No one knew it better than Archbishop Hoban.

There had been an event in Columbus. Msgr. Krol drove Archbishop Hoban back to Cleveland afterward. Also in the auto was Archbishop Amleto (now Cardinal) Cicognani, apostolic delegate from the Vatican to the United States. Cicognani told Hoban he was confronted by a very ticklish problem in canon law.

Archbishop Hoban pointed to driver Krol and said, "There is an expert. Why don't you have Msgr. Krol brief it for you?" Msgr. Krol did. Archbishop Cicognani was so pleased that from then on he called upon this brilliant priest to do other research for him.

Thus it was inevitable that Cardinal Krol would come to the very favorable attention of the Vatican.

And it might even be that Cardinal Krol's golf prowess—he used to win more than his share of prizes in contests at Parmadale—also won him approval at the Vatican!

These are but a few reminiscences about the man we honor tonight. Perhaps they don't really bear on the subject, except to portray for you something more than an impersonal Red Hat.

John J. Krol, son of Polish immigrants, is as human, as brother-embracing as any man who has walked Cleveland's streets—seeking a better plight for Negroes, for Indians, for anyone downtrodden. Interesting himself in the problems of nationality groups. Bulwarking the ecumenical struggle.

Truly, he is one who lives his belief in the Fatherhood of God and the Brotherhood of Man.

STATEMENT BY LEADING MEMBERS OF THE BAR URGING ENACTMENT OF FAIR HOUSING LEGISLATION

Mr. BINGHAM. 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 New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, there has just come to my attention this morning a statement issued by more than 60 leading members of the bar respectfully urging the House of Representatives to enact fair housing legislation. The signers of this statement include the president-elect of the American Bar Association, the president-elect designate, five past presidents of the American Bar Association, 10 law school deans and officials of other national, city, and State bar associations throughout the country. The signers also include such distinguished New York names as Arthur H. Dean and Roswell Gilpatric, former Deputy Secretary of Defense. I believe that this statement is highly significant and should be drawn to the attention of the Members.

The statement and list of signers follow:

STATEMENT

As lawyers committed to the rule of law, we respectfully urge members of the House of Representatives to vote in favor of fair housing legislation.

If we are to maintain an orderly society ruled by law, the law itself must be just to all people. It must remedy injustice, wherever found. It must be responsive to a deeply felt need for social change.

Ours has always been a land of opportunity. But the door of opportunity is not yet fully open to millions of Americans—to those who are denied the right to rent or buy homes because of their race. The right to bring up a family in decent surroundings, vital to a harmonious society, is widely withheld.

No principle of law can justify this denial of equal opportunity to so many of our citizens. If not soon remedied, it may turn our society into a house divided against itself. For the sake of simple justice, we call upon the Congress to enact a fair housing law. Under such a law, we call upon all citizens to exercise their rights and discharge their responsibilities with due regard for the common obligation to preserve the harmony and tranquility of the Nation.

LIST OF SIGNERS

Frederick A. Ballard, Washington, D.C., member, President's Commission on Crime, District of Columbia; member of the Council, American Law Institute.

Francis Biddle, Washington, D.C., former Attorney General of the United States.

Derek Bok, Cambridge, Mass., dean, Harvard Law School.

Henry Brandis, Jr., Chapel Hill, N.C., dean, University of North Carolina Law School.

John G. Buchanan, Pittsburgh, Pa., former chairman, Standing Committee on Federal Judiciary, ABA.

Clifford N. Carlsen, Portland, Oreg.

Lloyd N. Cutler, Washington, D.C., chairman-elect, ABA Section on Individual Rights and Responsibilities.

James T. Danaher, Palo Alto, Calif.

Arthur H. Dean, New York, N.Y., cochairman, Lawyers' Committee for Civil Rights Under Law.

James C. Dezendorf, Portland, Oreg., former president, National Conference of Commissioners on Uniform State Laws.

Robert F. Drinan, Boston, Mass., dean, Boston College Law School.

John W. Douglas, Washington, D.C., former Assistant Attorney General.

Jefferson B. Fordham, Philadelphia, Pa., dean, University of Pennsylvania Law School; chairman, ABA Section on Individual Rights and Responsibilities.

Herbert A. Friedlich, Chicago, Ill.

Arthur J. Freund, St. Louis, Mo., member, House of Delegates, ABA.

Ralph F. Fuchs, Bloomington, Ind., professor of law, Indiana University Law School.

Lloyd K. Garrison, New York, N.Y., former president, Board of Education, New York City.

Roswell Gilpatric, New York, N.Y., former Deputy Secretary of Defense.

William T. Gossett, Detroit, Mich., president-elect, American Bar Association.

James C. Greene, Los Angeles, Calif.

Albert E. Jenner, Jr., Chicago, Ill., former president, American Judicature Society.

Charles W. Joiner, Ann Arbor, Mich., dean, University of Michigan Law School.

Orrin G. Judd, New York, N.Y., member of the Council, Section on Individual Rights and Responsibilities ABA.

Steven E. Keane, Milwaukee, Wis., president, Milwaukee Bar Association.

David W. Kendall, Detroit, Mich., former Counsel to the President.

Earl W. Kintner, Washington, D.C., former president, Federal Bar Association.

Robert H. Knight, New York, N.Y., former General Counsel, U.S. Treasury.

Stephen B. Lemann, New Orleans, La.

Robert E. Lillard, Nashville, Tenn., former president, National Bar Association.

Cloyd Laporte, New York, N.Y., former president, Association of the Bar of the City of New York.

Ross L. Malone, New York, N.Y., former president, American Bar Association; general counsel, General Motors Corp.

Orison S. Marden, New York, N.Y., former president, American Bar Association; Association of the Bar of the City of New York.

Burke Marshall, Armonk, N.Y., former Assistant Attorney General and former cochairman of Lawyers' Committee for Civil Rights Under Law.

Robert B. McKay, New York, N.Y., dean, New York University Law School.

Vernon X Miller, Washington, D.C., dean, Catholic University Law School.

James E. O'Brien, San Francisco, Calif.

Louis F. Oberdorfer, Washington, D.C., cochairman, Lawyers' Committee for Civil Rights Under Law.

Wm. H. Orrick, Jr., San Francisco, Calif., Former Assistant Attorney General; chairman, San Francisco Crime Commission.

Louis H. Pollak, New Haven, Conn., dean, Yale Law School.

William Poole, Wilmington, Del., former member, board of governors, American Bar Association.

Paul A. Porter, Washington, D.C., former Chairman, Federal Communications Commission.

John H. Pratt, Washington, D.C., former president, District Bar Association.

William P. Rogers, Washington, D.C., former Attorney General of the United States.

Samuel I. Rosenman, New York, N.Y., former president, Association of the Bar of the City of New York.

Charles S. Rhyne, Washington, D.C., former president, American Bar Association.

Barnabas F. Sears, Chicago, Ill., former president, Illinois Bar Association.

Bernard G. Segal, Philadelphia, Pa., former president, American College of Trial Lawyers; president-designate, American Bar Association.

Whitney N. Seymour, New York, N.Y., former president, American Bar Association.

Jerome J. Shestack, Philadelphia, Pa., member of the Council, Section of Individual Rights and Responsibilities ABA.

Sylvester C. Smith, Newark, N.J., former president, American Bar Association.

Davidson Sommers, New York, N.Y., general counsel, Equitable Life Assurance Society.

David Stahl, Pittsburgh, Pa., deputy mayor, Pittsburgh.

Charles P. Taft, Cincinnati, Ohio, former president, Federal Council of Churches of Christ in America.

James F. Thacher, San Francisco, Calif., trustee, California State Colleges.

Gray Thoron, Ithaca, N.Y., dean, Cornell Law School.

Wright Tisdale, Dearborn, Mich., general counsel, Ford Motor Co.

Harrison Tweed, New York, N.Y., former president, American Law Institute; Association of the Bar of the City of New York.

Cyrus Vance, New York, N.Y., former Deputy Secretary of Defense.

John W. Wade, Nashville, Tenn., dean, Vanderbilt University Law School.

William F. Walsh, Houston, Tex., chairman, Section on Criminal Law, ABA.

Bethuel M. Webster, New York, N.Y., former president, Association of the Bar of the City of New York.

Wilson W. Wyatt, Louisville, Ky., former mayor of Louisville.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I received the same communication to which the gentleman refers, and as I looked over the memorandum from the group, they endorsed fair housing.

Mr. BINGHAM. That is what I said.

Mr. GERALD R. FORD. They did not endorse the acceptance of the Senate bill as a whole. They specifically indicated that they favored a government of law, not of men.

Yesterday before I left the office I sat down and wrote a letter to, I think, seven of these eminent legal technicians, individuals who are personal friends of mine, and I took the care to send to them a 24-page digest of the differences between the House version of the bill and the Senate version of the bill. I respectfully suggested that these technicians of the law, these men who believe in laws being well written, ought to take a look to see what they by inference if not by direction are urging the House of Representatives to approve here today. I will be interested in their responses, because the members of the legal profession who occupy the positions that these men occupy, including the deans of several of our law schools, are supposed to be the leaders in urging the Congress of the United States to pass responsible, constructive statutes. This group should be last to urge legislative action that would result in poorly written legislation.

Mr. BINGHAM. Mr. Speaker, since I have yielded to the gentleman from Michigan, would he ask for some time so I can respond?

The SPEAKER. The time of the gentleman from New York has expired.

ANNOUNCEMENT OF HOUSING SUBCOMMITTEE MEETING ON URBAN INSURANCE BILL

Mr. BARRETT. 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 Pennsylvania?

There was no objection.

Mr. BARRETT. Mr. Speaker, the Subcommittee on Housing of the Committee on Banking and Currency has just completed 4 weeks of hearings on housing legislation, including the vital bill to provide necessary Federal support for hazard insurance in inner city areas where it is not now readily available. The destruction which has hit so many cities, small and large, throughout the country in recent weeks has focused attention on the need to build a better America. An essential ingredient of this rebuilding is something which most Americans take for granted—the ability to obtain insurance against fire and other hazards. For all too many people, such insurance is either not available or can be obtained only at a prohibitive cost. As we found in our hearings, prudent lenders simply will not make credit available without the necessary protection of casualty insurance. The key to this in today's setting is the fear of private insurance companies that they might suffer catastrophic losses due to riots. These outbreaks are a matter of national concern and quite appropriately, an object of Federal commitment. We have before us several bills proposed by the administration and by individual Members to live up to that Federal commitment by the provision of Federal reinsurance by which we can make private insurance for normal risks available to all. Because of the urgency of this matter, the Subcommittee on Housing will give the urban insurance legislation, including the administration bill, H.R. 15625, the bill introduced by the gentleman from Pennsylvania, Congressman MOORHEAD, H.R. 14263, and other pending bills their first attention.

Mr. Speaker, the Subcommittee on Housing will go into executive session on Thursday, April 25. These bills provide that Federal reinsurance could go into effect the day the bill is signed into law. It is our hope that action on this legislation can be expedited and I am sure that when it is brought to the floor, it will receive the overwhelming support of the House.

SUPPORTING H.R. 2516

Mr. KARTH. 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 Minnesota?

There was no objection.

Mr. KARTH. Mr. Speaker, I rise to support, with enthusiasm and conviction, H.R. 2516 and its objectives.

I have for a long time supported and attempted to implement by legislation the rights and privileges all Americans are inherently entitled to under the Constitution of the United States.

While a member of the Minnesota State Legislature I, 13 years ago, was the sole author of an open housing bill. Since then our State has passed such legislation; legislation of a character similar to what is before us today. Yes, there are some differences, but in each area that those differences appear the Minnesota law is of greater force and effect. I am proud of that.

I am hopeful that this body, the greatest deliberative body in the world, will speedily pass H.R. 2516.

RESPONSE TO THE MINORITY LEADER

Mr. MONAGAN. 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 Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, I yield to the gentleman from New York [Mr. BINGHAM].

Mr. BINGHAM. I thank the gentleman from Connecticut very much for yielding to me.

I just want to say briefly in response to what was said just now by the distinguished minority leader that a member of this group, a distinguished Washington lawyer, called me this morning and asked me to call this statement to the attention of the House today. Certainly it is a fair inference from that request that the group knows exactly what is before the House today and is asking the House to pass the bill that is before it today. I hope it will do so and thus take a historic step toward the realization of our national ideals.

Mr. MONAGAN. Mr. Speaker, I yield back the balance of my time.

LYNDON JOHNSON AS PRESIDENT

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

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

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on April 3, four letters appeared on the editorial pages of the Chicago Tribune under the heading: "L. B. J.: 'Won't Run'." I should like to read one sentence from each of the four letters. R. M. P. writes:

He will undoubtedly be recognized as the greatest President that ever lived.

E. K. said:

President Johnson is a man of firm convictions, for which he has been vilified.

From L. H., a prediction that:

He may endear himself to get tossed right back into office.

Finally, W. R. K. writes:

Regardless of all the criticism thrown at him, our present President, I firmly believe, is the best qualified man to lead this country for the next four years.

These spontaneous expressions of opinion by average citizens reflect, in my opinion, a very broad-based mood in the country following President Johnson's historic announcement. I insert these letters to the editor in the RECORD at this point:

L. B. J.: "WON'T RUN"

PALATINE, April 1.—With accuracy, our adversaries in the world have in the past been able to predict American policy during election years. Unpopular measures would not be initiated by a President hoping for reelection. But now President Johnson has a free hand. Instead of twisting arms to get support, he may and probably will face his opponents openly. Being freed from many hampering considerations, Johnson will probably emerge as a man of action, capable of doing more than can the ordinarily hamstrung President. He may endear himself enough to get tossed right back into office.

LOTHAR HUSSMAN.

GLEN ELLYN, April 1.—Last January my 11-year-old son asked me, "Mom, is President Johnson a great President?"

I said, "Yes, he is. He may not be so acclaimed today, but he will undoubtedly be recognized as the greatest President that ever lived."

Now I thank our beloved President for proving to the world that a truly great American is among us, one so endowed with love of his people and country that he sacrificially chose not to run. Let us honor this great man by uniting as one.

ROSE M. PALMA.

CHICAGO, April 1.—President Johnson is a man of firm convictions, for which he has been vilified. Now may God and the parties help us elect a President with the diplomacy and charm of Disraeli, the wisdom of Solomon, and the humanity of Lincoln to lead us out of this divisive Viet Nam war. We should not have too much trouble finding such a man. Every candidate claims to have all these qualifications.

MRS. ELISE KLANG.

CHICAGO, April 1.—Regardless of all the criticism thrown at him, our present President, I firmly believe, is the best qualified man to lead this country for the next four years. The job is tough and L. B. J. isn't perfect, but could any of us have done as well in his position?

W. R. KECK.

PASSAGE OF CIVIL RIGHTS BILL WILL NOT STOP RIOTING

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

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

There was no objection.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, my office, as well as the offices of many of the other Members, is being inundated with telegrams and letters stating that "you must pass this civil rights bill today."

Mr. Speaker, I have made a study of the open housing laws that are now in effect in the States of Pennsylvania and New York, and they each have a much tougher law today than this proposed Federal law. Neither in the State of New York nor the State of Pennsylvania can a real estate broker or an owner discriminate in the sale of real estate. An individual can just discriminate in the rental of two-family houses.

The bill that will be before us permits an owner to discriminate in the sale of his home. But the people in this country have been sold a bill of goods that, if this bill passes, then everything will be fine, and that you can withdraw the troops from participation with the policemen in handling the civil disorders for those districts where riots are occurring today.

As I say, Mr. Speaker, we have a much stronger fair housing law in the States of New York and Pennsylvania than this bill before us. I do not believe the passage of this bill will make one iota of difference in this Nation one way or the other as far as riots are concerned. As I say, the people misunderstand this bill. This is not the great, great civil rights bill that the people have been led to believe. And I hope the people of this Nation realize that this bill does not do as much as everybody thinks it will do.

As I say, the passage of this bill will not stop riots. To stop the rioting you must have a return to the Christian principles of honor, good will, integrity, things like that. That is what will stop the rioting.

CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. ANDERSON 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. ANDERSON of Illinois. Mr. Speaker, I have just been informed that no time will be available to me today under the rule to present my viewpoint on the legislation we will shortly be considering. I merely want to say this: that I recognize, as well as anyone, that it is certainly a tragic sequence or juxtaposition of events that brings us to the consideration of this matter today following the funeral of Dr. Martin Luther King, Jr.

This happens to be one of those ironic, almost macabre twists of fate, but because of that fact it is being unfairly alleged in many quarters that this House today is acting in some undue haste, is acting under duress, or under the stress of some overwhelming emotion.

I would merely make the record abundantly clear on that point. The Committee on Rules met on the 19th of March and at that time decided to conduct hearings on this resolution and vote on the 9th of April. The decision was made on that day and not following the death of Dr. King.

It was well known on the 19th of March that the leadership of this House fully intended to schedule this matter for debate and consideration on the 10th of April.

So let no one be under any illusion that we are operating today in any miasma of fear or unreasoning duress. We are acting in the normal course of legislative events.

Mr. Speaker, let no one say that we are doing what we are doing today because we wish to reward rioters—because those who plundered and pillaged the great cities of our land in the last 5 days could not care less about this legislation.

We certainly do not want to reward them. I am seeking to reward the Negro schoolteacher in my district who not long ago answered some 100 ads in vain seeking a home or an apartment and who in each and every case was turned away.

I am seeking to afford an advantage to and to benefit the young engineer who finally found a position commensurate with his educational abilities and then sadly confessed to me, "I am going to have to leave the community because I cannot find a place suitable for my family in which to live."

That is why I am going to vote for this resolution today—and not under duress and not because I want to reward any of the rioters in our country.

THE CIVIL RIGHTS ACT OF 1968

Mr. TAFT. 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 Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, I urge support of H.R. 2516, as reported to the House, because I believe that it is right.

It is right because there should be no privilege in America allowing any person to discriminate on account of race, color, religion, or national origin, against another's equality of opportunity. Racial discrimination in housing has had and still has that effect. To fail to speak out against it could be construed to countenance such a result and to relegate to hopelessness any solution of America's most serious problem in any way consistent with our traditions and the spirit of our people.

The waves of today's stormy seas of controversy and disorder must not turn us from our course. But the course cannot be held without recognizing the tides and currents moving all of us. To reject this measure today will be to undermine those who are seeking solutions through the powers of reason and justice. Responsible Negro leaders are on the spot here in this House today, whether we like it or not. Our action can help them build attitudes and progress with order and justice.

Or it can relegate such leadership to a rear guard action from which it may not recover. This would leave us all to the unpleasant but almost certain alternative of violence and repression. I cannot and will not believe that such an alternative can prevail. But the road back to reason and reality would be one filled with misery for all Americans. It can and must be avoided. Passage of this measure will be a step in the right direction.

CAPITULATION ON CIVIL RIGHTS

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

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

There was no objection.

Mr. SNYDER. Mr. Speaker, I yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, in response to the gentleman from Oklahoma [Mr. ALBERT] and his comments a few moments ago, let me say to him that the record will be written here today by his vote and by the vote of others, as to whether there is capitulation to coercion.

CIVIL RIGHTS LEGISLATION

Mr. MYERS. 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 Indiana?

There was no objection.

Mr. MYERS. Mr. Speaker, I came here today like many others, with an open mind, to hear the discussion and then vote. I had no intention of speaking, knowing that under the rule granted, we only had 8 seconds each for debate, and you cannot say much in 8 seconds, but after listening to some of the discussion here today, it became necessary to speak. About the timing in bringing this bill up today and talking about how the bill is written—I am not a lawyer—after reading this bill and considering its questionable drafting, I find comfort that I am not. I can read. We have heard talk about the wisdom in bringing the bill to the floor today. Some who have spoken today have discussed whether it should come up today or not. I do not think the question is whether it is being brought to the floor because of the tragic events of last week or because the date was set last week. I think it is the question of timing, and whether it should now come to the floor in view of what happened last week. The question today is, Should we still consider this legislation with national emotions and the tension in this House being what it is?

I am a farmer. I remember once I decided early in the season I would plant corn on the 10th of May. You know, when that date appeared on the calendar, the river bottom was flooded with water. I did not plant on that day. Is our country not flooded today?

CIVIL RIGHTS MEASURE MUST PASS

Mr. REIFEL. 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 South Dakota?

There was no objection.

Mr. REIFEL. Mr. Speaker, I did not intend to come to the well of the House today at this time. This bill that has been referred to as having some provisions affecting Indians will be brought before us. Interestingly enough, there are hardly any Indians in my district, and very few Negroes. I have asked to include with my remarks some statements on that matter as having reference to Indians. I think it would have been better had this been considered through the regular Interior and Insular Affairs Committee.

However, the bill to which it is attached is too important to take a chance on having it defeated in the other body if it should go to a conference.

I remember as a child 7 or 8 years of age going to a nearby town with my father and mother, who was a full-blooded Indian, and as my father sat by a pot-bellied stove talking to the owner of the hotel where my mother and her children were bedded down for the night, I heard the hotel operator say to my father, "Do not worry about the man at the other hotel. He may want to leave you out. But as long as I am here, it doesn't make any difference if your wife is a full-blooded Indian, with long braids; as long as she is clean and decent, she and her children can stay in my hotel."

That is the kind of hurt that can come to millions of boys and girls in this country, and I am sure that most of the Members of this body who have never had such a hurt down in their hearts for their children or their grandchildren may not understand this. That is why I appeal to you today that when this bill comes to a vote, vote "aye" on the previous question, because we shall then be taking away at least one hurt from the hearts, the minds, and the souls of little children all across this land of ours, which I think is one of the greatest in the world.

Mr. Speaker, I would like to take a few minutes to comment on titles II to VII of the bill which relate to rights of the American Indians. I do so because I have a special interest in this area, both because so many of the tribes with whom I have worked over a period of 20 years in the Bureau of Indian Affairs would be affected by these provisions, and also because I am myself a fully enrolled member of the Rosebud Sioux Tribe of South Dakota. I was born and raised on the reservation, and know from long personal experience what the effects of these titles would be on our Indian citizens.

Basically, these titles would accomplish two major objectives: First, they would create a bill of rights for the protection of Indians tried by tribal courts, and would improve the quality of justice administered by those courts; and second, they would provide for the assumption of civil and criminal jurisdiction by States over Indian country within their borders only with the consent of the tribes affected. Both of these objectives are important to our Indian citizens; the accomplishment of each of these objectives is long overdue.

Mr. Speaker, at the present time when an Indian citizen appears before State or Federal courts he is accorded the constitutional rights of all Americans. But when that same Indian citizen is brought to book before a tribal court, which has power to punish him usually for as long as 6 months in jail, he has only those rights which the tribe is willing to recognize. Many tribes have behaved responsibly in the administration of justice on the reservations. Too often, however, tribal courts have not acted judiciously.

And more important, Mr. Speaker, under present procedures we have no way of telling whether a tribal court has abused its powers because it is usually not possible for a defendant to ever raise a question in an appeal or in a habeas corpus proceeding.

The enactment of this bill would clearly set forth certain fundamental limitations on the power of tribal courts in dealing with tribal members:

It would prohibit double jeopardy;

It would provide for the privilege against self-incrimination;

It would require a speedy and public trial;

It would require that the accused be informed of the nature of the offense charged, that he be confronted by witnesses against him, and that he have compulsory process for obtaining witnesses in his own favor;

It would prohibit excessive bail, and would provide by statute for a maximum punishment by a tribal court of 6 months in jail or $500 fine; and

It would provide for imprisonment

only after a jury trial is requested by the defendant.

In addition, Mr. Speaker, by providing for a writ of habeas corpus from the Federal court, the bill would assure effective enforcement of these fundamental rights.

The second most important provision of this bill is the revision of Public Law 280 passed by the 83d Congress. That law permits States to assume jurisdiction over Indian tribes without in any way consulting with the tribes affected. Three States have exercised this power over the objection of affected tribes. A fourth, my own State of South Dakota, attempted such an exercise but was prevented from completing the takeover by a vigorous referendum effort in 1964.

Mr. Speaker, I know of no Indian tribe in this country which has not bitterly resented the arbitrary authority invested in States under Public Law 280, and which does not now support the provision of tribal consent prior to such assumptions of jurisdiction by States.

Therefore, Mr. Speaker, I strongly urge Members to vote "aye" on the previous question and on the question of passage of the bill.

INDIANS WOULD LIKE TO BE HEARD ON CIVIL RIGHTS MEASURE

Mr. ASPINALL. 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 Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I had no intention of coming to the well of the House at this time to speak on the matter that is scheduled to come before us later this afternoon. However, the bill has to do, in sections 2 to 7 inclusive thereof, with Indian rights matters before my committee. We have already had a day's hearings on the matter. May I say that I have no greater respect for any Member of this body than I do for the man who just preceded me in the well of the Chamber of this House. But I wish to advise my friend, the gentleman from South Dakota [Mr. REIFEL] that there are Indians in the United States of America who are not presently in favor of this legislation. There are not merely a few of them. There are a lot of them. They, too, have the right to be heard in accordance with the legislative procedures of the House of Representatives.

CIVIL RIGHTS BILL

Mr. BEVILL. 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 Alabama?

There was no objection.

Mr. BEVILL. Mr. Speaker, I rise to voice my strong opposition to the civil rights bill, H.R. 2516.

I am particularly disturbed over the Senate-passed open-housing provision, or so-called fair-housing section of the bill.

The open-housing provision of this bill would, in my opinion, violate the rights of U.S. citizens as guaranteed by the 14th amendment of our Constitution.

It would mean, in effect, that the homes of our people, the very foundation of our freedom, would no longer belong exclusively to them. It would mean that no man would be the sole owner of his property: That the Government would have the right to dictate to him the terms of its disposal.

The notion that one man has the right to purchase any property he pleases is a completely false notion. For this would also mean that the property owner has a "duty" to sell his home to the buyer, whether he wants to or not.

Mr. Speaker, the U.S. Constitution clearly provides safeguards which protect the property of every U.S. citizen.

I am convinced that any open-housing law would only lead to further Government intervention in the private affairs of our citizens. The tendency for the Federal Government to interfere with private individuals is frighteningly apparent in this movement for open-housing legislation. The provisions of this section of the bill are so weighted in favor of the buyer that just about the only right the homeowner retains is the right to defend himself in court, at his own expense, while the Government picks up the tab for his accuser.

In addition, Mr. Speaker, the obvious question of political expediency continues to surround this bill. Thrusting through the recent rhetoric surrounding this provision of the bill is a thinly veiled attempt to appease certain minority groups in this country.

It is time we stopped trying to placate these minority groups at the expense of the majority of people of this country.

This bill really stems from the recent tide of protest and agitation started by the so-called militant civil rights leaders.

Mr. Speaker, appeasement is not the answer. Appeasement will never solve our problems.

We all agree that every citizen in this great Nation of ours should have—yes, must have—an equal opportunity to pursue the rights promised him by the framers of our Constitution. But this further intrusion on one of our most basic rights is not the answer.

One need only to read his daily newspaper to realize this.

The record speaks for itself. The more so-called civil rights legislation Congress passes, the more militant the civil rights groups have become. More and more appropriations by Congress to minority groups are met with more and more threats and destructive riots—riots started by these same minority groups we are trying to help.

The argument for open housing totally ignores the real needs of these minority groups. An open-housing law will not substantially affect the large majority of the very people it proposes to aid.

In this case, the results of this open-housing provision would most likely have the reverse effect, increasing dissatisfaction and bitterness from those who expect promises to magically remove them from the crowded living quarters of the cities to the comfort of suburban living.

In this country, Mr. Speaker, government among men has always been based on the general consent of the majority. This bill would be a distressing departure from this long-held course.

It has been said—and wisely so—that where there are no property rights there are no human rights.

If the property rights of the citizens of this country are to be protected, this bill must be defeated.

REREFERRAL OF H.R. 16358, NATIONAL GALLERY OF ART, TO COMMITTEE ON PUBLIC WORKS

Mr. BURLESON. Mr. Speaker, H.R. 16358, a bill introduced by the distinguished chairman of the Public Works Committee, the gentleman from Maryland [Mr. FALLON], and the gentleman from Illinois [Mr. GRAY], introduced on April 1, was referred to the Committee on House Administration. I ask unanimous consent that the bill be rereferred to the Committee on Public Works.

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

There was no objection.

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO H.R. 2516, PENALTIES FOR INTERFERENCE WITH CIVIL RIGHTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1100 and ask for its immediate consideration.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 94]

Ashley	Jones, Mo.	Poage
Ashmore	Karsten	Resnick
Fino	Kastenmeier	Roth
Foley	King, Calif.	Teague, Tex.
Hathaway	King, N.Y.	
Irwin	Passman	

The SPEAKER. On this rollcall, 416 Members have answered to their names, a quorum.

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

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO H.R. 2516, PENALTIES FOR INTERFERENCE WITH CIVIL RIGHTS

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1100

Resolved, That, immediately upon the adoption of this resolution, the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to.

The SPEAKER. The Chair desires to state, and this is not to be considered as admonishing anyone in the gallery, that any manifestation of approval or disapproval of any remarks or speech made by a Member on the floor of the House is contrary to the rules of the House.

The Chair knows that the guests of the House in the galleries will respect the rules of the House of Representatives.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself 6 minutes.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks during the debate on the resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MADDEN. Mr. Speaker, I wish to commend the gentleman from New York, Chairman CELLER; the gentleman from Ohio, Minority Leader MCCULLOCH; and members of the Judiciary Committee for their outstanding work on this legislation. Their committee reported civil rights legislation on June 29, 1967, and the antiriot legislation was passed by our body on July 19, 1967. The legislation has been over in the other body and after delay and extended debate passed the Senate by a vote of 71 to 20 a few weeks ago.

This resolution provides for 1 hour debate. Under the procedure of the "previous question" our Members can vote to accept or reject the Senate bill H.R. 2516.

If the previous question is voted down, this legislation is almost certain to be sent back to the other body for probably certain delay, filibustering, and stagnation. This procedure no doubt will mean no civil rights, housing, or antiriot bill in the 90th Congress.

The highly financed real estate lobby during the last few weeks has, through telegrams, letters, and telephone, been bombarding many Members to vote against this legislation.

Twenty-two States have fair housing laws.

Two hundred and twenty-five Members represent districts entirely covered by State fair housing laws.

Two hundred and ninety-three of our colleagues are representing congressional districts covered by either local or State fair housing laws.

What is needed to end housing discrimination is a universal Federal law with uniform coverage so there will be a *single set* of rules everywhere for everyone—buyers, sellers, and real estate brokers.

Many witnesses before the Senate committee, including real estate brokers, said the insult of housing discrimination contributes to social unrest and riots. In terms of education, personal habits, income—large or small—Negro families would still be compelled to live in the ghetto or some other racially segregated neighborhood. These families have no place to dwell but the slum or ghetto under the present conditions.

Last August many prominent State and nationally known realtors testified that the enactment of a Federal fair housing law would eliminate the pressure on them to discriminate against groups of our citizens by reason of race. W. Evans Buchanan, Washington, D.C., former president of the National Association of Home Builders, said:

> The fair housing provisions are needed by the real estate industry as a means of eliminating unsound competitive practices in protecting those who choose to do business on a non-discriminatory basis.
>
> Participants in FHA and VA programs are now pledged to the policies and practice of nondiscrimination under the provisions of the Executive Order 11063. Enactment of this bill will provide the uniform standards of conduct so greatly needed in today's real estate market.
>
> Many business firms and organizations would long since have discontinued practices of discrimination except for their fear of adverse economic consequences stemming from *competitors who choose* to capitalize on racial and religious prejudices.
>
> With a national law commanding the acceptance of all, the entire industry will sell or rent without discrimination and without fear of economic reprisal.

Elliott N. Couden, Seattle, Wash., real estate broker; president of Couden Agency, Inc.; member of the Seattle Real Estate Board, the Washington Association of Realtors and the National Association of Real Estate Boards, said:

> A universal law would remove many of the shackles and impasses we in the real estate business are subjected to . . . Many real estate salesmen and brokers who would voluntarily provide equal service to all clients suffer a reasonably well-grounded apprehension that their efforts will result in intimidation from other realtors and economic attrition from potential clients. This legislation frees all parties from coercion, probably the greatest single element in the minority housing syndrome.

Fred Kramer, Chicago, Ill., president of Draper & Kramer, Inc.; real estate and mortgage banking business, which manages some 15,000 residential units, said:

> I think it is to the interest of all of us in the real estate business to be put on an equal basis when it comes to accepting minority groups as buyers, borrowers, or tenants.

Edward Durchslag, Chicago, Ill., in the real estate business on city's South Side for three decades, said:

> The real estate industry, our various communities, as well as the country as a whole would benefit from the enactment of fair housing legislation.

Ken Rothchild, St. Paul, Minn., president of H. Val Rothchild, Inc., and president of the Minnesota Mortgage Bankers Association, said:

> Minnesota open housing laws have not hurt the real estate business. It has been good. . . . There was . . . great fear among the real estate people and none of their fears have been justified. . . . Realtors and apartment owners and builders have experienced greater demand for their products. The entire community has benefited from rapidly improving housing and housing conditions and from reduced racial tensions.

Among other realtors who testified in support of a national open housing law was Philip M. Klutznick, Chicago, Ill., senior partner, Klutznick Enterprises; managing partner, KLC Venture, Ltd.; president of Old Orchard, Oakbrook, and River Oaks regional shopping centers; and president of Oak Brook Utility Co., all of metropolitan Chicago; chairman of the board of the American Bank and Trust Co., of New York City—page 394.

U.S. Attorney General Ramsey Clark said he had "no doubt whatsoever" about the constitutionality of the proposal—Senate hearings, page 7. Also testifying to the constitutionality of open housing legislation were the deans of three major law schools: Rev. Robert F. Drinan, S.J., of Boston College Law School; Jefferson B. Fordham, of the University of Pennsylvania Law School; and Louis H. Pollak, of Yale Law School—Senate hearings, page 127.

Finally, the constitutional authority of Congress to enact fair housing legislation was confirmed by a committee consisting of some 30 constitutional experts and legal scholars headed by Mr. Sol Rabkin, of the Anti-Defamation League of B'nai B'rith—Senate hearings, pages 253–254.

In last night's Evening Star, a news account stated:

> Sixty leading lawyers, including seven who have headed the American Bar Association, are urging the House to approve Senate-passed open housing legislation.
>
> In a statement released yesterday, the lawyers said that maintenance of an orderly society ruled by law requires that the law itself must be just to all people.

Mr. Speaker, on Sunday, March 3, of this year, the television program "Meet the Press" had as guests six mayors from large metropolitan cities—cities which were victims of major race riots in 1967.

Last year 40 or more other cities suffered great destruction by riots and the mayors of those cities would no doubt have the same thoughts as the city officials which appeared on the television program.

I think it is well for the Members to have a few quotations from mayors who participated in the "Meet the Press" program.

Mayor Ivan Allen, Jr., Atlanta, Ga.:

> I think it is a universal problem or a national problem. I feel that racial discrimination and segregation plus the immigration of millions of Negro citizens into the urban centers of America have created the most serious domestic problem that the nation has ever been confronted with. Basically it gets down to an opportunity for good housing, reasonable housing, job opportunity, and adequate education. No matter how far we go away from the basics of the problem, we always get back to the fact that both the poverty areas, white and Negro—principally Negro—in this country have been deprived of the full opportunity to be a full American citizen.
>
> Unfortunately, I would have to say to you that in the last eight or ten months the gap between white and Negro has vastly increased all over the country. This is indeed unfortunate. It behooves leadership at all levels to try to close that gap, to try to make the necessary steps to make a Negro citizen a full American citizen so that he can be accepted. It is a responsibility of leadership to provide sufficient funds—in this instance both at a local—and I hope it will be recognized—at a

state level and certainly at a federal level, to implement this type of program, these types of programs that are recommended in this report.

Mayor Sam Yorty, Los Angeles, Calif.:

There were a lot of people who didn't recognize the plight of the Negro and the discrimination, were suddenly panicked and wanted to find somebody to blame for what had happened when they hadn't been cognizant of the problem at all. Even a great newspaper in my community didn't even have a Negro reporter to go and report the facts. Then suddenly they started blaming me, ignoring the fact that I had completely integrated the Los Angeles City Government in 1961.

We have a City Human Relations Commission which I never could have gotten authorized before the riots, but I think that the best things that are happening are happening as a result of a merging Negro leadership, with the help of some of the President's programs. I think the President deserves more credit than he gets for seeing this problem and trying to get some finance, but the Industrial Union Department of the AFL-CIO has a program going in the Watts Department area, south-central Los Angeles, that I think is truly effective and may be a model for the nation.

Mayor Carl B. Stokes, Cleveland, Ohio:

The burden has been placed on the Negro continuously to, "Pull yourself up by your bootstraps." The very people who do not have any boots. This is the first time now that there has been a report which placed the focus, the burden on the primary party that is responsible. I can show you volumes of things that are written all year long about "Why don't you do for yourself?" while at the same time the institution precludes you from doing for yourself. You have to take a look at those who have prepared themselves and then tried to break into the white corporate ranks or into the white university structures or into the other areas of business.

I reject the position that in order to meet these problems you have to resolve the Viet Nam question. I don't believe it. I believe that this country has the resources, has the potentials, to have both a "guns and butter" economy, and I say that anyone who permits either the Administration or the Members of Congress to fall back on an excuse of not meeting domestic problems because of defending our national interests, is doing nothing but to help a failure on the part of those who have the responsibility of fighting the domestic war.

When we take the vast body of the Negroes, there is no question about it that they are still confined, both by way of their living conditions and areas, by way of employment, by way of having visited upon them all of the unmet environmental needs. All of these things continue to perpetuate that which has been a feature of our country, namely, a separation between the races. Unless funds and corrective remedies are applied, then I would have to agree that we are headed for almost an irrevocable separation of the two races in this country.

Mayor Hugh J. Addonizio, Newark, N.J.:

To every action there is a reaction. But you will never be able to compare racism on the part of the Negro with the racism to which he is reacting.

First of all, I think I would need about $300 million just to take care of the area of education in Newark. We need school construction generally, because all of our schools are antiquated.

We did not have a new school built for almost 30 years, before I became Mayor of the City of Newark, so I am sure that this indication will show you what the needs are as far as school construction is concerned in my community.

I have practically spent our city bankrupt trying to meet the problems in our community. We have reached our bonded capacity, the limit. We are spending twice as much money in education as we were before I became Mayor.

We have the highest tax rate of any city our size in the country, and unless the Federal Government and State Government step in and help our community, I doubt very much whether there is any kind of a future for the city of Newark.

I don't think you can blame this mess on these mayors throughout the country who unfortunately have had riots. I think that this is something that has come about over a long period of time in this history of the United States, and I might point out to you that for six years I have been Mayor of Newark, and I have been crying out for help from all levels of government. I have gone to the county, I have gone to the State; I have gone to the Federal Government. Everyone is sympathetic but no one does anything.

Mayor Henry W. Maier, Milwaukee, Wis.:

The white power structure has not done enough to alleviate the conditions of the ghetto. I think that it can be said, certainly, that in this sense alone I do not think that the influentials and wealthy of our community have done in years past what they ought to be doing to alleviate the conditions of the ghetto.

Nationally we should take money from the space program, from agriculture, if possible from the military, and devote these resources to the problems of our cities. I have also introduced a program designed—called—"The War on Prejudice," and designed to bring resources of the metropolitan area, including the suburbs, to bear on many of our basic problems.

The report strikes at the very heart of what I was talking about earlier in supporting the resolution in the National League of Cities and what I have been trying to do in our locality and in our state. The report says that you cannot finance the central cities off the property tax. I think that the report outlines very clearly that we have got to have state action, we have got to have national action, we have got to have incisive metropolitan action if we are going to move against city problems.

Mayor Jerome P. Cavanagh, Detroit, Mich.:

The Council authorized a $7 million emergency bond issue, most of which by the way went in payment for city employees' overtime during the course of the riot.

Much of it is going for new fire equipment, which either was needed or destroyed during the course of the riot. There is less than a million dollars going toward police equipment....

I think one of the very damaging things happening in this country today is this whole question of fear and rumors that are spreading throughout every community in America. We need a degree of sanity to be restored in this nation, and, unfortunately, the fears and the stories about standing armies, and so on, just don't help at all.

I hope it has the effect upon our national government of creating something we don't have in America, and that is a national urban policy.

Numerous complaints have been made by some Members of Congress that the executive department is gradually usurping the powers of the legislative branch.

Could it be possible that the executive leadership keeps pace with the modern progress, changing conditions, and mid-20th-century demands of our expanding population of 200 million people?

I hope the Congress can keep pace with the America of the 1970 period.

As recent as 5 or 10 years ago America could not visualize our Vice President, representing the President of the United States, and major presidential candidates of both political parties, former Vice President Richard Nixon, Governor Rockefeller, Governor Romney, Senator KENNEDY, Senator MCCARTHY, and many other Governors, Congressmen, mayors, Cabinet members, ambassadors, and other dignitaries, attending the funeral of a private citizen, grandson of a slave, in the city of Atlanta, Ga., on yesterday.

This great representative of the downtrodden of all races, Rev. Dr. Martin Luther King, Jr., fought for and supported legislation similar to the bill which we are debating today.

I hope this legislation is enacted and sent to the President for signature without further delay and postponement.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Indiana consumed 8½ minutes.

The Chair recognizes the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, may I explain the parliamentary situation as I understand it here today.

House Resolution 1100 has been approved by the Rules Committee and is now before us. There will be 1 hour of debate, one-half controlled by the gentleman from Indiana [Mr. MADDEN] and one-half controlled by me. I am sorry we did not have more time for debate, with the result that there are a number of Members I could not yield time to.

House Resolution 1100 calls for taking H.R. 2516 from the Speaker's desk and if approved, will accept the bill as amended by the other body—approve of the same—and thus send it to the White House for signature. No changes whatsoever will be possible.

I will ask that the previous question be voted down. That is, I will ask for a "no" vote on the previous question. Should that request prevail—that is, should the previous question be voted down—then I assume that I will be recognized for 1 hour to present an alternative proposal.

My substitute proposal will be precisely as follows:

Strike out all after the resolving clause of House Resolution 1100 and insert in lieu thereof the following:

"That immediately upon the adoption of this resolution the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, disagreed to and a conference is requested with the Senate upon the disagreeing votes of the two Houses."

This means only that H.R. 2516 will go to conference.

I would not anticipate that the additional hour would be used on the amendment. I am certain that everyone knows

the situation, so that debate at that time would not be necessary. I would anticipate that the previous question on the amendment and the resolution could be moved in rather short order. However, if anyone insists on time, I will be as accommodating as possible.

Now, Mr. Speaker, may I review the history on this situation. H.R. 421, the so-called antiriot legislation, was introduced in the House on the opening day of this 90th Congress, to-wit: January 10, 1967—last year. No hearings were held or scheduled by the Judiciary Committee, and indications were that no hearings were contemplated to be scheduled. Accordingly, on June 14, 1967, last year, the distinguished chairman of the House Rules Committee, the gentleman from Mississippi [Mr. COLMER], served notice to the House that hearings would be held in the Rules Committee on H.R. 421 commencing at 10:30 a.m., Tuesday, June 27, 1967.

The Judiciary Committee immediately held hearings and reported H.R. 421 along with civil rights language. It was politely suggested that it would be preferable for the two subject matters to be separated. That if so, and if the antiriot legislation proceeded in accordance with the regular procedure, the civil rights legislation, if in a separate bill, would proceed in accordance with the regular procedure. The Judiciary Committee followed the suggestion and H.R. 421 passed 347 to 70 and subsequently H.R. 2516 passed 326 to 93. Both bills then went to the other body.

Mr. Speaker, as you know, the other body spent most of their time on these measures this year, combined them, changed considerable language, added new matter, and on March 11, passed H.R. 2516. It contains two provisions on civil rights similar to those passed by the House. The first prescribes penalties for interfering with the rights of another person to vote, to secure employment, to attend school or college, to use the facilities of interstate commerce, or to enjoy what we generally call a citizen's civil rights. Both versions contain penalties—fines and imprisonment—for violation of this provision.

The bill of the other body contains a section somewhat similar, but not identical, to H.R. 421 which makes it a Federal criminal offense to go from one State to another with the intention of inciting a riot or attempting to organize or encourage any act of violence in furtherance of a riot.

However, the other body added to the House bill a controversial open housing provision. It prohibits discrimination on the basis of race, religion, color, or national origin in the sale or rental of a dwelling. This, supposedly, would not apply where the owner does not use a real estate broker or agent, and does not advertise in any manner to indicate a preference based on race, color, religion, or national origin.

Opponents contend that if a homeowner posts a notice that he wants to sublet his home for the summer, he may reject for any or no reason the first person who approaches him unless such person is of a different race, religion, color, or national origin. They base this view on the assumption that even an oral statement indicating racial or religious preferences would subject a family to the penalties of the law. Real estate brokers contend that this provision "discriminates" against them.

Also exempt from the provisions of the bill are owners who rent not more than three single-family houses, and owners of one-to-four family apartments, one of which is owner-occupied. But any owner of a single-family home or a small apartment could lose his exemption by employing a broker, by advertising so as to indicate racial preferences, or by selling more than one house within any 24-month period.

The enforcement provisions are: Any offended party may file a complaint with the Secretary of Housing and Urban Development who has authority to work out programs of voluntary compliance. If unsuccessful, the alleged offended party may go into a Federal district court to seek an injunction or other court order. The court may award to the plaintiff actual damages and $1,000 punitive damages together with court costs and reasonable attorney's fees.

The other body added an amendment designed to assure Indians that the Bill of Rights applies to them in their relationship with tribal courts. It directs the Interior Secretary to draft a model code of Indian offenses and provides that no State can assume criminal or civil jurisdiction over an Indian tribe without its consent. This amendment has nothing whatsoever to do with the purposes of the bill. It could well cause problems so far as Indian rights are concerned. It should be stricken, and the only way to strike it is to send the bill to conference.

The normal procedure when the House and Senate versions differ is for the chairman of the particular committee handling the bill, in this instance the Judiciary Committee, to move that the House disagree in the Senate amendments and agree to a conference. But in this instance, the leadership does not want to follow the customary procedure. They desire to simply accept the Senate amendments without giving the House an opportunity to consider any changes in language whatsoever.

Accordingly, House Resolution 1100 was introduced on March 14, which, if adopted, would agree to the bill as passed by the Senate. No changes of any kind could be made. The bill as passed by the Senate would then go to the President for signature. This resolution was referred to the Rules Committee. It was set down for hearing on March 19. The leadership wanted it approved, and to be voted on in the House on Wednesday, March 27. A motion was made in executive session of the Rules Committee to approve the resolution. A substitute motion was made to have hearings, and vote on the resolution on April 9. It carried and hearings were held which I wish every Member could read.

This bill should go to conference. It is the only reasonable approach.

Mr. Speaker, I am certain that civil rights legislation will pass this year. It is unfortunate that it has to follow so closely to the terrible assassination of Dr. King. It seems to me that we should have legislation which is real and enduring and not legislation which may merely be a symbol.

During the hearings and at other times, some Members have expressed concern that if this measure goes to conference, the other body will not cooperate and approve of a conference report. I have talked with several Members of the other body during the past 2 days and as late as last evening. Most of them will undoubtedly be conferees. Not only have they assured me that civil rights legislation will be passed but that there will be no efforts made to obstruct its passage. They have further assured me that the other body in conference will assist in attempting to improve H.R. 2516 and that if the conferees of the House will cooperate, and I am certain that they will, an agreement will be reached which should receive the blessing of the conference committee and both the other body and the House.

I believe in this way the results will bring about better legislation. The other body, in passing legislation under cloture, was handicapped from the standpoint that only amendments on file could be considered. This presented somewhat of an artificial situation. The results under the circumstances were, in my opinion, not as good as they should be.

It seems to me that we should let the interplay of the other body and the House, through a conference, work out the legislation so that it will really mean something. If this is done, it may be that Congress can help to solve the serious problems. But to hurriedly accept this bill here today could, in my opinion, cause more harm than good in attempting to solve the problems.

By going to conference, I sincerely believe that a much more reasonable, practical bill will be arrived at in the conference report. It should be a better bill. But to simply accept the bill, as is, might cause additional serious trouble in the future.

I repeat, Mr. Speaker, that after the 1-hour debate on the resolution pending before us is completed, the vote will be on the previous question. If that is agreed to, H.R. 2516 as it presently stands will become law. If the previous question is voted down, I will offer a substitute amendment which will take the bill from the Speaker's table, disagree in the Senate amendment and request a conference. I request that the Members vote "no" on the previous question so that the measure can go to conference. I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Speaker, I do not believe it would do any good for me to try to discuss this bill with you on its merits, because obviously it is not going to be considered on that basis, as it should be. This bill is going to be considered on the basis of emotion, and emotion alone, today. And such a situation is deplorable.

I am sure the Members know that I know something about the Negro man—a good bit more about the Negro man than most of the Members do here—and

I am looking straight at some of the Members now when I say that.

I have lived with them all my life, and I have more Negro friends than all of you put together, and the truth is the vast majority of the Negroes in this country, at least 90 percent of them, are decent, law-abiding citizens, as is the case with the white people in this country. But what is happening here today? We are ignoring that 90 percent of the white people and the Negro people who are decent, law-abiding citizens, and we of this Congress, you and I, are being blackmailed by that minority of 10 percent.

So do not talk to me about the democratic process when we are being blackmailed as we are, and it is perfectly clear why: because these anarchists, these blackmailers, have been following the process of violence, blackmail, and threats, and believe that this Congress, day in and day out, will yield to their threats.

Every previous bill we have had since I have been here, beginning with the 87th Congress, having to do with civil rights had the claim made about it that it would do away with divisiveness, it would do away with discrimination, it would put everybody on an equal footing, and that we would not have to worry about these things any more.

Let me tell the Members truthfully that you cannot get rid of second-class citizenship with a civil rights bill because no man in this country is a second-class citizen who does not think he is one, and who does not act like one.

Let me tell you something else: This bill is just going to add another burning ember to the fire. I have here a reproduction of an item which appeared in this morning's Washington Post that proves to me and should prove to you that this is not the end, because they will just be asking for more.

Here is the article:

NEGRO RULE IN GHETTO REJECTED IN BOSTON

BOSTON, April 9.—Mayor Kevin H. White today rejected demands by a Negro group for black ownership of community businesses and black control of schools and social and public agencies.

In a list of 21 "demands" made public Monday, the United Front, a coalition of community groups in the Boston Negro area, asked that race relations organizations and the white community at large immediately make $100 million available to the black community.

In addition the Front also demanded that "all white-owned and white-controlled businesses in the Negro community be closed until further notice while the transfer of the ownership of these businesses to the black community is being negotiated through the United Front."

In a statement today, the Mayor said of this proposal: "I will not by one word or one act add to the delusion that it is rational, workable or dignified either for black or white."

"Racism is obscene by whomever it is proposed, black or white; and social reform rarely benefits from expropriation," White said.

The statement did not mention the United Front by name, but an aide in the Mayor's office said it was that group's proposal White was talking about.

It is crystal clear, gentlemen. There is no end to these demands. The next one will surely be a guaranteed annual wage and, if we give in to this system of legislating by blackmail, what are you gentlemen going to do when the proposal is accompanied by more rioting, looting, and bloodshed? Give in again? Come back into this Chamber and say we have to rush this guaranteed annual wage bill through without even sending it to committee or to conference because the cities will be burned down if we do not? Is that what we are to reduce the legislative process to?

Well, not me. I want no part of it. We cannot react to blackmail in this manner.

Send this bill to conference and give conferees a chance to work out the bad parts, the unconstitutional parts, and let it come back for consideration when there is less tension in the air and without blackmail hanging over your heads.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MCCULLOCH. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, first let me thank the gentleman from Ohio for yielding. I want to pay him this tribute. I think his wisdom and his counsel in the matter of the splendid statement he made to the Committee on Rules on the constitutionality of this legislation was a very important factor so far as my own personal judgment on this matter is concerned.

I want to say that I think the violence that has stirred the soul and conscience of America during this past week has not blinded us to our responsibility here today. Rather I would dare to hope that it has illumined that responsibility and has helped us to see more clearly and more vividly than we otherwise would see, the responsibilities that we have to try to translate into living reality the idea of equality of opportunity in housing.

I think it would surprise you perhaps if I said that I do not see, personally, this particular piece of legislation as any memorial to the dead. I see it rather as that cloud and that pillar that will guide the way of the living.

I would respond to the gentleman from Louisiana by saying that those who have desecrated our Capital City during these past few days do not mourn the spirit of Martin Luther King. They are the excrescence of conditions that for all too long have been left untended in our society.

In voting for this bill today, we do not vote to reward them—we vote rather to reward that 90 percent, of whom he spoke—the decent, honest and law-abiding citizens who would, if they could, relieve themselves of the bondage and escape the prison of the ghettos.

It is unfortunate that the idea has gained currency that in acting today on civil rights the House is doing so in a miasma of fear and unreasoning haste. Indeed, I have received literally hundreds of letters and wires from all over the country imploring me not to legislate under the emotional distress of Dr. King's assassination. A mere recitation of the chronology of events leading up today can quickly dispel this wholly false illusion that we are so acting. The Senate passed H.R. 2516 with certain amendments thereto on March 11, 1968. Thereafter on March 19 a motion was made during an executive session of the Committee on Rules to begin hearings the next day on H.R. 1100, a resolution to accept the Senate amendments, and to schedule a final vote in the committee on March 26. I resisted that motion because I felt a longer period of time should be permitted for such hearings in view of the extensive amount of new material inserted in the House bill by the Senate amendments. A majority of the Rules Committee sustained that position, and a substitute resolution which provided that the Rules Committee would vote on H.R. 1100 on April 9 was adopted. It was clearly understood on that day that it was the desire and intention of the House leadership to schedule the matter immediately thereafter for a vote on the floor of the House. Thus on March 19 it was clearly understood that this matter would be voted on in the House on April 10 or prior to the planned Easter recess. This was, therefore, more than 2 weeks prior to the tragic event which occurred on April 4 when Dr. King was slain.

It will be argued that because of the riots of the past 5 days we will by our approval of this bill convey the impression that we are rewarding rioters.

Mr. Speaker, the arsonists, looters, and vandals who have sacked and burned sections of Washington, Baltimore, and other cities do not mourn the departed spirit of Dr. King. Nor do they seek by their actions to protest inadequate housing or other slum conditions. They are the excrescence of conditions too long left untended in our society. The Presidential Commission on Civil Disorders has provided us with a profile of a typical rioter. He is an unmarried male between 15 and 24 with feelings of extreme hostility toward the white community and distrustful of our political system and its leaders. The reorientation and reclamation of these teenagers and young adults will be enormously difficult. We will do little or nothing by this measure before the House today to reach this segment of the black community.

In voting for this bill I seek rather to reward and encourage the millions of decent, hardworking, loyal, black Americans who do not riot and burn. I seek to give them the hope that the dream of owning a home in the suburbs or a decent apartment in the city will not be denied the man who was born black. I would encourage the young Negro schoolteacher in my own home community who answered more than 100 advertisements for a house or apartment only to be turned away each time because of the color of his skin. I seek to encourage the young engineer who found a position commensurate with his education, but sadly concluded that there was no room for his family in a suitable neighborhood and left the community.

Yes, I seek to reward those Negroes who can become the responsible leaders of our society and diminish the influence of black racists and preachers of violence like Rap Brown and Stokely Car-

michael. If we would put out the fires of Negro revolution and defuse the social dynamite which has exploded in city after city across our land we cannot separate the sane and sensible Negroes from the mainstream of American society. To do so, is to encourage the eventual development of a garrison state where unbridled fear and suspicion rend us into two separate and unequal societies.

I do not condone the rioting. Rather I say punish the violators of our laws. Let all men, black or white, understand that the religion of liberty is based on a reverence and respect for the law. But let us not be blind to the necessity of also rendering justice to the patient and the long suffering who do not riot but who will be brought to the brink of despair if like the priest and the Levite we simply turn aside.

I would respectfully suggest to this House that we are not simply knuckling under to pressure or listening to the voices of unreasoning fear and hysteria if we seek to do that which we believe in our hearts is right and just. I legislate today not out of fear, but out of deep concern for the America I love. We do stand at a crossroad. We can continue the Gadarene slide into an endless cycle of riot and disorder, or we can begin the slow and painful ascent toward that yet distant goal of equality of opportunity for all Americans regardless of race or color. Then perhaps we can dare hope as John Addington Symonds wrote:

These things shall be—a loftier race
Than ere the world hath known shall rise,
With flame of freedom in their souls
And light of knowledge in their eyes.

Paul tells us in his letter to the Hebrews that it was by faith that Abraham went forth to receive this inheritance not knowing whither he went. That faith was the substance of things hoped for, the evidence of things not seen.

God grant us that faith in our destiny as a great nation—for Abraham Lincoln once described Americans as "God's almost chosen people." We cannot know how long the journey will take or even precisely where it will take us, but with patience, perseverance, and nobility of purpose we can advance toward our goal of reconciliation and racial understanding.

Mr. McCULLOCH. I thank the gentleman from Illinois for his masterful contribution.

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

Mr. McCULLOCH. I yield to the gentleman.

Mr. CONYERS. Mr. Speaker, I cannot help but rise at this moment during this debate to state how deeply the words have sunk into my heart as just expressed by the distinguished Member of this body, the gentleman from Illinois [Mr. ANDERSON].

I think he expressed most eloquently what I have been turning around in my mind in the last few days since I have been in Atlanta.

We are not doing anything here in memory of this great dead American.

We are just beginning to do what we should have done, Mr. Speaker, for so long.

I thank the distinguished gentleman for yielding.

Mr. McCULLOCH. Mr. Speaker, I rise in support of House Resolution 1100. The adoption of this resolution would enact into law H.R. 2516 as written by the other body.

I think we should recall that the landmark civil rights bills in 1960 and in 1964 were enacted by means of similar resolutions, by House concurrence in the amendments of the other body. I hope that the landmark legislation of this year follows the same process.

Open housing, a most important part of the bill, is once again before the Congress. In 1966, the House approved open housing legislation, but the other body did not act thereon. Now the other body has acted and the burden is upon us.

The people are watching, the people are waiting.

The large problem of civil rights and civil disorders which this bill embraces is one of the most difficult and troublesome of our time.

Last summer, the President appointed a National Advisory Commission on Civil Disorders. What the report of the Commission said is pertinent here:

This is our basic conclusion: Our nation is moving toward two societies, one black, one white—separate and unequal.

Focusing on the question of open housing, the report observed:

Discrimination prevents access to many non-slum areas, particularly the suburbs, where good housing exists. In addition, by creating a "back pressure" in the racial ghettos, it makes it possible for landlords to break up apartments for denser occupancy, and keeps prices and rents of deteriorated ghetto housing higher than they would be in a truly free market.

Men can be imprisoned outside of jails. The ghetto dweller knows that. The Negro knows that he is caged, that society really gives him nowhere else to go.

Of course, the bill would not buy, for the prisoner, a fine home in the suburbs. But it would offer the prisoner the hope that if he tried to climb the economic ladder, society would not forever be stamping on his hands.

If that could be done, it would eliminate the posts and crossbeams of despair on which the ghetto prison is built.

If the prisoner were given access to a better home, he would then have access to a better education for his children. Then his better educated children would have access to better jobs. And then, like all other minority groups, the Negro would have won his equality through economic power. The great American dream would, for him, in part, come true.

I supported such a bill in the last Congress, and I now support the recommendation of the Commission on Civil Disorders for such legislation.

I have listened to testimony for a long, long time on the plight of those in the ghetto, and I am convinced of the necessity for open housing legislation, without delay.

Arguments are made that this legislation should be accepted as a tribute to Dr. Martin Luther King, Jr., or that this legislation should be rejected because of our recent riots.

As for me, I view my duty as something other than bestowing rewards or laying punishments. I must do what I believe is right. Nothing that has occurred during this past weekend, as tragic as it was, has altered my course.

As I said, in 1964, when a similar argument was being made: "Not force or fear, then, but belief in the inherent equality of man induces me to support this legislation."

The additional argument is made that H.R. 2516 is not perfect. Having served a long time in the Congress, I would not expect a bill of 50 pages in length to be perfect.

If the entire matter were in my control, I would amend the legislation where needed and enact the bill. But, of course, that is not the situation. There are many in both Houses who are opposed to the substance of this legislation.

I am fearful that if this legislation is sent back to the other body for any reason, the bill's fragile chances of becoming law will be seriously impaired.

Thus our real choice may not be between imperfect legislation and perfect legislation, but between imperfect legislation and no legislation at all.

If that is the choice we must make, then we must decide whether the defects outweigh the good that may flow from passing this legislation without further amendment.

I do not believe that the defects outweigh the good.

I have carefully reviewed the bill. The drafting could have been better. But I do not find any difficulty so grave that it would obstruct the intended operation of the provisions.

On balance, I do not find that the prospective gain in draftsmanship is worth the risk of sending the bill to a conference or back to the other body in a modified form, there to possibly be lost for this session of Congress.

This is good legislation. It is constitutional legislation. I have analyzed the Supreme Court cases interpreting the scope of Federal power under the commerce clause and the 14th amendment and am convinced that each and every title of the bill will pass constitutional muster.

Thus, I urge the adoption of House Resolution 1100 so that H.R. 2516 can be sent today to the President for his signature.

Mr. MADDEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. CELLER], the chairman of the Committee on the Judiciary.

The SPEAKER. The gentleman from New York is recognized for 4 minutes.

Mr. CELLER. Mr. Speaker, I rise today as I have risen many times before to urge adoption of the civil rights bill before us. I make no impassioned plea. This is no time for oratory. There is the need to accord to all those rights—rights of protection and rights of housing—which we in the majority take for granted for ourselves and yet which are arbitrarily denied to a minority of our citizens. Where there is a wrong let the law right it. I firmly believe there is a majority in this House of Representatives who do

not want to see the perpetuation of ghettos in this land of ours. If I am wrong then there can be no more tragic commentary on the nature of our freedom.

A great and good man was buried yesterday. He was shot out of hate and cowardice. I say this not because his untimely and unnatural death gives us a reason for passage of this legislation, the reason existed long, long before the martyrdom of Martin Luther King. I note the tragedy because he spoke so eloquently for the right. And we, the Representatives of this country, can do no less on the floor today.

Title VIII of the bill, entitled "Fair Housing," is designed to assure all persons an equal opportunity to buy or rent housing without discrimination because of race, color, religion, or national origin. The goal of "a decent home and a suitable living environment for every American family" proclaimed in the National Housing Act of 1949 has not been achieved. The late President Kennedy, in November 1962, issued Executive Order 11063, which established a Committee on Equal Housing Opportunity, and forbade discrimination in recent FHA or VA insured housing. Today, some 22 States, the District of Columbia, Puerto Rico, the Virgin Islands, and a large number of municipalities have enacted fair housing laws prohibiting discrimination in private housing transactions, but nevertheless, it is plain that the combined efforts of State and local laws, Executive orders, as well as actions by private volunteer groups is just not enough. Court decisions are not enough. Federal legislation to eliminate the blight of segregated housing and the pale of the ghetto is demanded.

While discrimination in housing is a fact which needs no proof, the consequences for both the individual and his community are not always so apparent. Segregated housing isolates racial minorities from the public life of the community. It means inferior public education, recreation, health, sanitation, and transportation services and facilities, and often means denial of access to training and employment and business opportunities. Too often it prevents the ghetto inhabitants of liberating themselves. It is deeply corrosive both for the individual and for his community. Much of the urban crises that we witness today is a product of Negro segregation in the city ghettos and the flight of whites from the Negro and from these ghettos. To the extent that residential segregation prevents States and municipalities from carrying out their obligations to promote equal access and equal opportunity in all public aspects of community life, the 14th amendment authorizes the removal of this blight.

As I have said, residential segregation of Negroes is a fact which needs no proof. The objective dimensions of urban American ghettos include overcrowded and deteriorated housing, crime, disease, and alarmingly high infant mortality. The subjective dimensions are no less alarming. They include resentment, hostility, despair, apathy, and self-depreciation.

We cannot open the gates of the ghettos unless the minorities can find homes and domiciles outside the medinas and the mellahs. They will remain shut up in slum quarters if they cannot, because of racial discrimination and ostracism, change their abode. Shut up in unspeakable, crowded, rat-infested tenements, they vegetate and breed racism.

The voice of Leviticus says:

> Proclaim liberty throughout the land to all the inhabitants thereof.

That voice did not say liberty to some and not to others. It said to all the inhabitants. It did not say liberty to those outside of Harlem, Watts, and Bedford-Stuyvesant, but not to those inside. He said:

> Proclaim liberty throughout the land to all inhabitants of the land.

The President's Advisory Commission on Civil Disorders said:

> What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it. White institutions maintain it, and white society condones it.

I say now white institutions must level the ghetto off. It is time to adopt strategies for action that will produce quick and visible progress. We need fair housing. It is a small key that will open a large door. There is indeed greatness and generosity of spirit which is inherent in this land of ours, and I make a plea for justice and brotherhood and an enduring credo. Let us help hasten the day for this country's redemption of a promise—the promise of freedom of opportunity for all.

We passed a fair housing bill before, only to be blocked in the other body. Let there be no further delay. Years ago Cervantes said:

> By the street of by and by you come to the House of Never.

Now is the time for action, and let us act.

Mr. Speaker. It is my fervent hope, that today this House will unite to achieve the purposes of justice and equality.

I will now turn to a brief description of the major provisions of the bill.

TITLE I

In the first place, in general terms, the provisions of sections 101 through 103 of title I parallel the coverage of H.R. 2516, as passed by the House. The Senate amendment sets forth provisions designed to protect against violent interference with the exercise of a variety of benefits and activities. Each area of protected activity is specifically described. They include: voting, public accommodations, public education, public services and facilities, employment, jury service, use of common carriers and travel in interstate commerce, and participation in federally assisted programs. The proposed statute would also protect citizens who lawfully aid or encourage participation in these activities as well as those who engage in speech or peaceful assembly opposing denial of the opportunity to participate in such activities. Persons who have duties to perform with respect to the protected activities—such as public school officials, restaurant owners and employers—would also be covered. The bill prescribes penalties graduated in accordance with the seriousness of those results of violations, ranging from misdemeanor penalties to life imprisonment.

The bill, as amended by the Senate, does differ, however, in the following three respects: First, to assure that dual State-Federal jurisdiction is carefully exercised by the Federal Government, the bill requires advance certification of prosecutorial authority by the Attorney General or the Deputy Attorney General; Second, the Senate bill exempts proprietors of "Mrs. Murphy" public accommodations from the prohibitions of the act; and, third, the bill expressly states that police shall not be considered in violation of the new law for lawfully carrying out the duties of their office or for enforcing Federal or State law.

Title I also establishes penalties for incitement to riot. These provisions penalize interstate travel or the use of interstate facilities, including the mail, to incite, organize, or promote a riot. Violations of the act are punishable by a fine of not more than $10,000 or imprisonment of not more than 5 years, or both. To commit a punishable offense under this section, one must not only use interstate facilities with the intent to incite a riot but must also commit an overt act in furtherance of that intent.

"Riot" is defined as acts or threats of violence by one or more persons in an assembly of three or more resulting in or damage to or greatly endangering the person or property of others. Actions which are the mere expression of ideas or beliefs are specifically exempted from the definition of riot. The statute makes clear that State and local law enforcement is not to be preempted by the new Federal law. A judgment of conviction or acquittal on the merits under the law of any State would operate as a bar to any Federal prosecution for the same act or acts.

These provisions closely parallel the provisions of H.R. 421, the so-called antiriot bill, which was favorably reported by the Committee on the Judiciary and adopted by the House on July 19, 1967.

TITLES II TO VII

Mr. Speaker, titles II through VII of the Senate amendment to H.R. 2516 concern protecting the rights of American Indians. In general terms, these titles establish a bill of rights for American Indians and provide for assumption by States of civil and criminal jurisdiction over Indian country with the consent of the Indian tribes affected.

Title II creates a "bill of rights" for Indians in relation to their tribes similar to the Bill of Rights in the Constitution that applies to other citizens' relation to their Government. The provisions of title II would go into effect 1 year following the date of enactment in order to facilitate compliance with its terms by Indian tribes.

Title III authorizes and directs the Secretary of the Interior to draft a model code to govern the courts of Indian offenses, to assure due process in the ad-

ministration of justice by such courts and to implement the rights specified in title II. It is anticipated that this model code would supplement the present code of offenses and procedures regulating the administration of justice now contained in title 25, Code of Federal Regulations, which was established more than 30 years ago. In preparing this code, the Secretary of the Interior is directed to consult with Indians, Indian tribes, and interested agencies of the United States.

Title IV amends Public Law 83–280—67 Stat. 588—which conferred to certain States civil and criminal jurisdiction over Indian country. Title IV provides for U.S. consent to the assumption by any State of criminal and civil jurisdiction over Indian tribes, with the consent of the tribes affected. Thus, Public Law 280 is modified by requiring tribal consent as a precondition to a State's assumption of jurisdiction.

Title V amends the Major Crimes Act—18 U.S.C. 1153—by adding "assault resulting in serious bodily injury" to the list of Federal offenses.

Title VI establishes a new rule governing approval by the Secretary of the Interior or the Commissioner of Indian Affairs for the employment of legal counsel for Indian tribes and other Indian groups. It provides that applications relating to the employment of legal counsel made by Indian tribes or Indian groups shall be deemed approved if neither approved nor denied within 90 days from the date of filing such application with the Secretary or the Commissioner.

Title VII authorizes and directs the Secretary of the Interior to revise, compile, and republish materials relating to Indian constitutional rights and Indian laws and treaties.

TITLE VIII

Title VIII, entitled, "Fair Housing," bans discrimination on grounds of race, color, religion, or national origin in the rental, sale, or financing of residential housing subject to certain specific limited exceptions. I shall briefly outline the coverage of these provisions:

First. Upon enactment, the bill would cover by statute the types of housing now subject to prohibition on discrimination under Executive Order No. 11063. This includes housing owned or operated by the Federal Government; provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government; provided in whole or in part by loans insured or guaranteed by the Federal Government; and urban renewal redevelopment housing receiving Federal financial assistance. Among other types of housing these provisions cover housing provided with FHA or VA mortgage insurance or guarantees, housing in urban renewal areas, senior citizens' housing, and low-rent public housing.

Second. After December 31, 1968, the bill would cover other housing, subject, however, to three exemptions:

Single-family house sold by owner: Any single-family house sold or rented by a private owner who owns no more than three such single-family houses. In the case of the sale of a single-family house by an owner who is not the resident nor the most recent resident therein, this exemption applies only with respect to one such sale within a 24-month period.

Mrs. Murphy exemption: Rooms or units in dwellings of four of fewer family units where the owner actually occupies one of the units as his living quarters;

Religious and private club exemption: Housing, operated for other than commercial purposes, furnished to members of religious organizations, associations, or societies or members of private clubs.

Third. After December 31, 1969, the single-family house sale or rental exemption would continue only if the sale or rental is made without the use of the facilities of a real estate broker or other person in the business of selling or renting dwellings, and, without the publication or posting of any notice or advertisement indicating an intention to discriminate. Thus, the bill prohibits the use of a professional real estate dealer or similar person to help accomplish the owner's discriminatory purpose. The bill assumes that when an individual uses the public mechanisms of the real estate industry to effect a sale he should not be permitted to require that industry to carry out his discriminatory purpose. Such sales are to be regarded as public offerings.

Mr. Speaker, the bill H.R. 14765, the Civil Rights Act of 1966, which passed the House on August 9, 1966, prohibited almost the exact same type of conduct with respect to housing discrimination as would be prohibited by H.R. 2516, as amended by the Senate. One difference is that the 1966 bill permitted real estate brokers, agents, or salesmen to discriminate with respect to the sale, rental, or lease of a dwelling whenever instructions in writing were received from the owner of such a dwelling specifying that the broker, agent, or salesman do so.

In contrast, the present bill expresssly exempts single-family houses sold or rented by a private owner, if such person is the owner of three or fewer dwellings. In 1970, the single-family home exemption remains effective only where the home is sold or rented without the assistance of a broker or a person in the business of selling or renting dwellings.

I believe the proposed statute will be more easily enforced since the lines between exempt housing and covered housing are made more clear. In our 1966 bill, discrimination might or might not be authorized by a seller, so that even in the case of sales by real estate agents a potential buyer or lessee could not know whether or not a refusal to deal with him was covered by the statute.

H.R. 2516 authorizes no discrimination; all it does is exempt certain types of dwellings. In this respect it resembles State fair housing statutes far more than did the 1966 bill. This bill prohibits discrimination by real estate dealers in 1970 in virtually all cases because it is believed that when an individual uses the real estate industry to effect a sale, the transaction has assumed a public character.

The 1966 bill might also have had the effect of encouraging real estate dealers to continue discriminating and to seek "authorization" to discriminate from their clients. Although the 1966 bill did prohibit soliciting such written authorizations, there can be no doubt that covert communication, for example, a "raised eyebrow" and other indirect means, would be encouraged by such a provision. In other words, the 1966 bill created a loophole.

Enforcement: H.R. 2516 provides three methods of obtaining compliance: administration conciliation, private suits, and suits by the Attorney General for a pattern or practice of discrimination.

Administrative conciliation: The Department of Housing and Urban Development would have conciliation authority to resolve complaints alleging discriminatory housing practices. A person aggrieved files his complaint within 180 days after the alleged acts of discrimination. The Secretary of Housing and Urban Development would have 30 days after filing of the complaint to investigate the matter and give notice to the person aggrieved whether he intended to resolve it. If the Secretary decides to resolve a complaint, he would engage in informal conference and conciliation with the person alleged to have committed the discriminatory housing practice, and attempt to bring an end to such practice by that means. If conciliation failed, or if the Secretary declined to resolve the charge or otherwise did not act within the 30-day period, the aggrieved person would have 30 days in which to file a civil action in either a State or Federal court.

If the complaint alleges acts constituting a violation of State or local law, and that law provides rights and remedies substantially equivalent to the rights and remedies provided in the bill, the Secretary would be required to refer the matter to the appropriate State or local agency, who would have at least 30 days to act on the matter before the Secretary could begin conciliation proceedings. In States with substantially equivalent rights and remedies any suit filed following failure of conciliation efforts would have to be brought in the State or local court.

Both the Secretary and the party charged have power to subpena records, documents, individuals and other evidence or possible sources of evidence.

In addition to his conciliation function, the Secretary would be required to make studies and to publish reports with respect to the nature and extent of discriminatory housing practices in the United States. He would also be directed to cooperate with and to render technical assistance to Federal, State, local, and private agencies which were carrying on programs to prevent or eliminate discriminatory housing practices, and to administer HUD programs and activities in a matter affirmatively to further the policies of the bill.

Private civil actions: In addition to administrative remedies, the bill authorizes immediate civil suits by private persons within 180 days after the alleged discriminatory housing practice occurred in any appropriate U.S. district court or appropriate State or local court of general jurisdiction. The bill further provides that any sale, encumbrance, or rental consummated prior to a court or-

der issued under this act and involving a bona fide purchaser, encumbrancer, or tenant, shall not be affected. In such circumstances as the court deems just, the bill authorizes the appointment of an attorney for the plaintiff and the commencement of a civil action without the payment of fees, costs, or security. The court is authorized to issue a permanent or temporary injunction, or other appropriate orders and may award actual damages and not more than $1,000 in punitive damages, together with court costs and reasonable attorney fees.

Suits by the Attorney General: The third enforcement method under H.R. 2516 authorizes the Attorney General to institute civil actions for preventive relief whenever he has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this bill, or whenever he has reasonable cause to believe that any group of persons has been denied such rights in a case of general public importance.

Finally, title VIII specifically provides that is shall not be construed to invalidate or limit any State or local law that grants or protects the same rights. The Secretary of Housing and Urban Development is authorized to cooperate with State and local fair housing agencies and, with their consent, can utilize the services of such agencies.

TITLE IX

Title IX, prevention of intimidation in fair housing cases: Title IX, using language similar to that found in title I of the bill, protects persons from forcible interference or injury because of race, color, religion, or national origin, and because they were seeking to sell or acquire housing, to finance or occupy a dwelling, or to exercise other rights connected with housing. The title also prohibits forcible interference with those who would aid or encourage others to exercise these rights or lawfully speak or assemble to protest denials of these rights. The criminal offenses described and the graduated penalties provided in title IX are similar to those stated in title I of the bill.

TITLE X

Title X establishes three new Federal offenses and provides a penalty of a fine of $10,000, imprisonment up to 5 years, or both. The three new offenses are:

First, teaching or demonstrating the use or making of any firearm or explosive or incendiary device, knowing or having reason to know, or intending that it will be unlawfully employed for use in or in furtherance of a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce, or the conduct or performance of any federally protected function;

Second, transporting or manufacturing for transportation in commerce a firearm or explosive or incendiary device, knowing or having reason to know, or intending that it will be used unlawfully in furtherance of a civil disorder; and

Third, committing or attempting to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce for the conduct or performance of any federally protected function.

"Civil disorder" is defined as "any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual."

Mr. Speaker, President Johnson 2 years ago described the challenge which we confront in these words:

> The task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual—and to pursue their individual happiness.

The bill which we debate today embodies essential and fundamental principles basic to the human rights and dignity of every American.

Mr. Speaker, I include at the end of my remarks a memorandum describing the constitutionality of the fair housing provisions of this legislation under the 14th amendment and the commerce clause of the Constitution:

CONSTITUTIONALITY OF FEDERAL FAIR HOUSING LEGISLATION UNDER THE 14TH AND THE COMMERCE CLAUSE

The proposed Fair Housing title of H.R. 2516, as amended by the Senate, would prohibit discrimination on account of race, color, religion or national origin in the sale, rental or financing of housing. It would, when its provisions became fully effective, apply to all housing, both public and privately owned.

I. DO FAIR HOUSING LAWS UNCONSTITUTIONALLY INFRINGE PRIVATE RIGHTS?

The first question is whether fair housing legislation which applies to private housing, whether enacted by the Federal Government or by a State or local government, is unconstitutional because it impairs the obligation of contract,[1] deprives persons of liberty or property without due process of law,[2] takes property without just compensation[3] or otherwise infringes private rights. The answer to one aspect of that question has been clear since 1953, when the Supreme Court held that no person has a right to have a court enforce a racially restrictive covenant in a deed, whether the covenant has been inserted by the person himself or a previous owner of the property.[4] And since 1958, State and Local laws barring discrimination in the sale, rental or financing of private housing have become commonplace, and State courts have unhesitatingly upheld them.[5] Any remaining aspects of the question were settled by the Supreme Court decision of *Heart of Atlanta Motel* v. *United States* (379 U.S. 241, 259–61) sustaining the provisions of the Civil Rights Act of 1964 forbidding discrimination by restaurants, hotels, theaters and other businesses of similar character. It is now clear that forbidding discrimination on account of race, religion, color or national origin in commercial transactions, including housing transactions, does not unconstitutionally infringe private rights.

II. DOES CONGRESS POSSESS THE CONSTITUTIONAL POWER TO ENACT A FAIR HOUSING LAW?

The remaining question is whether the power to deal with discrimination in housing rests exclusively with the States or whether Congress, to, can legislate on the subject. The answer is that the Constitution provides at least two independent sources of authority for congressional enactment of fair housing legislation: the Fourteenth Amendment and the Commerce Clause.

A. The 14th amendment

The clause of the Fourteenth Amendment which is of principal interest here is the Equal Protection Clause:

"No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." [6]

Every student of the law is familiar with the court's use of the Equal Protection Clause to prevent state action which would violate its terms. Courts have invoked it to prevent States from segregating their schools,[7] from denying jury service to Negroes,[8] individuals of Mexican ancestry,[9] or women,[10] and from denying Negroes a right to vote in primary elections,[11] among other examples.

The power of Congress to enforce the Equal Protection Clause, however, is probably less familiar. It derives from Section 5 of the Fourteenth Amendment, which provides that:

"The Congress shall have power to enforce by appropriate legislation, the provisions of this article" [i.e., of this Amendment].

Perhaps the best known examples of legislation enacted (in part) to enforce the Equal Protection Clause are the Civil Rights Statutes enacted during Reconstruction days, imposing criminal penalties for violations of constitutional rights.[12] A more recent example is Section 4(e) of the Voting Rights Act of 1965, conferring voting rights on certain citizens unable to read or understand English.[13] The Supreme Court took the occasion of its upholding Section 4(e) to define two kinds of legislation which Congress may

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[1] The Constitution, Article I, Section 10 Clause 1.

[2] The Constitution, Fifth Amendment; Fourteenth Amendment.

[3] The Constitution, Fifth Amendment.

[4] *Barrows* v. *Jackson*, 346 U.S. 249, 260 (1953); *Shelley* v. *Kraemer*, 334 U.S. 1, 22 (1948); *Hurd* v. *Hodge*, 334 U.S. 24, 30–36 (1948).

[5] Twenty-two states, the District of Columbia, Puerto Rico and the Virgin Islands have fair housing laws applicable to private housing transactions. *Fair Housing Laws, Summaries and Text of State Laws*, The Library of Congress Legislative Reference Service, *Doc. No. 360/38, A–145 (1966)*. Almost all of them have been tested in court cases and upheld. See cases listed, Housing and Home Finance Agency, *Fair Housing Laws, Summaries and Text of State and Municipal Laws*, pp. 363–66 (Sept. 1964). Washington is the only state whose highest court has ever invalidated a state fair housing statute, and its court acted by a 5 to 4 majority, 3 of the 5 judges ruling on grounds other than that the law infringed private rights. See *O'Meara* v. *Washington State Bd. Against Discrimination*, 58 Wash. 2d 793, 365 P. 2d 1 (1961), *cert. denied*, 360 U.S. 839 (1962).

[6] *The Constitution*, Fourteenth Amendment, Section 1, second sentence, third clause.

[7] *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

[8] *Strauder* v. *West Virginia*, 100 U.S. 303 (1880).

[9] *Hernandez* v. *Texas*, 347 U.S. 475 (1954).

[10] *White* v. *Crook*, (M.D. Alabama 1966), 251 F. Supp. 401.

[11] *Nixon* v. *Herndon*, 273 U.S. 536 (1927).

[12] The statutes appear in their present form in 18 U.S.C. 241, 242 and 243. Their initial enactment and subsequent history are traced in the appendix of Justice Frankfurter's opinion in Williams I, 241 U.S. 70 at 83 (1951). See also *Ex Parte Virginia*, 100 U.S. 339 (1879), upholding the constitutionality of the forerunner of 18 U.S.C. 243.

[13] 79 Stat. 439 (42 U.S.C. 1973b (e)).

validly enact to enforce the Equal Protection Clause, one of which is of interest here.[14]

1. *Federal legislation under the Equal Protection Clause may be based on Congress' determination to remove obstacles in the way of persons securing the equal benefits of government.*

Section 4(e) of the Voting Rights Act of 1965 provides that no person educated in an accredited school in the United States, its territories, the District of Columbia or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English shall be denied the right to vote because of his inability to read or understand English.[15] The principal intended beneficiaries of the provision were the Spanish-speaking Puerto Rican citizens of New York, many of whom were prohibited from voting by State law.[16] The Supreme Court held that Section 4(e) was a valid act of Congress because the Fourteenth Amendment empowers Congress to remove obstacles in the way of persons' securing the equal benefits of government, and under the circumstances contemplated by this legislation—in particular, the situation of the Spanish-speaking Puerto Rican population of New York—a State's denial of the right to vote is such an obstacle. It hinders the disenfranchised from securing the equal benefits of government such as schools, public housing and law enforcement.[17]

Legislation prohibiting discrimination in housing on account of race, color, religion or national origin would also be sustainable on this basis, because such discrimination forces its victims to live in segregated areas, or "ghettoes," and the benefits of government are less available in ghettoes. That fact can be amply documented. Children raised in ghettoes are more likely to go to inferior public schools.[18] Their parents are more likely to lack adequate public transportation facilities to commute to and from places of work, and so will miss employment opportunities.[19] Local building and housing codes are not effectively enforced in ghettoes.[20] Federal subsidies for private housing bypass ghettoes and go instead to the predominantly white suburbs.[21] Freeways are typically routed through ghettoes, disrupting neighborhoods and displacing families, because land there is cheaper and the inhabitants less able to organize politically to oppose them.[22] Hospital facilities are less available in ghettoes.[23] Most significantly of all, law enforcement is least effective in the ghetto, although it is there that it is needed most.[24]

2. *Federal legislation under the Equal Protection Clause may also be based on a desire to correct the evil effects of past unconstitutionally discriminatory government action.*

There is a second basis under the Fourteenth Amendment to support fair housing legislation, which the Court did not need to consider in its decision upholding the Voting Rights Act of 1965. Section 5 of the Amendment authorizes Congress to enforce its provisions, one of which is the Equal Protection Clause. Enforcement, in the legal sense, traditionally includes both the prevention of violations and the punishment[25] and the correction of the effects[26] of past violations. It follows that if the States in the past denied to persons within their jurisdictions the equal protection of the laws, and if the effects of their denials are still present, Congress possesses the power to correct those effects. By similar reasoning, the Fifth Amendment, which imposes equal-protection obligations on the Federal Government similar to those which the Fourteenth Amendment imposes on the States,[27] grants Congress the power to correct the enduring effects of any past denials of equal protection by the Federal Government.

Such denials of equal protection by the States, and by the Federal Government, were in fact numerous, and their effects in housing are still with us. The States and their local subdivisions enacted zoning laws denying Negroes and other minority groups the right to live in white neighborhoods until the Supreme Court put a stop to the practice in 1917.[28] Local ordinances with the same effect, although operating more deviously in an attempt to avoid the Supreme Court's prohibition, were still being enacted and struck down by the courts as late as 1930.[29] During these years there also came into use privately drawn racially restrictive covenants in deeds, which "ran with the land" and bound successive owners irrespective of their personal inclinations. Such covenants quickly became the major weapon for keeping minorities out of good housing,[30] and they were fully honored by State and lower Federal courts[31] until the Supreme Court ruled in 1948 that they could not constitutionally be enforced by injunction[32] and in 1953 that they could not be enforced by awards of damages either.[33]

Throughout this period, and even somewhat after the Supreme Court's 1948 ruling, the Federal Housing Administration actively encouraged the use of racially restrictive covenants, in most cases flatly refusing to grant its mortgage insurance or guarantees unless the covenants were included in the deeds concerned.[34] This Federal discriminatory action had a substantial impact:

"FHA's espousal of the racial restrictive covenant helped spread it throughout the country. The private builder who had never thought of using it was obliged to adopt it as a condition for obtaining FHA insurance. * * *

"FHA succeeded in modifying legal practice so that the common form of deed included the racial covenant. Builders everywhere became the conduits of bigotry.

"The evil that FHA did was of peculiarly enduring character. Thousands of racially segregated neighborhoods were built, millions of people re-assorted on the basis of race, color, or class, the differences built in, in neighborhoods from coast to coast."[35]

At the same time, the Federal and State governments were cooperating to enforce segregation in public housing. Lower federal courts approved such efforts as late as 1941,[36] and although thereafter the courts, when they had the opportunity, invalidated them, efforts to keep public housing segregated were continuing in the North until at least 1955[37] and in Kentucky, Missouri and Tennessee until at least 1961.[38]

These efforts to place Negroes in separate neighborhoods were especially successful because they occurred during the period of the greatest Negro migration out of the South into Northern cities. Whereas only 10 per cent of the Nation's Negroes lived outside the South in 1910, 32 percent did so by 1950 and 40 percent by 1960.[39]

Throughout these years the Federal and State governments were also active in promoting segregation in areas other than housing, such as schools and the armed forces. That activity, too, contributed to housing segregation, because it educated the white public to the myth that any kind of close association with Negroes was debasing and to be avoided.[40]

In May of 1967, the Supreme Court affirmed a finding of California's highest court[41] that a recent amendment to the State constitution known as Proposition 14 had "involved the State in private racial discrimination to an unconstitutional degree." The "right" to discriminate, the Supreme Court found, had been "embodied in the States basic

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[14] The other kind is Federal legislation to nullify or forbid State action which Congress considers invidiously discriminatory. See *Katzenbach* v. *Morgan*, 384 U.S. 641, 652–56. Since State action resulting in discrimination in housing on account of race, color, religion or national origin would directly contravene the Fourteenth Amendment and so be invalid, Federal fair housing legislation to nullify or forbid it is not necessary. See *Buchanan* v. *Warley*, 245 U.S. 60.

[15] 79 Stat. 439 (42 U.S.C. 1973b (e)).

[16] See, *e.g.*, CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11061–11062, 11065–11066; vol. 111, pt. 12; p. 16240; Literacy Tests and Voter Requirements in Federal and State Elections, Hearings before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on S. 480, S. 2750 and S. 2979, 87th Cong., 2d Sess. 507–08 (1962).

[17] *Katzenbach* v. *Morgan*, 384 U.S. 641, 652–56 (1966). See also Cox, *Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L. Rev. 91, 118–123 (1966).

[18] *Racial Isolation in the Public Schools*, Vol. 1 and 2, Report of the U.S. Commission on Civil Rights, Washington, D.C., 1967.

[19] "White House Aiding Urban Transit Programs to Make it Easier for Poor to Get to Jobs" by Robert B. Semple, Jr., *New York Times*, March 20, 1967, p. 17.

[20] *Law and Poverty 1965* by Patricia M. Wald, National Conference on Law and Poverty, Washington, D.C., June, 1965, pp. 12–20.

[21] *Housing*, Report by the U.S. Commission on Civil Rights, Vol. 4, Washington, D.C. 1961;

Racial Isolation in the Public Schools, Vol. 1, Report by the U.S. Commission on Civil Rights, Washington, D.C., 1967, pp. 20–25.

[22] *Dark Ghetto* by Kenneth B. Clark, Harper and Roe, New York, 1965, pp. 154–182.

[23] *Violence in the City—An End or a Beginning*, Report by the Governor's Commission on the Los Angeles Riots, 1965, pp. 73–74.

[24] *The Challenge of Crime in a Free Society*, Report by the Commission on Law Enforcement and Administration of Justice, U.S. Government Printing Office, Washington, D.C., 1967, pp. 60–63.

Dark Ghetto by Kenneth B. Clark, Harper and Roe, New York, 1967, pp. 81–97.

Manchild in the Promised Land by Claude Brown, McMillian co., New York, 1965, pp. 30–32, 160–180.

[25] See, *e.g.*, 18 U.S.C. 241–43.

[26] See *e.g.*, 42 U.S.C. 1983–85.

[27] *Bolling* v. *Sharpe*, 347 U.S. 497 (1954).

[28] *Buchanan* v. *Warley*, 245 U.S. 60 (1917).

[29] See *Harmon* v. *Tyler*, 273 U.S. 668 (1927), reversing 158 La. 439, 104 So. 200; *City of Richmond* v. *Deans*, 281 U.S. 704 (1930), affirming 34 F. 2d 712 (4th Cir.).

[30] Gunnar Myrdal, *An American Dilemma*, 349–50, 662–27 (1944).

[31] The courts of 19 states expressly upheld such covenants. The only state court recorded as denying their validity was a district court in Pennsylvania. See 3 A.L.R. 2d 466, 474–77 (1949).

[32] *Shelley* v. *Kraemer*, 334 U.S. 1; *Hurd* v. *Hodge*, 334 U.S. 24.

[33] *Barrows* v. *Jackson*, 346 U.S. 249.

[34] See U.S.F.H.A., Underwriting Manual (1938), paragraphs 980(3)g, 935, 937 and 951. These provisions stayed in effect until 1947, see U.S.F.H.A., Underwriting Manual (1947), Preface, p. VI. Even thereafter FHA continued to deny mortgage insurance or guarantees if the neighborhood was or threatened to become integrated, see Abrams, *Forbidden Neighbors* 233 (1955), and Weaver, *The Negro Ghetto* 71–73 (1948).

[35] Abrams, *Forbidden Neighbors* 234–36 (1955).

[36] See *Favors* v. *Randall*, 40 F. Supp. 743 (E.D. Pa. 1941).

[37] See *Detroit Housing Commission* v. *Lewis*, 226 F. 2d 180.

[38] The United States Commission on Civil Rights, *The Fifty States Report* 173, 329, 591 (1961).

[39] McEntire, *Residence and Race* 9–11 (1960); *Statistical Abstract of the United States*, 1966, Table 26, p. 27.

[40] McEntire, *Residence and Race* 87 (1960).

[41] *Mulkey* v. *Reitman*, 64 Cal. 2d 529, 413 P. 2d 825 (1966).

charter." [42] Although the kind of prohibited State action exemplified by the California constitution amendment has been invalidated by the courts, the case illustrates that State-supported efforts to further segregated housing patterns are not entirely a problem of the distant past.

3. *Federal legislation to enforce the Equal Protection Clause may deal with private conduct as well as State action.*

It is no objection of its validity that the Federal Fair Housing Act would prohibit private acts of discrimination in housing as well as discrimination by State or local governments. The supposed objection arises from a false analogy between judicial enforcement and congressional enforcement of the Equal Protection Clause. The power of a court to enforce the Clause arises directly from the Clause itself, which speaks only of what states are forbidden to do ("No State shall . . . deny to any person within its jurisdiction the equal protection of the laws").[43] Hence, courts enforcing the Clause can only forbid action by States or their local subdivisions.[44] But the power of Congress to enforce the Clause arises from another section of the Fourteenth Amendment, Section 5, which reads:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article" [i.e., of this Amendment].

Section 5 grants a legislative power, and legislative powers are exercisable in accordance with the Necessary and Proper Clause,[45] which by its terms grants Congress the power: "To make all laws which shall be necessary and proper for carrying into Execution . . . all . . . Powers vested by this Constitution in the Government of the United States, . . ." [46]

The scope of the Necessary and Proper Clause has been settled at least since Chief Justice Marshall formulated it in 1819 in the landmark case of *McCullouch* v. *Maryland*:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." [47]

The purpose, or "end," of the Federal Fair Housing Act is to remove the walls of discrimination which enclose minority groups in ghettoes, so that they may live wherever their means permit and be better able to secure the equal benefits of government and the other rewards of life.[48] Prohibiting private as well as government acts of discrimination in housing is undoubtedly a "means which are appropriate" and "plainly adapted to that end." Indeed, it is difficult to conceive of any legislative approach to the desired end which would not include as one of its means the prohibition of private discrimination in housing. And that prohibiting private acts of discrimination is not "prohibited, but consist[s] with the letter and spirit of the Constitution," has already been demonstrated. The courts have held that it does no unconstitutionally impair rights of contract, deprive persons of liberty or property without due process of law, take property without just compensation or otherwise infringe constitutional rights.

Even if individual acts of discrimination, taken alone, would not have the effect of deterring Negroes from acquiring property where they choose, Congress could well conclude that numerous individual refusals to sell or rent to Negroes have combined effectively to bar them from whole communities. Congress has the power to regulate individual instances of discrimination which lack significance when taken in isolation, if, cumulatively, their regulation is appropriate to effectuate a constitutional objective.[48a]

It is acknowledged that a few early decisions of the Supreme Court, notably the *Civil Rights Cases*, 109 U.S. 3 (1883), have narrowly interpreted the power of Congress under Section 5 of the Fourteenth Amendment. Under these decisions, Congress' lawmaking authority is confined to the adoption of "appropriate legislation for correcting the effects of . . . prohibited State laws and State acts. . . ." Congress' Fourteenth Amendment power, under this view, is reduced to the same scope as that of the judiciary—the power to redress the effect of unconstitutional State action through "corrective legislation." [49]

The Civil Rights Cases have never been expressly overruled, but the Court's reasoning in that decision has been repeatedly questioned,[50] and recent decisions have virtually destroyed the force of the rule laid down in the 1883 decision.[51]

Discussing the *Civil Rights Cases* in his partial dissent in *United States* v. *Guest*,[52] Justice Brennan, after stating the old rule regarding the scope of Congressional power, said:

"I do not accept—and a majority of the Court today rejects—this interpretation of Section 5."

Justice Brennan pointed to the recent decision of the Court in *South Carolina* v. *Katzenbach*,[53] involving congressional power under Section 2 of the Fifteenth Amendment, where the Court held that "the basic test" of the validity of an exercise of congressional power was that formulated in *McCulloch* v. *Maryland*.[54] Noting that Section 5 of the Fourteenth Amendment and Section 2 of the Fifteenth employ "virtually the same" language, Justice Brennan felt that the reach of congressional authority under both enabling clauses should be the same:

"Viewed in its proper perspective, Section 5 of the Fourteenth Amendment appears as a positive grant of legislative power, authorizing Congress to exercise its discretion in fashioning remedies to achieve civil and political equality for all citizens." [55]

In similar language, the Court has since broadly defined the scope of Section 5 in upholding congressional action finding and declaring the existence of a denial of equal protection, and legislating against that denial.[56]

Although the opinion of the Court in the *Guest* case did not deal directly with the question, six of the Justices, three in each of two separate opinions, stated their belief that Section 5 of the Fourteenth Amendment empowered Congress to pass laws to prevent interference with Fourteenth Amendment rights—even when the interference is accomplished wholly without state action. Justice Clark, in a concurring opinion, said:

"There now can be no doubt that the specific language of Sec. 5 empowers the Congress to enact laws punishing all conspiracies—with or without state action—that interference with Fourteenth Amendment rights." [57]

And Justice Brennan wrote:

"Section 5 authorizes Congress to make laws that it concludes are reasonably necessary to protect a right created by and arising under the Amendment; and Congress is thus fully empowered to determine that punishment of private conspiracies interfering with the exercise of such a right is necessary to its full protection." [58]

By the same reasoning, Congress has the power, under Section 5, to pass laws prohibiting private discrimination in the housing market, if it concludes that such laws would provide a "remedy to achieve civil and political equality for all citizens." [59]

B. The commerce clause

Housing is one of America's principal industries. In 1965, it contributed $27.6 billion to the economy,[60] considerably more, for example, than the $19.9 billion contributed that same year by all American agriculture, forestry and fisheries combined.[61] The largest single investment most Americans have is their home.

A large portion of housing materials is shipped in interstate commerce. Forty-one million tons of lumber and finished wood stock were shipped in the United States in 1963.[62] Forty-three per cent of this material was shipped 500 miles or more.[63] Nine million tons of millwork and wood products were shipped in 1963 and 51 percent of it traveled 500 miles or more.[64] Seven per cent of all the brick that was shipped traveled 500 miles or more.[65] In *NLRB* v. *Denver Building and Construction Trades Council*,[66] the Supreme Court held that the NLRB had jurisdiction under the Commerce Clause over a dispute in the building trades because the disagreement might have prevented building materials from crossing state lines.

Much of the financing of housing crosses state lines. In 1960, 2.4 million out of a total of 14.5 million one-family occupant-owned dwellings subject to mortgages were located in a State other than that of the mortgage lender.[67] The proportion was only slightly less for multiple dwellings.[68] More than half of the residential mortgages held by insurance companies in 1960 were on property in a State other than that in which the company was domiciled.[69] Almost 40 percent of

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[42] *Reitman* v. *Mulkey*, 337 U.S. 369, 377 (1967).

[43] *The Constitution*, Fourteenth Amendment, Section 1, second sentence, third clause.

[44] See cases cited in notes 7 to 11, *supra*.

[45] *Katzenbach* v. *Morgan*, 384 U.S. 641, 648–51 (1966); *United States* v. *Guest*, 383 U.S. 745, 762, 782–84 (1966).

[46] The Constitution, Article I, Section 8, Clause 18.

[47] 4 Wheat. 1, (1819).

[48] See text at notes 18 to 25, supra.

[48a] *Wickard* v. *Filburn*, 317 U.S. 111, 127–28 (1942); *NLRB* v. *Fainblatt*, 306 U.S. 601, 606–07 (1939).

[49] 109 U.S. 3, at 11.

[50] See, *e.g.*, Frantz, *Congressional Power to Enforce the Fourteenth Amendment Against Private Acts*, 73 Yale L. J. 1353 (1964); Harris, The Quest for Equality (1960). *Cf. United States* v. *Price*, 383 U.S. 787, 807 (appendix); *Bell* v. *Maryland*, 378 U.S. 226, 289–305 (1964) (concurring opinion of Mr. Justice Goldberg.)

[51] *Katzenbach v. Morgan*, 384 U.S. 641 (1966); *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966); *United States* v. *Guest*, 383 U.S. 745, 762, 782–86 (1966) (concurring opinion of Mr. Justice Clark, and partial dissent of Mr. Justice Brennan).

[52] 383 U.S. 745, 782 (1966).

[53] 383 U.S. 301 (1966).

[54] 17 U.S. (4 Wheat.) 316 (1819). See pp. 16–17 *supra*.

[55] 383 U.S. at 784.

[56] *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966). See pp. 6–7, 16–17, *supra*.

[57] 383 U.S. 745, 762.

[58] *Id.*, at 782.

[59] *Id.*, at 784.

[60] *Statistical Abstract of the United States*, 1966 Table 454, p. 322.

[61] *Id.*, Table 451, p. 320.

[62] *1963 Census of Transportation, Commodity Transportation Survey, Shipper Series, Lumber and Wood Products, Except Furniture (Group II). Preliminary Report*, Table 5, p. 7.

[63] *Ibid.*

[64] *Ibid.*

[65] *Id. Clay and Glass Products (Group 13), Preliminary Report*, Table 5, p. 8.

[66] 341 U.S. 675, 684 (1951).

[67] *1960 Census of Housing, Volume V. Part I, Residential Finance-Homeowner Properties.*

[68] *1960 Housing Census, supra, Part II, Residential Finance-Rental Properties.*

[69] *Ibid.*

all the nonfarm mortgages on property located in California were given to secure loans the funds for which came from outside the State.[70]

Each year one family out of every thirty in the population moves its place of residence to a different State.[71]

The meaning of these statistics was illustrated by the testimony last year of Mr. William J. Levitt to Subcommittee No. 5 of the House Judiciary Committee. Mr. Levitt is the President of Levitt & Sons, Inc, a major builder of homes, and is a supporter of fair housing legislation. He testified:[72]

"Perhaps 80 percent of the materials that go into our houses come from across state lines."

"With the possible exception of the New York Community that we are building now, every other community in which we build receives its financing from a state other than the one in which it is located."

"75 to 80 percent" of Levitt & Sons' advertising is interstate.

"Out-of-State purchasers [of our housing] run from about 35 to 40 percent, on the low side, to some 70 percent, on the high side."

Discrimination in housing affects this interstate commerce in several ways. The confinement of Negroes and other minority groups to older homes [73] in ghettoes restricts the number of new homes which are built and consequently reduces the amount of building materials and residential financing which moves across state lines. Negroes, especially those in the professions or in business, are less likely to change their place of residence to another state when housing discrimination would force them to move their families into ghettos,[74] the result is both to reduce the interstate movement of individuals and to hinder the efficient allocation of labor among the interstate components of the economy.

The Commerce Clause [75] grants Congress plenary power to protect interstate commerce from adverse effects such as these.[76] The power is not restricted to goods or persons in transit. It extends to all activities which affect interstate commerce, even if the goods or persons engaged in the activities are not then, or may never be, traveling in commerce.[77] The power exists even when the effects upon which it is based are minor, or when taken individually, they would be insignificant. It is sufficient if the effects, taken as a whole, are present in measurable amounts.[78] And it does not matter that when Congress exercises its power under the Commerce Clause, its motives are not solely to protect commerce. It can as validly act for moral reasons.[79]

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GOODELL].

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

Mr. GOODELL. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Speaker, I rise in support of this resolution and this bill not because it represents the last answer to the problems of discrimination nor because it is the perfect response to the inequities it seeks to correct. I harbor no such illusions. I will vote for this legislation before us today because, despite its several imperfections, it will make a law both sound and just—and an extremely important and worthy addition to the body of civil rights legislation adopted by the Congress in 1957, 1960, 1964, and 1965.

Clearly title VIII, dealing with fair housing, is the most controversial portion of this legislation, yet it is a subject which was thoroughly debated by this body in the recent past. In 1966 a fair housing compromise provision passed the House, but died quietly in the Senate. During that debate many of you supported my efforts to substitute, for the weaker amendment which was eventually adopted, more comprehensive language which would have outlawed discrimination in all sales, including owner-occupied, single-family dwellings.

At the time I stated that a man's home is indeed his castle, but when he leaves it and offers it for sale, it cannot be contended that in his absence it continues to be his castle. I have heard or read nothing since that would lead me to believe otherwise. With regard to rental property, my 1966 amendment would have provided only three exceptions: charitable, fraternal, or religious homes, the so-called Mrs. Murphy's boarding house, and multiunit dwellings of up to four units where the owner occupies one of those four units. My purpose in reciting this history is to point out that if given a similar opportunity today many Members here would again support the substitution of stronger language for the open housing provision now pending before us.

Yet I am convinced from a careful reading of the debate in the other body on this legislation that the Senate at the present time would oppose any effort on our part to strengthen this provision. So many of us find ourselves faced with the imperfect choice of accepting this provision or no provision at all during this session of Congress. While I would prefer a ban on discrimination in the sale of all housing, I will vote today for the more limited coverage which excludes single-family house sales and rentals by an owner who acts without the assistance of any real estate broker, agent, or salesman.

Fourteen States and the District of Columbia already have laws more comprehensive in their coverage than title VIII currently before us. Twenty-two States have coverage approximately equal to what is called for in this legislation. In addition, many municipalities have acted on their own to adopt open occupancy ordinances where the States have to date failed to adopt fair housing laws.

Now it is our turn to respond—not to any criminal act or to the civil disorder of the moment, although this legislation has something to say about this problem—but rather to the continuing trauma of discrimination which affronts the dignity of man. How bitter it must be to find that although your bank balance is ample, your credit rating is good, your character above reproach, you may not improve your family's housing because your skin is not white. For this reason it is urgent for our Nation that effective open housing legislation such as this becomes the law of the land without further delay. In so doing we will have taken another important step toward the promised land of freedom and social justice for not just some but for all our citizens.

Mr. GOODELL. Mr. Speaker, this is a time of painful divisions within our ranks, and they are not partisan divisions but they are divisions between sincere men of conviction. We are told that we should reject the Senate bill because it is not perfectly drafted. Admittedly it could be improved. We are told it contains things it should not. Admittedly it does.

We are told legislative procedure requires us to send this bill to conference. I say to the Members the Senate bill, after careful study of our best experts and my study, is acceptable to me. It is a sound piece of legislation and essential. Our legislative procedure is to serve us, not inexorably to shackle us to failure and ineffectuality.

We must not today be swept by the emotional tides of the hour. Martin Luther King in one of his last writings said:

> Violence is not only immoral and repugnant, it is pragmatically barren.

Some would be guided to vote for bad legislation because of the cruel pathos of the assassination. That is wrong. Others would be guided to vote against good legislation because of the senseless rioting in our streets. That is equally wrong.

In my considered judgment, if this bill goes to conference, it will be jeopardized. That is enough. Open housing legislation should be passed. In fairness, it is long overdue. I implore my colleagues to resist the temptation to react to the passion of the moment. Our solemn responsibility impels us to rise above the passions of the hour, and that means we must accept the Senate bill without sending it to conference. We must do so not because of riots or assassinations or threatened upheavals, but simply because it is right.

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[70] Leo Grebler, "California's Dependence on Capital Imports for Mortgage Investment," California Management Review, Spring 1963, Vol. V, No. 3, page 47, at 48–49.

[71] United States Department of Commerce, Bureau of the Census, Americans at Mid-Decade, Series P23, No. 16, January 1966, pp. 4–7, 17–18.

[72] Hearings before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 89th Cong., 2d Sess. 1535–38 (May 4 through May 25, 1966).

[73] See Gunnar Myrdal, *An American Dilemma* 349–50.

[74] See *Katzenbach* v. *McClung*, 379 U.S. 294, 300 (1964). The armed forces also encounter difficulties from off-base segregation in transferring servicemen from one state to another. President's Committee on Equal Opportunity in the Armed Forces, Initial Report, Equality of Treatment and Opportunity of Negro Military Personnel Stationed within the United States.

[75] *The Constitution*, Article 1, Section 8, Clause 3.

[76] *Katzenbach* v. *McClung*, 379 U.S. 294 (1964); *Gibbons* v. *Ogden*, 9 Wheat 1, 189–92 (1824).

[77] *Katzenbach* v. *McClung*, *supra*, 379 U.S. at 302, *Labor Board* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 34–36.

[78] *Wickard* v. *Filburn*, 317 U.S. 111, 125 (1942); *Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178 (1946); *United States* v. *Wrightwood Dairy Company*, 315 U.S. 110 (1942).

[79] *Heart of Atlanta Motel* v *United States*, 379 U.S. 241 (1964).

OPEN HOUSING: THE HOUR OF DECISION

Americans, as a nation and a people, are just now awakening to the terrifying impact of a nation in crisis. Confronted by internal dissension at home and external threats abroad, we—the most powerful nation and people in history—toss and turn with the tides of social discontent, seethe with the injustice of hope denied, and grope with the burden of a war unwon. In the year just passed, we saw added to the conflict abroad a deep and distressing scar at home as our cities—one after another—erupted in the turmoil of crisis.

For America, this is the hour of decision.

We look inwardly during this hour, deep into the recesses of our conscience—

Searching to face squarely an issue which has gnawed at the vitals of our Nation for over a century;

Wondering how best to extend to all Americans the rights of liberty and equality envisioned in the "American dream"; and

Hoping in the end to perpetuate and better our democracy which has been a beacon of inspiration to the world for almost 200 years.

To perpetuate and better our democracy, some would close a lid tightly on a simmering cauldron of racial problems and call that law and order while others would fan the flames of racial strife and thereby destroy the hope and vision in the "American dream." We cannot do either. Our hope and vision are broader.

We must search to create a new America which continues to build the hope of the past into the reality of the future. We must assure all people everywhere that our heritage and tradition are not hitching posts to the past, but steppingstones to the future. We must resolve the issue before us and call that justice.

Some earnestly anticipate this hour of decision; others do not. In any event, for most Members of the House of Representatives, there will be a burden lifted when this hour and this decision pass from us. Whether for or against the proposition of the hour, the time has come and now is when each Member of the House of Representatives must face his own hour of decision on this issue.

The issue is "open housing"—

An issue surrounded by conflicting convictions and differing principles; and

An issue which causes reasonable men to differ honestly.

In countless communities throughout our country, marchers and picketers and sit-in demonstrators have fought for "open housing." And countless city councils, county boards and State legislatures have grappled with "open housing." And countless citizens in all walks of life—housewives and farmers, businessmen and teachers, laborers and lawyers—have discussed the merits of "open housing." The issue itself was on another occasion before the House of Representatives. And now, after all this, the issue once again comes before us, for resolution.

It comes in the same way it came before city councils and county boards and State legislatures, dividing reasonable men on basic convictions and fundamental principles. With turbulent crosscurrents of opinion on this issue, Members rightfully hesitate to express their views without first examining the full scope and broadest ramifications of the issue. Our consciences and the integrity of the House of Representatives demand such an examination before determining our course of action. I speak out with the full awareness that other Members with whom I often agree will not agree with my position on this issue. I find it imperative to support the Senate version of the civil rights bill of 1968.

The situation confronting us poses only two realistic alternatives. We may either accept the Senate version of the civil rights bill or send the bill to conference committee for resolution of House and Senate differences on the bill. I must candidly admit that there are good and considered reasons for pursuing either of these two courses.

Some would send the bill to conference because of a firm desire to fulfill legislative precedent through resolving House and Senate differences on a bill which passed the two Houses in considerably different forms. Others would send the bill to conference to perfect weaknesses in the legislation. And obviously others would send the bill to conference to bury it in a parliamentary jungle from which it could not be resurrected. In discussing the merits of this legislation, I wish to respond to those who want to fulfill legislative precedent and also to perfect weaknesses in the legislation.

For those who believe that legislative precedent demands sending this bill to conference, I would remind them that on two previous occasions, in 1960 and 1964, the House of Representatives accepted, without further consideration, Senate versions of civil rights bills.

For those who believe this legislation needs to be perfected, few would disagree. The bill is not perfect in every detail, but neither is any piece of legislation.

Objections are raised because title I of the Senate version covers the legislation in H.R. 2516 and H.R. 421 as approved by the House in 1967. There is considerable feeling, however, that H.R. 2516 and H.R. 421 should be combined. In fact Republican members of the Judiciary Committee expressed this view in committee reports on each of these bills. I personally commend the other body for combining these two ideas in the same piece of legislation.

Objections are raised because the bill has a declaration of rights for American Indians. I personally wonder how there can be opposition to a declaration of rights for American Indians when our own colleague, the gentleman from South Dakota, BEN REIFEL, the only American Indian now serving in Congress—openly and enthusiastically supports the Indian bill of rights.

Objections are raised about the portions of the bill pertaining to firearms control. I am here constrained to support the view of Senator ROMAN HRUSKA, of Nebraska, who as author of this portion of the bill advises that major sportsmen's groups endorse the firearms provisions.

Objections come from those who believe that previous civil rights bills have not really been constructive contributions to the extension of liberty and equality for all and that we now experience more civil rights difficulties than before. May I simply say in response that thousands of Negro Americans are now voting because of the Voting Rights Act of 1965, and, because of other civil rights acts, millions of Negro Americans are now enjoying pleasures previously denied them.

We are at a critical juncture in our Nation's history which does not allow us the luxury of additional and painstaking consideration of this legislation. On other issues and at other times in our history, we could vote to send legislation to conference committee to satisfy legislative precedent and to perfect the legislation. But at this time and on this day and in this place we do not have this luxury of choice.

Certainly the issue can be avoided or it can be postponed. Should we decide to avoid or postpone, however, the issue will only return to face us again. The reason it will come again is very simple: More and more Americans are demanding open housing legislation.

Indeed the total number of persons now living in State or local government jurisdictions with open housing laws is in excess of 118.2 million. Percentagewise this means that roughly 60 perent of all Americans live within governmental jurisdictions possessing open housing laws. My own State of New York, and most other industrialized States, have stronger open housing laws than the Senate version of this bill. It is time for us to recognize the mood of the American public and to support this long-awaited extension of liberty and equality in the field of open housing.

I am personally satisfied that this legislation meets minimum requirements of technical craftsmanship, though far from perfect. And I know that there is sound and wise precedent for not sending it to conference committee. I have long been on record in support of open housing. I will join my Republican colleagues who have announced they will vote to accept the Senate version of the civil rights bill of 1968.

This is April 1968. Less than a year has passed since the long, hot summer of 1967. Less than one-fourth of a year remains before the summer of 1968.

In the South and in the North, a century's torrential undercurrent of tension between black and white continues to erupt in a vicious violence which threatens to destroy our commitment to the "American dream" of extending liberty and equality to all Americans regardless of race, color, or creed. The perilous paradox of greater equality for some and lesser equality for others, more liberty for some and lesser liberty for others causes expedient shifts from the ballot to the bullet. No democracy can long tolerate shifts from the ballot to the bullet without soon ripping the seams of democracy's strength. The key to democracy's strength is the ballot, and when that fails, democracy fails. The undercurrent of tension can only be resolved, and the key to democracy's strength pre-

served, when every American feels, senses, and knows that he has the same stake in the "American dream" as every other American.

How we vote in this body on this issue—whether we accept the Senate version of the bill or send the bill to conference—will be interpreted—rightly or wrongly—as a vote for or against the extension of liberty and equality. "Open housing" is a key symbol in the civil rights movement. The demonstrated desire for equal access to housing requires that our decision on this issue be responsible to both the substance and the symbol of the legislation. Substantively, this is a reasonably good bill. Symbolically, this is an overwhelmingly important bill. For, on this bill—whether we vote to accept the Senate version of the bill or to send the bill to conference—we will be voting for or against a key symbol in the civil rights movement.

Many impressive documents chart the history of man's groping for liberty and equality. Common to each of them is a similar substance and a common symbol. Whether the Magna Carta or the Declaration of Independence or the Constitution or the Emanicipation Proclamation, the outstanding features of each are the substance and symbol of human freedom. The gradual and evolutionary movement in history towards liberty and equality has been slow but sure, almost like a glacial movement passing over a continent. But as a glacial movement is not stopped in its slow sweep across a continent, so has the movement towards liberty and equality never been reversed, when considered in the ageless sweep of history.

On June 15, 1215, at Runnymeade on the Thames, King John reluctantly granted to rebellious barons a charter which read in part that "we will not deny to any man, either justice or right." This, the Magna Carta, became the substantive and symbolic cornerstone of our legal heritage, claiming as its direct descendants the Constitution and the Bill of Rights.

On July 4, 1776, in Philadelphia, the second Continental Congress declared that "all men are created equal." This, the Declaration of Independence, became the substantive and symbolic hallmark of our American commitment to human freedom.

On September 17, 1787, in Philadelphia, Benjamin Franklin fittingly remarked that he had "the happiness to know that it is a rising and not a setting sun" which he saw embellished in the Constitution. The Founding Fathers at the Constitutional Convention wrote the best substantive and symbolic political process ever devised for extending liberty and equality to all. From that day to this very moment, the rights embodied in the "American dream" have gradually been extended and enlarged through the ever "rising sun" of our Constitution.

On January 1, 1863, in Washington Abraham Lincoln wrote in the Emancipation Proclamation that all persons held as slaves "shall be then thenceforward, and forever free." For Negro Americans, this proclamation became the substantive and symbolic turning point in achieving freedom from human bondage.

So reads the history of man's continual striving for liberty and equality. A history stained by blood, sweat and tears, but a history which has not been stopped in its gradual, substantive and symbolic progression toward liberty and equality for all men.

In more recent years we have seen a rapid acceleration of the pace toward liberty and equality as the U.S. Congress has approved four further extensions of human freedom in the Civil Rights Acts of 1957, 1960, 1964, and the Voting Rights Act of 1965. On these pieces of legislation, as indeed on the one before us now, the House of Representatives seriously sought to produce meaningful legislation which would be in keeping with the great history of extending the rights of liberty and equality to all men.

During those legislative battles, disturbed as they were by conflicting convictions on principle, I am proud of my party's record—the party of Lincoln—which recorded overwhelming support for these landmark legislative acts. The Civil Rights Acts of 1957, 1960, and 1964 received the support of 90 percent, 91 percent, and 80 percent of House Republicans. And 82 percent supported the Voting Rights Act of 1965, giving Republicans in the House of Representatives an overall support average of 85 percent for our four most recent Civil Rights Acts, a much higher percentage of support than that given by the other party.

I believe the civil rights legislation before us now merits the same high degree of support from my Republican colleagues which we gave to four previous Civil Rights Acts.

The history of the racial problem in America is long, calling forth memorable leaders and places and events.

Leaders like Abraham Lincoln, a founding father of the Republican Party, who called our Nation forth to lead the fight for human freedom.

Places like Bull Run, Vicksburg, Atlanta, Appomattox, and Gettysburg which record the history of a nation stripped of her unity because of racial conflict.

Events like the signing of the Emancipation Proclamation and the passage of the 13th, 14th, and 15th amendments which put our Nation officially on record in support of liberty and equality for all Americans.

While the history of the problem is long, the heart of the problem is simple. What these leaders, places and events stood for a century ago remain the hallmark of new leaders, new places, and new events today. That hallmark is the extension of liberty and equality to all Americans that this Nation might experience a new surge of freedom which will mend our Nation's racial wounds.

Unless and until our Nation resolves the racial conflict, and the urban crisis, the historical momentum which has propelled us to a pinnacle of self-esteem and leadership in the world will be retarded. Neither the conflict nor the crisis can be resolved without a vigorous commitment to extending liberty and equality for all. Such a commitment will require a broad vision of a new America—

A new America which continues to build the hope of the past into the reality of the future;

A new America which continues to make our heritage and tradition stepping stones to the future.

This is our hour of decision.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, this is a sad day in the history of our young Republic. We are being forced to act in haste and without regard to regular and ordinary procedures on important and far-reaching legislation and to do so in such a tense, emotional atmosphere that it is necessary to station troops throughout and around this Capitol Building. Not only are troops stationed around this Capitol Building, but thousands are still on duty on the streets of this city. Fires are still smouldering in this and in most of the other 115 cities where violence has erupted and arson, murder, and looting occurred. Curfews are still in effect. Many people fear for their lives, and Members have been threatened. And the entire Nation still mourns the death of Dr. King.

Yet, Mr. Speaker, we are asked to legislate in a sane and reasonable manner on this bill today. The press has already reported that some of our grief-stricken Members will be voting their emotions today rather than their reason. Heaven help our people if this is true—if our emotions are to replace our reasoning.

My voting record reveals that I have supported many civil rights bills since coming to this Congress. I have voted for legislation to guarantee that the civil rights of all would be protected in voting, in the Armed Forces, in public facilities, in public accommodations, in restaurants, in barbershops, in travel, in education, in training programs, in securing employment, and in all Government programs. I voted for the Civil Rights Commission, the Community Relations Service, the Equal Employment Opportunity Commission, and, yes, I voted to outlaw the almost-forgotten poll tax. Certainly with this voting record, no reasonable person can say that I am or have been anti civil rights. In all of these actions, I have supported legislation to guarantee that all of our citizens enjoy the same benefits which flow from actions by the Federal and State Governments and from the guarantees of the Constitution of the United States and the constitutions of our various States.

Today, however, we are asked to take property rights of private citizens—without compensation—and bestow them upon every other individual citizen. These are property rights which do not flow from the Federal or State Governments but are rights which have been purchased and paid for by private citizens. The right of an individual to dispose of his real property in any manner in which he sees fit has been an inherent right of property in this country and should not be taken or infringed upon by actions of this Congress.

Some of our colleagues feebly point to the 14th amendment as the basis for this legislation. Without going into a lengthy discussion of the 14th amend-

ment, I need only to say that the "provisions" of the 14th amendment prohibit State discrimination, not private discrimination, and the only right which exists under the 14th amendment is to be treated equally by the State. It does not address itself to the property rights of private citizens.

Mr. Speaker, as I pointed out before the Rules Committee, if the nebulous, fuzzy reasoning being put forth by the advocates of this legislation can be applied to real property, why can it not be applied to personal property?

Many people have argued that Congress should pass this legislation because of the moral issue which may be involved. These individuals are caught short in their moral argument. If there really is a moral issue involved, you would think they would be advocating that this bill cover 100 percent of the real property in America rather than only 80 percent. In addition, they should be arguing that the exemption provided in section 807 for religious organizations and associations should be stricken from the bill.

There are those among us who would urge that this bill—which was written on the Senate floor—not go to conference for further study and for reconciling the differences between the bill which the House passed last year—with my support—and the drastically amended Senate-passed measure. As the Members will recall, the very able chairman of the House Judiciary Committee, a committee which usually considers civil rights bills in the House, freely admitted on the floor when this matter was referred from the Senate that he was not familiar with all the "intricacies" which were contained in the bill.

Certainly we cannot overlook the fact that two additional non-civil-rights titles were added to this bill in the Senate, and that the contents of these titles were then under consideration by appropriate committees of this House. I refer to title II concerning the rights of Indians and title X, chapter 12, concerning firearms legislation.

We were privileged to hear testimony in the Rules Committee from the chairman of the Interior committee wherein he pointed out that the title dealing with rights of Indians could very well affect some of the treaties which our Government has with the Indians, and that some of the tribes were very much opposed to the legislation affecting them. Indians have rights, too, Mr. Speaker.

With reference to title X, I am sorry to announce that not one witness appearing before the Rules Committee could explain the meaning and ramifications of some of the language contained in its section 231. I invite the Members to turn to page 46 of this bill, line 12, and read the language which says:

> Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device or *technique capable of causing injury* or death to persons, knowing *or having reason to know* or intending that the same will be unlawfully used or in furtherance of a civil disorder.

Can anyone explain what a "technique capable of causing injury" might be? Certainly under this language a person instructing another in archery or boxing could be held liable, if the person receiving the instruction is subsequently involved in a "civil disorder" defined in chapter 232 as being an assemblage of three or more persons. This means if you instruct your son in the art of self-defense and he subsequently becomes engaged in some fisticuffs on the street corner with two other persons, you could be held liable if injury results.

There are many people among us who say we must do something and do it now, or greater violence will erupt in our cities. Let me simply remind those individuals making this argument that fair housing legislation did not stop or prevent the outbreaks of violence in our Nation's Capital, which has a fair housing statute, nor did it stop the outbreak of violence in the States now having open housing statutes. Twenty-five States have open housing laws. I would caution these individuals not to make any rash political promises that this legislation or any future legislation will solve all the problems facing our Nation. On the contrary, I believe very deeply that the many unfulfilled promises which have been made in the past and the false hopes which they have raised have had more to do with the unrest and destruction in this country than any other single factor, with the possible exception of our failure to enforce existing laws. Let us not repeat these same mistakes forever.

Mr. CRAMER. Mr. Speaker, I refuse to be stampeded into legislating hastily and unwisely as if under the gun. The rights of all people are involved in this bill, and legislation affecting their rights, if conceived in haste, can do violence where good is intended.

I intend to vote against the previous question in order that this House may adopt a rule to permit amendment and needed consideration of this bill or can send the bill to conference for necessary deliberation.

Who with any logic can say that the House should approve without examination or chance to amend this bill? The House sent the Senate one bill, H.R. 2516, containing 3½ pages on nonviolence and nonintimidation against those exercising their federally protected rights and H.R. 421, containing 2 full pages, the antiriot bill, or a total of 5½ pages. The Senate combined the two, amended them with over 25 substantive changes. The Senate also added on the Senate floor amendments dealing with new subjects, Indian rights, open housing, teaching, demonstrating, transporting or manufacturing of firearms or weapons, intimidation in fair housing cases, and ends up with 50 pages, a bill nearly 10 times as lengthy. Who with any logic can argue that the House by this procedure should rubber stamp, without adequate chance for debate or change, the Senate floor amendments making 26 changes in the House-approved bill and adding 39½ pages of additional material?

The Senate has done violence to the nonviolence sections of the bill. As the author of the antiriot bill, H.R. 421, that overwhelmingly passed this House last year and that passed as amendment to the 1966 civil rights bill that died in the Senate, I can say that that section, added on the floor of the Senate, needs to go to conference. Two major reasons are that the Senate exempted labor unions from the antiriot section, an amendment that was resoundly defeated on the floor of the House, and that a rule of evidence as to travel or use of interstate facilities added to my antiriot bill, as section 2101(b) is senseless, unclear, and could be the basis for challenging its constitutionality.

As the drafter of the substitute for H.R. 2516 the bill protecting against acts of violence which was adopted in the Judiciary Subcommittee and passed the House, I say that the Senate did violence to that bill, now title I, sections 101–104.

"Lawfully" was stricken from this bill, with the result that those exercising their rights need not be doing so lawfully before they are entitled to protection. Thus, those who are unlawfully—perhaps even rioting—could claim the protection of this bill. This was heatedly debated in the Judiciary Committee and on the floor of the House in 1966 and again in 1967 and in all instances it was rightly maintained that any act must be lawful before it is entitled to be protected under the bill.

Racial motivation was stricken out as an element of certain crimes created by the bill under title I.

These three examples alone should mandate a conference or House deliberation under orderly procedure.

We recently sent the excise tax bill to conference because of the numerous amendments added by the Senate, calling the Senate bill the Easter basket bill, but when equally substantive changes and additions to the acts of violence bills are made by the Senate the Rules Committee urges this House not to send it to conference. It is still the Easter season. We have two Easter baskets full, needing careful examination and containing many hurriedly considered "goodies." When one is labeled "civil rights" we are asked to accept it without fully examining or considering what is in it. When it is labeled "taxes" we are asked to send it to conference for consideration. This does not make sense to me. Consistency appears no longer to have any virtue. I refuse to be stampeded in this fashion.

A list of some 12 major changes made in the House bills, H.R. 2516 and H.R. 421 that alone clearly mandate that they be sent to conference or be subject to an open rule, amendment, and debate in the House follows:

REASONS FOR FURTHER "OPEN RULE" OR CONFERENCE CONSIDERATION OF THE CIVIL RIGHTS BILL OF 1968, H.R. 2516, AND THE ANTIRIOT BILL, H.R. 421, AS AMENDED BY THE SENATE

(1) In House passed H.R. 2516, a person who was protected from "interference with federally protected activities" had to be acting *"lawfully."* Section 245(a) of Title I of the Senate bill provides this protection whether acting lawfully or not, by striking the word "lawfully." (This was heatedly debated in Committee and it was resolved to include it in 1966 and 1967.) Thus one acting unlawfully, with violence and intimidation on his part, or drunk and disorderly, still would be protected—yes, even if his action was as a participant in a riot, perhaps.

(2) The necessary criminal element of *racial motivation* or intent to discriminate

("because of race, color or national origin") was included in the House bill but removed in Senate bill, 245(a) of Title I. Thus proof of racial motivation is not regarded in cases involving, under 245:

A—Voting.
B—U.S. services or facilities.
C—U.S. employment.
D—U.S. jury service.
E—U.S. financial programs or activity.

(3) The Senate bill added the Anti-riot bill to the Celler bill, H.R. 2516, as Chapter 102 of Title I and specifically *eliminated organized labor* activities from the anti-riot section by excluding 2101(c), despite turn down of this amendment by House vote.

(4) The Senate Anti-riot, Section 2101(b) provided a rule of evidence on the travel in or use of interstate facilities which is senseless and could be the *basis for unconstitutional ruling.*

(5) Anti-riot enforcement is weakened by 2101(g) by loose language *barring* in State Courts *U.S. action* where judgment of acquittal or conviction "on the merits" where the same "act or acts" are involved.

(6) Titles II and VII on *Indian rights* comprise eleven pages as added on the Senate floor. This has not been subject to hearings. It is opposed by many Indians themselves and by the Department of the Interior, having jurisdiction over Indian affairs.

(7) Open Housing, Title VII, was added on the Senate floor, after mutual agreement on all sides in the House that all open housing was removed from the House bill. At that time the feeling was that antiviolence legislation was too essential to get bogged down in open housing which had proved controversial.

(8) Open Housing, Title VIII, in addition to violating constitutional property rights also discriminates against real estate brokers who must act as the enforcers to carry out the law and regulations.

(9) Open Housing as drafted in the Senate is unworkable in that it is implemented on the Federal level only through HUD with powers only to persuade, conciliate and regulate. The only other remedy is through civil action in U.S. or State courts with right to attorney's fees only to the plaintiff and maximum damages of $1 thousand. The court can award such damages without trial by jury.

(10) Title IX of Open Housing provides criminal penalty for intimidation, even for "threats" to "attempt" to "injure, intimidate or interfere with" a person because of race, color or national origin, relating to housing, with penalties of $1 thousand if no injury, $10 thousand with injury, or life, if death occurs. No exemption for individual sales is made under this title so all sales are covered.

(11) Open Housing finance Section 805, is too broad in coverage, dealing with "loans or financial assistance" in that it includes the acts of any "insurance companies, or other corporations, associations, firm or enterprise" that makes real estate loans whether there is any Federal guarantee or involvement in any such business.

(12) In Open Housing, despite the limits of HUD's enforcement power, the Secretary is given the rights of search, seizure, and subpoena, and if there is willful refusal to appear or produce, there is a fine of $1 thousand, a year in jail, or both, enforced through the U.S. District Courts. The Secretary acts as the hearing officer on complaints and the party aggrieved has the right to enforce the Secretary's decision in the U.S. Court but the defendant has no right of appeal other than that which might be applicable under the Administrative Procedures Act (not spelled out in the bill).

Mr. DICKINSON. Mr. Speaker, a generation ago much was said of the "forgotten man" in the United States. Political slogans were coined in his behalf, legislation was passed to make his life more abundant, jobs were created for his benefit, and so it went, although no one was exactly sure of the identity of the "forgotten man." He was merely a symbol.

There is a new "forgotten man" on the scene today. He is the law-abiding, respectable, hard-working individual. Whether in management or labor, he is the man who watches his earnings siphoned away to support global aid programs of the most frivolous type. He is the man who is allowed a $600 annual tax deduction to raise and educate his child while the unwed mother on relief gets many times that amount in welfare checks to support her burgeoning brood.

It is the same "forgotten man" or his son who volunteers for military service or answers his draft summons without complaint and dies bravely in a war his country will not let him win. He is the man who spends hours filling out forms, questionnaires, and invasions of his privacy in the form of governmental inquiries. He is the same "forgotten man" who contributes to his community in time, effort, and money.

He is the man who takes pride in his home, his environment, his friends and his neighbors. The man who has achieved the dream of owning his own home, of leaving it to whom he wishes, or of selling it to whom he pleases. Rights which are fundamental under our Constitution. Suddenly he finds that these rights are being sacrificed on the altar of political expediency in a whim of frenzy. The "forgotten man" is suddenly branded a "bigot," a "racist," and a veritable beast if he has any preference as to the buyer of his dwelling.

It is this "forgotten man" who has been eclipsed and crowded from the political spectrum by appeals to the packaged vote of organized pressure groups, the disadvantaged, the impoverished, and the indolent, and the indigent who prefer indolence.

It is the basic rights of the "forgotten man" that are being struck down today in a steamroller fashion. Under the terms of the fair housing provisions of the legislation before the House today, the majority of our citizens will lose their right to sell or rent their property to the person they choose and the real estate business will come under the supervision of the Federal Government. To force a citizen to sell his property to a person of the Federal Government's choosing is the most flagrant violation of basic human rights and dignity as can be found in the worst totalitarian system ever devised. The final result will be to reduce fundamental human rights to the level of academic norms which can be changed at each passing fad or fancy in social engineering by self-appointed planners for the lives of others. Beware of our growing number of social planners in government.

Mr. Speaker, this is not the American dream come true. It is instead, in fact, and indeed another step of the American nightmare.

A census has not been taken to establish the number of today's forgotten majority, but I submit, Mr. Speaker, that a census will be taken in November of this year which will reflect itself in the absent faces of many of my colleagues who see fit to strike this blow to the liberty and freedom of the "forgotten man" in America.

Mr. CLEVELAND. Mr. Speaker, I rise in support of passing now this civil rights bill, H.R. 2516. This legislation represents another step by Congress to eliminate barriers which are dividing our Nation. It represents another legislative effort of Congress toward the realization of the American dream—not just of equality, but of equality of opportunity.

H.R. 2516 originated in the House last year. It was designed to protect civil rights workers, such as Jonathan Daniels, of Keene, N.H., who was murdered in Hayneville, Ala., in August 1965. On August 16 of last year, H.R. 2516 passed the House with my support by a 326 to 93 vote. Seven months later on March 11, 1968, it passed the Senate and came back to the House. It is a sad commentary that it languished in the Senate so long. Many of the voices we hear today—lamenting the brief delays in the House were strangely silent while this bill slumbered in the Senate for 7 long months.

It is quite true the Senate changed the bill. It added antiriot provisions, but these reflect H.R. 421 which also passed the House with my support by a vote of 347 to 70, July 19, 1967.

It is also true that the Senate has added an Indian bill of rights. However, the only American Indian presently serving in the House of Representatives, our distinguished colleague, the gentleman from South Dakota [Mr. REIFEL], enthusiastically supports these provisions, and indeed the whole bill, and considers them, as do I, long overdue.

It is also true that the Senate added gun-control provisions. I support these because they recognize the fact that it is not the gun that needs to be controlled, as much as the person who is using it and for what purpose. This provision stiffens the penalties for those who unlawfully use firearms during civil disorders and for those who teach or demonstrate how to use firearms, explosives, and incendiaries, knowing that these devices will be used during a civil disorder.

It is also true the Senate added open housing provisions to this bill. But 2 years ago the House passed an open housing bill substantially similar to the open housing provisions in this bill. The 1966 bill was not hastily considered. It underwent 12 days of hard and heated debate before it was passed with my support by a 259-to-157 vote—August 9, 1966.

The debate on this legislation here and throughout the country has become clouded. There are some who maintain this bill should go to a conference committee. There is of course some merit in this proposal. Surely this bill, indeed any bill, can be improved. But would a Senate-House conference improve it? Mindful of the fact the Senate let the House-passed open housing and civil rights protection bill of 1966 die, and mindful of the fact they embraced the present bill for 7 long months, one must think carefully before again letting that august body entwine this measure. There

is no assurance that a Senate-House conference committee would act promptly and constructively.

It should also be noted that the Civil Rights Act of 1964 which originated in the House, despite significant Senate changes was not sent to conference.

Many aspects of the debate on this measure also invite attention. But I have spoken and reported at length on previous occasions on the three major civil rights bills I have previously supported. During my 6 years in Congress my record and my reasons for my record have been made abundantly clear.

I do, however, want to address myself to one more aspect of this matter.

In voting now to approve this bill are we yielding to pressure? Are we merely decorating the grave of a departed and greatly respected leader, Martin Luther King, Jr.? Are we rewarding rioters?

My answer is no. My answer echoes the remarks of my distinguished colleague, the gentleman from Illinois [Mr. ANDERSON], whose remarks I commend and whose reasoning I applaud. Mr. ANDERSON told us this afternoon that the arsonists, looters, and vandals who have sacked and burned sections of Washington, Baltimore, and other cities do not mourn for Dr. King. Nor do they seek by their actions to protest inadequate housing or other slum conditions. They are indeed but the excrescence of conditions too long left untended. Their reorientation and reclamation will be enormously difficult and we will do little or nothing by this measure before the House today to improve this.

In voting for this bill we seek rather to reward and encourage the decent, hardworking, loyal black Americans who do not riot and burn, and give them the hope that the dream of owning a home in the suburbs, if they wish to do so, or a decent apartment in the city, will not be denied those who are born black.

Finally, Mr. Speaker, there is one more thing I wish to make abundantly clear. Not only are we not rewarding rioters—let us not deceive ourselves that by this measure—indeed any legislative measure—we can solve all of the problems we face as a nation.

I am reminded of what I said here in the CONGRESSIONAL RECORD, volume 110, part 2, page 1644:

> Too many people in this country are under the impression that all you have to do with a complex problem is to get Congress to pass a law. This dangerous illusion is fostered by the demagog and pleader for special interests. It is aided and abetted by wishful thinking and laziness of mind and spirit.
>
> Mere passage of this law or any law cannot definitely settle the tortured problems of discrimination and second-class citizenship. The very fact that in a great democracy such as ours, with its vaunted freedoms and equality of opportunity, we need such a law is a poignant commentary.

The battle for freedom and for equality of opportunity is not going to be won in the Halls of Congress. It will have to be won in the minds and the hearts of men.

Mr. RUMSFELD. Mr. Speaker, I support the Civil Rights Act of 1968.

We have heard statements today urging support for this legislation as a memorial to the slain civil rights leader, Dr. Martin Luther King, Jr. We have heard suggestions that this bill should be passed to prevent further riots and civil disorders. Conversely, we have heard that the legislation should be opposed lest it be considered appeasement to rioters or a reward for lawbreakers. It also has been said that the bill should be defeated today and considered at some point in the future when the troops have left this city and the fires of this week's riots have been put out. Personally, I find none of these arguments persuasive. It is not for the House of Representatives today to bestow rewards or to dispense punishment, however much deserved.

My vote today will be cast not because of the pressures of the moment, but in spite of them. It will be cast not out of fear, but from conviction and concern. It is based very simply on my conviction that every person in this Nation regardless of race, color, or creed should have the right and opportunity to live wherever his economic circumstances will permit.

I recognize that this legislation is not perfect—few bills are. Possibly, under different circumstances, perfection could be sought. Further, I reject the argument that the parliamentary procedure being used is improper. On two previous occasions, in 1960 and again in 1964, the House, without requesting a conference, adopted significantly altered versions of previously House-approved civil rights bills. It is well known that the difficulty of achieving cloture in the other body makes this a necessary procedure for civil rights legislation. It is my view that this legislation is the best that can be achieved.

Let me say further, that I recognize that this legislation will not end discrimination or drastically change housing patterns. This can readily be seen in the 22 States and dozens of additional local jurisdictions where fair housing laws already exist. It can, however, reduce the present difficulties which result from the growing patchwork of State and local laws on this subject—each with different application.

More importantly, as in the case referred to by the gentleman from Illinois, [Mr. ANDERSON], it will help the Negro schoolteacher, who, after answering more than 100 ads could not find a place to live; the Negro engineer who had to turn down a job because housing was not available; and returning Negro Vietnam veteran who might be told housing is not available to him. And, it will help their children, children who would otherwise feel the sting of hearing their parents told "Negroes are not allowed."

I concede that there are good arguments on both sides. It is a close question. Goodness cannot be legislated. I support this open housing legislation as I supported the House-passed open housing legislation in 1966, only after taking into account the persuasive arguments offered both in the House and by constituents whose motives are the highest and whose sincerity cannot be questioned. I do so because I believe the legislation is in complete harmony with the spirit and broad purposes of this country since its inception. While this bill will not solve all problems, it might spark a conscience or at least drive from sight agreements to discriminate on the basis of race or religion. This legislation passed the U.S. Senate by a vote of 71 to 20, with Republican Members of the Senate voting 29 to 3 in favor of the bill. Further, the bill has the public support of both former Vice President Richard Nixon and Gov. Nelson Rockefeller—the two principal contenders for the Republican nomination for the Presidency.

There can be no question but that there today remains discrimination in housing. Within a matter of years, most, if not all, of our largest cities will be inhabited by a majority of Negroes. We could continue to permit the opportunity to move out of the ghetto to be closed off. However, one hope to halt the progression of future problems is to today refuse to restrict, simply because of race, what all aspire to—an opportunity to live where one can afford to live. Certainly this should be one of the fruits of the American society.

I have a deep conviction that the real strength of our Nation and the source of its growth, its stability, and, in fact, its genius, is the people—their hopes, their aspirations, their initiative, and their motivations. Is there any way to measure the loss to our society in past decades which has resulted from the dulling of those hopes, of those aspirations, and of the initiative of many Negro Americans who could see no possibility of getting out of the ghetto?

Admittedly, this legislation, as has been said, will not open up a broad highway from the ghetto to the suburbs. It will still be a difficult and tortuous path at best. However, the most compelling argument for me is my belief that ours will be a stronger and healthier nation for having said to all of our citizens that their futures are in their hands, that by their energy and their initiative they can reasonably raise their hopes, their aspirations, and their dreams for themselves and their families and have the assurance of, at least, a chance of attaining what so many can take for granted.

Today, we do not say there is the sky, it is yours, but we can say there is a path and it can be yours. I know of no better hope for the future of this Nation than for its people, all of its people, to be able to reasonably aspire to fulfill their best hopes for the future. The dignity of each man requires it. No man should ask for more; no man deserves less.

Mr. HANLEY. Mr. Speaker, I rise in support of the resolution before us. There are those in our midst who would contend that the action we propose today on the floor of the House is a new departure from the historical role which the Federal Government has played in preserving the individual rights of American citizens. There are those on the other hand who would deny that the Congress has indeed even played the type role it should have. I say to both of those contentions that they are wrong.

The Congress has been in the forefront on the civil rights movement for years. We have gradually broken down the barriers of discrimination which for too long have made us a divided society. Only 2 weeks ago, President Johnson told us of

the forces of divisiveness at work within Americа. We know they are at work. And we know that unless we face up to our responsibilities as legislators these forces will remain at work.

I have supported every civil rights bill to come before this body since I have been a Member of Congress, and I say that what we are considering today is not a departure from our traditional role, it is rather a natural extension of the duty of Congress to blaze a trail toward harmony and justice for all citizens. And so I will support the passage of the civil rights bill before us.

My own State of New York has had language similar to that contained in the instant bill on the books for 20 years. What we are asking the Congress today to do is to guarantee to the citizens of every State the same rights as those guaranteed in my own home State. Nothing more, nothing less.

I ask my colleagues to consider this measure on the basis of its own merits, not on the basis of the emotional orgy through which we are now going.

I am going to vote for this measure because I believe that every American citizen has the right, given by God and guaranteed by our Constitution, to move freely within this land and to find for himself and his family a place to live which he can afford and which will permit him the type of security now enjoyed by the overwhelming majority of Americans.

Mr. Speaker, we have a great country. Not the least of its greatness stems from our willingness to permit all Americans to share in that greatness.

Mr. GROVER. Mr. Speaker, last year the House of Representatives passed and sent to the Senate a bill making it a Federal crime to interfere with the legitimate and peaceful exercise of one's civil rights.

The bill also contained severe penalties for certain activities and travel with intent to provoke riots and civil disorder.

The Senate added to the House-passed legislation a section barring discrimination in housing and a section establishing a bill of rights for the American Indian.

The misunderstandings and emotion associated with this open housing section have made it one of the most difficult votes in my 6 years in Congress.

I could dismiss it by saying it will not affect my constituents since it is not as broad as the New York State open housing law now in effect.

I could justify it by pointing out that a man's home is his castle—and this bill does not take away from him his right to sell his home to whom he chooses and on his own terms.

But the balance between the age-old rights inherent in real property ownership and equal protection under the law is one delicate and intricate and not easily dismissed or lightly justified.

My studies indicate to me that the section is constitutional, but that extension or amendment in the future to further restrict the rights of the individual homeowner would be of doubtful constitutionality.

My thoughts on this open housing provision have been formulated over the last several weeks and are in no way related to the tragedy of Memphis, since for some time I have been troubled with the fact and prospect of voting on this bill which, while it restricts the customer selectivity of the realtor, the builder, and mortgage broker, will give freedom of choice to some 100,000 soldiers of ethnic minorities who have been fighting for me and my country's freedom in Vietnam.

Mr. ROSENTHAL. Mr. Speaker, this has been a week of deep tragedy for our Nation. A great man of peace and courage was murdered, and our cities reacted in anguished violence. Some fear that Dr. Martin Luther King's dream of a day when all Americans would be joined in brotherhood has been shattered.

But we who shared Dr. King's dream share it yet today—with reawakened commitment to working toward its reality. In the shadow of this past week's events, we cannot overestimate the size or complexity of the task ahead of us, nor the importance of beginning our work immediately.

The New York Times editorial spoke for us all today when it said:

> Martin Luther King, the man of peace, evoked the very best in Americans of every race and creed; and the tremendous outpouring of silent and spoken grief that centered yesterday in Atlanta gave expression to the overwhelming sentiment of a stunned and united nation. United? It must be united.
>
> This is the legacy of Martin Luther King, as it was his vision. The people of this country cannot fail him now. The concept of racial inferiority and racial discrimination is intolerable if the United States is to survive. It is the fundamental question, and Dr. King, apostle of brotherhood, understood it as such. In all its power and all its majesty these United States must move to make his vision a reality.

Even in the midst of this crisis, private citizens have demonstrated their determination to honor the memory of Dr. King with rededication to the fight against poverty and racial discrimination. We in Congress cannot do less. We cannot wait a month or even a week to begin once more the fight against the symptoms of misery and poverty, but also against their causes as well.

This House has an immediate opportunity to prove its rededication to that goal. We must, without further delay, pass the civil rights bill not as a final tribute to Dr. King but as the first step in a campaign, renewed and refreshed by his memory, to end racism in America.

This bill is no panacea. Many other legislative routes remain to be pursued. But the immediate enactment of the civil rights bill will reaffirm the commitment of the Federal Government to remedy at least two areas of injustice:

This bill will protect men of all races who seek to exercise and to afford others the federal rights which Congress has affirmed during the past decade—men who would follow the road of dignity and peace on which Dr. Martin Luther King marched.

The fair housing provisions of this bill will assure that race will cease to be a barrier to a man's living and raising his children in a home of his choosing. One more right of citizenship will be finally available to those persons who have suffered under the indignities of racial discrimination.

I, therefore, urge the immediate enactment of the Senate version of the civil rights bill, and the reaffirmation by this Congress to pursue in every way possible the cause for which Dr. Martin Luther King gave his life.

Mr. McCLORY. Mr. Speaker, in voting today in favor of the previous question and to concur in the Senate amendments to H.R. 2516, described as the Civil Rights Act of 1968, I am aware fully of the consequences of this decision.

I am impressed that enactment of this comprehensive measure has been delayed too long.

No part of this measure could possibly be more essential or more urgent than the antiriot provisions. Certainly, this Congress should not delay in outlawing activities of one who travels across State lines or who uses the facilities of interstate commerce with the intent to organize, promote, encourage, or participate in carrying on a riot, or to commit any act of violence in furtherance of a riot, or to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot.

Mr. Speaker, offenses such as those included in the antiriot provisions of this bill are well known to us here in Washington today. We deplore the death and destruction that has been wrought in this Capital City. H.R. 2516 will outlaw many activities contributing to the recent riots and will provide just punishment of those guilty of such reprehensible conduct.

The provisions against riots were contained in H.R. 421, which I supported some months ago on the floor of this House. It is a vital part of the measure now before us—a part which it appears we cannot separate from other provisions of the bill under the rule recommended by the Rules Committee. I cannot jeopardize enactment of these provisions by refusing today to permit a concurrence in the Senate amendments.

Another vital part of this measure, which indeed has provided the framework upon which the other body has added amendments, is title I, providing for the protection of those assisting in the exercise of civil rights. This part of the bill prohibits interference with those who assist in the registration of voters and in voting, or assisting in the enjoyment of other rights such as public accommodations, education, employment, jury service, and many other privileges and opportunities. This measure received overwhelming support in the House in the first session of the 90th Congress. It deserves the concurrence of this House today.

Mr. Speaker, it is high time that this body provide by Federal law for the protection of law enforcement officials, firemen, and others engaged in protecting our communities and the lives of our citizens against the lawless conduct of rioters, arsonists, and looters who have been rampant in our Capital City and elsewhere across the Nation. It is important to act immediately on this measure in order to provide for the protection of these firemen and law enforcement offi-

cers, as well as the members of the military, such as those who are serving in Washington today.

Mr. Speaker, a new section added by the other body also makes it a Federal offense to teach or demonstrate to others the use or application or making of any firearm or explosive or incendiary device which he knows or has reason to know might be used in a civil disorder. It also imposes penalties on those who transport or manufacture firearms or explosives, having knowledge that the same will be used unlawfully in the furtherance of a civil disorder.

The provisions of this part of the bill are much more comprehensive than this brief statement can indicate. Nevertheless, my statement serves to establish the essential character of this part of the bill and its urgency in this period of strife in our land.

Mr. Speaker, there are comprehensive provisions regarding the rights of the Indians, which will be discussed and explained much more thoroughly by others who are taking part in this debate. Suffice it to say, the intention of these provisions is to insure basic constitutional rights to Indian citizens who reside on reservations. While the language may be imperfect, the objective of equal constitutional rights for these citizens should equal the objective of securing such rights for Negroes and other disadvantaged citizens among our population.

Mr. Speaker, I am well aware that the controversial part of this bill relates to the so-called subject of open housing. It would probably be preferable if a committee on conference could review these provisions. On the other hand, any enactment today is susceptible to amendment at any time in this or subsequent sessions of the Congress.

I am in wholehearted agreement with the objectives of this part of the bill, and I am substantially satisfied with the language that the other body has adopted and presented now for our concurrence.

Mr. Speaker, the bill seeks to satisfy the great need for housing units denied today to millions of our citizens because of race or color. Multiple housing units as in the typical apartment building and in new residential developments could not be sold or rented on a discriminatory basis under the language inserted by the other body, and in which we are now called upon to concur.

In most respects the broad provisions are very similar to the so-called Mathias amendment to the Civil Rights Act of 1966, which this House adopted, and which I supported. There are significant exemptions from the open housing provisions. Excluded are owner-occupied dwellings. Also, there appears to be adequate language respecting the so-called Mrs. Murphy section applicable to rooming houses and apartments of four units or less where the owner occupies the premises.

Mr. Speaker, the enforcement provisions contained in the Senate version are far weaker than those authorized by the House in the 1966 bill. The Secretary of Housing and Urban Development is charged with working out programs of voluntary compliance, and to seek the elimination or correction of alleged discrimination by informal methods of conferences, conciliation and persuasion. In the event the Secretary's efforts are unsuccessful, an aggrieved party has no choice but to commence a civil action in a U.S. district court.

The earlier House version established an administrative agency, with broad powers not found in the language of the present bill. It can truly be said that while the coverage in the Senate version is broader than that contained in the 1966 House bill, the enforcement sections are much more limited.

Mr. Speaker, I am not unaware of the tense and emotional atmosphere prevailing in this House today, which reflects in large measure the atmosphere of strife and dissent existing throughout the Nation.

In reaching my decision to vote for the previous answer, I have endeavored not to be influenced by emotional appeals. At the same time, I have refused to accept the suggestion that I should vote against the previous question as retribution for the violent and destructive events that followed the slaying of Dr. King. My judgment is based on the equities of the measure now before the House, and an earnest consideration of the rights sought to be advanced by this landmark bill.

Mr. Speaker, I should add that I have no illusions about the inadequacies of this legislation to attain the objectives of equality and justice for all citizens—goals which are supported by all who favor this measure and by many who choose for one reason or another to oppose it.

Legislation is but a part of the answer, indeed, a small part when it comes to such a subject as open housing. It is my understanding that open housing legislation enacted by some of our States has had a very minor effect in reducing segregation. The principal advantage to be gained through enactment of this bill is the psychological, persuasive, and educational aspects which may result.

It is truly said that we cannot legislate brotherly love. However, we can, through legislation, express our attitude and encourage others to adopt similar attitudes of compassion, understanding, and equity. A great public awakening is needed to encourage respect for our fellow man based on character and other qualities, disassociated from questions of race or color. If enactment of this measure encourages and promotes such a change in individual attitudes, it will have served its greatest purpose.

Mr. Speaker, let me add that I recognize many imperfections in the legislation now before us and it is my fervent hope that the House Judiciary Committee and other appropriate committees will consider needed changes at an early date. I am convinced that immediate action on the pending bill (with a view toward possible amendment at a later time) is far preferable to one which would recommit the entire bill to the committees of this House.

I am prepared to withstand the abuses which may follow the votes which I shall cast today, with the conviction that my decision is based on reason and motivated by a desire for human justice.

Mr. BOLAND. Mr. Speaker, I strongly urge my colleagues to vote favorably on the package of civil rights legislation before the House today.

This bill would answer a need that grows more pressing every day. Its fair housing provisions, for example, would help tear down the barriers now trapping Negroes in rotting slums and dingy segregated neighborhoods throughout the United States. Housing discrimination, a mockery of the concepts of equal opportunity and equal rights, is one of the principal causes behind the racial tumult that has rocked many of our cities. Most Negroes, especially those living in major cities, realize they cannot hope to buy a house in a presentable middle-class neighborhood even if they achieve the other goals of middle class life—a good education, a good job, a good income. This knowledge contributes heavily to the black man's feelings of impotent rage against the white community. It feeds the passions that have made smoking rubble out of widespread sections of Detroit, Los Angeles, Newark, and scores of other cities.

Fair housing legislation, of course, is far more than a nostrum hastily concocted to cure racial strife.

It is an integral part of the congressional attempt to help the Negro enter the mainstream of American life. Black people must have an opportunity to leave the ghetto behind them. All this Nation's past civil rights legislation, all its manpower training projects, all its antipoverty programs will accomplish little for the black man if he cannot escape the slums that are at once the chief symptom and the chief symbol of his oppression. Genuine racial equality in the United States demands the passage of fair housing legislation.

To many Negroes housing discrimination makes meaningless any attempt to finish school, to get a good job, to adopt the standards and attitudes associated with responsible citizenship.

"Why should I?" a Negro brought up in a ghetto would ask. "Will it get me out of here?"

To other Negroes—to those who have struggled to achieve middle-class status—housing discrimination shatters the dream they have worked to fulfill.

One Negro couple, residents of a small Midwest city, cited in a sociological study sought fruitlessly for 3 years to buy a house in the kind of neighborhood they wanted. Both are bright, educated, and articulate. The man is an industrial foreman in a position of genuine responsibility, the woman a schoolteacher celebrated among her colleagues for her knowledge and skill. Yet doors closed on them everywhere they went in search of a home. Discouraged and embittered after 3 years of effort, they finally had to settle for an apartment in a low rent housing project.

The bill we have before us today, Mr. Speaker, would help redress thousands of injustices like the one I have just outlined.

I take pride in the fact that my home State of Massachusetts has pioneered in the enactment of fair housing laws—laws far more rigorous than the one proposed in H.R. 2516. Applauded throughout

Massachusetts by black and white people alike, these laws have proved groundless the conventional fears people express about fair housing legislation—fears that it would erode property values, fears that it would exacerbate racial tensions, fears that it would bring a tide of impoverished Negroes into the suburbs. The Massachusetts laws provide ample evidence that fair housing legislation works and works well.

The fair housing laws proposed in H.R. 2516, like the Massachusetts laws, would go far toward eliminating racial prejudice in the real estate market.

W. Evans Buchanan, former president of the National Association of Builders, in testimony before the Congress said:

> Many business firms and organizations would long since have discontinued practices of discrimination except for their fear of adverse economic consequences stemming from competitors who choose to capitalize on racial and religious prejudices. With a national law commanding the acceptance of all, the entire industry will sell or rent without discrimination and without fear of economic reprisal.

And Elliott N. Couden, a member of the National Association of Real Estate Boards, testified:

> A universal law would remove many of the shackles and impasses we in the real estate business are subjected to . . . Many real estate salesmen and brokers who would voluntarily provide equal service to all clients suffer a reasonably well-grounded apprehension that their efforts will result in intimidation from other realtors and economic attrition from potential clients. This legislation would free all parties from coercion, probably the greatest single element in the minority housing syndrome.

A national fair housing law, it seems clear, would be as welcome in many real estate firms as it would be in the black ghettos.

The other provisions of H.R. 2516—one to strengthen Federal protection for civil rights workers, another to safeguard the constitutional rights of Indians, still another to combat riots—would be equally welcome to any citizen concerned about the health of his Nation.

I urge swift and favorable action on this bill.

Mr. LEGGETT. Mr. Speaker, Dr. Martin Luther King, Jr., is dead—long live the fundamental rights of people.

Certainly if Martin King stood for anything it was that all people of whatever skin tone have fundamental rights. As I have said on occasion for the past 10 years—people who are taxed as people should have the fundamental rights of people.

One hundred Members of the House and Senate have a sunburned complexion this morning after baking on the streets in Atlanta for 3 hours yesterday in symbolic recognition of the work of a great southern leader. A sea of black and white assembled in a show of affection, remorse and unity for a cause in which he died—freedom.

It is fitting that Levitt & Sons of New York should today print the following modification of their longstanding policy restricting freedom:

> LEVITT PAYS TRIBUTE TO DR. KING IN DEED—NOT EMPTY PHRASES
>
> For many years our housing policy has been to abide by local law or custom. Accordingly there have been Levitt communities that have been integrated and others that were not.
>
> During those years, however, we have constantly urged both the Executive and Legislative areas of government to take action making desegregation the law of the land. Our policy has been a matter of record in testimony before Congressional committees and White House meetings.
>
> So far there is no law or executive order eliminating segregation in the United States and we shall not wait any longer for such action to occur.
>
> As a tribute to Dr. King this Company has adopted a new policy—effective at once—eliminating segregation any place it builds—whether it be the United States, or any other country in the world.
>
> We ask all our colleagues to adopt a similar policy without delay. The forces of bigotry and prejudice must not be permitted to prevail any longer, and we urge all builders—large and small alike—to do their part in making America once again the ideal of the world.

It is fitting that this great international corporation should on the day following Dr. King's funeral eulogize not only Dr. King but call out to its brethren in the construction and home sales industry throughout the country to lay down their restrictive covenants and forsake the Ku Klux Klan cross of bigotry.

Twenty percent of the House and Senate went to Georgia yesterday for the purpose of holding out hope to 10 to 12 million Negroes and millions of others in the American melting pot that there is promise for a better world in these United States—through law.

Carmichael sounded his black power revolution to destroy capitalism last August, and it was no surprise to see him try to jump to the forefront immediately on King's demise. Carmichael cannot survive in an atmosphere of "hope" while progress toward equality is being made. Rabble rousers can appeal only to the lunatic fringes of the right and left.

We have the opportunity in this House today to give racial minorities further hope on a national scale. We should forthwith enact the omnibus civil rights bill of 1968 with fair housing provisions. The most fundamental right an individual can have while providing his services in an interstate commerce labor pool is to be able to buy, rent or lease a house or apartment other than in a terminal ghetto like Oakland or Watts in California.

Two hundred and ninety-three Members of Congress already represent States or cities that have a type of fair housing law in force. Heaven and earth will hardly come tumbling down because of the enactment of a Federal uniform law.

What does it gain this Nation as an alternative to bottle up in congested, seething ghettos 10 million dark-skinned people—only letting them out to work in a suburban factory or household.

This Nation has a heritage of freedom and equality of opportunity. This heritage is now being tested as never before.

Some conservatives on the right cling to that heritage of yesteryear believing that it has application only to the sons and daughters of the American Revolution.

The "right" preaches respect for the flag. Their respect is for the flag and government of yesterday, being generally oblivious to the changes in employment, industry, and politics demanded by a population explosion and imply that the flag of today is socialistic.

Our young people in our ghettos are not well educated as to the flag of yesterday and they are sullen and despondent that the flag of today is little more than a constitutional myth of unachievable rights and opportunity.

I think that this bill before us today can turn on again a light of hope—its effect, however, will be primarily symbolism.

Hundreds of cities, States, and counties have similar laws in effect. In California we enacted our first "fair housing" law in 1959; our Rumford Act followed in 1963. We have enjoyed fair accommodations in our State since 1952 and fair employment practices since 1958.

The mere enactment of laws setting forth in a practical way the meaning of the term "freedom" in the Constitution has not been the total answer to minority problems. Contrary to popular belief, civil rights legislation once enacted is not widely utilized. In California with 20 million people and over 1 million Negroes—more than in the State of Mississippi—there are only a few hundred complaints filed before administrative boards every year and only a handful of these ever get into the courts.

Perhaps if we could stimulate the oppressed to use legislation which legislators enact, they would "self-help" themselves under law into better living accommodations.

There is no doubt that this Nation has problems—housing in the cities and abject poverty in parts of rural America. We have tried "survival of the fittest." The problem is that the poor and handicapped do not die.

It may well be that OEO, HEW, HUD, and the Department of Labor do not currently have all the solutions.

For those who say fair housing is not a partial answer, you tell me what steps this Nation should take over a 5-, 10-, or 50-year time frame. You tell me how this Nation will achieve our constitutional objectives without some assist from the Congress and legislative bodies throughout the land.

We bask in America reading of the revolutionary problems Red China is experiencing with her Red guards. Some hope and expect China's imminent collapse.

Would not we thrill to have 10 percent of the Russian population fomenting a revolution from Moscow to Vladivostok.

The Soviets, no doubt, clap their hands seeing the manifestation of rights disunity in this capitalistic democracy.

No, the death of King or Kennedy or men like them will not put to sleep this movement of self-expression of peoples' rights and aspirations. Those who fear amortization to all Americans, the right of the vote, the right to a decent night's lodging or a fair meal in a restaurant of the right to a job with a fair day's pay, are the ones whose constitutional commitment is currently being tested.

As I walked in Atlanta yesterday and sang the "Battle Hymn of the Republic" with mostly black Americans, I felt clos-

er to my American heritage than ever I did before that time.

We were marching through Georgia yesterday 100 years after Sherman—to provide all Americans a measure of equal protection under the law.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in support of H.R. 2516 as passed by the Senate and urge that this bill be accepted by the House without amendment.

The events of the past few days have thrown a shadow over this Congress and this country. How ironic that in a land which stands for freedom, especially the freedom to express oneself openly, a life based on nonviolence should be snuffed out in a violent way by a hidden sniper. The aftermath of that event in Memphis—events in major cities throughout this country marked by civil insurrection and violence—does disservice to that for which Dr. Martin Luther King stood. I reject those extremists, both black and white, from the man who pulled the trigger in Memphis to Stokely Carmichael here in Washington, who is quoted as saying:

> Black people have to survive, and the only way they will survive is by getting guns.

There is no excuse for violence, lawlessness, or insurrection in a nation founded on laws and not men. The law must be upheld if our Republic is to survive and prosper. In the past few days the law and perhaps the very fabric of our society have been in jeopardy, and I am reminded of the words of Prime Minister Nehru after the assassination of Mahatma Gandhi:

> The first thing to remember is that none of us misbehave because he is angry. We have to behave like strong and determined people, determined to face all the perils that surround us, determined to carry out the mandate that our great leader has given us, remembering always that if, as I believe, his spirit looks upon us and sees us, nothing would displease his soul so much as to see that we have indulged in any small behavior or any violence.

Our task here today, Mr. Speaker, is to debate and decide upon a course of action relating to a law for this country. It is not, in my judgment, appropriate to decide the merits of legislation either as a tribute to an individual or as a reaction to the actions of groups throughout this country. The bill that is before us must be judged on its own merits, within the context of how best to meet the needs of this country, but also within the context of the constitutional heritage we enjoy in our land. Woodrow Wilson said:

> This is not America because it is rich. This is not America because it has set up for a great population great opportunities for material prosperity. America is a name which sounds in the ears of men everywhere as a synonym with individual opportunity because it is a synonym of individual liberty.

The foundation of our Constitution provides for the greatest degree of individual liberty and opportunity, and that is what, in my judgment, must be considered today.

The bill we are considering has a number of provisions. Title I, the antiriot section, embraces areas covered in H.R. 421 and H.R. 2516, both of which passed the House in 1967. The inflammatory statements of men like Rap Brown and Stokely Carmichael would, I believe, be covered by the title I provisions. The right of free speech, a right guaranteed by the Constitution, has limits. To paraphrase Justice Holmes:

> The right does not extend to those who would shout "fire" in a crowded theater.

And in my opinion, parts of America today are "crowded theaters" in which the Browns and Carmichaels are shouting "fire." This cannot be tolerated.

Titles II through VII deal with rights of American Indians and are provisions which I support. Title X provides some regulation of the use of firearms in connection with civil disorders. Titles VIII and IX are the provisions adopted by the other body, under the leadership of Senator DIRKSEN, of Illinois, which relates to open housing.

In Wisconsin, during the 1965 legislature, I was an author and cosponsor of assembly bill No. 852 which became chapter 439 of the laws of 1965. This legislation established Wisconsin's open housing law and was designed to insure "that all persons shall have an equal opportunity for housing, regardless of race, color, religion, national origin, or ancestry." In addition to the State open housing law, which relates primarily to the business of housing, a number of local municipalities have adopted fair housing ordinances. Among them are Brown Deer, Fox Point, Madison, Menominee Falls, Milwaukee, Whitefish Bay, Shorewood, Bayside, Beloit, and Mequon, which is in the Sixth District and whose ordinance covers the sale of single-family units.

Those who oppose the open housing sections of H.R. 2516 refer to it often as "forced housing." I disagree. This provision in no way forces an individual homeowner to sell to any person. What it does say is that you must treat equally all persons who are in the market for housing. That is, you cannot, because of one reason—race—refuse to sell or rent property. All of the legitimate criteria which a homeowner uses to judge the prospective buyer remain unimpaired. The policy established by this legislation does not mean that one lowers the terms of sale or rent, standards of social behavior or conditions related to family size, the keeping of family pets, and the like. It does mean, however, that these terms, standards, and conditions must be applied equally to all people. In addition, under the provisions of this legislation the burden of proof rests with the person alleging discrimination, who must in any court case which arises under this law, prove discrimination. Under our system of individual freedom, this bill seeks to protect certain fundamental individual rights and assure equality of opportunity for all our citizens. In a statement issued on April 5, I joined with other Members of the House in saying:

> It is an affront to human dignity for any American to find that even though his bank balance is ample, his credit rating is good, and the character of his family is above reproach, he still cannot buy or rent better housing because his skin is not white.

Another of the objections that has been raised against this legislation is that as one citizen stated:

> The particular measure in question excludes from the law family owned and occupied homes *only* when sold *without* the aid of a real estate broker.

He went on to state:

> Obviously, this measure will discourage home owners from using the services of a real estate broker. The consensus of this board is that this measure not only discriminates against the real estate brokers of this nation but in effect, also abridges the home owner's traditional right of contract as to how he shall sell his home to best advantage.

The Wisconsin law which I shall discuss in a moment, basically covers the business of housing. The realtor is a professional—an expert—whose knowledge and judgment has been relied on for years by those wishing to determine and obtain the fair market value for their homestead. The argument that the provisions of this bill will place an undue burden upon the realtor is without foundation. Surely, the realtor will continue to provide a needed service and will continue to merit the support of all citizens who wish to sell their property with the benefit of the realtor's expert counsel. Many brokers would, I believe, welcome the freedom to sell property without discrimination to those who wish to buy and need housing. This legislation would support them. We learned in Wisconsin during our consideration of our law that pressures within a community many times prevented a builder or realtor from providing a service to minorities because of the fear of business losses. Under this legislation (H.R. 2516), all who are in the business of housing will be treated equally. And each will, as they have in the past, merit the support of those with whom they deal on the basis of the service they provide.

In the Wisconsin open-housing law, heavy stress was placed on conciliation. The administrative remedies, through the State department of industry, labor, and human relations, were constructed in such a way as to safeguard both parties. In H.R. 2516, the Secretary of Housing and Urban Development is authorized to educate, persuade, and conciliate in order to eliminate discriminatory housing practices. If the Secretary is unsuccessful, the sole recourse is to the court—State or Federal. This concept is one I support wholeheartedly since it guarantees, in my opinion, the full remedy of the law and of a fair trial. In addition, H.R. 2516 provides that the full weight of State and local fair-housing laws is applicable, and the Secretary is required, under section 810(c) to notify the appropriate State or local agency of a complaint filed with him. Furthermore, section 808(c) provides that conciliation shall be held in the locality where the alleged discriminatory act took place. The safeguards provided by the bill we are considering today are important and effective, as are those provisions which require persuasion, education, and conciliation.

As this bill (H.R. 2516) passed the other body, men such as Senators

DIRKSEN, CURTIS, MURPHY, HRUSKA, MILLER, BROOKE, and PERCY all cast their votes on behalf of passage. It is the purpose of this bill to make the promise of America more of a reality for all of her citizens. It is not a partisan matter. Men and women of both parties will today support this bill. As the Madison Board of Realtors stated in its pamphlet, "Equal Opportunity in Madison and You":

> The quest of equal opportunity for all has stirred the conscience of every thinking American. It is one of the most important issues on the national as well as the local level—it is part of the very fabric of our free society. It cannot be ignored. It will not go away. The question merits the deepest concern of every American today.

I concur and therefore urge the adoption of H.R. 2516 by the House today.

Mr. BROTZMAN. Mr. Speaker, I considered this bill carefully and objectively. Like all complex legislation, the measure is not perfect in all details. However, on balance, I felt the national interest demanded action now and further delay with the possibility of inaction if the measure had gone back to the Senate would have been unacceptable.

Features of the bill that are particularly needed as demonstrated by recent events, include:

First. It establishes Federal penalties against crossing State lines, or using the instrumentalities of interstate commerce, to incite riots; it also makes it unlawful to interfere with the lives or safety of those who engage in bona fide, nonviolent civil rights efforts.

Second. It establishes a Federal law extending the right of equal opportunity of property ownership to all our citizens—a right that has been long and fully recognized by the laws of the State of Colorado.

Mr. FISHER. Mr. Speaker, I am opposed to the pending bill, and I shall vote to send it to conference. As I see it the right of a citizen to choose the person to whom he sells or rents his private property is one of our most sacred and cherished of all civil rights. Yet, by a Senate amendment which is in this legislation, that right of freedom of choice would be virtually wiped out.

There are other objectionable features of the legislation, including one provision which could very well hamper law enforcement in controlling violence that stems from civil rights activities.

It has been said that this legislation will ease racial tensions, that it will vindicate the cause served by the late Martin Luther King. How ridiculous can people get? This is the sort of legislation which will aggravate and promote discord, even as prior civil rights legislation enacted by the Congress has triggered more and more racial violence, arson, vandalism, and riots.

It will be recalled that the late Martin Luther King summoned key officials to his Southern Christian Leadership Conference for a week-long strategy session at Frogmore, S.C. Meeting behind closed doors, they drafted plans to give what they described as a "sick and asinine Congress" the "electric shock" necessary, in their view, to save the Nation.

It was there that the pending march on Washington was planned.

Yet, we are now told that out of deference to the memory of the late Mr. King, the Congress should enact this civil rights bill.

It goes without saying that any such reasoning to support a legislative action is utterly absurd. Surely this Congress is not so weak and spineless as to capitulate to this form of emotionalism and hysteria. The Congress does not operate that way, even though the planners at Frogmore seems to have thought so.

Mr. Speaker, there has been much said here about the late Martin Luther King. His record and his philosophy are quite well known. He preached nonviolence, yet in scores of instances he led marches and demonstrations which triggered violence and bloodshed. Indeed exactly 1 week before King was killed he promoted and led a march in Memphis—not in any way related to racial issues—which caused one young Negro to be shot and killed and 63 injured.

That very day, at a press conference in Memphis he was quoted as saying:

> Riots are part of the ugly atmosphere of our society now.

King became notorious for advocating civil disobedience—that is, the right of one to violate any law with which he disagreed. Although a court injunction had been issued to prohibit another Memphis march by King, he openly declared if the order remained intact he would willfully defy and violate it. He served many jail terms for such violations of laws and decrees.

It will be recalled that King was a very discontented person. At a New York demonstration he openly assailed the United States—our own Government—as "the greatest purveyor of violence in the world today."

To head the pending April 22 march on Washington, King chose Rev. Bernard Lafayette, an anti-Vietnam and civil rights activist; and Rev. Andrew Young, a long-time King lieutenant who said the United States is dying of "racism, materialism, and economic exploitation."

In a Reader's Digest article, William Schulz reports that King recently conferred privately with the Nation's most notorious black powerites: H. Rap Brown, the demagogic chairman of the Student Nonviolent Coordinating Committee, now under indictment for inciting a riot in Cambridge, Md.; and Stokely Carmichael, the self-professed revolutionary who globetrotted across the Communist world from Havana to Hanoi last year declaring his intention to overthrow the "imperialist, capitalist, racist structure of the United States."

What took place at these meetings with the two anarchists, reports Schulz, is not known. According to Andrew Young, King hoped to convince Carmichael and Brown: "If you can't adopt nonviolence and join us, let us try our way until the first of August. And if we fail, then you can take over with another approach."

Thus, according to Andrew Young, one of King's chosen leaders for the Washington march, King in effect told the extremists that he wanted to first try to avoid violence, but if his mission was not a success without violence, then Carmichael and Brown could take over and use their own techniques—which means violence and more violence.

If this Congress is to use the memory of the late Martin Luther King as an inspiration for the enactment of this legislation, it is well that the Members ponder King's record and his long association with activities which resulted in massive violence and crime.

Mr. MACHEN. Mr. Speaker, I rise today to present to my colleagues the basis for my vote in opposition to the rule and to H.R. 2516. As we are well aware, H.R. 2516 passed this body by an overwhelming margin last year. When the other body completed its consideration of this bill a short time ago, many different amendments had been added, rendering the bill barely recognizable as the bill we have passed. Yet today, we are asked to vote "yes" or "no" as to whether we will accept these amendments without benefit of a conference committee or other meaningful exchange of views between members of each body so that the bill would represent the will of both houses rather than that of just one. I personally object to such a procedure.

As I have stated repeatedly, I believe that the answer to the problem of providing fair housing is not to impose it by Federal legislative fiat but instead for community organizations and other groups to join together to take an affirmative step toward solving the problem such as has occurred in Prince Georges County, Md.

A Federal legislative fiat on this issue can do little more than fan the flames of racial prejudice which already are burning so hotly. The issue of fair housing is, I believe, bound inextricably to the local community and should be settled through affirmative action at that level. I would be the last person to deny any man the right to purchase the home of his choice provided he has the means. However, I am unable to see the wisdom of ruling by legislative decree that a person may not sell his home to whomever he wishes.

Because I have supported so many measures considered by this body to protect the civil rights of each and every American citizen, I feel compelled to comment on the various titles of H.R. 2516 and explain my position on each of them. I do not want my vote in opposition to H.R. 2516 to be interpreted as an anti-civil-rights vote. However, it is a vote against titles VIII and IX of the bill.

Title I of the bill, providing for the protection of persons engaged in federally protected activities from interference, threat of injury or intimidation receives my wholehearted support now just as it did when it passed the House last August. In addition, this title also has a section dealing with riots. I believe that this section of title I would give us the means to deal with persons who travel in interstate or foreign commerce with the intent of inciting to riot, committing any act in furtherance of a riot, promoting a riot, and aiding and abet-

ting any person in inciting to riot. I believe that the definition of riot which is contained in this bill will go a long way toward giving us the enforcement tools that we need to prevent such outlawry as that which occurred in the District of Columbia and other cities throughout the country during the past week. I am acutely aware of the crisis of lawlessness which struck many of our large cities last summer as well and I believe firmly that lawlessness such as this cannot be tolerated. We cannot be permissive about violence or accept excuses for looting and killing. There is no justification for such activities. These criminal actions are an outrage to civilized life, an affront to democracy, and an insult to law and order. They are born of contempt for the law; they thrive on chaos; and they must be stopped. I strongly support this section of title I of H.R. 2516.

Titles II through VII of this bill deal with the rights of Indians as regards tribal self-government and certain rights guaranteeing the rights promulgated and guaranteed by the Constitution. They would promulgate a model code governing courts of Indian offenses and achieve many other aims. While I must confess that I am not completely familiar with all the problems faced by American Indians, and I would prefer that our committee dealing with those problems be permitted to complete their hearings and make a report on the problems of the Indians together with a bill for the House to consider.

Titles VIII and IX deal with fair housing and, as I stated at the outset of my statement, I strongly oppose them and because of the adamacy of my position on this matter, I will vote against the whole bill.

Title X of H.R. 2516 receives my full support. This title provides penalties of $10,000 fine or imprisonment or 5 years or both for anyone who teaches, or demonstrates to any person the use and application of any firearm or explosive for the purpose of creating a civil disorder.

In the final analysis, public support is the only way that social or economic reform can be achieved. It cannot be forced by the threat of violence or anarchy. This is demonstrated by the other side of the coin, the fact that the biggest strides in the civil rights movement have been made by lawful and legal means.

The average American is a moderate. He will shy away from the left as well as from the right and as one observer has said, "between choosing one extreme or another there is an alternative—think!"

This is what we must do—as citizens and as leaders whose responsibility is to help our fellow Americans. We know that slogans and negative criticisms do not constitute a policy—either foreign or domestic.

Neither "Quit Vietnam" nor "black power" provide any answers. What is needed is discussion of the issues, give and take on both sides and open-mindedness.

This Nation has to cease tearing itself apart. I have in the past 3 years constantly supported programs that are imaginative, creative and provide equal opportunities for all. I mention some of these items merely to point out that my deep convictions against the open occupancy is not anti-anybody such as:

The amendments to the Economic Opportunity Act, the Elementary and Secondary Education Act amendments, and the Higher Education Act have set up and implemented programs to motivate, train, and educate the less fortunate of our people.

The demonstration cities legislation has established the machinery for abolishing slums in our cities.

We have passed a minimum wage bill to strike at the heart of the problem of the working poor.

The Voting Rights Act of 1965 has made it possible for the number of Negro voters in Southern States to be doubled since the time of the law's enactment.

Medicare and the accompanying social security amendments have raised the quality of life for our older people—many of them poor and hopeless.

All of these constructive and exciting programs have been made possible by the support of the American people who believed in the constitutional guarantees of equality, justice and freedom for all.

I do not want to see the impetus of this great effort lost by the irresponsible acts of a few. I hope that history will not show that those who claimed the right of dissent were truly claiming for themselves the right to destroy.

Thus, the first priority for this Nation is law and order. The extremists can challenge violently our society's laws and its law enforcement in the guise of civil rights—but they will be repelled and even repressed, if necessary. Because no man is above our law. And when our laws are challenged by rioting, looting, arson and violence, our society must marshall its forces and move immediately—not just quickly—to contain the challenge, to prevent its spreading, to arrest the violators and prosecute them to the fullest extent of the laws that we in Congress have given society to enforce. We must not shirk this duty.

And I close by saying, as in the past, I will not now nor will I in the future consider legislation under the threat of a blackjack or blackmail.

Mr. FASCELL. Mr. Speaker, I am today joining a majority of Democrats and Republicans in bipartisan support of H.R. 2516 as amended by the Senate.

In 1966 when I first voted for open housing legislation, I was convinced then as I am now that ending racial discrimination in housing through enactment of a fair housing law is a key and indispensable part of any solution of the interracial problems of our country.

I cast these votes today as I did in 1966 not in fear nor in anger. Neither have I been coerced by individuals or events of the last few days.

I vote out of a deep conviction after careful evaluation of the needs and desires of my constituents and the best interests of our country.

The bill under consideration today is consistent with the desires of my constituents as reflected in responses received from a poll which I conducted in late 1967. In that poll 65.01 percent of the people responding indicated that they were opposed to the passage of "fair housing legislation making discrimination illegal in the rental or sale of individual homes."

The bill now under consideration provides important protection for the individual's right to dispose of his property as he wishes. Under the bill, the individual homeowner, even after 1969, will still be able to sell or rent in a discriminatory fashion if he so desires but only if he does so without the use of real estate agents or firms. In other words, the individual homeowner can discriminate only if he acts completely alone in selling or renting. These rules also cover a person owning up to three individual single-family homes. Also exempt are small apartment houses and boarding houses.

Beginning in 1969 brokers involved in any real estate transaction could not practice discrimination and this is the heart of this legislation.

The bill is not perfect in every detail, very few bills are. It does, however, seek to assure equality of opportunity for all our citizens. There is no doubt in my mind, and I am confident the majority of our people agree, that it is an affront to human dignity and simple justice for any American to find that even though his bank balance is ample, his credit rating is good, and the character of his family above reproach, he still cannot buy or rent better housing because his skin is not white.

I have no illusions that the passage of this bill will in some way stop the riots, nor is it the sole answer to the interracial misunderstanding which exists today in the United States.

The report and findings of the President's Advisory Commission on Civil Disorders has made it clear that the problem of discrimination is much more complex and difficult than many of us had fully realized.

The rejection and humiliation which result from housing discrimination produce deep rooted and intense feelings. This brooding hostility can be eased with the knowledge that the Negro is able to better himself and can do better for himself. It is this hope of the ability to do better which will reduce in time some of the frustrations which now exist. This civil rights legislation is an important step toward assuring all our citizens the opportunity to fully participate in the life of our country.

Neither do I have any illusions that this bill will magically solve all the housing problems of Negroes. The truth of the matter is, as we all well know, only a few Negro families—those who have adequate financial resources—will be able to escape to the clean cool air of the suburbs. We have had enough experience in the 22 States with 60 percent of our total population which already have fair housing laws to know that the dangers and fears so often expressed with regard to this legislation just have not materialized.

This bill may be not much more than the symbolic knocking down of a barrier and the assertion of simple justice and reaffirmation of human dignity too long denied. But it has powerful meaning for all citizens.

We have been for some years now, and more so today than ever, in a period of

great moral crisis in this country. A great segment of our population have grievances for which they seek redress. Their efforts for advancement have ranged from apathy to violence. Today there can be little doubt in anyone's mind that our country, our democracy, our way of life is perhaps at the most important crossroad in its history.

Shall we, the majority, react in fear and frustration? Will we allow the riots to drive the United States to a police state? Must we turn to the politics of repression? I hope and pray not; to me this course is unthinkable for our country.

Of course, we cannot supinely succumb to threats of violence or actual violence by individuals or groups. We must have efficient and firm law enforcement at the local level supported when requested by the State and Federal Governments. Indeed this civil rights bill contains important anti-riot provisions similar to those in my bill H.R. 4228, which will provide a new tool to Federal law enforcement officials in preventing future riots.

But stringent law enforcement must be helped by individual community and Federal actions by making law abiding citizens out of the majority of those who have serious, meaningful grievances in our society. Only thus can we isolate the intentional and the unscrupulous destroyer of our society.

The passage of this bill today represents at best a compromise between those who wanted stronger legislation and those who wanted none at all, but it is an important compromise. The decision we make today will be historical because it will mark the beginning of a course which this country will take. We must decide today to live up to the commitment to equality of opportunity made in our Declaration of Independence and echoed each day in our Pledge of Allegiance to the Flag. I support this compromise in 1968 even more fully than I did in 1966 because I know that this country can no longer wait for a decision.

Mr. MINSHALL. Mr. Speaker, I have devoted my entire public life to protecting the civil rights and freedom of all American citizens. In 1957 I voted for passage of the first civil rights bill to be enacted by Congress in nearly a century; I have voted for every subsequent civil rights bill to come before the House—six in all.

Last August I voted for the civil rights bill which we in the House passed and then sent to the Senate. That body considered the legislation for 8 months, including 41 days of floor debate. The Senate completely changed the original House bill.

Today the House is asked to rubberstamp the Senate's action. We are given just 1 hour to debate this completely new bill and with no opportunity to amend it in any way. It is "take it or leave it"—under the emotional impact of a national tragedy.

I have always done everything I could to bring peace to our cities and equal justice to all citizens. I shall continue to do so. But this legislation unfortunately is not the answer to the problems which are tearing our Nation apart.

After very careful study it is my firm conviction—and that of many legal experts—that the open housing provision of this bill is not constitutional. Accordingly, I have no choice but to vote against it.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of this resolution (H.R. 1100). I intend to vote for this legislation but I am most concerned over one provision of the open housing section of the civil rights bill. This provision—what I call the "real estate broker bypass"—would deal unfairly with real estate brokers and their associates, and could threaten the very existence of thousands of brokers throughout the country.

Under section 803(b)(1) of the bill, an individual who owns up to three homes is exempt from restrictions—he may discriminate in renting or selling his property—if he does not use the services of a real estate agent. This would encourage persons who are apprehensive about being brought under the provisions of the bill to dispense with the services of realtors, and would shut real estate agents out of transactions that the owner may make acting alone.

Allowing a homeowner to discriminate if he does not use a broker amounts to discrimination against the broker. Real estate brokers should not have to bear the burden for a hastily amended bill.

Mr. FOUNTAIN. Mr. Speaker, this legislation in its present form is bad in so many respects that I cannot support it, but, Mr. Speaker, I rise not to address myself to its merits at this time but to the atmosphere prevailing as we consider it.

First, let me say that I am well aware of the argument that this bill was scheduled for consideration before the tragic, senseless, and useless events of the past week.

But let me say also that when this timetable was decided upon, Dr. Martin Luther King had not been struck down by a cowardly assassin's bullet, more than 100 American cities had not just days before suffered losses of life and property because of mob action, and the National Capital of the United States had not become an armed camp in which a semblance of order is being maintained only through the use of Federal troops.

We cannot possibly act on this legislation today in the prevailing atmosphere of violence—with helmeted troops and machineguns guarding the Capitol Building—with the rational debate and reasoned judgment that is essential to the processes of a democracy.

Proponents of this bill cry "urgency." But this is not the time for hasty and emotional action. We should act on this bill only after order has been clearly and unmistakably restored.

Any action by this House today will bear the impression—which no words of ours can refute—that we are acting on the basis of emotion instead of logic and that we are responding to threats rather than the will of the people we represent.

If we act on this bill today—no matter what the result—we will be unable to dispel charges that our action does not represent the best judgment of the Congress. If the bill is approved, there will be widespread charges that it was done under the threat of violence. And there will be some truth in such charges.

If the bill is defeated, it will be alleged that it was due to "backlash." And there will be some truth in these charges, too.

I have personal knowledge of private businesses that were closed yesterday because of threats of firebombing or worse. I am sure most of us here know of similar incidents.

While it is deplorable that anonymous threats can force a man to close his business for fear of its destruction or worse, it is not difficult to understand how those individuals feel they are helpless to do other than obey the criminal order to close.

Any such arrogant action and a private citizen's acquiescence to it is to be deplored. But we are talking about individuals dealing with secret, faceless criminals.

The U.S. Congress should have no such fear and should succumb to no such blackmail. We represent all the people of the United States—people of all races and creeds and colors—not just a vociferous few who prefer the bomb to rationality.

If we succumb and act at all on this legislation under present circumstances, in my opinion we are not truly representing the people who elected us or our country or its Constitution which we have sworn to defend and uphold. We will simply be victims of fear, emotionalism, and a sense of expediency which serves no one and discredits all.

I will, therefore, vote against the previous question in the hope that this legislation will be sent to conference where conferees of the House and Senate can properly deliberate and consider all of the Senate amendments, the deletions made by the Senate from the House-passed bill and their report as agreed upon will be brought back to House for final action.

Mr. HENDERSON. Mr. Speaker, once again the Members of this body are called upon to vote on a so-called civil rights bill, and again I will vote in opposition to its enactment. Like those before it, this bill will not accomplish what its proponents say it will, but rather, in my opinion, will do more harm than good.

Last Friday morning—the morning after the senseless murder of Dr. Martin Luther King, Jr.—I apepared on a television program in eastern North Carolina and when asked about Dr. King's death, I responded that above all, it was a time for all of our people to remain calm. I reminded the audience of President Johnson's timely plea for national unity, and as we debate this issue, I urge this House to act calmly and to demonstrate, as best we can, the real unity of the American people.

If every Member of this body will judge the bill now before us on its merits—will weigh the value of any concrete benefits its provides against is serious infringements of property rights—he cannot conclude that it is worthwhile. As a practical matter, how many Negroes can afford to buy homes in Spring Valley here in Washington or in Montgomery County, whether they have that right or not?

This bill is so like its predecessors, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. It promises much; it raises expectations; but in the end it provides no real solutions to our racial problems which are matters of economics. Those Negroes throughout this land who are restless and volatile feel that they are outside the economic mainstream of American life.

I believe there are two things that must be done before we can hope to reach a lasting solution to our racial problems.

First, we can and we must be concerned with maintaining law and order and preserving an orderly society. We cannot and we must not continue to condone violence and pretend that "demonstrations" do not breed violence.

Second, we must seek long-range solutions to the economic plight of all of the poor people of our land. Not just stopgap, handout, make-work programs, which are self-defeating in that they make no provision for instilling motivation, but instead stifle the pride and self-respect of those who are their recipients.

We must create a coalition of government and the private sector, at all levels, to make a new and concerted effort to bring our poverty-level citizens into the economic mainstream of our Nation by encouraging them to seek education and training; by making more effort to hire them in jobs which they are qualified to do; and to insure the promotion of those worthy of promotion.

The bill before us does nothing to achieve either of these basic goals and offers little more than a false hope and a pretense.

Mr. COHELAN. Mr. Speaker, I had planned today to address the House on the merits and the urgency of passing the open housing and civil rights protection measure. I will proceed with those remarks today, but first I must share with you the deep disappointment and regret I have felt over the last 6 unhappy days.

I have just returned from the funeral of Dr. Martin Luther King, Jr. I cannot describe to you the emotions I felt there as I contemplated the man and the events of his life and death. Suffice it to say that the sadness of the whole Nation bespeaks the massive loss which we have suffered with the passing of this extraordinary man.

These last 6 days have brought an abject shame on this country.

First the coldblooded murder of Dr. King.

The shame and the tragedy could not have been greater, as an apostle of a peaceful America, equally open to all its citizens, a man who believed his country could and would meet its challenges and provide for its people, was violently struck down.

That violence begot more violence.

In scores of cities, in the Nation's Capital, men have been killed, homes and businesses destroyed, thousands of families have been disrupted. Helmeted and armed troops patrol our major cities.

As the Palm Sunday weekend of murder, pillage, and destruction unfolded, I could not help asking myself, "What will it take to awake this great country to the anger, frustration, and despair that afflict it?"

Many of us, but not a majority, have long recognized the smoldering violence, discrimination, and deprivation which exist everyday, but erupt only now and then.

But today I am a little heartened. My mail, which has been running strongly in opposition to the open housing bill, is suddenly filled with letters and telegrams urging prompt constructive action and passage of the civil rights bill. It is my fervent hope that this outpouring marks an awakening, not only in my district, but in the whole Nation.

Certainly it is time.

For generations we have neglected a massive segment of our population.

We have let our schools fail to educate. At a time when the fruits of formal schooling are increasingly more important we have failed to adequately teach even the rudiments to many of our people.

In a time of increasing mechanization and advancing technology we have allowed many of our people to be passed by—neither educated nor trained and consequently jobless or underemployed.

We have permitted minority Americans to be thrust together in the innards of our cities and forced out to the farthest backwaters of America.

We have dosed out palliatives, we have experimented and we have helped a little.

But the cancer of neglect pervades deep and far through our social fabric.

We have not yet determined as a nation to put our shoulders to the wheel—to make this country for all of us what it is for most of us.

The events of the last few days have set us reeling. It will take some time to sort things out and to get about the business of rebuilding and constructively preventing a recurrence.

But we must not let the opiate of time allow us to forget or diminish the urgency of the task which faces us. What I am most fearful of is that in a week, or a month, or a year, we will again settle back to our past indifference to the lives of many of our citizens. And then, we can only expect more tumult, more fire, more tearing asunder.

Let us not forget the lessons of the Commission on Civil Disorders. The typical rioting ghetto resident is not the unemployed or the worst educated. On the contrary, he has completed 11 years of public school and has a job. These people are caught in the abyss between rising expectations—a rebirth of hope and higher aspirations—and the reality—discrimination, relative poverty, depreciated dignity.

These are people who have listened to the promises of better jobs, better housing, better schools. Their frustration, their alienation from the mainstream, is at the root of their behavior. Our job is to bridge the abyss to bring the reality to the promise.

There are no short answers. There are not even any sure steps. But several matters now pending before the Congress deserve renewed consideration and support.

The civil rights bill, the strengthened equal employment opportunity measures, the summer supplemental appropriation, the OEO appropriation, police training assistance, and gun control are all matters now pending. Affirmative and prompt action on them should be taken.

The Senate-passed civil rights bill which will be before us tomorrow is not perfect legislation. It has a riot suppression provision, similar to one I previously voted against, which is vague, overbroad, and perhaps unenforceable. But there is considerably more good than bad in this bill.

Open housing is, of course, the most pervasive and controversial part of the measure. Simply passing an open housing law will not bring an end of the ghetto—but it will mean that those who have the means and the desire to leave the ghetto will not be deprived of the chance to do so because of their race, religion, or national ancestry. And it will mean that minority citizens will no longer legally have their dignity affronted by the denial of housing for discriminatory reasons.

Federal open housing is not as some have called it, "forced housing." No one is forced to rent or sell to any one. The law simply forbids the color or religion of the prospective buyer or renter from being a factor in the sale or rental.

Real property rights have never been absolute. From the old English common law to the modern zoning ordinances, sale and use of land has always been regulated to meet social goals. Similarly 22 States and 96 localities have enacted open housing laws in the effort to attain the social goal of equal access to housing.

Now the Federal Government can act to implement the national policy of racial equality, and at the same time make the laws uniform nationwide. Discrimination, and the lack of opportunity and depreciated dignity attendant to it, are national problems demanding not only Federal money but Federal legislation. If discrimination were to be tolerated, all the Federal poverty effort could not succeed. The availability of housing determines where one lives and in turn, the jobs one can take and the school one's children can attend.

Conscience and pragmatism demand the passage of this provision

The civil rights protection provisions in this bill are similar to those passed earlier by the House. They would make it a Federal crime to interfere with the exercise of federally protected rights or the dispensation of Federal benefits. Obstructionist and dilatory tactics in some States have severely handicapped our progress toward equal liberty for all. This provision will allow Federal action to assure Federal rights and privileges.

The civil rights measure also contains a "bill of rights" for Indians. I cannot imagine a more overdue measure for a more deprived, neglected and abused group of Americans.

In short, the Senate passed civil rights bill is a significant piece of legislation which will move us one step closer to Dr. King's and the American dream.

Mr. EDWARDS of Alabama. Mr. Speaker, 1 hour to debate monumental legislation such as the civil rights bill is unbelievable; 1 hour to consider amend-

ments adopted by the other body is inconceivable; 1 hour to understand the intricate details of such a far-reaching piece of legislation cannot be justified; 1 hour to be controlled, not by the committee with some expertise in the civil rights field, but rather by the Rules Committee, is not conducive to intelligent consideration of this issue; 1 hour to literally rewrite the real property laws of this Nation is unthinkable; 1 hour, divided 30 minutes for the Democrats and 30 minutes for the Republicans, does not give the Members of this august body time to stand up and be recognized, much less time to say anything worthwhile.

Mr. Speaker, this is no way to legislate. This procedure destroys the integrity of the people's branch of the Government. It takes away from the people's representatives the opportunity to fully explore the multitude of issues involved in this very complex piece of legislation.

Everyone in this Chamber knows why this legislation is being rushed through today. But I warn my colleagues, you cannot buy off the rioters with the passage of a bill. And if you do in this instance, what will you offer them after the next riot? Where does this process end? And perhaps the worst aspect of this appeasement process is that the Negroes of this Nation are being sold another bill of goods. This bill is not going to solve their problems; it is not even going to come close. And one day when this becomes painfully evident the repercussions will be tremendous.

Mr. Speaker, because of the way this bill has been brought to the floor and because I am not wise enough to understand it without thorough debate, I will vote against the previous question in the hope that the bill will go to conference and then come back here for further consideration, when there is less emotion, a better understanding of the bill, and when the Judiciary Committee will be in a better position to explain all of the details.

In the meantime, all I can say is, this is a heck of a way to run a railroad.

Mr. MILLER of Ohio. Mr. Speaker, we in Congress are faced with a most difficult decision, a decision which will directly affect the lives of millions of Americans. Should we or should we not today take action on the civil rights bill of 1968, H.R. 2516.

Much can be said in support of the need for positive legislation to better the plight of our Nation's more unfortunate citizens. Action should, and must be taken to correct many of the present inequities which exist. But I ask you, should not legislation of the importance of that presently before us be subjected to a thorough, comprehensive, and deliberate review by Members of the U.S. House of Representatives. Must we act in haste to legislate a bill, the ramifications of which will materially affect and alter the rights of all Americans?

The situation as I see it is one of reflex. We have read the papers, we have watched the happenings of the past week on television, and we have heard many eloquent and moving pleas for immediate and responsive action. Action now, not tomorrow, not a week or a month from now, but now. No democratic body should be asked to legislate on a basis of "act now, amend later." The incidents of the past week should not preempt the normal workings of our legislative process.

There are many sections of this bill which most of us actively support, yet there are some areas with which we are concerned. Would it not be best at this point in time, to refer this bill to conference, whereby this legislation can be fully reviewed as it no doubt would have been had it not been for the tragic circumstances of the week preceding.

Mr. GRIFFIN. Mr. Speaker, I oppose House Resolution 1100 which adopts, without proper time for debate, the amendments to H.R. 2516 added by the other body.

The manifestation of civil disobedience visited upon our cities in the last few days is shocking testimony to the futility of achieving racial harmony by passing civil rights laws. Despite the efforts of millions of Americans—in both public and private sectors—to improve the lot of Negroes, there is still loose on society a lawless element which rejects self-discipline and orderly government. Unfortunately, Negro leaders have inflamed the minds of their own race by preaching hatred of the white race in a most subtle but effective way.

A vigorous advocate of civil disobedience was recently slain. While murder is the most heinous of all crimes of violence, it can never be the excuse for rioting, looting, burning, and more murders. Criminals of all types must be brought before the bar of justice and dealt with in accord with the law; otherwise, our system breaks down and anarchy results.

As a responsible legislative body we have the duty to preserve our system as one of laws and not of men, and we have the further duty of demanding the enforcement of laws against looting as well as murder.

The bill before the House will not benefit the American people. It will only cause further grief. Mischief will be the total result of the open housing section, because the cards are stacked against the property owner and in favor of the agitator. Other sections of the bill are equally repugnant to our Constitution and our historic tradition of local self-government.

Here, once again, the Congress seeks to impose on the American people a course of human conduct alien to their nature and their instincts. Such a gesture will cause further conflict, divisiveness and agony.

Mr. Speaker, I believe the greatest contribution we could make would be to call a moratorium on civil rights and other racially oriented legislation. We should stop, think and ponder the question: Where are we and where are we going? If we proceed in our present direction, we are headed for race war. I hope and pray that is not America's destiny; but it will be unless sanity returns to our native land.

Mr. MATSUNAGA. Mr. Speaker, while I am more than willing that the Civil Rights Act of 1968 shall be enacted into law as a memorial to the late Dr. Martin Luther King, Jr., I am today supporting the measure because it is the right thing to do.

By enacting this legislation today, we will have proven to the world, but more so to the citizens of our own country, that the policy of this Government is firmly and unashamedly based on the principles laid down by our Founding Fathers—that all men, regardless of race, color, religion or national origin are created equal and shall be granted equal opportunities to develop to their optimum capacities.

By the passage of this bill, we will have proven to the world, but more so to the citizens of our own country that not only by policy, but also by the very laws of the land, ours is a republic designed to be "one Nation under God, indivisible, with liberty and justice for all."

Mr. FRELINGHUYSEN. Mr. Speaker, some have suggested that we vote for the civil rights bill under consideration today as a memorial to Dr. Martin Luther King, Jr. Although I had planned to vote for the bill as it passed the Senate before the tragic death of Dr. King, it is my hope that there will be those in this body who will be moved by the events of the past week to support this bill.

Last night in the evening paper I read of the death of an 18-year-old marine in Vietnam. This boy was a typical American soldier in almost every respect: he attended local District of Columbia schools, he was a churchgoer, a Boy Scout, holder of several medals and citations. Only his picture told you that he was a Negro. Can we not also make this bill a memorial to this young lad who gave his most precious possession, his life, for us? How many millions of his fellow black citizens are there who have served country without question, who have obeyed the law, and carried their full share of the responsibilities of citizenship, to whom we can dedicate this bill?

These black Americans have faith in us and in our system, and they are waiting for us to reaffirm that faith by our vote today. I do not think we will fail to reach out our hand and say to them: "Come on, we can work things out."

Mr. COWGER. Mr. Speaker, I intend to support and to vote for the Senate-passed civil rights bill of 1968. This legislation seeks to protect certain fundamental individual rights and assure equality of opportunity for all of our citizens. I am convinced that the controversial housing section is absolutely necessary at this time. Any American should have the right to buy or to rent housing suitable for his family.

I have had considerable experience in drafting civil rights legislation on the local level. During the 4 years that I served as mayor of one of our largest cities, we assumed the leadership in passing local ordinances guaranteeing equal opportunity for all our citizens. In Louisville, Ky., in 1963, we passed the first public accommodations ordinance in the South. This was followed by a fair employment ordinance, also the first in the South. Then, in 1965, we proclaimed by ordinance a statement of principle that every individual have the

right to buy or rent housing of his choice. Last year our board of aldermen passed an even stronger ordinance in this field of open housing. To date we have been unable to find even one case of discrimination in housing, public accommodations, or employment, in order to test our ordinances in court. I think, by and large, that you will find that the controversy over housing is almost exclusively an emotional issue. Yes, I agree that a man's home is his castle, but when he offers it for sale or rent to the public, that means everyone, regardless of their race or religion.

During the years from 1961 through 1965 every major city in the United States was going through great social change. I think that because we were willing to squarely face our problems in Louisville, our city enjoyed for those 4 years unprecedented good race relations. There were no marches, sit-ins, or stand-ins. Not one brick or bottle was thrown, nor was there one bloody head in Louisville, Ky.

Today Congress has an opportunity—and yes, even the responsibility—of voting for the passage of a good civil rights bill. if my colleagues could have lived my experiences in city hall they would have an insight for real action on the firing line. I have always attempted to represent all the citizens in Louisville—Republicans, Democrats, whites, and Negroes, not just those who, for the moment, might constitute the majority.

Mr. BOB WILSON. Mr. Speaker, as one who has enthusiastically supported civil rights legislation in the past, I find myself in the unhappy position of having to oppose the unorthodox parliamentary procedure in the case of the resolution before us today.

I endorse the provisions of this bill which by law would prohibit discrimination in all housing owned by the Federal Government or provided in whole or part by loans or grants from the Government or even on loans insured by the Government.

I do not endorse the provisions of this bill which would open up the possibility of criminal action against an individual homeowner who might have his own ideas on how best to dispose of his own private property.

I do not like the impression being created here today that individual homeowners are exempt from civil action, because the moment they put their home up for sale through a real estate broker or agent, this exemption is nullified.

Less than one-half of 1 percent of homes are sold in this country by individuals, and I submit that this bill clearly does not give individual homeowners any exemption worth mentioning.

It seems to me that individual property rights which are basic tenets of law and order are threatened by this legislation as written. I oppose the adoption of this resolution and will cast my vote against it for that reason.

Mr. MURPHY of New York. Mr. Speaker, I rise in support of the bill.

We are asked today to consider a civil rights bill. In a way, the very fact we have to consider such a bill is a contradiction of our own birthright, for we founded this Nation with the expressed purpose of establishing a community based on the principles of equality among men and individual freedom for all; the fact that more than 180 years after our birth we are still striving to realize this original purpose should have a sobering effect on us all.

The reality rarely fits the dream, and while we all profess to believe in equality of opportunity and equal justice under law, we must realize that these basic rights have been denied to a large segment of our people, and having realized this painful truth we must act without delay to right these terrible wrongs.

The civil rights bill before us today will be a significant step in this direction.

We deliberate on this legislation at a time of great racial strife in our land—strife which has brought flames to our cities in the past few days, but strife which has existed long before the cities erupted into violence. It is also a time of mourning, for the Nation has lost one of its great leaders—a black man who fought for the rights of black people, but more important, an American who fought for the life of his country.

The violence that took Dr. King's life, and the violence that erupted because of his death, are examples of both black and white racism, neither of which Dr. King believed in, and both of which are contrary to the principles for which he lived and died.

There are those on one extreme who now say that Congress should not pay blackmail and reward violence by passing this bill. On the other extreme are those who demand that Congress pass this bill in expiation for the murder of Dr. King. Neither argument should be the basis for our deliberations here today.

This bill should be passed for the simple reason that it is right. It will not reward any group; it is merely a long overdue attempt to provide all citizens the equal protection of the law as promised in the 14th amendment. Those who oppose it now as blackmail for violence opposed it before the violence; the fires in our cities merely provided additional support for a position they held long before.

The need for this bill existed long before the violence in our cities, and long before the tragic death of Dr. King; the need has existed from the day we declared to the world that we were to be a nation dedicated to the proposition that all men are created equal.

This civil rights bill has three basic parts. The first provides protection against interference with certain federally protected activities, such as voting, serving on a Federal jury, or working for the Federal Government. I cannot imagine any one of my colleagues, or any one of my constituents, not wanting to be protected against interference with his right to vote, serve on a jury, or work for the Federal Government. And yet today many Americans, specifically our Negro Americans, are denied this basic protection. There can be no reasonable justification for opposing this part of the bill.

The second part deals with the rights of Indians. Racial discrimination in general has placed a black mark on America's conscience, but no part of that discrimination has been worse than our treatment of the first American—the Indian. This group has suffered more than any other, and continues to suffer today. The second part of the bill provides Indians with basic civil rights which are now guaranteed most other Americans, and there can be no reasonable objection to extending this coverage, these rights, to the Indian.

The third part of the bill deals with open housing, and has received the most attention—and the least rational consideration from the public—of any other part.

To begin with, many States already have open-housing laws. My own State of New York has an open-housing law which is broader in its application than this proposed Federal law, and yet there are those in New York who still fear the effects of this proposed Federal law which would have no impact on their lives.

Many white people fear that their property values will decrease as a result of integration, but studies have proven this to be untrue, and in fact have found that in a large percentage of cases property values have increased after integration.

Another argument advanced in opposition to this section of the bill is that it forces homeowners to sell their property to Negroes, and thus violates the right of the individual to dispose of his property as he sees fit.

This is totally erroneous. This bill would not force homeowners to sell to Negroes or anyone else. It would merely prohibit them from using a real estate agent or some other person to discriminate against prospective buyers on racial grounds. It would make the buyer's financial capability the dominant consideration, not the color of his skin.

The most important aspect of the open housing section is that it would remove the psychological barrier now faced by Negroes when they are looking, or thinking of looking, for a new home. It would say to them that if they have the financial resources to buy a house, racial considerations will not enter into the picture. It is, in effect, a symbolic gesture as much as it is a means of acquiring better housing.

Mr. Speaker, as I said before, this bill need not be considered in the passionate heat of racial violence, and it need not be considered in the sad memory of the death of Dr. King; it stands on its own merits and should be passed because it is right.

Certainly Dr. King fought for the civil rights contained in this bill, and he more than any man, has led this Nation toward its goal of equality for all men. But we should not pass it because of his death; rather, we should pass it is a tribute to his life.

I urge my colleagues to support this bill.

Mr. BUSH. Mr. Speaker, I want to commend the Rules Committee for bringing this bill to the floor. I do not consider this legislating under the gun—rather I think it best that we not change our

normal legislative schedule in view of the recent rioting.

I would like to see this bill sent to conference. I am particularly concerned about some of the inequities in the open housing section. Although the individual home owner is exempt, he ought to have the right to sell or rent through a real estate agent. The way the bill is now written, it is discriminatory toward the real estate agent. Why pick out one business and discriminate against it?

If the bill goes to conference as I hope it will, I hope we will see speedy action and I hope an amendment similar to the Senate proposed Baker amendment can be adopted by both Houses.

Should the previous question carry and we are not able to amend the bill, I have decided to vote for the bill. I will do this because I believe the pluses outweigh the minuses.

I hope all of the controversy over badly drawn sections has not made any of us forget the good sections of this bill. This legislation makes it an offense to interfere with the rights of another person to vote, to secure employment, to attend school or college, to use the facilities of interstate commerce, or to enjoy what we generally call a citizen's civil rights. It also prohibits teaching people to use firearms or make incendiaries for use in civil disorders, shipping explosives or firearms knowing they will be used in civil disorders, or obstructing law enforcement officers or firemen who are tryng to quell riots.

I do not believe we can condone rioting—for any reason. Some time ago I introduced a strong bill making it a Federal crime to cross interstate lines with the willful intent to incite a riot. This is now an integral part of this bill.

Lastly, I do not want it on my conscience that I have voted against legislation that would permit a Negro, say a Negro serviceman returning from Vietnam, where he has been fighting for the ideals of his country, to buy or rent a home of his choosing if he has the money. As I said before I would like to have the chance to amend this bill and remedy some of the inequities in the open-housing section, but if this fails, it is impossible to amend the bill, I will vote for it. I recognize and have fought against its imperfections, but we must have strong law enforcement and we must, while protecting individual property rights, offer hope and fairplay to all Americans regardless of their color.

Mr. O'NEILL of Massachusetts. Mr. Speaker, with shock, sorrow, and despair comes silence, as each man searches his own soul and conscience. This silence is often followed by a great deal of talk—the outpouring of grief and shame.

I take the floor to pay tribute to one of America's greatest leaders. Our Nation has been privileged and fortunate to have had men of courage and conviction who rose to lead us to victories of freedom and justice. Among them have been three martyrs: Abraham Lincoln, John F. Kennedy, and Martin Luther King. Each of these men is distinctive because both in life and in death he has stirred our emotions and our convictions.

Few men have the capability and the dedication to devote their lives to bettering the lives of all people; of few men can it be said that they changed the world. The Reverend Dr. Martin Luther King, Jr., was one of these men.

He never faltered in his faith in man; never doubted his conviction that America could be truly free; and never lost the courage it took to lead that movement toward freedom and equality for all Americans.

He never lost faith that men could and would learn to live as brothers. I, too, see and believe in his dream. I vote aye on the civil rights bill of 1968.

Mr. COLLIER. Mr. Speaker, it is regrettable that this legislation comes before us at a time when the atmosphere is charged with emotionalism ranging from fear to hate to tragedy. It is equally regrettable that this bill comes before us with provisions of far-ranging importance which were not even considered by the Judiciary Committee as part of this measure—amendments which were tacked on H.R. 2516, for which I voted last year. The combination of these circumstances does not represent the proper or normal process of legislation.

In 1964 Congress passed the Civil Rights Act which provided the most sweeping changes in history in the guarantee of nondiscrimination in our social, political, and economic life. I supported that legislation, which passed by a vote of 290 to 130. It provided for the guarantee of voting rights of all citizens, the elimination of practices which had previously deprived many citizens of their right to vote. It conferred jurisdiction upon the district courts of the United States to provide injunctions against practices of discrimination in public accommodations. It authorized the Attorney General to institute lawsuits to protect constitutional rights in public facilities and public education. It extended authority of the Commission on Civil Rights to preventing discrimination in federally assisted programs and established the Commission on Equal Employment Opportunities. It provided for technical assistance to implement plans for desegregation of public schools, establish training institutes, and provided grants to assist teachers, and employ specialists to assist in problems incident to desegregation.

I yield to no Member of this body in my convictions in the protection of the constitutional rights of my fellow man, regardless of race, color, creed, or national origin. My personal feelings, attitude, and conduct have been such that this statement cannot be held up to doubt.

It would be nothing less than ridiculous to suggest that every effort or program devised by the administration, a legislative committee or any civil rights establishment has been meaningful, though we might not have any reason to question the good intention of such actions. The obvious failure of certain programs directed to the host of problems in the Negro community is evidence of this conclusion.

I want to make it eminently clear, as one who supported the recommittal motion to bring the 1966 civil rights bill back to the House without title IV, that my support of all other provisions of the act should not be subject to question and this in addition to my support of the 1964 act.

Under this bill, a potential buyer can secure a preliminary injunction simply on the basis of his petition and without even any ex parte proceedings. Under this bill the real property owner or his agent has only the right to defend himself, if he can afford to do so, and at the same time he is deprived of the right to protect his equity in his home even though he may have moved to a distant city and needs the cash to buy new property.

Aside from the legal aspects of this provision of the proposed law, I am sure there are many people in the communities I represent who will sell their homes to any qualified buyer, regardless of race, color, creed or national origin, without being forced to do so by questionable Federal law. Certainly the normal turnover in the sale of private property is as applicable to those who assume this attitude as those who might not. Hence, the very economics of the situation would dictate that there would be as many homes available for purchase by any citizen even without passage of the present proposal. And certainly the vast majority of people of all races may be limited by his economic ability to buy in certain areas.

I am just as sincere in my conviction on this issue as those who differ with my views, and I am personally as racially tolerant and understanding as any member of this legislative body. Those who choose to construe my position on this legislation to the contrary have as much right to question my sincerity and motivation as I theirs.

I can appreciate the anxiety of many good citizens to accept the Senate amendments to the 1967 bill, as I am prepared to do except for the open occupancy provisions. Yet I do not believe that most of those who have expressed their support of the open occupancy provisions have sought to consider the fact that you do not accomplish equal protection of the law by a provision that flaunts equal protection of the law.

Under the proposed bill a person seeking to buy property can allege discrimination at any time within 6 months after his offer to buy is claimed to have been turned down. After he gets to court his attorney's fees and court costs are paid for him. Yet the seller, even if it is ultimately decided that he was not guilty of discrimination, must not only pay his own court costs and fees but, indeed, would be faced with having been deprived of his right to have converted his own investment for whatever period of time it might take for the court decision.

In the case of the sale of any home, would a lawyer be safe in certifying a title is clear without having first advertised in a newspaper or without going through the community to make inquiry in an effort to determine whether or not a charge of discrimination is likely to occur?

Mr. BELL. Mr. Speaker, I rise to urge acceptance of the amendments of the

other body in order that the pending civil rights legislation may become law. Perhaps today we can summon the discipline necessary to discuss aspects of this legislation in a context apart from the life and death of Dr. Martin Luther King. We deal at this moment with a parliamentary question. But it is a parliamentary question not without substantive importance; thus there is temptation for both opponents and advocates to address themselves to the ages.

It is a temptation I hope we resist. Relevant and unemotional argumentation is surely needed on this subject in these times. Reduced to fundamentals the decisions we make are simple: shall we pass this legislation, and, shall we pass it now.

The bill is not flawless now.

It will not be flawless later.

Since my first election in 1960 I believe I have supported every civil rights bill to come before Congress. Never have I voted with absolute satisfaction. Always there has been questionable language, imprecise phrases, and general belief that given more time a better law could be written.

I have felt this when debate has been fast paced; I have felt this when debate droned interminably on issues which had been carved over, session after session. But always the time has come when we have had to relinquish new laws to the test of experience. Our job has been to make "yes" or "no" decisions on balance, in full recognition that neither the status quo nor the remedies before us were beyond question.

When these times have come we obtain a measure of strength from the knowledge that the system recognizes the possibility of legislative oversight. If mistakes are made, we have both the right and the responsibility to correct them. Were this not so, it is doubtful we would have courage enough to permit any new law to escape our Chamber.

Opponents may argue that shocking events and massive civil disturbances, such as we have known in Washington in recent days, should not influence our deliberations. They would be right if the legislative proposals before us today had not been passed by the Senate well in advance of the momentous happenings of the last 6 days.

Opponents may argue that it is unwise to practice legislation by placation; that the pending bill is, in a sense, a device to purchase domestic tranquillity. These spokesmen would be wrong. Most landmark decisions made on Capitol Hill have come from us in times of great public tension and unrest, and have been designed by us to relieve that pressure. Moreover, it is hard to imagine that any serious observer of life in the United States today could truly believe that passage of this bill will stop rioting and protest, or significantly reduce the dissatisfaction now rampant in the land.

Far, far more will be asked of us in this cause than mere endorsement of another civil rights bill. We will be asked for a great deal more. We will be asked for a great deal more than we can deliver. And when the time of real testing comes to us it will be important that at the very least we have given evidence of awareness of need and awareness of urgency.

Racial bias runs deep; fear about open housing is substantial in some areas of our land; constituent reaction at home could be significant. We who have lived in Washington in recent days, however, might say with justification that we have a better knowledge of the danger of polarized society than many whom we represent.

From this one might argue that we should not reward those who have caused such havoc in our capital city. This position is sound. But so, also, is the position that we should not punish the overwhelming majority of those who would benefit from civil rights legislation who adhered to and respected the law in the recent troubled days.

It is not our business to reward or to punish.

It most certainly is, however, our responsibility to make way for an idea whose time has clearly come.

We could delay this vote and justify our decision with the defense that we were following normal parliamentary procedures. The difference is this.

If we vote to accept the amendments today we have law. If we delay we run the risk that we will not have law. Often in the past pressing events have required us to abandon business-as-usual procedures. I believe they do so today.

Later, as we must review new poverty proposals, we will surely have to search for balance between the cost of effective improvement programs and the restraint of sound monetary policy. How much easier it will be to make this point if we are on record as being fully aware and sensitive to the fact that a great deal in our Nation has been found wanting and needs to be changed.

The change is coming. It is inevitable. My hope is that we have the strength and the will to encourage its arrival within a framework of order.

We do not owe it to others to do this.

We owe it to ourselves.

Mr. ANNUNZIO. Mr. Speaker, we are now considering a bill dealing with the most important subject in America; the protection of the rights of all Americans. The list of activities that this civil rights bill seeks to protect sounds like an honor roll of the most vital features of the American way of life: voting, or qualifying to vote; serving as a juror; working at or applying for a job; attending public school or college; being able to travel freely throughout the length and breadth of our Nation; having the opportunity to live where you choose. Not one of these rights is unimportant; not one could be deleted without seriously jeopardizing the rights of all our citizens. But I feel one provision, the fair housing guarantee, is worthy of special mention. It is the most important and significant title of this bill.

One of the most basic responsibilities of a man is to provide decent, safe, and adequate housing for his family. Congress recognized this in the Housing Act of 1949, where we went on record in support of "a decent home and a suitable living environment for every American family." Housing is a commodity that no family can do without. Regrettably, it is the only commodity which is not available on the open market according to one's ability to pay. There is no person in this Chamber today who does not know that a sizable proportion of the people in this country cannot get housing of their choice because of their race or religion; because of their ancestry or their color; factors unrelated to financial status or individual worth.

This is an intolerable condition. It is intolerable because it denies the basic spirit which has led this country to greatness. For almost two centuries people have come to these shores convinced that this was the land of opportunity. The economic opportunities were, and still are, boundless. The spirit of Horatio Alger is still honored here. But the real significance of America is not to be found in the cashbox but in the catalog of rights and privileges of citizenship. The most fundamental of all rights is the right to life and liberty. This in the most real sense is what the fair housing provisions are all about. They give substantive meaning to life, liberty, and, yes, property.

Think what a home means to a family. It means much more than just a roof over its head. A home dictates the quality of education a child receives. A home determines whether a child plays in the streets, or in a pleasant area where grass and trees are the rule. A home can decide where a family shops, and how it spends its time. The list can be stretched indefinitely.

At present 25 States have enacted open-housing legislation. Some of these laws are more comprehensive than the bill before us, some less. But every one of these enactments carries the same message; the opportunity for decent housing should be available to everyone. Consequently, State action is not enough. As long as just one State remains outside the open-housing fold, some Americans will be denied equal treatment. Why should an individual's state of residence determine whether he can procure the home he wants? Should total enjoyment of the fruits of citizenship in the most advanced nation in the world today be tied to sectional considerations? Our answer must be no.

Equal opportunity in housing should be made nationwide. H.R. 2516 will make equal opportunity in housing a living reality, by obviating all questions of color save the color of one's money.

Mr. Speaker, H.R. 2516 is the most important legislation before the Congress. It attempts in the ways I have described, to protect and strengthen rights that are essential to the preservation of the greatness of this country. Therefore I urge the prompt passage of this bill.

Mr. TENZER. Mr. Speaker, I rise in support of House Resolution 1100 to adopt the Senate passed version of the civil rights bill, H.R. 2516.

The legislation before the House this afternoon presents a basic framework for protecting the human rights of all citizens guaranteed by the U.S. Constitution. There is nothing in H.R. 2516 which should be repugnant to any American who believes in the principles upon which this Nation was founded.

The tragic and senseless assassination

of Dr. Martin Luther King, who lived and guided the civil rights movement by the principle of nonviolence, has brought home to all Americans the fact that when the rights of any one American are threatened, the rights of all Americans are in jeopardy.

I attended the funeral services in Atlanta yesterday not for political reasons as was suggested on the floor—because I am not a candidate for any office—but becaust I am an American who is committed to keeping America great.

The legislation before the House today provides criminal sanctions for interfering with the rights of any person exercising his civil rights—title I; protection of the rights of Indians—titles II–VII; prohibits discrimination in the sale or rental of housing under certain circumstances—titles VIII–IX; and provides criminal sanctions against those who incite riots or obstruct law enforcement officials or firemen during civil disorders—titles I and X.

Much of the debate today centers on the open housing provisions of the bill.

The provisions of this bill which prohibits discrimination in residential housing transactions have little impact on my own State of New York.

The statistics are interesting and revealing and my colleagues will find them helpful in formulating a position with respect to voting on this bill.

The State of New York has a more comprehensive law against discrimination than the bill before the House this afternoon. The New York State law prohibits discrimination in the sale, leasing or rental of all housing except owner-occupied two family dwellings and the rental of a room in an owner-occupied house. Of particular significance is the fact that real estate brokers and lending institutions are specifically covered by the New York State law.

Twenty-two States, the District of Columbia, Puerto Rico, and the Virgin Islands have fair housing laws and in 21 of the 22 States, these laws go further than the proposed Civil Rights Act of 1968. These 21 States represent more than 50 percent of the population of the United States.

The 22 States are: Alaska, California, Colorado, Connecticut, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont and Wisconsin.

Two years ago, in joint testimony before the House Judiciary Committee, representatives of the Catholic Welfare Conference, National Council of Churches, and the Synogogue Council of America gave full support to the open housing provisions of the bill before us today.

This joint statement stressed the importance of open housing from a moral point of view. I quote from that statement:

> We therefore come before you with the simple conviction that legislation such as that before this committee is morally right. It is an act of justice, aiming more fully to implement our democratic ideal that all men are equal before the law and our religious conviction that we are the children of one Eternal Father.

More than half the citizens of the United States live under State or local laws which go much further than the proposed sections of H.R. 2516 in barring discrimination in the sale or rental of housing.

No matter how much we talk about property rights, we cannot deny the fact that freedom and democracy can make no distinction with respect to providing equal treatment to all citizens. This must be the principle which guides our action this afternoon and I urge my colleagues to support and accept the Senate passed version of the civil rights bill.

The civil disorders of the past week must be met with firmness and with a speedy restoration of law and order but with understanding and with a new commitment to provide a better life for every American.

No one condones the actions of those who participated in the burning, looting and sniping which occurred throughout the Nation. However, we must not use this illegal action on the part of a minority of irresponsible persons as an excuse for turning our back on our fellow Americans who have not had equal opportunity to live as other Americans live—to work as other Americans work—to improve their educational, social and economic status as other Americans have had.

Now is the time for the Congress and for the Nation to undertake a new commitment—a commitment to mobilize our resources at every level to meet the challenge of the ghetto. The United States has kept other commitments and has mobilized its resources to meet other challenges—this challenge too calls for mobilization of men of good will in and out of government. The challenge must be met.

Whether or not the Vietnam war is brought to a conclusion through successful peace negotiations, and we pray that our efforts will succeed, we must provide the resources and fortify our will to meet our commitments at home.

Let the Congress take the first step—a very small step indeed—by passing the civil rights bill and thus call upon all our citizens to support a new commitment starting immediately, to guarantee to every American the opportunity to achieve a better life for himself and for his family.

The events of this past week are now facts of history. Let us take the steps which will write additional pages of history to record that this week also marked the beginning of a new era in America—an era in which our Nation, united in purpose and resolve, began the battle to free the captives of our own ghettos, by helping them to free themselves.

Now is the time for this new commitment and I urge my colleagues to join in announcing the determination of Congress to keep that commitment.

I support the Civil Rights Act of 1968 as another answer to the cry for justice for our 20 million Negro citizens. I support this legislation because I believe it is right—I believe it is in the best tradition of our democracy to do so—and I urge my colleagues to join in support of House Resolution 1100.

Mr. SIKES. Mr. Speaker, a few days ago the House had before it a bill which had been amended by the Senate to strengthen America's fiscal stature. It combines a tax raise with budget cuts and other features to offer as much as the Congress can hope to achieve in this field during the entire session, and more than the Congress was able to achieve, despite a yearlong effort, in the last session. That bill was sent to conference. There was no fight to have it approved in toto. I find it difficult to comprehend the difference in the significance of that measure and the one now before us. Surely the administration and the leadership should be as concerned with protecting the savings and the earnings and the financial security of 200 million people and the recovery of the dollar worldwide as they are with H.R. 2516 which rewards 20 million people and is punitive to 180 million.

Why is it that this measure cannot be considered under normal, sound legislative processes? Why is it necessary that the Congress surrender to pressure and the threat of violence? The fact that mobs burned and looted their way across a dozen of the Nation's cities is no reason for this great deliberative body to haul down its flag. There is no requirement that we, too, accept mob rule.

Why cannot the Congress face up to the truth about what is going on? The ugly display in the past week which we have seen is wanton destructiveness—not a search for a better life. The Federal Government has done more for its people than has been done for the citizens of any other land under heaven. Now we have seen these great efforts and these huge expenditures rewarded by burning and stealing and mob violence. And if it had not been stopped here by force, the mob would have burned down the Capital City of the United States and very probably its Capitol building. This is the spirit the Congress is asked to approve and encourage and reward today.

I saw nothing last week to indicate the rioters were carrying on the work of Martin Luther King or venerating the principles credited to him. They were out to loot and destroy, and they were not stopped by appeals to reason by their President or their leaders. It took 12,000 troops in addition to a harassed Capitol Police force to stop the destruction. It is a stern application of force and not appeals—not promises of more money on top of huge amounts already poured out—that is respected. I hope that important lesson is not lost on the administration, and I hope it will not be wasted on the Congress today.

This is a time for men to show courage, a time for men to see this Nation's peril and who will seek to save our land—not help to destroy it by gutting its constitutional processes. Passage of this bill in the irresponsible way which is sought there is legislation by hysteria. I plead with you. Send this bill to conference. Let reasonable men attempt to bring us a sounder measure. There is a tomorrow—there is no requirement that this bill be passed today.

All of the people have a right to be heard and a right to justice in the halls of Congress. Before we enact new laws,

let us determine who they are to benefit. Are they for all the people, or just for targets of the troublemakers? Would Stokely Carmichael be required to observe the laws which are now proposed? Apparently he is above the laws other Americans must observe. He has preached riot and insurrection throughout the world. He violated curfew in Washington last week and no one dared touch him. He is in violation of the antiriot section of the District's new crime bill. This, I am told, the Department of Justice is "considering," and that is the Department's way of saying they are looking the other way and hoping the problem will disappear.

This legislation for the few will help to bring a revolution in November much more far-reaching than the protest movements which influence the House today. Again I plead with you. Do not be driven to legislative chaos. Give the Congress time to know what it is doing. Give the conferees a chance to bring us and the Nation a better bill.

Mr. KORNEGAY. Mr. Speaker, the pulse of the Nation's body politic has quickened in recent days. The atmosphere is tense throughout the land.

We are here today being asked to legislate while troops in full battle gear, carrying rifles, guard this Chamber and the Capitol Building. Federal troops are augmented by police officers, also heavily armed. There is fear and apprehension that the Capitol may be attacked.

We are all supercharged with emotion, and fear and hysteria is rampant throughout the Nation.

This, I contend, is not the proper climate in which to legislate on any issue let alone one that is as highly controversial and that arouses emotions as does the one under consideration. The issue before us, I submit, is one that serves to further divide the Nation as well as those of us in this Chamber.

Sound reason is being abandoned in the call for hasty action on a legislative proposal that has not been considered by any legislative committee of this body. We are pressed into urgency by those who would have us adopt, almost sight unseen, a bill which contains provisions adopted by the other body.

This is not a time for ill-considered action on a measure of the magnitude of the civil rights bill. It is more a time for reasoned debate and searching judgment in an atmosphere of calm.

I urge that this body exercise restraint and reasoned judgment in this perilous time.

Until inflamed passions subside, we should not be forced into voting on this highly controversial and far-reaching measure. With this in mind, I will vote to send the bill to conference where it will be given at least some consideration by the Representatives of the House before being called up for final vote.

Mr. ERLENBORN. Mr. Speaker, how many times have you been appalled by stories telling how a citizen was beaten, even as fellow citizens watched and none gave a helping hand?

How many times have you wondered how Americans can idly watch a fellow citizen suffer, never lifting a finger to help, never even sending for help, and sometimes even feigning ignorance of the need?

Certainly all Members of the House have shared my bewilderment at the callous indifference of men to the needs of other men.

These, too, have been the emotions of some Americans concerning another subject, open housing—the right of any American to enjoy the fruit of his labor, the opportunity to buy a house in any community, anywhere in these United States. And it has been the Congress that has been ineffective and unresponsive to the needs of these Americans. Congress has been seemingly indifferent while some communities, communities like Wheaton and Joliet in my district, have responded and have adopted local open housing ordinances, laws whose effect ends at the municipal boundary.

Two years ago, the House approved an open housing bill, and it died in the other body. This year the other body has approved an open housing bill, and there are some here who would like this bill to die.

Mr. Speaker, the bill before us, H.R. 2516, is not wholly to my liking. On open housing, I prefer the provisions which the House of Representatives passed in 1966 and for which I voted willingly.

When the present bill was returned by the other body, carrying, as it does, its load of amendments, the majority leadership sent it to the Rules Committee with a request that it come to the floor promptly, and that it not be sent to conference.

I resented the argument that the House of Representatives must accept the other body's version; and I resented hearing the President criticize this House because the measure has been held by our Rules Committee for 3 weeks. The implication has been that the House of Representatives ought to do as it is told, without stopping to ask questions.

I have been thinking this over, however. I have listened to the people in my district. I have discussed the issue with a number of my colleagues; and my attitude has changed.

Right here, let me set the sequence of events straight. The senseless and brutal killing of Dr. Martin Luther King was not a consideration in my decision. He was murdered on the evening of April 4. I had made up my mind prior to that time, and I found that a number of my fellow Republicans had come to a similar point of view.

We met—20 of us—on Wednesday, April 3, and again on Thursday morning, the 4th; and we framed a letter to our colleagues. The letter was reproduced that afternoon in order to be ready for distribution Friday, the 5th.

We had decided that the bill's faults are minor in relation to its importance; and had decided that our resentments are of less consequence, in the long run, than the enunciation of the rights of our fellow men.

In buying a house, this bill says that a man's bankroll and his credit rating—not the color of his skin—will be major factors in his choice. Some of my constituents argue that this would deprive them of the right to sell to a person of their choosing. I find no such right enunciated in our Constitution or our laws, but I must concede it is a right which is implied in the ownership of property.

In a free society, however, all of us have many rights; and one man's rights do occasionally collide with another's. When that occurs, the one right must yield and the other right must take precedence. It is a function of government to decide which right shall prevail.

In a real estate transaction, it seems to me that the seller's principal interest is financial—that he gets the best market price. The buyer's interest, however, is human. Will this property give his family an opportunity to grow? Are there good schools nearby? Is it convenient to work?

If the seller has a right to the best price the market will allow him, and the buyer has a right to purchase the best house he can afford, then it seems to me that everybody's real interests are taken care of.

Let me make another point about the nature of real property. A century ago, when we were a rural Nation, there were few restrictions on it. As we have become more an urban Nation, however, we have found it necessary to place many limitations on the owners of property—setbacks, for example, and the height of buildings, and the number and kind of buildings. A few years ago, it was seriously argued that zoning laws were an unconstitutional infringement on the rights of property ownership.

If one owned a lot, these people said, he could build a house on it, or a blacksmith shop, or a factory. But that opinion has few proponents today.

It seems to me that these restrictions on the ways a man may use his property are a much greater invasion of his rights than a law which says he must sell to whoever will pay his price.

I do not anticipate that passage of this bill will be a cure-all. It seems unlikely that either the fears of its foes or the hopes of its proponents will be realized. I remember the scare stories which circulated when Congress was considering the public accommodations law; but all that really happened was that Lester Maddox closed his restaurant and ran for Governor of Georgia.

The experience of the several States and the communities in my district which have open housing laws persuades me that any changes resulting from this law will be gradual. I have not seen any abrupt changes in housing patterns in any of these States and communities.

I believe we should pass this bill because of the needs of the decent, hard-working, clean-living Negro families. They are the vast majority of colored people. This law will afford better housing to a few of them, and will give reassurances to others—reassurances of a great Nation's concern, and reassurances that they and their children can have a better life, one worth striving for.

I have nothing but scorn for the rioters and thieves and arsonists who have scarred so many of our cities in recent days; but I have great admiration for the Negroes who have resisted the impulse to violence, who have resisted the temptation to steal and to burn, and who

have stayed calm in the face of great provocation.

Passage of this bill will not end the strife. I wish it were so. But passage of this bill is a step forward. It puts America one step closer to the promise of the republic that all men are equal and have equal rights to the pursuit of happiness. Let us take that step for all Americans, in all communities, in all States.

Mr. BROYHILL of Virginia. Mr. Speaker, the legislation this House has under consideration today is either right or wrong, good law or bad law. There should be no other consideration in passing or defeating it.

I reject that it is morally necessary that we pass it. I reject the plea that we must pass it as a memorial to the late Martin Luther King, however one may view his life and efforts.

If we are obliged to act in memory of Dr. King, then I submit that the next time a policeman or fireman, or an innocent citizen, is slain in a riot caused by agitators, this House is obligated to pass legislation, as another memorial to the dead, making it mandatory that all police, National Guardsmen and militiamen shoot to kill each and every looter or rioter henceforth.

I propose nothing of the sort, Mr. Speaker. But I do point out that what is justice in life or death for one, if America means what I think it means, is justice in life and death for any other citizen of this land.

To reduce this legislation to its simplest form and to reduce the pressures forcing its passage to the simplest common denominator, what we are talking about is compulsion. Compulsion lathered in a moral issue, which I assert, Mr. Speaker, is more hypocracy than morality.

Anyone who wishes to sell his home or his property on the free market to the buyer of his choice may do so at this moment, Mr. Speaker.

When and if he does, he takes his stand as a free citizen, willing to risk in selling, just as he risked in buying, taking his chances with the mores and customs of his city, State, and Nation—taking his chances with the changing balance of those customs as neighborhoods flourish or decline.

The pressure for us to pass this legislation has accumulated under the rallying cry of "open housing." It is not open, or fair, or moral housing—it is integrated housing, pure and simple, precisely as I labeled it in my annual district poll, a questionnaire which prompted a return of 24.5 percent and an overwhelming rejection of forced integration.

If you indict my district residents for their views, Mr. Speaker, then you are indicting the mainstream of America, for my district contains citizens proud of one of the highest educational levels in the Nation and one of the highest per capita incomes in the Nation.

These obviously are not ignorant people. Nor are they southern bigots, the frequent whipping dogs of civil rights legislation. They are from the heartlands and the mountains of America, just as you and me, who happen to live in a Southern border State.

No, Mr. Speaker, I laid it on the line and I will do so now.

If morality is involved in this legislation, where were the moralists during the past 11 years of civil rights legislation—from the day of the famous Supreme Court decision of 1954?

If morality is involved, where were the advocates during the past 100 years, for that matter?

If morality is involved, why not substitute the Ten Commandments and the Golden Rule for the Congress of the United States, the Constitution of the United States, and the many governments large and small which guide us?

The answer is obvious. People are involved, not morality. People of different races, different ethnic backgrounds, different educational levels, different economic status—people as diverse and as radically different as the trees which grow on our streets or the fish that swim in our seas.

People with different likes, dislikes, prejudices, hates, loves, and yearnings. And neither legislation nor religion will alter them an iota except by the slow seasoning of humanity as it carries them and this Nation to its ultimate destiny.

We had a great experiment with the Volstead Act. We can have another with federally legislated integrated housing, by whatever label we disguise it, or however finely we parse the verbiage to disguise it.

For instance, Mr. Speaker, why half integrated housing, partial integrated housing, class integrated housing? Why not all the way integrated housing?

Why should owner-occupied, multi-family housing be excluded and a non-owner-occupied multi-family building be included? Why should one group be permitted to arbitrarily discriminate when another cannot?

Why should an owner of a single home be permitted to discriminate as an individual but not if he uses the services of a professional expert in the field in order to sell his home?

I raise the question, too, Mr. Speaker, of who runs America? The majority of our citizens, or the minority? Or the minority within the minority which shouts the loudest, threatens the most, riots the best, shoots the straightest, and burns the most briskly?

This is the question before us. Do not forget it, whatever action is taken here today. If it is the wrong one we will all suffer, but mostly the minority will suffer. And the minority within the minority will be granted a license to burn, to loot, to destroy, and to murder, because this minority within the minority is never going to be satisfied, whatever we do.

I urge, Mr. Speaker, that neither this Congress nor the American people ever reach the point where the blackjack replaces the mace, the chicken the valiant and soaring eagle, the mouldering fear of retaliation at the polls the courage we need to display now more than ever before in our times.

Mr. BRAY. Mr. Speaker, before the U.S. Congress or any legislative body can hope to honestly carry out its duty in considering the measures before it, these same measures must be placed into their proper perspective.

It is not the role of a lawmaking body to legislate under threats; it is not the responsibility of this Congress, of this House of Representatives, to succumb to the passions, fears, and sorrows of the moment and rush approval of a bill that in other times, under other circumstances not clouded by a rifle shot in the night, would receive the careful and section-by-section scrutiny all bills must have.

We are all, each of us, less because of the senseless and brutal murder of Martin Luther King last week. But were we not also less—was not all humanity also deprived—when a girl was murdered in New York City a few years ago, while over 30 persons looked on and did not heed her screams for help? Are we not also diminished by the death in Chicago, during the recent riots, of the 10-month-old infant burned to death in his crib as his parents home was destroyed by the fires set by rioters? How about the teenage soldier or marine who, less than 18 months ago, was a star forward for his high school basketball team and now, today, returns to his hometown from Vietnam in a flag-draped casket?

The great English poet and clergyman John Donne put it so eloquently, 300 years ago:

> No man is an Island, entire of itself; every man is a piece of the Continent, a part of the maine; if a Clod be washed away by the Sea, Europe is the less, as well as if a Promontory were, as well as if a Manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in Mankind; And therefore never send to know for whom the bell tolls; it tolls for thee.

Every Member of the House of Representatives has felt in some measure the towering wave of pressure now brought upon us for immediate and speedy approval of the civil rights bill, H.R. 2516, in the form as it was passed by the Senate. What is in this bill? Do we really know?

The House last year passed a civil rights bill—a good bill—that was as strong as could be desired by some, and not as strong as desired by others. The Senate last year did not act. Now, after months of debate, at almost the last moment, the Senate has almost totally rewritten the House bill, leaving very little of what the House originally passed.

There is a cloudy and vague section on firearms control, difficult to understand, and written by the Senate in language that is open to various interpretations.

A major section of the bill, dealing with American Indians—something else added in the Senate—takes away certain rights and privileges that the Indians have enjoyed for over a century. The question has been raised, too, as to whether or not this entire section even belongs in the bill or is one that should have been considered in this context.

The Senate has also added a provision to the bill to the effect that if a homeowner acts through an agent in selling his house—and how many homeowners are knowledgeable enough about the real estate markets, values, and laws to dare attempt to handle the sale without an agent—the homeowner may not sell to whom he pleases. If the owner is questioned on the sale, although he may be

innocent, he faces the possibility of having the Federal Government bring its immense legal resources to bear against him and he may even have to bear the expenses of his own defense actions. This could be as damaging to the Negro as to the white homeowner.

The appropriate committee of the House of Representatives has had no chance to study or write a report on this bill for submission to the other Members of the House. The only explanation of the differences—the only information given to me to aid me in my consideration of this measure—has been a memo from the minority staff of the Committee on the Judiciary. This same memo, 23 pages long on legal size paper, raises questions on practically every page.

There is, as matters now stand, without referral of this bill to the appropriate committee, or to a conference committee, no chance whatsoever that the feelings and will of the House may become a part of this legislation. We must consider it today under the "gag rule" with but 1 hour's debate and no amendments permitted.

The arguments for passage of this bill—now, as it is presented to us, in its Senate version, all objections notwithstanding—have come to me by phone call and personal contact, by letter and telegram, and I am certain all of my colleagues are familiar with them.

First, it is said, passage of the bill will not only calm down present violence in our cities, but it will also serve to head off violence that is sure to come if we do not pass the bill. The second argument says the bill must be passed as a memorial to one man because it is something he and the people he led wanted to see achieved. Note, there is nothing in either argument about the legislative merits or provisions of the bill itself, about its far-reaching implications, or the changes made in the Senate from the House version. We are presented, by these arguments, with a brandnew rationale for legislative action; because our cities are in flames, and because a man has been foully and brutally murdered.

The fallacy of the first argument is obvious. To pass the bill because of riots—past, present, and future—is nothing less than legislative blackmail. It means making law not on the merits of the bill itself, not out of hope of something better, but out of fear of something worse.

This fear is well-taken when we consider some of the highly inflammatory statements made since Dr. King was murdered. A story in the Chicago Tribune of April 8, 1968, noted that Rev. Ralph Abernathy, identified in the story as the new leader of the Southern Christian Leadership Conference, and Dr. King's successor, called for congressional action "fully, promptly, and unconditionally." Reverend Abernathy called the present violence "a thundering demand for racial justice and economic security."

Warming to his topic, he continued:

Our prescription for ending the current violence and to avoid future violence is for the Congress to enact legislation at once that guarantees a job to all and for those unable to work a guaranteed annual income to insure a decent life.

Speaking of the planned poor people's march on Washington, Reverend Abernathy said:

If the Congress recognizes that the assassination of Dr. King has created a crisis, and will enact these measures, the healing of the Nations' wounds can begin immediately.

Only the most naive and blind would think for a moment that passage of this bill would assuage this man, or Stokely Carmichael, or H. Rap Brown, or others like them.

Not even the administration in its wildest proposals to the Congress has made a request or suggestion for a guaranteed job, a guaranteed income. The idea that the Government of the United States can be "forced" into a weird conglomeration of actions that no one can accurately catalog, predict their effects even if they were enacted or decreed, or place a price tag upon, betrays an appalling ignorance of not only the democratic process but also of the facts of mid-20th century life.

All of these things are demanded "now!" It would take a dictatorship to put them on the statute books, it would take a magician to make them work. There is absolutely nothing in the structure of our Government—executive, legislative, or judicial—that could do this and it is the cruelest of delusions to even infer it is within the realm of possibility in the time element allowed.

We cannot and must not legislate other than carefully, soundly, and wisely. We make laws not only for the needs of the moment, but for the hopes of the future. We pass bills not for those who threaten cities with chaos if we do not, but for those who really understand what the constitutional guarantee of the right of peaceful petition and assembly mean. We legislate not alone for those cruelly and brutally slain, but for those who still live. We write laws not alone for those in the slum and the ghetto, the uneducated, the untrained, the jobless, those without hope. We also write laws for those who do share in the productive part of American life, and who have attained a level of relative affluence in our society. We do not put laws on the books that bear solely on the rights of one group, but must consider the implications of the laws that might infringe on the rights all of us should enjoy.

Let us look, now, at the second argument that says the bill must be passed as a living memorial to a man who wanted it.

There is not a single piece of legislation that comes before the U.S. Congress that can, in the final and most searching analysis, be wholly right and acceptable for every citizen of our country. There is no such thing as a 100-percent noncontroversial bill. The most minor and innocuous measure that passes the Congress and feels the presidential pen has somehow, somewhere, in some way, adversely affected the beliefs or prejudices of another American. Irrational though these beliefs and prejudices may be, the individual may still hold them as long as they are not a threat to the stability of our society. If we ever forget this, then we have turned our backs forever on that which sets our country above all others.

The three branches of Government can do things only up to a certain point. As I have stated, the Congress is not composed of magicians; the courts can adjudicate only so far and cure just so many ills by decrees from the bench; the executive is limited as to what may be done by fiat.

There are no delimiting marks for us, there are no boundaries to tell us, "Thus far and no farther." There is no one rule good for all bills, all court decisions, all orders. Each and every situation has its own individual merits.

Much, probably most, of the blame does lie with the Federal Government, and some of our most prominent public and private citizens and officials. They have allowed development of a cult that rendered nervous, half-smiling, self-conscious, tacit approval to the theory that determination of the "rightness" of a law was something that now lay within each individual. You may, the theory went, not only determine which laws you should obey, but, even more ominous, you were also given a great deal of latitude in determining how you should break them if they did not like them.

There are many avenues open to redress and correct social ills and wrongs that afflict our country. We are not perfect, we make no pretense of being. But a bad law or a bad social order may be changed without shredding the law itself and, worse yet, what should be an inherent respect for it. There are many ways to remedial legislation that will alleviate age-old ills that may be taken without tearing down the structure of law and order and the stability of society that mankind has so carefully built up over the centuries. You may secure redress of grievances and wrongs without compounding these same grievances and wrongs. But your own efforts to correct them must not be far worse than that which you set out to correct. You sweep a dirty floor—you do not burn the house down.

But those in elected or appointed authority, or those who in one way or another are acknowledged, known, and recognized as national spokesmen of one sort or another, gave this no heed. It is a sad commentary on our age to say it became almost fashionable to be able to say you had been jailed for breaking a law.

The method, to be sure, is much more glamorous than the process of change through legal means. In the short run, it was probably quicker. But in the long run, it is most certainly bloodier and more destructive, and shot through with the poisonous seeds of the ultimate destruction of a society and its laws.

Is passage of a measure surrounded with such things a fitting memorial to any man? Is passage of a measure under threat of violence a thing of which any legislative body could be proud? Are we to legislate with one ear cocked for the cries of a mob, with our eyes constantly looking over our shoulders in nervous anticipation of more carnage and destruction? I think not; we are derelict in our duty if we do such things.

I have cast my vote in favor of the Civil Rights Acts of 1956, 1957, 1960, and 1964, and for the civil rights legislation

the House passed in 1967. I voted for the Voting Rights Act of 1966. I have supported fair-employment legislation. I voted for the Civil Rights Commission when first originated, and I voted for its extension in 1967.

I did oppose the 1966 Civil Rights Act—which died in the Senate—because I felt its housing provisions, written in an attempt to secure rights for some, could only eventually lead to a massive infringement on the rights of all homeowners, white and Negro alike. I oppose this bill for these and the other reasons given. I will vote for the opportunity to send this bill to a conference committee or to the House Judiciary Committee, so a good bill can be worked out. I feel I would be violating my oath of office and the wishes of the people who sent me to the House of Representatives if I acted otherwise.

Mr. ASHBROOK. Mr. Speaker, I rise in opposition to H.R. 2516, the bill which is being taken up in this atmosphere of haste and tension. There are many reasons for opposing this legislation, not the least of which is the Reichstag-type rubberstamp process which is being evidenced here today. I oppose the bill for procedural reasons and I also oppose sections of the bill in principle. Thus, my vote will be nay.

I have received a great deal of correspondence on this proposal. It has been my opportunity to discuss it with many constituents. As a representative of the people, I am certain that the open housing provision is not supported by most of my constituents.

Many of those who have written in support of this measure have felt that it should be passed as a tribute to or because of the untimely death of Rev. Martin Luther King. I cannot agree with this contention. While I regret as much as anyone else the criminal act which struck him down I cannot make out of the man's death something that he was not in life. His advocacy of civil disobedience and lawlessness was a hindrance, not a blessing, to this country and its quest for racial peace. On the very eve of his death he had announced he would again violate the law on the next day. The U.S. Supreme Court had already in a previous case upheld his jail sentence for violation of court orders and, in its decision, stated:

> This Court cannot hold that the petitioners were constitutionally free to ignore all the procedures of the law and carry their battle to the streets. One may sympathize with the petitioners' impatient commitment to their cause. But respect for judicial process is a small price to pay for the civilizing hand of law, which alone can give abiding meaning to constitutional freedom.

Lawlessness is violence—not nonviolence—to America. Thus I could not be emotionally swayed by this traumatic experience even though I deplore the lawlessness which struck him down just as vehemently as I deplored the lawlessness that he advocated and practiced.

As a Congressman who reads his mail very closely, I was struck by another common denominator. A great number of those who wrote favoring open housing—largely those of the academic community and the clergy—are the same people who have been writing urging the Congress to not abdicate its responsibilities by allowing the President to go on what they felt to be his irresponsible way in the Vietnam war. They are now those who urge that we do just that in the so-called civil rights bill. Many of these same people were now urging that we summarily adopt the Senate amendments without crossing "t" or dotting an "i" or making one change.

I take some pride in being a legislator. Emotionalism has its place but not in the Halls of Congress. Here reason should prevail. I voted for the civil rights bill which was sent to the Senate last August. It contained six and one-half pages. The bill returned to us has 50 pages and many provisions that even the proponents admit to be wrong but under the urgencies of the moment they now indicate we should swallow the whole package and not do our legislative duty. This I could not do nor will I ever do as long as I am privileged to represent the 17th District of Ohio.

Procedurally, therefore, it is my judgment that the bill should go to conference where the weight of reason can produce something which is worthy of support. To abandon the time-tested procedures of this legislative body is to do violence to our system. We should not rubberstamp the Senate any more than the Executive, and to adopt parliamentary expediency under the exigency of the moment is to travel down a dangerous road. The road to Vietnam was paved with the same expedients and failures to do our duty. Even the Tonkin resolution received more time and attention than we are afforded under this restrictive rule. Few people who write and ask me to support this measure would in conscience advocate that only 1 hour be allowed to deliberate this matter on the floor and, even worse, no amendment, repeat no amendment, be allowed.

LEGISLATIVE DEFECTS OF H.R. 2516

I fully realize that it is a mistake to discuss the merits or lack of merits of the legislation when the majority is willing to act regardless, but I want to point out some of these defects. We pass too much bad legislation here and H.R. 2516 will be added to the undistinguished efforts of this body if it is not changed.

First, H.R. 2516 provided in the House version that a person who was protected from "interference with federally protected activities" had to be acting "lawfully." Section 245(a) of title I of the Senate bill provides this protection whether acting lawfully or not by striking the word "lawfully." Now consider the plight of the police officer who is required to protect civil rights workers who are committing unlawful acts. It is not clear whether or not he can even arrest a civil rights worker who is acting unlawfully as this might be interfering with him. More important, however, is the capitulation this represents to the lawless element in our society. We need stricter, not weaker, enforcement of the law. This Senate amendment cannot be justified under any stretch of the imagination.

Second, the necessary criminal element of racial motivation or intent to discriminate "because of race, color, or national origin" was included in the House bill but removed in the Senate bill which we are now asked to rubberstamp. Proof of racial motivation is not regarded in cases involving voting, U.S. services or facilities, U.S. employment, U.S. jury service, or U..S financial programs or activity under section 245 of title I. Now if you do not think that will be an opening wedge for bureaucratic encroachment you have not followed Mr. Weaver as closely as I have.

Third, the Senate bill added the antiriot bill to H.R. 2516 as chapter 102 of title I. I supported this bill when it passed the House as it was identical to my own bill. Guess what the Senate did? It created a privileged class by eliminating organized labor activities from the antiriot section. This particular effort was also made in the House but was voted down decisively. Now we are asked to yield in this vital area where we have already worked our will.

Fourth, titles II and VII on Indian rights comprise 11 pages as added on the Senate floor. This has not been the subject of meaningful House hearings and is opposed by many Indians themselves who fear it might abrogate treaty rights. It is also opposed by the U.S. Department of the Interior which has jurisdiction over Indian affairs.

These are but a few important defects which should not be swept under the rug in this mad rush for passage. However, the most important section, so-called open housing or forced housing, depending on your point of view, presents yet another valid reason to reject this bill under these arbitrary procedures.

OPEN HOUSING OR CLOSED HOUSING

Mr. Speaker, in principle I oppose the section which is termed "open housing." It is hard to conceive of many constitutional rights which remain if we move the Federal Government into transactions which concern the owner's residence property. I have listened to the arguments on both sides. Somehow, the liberal always find the same answer to every problem—take away free choice of our people. I cannot subscribe to the theory that this section is either constitutionally proper or necessary.

First of all, there are many advocates of open housing. I have never seen any statistics that indicate that the only people who are selling homes are those who might want to sell on their own terms to persons of their own choosing. It should be patently clear that there are just as many people selling homes who profess belief in open occupancy as those who might not. What is wrong with letting those who want to sell their homes to anyone do so and those who might not want to do so, have the same privilege? I suppose this sounds like a radical suggestion but it is clear to me that most people who want to purchase a home and have the money can do so.

To take away from those who might want to discriminate their right to do so makes no more sense than to take away from all Negroes the right to free speech because a Stokely Carmichael or Rap Brown uses this freedom of speech to advocate violence and anarchy. I suggest that freedom of property is as basic as

any freedom as I will later develop in these remarks. No, it does not make sense and this is one more way of eroding basic freedoms.

The argument that we have some State open occupancy laws so why not have Federal laws is a specious one. States do not have the vast machinery for harassment and intimidation that the omnipotent Federal Government has. Secretary Weaver has already made it clear that he would use such a law as a club.

No matter what valid reason a person has for refusing to sell to a Negro he would be subject to harassment. Say you know that the man who wants to buy your house is one of the rioters and looters and you do not care to sell to him. You would be hard pressed to get by with this valid criterion even though you applied the same standard to white and Negro alike.

I well recall that the 1964 civil rights bill specifically had a legislative history in Congress which indicated that the fair employment section was not to have a quota system. The education section was not to include bureaucratic definitions of de facto segregation. We now see both of these implemented by the bureaucratic officials despite explicit congressional intent. We must legislate with this background and not on pious hopes. Contractors in Ohio and through the Nation have found, for example, that it is not sufficient to comply with the letter of the law and not discriminate in employment. Even though they may never have discriminated they are now forced to go out and hire Negroes if they do not have a sufficient quota. This is the way these laws become enforced and I will not add one more losely drafted bill to be implemented by Mr. Weaver if my vote makes the difference.

These are but a few of the many valid reasons that I could not in good conscience capitulate to this legislative blackmail. The whole concept of freedom and private property are at stake here and I freely cast my vote on the side of freedom. Those who say that so-called human rights transcend property rights are hard pressed to tell us what human rights are without property rights. Communism proudly proclaims that it has human rights and not property rights and we find that this pretty generally means alms from the government which also tells you what you can and cannot do. A detailed look at the whole concept of property rights is in order.

PROPERTY RIGHTS IN AMERICA

In 1964, I predicted that open housing would be the next step of the Federal Government. In a detailed speech, I outlined the process by which private property rights were being eroded and predicted:

Let us honestly look at the next logical step. If this "public interest" or "utility" approach is adopted here, as I fear it will be, it is only a matter of time until the same concept will be developed regarding the private use and enjoyment of your own home. It will be said that you can use it yourself but when you want to sell it, you are divesting yourself of control over it and placing it in a free and open market. At this point, anyone can buy it and you have no right to pick and choose. What is more fundamental than your right to sell your property to whomever you want, whenever you want, and on the terms you choose? When we reach this point we will have little more than the old common law tenancy by sufferance. It will also be suggested seriously—it has been in private circles—that the next logical step to achieve this thing called civil rights will be a Federal law which makes it a Federal offense to move out of an integrated neighborhood. How else can we achieve integration it will be said.

The supreme right is still the right of the individual, Government tyranny has been the traditional enemy of the individual and that is why constitutional protections are so important and Reichstag type rubberstamping is so dangerous. As the late Justice George Sutherland said:

Freedom is not a mere intellectual abstraction; and it is not merely a word to adorn an oration upon occasions of patriotic rejoicing. It is an intensely practical reality, capable of concrete enjoyment in a multitude of ways day by day.

Our great Americans have echoed the same plea. Take just a few statements to recognize the importance of constitutional limitations on big government:

Thomas Jefferson: "In questions of power then let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

Thomas Hobbes: "Freedom is political power divided into small fragments."

James Madison: "The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny."

Woodrow Wilson: "Liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties."

John Locke: "Freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power vested in it; a liberty to follow my own will in all things, when the rule prescribes not, and not to be subject to the inconstant, uncertain, unknown arbitrary, will of another man."

John Adams: "Property must be secured, or liberty cannot exist."

I suppose it is fair to say that few people seem to care about these principles any more. I for one do and will as long as I live. It is difficult to be proud of this body today. We have taken one more giant stride down the path of irresponsibility.

Mr. GILBERT. Mr. Speaker, I support the omnibus civil rights bill before us today and I implore my fellow Congressmen to support it, too. I make this request not out of respect to the late Dr. Martin Luther King, Jr., much as I respect that great departed leader. I do not maintain that legislation should be passed for reasons of sentiment. But the death of Martin Luther King brings into sharp relief how vitally important the passage of this legislation is. Martin Luther King lived and died to convey the message to the American people—white and black alike—that racial justice could be achieved in this country by nonviolent means. We in Congress have it in our power to serve the cause of justice. I implore you to vote for this legislation, to prove the truth of the contention that we can create a just society in a peaceful fashion.

I support wholeheartedly the provision for open housing, Mr. Speaker. We can no longer sanction a system that excludes Americans from decent homes of their choice because of their color. Such a system violates our values—our values of liberty and individual dignity and even our belief in a free marketplace. Passage of this provision will infringe no one's rights, nor will it cost anyone but the exploiters a penny of their earnings. It will, however, contribute to social harmony in this Nation and, in so doing, will preserve what is important to all of us.

But the bill goes farther to become a balanced package. If, on the one hand, we approve a provision to create a more just society, on the other we enact provisions discouraging irresponsible attempts to disrupt the society we are seeking to ennoble. I speak of the antiriot provisions, which in no way impede the rights of orderly protest but do prevent troublemakers from traveling about stirring up death and disorder. For those who fear that this provision is directed only against Negroes, let me remind you that we have had a history of white troublemakers, too. Do not forget the disturbers of peace in Little Rock and Clinton, Tenn., and elsewhere. This, in my view, is a fair provision, Mr. Speaker, and one which liberals should not hesitate to support.

I remind you also that this bill, for the first time, extends Federal protection to those seeking to exercise their civil rights. This provision has been badly needed. By itself it would make this bill a landmark. But it is not by itself. This omnibus legislation is in every one of its provisions an important asset to the rule of just law in our country. I announce also my approval of the provision to guarantee the rights of American Indians. I strongly urge my colleagues to give their support to the measure before us.

Mr. MORTON. Mr. Speaker, during the 6 years I have served in the Congress, I have actively opposed discrimination and segregation wherever it has appeared. I have supported all meaningful civil rights legislation designed to provide equal opportunity, as well as eradicate discrimination among our people. But today, when the so-called civil rights bill of 1968 was brought before the House of Representatives with no opportunity for discussion or debate, and with no previous deliberation and recommendations from the appropriate committees of the House, in good conscience it is impossible for me to support it.

In the first place, the atmosphere surrounding the Capitol, where Federal troops were still on guard following riots and civil disturbance, provided a poor climate indeed to consider this legislation.

Objectively, and based on careful analysis, at best the bill is a hodgepodge and is almost unenforceable. It is an at-

tempt to satisfy disturbed elements of our society with wild promises; but, like so many programs of the day, it offers little hope of delivering the goods.

The provisions dealing with gun control are incomplete, and inconsistent with gun legislation under consideration by appropriate committees in both Houses.

The titles dealing with the rights of Indians were not even discussed with Members of the House who are knowledgeable in this area. Many Indians themselves have raised objections and are concerned.

The title on open housing is confusing, and creates a double standard—one for the individual homeowner and another for the real estate broker. It will not, in my opinion, solve the housing problems faced by minority groups or lead to a better understanding among our people.

This bill may be considered a psychological attempt to placate a small militant element of our society. We see in this action a Congress influenced by a new lobby—violence and civil disobedience. This was a shabby tribute, indeed, to a great champion of human rights, who gave his life for his cause less than a week ago. Let us hope and pray that in this action a pattern is not being established for the formulation of law in this great country.

No amount of legislation will create equality among men. The opportunity for equality is inherent in democracy. When it fails to become a reality, it is not because there is a lack of law to support it. Those elements in the evolution of our society which have brought about a degree of inequality among men are not subject to legislation. They can be eliminated only through the development and perfection of the human being himself.

Let us increase the opportunity for individual rights by directing ourselves and our communities toward the development of vocational training, toward improvement of education across the board. Let us seek the ways and means to increase manyfold the opportunities for improved housing and homeownership. Here Government, in cooperation with private enterprise, can lead the way and provide the tools with which an energetic society will build for itself a structure in which equality is inherent.

Mr. DERWINSKI. Mr. Speaker, I believe the fundamental issue facing us is whether or not the House should depart from established legislative procedure and pass H.R. 2516 this afternoon with Members restricted from offering amendments or even discussing the details of the bill.

There is no doubt in my mind that if this bill is sent to a House-Senate conference, helpful technical adjustments and language clarifications would be produced and a civil rights law in a much better form would be approved by Congress within a month.

In my opinion, House passage of this bill at this time will be interpreted by many individuals as a capitulation to pressure. The precedent that this interpretation will create will then arise again and again to interfere with sound legislative procedures.

In the past I have voted for the section of this bill which prohibits travel or use of any facility in interstate or foreign commerce with an intent to incite a riot or other violent disturbance; the section to make it a crime for anyone, by force or threat of force, to injure, intimidate, or interfere with any person because he is or has been participating in specified federally protected civil rights activities; and, the 1966 civil rights bill which contained an open housing provision. Like all Americans, I wish to see the plight of our Indians alleviated and do not have fundamental objections to the sections of the bill dealing with them.

By immediate passage of this complex bill the Congress fails to take into account the numerous State and local housing acts which have or are now being processed. There is legitimate doubt as to whether this bill, as drawn, can be properly implemented dealing as it does with a very basic question of property rights. The many examples of successful racial housing adjustments show that local cooperation and understanding, and not force, produces the desired results within a community.

However, this "package" is such a distortion of legislative procedure and the precedent I refer to is so obvious that I do not believe that this legislation should be passed under the present circumstances at this time.

Mr. BRINKLEY. Mr. Speaker, in the landmark decision of *Shelley* v. *Kraemer*, 334 U.S. 1 (1948), the U.S. Supreme Court established the criteria that racially restrictive covenants on land are not enforceable if there is a willing buyer and a willing seller. The question then became one of exercising the right established. The issue before the House today on H.R. 2516 is whether this principle will be abandoned, thereby jeopardizing the basic common law concept of property rights. The decision should emphatically be in the negative.

Mr. RIEGLE. Mr. Speaker, the senseless murder of Dr. Martin Luther King has shocked and saddened all Americans. The loss of this young man—only 39 years old—is a national loss that this Nation can ill-afford.

Let justice move swiftly and with a sure hand to find and bring to justice his killer.

But let justice also move with new urgency and conviction to advance the goals that Dr. King represented—the goal of an America where each and every citizen is accorded human dignity, equal justice, and equal opportunity. For the American dream says one thing above all other things—and that is human dignity, that a man is to be judged on his character, not his color, his race, or any other factor.

Dr. King fought for this national goal—this realization of the American dream—with man's greatest weapon. That weapon was the strength of his conviction—the quiet strength and determination nourished and sustained by the knowledge that he was right. That the truth was on his side—and the truth would ultimately make all men free.

So he rejected violence—he confronted it with reason, with unyielding faith, with granite determination. And he was right. He was victorious in life, and he continues victorious in death for death cannot destroy an idea. What is right cannot be murdered—cannot be long suppressed—it will always reassert itself and it will ultimately prevail over any adversity. Those who stand in its way will ultimately be swept aside.

But to those who understand, there passes a responsibility. And that is to take on a share of Dr. King's work—to take back our share of this universal struggle that he has carried for us. To understand in the hour of his death what we may never have realized while he lived—that he was fighting for us, not against us. He worked to carry our share of the load as well as his own. His patience and effort gave us time and with his death we must pick up that portion of the work which is and always has been ours to do.

The America of our ideals is ours to build, and working together "we shall overcome." We will overcome—or be overcome. We will either fulfill our destiny or always stand in the shadow of its unfilled promise.

To young Negro Americans who return from Vietnam having lost arms and legs, but never their dignity, let us be honored to drink together from the cup of full citizenship, full respect, full and equal partnership in America. And let us offer that same cup to their brothers and sisters, to all our neighbors, to each and every person across our land.

That was Dr. King's dream. That is my dream. That is America's dream. Let us now act to realize it before it is too late.

Mr. HALPERN. Mr. Speaker, we have before us legislation of great significance—a bill to provide all citizens of this Nation with rights fundamental to human dignity.

It is unfortunate that this bill comes up at a time of national stress and emotion. On the surface it might appear that Congress is reacting rather than acting. And that should not be a factor in our deliberations today. The basic principle of this legislation should not be measured by the legislative time table. If anything, it is late—not in terms of days or weeks, but in terms of years and decades.

This measure, H.R. 2516, is long overdue. It will go a long way toward protecting the Federal rights of Negroes and the first amendment rights of civil rights workers from violent interference. It will take a requisite step toward establishing by Federal law the right of every person to equal opportunity in the housing market regardless of that person's race or color—a right already given by some States and localities, especially by my own city of New York and the State of New York, both of which have broader laws than contained in H.R. 2516.

The U.S. Government has guaranteed the Negro many essential rights of citizenship—the right to vote under the 15th amendment, for example; the right to attend a nonsegregated school under the 14th amendment; the right to service in places of public accommodation by title II of the 1964 Civil Rights Act; the right not to be discriminated against in federally assisted programs by title VI; the

right to equal employment opportunity by title VII, and other rights.

Violent reaction against the exercise of equal rights in recent years has been shocking. Even more shocking in too many cases has been the failure of State and local authorities to prosecute racists guilty of murder, of beating, and of intimidation.

The Federal Government must back up the rights which it guarantees by criminal laws providing adequate penalties for forcible interference with Federal rights. H.R. 2516 establishes graduated penalties up to life imprisonment for civil rights crimes. And it applies to any individual perpetrator, not only to public officials or to individuals acting in conspiracy.

Mr. Speaker, the Negro will understandably feel himself rejected by American society until he is free to live where he wishes in this country and where he can afford to live. Negroes must certainly feel excluded from American society when racial discrimination closes them into the ghetto areas of cities in overcrowded and deteriorated housing. Moreover, we will never achieve desegregation of public schools—we will never bring it about that Negro pupils and white pupils go to school together—until we make it possible for Negroes to obtain housing outside the ghetto areas of our cities. We must enact Federal fair housing legislation so that Negro children will not be deprived of equal opportunity in education.

Yet I would caution against a beclouding of the issue. This bill is not just an open housing bill, nor is it solely an act to benefit Negroes. What we have before us is a commendable extension beyond the bill originally passed by the House during the first session of this 90th Congress.

While some of the added provisions have no direct connection as such with civil rights legislation, they are nonetheless sorely needed. And while indirectly related, they are welcome additions to an act designed to protect human rights under our Constitution and to provide the legal tools for their realization.

There is an important section dealing with the rights of America's almost forgotten—but very first—citizens: the American Indians.

There are antiriot provisions that impose severe penalties on those who turn to violence and lawlessness to achieve their ends.

There is a section combatting the unlawful use of firearms in civil disturbances.

Let me clearly emphasize that this bill is not a response to the recklessness of those who would try to hold the Nation hostage for the passage of civil rights legislation. This bill contains provisions valuable enough to enable it to stand on its own, and be passed on its merits, and that is how Congress should consider it.

As a member of the party of Abraham Lincoln, I am proud of the legacy of equality, equal justice, and human dignity he left. I would urge my Republican colleagues to fulfill the Lincoln tradition by registering a resounding vote for this bill and all it represents.

Mr. HAGAN. Mr. Speaker, like the vast majority of decent Americans of all races, I abhor murder or any lawless means of attempting to settle differences.

In good conscience, I cannot—and will not—be stampeded into voting for this civil rights bill, which I believe infringes upon the constitutional rights of all citizens.

It is shameful that Congress must endure such pressure. It is shameful that fear can dominate commonsense. It is shameful that the criminal acts in our Nation are clouding legislative process.

It is time for all citizens to do some serious soul searching and take stock of themselves.

Therefore, I urge that this measure be tabled until the turmoil in our land is resolved and Congress can act under logical and peaceful circumstances.

Mr. RYAN. Mr. Speaker, it is impossible to consider the resolution before us without having one's mind turn to the murder of Martin Luther King, Jr. His death has provoked a wave of shock and disbelief; it has touched the depths of the national conscience as his life's work never fully did. His martyrdom must not fade into the history books, or his dream for America—and ours—will also fade away. This tragic event must spark a recognition by white America that the full equality for which he lived and died must be achieved.

It is the heavy responsibility of the Congress to formulate the legal framework within which there will finally be full legal equality and equal economic opportunity.

We cannot say that the legislation before us would have spared the Reverend Dr. King. Nor can we assume that its passage will stem the tide of violence that has occurred in the aftermath of his death. It is only the first step in what must be a vast national effort of racial reconciliation. But without this legislation—both for the guarantees it provides and as a declaration that white America cares—no reconciliation can be possible.

In 1967 this House passed a bill—H.R. 2516—to guarantee the free exercise of civil rights. In 1966 the House passed fair housing legislation which was blocked in the Senate. The Senate has now passed H.R. 2516 with provisions similar to those in the bill which the House passed last August—namely, to establish adequate Federal penalties for the forcible interference with the exercise of civil rights.

After 2 months of debate from January 15 to March 11 of this year, the Senate amended H.R. 2516 to prohibit racial discrimination in the sale or rental of most housing. Fair housing legislation is essential if the urban crisis is to be resolved.

Although I have strong reservations about section 104, which I expressed when the so-called antiriot measure was before the House last year, I recognize the realities of the parliamentary situation which require the approval of the Senate amendment today. If the bill were sent to conference, there is no way to predict when or in what form it would emerge.

Today, in our cities American citizens are armed against each other. Whether it be the legal armament of the national guardsman or the illegal rifle of the sniper, one is no less fearful for America.

The assassination of Martin Luther King, Jr., has given us a tragic reminder of the urgency for Federal protection of the exercise of civil rights. The reaction that followed likewise reminds us that black and white America remain two separate societies. A national fair housing act will signify the willingness of Americans to live together as a community. It is required unless the explosive concentration of Negroes in urban ghettoes is to continue.

The hour is late. If Congress delays, it may be writing the death warrant of racial reconciliation.

Let me comment upon H.R. 2516 as it passed the Senate.

Title I would make it a Federal crime to interfere with federally protected activities. Passage of such a statute is long overdue. For years intimidation, violence, beatings, and murder have been the means used to counteract the civil rights movement which has opened the way for Negroes to participate in the political process in the South, as well as to have equal access under the law to public accommodations and education and employment opportunities.

The Reverend Dr. Martin Luther King gave his life as other civil rights martyrs before him for this cause. This list of martyrs is long and honored and should convince the House of the necessity of Federal legislation to guarantee the free exercise of civil rights.

Let our grief for the death of Martin Luther King not blind our eyes to other civil rights murders.

No man has ever been convicted in a State court for murdering Medgar Evers, the Mississippi chairman of the National Association for the Advancement of Colored People, who was shot from an ambush in Jackson, Miss., almost 5 years ago.

No man has ever been convicted in a State court for murdering James Chaney, Andrew Goodman, and Michael Schwerner, the three courageous civil rights workers who were killed in Neshoba County, Miss., in June of 1964.

No man has ever been convicted in a State court for the murder of James Reeb, a Boston clergyman and civil rights advocate, who died in the hospital after being attacked in Selma, Ala., in March of 1965.

No man has ever been convicted in a State court for the murder of Mrs. Viola Liuzzo, Detroit mother and housewife and civil rights worker who was shot on the highway between Selma and Montgomery, Ala., only a few days after James Reeb died, at the time of the voting rights march.

No one has ever been convicted in a State court for the murder of Jonathan Daniels, a divinity student and civil rights worker, who was shot to death in Hayneville, Ala., in September 1965.

These are only some of the murders that have been committed in order to deny equal rights to black Americans. Time does not permit even a partial recitation of the beatings and acts of intimidation that have been reported in recent years.

Protection of persons and property is primarily the responsibility of State and local governments. However, we are dealing with rights guaranteed by the U.S. Constitution and by Federal law, and we are dealing with the failure of State and local governments in many instances to protect these rights from violent interference.

Attacks upon American citizens to deprive them of Federal rights is an attack upon Congress itself, which has made the obligations corresponding to these rights the law of the land.

And it is intolerable that the U.S. Government should establish certain civil rights and yet lack sufficient authority to protect those rights from violent interference.

The existing statutory authority under which the Justice Department can prosecute for civil rights crimes—sections 241 and 242 of the Federal Criminal Code, title 18—is inadequate. It is inadequate for at least three reasons. First, while its effect is to authorize prosecution of local authorities who commit violence while misusing the power of their office—under color of law—it remains in question whether the Justice Department can seek convictions of private individuals who violate rights secured by the 14th amendment and who do so without the cooperation of public officials. And in any case, section 241 applies only to two or more persons acting in concert or in a conspiracy. Thomas Coleman, of Hayneville, Ala., admitted killing Jonathan Daniels and pleaded self-defense. Coleman was acquitted by a Lowndes County jury. The Federal Government could not seek an indictment because Coleman was not acting under color of law and because he acted alone and not in a conspiracy with others.

Existing Federal law is inadequate also because sections 241 and 242 do not enumerate the specific rights to be protected. This vagueness makes prosecution more difficult, and at the same time it means that men of violence are not given clear-cut warning of the Federal rights which they cannot violate with impunity.

A third serious defect in present law is that the penalties are inadequate to deter violence. Maximum penalties under section 241 are a $5,000 fine and 10 years in prison.

Last October, seven men—one of them the deputy sheriff of Neshoba County, Miss., and another one of them an imperial wizard of the White Knights of the Ku Klux Klan—were convicted in a Federal court under section 241 of conspiracy to violate the civil rights of James Chaney, Andrew Goodman, and Michael Schwerner. These seven had violated their civil rights by means of murdering them. The seven killers were sentenced a few weeks later. Two of them got the maximum—10 years in prison; two of them got 6 years; and three of them got 3 years.

Three men—William Eaton, Eugene Thomas, and Collie Wilkins—were convicted of conspiracy in a Federal court in December 1965, in the shooting of Viola Liuzzo. Each of these three received the maximum sentence—10 years.

Both the House and Senate versions of H.R. 2516 make up for the defects in the present law.

Both versions apply the penalties of the law to anyone, whether or not acting under color of law and whether acting alone or in concert with others.

Both versions spell out the specific rights to be protected.

Both versions provide graduated penalties adequate to deter violence, with a maximum sentence of life imprisonment if death results.

The Senate version of this legislation differs from the House version in that the former distinguishes between kinds of rights. Most of the rights enumerated in subparagraphs (1)(A) through (1)(E) of the Senate version are rights binding on the U.S. Government itself. Such is the right to equal opportunity in the Federal service, for example, or the right to serve on Federal juries. Here the obligation to treat citizens in an equal manner falls upon the Federal Government directly, and the Federal Government has unlimited authority to prohibit interference on the part of private individuals whether or not such interference is racially motivated.

The rights enumerated in subparagraphs (2)(A) through (2)(F) of the Senate version are rights binding on someone other than the Federal Government. The right to attend a public school is to be recognized by the States, as is the right to serve on State juries. The Federal Government has the obligation under the equal protection clause of the 14th amendment to protect persons from being deprived of these rights because of racial discrimination. Included in this second category of rights is the right to service in privately owned places of public accommodation without racial discrimination. This right was established by title II of the 1964 Civil Rights Act. Also included is the right to equal opportunity in private employment without racial discrimination. This right was established by title VII of the 1964 Civil Rights Act. Hence, the Senate version protects the second category of rights against interference when such interference is racially motivated.

Mr. Speaker, I should like to make two observations about this distinction between rights in the Senate version. First, the distinction should not weaken the protection of rights provided in the House version of the bill. Second, there must be no question but that the rights enumerated in the second category—those which are to be protected only against racially motivated interference—are definitely Federal rights. They are rights which are guaranteed by the Federal Constitution or by Federal statute and they are to be safeguarded by the Federal Government against violation. We have already delayed too long in enacting the measures necessary to safeguard these Federal rights.

The Senate version has a provision—subparagraph (5)—similar to the provision in the House version prohibiting forcible interference with the exercise of the first amendment rights of speech and assembly on the part of civil rights advocates. Civil rights activities like those of James Chaney, Andrew Goodman, and Michael Schwerner, of James Reeb and Viola Liuzzo and Jonathan Daniels would be protected by this provision.

Section 104 of the Senate version is a cause for concern, and I regret that it will not be presented for a separate vote.

First of all, it is unnecessary. In chapter 3 of its report, the National Advisory Commission on Civil Disorders stated:

> On the basis of all the information collected the Commission concludes that the urban disorders of the summer of 1967 were not caused by, nor were they the consequence of, any organized plan or "conspiracy." Specifically, the Commission has found no evidence that all or any of the disorders or the incidents that led to them were planned or directed by any organization or group, international, national or local.

Second. Protection of persons and property against local disorder is primarily the responsibility of State and local government. Except in extraordinary circumstances, it is not the responsibility of the Federal Government. Every one of the States has an antiriot law, and every State that has been disturbed by riots has demonstrated its determination to restore order and to prosecute those responsible, and the Federal Government has given its cooperation.

Third. It threatens the first amendment right of free speech. Although the bill attempts to distinguish between instigating to riot and advocating ideas, nevertheless, the kind of speech for which one may be prosecuted remains uncertain. Moreover, such speech must be judged in the light of what happens—or what could have happened—afterward. I am afraid it will have the consequence of discouraging free speech, and this at a period of social change which must be guided by means of the freest and most open discussion.

The American Civil Liberties Union, in its criticism of the antiriot bill, H.R. 421, which the House passed last summer, pointed out two ways in which such legislation violates the due process clause of the fifth amendment. First of all, under either H.R. 421, or section 104 of the Senate version of H.R. 2516, a man may be prosecuted for traveling interstate or for using the facilities of interstate commerce with a certain intent if he thereafter commits an overt act apparently to carry out his intent. The ACLU said:

> Such a provision violates a basic requirement of criminal law that the intent and the criminal act must be contemporaneous.

Mr. Speaker, I would like to turn now to the fair housing law which the Senate has added as title VIII to H.R. 2516.

In chapter 4 of its report, the National Advisory Commission on Civil Disorders said that the factors behind the riots are "complex and interacting." But the Commission went on to say this:

> Despite these complexities, certain fundamental matters are clear. Of these, the most fundamental is the racial attitude and behavior of white Americans toward black Americans. Race prejudice has shaped our history decisively in the past; it now threatens to do so again. White racism is essentially responsible for the explosive mixture which

has been accumulating in our cities since the end of World War II.

Open housing is essential if the urban ghetto—and the despair which pervades it—are to be overcome.

National fair housing legislation should signify the willingness of white Americans to welcome black Americans as members of the community. This bill means more than the opportunity for Negroes to acquire decent housing. It should mean a fundamental change in attitude which must underlie and support everything else we do to achieve the aim of an integrated society.

The Federal Government declared its commitment to the goal of fair housing when President Kennedy signed Executive Order No. 11063, "Equal Opportunity in Housing," on November 20, 1962. But this order covers only federally owned, federally financed, or federally insured housing. We need legislation covering all housing. Moreover, we need fair housing legislation which is enacted by Congress—by the representatives of the people—as an expression of a national moral consensus. Passage of this legislation by Congress should have significant meaning. The genuine integration of communities could weave black and white Americans into the fabric of one society.

The increasing concentration of Negroes in the inner cities and the movement of white people into the suburbs bear serious consequences with respect to schools and jobs.

This de facto separation of races between city and suburb perpetuates de facto segregation of schools. The educational consequences of such segregation are grave. In its 1966 report entitled "Equality of Educational Opportunity," the Office of Education verified the fact of school segregation, and reported that at the sixth-grade level the average Negro student is more than a year behind the average white student in verbal attainment, and that at the 12th-grade level the average white student has attained the 12th-grade level of education, or close to it, while the average Negro student is below the ninth-grade level. Ghetto schools are inferior schools, and de facto segregation in schools will hardly be eliminated until housing segregation is eliminated.

Exclusion of Negroes from the housing market has the effect also of denying Negroes equal job opportunities. A recent study of five cities by the National Committee Against Discrimination in Housing reveals that industry is relocating from cities to suburbs and taking job opportunities out to the suburbs along with it—Washington Star, March 10, 1968, page A13. To take one city as an example: The Chicago Association of Commerce and Industry reported in 1966 that during that year 61 corporations relocated outside the city limits and that 34 other corporations established new branches outside the city—Washington Post, September 5, 1967, page A4. So we should not be surprised to learn from a recent study of 20 cities by the Bureau of Labor Statistics that something like one-third of nonwhite young people in these urban areas are unemployed—Washington Star, February 27, 1968, page A1. To shut Negroes into the inner city is to shut too many of them off from jobs. And laws and programs to achieve equal opportunity will be frustrated until there is open housing.

Both title IV of H.R. 14765, the fair housing law which the House passed on August 9, 1966, and title VIII of the Senate version of H.R. 2516 regulate persons in the housing business. The two bills define persons in the housing business in somewhat different ways. H.R. 14765 defined persons in the housing business as those who are involved in three or more sale, rental, or lease transactions in a year. H.R. 2516 defines persons in the housing business primarily in terms of ownership—a private individual owner is one who does not own more than three single-family houses at a time.

H.R. 2516 is a more effective bill than H.R. 14765 inasmuch as the present legislation grants no exemption to real estate brokers. Under the 1966 bill, real estate brokers would have been exempted from the prohibitions against racial discrimination if they acted on the instructions of private homeowners who wished to sell or rent only to white persons. Under the present legislation, if a private homeowner wants to put his house on the public market for sale or lease through the services of a broker, he must be prepared to do business in a nondiscriminatory manner because the broker who lists his property must do so.

The two bills are alike in forbidding discrimination by institutions in the business of financing real estate transactions, and in prohibiting "block busting" by persons in the real estate business.

I regret that the present bill does not grant to the Secretary of the Department of Housing and Urban Development authority to issue cease-and-desist orders to put a stop to discriminatory treatment by persons in the real estate business. H.R. 14765 gave such authority to the Fair Housing Board which that bill would have established. The experience of State fair employment practices commissions, for example, reveals that those who practice discrimination are usually more willing to seek resolution of complaints through negotiation if the commission has authority to issue orders enforceable through the courts.

I think that we will find that real estate brokers and those who finance real estate transactions will generally comply with the requirements of this fair housing legislation in much the same way as restaurant owners and hotel managers and others in the business of providing public accommodations complied with title II of the 1964 Civil Rights Act. I think that we will find that persons in the real estate business will welcome this legislation because it will make it possible for them to treat everyone with fairness and personal respect without fear of being put out of business by competitors who discriminate.

Both bills establish the same graduated Federal penalties for interference by force or intimidation with the exercise of the right to equal opportunity in housing. H.R. 14765 included this right among the several rights protected by title V, which dealt with interference. H.R. 2516 provides penalties for intimidation in fair housing cases in title IX. And both bills likewise grant protection to civil rights advocates who exercise the first amendment rights of speech and assembly to support the right to equal treatment in the housing market.

H.R. 2516, as amended by the Senate, has some shortcomings, which I have tried to point out. It will not in and of itself bring racial peace and racial justice to America. But without it, it is difficult to conceive of either.

So, for the sake of equality for all, and for the sake of America, let us act.

Mr. CURTIS. Mr. Speaker, when Goneril and Regan have spoken, what is Cordelia to say?

There is no question that our Negro citizens are seriously disadvantaged in obtaining adequate housing. There is also an important correlation between housing and obtaining and holding jobs with the combined movement of people out of rural areas and the disintegration of the high-rise city. Our Negro citizen is caught up in this great economic upheaval which is further aggravated by a marked shift of job creation away from manufacturing and production into distribution and servicing of which education, health, and recreation are increasing factors. These matters require the deepest study and probably more wisdom than we as a society collectively possess after we have done our homework to the fullest extent, in order to provide better equity and opportunity for all of our citizens.

Congress in the past few years has had a flurry of activity in passing one law after another with fine labels and great intentions but with little study and debate. The net result has been great promises and little results, with an overall serious resultant that many Negroes believe the promises were insincere in the first place.

I do not believe the promising has been insincere. I believe the trouble lies in Congress, the executive branch of the Government and others failing to do their homework before they have acted. Dogmas have been promoted to combat theories. This irrational approach has been excused on the ground that the current situation is an emergency.

With a limited lifespan it is quite easy for human beings and any particular generation to look upon the problems of its times as emergencies. In many respects they are emergencies. However, I think the better course of action to meet both emergencies and long-range problems is to take the time to do the necessary studying before taking action. Haste does make waste. Pushing the panic button makes matters worse, not better.

I have been digging out my old speeches opposing public housing. In these speeches I said I thought that public housing as it was conceived would produce high-rise slums and would not provide cheap adequate housing for our lower income groups. I also suggested that other social ills could possibly result from taking this approach to the housing problem. Instead of answering these ar-

guments those who were promoting public housing attacked the motives, by saying anyone who opposed public housing was opposed to having our people obtain cheap adequate housing. It was alleged that the opponents to public housing were calloused to or ignorant of the problems of housing for our lower income groups. This debate goes back to 1951. How much time, human suffering and money we could have saved by taking the time to examine into these theories and the theories of the advocates of public housing to protect our minds to better solutions.

Today we are being asked to bypass the orderly legislative process, the study and deliberative process, because of an emergency situation in integrated housing. Is it any more an emergency in 1968 than it was in 1951? The word is abroad that by passing a new law we are going to correct or move markedly toward correcting the problems in housing for the Negro citizen. And anyone who dares speak up against either the proposed law—inadequately studied as it has been—or the sad procedures being followed to bring about prompt enactment of the proposal is racially motivated, is lacking in concern for the problems in housing or is under the influence of the "real estate lobby."

Rioting, looting, and disobedience are given as reasons for acting hastily. The tragic death of Martin Luther King is given as a compelling emotion for acting in haste.

The legislative situation is this. The Senate has placed many amendments on a limited civil rights bill passed by the House last year. One of these amendments relates to open housing. There is a lengthy amendment dealing with the American Indian which the House of Representatives has never had a chance to study through its committee process or through the process of floor debate. There is a poorly drafted amendment which relates to interstate traffic in guns unstudied by either Senate or House committees. There are provisions which seek to establish new crimes relating to civil rights demonstrations. Criminal laws should be carefully drafted, studied and debated before final passage and even when this orderly procedure has been followed we frequently find we have permitted serious errors to occur.

The issue before the House today is whether it will suspend its orderly procedures for considering and enacting legislation. The open housing provision needs considerable more study and discussion to perfect; however, I have stated publicly that I would support an open housing provision even if imperfectly drafted in order to dispel some of the damage that otherwise would be caused by the overpromising which has been made in behalf of this provision. There is not much that can be done to correct the imbalances and problems that exist in housing for the Negro citizens through this kind of legislation.

Its failure of passage could be used as a whipping boy to explain why problems in housing have not been alleviated. By its passage it will be necessary to explain why the housing problem of the Negro has not been alleviated and at least we can then continue searching for effective solutions.

However, we do not have an opportunity to vote for the open housing provision without accepting the provisions relating to Indians, gun trafficking and new crimes in civil rights demonstrations. By sending the matter to conference we could gain this opportunity.

The only argument against sending the matter to conference is that the Senate conferees might delay the matter unfairly. We have had assurances that this would not be done, but if it is attempted the House still retains the remedy of calling the bill back from conference and proceeding as it is here proposed we do.

In the long run civil rights are set back, not advanced, by undermining the orderly procedures for study, deliberation and debate. The ends do not justify the means; expediency damages the cause of equity and justice.

Mr. SCHWENGEL. Mr. Speaker, today we are again dealing with human rights. We call it the civil rights bill, but it is more a human rights bill because it deals with personal liberty, the philosophy of equality under law and opportunity that concerns individual people who do not have the liberties, rights, and opportunities that other people in our society have. We are dealing also with moral principles and with a problem that has too long been a problem for people because their skin is of different color. Because this is basically a moral question we should give priority to its consideration. Also, Mr. Speaker, we need to be realistic and the reality of the situation tells me clearly that unless we act favorably on this bill, this provision of this bill can be indefinitely postponed.

In answer to those who say this is not the same bill and that there are provisions that we have never written and parts that are poorly written I say, no doubt this is true, but there is nothing to prevent us from acting with another bill to correct this shortcoming and eliminating that criticism.

For those who say we are responding to riots, to the actions of extremists, to the looting and burning, I should like to say, I am responding to the nonviolent philosophy of the large majority of population of the Negro community. Mr. Speaker, today I will vote to accept the Senate-passed civil rights bill mainly because it includes a fair housing provision. This is my position for several reasons.

First and foremost, I believe in fair housing. I believe a vast majority of Americans believe that everyone in this country, regardless of his race, color, or creed should be able to live in the neighborhood he can afford and should be able to purchase the home or rent the apartment of his choice.

Many States and municipalities have already passed fair housing legislation or ordinances. I am proud that Iowa has already passed a fair housing law. Its coverage is far broader than legislation under consideration here today. It prohibits anyone from selling his home whether through a broker or not on a discriminatory basis. The city of Davenport, my hometown, has passed a fair housing ordinance modeled after the Iowa law.

The fair housing provisions of the Senate-passed bill make clear that State law takes precedent when it is substantially equivalent to the Federal law. Therefore, the Iowa law is in no jeopardy. It is broader and more inclusive than the Federal legislation. It is illegal today under Iowa law to discriminate in the sale and rental of housing. So as far as Iowans are concerned the legislation before us today will make no difference to realtors, or anyone else selling or renting housing.

Frankly, I first questioned the advisability of accepting the Senate bill. There is no doubt that it could be improved. But after studying it in depth, after having my staff and the Legislative Reference Service of the Library of Congress do the same, I have come to the conclusion that despite its defects it is workable and is worthy of support.

I want to make clear that my vote today is not based on anything else than the reasons I have outlined. My decision on this bill was reached last week before the awful tragedy in Memphis. There will be those who will characterize the passage of this bill as a memorial to Dr. Martin Luther King, Jr. That would be a disservice. This legislation deserves support because it is right, because it is needed.

A more fitting memorial to Dr. King would be never having to use this legislation or any other to insure equal rights. A more fitting memorial would be for all people, all races to erase all vestiges of prejudice and discrimination—for true brotherhood to come peacefully, and without violence. That is a task to which all of us must dedicate ourselves.

Mr. Speaker, to close, I must pay tribute to the leadership of this House and especially the leadership of the Judiciary Committee on both sides of the aisle. Already great and deserved tribute has been spoken of and given to the chairman, EMANUEL CELLER. Little can I add to what has been already said in this regard except to say "Amen", but I must add, too, because I believe it needs further consideration, the magnificent record of the minority leadership, Mr. WILLIAM M. MCCULLOCH.

In checking the history of Congress and the contributions made to civil rights, it has been the leadership in the Judiciary Committee that made the difference. All of this began in 1865. On the recommendation of Lincoln the 13th amendment and, after his assassination, on the recommendation of the leadership of Congress—the 14th and 15th amendments were passed. The leadership of Chairman James F. Wilson, First Congressional District of Iowa, the same district I have the honor of representing in this House was influential. Like that early pioneer, I believe in and fought for every bit of civil rights legislation coming to the House floor, but I know without leadership, its enabling legislation is not always the result.

Mr. Speaker, we are fortunate in having as a minority leader of the Judiciary Committee, WILLIAM M. MCCULLOCH of Ohio, who not only is a great lawyer

with a perceptive mind, but a man with forthright, deep understanding and devotion to law and order and with a keen appreciation of both the importance of law and importance of well-written law. I am sure that in every move made by the committee on both sides, the judgments and counsel of WILLIAM MCCULLOCH has been sought and given. He has also been and I am sure will remain an effective legislator. I honor him, I thank him, and I am sure that all Members of the House, whether or not they agree on this question or not, that we have in Congressman WILLIAM MCCULLOCH one of the greatest legislators of all time. We in the Congress owe him much and the people, especially those who have not always had their rights under law owe him much more.

Often marble monuments are built to our great men and books are written about them but the most important monument as stated so well by Sandburg when he spoke of Lincoln "are built in the hearts and minds of Americans who are the beneficiaries of human rights legislation and from this legislation we will again learn as we have so often in history that whenever you give rights, opportunities and advantages to people that are not enjoyed by all the people, not only do the disadvantaged people benefit, but the Nation benefits and the great ideals that we espouse become even greater."

Mr. MATHIAS of Maryland. Mr. Speaker, this House is not a court of law to adjudge guilt and mete out punishment. Nor is the House a court of honor to make awards and lay wreaths.

We are the National Legislature. Our task is to discern truth and our aspiration is to guide the footsteps of a great nation. No pettifogging quibbles and no passing passions should divert us from our work or deflect us from our goal.

Today we must determine whether there is a need for legislation and whether H.R. 2516 meets the need. On the question of need I have been convinced for several years that something must be done on this subject, and this conviction was reinforced only an hour ago when I met with the following individuals:

Mr. Joseph Meyerhoff, Joseph Meyerhoff, Inc.—home sales.

Mr. Henry A. Knott, Henry A Knott, Inc.

Mrs. Isaac Hamburger, Isaac Hamburger & Sons.

Mr. Charles H. Buck, chairman of the board, the Title Guarantee Co.

Mr. John Lotz, Western Electric Co., Inc.

Mr. Harrison Garrett, chairman of the board, Robert Garrett & Sons.

Mr. William B. Guy, Jr., president, W. Burton Guy & Co.

Mr. Jerold C. Hoffberger, president, the National Brewing Co.

Mr. Guy T. O. Hollyday.

Mr. Albert D. Hutzler, Jr., president, Hutzler Bros. Co.

Mr. Donald V. Kane, partner, Arthur Andersen Co.

Mr. I. E. Killian, regional manager, Humble Oil & Refining Co.

Mr. Louis B. Kohn II, president, Hochschild, Kohn & Co.

Mr. Bernard Manekin, president, Manekin & Co.

Mr. James O'Neil, American Sugar Refining Co.

Mr. Henry G. Parks, Jr., president, Parks Sausage Co.

Mr. D. C. Lee, vice president, Westinghouse Corp.

Mr. Charles Lamb, partner, Rogers, Taliaferro, Kostritsky, Lamb.

Mr. James W. Rouse, president, the Rouse Co.

Mr. Walter Sondheim, Jr., first vice president and treasurer, Hochschild, Kohn & Co.,

Mr. G. Cheston Carey, Jr., president, Carey Machinery & Supply Co.

Mr. Douglas Buttmer, Weaver Bros., Inc.

Mr. Michael Quinn, Weaver Bros., Inc.

Mr. Gilbert Rosenthal, president, Baltimore Junior Association of Commerce.

Mr. Robert E. Daiger, chairman of the board, VanSant Dugdale & Co.

Mr. W. G. Smith, general manager, Bethlehem Steel Corp.

Mr. R. W. McAlpin, Armco Steel Corp.

Mr. William Boucher III, executive director, Greater Baltimore Committee.

Because of the sudden change in time, the following were unable to be present:

Mr. Alexander S. Cochran, partner, Cochran, Stephenson & Donkervoet.

Mr. Robert H. Levi, chairman of the executive committee, Mercantile-Safe Deposit & Trust Co.

Mr. John E. Motz, president, Mercantile-Safe Deposit & Trust Co.

Mr. Henry E. Niles, chairman of the board, Baltimore Life Insurance Co.

Mr. L. Mercer Smith, vice president, the C. & P. Telephone Co.

These Maryland community leaders made it abundantly clear that in their judgment, that conditions in Maryland and throughout the United States demand national legislation.

On the question of whether H.R. 2516 meets the need there may be less unanimity of opinion. I might not have used the same words and phrases in drafting the bill had the matter been in my sole charge, but the essence of the question is whether it will do what is necessary without unnecessary friction and controversy. No fundamental amendment of existing law is required, since the Congress settled the right of all citizens to own real estate in 1866, and the 13th amendment guarantees the legal equality of citizens. All that is required is a contemporary method of enforcement. Nothing new or innovative is included or contemplated. The language before us should suffice, and I support its immediate enactment.

Mr. DOWDY. Mr. Speaker, this bill is before us today, because of demands from mobs of rioting looters and arsonists, and as evidenced by executive messages and remarks made in this body, this House is being asked to enact it out of fear, and to appease these vicious mobs. They will not be appeased, and this is evidenced by the fact that the riots and destruction have become progressively worse following the enactment of laws in 1965 and 1966, which were also passed out of cowardly fear, to appease the mobs of those years. I cannot accept the argument that we should abridge the God-given rights of millions of Americans, in a vain attempt to placate a group of criminals.

The majority of all Americans want to do right, and regardless of their color, are peaceful and law abiding. They want our laws enforced; they want law and order above all material things; they want rioting and looting prevented by whatever force may be necessary. The people are demanding this action. They condemn the orders of officials like the District of Columbia Director of Public Safety, Murphy, who, as the rioting and looting began in Washington the evening of April 4, ordered the municipal police not to arrest anyone engaged in looting and rioting. Such action denotes a man who is unworthy of official position of any kind. Officials of similar authority have made the same orders in other cities, during this period of riots, as they have done in prior years under the same circumstances. All of them should be peremptorily fired from their positions.

Here we have another great fear campaign, to coerce this House of Representatives to take a reprehensible, cowardly action, alien to America and all it stands for. Why cannot the Members recall the great fear campaign that brought confusion, looting, bloodshed, arson to France in July 1789, and resulted in the downfall of the government of that nation? America is confronted with a like situation today, nearly 200 years later.

Surely this body realizes the result to be expected, if it yields to threats, succumbs to blackmail, and surrenders to the mob. America cannot survive by either obeisance to the mob, or by such sacrificial offering to the rioters and looters.

I have toured the areas of destruction here in Washington—more than 60 blocks of wanton arson, destruction and looting; whole blocks of business buildings gutted and destroyed by fire—yet we have heard emotional pleas made here today, demanding that these mobs be rewarded.

Where are we headed? It may be the full intention to bring about the destruction of the United States of America and its Constitution, under which we have become the greatest nation on earth, with the highest standard of living God has ever favored any people. I hope not, but the way things are going, that might well be the end result.

The blame for the rioting, looting, arson, and destruction has been, again, here today, laid on the shoulders of the law-abiding citizen, rather than placed on the rioters, looters, arsonists and other criminals, and on those, like Murphy, whose duty it is to enforce the laws, maintain law and order, and protect law-abiding citizens in their lives and property.

Why do we have government among men? The only real purpose of government is to protect its citizens in their lives and property. Any government which cannot do this, or fails to do it, is not worthy of the name.

The looters and rioters are encouraged to believe they are exercising their rights by indulging in their criminal action. They are encouraged in their lawlessness by statements of Government officials,

and by orations by voteseeking politicians both in and out of Government. They are encouraged by the pitiful Kerner Panel report on riots, recently made public. That report, instead of helping to solve the problem, encourages the rioters to believe they are entitled to all they claim they should have, and that the sentiment of our Nation's leadership is to give it to them regardless of the cost either in human lives or in billions of dollars. Those of us who prefer the freedoms given to us by a loving God are involved in a conflict with socialist revolutionaries leading the mobs who have resorted to terror and bloodshed, and we are today being asked to surrender to this threat by enacting this bill.

The rioters are further greatly encouraged in that they are agitated and led, right here in the Nation's Capital City, by men who are on the Government payroll, their salaries paid by tax money extracted from the American taxpayer. The people are tired of this; they are entitled to better protection by a Government for which they are paying so dearly. I agree with the people who are demanding law and order, and preservation of the peace in our cities and the countryside.

The people want to know why so few rioters and looters are arrested; and they also want to know why the courts of America free without trial or punishment 99 percent of those who are arrested. The mobs are encouraged in their licentiousness by this, in that they are confident, even if arrested, they will be freed without punishment, just as other criminals are freed by the Federal courts. So the mob participants have great encouragement in their lawlessness because of the existence of the U.S. Supreme Court, which leads the rioters, looters, and arsonists to believe they are only exercising their "rights." What else can be expected, so long as law enforcement officers are handcuffed and restricted in the performance of their duties by orders from on high, and promulgations of the U.S. Supreme Court?

When the District of Columbia Director of Public Safety Murphy was called before the House District of Columbia Committee a few weeks ago to be asked what plans he had to handle the planned riots, and what he planned to do to protect citizens and their property, he said he was prepared to handle it. And how did he handle it? He ordered the police to make no arrests. You saw it on television. The looters grabbed whatever they wanted, even took hand dollies, and hauled heavy merchandise out the front doors of businesshouses, waving at the television cameras, as police directed them to keep the traffic in stolen merchandise moving along. What are we coming to? You answer it. Lawlessness and chaos. We see our Capital City patrolled by military troops with road blocks at street intersections. Curfew has removed people from the streets. It has the appearance of an occupied, war-torn community, solid blocks of buildings destroyed as though bombed; debris of destroyed property littering the streets, and the House of Representatives is here asked to reward such action. Is it our intention to say to the American people that the U.S. Congress is no longer an illustrious body, but is a crawling, groveling body of cowards? Do we mean to say that the way to get a law enacted is to riot, loot, and burn until it is passed? That will be the result, if this bill receives favorable action today.

As evidenced by my statements already uttered, I am disturbed and greatly concerned about the conditions currently existing in the administration of this country's affairs. For Congress to enact this legislation would be a great tragedy for our country. To pass it following in the wake of the unparalleled violence and destruction of property and lives would be a signal to pressure groups of every ilk that Congress is now conducting legislative matters in response to mob violence and the fear of massive rioting and political pressure from such groups. The integrity of Congress must be preserved.

The only place the citizens of America can look for the preservation of our American system and the recognition of their rights as individuals is to Congress. It seems that many of our national leaders of both parties are so ambitious for block votes that they are willing to pour more gas on the fire to encourage those groups which are causing so much destruction and violence across our land.

Congress should never act out of fear and in response to threats. We should state in no uncertain terms that the first order of business is a cessation of violence and disregard of the laws of the land. Congressional investigating committees should call before them all officials responsible for law enforcement and demand of them that they seriously undertake their duty to preserve law and order, and remove those who are unable or unwilling to do so.

The people were shocked that it is necessary to place machineguns and troops in position to protect the White House and the Nation's Capitol, and that there was hesitation and uneasiness on the part of the executive branch of the Federal Government to protect the storeowners, property owners, shopkeepers, and the law-abiding majority in a forceful manner. Congress ought to make it clear that local law enforcement officers will be backed up by Congress, even if they are handicapped by other branches of the Federal Government and by those national politicians who refer to riot and insurrection as "freedom of assembly" and "freedom of speech." Riot and insurrection must be treated as riot and insurrection, and those guilty should be punished regardless of their political affiliation or how they vote. The people want to hear about "civil responsibility," and they are entitled to hear it. They will not hear it if this bill is enacted. It should be defeated.

Mr. BUCHANAN. Mr. Speaker, it is regrettable that issues of the magnitude of those involved in H.R. 2516 should be debated within the present context. Neither sentiment nor fear should becloud debate on such far-reaching legislation.

The only reason this House should approve any legislative proposal is on the basis of its merits. Such should be the case this day. Honest men may differ, but it is my firm conviction that H.R. 2516 cannot pass the test of the thorough and sober consideration which it should have, but has not received from this body, on its merits, and, hence, should not become law.

I regret the existence of hypocrisy or bigotry wherever these may exist in our country. I believe in equality of opportunity and in equal and exact justice under the law. It is my personal desire that every American be not only permitted but encouraged to grow to his full stature and to become whatever in the providence of God he can become. Nor should an American's freedom be limited by anything more than the honest rights of his fellow citizens.

We have witnessed, however, in recent days the most massive and the most violent abrogation of the property rights of Americans this Nation has ever known, in the riots and civil disturbances which have racked our Nation. That criminal and subversive minority which is responsible has acted against the civil, human, and moral rights of every citizen whose life or property has been endangered.

In a quieter, more subtle, yet very serious way this legislation may constitute an ever more massive attack upon the property rights of American citizens. In an honest attempt to secure the rights and protect the interests of a minority group, this House stands in grave danger of abrogating basic rights of the majority.

Two of the Ten Commandments: "Thou shalt not steal," and "Thou shalt not covet * * *" deal with property rights. They have been recognized as legal rights in every succeeding legal system, including our own.

Property rights are human rights and are civil rights of American citizens. They are basic enough to deserve protection from the lawless, and from ill-framed and hastily enacted legislation, as well.

Mr. Speaker, on behalf of the law-abiding, taxpaying, property-holding American citizens who constitute the overwhelming majority of this Republic, I urge the defeat of the previous question. They, too, have rights, which in my judgment are threatened here.

Mr. PEPPER. Mr. Speaker, I presented my views on civil rights and open housing on August 8, 1966, when H.R. 14765, the proposed Civil Rights Act of 1966, was before the House for consideration. What I said then are my views today upon H.R. 2516. Therefore, I repeat today in support of H.R. 2516, with only a change in the number of the title of the bill, what I said in 1966, because my sentiments upon this subject are the same as they were when I spoke to the House then.

The dark spot upon the glorious history of America is the tardiness with which we have removed onerous discriminations from many millions of our fellow citizens. Rather than lamenting the past, however, it behooves us to see how far we have come and to dedicate our efforts to speeding the day when every American shall enjoy that equality of right and pro-

tection which Thomas Jefferson envisaged in the Declaration of Independence.

When Thomas Jefferson wrote into the Declaration of Independence the words "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these rights are life, liberty and the pursuit of happiness," none knew better than Jefferson that those words did not describe conditions as they then existed in the American Colonies. Jefferson knew that all men's rights were not equally protected in the American colonies; Jefferson knew that what John Adams called the abominable institution of slavery existed in many of the Colonies and some of the Members of the Continental Congress owned slaves; and Jefferson knew that the path to the pursuit of happiness was not equally open to all Americans.

Jefferson knew also that these principles would not become the policies and practices of an America which should burst full grown, like Minerva from the brow of Jove, from the Declaration of Independence. But Jefferson believed that those words would become the principles of the America which was to be; the America which should emerge from ensuing generations of Americans through bloody struggles, unremitting toils and dedicated sacrifices. But those words of equality were not idle or meaningless words. On the contrary they embodied in Jefferson's own immortal eloquence the promise and the challenge of the American dream.

And those words in that Declaration, "that to secure these rights governments are instituted among men," did not mean that Jefferson intended that the government aborning from this Declaration should have for its duty and function only the protection of the rights of citizens which existed at the time that government was formed. On the contrary, he contemplated that it should be the duty and the high purpose of that government to obtain additional rights to secure for the citizen ever a more perfect enjoyment of those rights which as a human being, a child of God, and an American, he was entitled to inherit and enjoy.

And so it has been for almost two centuries that that government which arose from Jefferson's Declaration, always tardily, sometimes faltering, but never falling, has continually stricken down laws, practices, and policies of discrimination against any American and approached nearer and nearer to Jefferson's goal of equality of rights and the enjoyment of such rights by all Americans.

The tragedy has been in the slowness of pace, at least until late years, which has characterized this struggle. It was nearly a hundred years and after a bloody war before the bonds of slavery were stricken from Negro Americans. It was nearly 150 years before women were emancipated to the full status of citizenship. It was nearly 175 years before Negro children were accorded equality of access to the public schools.

But, beginning with the administration of Franklin D. Roosevelt, the drive of the American Government for equal rights and equal opportunity for all Americans became more determined and the pace of progress toward this ancient aspiration rapidly accelerated. President Roosevelt set up a Fair Employment Practices Commission by Executive order to help win the war and to enable all men and women regardless of race, creed, or color to help gain the final victory.

President Truman sent to the Congress recommendations for the removal of many of the discriminations against our citizens on account of race, color, religion, or national origin. The fight for civil rights, for equal rights for all our people grew in momentum and in intensity in the Congress and throughout the country. America was awakening to the challenge and the necessity that every American be treated like an American.

The really exciting beginning of the dynamic program of the American Government and the American people to secure equality of rights for all Americans began with a decision of the U.S. Supreme Court in Brown against the Board of Education in 1954. Since 1954 the U.S. Supreme Court has decided in one way or another some 60 cases striking down discrimination against Americans on account of race, color, religion, or national origin in respect to voting, the enjoyment of public accommodations and facilities, access to educational institutions at all levels, housing, employment, the payment of a poll tax as a condition of voting, and other areas of activity.

Beginning with the administration of President Eisenhower, at least 12 Executive orders have been issued by Presidents removing discriminations against some Americans in respect to employment and housing. Beginning with 1957, the Congress has enacted four civil rights acts and the House has now by a great majority enacted a fifth and most meaningful one.

The bill we have been considering and have now enacted extends the protection of the fair and nondiscriminatory administration of justice to those who have previously been denied membership on grand juries and petit juries in many parts of America.

But the crowning glory of all civil rights legislation which the Congress has enacted is to be found, in my opinion, in title 4 of the act which we have just passed—in title 8 of the act before us today. This title provides that when a man goes into the marketplace to acquire a home—with all that a home means—the seat of the family altar, the sacred area where the family, the little unit blessed of God, stands together apart from the world to share its joys and sorrows, large and small—that man's offer shall not be spurned nor fall upon deaf ears because of his race, color, religion, or national origin.

This is the American way—to establish the rights of men through law rather than through riots and violence. In this latest civil rights bill we have made this doubly clear by imposing severe penalties for those who would rob and pillage and assault under the cover of the struggle for human rights for all Americans.

However many challenges may lie ahead, how thrilling it is to see how far we have come, in spite of the long journey which has been involved, toward the realization of Jefferson's dream.

On July 4, 1826, John Adams lay upon his deathbed. He aroused himself to inquire if Thomas Jefferson were still alive. When informed that he was, this grand old patriot uttered his last words "Thank God, Jefferson still lives."

When we contemplate what the Government of our country has done in late years to insure equality of rights for every American and especially when we note the stirring significance of the measure the House has just passed, we too, can say with a fervor comparable to that of old John Adams, "Thank God, Jefferson still lives."

Mr. RHODES of Arizona. H.R. 2516, to provide penalties for interference with civil rights, is, in my opinion, an imperfect piece of legislation. Much of it was adopted as amendments on the floor of the Senate, with little or no consideration by a committee of either of the Houses of Congress. Adopting such a bill without sending it to conference for correction is certainly a strange way to legislate.

I recognize as well as anyone the necessity for people who live in ghettoes to have the opportunity to move into areas where jobs are more plentiful. I will support well considered legislation which will have this effect. However, the open housing provisions of this bill are defective in several ways. Just two of them are: First, a person could sell his house and discriminate, but he could not allow a real estate broker to do so, and second, enforcement provisions are almost totally lacking.

In my opinion, these housing provisions will be a great disappointment to the ghetto inhabitant, who expects them to improve his habitation. They will just not have this effect.

The provisions dealing with Indians would practically guarantee the separation of the American Indian from the rest of the country in perpetuity. It is particularly ironical that in this bill which is supposed to promote integration of the Negro race, American Indians are further segregated from the mainstream of society. Provisions for allowing States to assume jurisdiction of law and order on Indian lands would be modified to the extent that no State will find it desirable to take on this job.

While I am in favor of legislation to control illicit traffic in firearms and to keep them out of the hands of known criminals, rioters, and the like, the provisions of this bill are so inaccurately drawn as to make its enforcement very difficult.

Therefore, I must reluctantly oppose this bill.

Mr. MEEDS. Mr. Speaker, I would like to emphasize briefly the importance of titles II–VII of this bill which are the titles affecting our Indian citizens. I do so both because I have a number of constituents who will be affected by these titles, and also because I am a member of the Interior and Insular Affairs Committee and of the Indian Subcommittee which has been considering similar legis-

lation. With that background, I want to state to the Members that far from apologizing for these provisions, I strongly endorse them. I consider them some of the most important provisions contained in the entire legislation. Moreover, I think it is entirely appropriate that these provisions affecting our Indian citizens be included in a civil rights bill. For too long, we as a nation and as a government have looked upon our Indian citizens as both legally and socially separated. To the extent they wish to remain so, perhaps this separation is appropriate. But surely these citizens, no less than other citizens, are entitled to the dignity of choice, and to the dignity of being accorded fundamental rights—and it is to these principles that this legislation is addressed.

Perhaps the most significant change to be accomplished by this legislation would be to amend Public Law 280, which for 15 years has hung like the sword of Damocles over Indian tribes who have had no voice in the acquisition by States of civil and criminal jurisdiction over them. Although this power has been exercised infrequently, its very existence has been a symbol to the reservation Indians that assertions of Federal power profoundly affecting their daily lives might be made through decisions over which they would have no control, and in the making of which they might not even be invited to participate.

Not only would title IV of the pending legislation assure the tribes of a voice in the determination of whether they would be regulated by State law or Federal law, but also, as provided in the bill, any movement toward increased State jurisdiction would be done in an orderly and gradual fashion. Many States are well prepared to handle some aspects of this responsibility, but unwilling or unable to handle all responsibilities properly. Under the provisions of Public Law 280; our experience over the last 15 years has shown instances where States failed to give adequate protection or services to members of tribes because the States were unwilling to commit the resources necessary to properly enforce their laws. One of the attractive features of the bill is that those States which previously acquired jurisdiction under Public Law 280, but which are not now able to properly handle that responsibility, may now retrocede that jurisdiction back to the Federal Government. Moreover, in States where some tribes are more suited for State regulation than others, this bill would permit the State to assume jurisdiction over some Indian territory without having to assume jurisdiction over all Indian territory. Similarly, if a State is particularly well equipped in a particular field, such as mental health or facilities for juvenile delinquency, the State could assume jurisdiction in these areas without having to assume jurisdiction for all fields.

Just as the power of choice in matters of jurisdiction will accord dignity to the tribes, so will the rights and privileges of the Indian bill of rights contained in title II of this legislation accord self-respect and dignity to the individual who may be tried by tribal courts.

Mr. Speaker, in the course of the hearings on the parallel legislation, I was appalled at the several instances of abuse of tribal power that were brought to our attention. This is not to say that many tribes have not handled this responsibility wisely, and it is not to say that there should be no differences between tribal court systems and other American court systems in the Anglo-American tradition. But the time has long since come and gone when we can permit persons who are American citizens—and all of these reservation Indians are American citizens—to be subjected to deprivation of liberty with no protection of due process.

One final point with respect to this legislation, Mr. Speaker, and that is that this bill accomplishes both the requirement of tribal consent to State assumption of jurisdiction and the establishment of an Indian bill of rights with the maximum possible flexibility to accommodate legitimate tribal customs and processes. For example, section 402(c) specifically states that any tribal ordinance heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to that section. Similarly, the provisions of the bill of rights are not identical to the Federal Constitution's Bill of Rights, and the differences are largely in order to accommodate tribal customs. Thus, for example, there is no prohibition on an establishment of religion—recognizing that many tribes combine religion and government; but there is a prohibition on interference with freedom of religion by individual members of the tribe. Similarly, although the Federal Constitution requires that counsel be provided for all defendants who cannot afford to pay for their own counsel, the Indian bill of rights would require the court to permit counsel, but at the defendants own expense.

By this legislation a constructive step will be taken toward bringing our Indian citizens into the mainstream of American life.

Mr. Speaker, I strongly urge the Members to vote affirmatively on the previous question and on the question of adoption of this legislation.

Mr. WYMAN. Mr. Speaker, I voted for the civil rights bill that we passed in the first session of this Congress. We sent this bill, 10 pages long, over to the other body and it is back here today 50 pages long, with several major new titles on which this body has never held a single hearing. Such a materially changed bill should go to conference.

Much of the language in H.R. 2516 as it has come to us from the other body is loose, poorly drawn, confusing and of dubious enforceability. It should be carefully redrafted. It should go to conference.

Yet what we are faced with here today in this vote is a flat refusal by the majority party leadership in this House to permit the Members of this House to provide sound legislation. They force us to vote up or down a civil rights bill that the House has never acted on. They refuse to send the bill to conference. They decline to send it to the Judiciary Committee for hearings on the new titles.

And they do all this literally at the point of a gun—a double-barreled gun. First, the presence of thousands of troops; and second, the threat of stepped-up violence in the cities of America—unless.

Mr. Speaker, we ought not to pervert the legislative process of this great body by lending ourselves to poor law under duress. Yet, this is precisely what the majority party in control of this House 3 to 2 is forcing upon us at this hour.

I shall vote to send this bill to conference. If this means that it must go over the Easter recess, so be it. If it means that the Easter recess must be given up and we must stay in session, so much the better. By sending it to conference it will mean that we have not enacted legislation the greater part of which was written on the floor of the other body by haphazard scatter-shot amendments comprising what is now a very poorly written bill in many respects.

If the previous question is ordered, I shall vote in favor of this bill because of the breadth of its sweep. Its first section is the original bill that we passed in the House, setting penalties for interfering with the exercise of constitutionally guaranteed civil rights. This is desirable. Another section imposes penalties on persons who travel across State lines to incite riots, the subject matter of a bill that I myself have introduced earlier in this Congress, H.R. 1464. Still another section establishes penalties for teaching the construction or use in interstate commerce of firearms or explosives, intending them to help a riot. These are all important matters, matters which I support. There remains only the controversial additional title inserted by the Senate, title VIII, called fair housing. Much of this title, as presently written, is unenforceable, a great deal of it is meaningless, and in all probability not an insubstantial part of it is unconstitutional because it attempts to impose restraints upon the sale of individually owned homes that have nothing whatever to do with interstate commerce and are beyond the power of the Federal Government to control, even if it wanted to, without a constitutional amendment. I hope that at an appropriate future time the High Court will confirm by subsequent decision that a man's private home in America is still his own free castle both in its use and its disposition. I believe that more is to be accomplished by voting for the bill on final passage, however, than would be accomplished by leaving all of these important other subjects of needed legislation unattended to.

My vote in favor of this civil rights bill on final passage in no sense constitutes a response to the recent unfortunate murder of a civil rights leader. I would not vote for any legislation which I felt on balance to be contrary to the best interests of the American people. Of significance in connection with the fair housing section of this bill is the fact that its most questionable section and the one of least likely constitutionality by its own terms does not take effect until Decem-

ber 31, 1969. This section would make unlawful discrimination in the sale or rental of any private home with the use of a real estate broker, agent or salesman and with the publication of an advertisement or written public notice of sale. Remedial legislation will undoubtedly be offered in the next Congress to correct the infirmities of this and other sections. I shall offer corrective amendments at an appropriate future date when hopefully there is a Congress of the United States at long last in the hands of a leadership that will not foist upon the American people poorly drafted legislation without allowing hearings, and under the pressure of a virtual ultimatum from rabble-rousers in America.

Mr. Speaker, I am confident that this November the people of this Nation, looking after their own interests and aware of the vital importance of maintaining integrity and respectability in the Congress, will elect a Republican House of Representatives and a Republican President to bring to an end the policies of this Democrat administration and this Democrat-controlled Congress that have brought for them war, debt, insolvency, inflation, the threat of devaluation of our dollars, disrespect for law and order, widespread rioting, and pathetically inadequate response to America's needs of the hour, both in the administration of law enforcement and in the legislative process.

Mr. EDWARDS of California. Mr. Speaker, the Easter recess is approaching. Soon many of us will go back to our homes to share with family and friends the glorious meaning of this holiday to the Christian world.

Before that day, however, there remains a sobering task before us. A task that offers an unparalled opportunity to act responsibly at a time when the forces of responsibility have been dealt a telling blow.

Mr. Speaker, H.R. 2516, the civil rights measure awaiting action by this body, presents an opportunity to illustrate our continuing faith in the redress of social injustice through legal means.

But of equal significance is the meaning of this bill in strictly human terms. This bill will tell the people of America that their Congress believes in and is working toward the ideal of equality for all Americans. This bill will tell the American Negro that there is room for him in this country outside the ghetto. It will tell him that his Government has committed itself to giving him meaningful protection in the lawful exercise and advocacy of his rights.

This bill has other purposes, Mr. Speaker, all of them worthy. It would add the Federal Government's law-enforcement machinery to the nationwide effort to end the rioting in our cities; it would furnish for the first time a bill of rights for the American Indian. But primarily, this is a bill to reaffirm our faith in the central ideal of this Nation—equality before the law—equal opportunity for all men to work toward the attainment of a decent home in a good neighborhood; to exercise, without violent interference, the right to attend school, to vote, to travel, and to earn a living.

It is a time for action, Mr. Speaker. We have already waited for too long.

Mr. MINISH. Mr. Speaker, this is no time for speeches or debate. We have had more than enough of both. This is a time for action—action to bind up the Nation's wounds of racial injustice and enmity and to give finally and unreservedly to every American his inalienable birthright of life, liberty, and the pursuit of happiness. These United States must join together to heal the ugliness and hatred that do violence to the vision of our Founding Fathers, a vision exemplified in the life and works of Dr. Martin Luther King, Jr.

It was my honor to preside over this august body on February 10, 1964, during the vote on the landmark Civil Rights Act of 1964. The following year it was my privilege to support the Voting Rights Act of 1965; then the Civil Rights Act of 1966 passed by the House on August 9, 1966; and, again, the present civil rights bill, H.R. 2516, passed by the House on August 16, 1967. I am proud to vote now for House Resolution 1100, providing concurrence with the Senate amendments to H.R. 2516, and I urge that this legislation be enacted as expeditiously as possible.

With his deep attachment to our constitutional principles, Dr. King, I am sure, would ask that support for this legislative effort to carry out the promise of the 14th amendment be motivated by a sense of justice, not by sentiments springing from his martyrdom. The 14th amendment of our Constitution must have full and equal meaning for all Americans; otherwise, we betray the Constitution that we have sworn to uphold. Like our Founding Fathers, Dr. King could say:

> I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war that the bright daybreak of peace and brotherhood can never become a reality.

We who are privileged to hold membership in this body today must do our part to make this no longer a dream but a reality in our time. I urge prompt and favorable action on the pending resolution.

Mr. BROWN of Michigan. Mr. Speaker, my vote on the Civil Rights Act of 1968 is without question the most difficult one I have had to cast in my relatively short tenure in the House of Representatives. No doubt there will be more reason-defying legislation in the future, but I can foresee none that puts my concept of a Representative's proper function more to the test.

Ninety percent of the language of this bill causes me, my constituents, or our national populace, for that matter, little consternation. Sure, each title of the bill could be improved, but that is true of most of the legislation considered and passed by Congress. But, the "guts" of this legislation, insofar as the opposition to it is concerned, are its open housing provisions; whereas, its sense, insofar as its proponents are concerned, is a rather nebulous support of civil rights and opposition to the last vestige of white supremacy or exclusivity as it has been exercised in housing.

As is true with much legislation, each adversary looks to his own little cause celebre and ignores the rest. Neither then, nor now, can such an approach be defended and any constituent acting as the Congressman who attempted to do that which his fellow constituents now advocate—regardless of how he votes on this issue would not only die by his own sword but would be unrepresentative of the people—and the latter is the more important consideration.

For those who may be reading the RECORD of this debate but who have not familiarized themselves with its issue, let me briefly describe the position in which the House finds itself at this moment.

This civil rights bill, H.R. 2516, was first passed by the House of Representatives on August 16, 1967. Much of the bill before us now was considered and approved at that time. But, this same bill is again subject to approval by the House as amended by the Senate to include the very controversial subject of "open housing" and the less controversial matter of gun control legislation.

Normally, such significant amendments tacked on by the Senate would automatically relegate the bill to a fate decided by a joint conference committee, where the "differences" between the House and Senate versions would be "worked out" or compromised. However, we are being asked today to bypass the normal procedure and pass the Senate version without benefit of the joint conference committee consideration.

Without even engaging in a consideration of the merits of the legislation, any reasonably intelligent individual would immediately ask, "Why?"

There's a rather simple answer. Proponents and even nonopponents of the changes added by the Senate know that body spent 7 weeks in the consideration of the very amendments which are now so controversial in the House and only after filibuster upon filibuster and cloture vote upon cloture vote, did these amendments and the bill receive approval. Any action by the House other than acceptance of these Senate amendments would require further action by the Senate. And, "action" in the context used here, means the "inaction" of previous Senate consideration. Why? Because Members of the Senate, even though not constituting a majority, may withhold final action on a bill under the rules of the Senate. And, certain Members of the Senate—as in the House—are unequivocally opposed to the controversial portions of this legislation. But before one calls them bigots, or some other unseemly term, he should remember each such dissenter is effectively and responsively representing a constituency, or a majority of it, which objects to, and opposes, these provisions. So, as usual, it is the represented—not the representative—who are at fault, if fault is to be found. Nevertheless, I must agree procedurally, we are being asked to do the unusual; to at least bend the basic tenets of the legislative process as I understand them.

But what about the substance of this legislation? What does it do and why is it needed, if in fact it is needed? We only need to talk about the differences be-

tween the House and Senate versions since all that was included in the bill when it was approved by the House is obviously not in contest today. Likewise, we can forget all differences in the Senate version except for the open housing provision inasmuch as the niceties of language variations and the watered-down gun control legislation included, provide no more reason for opposition to this legislation than is applicable to most legislation passed by the Congress. The real substantive issue is open housing.

What is the open housing provision and what is its effect? Briefly stated—and perhaps oversimplified—the bill provides that there shall be no discrimination because of race, color, religion, or national origin in the sale or rental of housing—land and its improvements—except by an individual not in the business of selling or renting housing; that is, the single-family homeowner who:

First, owns three or fewer single-family houses;

Second, sells no more than one nonresidence in any 24-month period;

Third, sells without the services of a broker; and,

Fourth, sells without any discriminatory advertising.

It should be noted that the bill, in effect, authorizes such a single-family homeowner under the stated conditions to discriminate. The bill apparently does not even deny to such an owner the right to use a broker and reserve the right to approve all sales, their terms, and so forth, so long as the rejection of a sale is not based solely on race, color, religion, or national origin.

Those who write in opposition, generally protest to me that "regardless of whom or what it does cover, or does not cover, such legislation takes from me my basic constitutional right to own my home and property and to sell or rent or to not sell or not rent it to whomever I wish—and that's un-American." It is appropriate, therefore, to examine with as much objectivity as possible, this constitutional right.

The Constitution of the United States not only does not grant a property owner such an unbridled right, the Constitution in fact, actually authorizes a denial of it. The right of governments under the power of eminent domain authorizes the taking of private property for a public purpose without the owner's consent. The owner cannot sell to whom he wishes in this instance.

Interpretations of the Constitution and laws passed pursuant to it in the field of zoning, planning, and so forth, effectively deny a sale of property to a whole group of purchasers to which one might otherwise like to sell; and, at the same time, such laws deny to a property owner not only his right to sell to whom he chooses but even deny such owner the right to use the property as he chooses. And, let us not forget, you probably cannot build a house upon your own property if you have more children and need more bedrooms than you have money to build the necessary square footage—and heaven forbid if you are trying to build a little house next door for your mother or mother-in-law—if you contemplate doing it on your own residential lot zoned for a single dwelling.

No; our property rights are not half as absolute as we oftentimes think they are or would like to have them. Strangely enough, though, many who today are concerned about depreciation of property values because of open housing are the same people who are pleased that the next door neighbor who wanted to operate a used car lot, a tool shop, or a pig sty has had his property rights abridged by zoning laws.

Needless to say, many, if not most, should do some pretty deep soul searching, as I have, on the efficacy and desirability of unqualified property rights.

Let us assume then, that this legislation is not so contrary to our principles and rights as to preclude consideration and passage. Just because legislation is not violative of our fundamental rights should never mean that, therefore, it should be enacted. I have consistently argued that each piece of legislation must first bear the burden of proof of its need. Is this legislation necessary?

I have come to the conclusion it is necessary—

Because it will alleviate the housing problem of the ghetto and slum resident? Of course not. The impact of this legislation upon the housing needs of the ghettoite will be minuscule at most. He needs decent housing and an economic opportunity not a chance to live in a "lily white" suburb. And, even to suggest this legislation will improve the lot of the ghetto dweller is to be as demagogic as were those who held out the bait of hope to our poverty stricken who expected panaceas from the empty production promises those of the war on poverty program.

Because there have been flagrant discriminatory practices by bigoted whites which makes this a national disgrace comparable to the enslavement that was ended with the Emancipation Proclamation and the 13th and 14th amendments? Not if the complaints which have come to my attention are reflective at all of these discriminatory tactics.

Because Dr. Martin Luther King died as the result of an assassin's bullet and failure to pass this legislation will place Negroes in the hands of black militants and America will become an Armageddon of black against white? This may be a justification to some, but I reject it out of hand. Martin Luther King and the law have nothing in common with violent civil disobedience, civil disorders, looting, and burning. And frankly, without hesitation I aline myself here and now with those to whom lawlessness, arson, and looting are just as illegal and subject to the same enforcement and punitive measures when prompted or occasioned by a claimed legitimate cause as when committed by a member of the regular hoodlum element in our society with no cause to blame or express except his own personal benefit.

No, my support of this legislation is based upon none of these. I am neither voting with a gun at my head nor do I expect the implementation and effectuation of this legislation will create all the evils some portend for it or do the good others optimistically forecast. Rather, members of the white community, politicians, and with greater justification, members of the minorities, have made this issue the symbol of our unequal society, especially as this inequality is related to race, color, and national origin. Although we can spend our last dollar on education, job training, housing, and what-have-you, we will never achieve economic equality for all men—and I question if it is even a desirable aim—but we may be able to achieve equality of economic opportunity. But no amount of dollars and programs will change the color of one's skin. We have recognized this in education, in employment, in public accommodations—in fact, everywhere except in non-Government-related housing.

I believe it is time that we remove the last impediment—or crutch, depending upon one's viewpoint—to an equal opportunity for all—not just to those of us who are giving but to those who should benefit. With the passage of this legislation a member of the minority stands on equal footing with a member of the majority. Removal of this last but probably most significant symbol of inequality likewise removes the last excuse for less than equal responsibility under the law.

Mr. CORMAN. Mr. Speaker, when all of us have passed from the scene and history chronicles the progress of this Nation toward racial justice, two giants will stand out—the gentleman from New York, EMANUEL CELLER, and the gentleman from Ohio, WILLIAM MCCULLOCH. Each of the 432 of us in this House is privileged to serve with these two great Americans.

In a very short while the Members of this House will be given an opportunity to vote and register their approval of the Senate amendments to H.R. 2516, the pending civil rights bill. As many know, House Resolution 1100 would permit the Members of this House to concur in the Senate amendments and thereby enact into Federal law a historic Federal open housing statute. Along with the chairman of the Judiciary Committee and my committee colleague from Colorado [Mr. ROGERS], I have attended hearings of the Rules Committee and testified in support of H.R. 2516, as amended by the other body. We are pleased that the Committee on Rules has given its approval to House Resolution 1100.

H.R. 2516, as amended by the Senate, contains 10 titles. Of course, the interest throughout the country focuses on title VIII, the fair housing title of the bill.

Mr. Speaker, the past 20 years has witnessed a vast expansion of new housing and homebuilding. The millions upon millions of new dwelling units have vastly changed the character of our urban residential areas. As our cities have grown, racial segregation has grown within them. Suburbia has come into being and continues its rapid expansion around our cities. With the growth of the suburbs has come a tremendous increase in homeownership.

Except for our Negro citizen, virtually all Americans have been afforded an opportunity to share in these housing developments. Negroes are largely barred from this opportunity. Their choice in

housing, unlike that of whites, is not limited merely by means, it is limited by color. Desirable housing in our cities and suburbs is too often foreclosed to the individual Negro and ironically, because of its scarcity, what housing is available to him frequently costs more than comparable housing open to whites.

In January of this year, the President reminded us of the moral principle which fair housing legislation poses. He said:

When we speak of overcoming discrimination we speak in terms of groups—Indians, Mexican-Americans, Negroes, Puerto Ricans and other minorities. We refer to statistics, percentages, and trends.

Now is the time to remind ourselves that these are problems of individual human beings—of individual Americans.

Housing discrimination means the Negro veteran of Vietnam cannot live in an apartment which advertises vacancies.

Mr. Speaker, housing discrimination means many things to many Negro Americans throughout this Nation:

To Leonard Simmons of Shaker Heights, Ohio, it almost meant the end of his graduate studies. Simmons, a graduate student and instructor at the School of Applied Social Sciences, Western Reserve University, described his frustrating experiences trying to find housing before the U.S. Commission on Civil Rights:

I encountered extreme difficulties. In the fall of 1963, I was accepted in the advanced program at the School of Applied Social Sciences at Western Reserve University. At that time, I was employed as a social service director at Massillon State Hospital. Each weekend beginning in July, I would come to Cleveland to try to find a place to live. I looked in the area of the University because I would be attending school there. Also, I was going to be a graduate student and naturally my income would be rather limited. So between the two, I wanted to stay near the University and find something that would not be too expensive. *I encountered so much difficulty in finding a place to live that I was considering writing the school and notifying them that I would not be able to attend.*

But Simmons, married, and a father, persisted in his search for decent housing for his family and his expectant wife:

Initially, we were thinking in terms of finding an apartment to rent. Many of the people told us that they were unwilling to accept children. I think that this was a factor in many cases. In other instances, I think this was used as a subterfuge because we were nonwhites. Others would tell me that the place was not available; it had just been rented or they would have to consult with somebody else about renting the apartment to me.

Nor, Mr. Speaker, were the Simmons' any more successful in buying a house, unless they would be willing to live in an all-Negro neighborhood. Asked how his experiences in seeking housing affected him, Simmons replied:

It has had a devastating effect on me. In order to answer this question adequately, I suppose it is necessary to tell something about my background. I was born in Baltimore, Maryland. In Baltimore, at that time, *de jure* segregation and discrimination was a way of life. There was no aspect of my life that was not touched by *de jure* segregation. I was born at Johns Hopkins Hospital which at that time was rigidly segregated. When I left the hospital, my parents took me to my home which was in a Negro neighborhood. I attended a Negro school, worshipped in Negro churches, and when I became ill, I was attended by Negro doctors. When family members or friends died, they were buried in Negro cemeteries. My brothers served in a Negro army unit during World War II. I attended a Negro college. Despite all of that, I continued to believe that one day this Nation would keep its promise of equal opportunities for all citizens. I continued to believe that the forces of hate and ignorance would be overcome some day. Now, I am not nearly as sure as I used to be. I have worked very hard to make myself acceptable. I have worked very hard to be upwardly mobile and educated. Now that I am neither unwashed nor unlettered nor are my friends and family members, I was under the impression that I would gain great acceptance in the White community. I found that to a large extent nothing has changed. I have a responsible job but I am still denied the basic need of housing.

For Mrs. Violet Tyson of Philadelphia, Pa., housing discrimination meant that her family's new home was a second choice; because of matters beyond her control, she and her family had to take a house which was not up to her expectations and hopes. When she, her husband and children sought a home by going to white real estate brokers in the Kensington and Olney sections, two brokers stated simply that they could not help her; two said explicitly that "the people in that area didn't want to sell to colored." After 2 years of house-hunting, Mrs. Tyson said:

I have just become very disgusted and I just didn't understand why we are not able to buy a house, just because we are colored, in a white neighborhood. . . . I just want to find a decent place to live and a larger house.

For Mrs. Mary Burke of Philadelphia, a white American, housing discrimination means threats on her life. After she had advertised her house for sale in the Philadelphia Tribune, she received six anonymous phone calls, one of which was a bomb threat, and one morning found written on her door, "You won't live until settlement if you sell to Negroes."

For thousands of others, housing discrimination means the indignities of not so subtle subterfuge in refusing rental to Negroes. If a nonwhite "gets by" the first telephone call and is invited to inspect the apartment, he may be told that he has, like Mr. Simmons, "too many children." Or he may be classified as a poor financial risk and asked to undergo "a rigid screening test" or "to pay several months' rent in advance."

There is the humiliation of being kept waiting outside the premises while the owner drives past to discover if the applicant is nonwhite. There is the owner who conveniently "forgets" about the Negro applicant's appointment. There are the cases in Springfield and Holyoke, Mass., where janitors have been instructed to rent to whites only, but when nonwhite prospects appear they deny any authority to rent apartments and refer the applicants to the landlords—who, "unfortunately" live in Florida.

There are the landlords, who once they learn that a prospective tenant is Negro, suddenly discover that the once available apartment has "been rented in the last few minutes" or that "some mistake was made" when the apartment seeker appears to inspect premises that were available earlier during a telephone conversation.

There are the cases where Negroes driving about the city looking for apartments have seen "for rent" signs in apartment house windows only to find upon inquiry that the apartment has been rented and that the landlord forgot to remove the sign. Yet, the sign remained in the window for weeks or even months after inquiry.

And finally, Mr. Speaker, there are the "rent raisers." Those owners who on seeing a nonwhite applicant for an apartment fake records to show that the apartment rents for twice its advertised rate.

Mr. Speaker, housing discrimination is an affront to what America stands for. One of the traditional rights of an American is that of freely selecting a place to live, subject to his means. The decision of a member of a particular racial or religious or national origins group to join a neighborhood made up largely of his fellows is a manifestation of that right, but in a free nation such residence should be a matter of choice. No citizen should be forced to live only in such neighborhoods.

Individual personal bias plays only a part in maintaining patterns of racial segregation. Concern over possible financial loss is a motivating factor. Developers, real estate brokers, property managers, lenders, and apartment lessors share a typical concern if they break the "color line", they will suffer economic loss. But, in fact, studies of the subject have shown such fears to be largely groundless. Property values in desegregated neighborhoods usually equal, and sometimes exceed, those in segregated neighborhoods. See Laurenti, "Property Values and Race—Studies in Seven Cities," University of California Press, Berkeley and Los Angeles 1960; "Race and Property University Extension Service on Public Issues," John H. Denton, Editor, Diablo Press, Berkeley, Calif., 1964.

The last two decades have witnessed a variety of Government actions dealing with racial discrimination in housing. In *Shelley* v. *Kramer*, 334 U.S. 1, decided in 1948, the Supreme Court held that the fifth and 14th amendments prohibited courts from issuing injunctions to enforce racially restrictive covenants in real property deeds, even though the deeds had been privately drawn and operated only between private parties. The decision was followed 5 years later by another, *Barrows* v. *Jackson*, 346 U.S. 249, barring the enforcement of such covenants by judicial awards of damages in case of breach. After the Court's holdings came a series of State and local laws prohibiting discrimination in housing, and today 22 States, the District of Columbia, Puerto Rico, the Virgin Islands, and a large number of municipalities have such laws. In November 1962 President Kennedy issued Executive Order No. 11063 prohibiting racial and religious discrimination in housing financed or insured by the Housing and Home Finance Agency or other executive departments and agencies; the order established the President's Commit-

tee on Equal Opportunity in Housing to oversee and coordinate the implementation of the directive and to engage in other activities to encourage nondiscrimination in housing. Title VI of the 1964 Civil Rights Act outlawed discrimination on grounds of race and national origins in programs and activities receiving Federal financial assistance, other than by way of insurance or guarantee; it prohibits such discrimination in public housing, urban renewal projects and other housing receiving Federal financial assistance.

These actions, and the activities of many private, voluntary groups have been beneficial. Today's announcement by Levitt & Sons to adopt a new policy, eliminating segregation any place it builds—in tribute to Martin Luther King, Jr.—is indeed praiseworthy. But commendable as this tribute is, it is not in itself adequate to meet the broad dimensions of the problem. Although racial barriers have fallen or have been eased in a number of communities and neighborhoods, it is clear that a comprehensive and effective national law is needed if there is to be meaningful progress.

Moreover, it is readily apparent that racial discrimination in the sale of homes reduces the number of new houses built and otherwise impedes the movement of building supplies across State lines. It also discourages the interstate movement of individuals. In short, racial discrimination in the sale or rental of residential housing adversely affects commerce.

Mr. Speaker, title VIII of H.R. 2516, as amended by the Senate, bans discrimination on grounds of race, color, religion, or national origins in the rental, sale, or financing of residential housing subject to certain limited exemptions. Like the bill passed by the House in 1966, H.R. 2516, as amended, exempts religious and charitable institutions and bona fide private groups. Like the bill passed by the House in 1966, H.R. 2516 exempts "Mrs. Murphy's boarding house" and rooms or units in an owner-occupied dwelling where the dwelling is occupied by no more than four families, and finally, H.R. 2516, as amended, exempts single-family houses sold or rented by a private owner.

Mr. Speaker, I believe the proposed statute will be more easily enforced than the bill which the House passed in 1966. This bill "authorizes" no discrimination—all it does is exempt certain types of dwellings. In this respect, it resembles State fair housing statutes more than did the 1966 bill.

I believe that this bill will promote, not contract, expansion in the housing industry. I believe it will stabilize housing values and not artificially inflate or depress them. I believe the compliance with the public accommodations antidiscrimination provisions of the 1964 Civil Rights Act offers a sound precedent here. A Federal declaration of open housing will protect those in the housing business, builders and real estate brokers alike, when they do what is right. The individual homeowner who wants to do right will also be protected and encouraged.

Mr. Speaker, the 13th amendment to the Constitution forever barred slavery and involuntary servitude in the United States. It was viewed by those who had approved it as abolishing not just enforced service of one person for another but as a guarantee to all citizens, of the outlawing of all the badges and incidents of slavery. One hundred and three years after its adoption the Congress has yet to remove all the disabilities of that servitude.

Critics of fair housing legislation charge it would invade the privacy of home. But title VIII is aimed not at privacy but at commercial transactions. It would prohibit no one from selling or renting to a relative or to a friend. The bill simply assures that houses put up for sale or rent to the public are in fact for sale or rent to the public. It would assure that anyone who answered an advertisement for housing not be turned away on the basis of his race. It would free the housing market of a barrier which often handicaps not only the Negro buyer but also the white seller. It is not forced housing. It is the opposite—open housing, unrestricted housing.

Mr. Speaker, I earnestly hope that the Members of this House overwhelmingly approve and enact into law this historic legislation.

Mr. DONOHUE. Mr. Speaker, as we begin our consideration of this Senate-amended Civil Rights Protection Measure, H.R. 2516, previously approved by this body last August 16, I think it may be well to emphasize that this is a fateful hour in the destiny of our country and that the House is faced with one of the greatest legislative challenges in its existence. It is indeed more a time for prompt action than extended eloquence. In view of the most tragic events that have occurred in this Nation in recent days, there is vital need for us, here, to exercise restrained emotion, subdued prejudices, heightened conscience, and supreme patriotism for the welfare and preservation of America and the free world.

The encouraging eyes of the vast majority of American citizens are focused upon this House today; the questioning eyes of allied and hesitating peoples abroad are centered upon us during this debate; the cynical eyes of the Communist powers are fastened on the legislative capital of the world, waiting, with propaganda machines "at the ready," to see if we can and if we will grant full opportunity to each of our citizens to exercise, and full protection in such exercise, the rights and privileges we claim to espouse for all peoples everywhere. That is the basic challenge to which we must now respond; that is the historical question to which we must now give legislative answer.

Beyond its antiriot and Indian rights provisions, this measure is substantially designed to expand and protect, for all of our citizens everywhere in the country, basic rights and privileges already guaranteed to them under our National Constitution and, indeed, a great many of our State constitutions including my own great Commonwealth of Massachusetts.

It would be rash, indeed, for anyone to pretend that in complete application and every technicality this bill, or any other law or legislative proposal, is perfect. Nevertheless, our duty is to judge it on its basic merit and we must not be diverted from that responsibility by any emotionalism of the moment. In great part we have already, last year, considered this bill and we have all had the opportunity to observe the other body work their will over several long weeks of painstaking debate.

Under existing circumstances we all have a special obligation to be patient with each other and to be tolerant of one another's sincere convictions but, finally, our highest obligation is to legislate. I most earnestly hope that legislative obligation will result in resounding approval of this measure, now, so that it may be signed into law by the President at the earliest date.

I hope and urge that our action here this afternoon will result in the enactment of another legislative milestone, for all the world to see, in advancement of the traditions upon which this noble Nation was founded and upon which, God willing, it will move ahead, in domestic tranquility, as the free world's leader for the peaceful progress of all mankind, now and forever.

Mr. DORN. Mr. Speaker, this bill before us today is an infringement upon the property rights of the American people. Our property rights are guaranteed in the Constitution. We hear a lot about the fifth amendment to the Constitution. We think in terms of pleading the fifth, but the most important part of the fifth amendment is "or be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Any American citizen, since the formation of our country, has had the right to sell or rent his property or make loans to the person of his choice. This is a basic elemental right along with peaceful assembly, trial by jury, and the right to bear arms.

The right to own property is the basis of our great private enterpise system. Our private or free enterprise system has made it possible for the United States to enjoy the highest standard of living in world history. Our system of private enterprise has made it possible for our country to become the arsenal of democracy.

I do not believe human rights in this world can be preserved without property rights. At this moment the U.S. Army and marines with combat troops are quartered in the Capitol Building itself and on the grounds of the palladium of liberty under armed guard. This is no way to legislate. We should not legislate under pressure. We should not legislate in a state of emotionalism. We should not be influenced by mobs, violence, and destruction of property.

We should reject even consideration of this bill until we can operate in a calm, cool, deliberative manner as envisioned by the Founding Fathers. I plead and

urge my colleagues to vote down the previous question. Such a vote would encourage and reassure the people of this Nation during these critical times.

Mr. FARBSTEIN. Mr. Speaker, on August 16, 1967, the House passed by a wide margin, a civil rights bill aimed at protecting individual citizens against unlawful injury and intimidation because of race, color, or religion. The House moved with commendable speed in passing this measure because most of us saw an urgent need therefor.

As we all know, the Senate recently passed a civil rights bill after much debate. The Senate bill is similar to the House version, but it does add an important provision covering open housing. I hasten to add that in the 89th Congress—2 years ago—the House, by a 259-to-157 vote, sent to the Senate a civil rights measure which contained a fair housing provision. The Senate never passed it. Now, we who provided the early leadership can see our support for open housing legislation redeemed. In my judgment, this provision is one all of us should support. I urge my colleagues in the House to do so.

Mr. Speaker, we have all read with interest the recent report of the President's National Advisory Commission on Civil Disorders. This report clearly documents the danger of two Americas—one white and one black. We cannot tolerate this possibility. We must vigorously strive to break down racial barriers wherever they exist. The civil rights legislation we passed last year was aimed particularly at protecting civil rights workers against intimidation and protecting Negro rights in such areas as schooling, housing, voting, jury duty, and the use of public facilities. Now the Senate has come forth with legislation providing additionally for open housing for all citizens. The House bill of last year did not include this provision. We now have an opportunity to do so.

It has been estimated that this fair housing provision will open approximately 80 percent of all dwellings in the nation to all citizens by 1970. This means that about 54 million housing units, including millions of single-unit dwellings, will be open to Negroes and other minority groups. This is a major step toward equality. Based as it is upon the dignity of the individual, regardless of race, color, or religion, it is one that will ultimately benefit all citizens.

Mr. Speaker, in a way it is appropriate to look upon this legislation as a testimonial to the late Dr. Martin Luther King, a martyr to the cause of human rights. But I do not look upon passage of this bill as a sentimental act, however grieved we are by Dr. King's death. I look upon it as a necessary and appropriate act by Congress, one which is long overdue. Whether or not Martin Luther King died, we in this body would have been under moral obligation to approve this measure. I am proud to support this bill and dedicate it to the memory of a great American, Dr. King. But I am even more proud that this bill will be passed because our country needs it.

Mr. SCHADEBERG. Mr. Speaker, I rise in support of civil rights for all Americans. To me the term "American" is not and cannot be tainted by the insertion of color, race, creed or ethnic background—only men, women and children. I have supported all civil rights legislation before this House upon which I as a Member was committed to vote. I know no color line since my judgment of my fellow man is not based on his religion or the color of his skin. I have had Negro guests in my home not because they were Negro but because they were my friends whom I loved as decent upright citizens. I served a unit of 1,400 Negro men during World War II. I found that there were good and bad among them as I found good and bad among those with white skin. I take second place to no one in my service to and concern for the welfare of the citizens of this Nation whose color of skin happens to be dark. For 10 months in 1943 and 1944 I spent 4 hours a night, 5 nights a week, of my own time teaching 80 Negro servicemen to read and to write. I seek no applause for this since I felt it was my obligation and privilege, but I relate this to make it abundantly clear that I lived with these men day in and day out sharing their problems; living their fears; and experiencing their hopes. I could not even, if I tried, have today any vestige of discrimination against them because of the color of their skin. In fact the most humbling tribute given to me in my long years in public service, first as a clergyman and then as a Member of Congress, was in the simple remark of a seaman to my wife upon my receiving orders to another place of duty. "Mrs. Schadeberg," he said, "we are sorry to have the chaplain leave. He was the only one who treated us like people."

I stand here in support of civil rights for the American people.

I express my opposition to this legislation, not because it contains an open housing section, but because we are asked to rubberstamp the work of the Senate with but an hour's debate on legislation that includes far-reaching changes in Indian legislation, riot legislation, and gun legislation tied up into one package in a take it or leave it fashion. My fondest hope is that this House will pass legislation that will produce results, not vain hopes; will provide rights to minorities without denying constitutional rights to the majority; that this House will pass legislation that solves problems without creating more and greater problems than those it would seek to solve. Our Nation must not be further divided and suspicions heightened. Our unity is strained to the point of serious proportions.

We must accept our responsibility to look beyond the emotions of today and view this legislation in terms of the effect it will have on our Nation as a whole over the long pull. It would be tragic indeed if in seeking to provide the rights of a minority at the expense of constitutional rights of the majority we create the instability in the communities throughout this Nation that would make the rights of all meaningless and empty.

It is my measured and sincere conviction that the passage of this legislation:

First, will not stop future burning and pillage of our cities;

Second, will create divisions and suspicions and ill feelings that will set civil rights efforts back instead of forward;

Third, will create greater disappointment and discouragement by the mere fact that by holding out hope for millions living in the ghettos, it does not and will not provide the economic base that will allow them to move from the ghetto into other areas.

Only time will tell.

Mrs. KELLY. Mr. Speaker, the din of clashing arms fills the air. Violence and anger are having their day. Logic, reason, and understanding seem to have lost their appeal.

The fiber of our people—the fabric of our society—the power and the resolve of our Nation, are being severely tested both at home and abroad.

These times place heavy demands on all of us.

At home, we have lived with violence or under its dreadful shadow for nearly 2 weeks.

Sparked by the tragic and senseless murder of Dr. Martin Luther King, this violence found its vent in the equally senseless and tragic destruction of human lives and material resources in a score or more of our cities.

At a time when we were beginning to grope our way out of the woods—when our elective governments, on all levels, were beginning to address themselves to long-neglected problems; when our community organizations, ignoring color and religious barriers, were joining together in a common effort to help the disadvantaged and the dispossessed; when individuals, young and old, black and white, rich and poor, were laying the predicate for a viable, cooperating, healthy society—just at that very moment, the assassin's bullet found its mark, violence flared, and lawlessness reigned.

Before long, the reaction began to set in and to undo the progress of the past 10 years.

And this Nation hesitated on the verge of taking a giant step into the darkness, and ignorance, and prejudice of the past.

I am not an alarmist by nature.

Neither am I the permissive type who insists that a child, or an adolescent, will be permanently repressed unless you allow him to beat your brains out.

I stand some place in the middle—believing that we must move with the times—having faith in the goodwill and the intelligence of each succeeding generation, admitting to the wrongs of the past, yet insisting, and insisting with every ounce of our conviction in my bones, that you cannot have progress without some semblance of order; you cannot have freedom without responsibility; you cannot achieve a better society by destroying society itself and the law which is the foundation of our freedom.

I sorrowed with the millions who wept at Dr. Martin Luther King's death.

I hoped with the millions who shared his dream of a new America, an America reformed without bloodshed and violence, and I bowed my head in shame that my own Nation would kill two leaders of our time in a single, brief period of 5 years.

But I have never condoned, and I shall never attempt to excuse or justify, those

who, with mindless anger, tear at the very sinews of our society, attempt to set us against each other, defy the law which is their ultimate personal protection, and try to lead us down the path of violence and hate to the denial of everything that has been worthwhile in our country's past.

The time has come to set aright many things in this country and each one of us must play his or her part in this historic process.

An historic part was played in Congress in 1866, when a law was enacted which is now section 1982 of title 42 of the United States Code. This law provides that "Every citizen of the United States shall have the same right to acquire real property as is enjoyed by white citizens." A case, Jones against Mayer, was argued by the Attorney General the week of April 1, 1968, which involved the question of whether a developer who is building homes can refuse to sell lots and houses in such a development to Negroes purely on account of race. There were two arguments advanced why he could not—because the Constitution itself would prevent him; and because, even if the Constitution did not prevent him, the statute of 1866 would.

When the Attorney General was asked in court about the effect of the old law as compared with the pending legislation which is being considered on the House floor today, he said that the scope was somewhat different, the remedies and procedures were different, and that the new law was still quite necessary. There is serious doubt as to whether the court would rely on the 1866 statute as much as it would on the stronger measure before us today.

Now, I am called upon to play my part by supporting the legislation before us, to provide penalties for interference with civil rights.

Mr. Speaker, as you know, on August 16, 1967, the House passed H.R. 2516, a bill to establish Federal penalties for forcible interference with enumerated civil rights and for traveling interstate to incite a riot. I sponsored similar legislation and voted for H.R. 2516.

Nobody should think that because of the passage of this legislation, which includes fair housing; antiriots, and Indian rights provisions, the problem is going to be solved overnight. Therefore, while I support the bill on the floor today, consistent with my personal belief and my record of support of past civil rights legislation, I hasten to point out that enactment of this law will not, in and of itself, cure the social ills at which it is directed. With reference to one of the most controversial sections of this bill New York is one of the States which already has on its statute books laws prohibiting discrimination in all housing other than one- and two-family homes which are owner-occupied. There are still enormous economic and social barriers which must be overcome to accomplish fully the purposes of this legislation. However, the achievement of man's recognizing and accepting the inherent rights of all is the ultimate answer.

Mr. ROYBAL. Mr. Speaker, I rise to offer my strong support for H.R. 2516.

I believe this measure will help advance the rights and opportunities of all our citizens.

And I believe it is the kind of legislation that America urgently needs—and that the great majority of Americans want—at this critical hour in the Nation's history.

The tragic events of recent days make it imperative that we put aside all thought of partisanship and act in the best interest of our beloved country, to try to heal the divisions and conflicts that afflict us, and build for ourselves and for our children a better America where each person is judged as an individual, and not according to his race, or religion, or color, or creed.

Mr. Speaker, I believe the provisions of H.R. 2516 will help achieve this goal by attempting to end the pain and suffering that has been caused by the too-slow movement of Negroes, Mexican Americans, and members of other minority groups toward full equality.

It is the painful promise of a better day that has brought frustration to many of these citizens. Freedom just out of reach is far more distressing than freedom that is clearly unattainable.

In many ways, then, we are victims of the growing pains of progress in the struggle for equality. But the only rational answer to this critical dilemma is to bring about more quickly the full realization of social and economic equality for all Americans.

This is no an easy task, and it is an expensive one. But there is no other means at hand to restore America except the awful alternative of repression. If we do not act, Mr. Speaker, we shall have accepted the alternative by default.

Let us begin with this measure—H.R. 2516—to affirm the right of equal protection of the laws and equal access to decent housing.

It is little enough, but it shall be recognized as a significant movement, in the direction of freedom and equality. We must do more, Mr. Speaker, and we cannot do less.

Mr. RANDALL. Mr. Speaker, I cannot support the previous question as provided for in House Resolution 1100. The House should not be denied a chance to consider the Senate amendments to H.R. 2156. There is no substance to either argument we should hurriedly legislate today as a memorial to Dr. King or completely reject all the provisions of this bill because of the violence of the last few days. We should never let ourselves legislate as an honor or reward to anyone, on one hand, or as a penalty or punishment, upon the other hand.

Today we are put in a procedural situation of "take it or leave it." In other words, like it or not, if we support the previous question that is the end of the line.

As it were we are being asked to rubber stamp in 1 short hour the work that the other body took 40 days to debate. In the lengthy document that comes to us today there are 10 pages of Indian legislation which denied our Committee on Interior and Insular Affairs the right to consider such provisions. Those who are knowledgeable say if we approve this Indian legislation, we may be destroying rights granted under Indian treaties. If that is true, we would be bestowing rights upon the Negro at the expense of Indian rights.

One of the worst things about the present procedural situation is to deny the House its status as a coequal to the other body. For a long while we have suffered through a process of erosion. If we act today by accepting the long document that was sent to us without debate then we have further eroded ourselves into the status of an inferior body. We hear considerable conversation today about second-class citizens. If we accept without debate the Senate version of this bill, we thus become second-class legislators.

In 1966 I opposed a similar provision for open housing because I felt it amounted to forced housing. It was a deprivation of property rights in that it stripped the owners of dwellings of all their freedom of choice over the disposition of their property. In 1966 I pointed out, that the House provision which was predicated on the interstate commerce clause must be invalid because I could not then and I cannot now see how a house already built and thereby immovable could be an item in interstate commerce and thereby subject to the interstate commerce clause. The exemption of a residence certainly does not improve the constitutionality of the proposal. The 1968 bill remains a frightening abridgment of the rights of owners of private property. Even though the gag rule is working against the House today and we are denied the right to debate title VIII, or the fact we have placed ourselves in a straight jacket should not preclude or foreclose all thoughtful consideration of title VIII. We should at least have the remaining right to vote against the previous question and if passed, against the resolution. Title VIII discriminates against every homeowner in America and every real estate agent, salesman or broker who by the provision of this bill are denied the right to protect the interest of their clients and adequately represent them in the sale of their property.

It has been suggested the purpose of title VIII is to stamp out discrimination in housing. Every single day every one of us in the Congress meets and associates with members of other races and of other ethnic backgrounds whom we would be proud and happy to have as our neighbors. But we should have the freedom of choice to choose the purchaser from whatever race he may come. We should have the right to protect ourselves and our neighbors from intrusion in the neighborhood of undesirables of whatever race or religion, who will never mow a lawn, repair a single, paint a house, trim the shrubbery or clean the yard of trash and debris. Yes, as I observed, I do have concern for the real estate broker or agent who are denied the right to exercise fully the perfect legitimate instructions of his client. One hears so much about justice in the bill. The same persons should consider the injustices of the bill's requirement that an agent cannot show a home or negotiate or implement a sale without being charged with violation of title VIII.

Mr. Speaker, within title VIII, there is another objectionable aspect of forced housing. There is imposed a very heavy burden on another segment of the business community, our financial institutions. Section 805 makes it unlawful to deny a loan because of race, religion, and color. Consider what will happen if a bank or savings and loan refuses to lend to an applicant with marginal credit. Bad credit risks can then charge the bank with discrimination and the burden of proof is on the lending agency to defend itself. The case may be heard in the U.S. District Court without regard to the amount in controversy. The plaintiff can sue as a poor person which means no court costs have to be paid prior to commencing the suit. There is a provision of $1,000 punitive damages but worst of all the plaintiff may be awarded his attorney fees. Thus, the lending institutions can be subjected to continuous harassment and must continuously defend themselves for refusing to make a loan even to those who are bad credit risks. But the bill is so inconsistent that while it puts the burden on banks and savings and loans, an insurance company can refuse title insurance or fire, casualty and other insurance without discriminating or without subjecting themselves to lawsuits.

The matter of housing is not one of legislation. It is a problem of economics. Those who believe this housing section will relieve racial tensions are basing their conclusions on faulty reasoning. For those who believe more civil rights legislation will insure us freedom from racial tensions, rioting, looting, burning and property destruction in the future, should look at the record which demonstrates otherwise. Just after the Civil Rights Act of 1964 was passed, which had the most extensive applicability to all the problems of minorities, there were riots in Harlem and Brooklyn. Damage ran into millions of dollars; hundreds of people were injured. Remember too this was just 11 days after the President signed the 1964 civil rights bill into law. Now look back at the Voting Rights Act of 1965, another landmark in civil rights legislation. This was signed into law on August 5, 1965, and in just 5 short days, on August 10, came Watts, 34 died, 85 were injured with $2 million in damages. Chicago flared up a week later. Then take the Civil Rights Act of 1966. While this was being debated by the House, riots broke out in Chicago, South Bend and Baltimore. This very bill, H.R. 2156, was under consideration by the House Judiciary Committee in the summer of 1967 when we experienced the carnage in Detroit, Newark, and Cambridge, Md. It was then that Rap Brown traveled from Philadelphia to Cambridge with the threat to "burn the town down." The most convincing argument of all that there is no correlation between the passage of civil rights legislation and elimination of riots or fires, is the fact that just 16 days after this present bill was passed by the Senate, on March 16 came the rioting and looting and death in Memphis.

Our burden is heavy today not only because of the sadness of what happened in Memphis but also because of the bewilderment of what has happened here in Washington and over the country. This allegedly is an aftermath of Memphis. The death last Thursday of Dr. King is deplorable. I cannot believe the rioting, looting and arson was a manifestation of grief over his death. Instead, this disgraceful incident is a product of irresponsibility of a very small minority and had nothing to do with his death. The death provided a smoke screen—and I intend no "pun"—behind which burglary, larceny, looting and arson could go on to such an extent as to require trucks to carry away the personal property under the eyes of the police officers who made no effort to stop the offenders. Civil rights legislation such as we are considering today, in my opinion, will not stop incidents of this kind that have occurred in our cities within the past 5 days. Who can say there is any correlation between open occupancy housing and the man who last week put the torch to business establishments in a dozen areas of Washington?

I am not a racist. I have supported five of the six major civil rights bills considered by the Congress since coming here in 1959. My credentials are a matter of record. Instead of inflicting forced housing provisions upon thousands of American homeowners and placing financial institutions in a compromising position when they deny a loan because of a marginal applicant, and to prevent real estate people the right to fully represent the interest of their clients, we should recognize that the answer is not more legislation of so-called civil rights provisions but recognize that the real need is for jobs, low cost housing and better educational programs and facilities. No additional rights legislation is needed. Instead there should be adequate appropriations for low cost housing which the minority groups can afford. There should be adequate appropriations for manpower retraining, and vocational programs which will enable minority groups to qualify themselves for job opportunities that are available. Finally there must be adequate appropriations for improved educational facilities in the inner city. I have supported these authorizations and appropriations for these purposes in the past and I shall continue to support funding for these purposes consistent and commensurate with the fiscal and budgetary situation facing us in our country today.

Mr. PUCINSKI. Mr. Speaker, the inclusion of an open housing title in the Civil Rights Act of 1968 has provoked one of the most widespread debates on an issue that I recall in many years.

I am opposed to the Senate enforcement provisions of this open housing proposal, because in my judgment it will bring an unprecedented degree of Federal involvement and control into every local community of America.

More importantly, it will expose every homeowner in this country to the prospect of unprecedented harassment by both the Federal Government and those who seek to continue the turmoil in this country.

We in this House shall have no opportunity to offer amendments to this bill or participate in any questions to establish legislative intent. I am amazed that this legislation which will ultimately effect every household in America is being rushed through Congress with no public hearings or substantive debate in the House.

I believe the havoc wreaked in this Nation during the past weekend clearly indicates that if America is to survive, we need a period of calm reconstruction instead of adding to the fires of emotion legislation which will create more problems than it will solve.

May I remind you that this open occupancy amendment has not seen a single minute of public hearings either in the House or the Senate.

The tragedy of our time is that whenever a person dares raise his voice in honest warning about bad legislation involving civil rights, he is immediately tagged as a racist or bigot.

Nothing could be further from the truth in my own opposition to the enforcement of this legislation. I shall include at the conclusion of my remarks the entire text of the enforcement section of this proposed open housing legislation, and I am certain that any reasonable American who reads the enforcement provisions will agree with me that this legislation cannot be supported in good conscience in its present form.

Mr. Speaker, my record in support of human dignity for all Americans is crystal clear, and I need never apologize for my contribution toward better understanding and opportunity for all Americans.

Even on so important a measure as fair housing, I believe that any fair-minded American would strongly uphold an equal right of every other American to purchase, lease or occupy a home for his family commensurate with his ability to afford such housing.

As a matter of fact, the most recent survey which I conducted in my district shows that an overwhelming 62.1 percent of the residents in my district are willing to accept limited integration as long as all property owners properly maintain their homes and have comparable educational and economic backgrounds.

But that same survey clearly shows that 56.2 percent of my constituents are opposed to open housing legislation because they believe integration can be accomplished more effectively through voluntary procedures than the force of law.

I, myself, Mr. Speaker, would certainly subscribe to the principle that every citizen in this country has a right to purchase a home in any community if such a person can afford to purchase the home and wishes to maintain it in a manner similar to the general standards of the community. Such a right is the basic philosophy of our whole Republic and I might add, that equality in housing has been a creature of Federal statute for nearly 100 years.

On April 9, 1866, Congress enacted a law which now appears as 42 U.S.C. 1982, entitled "Property Rights of Citizens," which provided that—

All citizens of the United States shall have the same right, in every State or territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

In the National Housing Act of 1949, the Congress reiterated this commitment under the heading "Congressional Declaration of National Housing Policy," in the following terms:

> The Congress declares that the general welfare and security of the Nation * * * require * * * the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family.

In 1962, President John F. Kennedy promulgated Executive Order No. 11063, which was aimed at the elimination of discrimination in federally assisted housing.

Thus, the fact that the Federal Government is undertaking to act in this area should not, of itself, be the source of deep concern. What is the source of deep concern is that the enforcement provision of the open occupancy act before us sets up such a vast network of Federal bureaucracy to enforce these rights that no citizens can be secure in the knowledge that whatever he does with his property, no matter how well-meaning or innocent, he will still be subject to Federal harassment.

This is no exaggeration.

Just look at the first sentence of section 810(a) of the enforcement section of the bill before us, which states as follows:

> Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary.

Mr. Speaker, what is proposed here by sponsors of this legislation is that they not only permit a course of action for those who are actually aggrieved, but they also give a broad basis for action against a homeowner to those persons who "believe" that they will be injured by an action of a homeowner "that is about to occur." No other law provides such a broad basis for action even before a discriminatory act actually occurs.

Furthermore, not only is a homeowner subject to this kind of harassment, but this bill, unlike any other legislation, subjects a homeowner to a fine of $1,000 and/or a sentence in jail for 1 year if he refuses to cooperate or carry out an order of the Secretary of Housing and Urban Development.

This is the heart of the issue. No other law in this country gives a Federal official such broad powers as this provision which would make every homeowner subject to the dictates of the Secretary and expose the homeowner to a jail sentence if he doesn't comply.

One of the most objectionable features of this whole enforcement provision is that the Government would pay for the entire legal costs of a complainant if he cannot afford such legal costs himself, but there is no similar provision in this act that if a defendant—a homeowner—is subsequently found not guilty of an offense, the legal costs he or she has incurred in defending himself would also be borne by either the complainant or the Government.

In other words, Mr. Speaker, with the kind of harassment that is provided in this legislation, homeowners throughout this country would be subject to substantial legal costs in defending themselves with no provision that if they prove themselves innocent of such charges, the cost of the defense would be borne by someone other than themselves.

In the 1966 Civil Rights Act, the House specifically excluded the single family homeowner up to and including a four flat, and further provided that a real estate agent would also be excluded if he was acting on specific and express instructions from an owner selling his home.

Furthermore, one finds very little consolation in the provision of this act which states that a single family homeowner shall be excluded from coverage if he sells his home without the help of a real estate agent. Eighty percent of the homes in this country are sold through the services of a real estate agent because the average homeowner does not have the facilities or the ability to sell his own home and receive full value.

Under the provision of this act, after December 31, 1969, the moment a potential home seller retains the services of a real estate agent, he would be subject to the full coverage of this act, including all of the enforcement procedures and harassment by disgruntled potential home buyers.

Now, even under our injunctive laws, some overt act must first occur before you can seek relief through injunction, but here under the broad language of this act, we give a home seeker the right to move against a homeowner merely because he "believes" that an act will occur which will deny him a fair opportunity at decent housing.

As we read through this whole enforcement section, we find example after example of how the bureaucracy has carefully constructed a network of provisions in this law which, in my honest judgment, will subject every homeowner to a degree of harassment unprecedented in the history of this Nation.

As one who strongly believes in human dignity because my own people, for a thousand years have been the victims of discrimination and persecution, I tell you Mr. Speaker, that it is with a heavy heart that I must vote against this legislation today. But when I took my oath, I assumed a responsibility to conduct myself in a manner that will provide maximum protection and representation for the people whom I represent here in Congress.

I am mindful of those who feel a great deal of compassion for the minority groups of America, and I would yield to no one in my own concern for their plight.

But I have seen the erosion of personal liberties in this country, not through legislation that the Congress has enacted, but through rules and regulations adopted by the Federal bureaucracy to implement the intent of Congress.

Having seen what can happen through administrative fiat in the administration of bills passed in good faith by the Congress, I do not intend to subject the property owners in my congressional district to the same kind of harassment through the bill now before us dealing with open occupancy.

I invite those who have urged support of this legislation to carefully read the full provisions of the enforcement section and judge for themselves the degree of harassment which the Federal Government can engage in if this act is enacted by Congress.

This is undoubtedly the most difficult decision that I have had to make since coming to Congress, but I want to underscore that in voting against this provision I am reflecting the overwhelming majority of views of my constituents.

More important, in my own honest judgment, enactment of this provision in the Civil Right Act of 1968 will create more turmoil in this country at a time when America needs a pause to restructure its communities.

I call my colleagues' attention to an article which appeared in the Washington Star by the very distinguished columnist, James Kilpatrick, dealing with this subject.

Mr. Kilpatrick is no racist. His long record as a distinguished columnist fighting for the rights of minority groups is well known. Neither am I a racist or a bigot, but I must agree with the conclusions reached by Mr. Kilpatrick in his analysis of this bill.

Mr. Kilpatrick, in his article, quite correctly points out that this entire open housing amendment has received relatively little attention in the press as to its basic details.

The press has merely centered on whether or not Members of Congress appear to be for open housing or against it on principle alone. There has been little disposition to get down to specific provisions on a line-to-line basis.

But I believe that when the American people study this proviso line by line and see, as Mr. Kilpatrick has stated, that unlike establishing a Fair Housing Board—as was proposed in the 1966 legislation—named by the President and confirmed by the Senate to administer a Federal Fair Housing Act, the proposal before us today gives vast powers to a single individual; namely, the Secretary of Housing and Urban Development. He would be vested with breathtaking powers of administration and enforcement.

More important, the bill before us today does not merely make the Secretary the administrator, it further permits the Secretary to delegate any of his functions, duties and powers to employees of the Department or to boards of such employees.

Here is what Mr. Kilpatrick said about this particular provision of the civil rights bill before us today:

> What are these powers that any designated employee could exercise in the secretary's name? They include the power to receive complaints of discrimination, to investigate complaints, and to resolve complaints. The Secretary could issue "cease and desist orders." He could require the persons who sells or rents property "to take such affirmative action as will effectuate the policies of this act."
>
> The secretary is judge, jury, policeman and prosecuting attorney, all wrapped into one. The Secretary may administer oaths.

He "may issue subpoenas" to compel the attendance of persons before him. Failure to obey the secretary's order would carry a fine of not more than $1,000 or imprisonment of not more than one year, or both.

Mr. Kilpatrick stated further:

How in the name of a free country could any such federal act as this be seriously considered? The answer lies in the hysteria that has been fomented by the hair-trigger cause of "civil rights." Ordinarily rational men, acting from honest emotion, or threat of riot, or from hope of political gain, have lost their sense of perspective. In their eagerness to "do what is right for the Negro," or to appease the extremists, these gentlemen would toss old concepts of property rights to the winds.

Mr. Speaker, I believe it is time to stop and see where this Nation is going and to see how far we have come before we pile any further restrictions on free American citizens.

Less and less attention is being given to the basic rights of all Americans because some Americans have become so thoroughly obsessed with the struggle now going on in this country.

As I watch the Federal Government reach out further and further into the rights of the American citizen, I cannot help but feel that we here in Congress have a responsibility to carefully study this particular bill before it becomes law.

I am mindful that many States and many local communities have passed fair housing legislation. We in Chicago have a fair housing ordinance which has been on the books for the last 5 years or more.

But when you have local laws and State statutes there is a greater degree of protection for the individual citizen against abuses of these ordinances and statutes because the citizen himself is closer to local government.

We must constantly guard against the burgeoning Federal bureaucracy which is protected by civil service laws and which, time after time, is oblivious of any direction from either the executive branch of Government or the legislative branch of Government.

Once the President affixes his signature to this bill and this bill becomes law, the Federal bureaucracy takes over and with its broad powers then starts moving into community after community with no regard for either the President or the Congress.

I have tried to persuade the House to send the bill to conference so we can correct some of its weaknesses but the House insists on final action even though the open occupancy provision has not had 1 day of public hearings and there has been absolutely no debate on this issue in the House.

I know of no legislation that has come before the Congress which can affect the lives of every American citizen more than the open housing bill pending before us today, and for that reason, Mr. Speaker, in good conscience I cannot support this bill in its present form.

Mr. Speaker, the text of the Senate open housing amendment to the Civil Rights Act follows:

TITLE VIII—FAIR HOUSING

POLICY

SEC. 801. It is the policy of the United States to provide within constitutional limitations, for fair housing throughout the United States.

DEFINITIONS

* * * * *

EFFECTIVE DATES OF CERTAIN PROHIBITIONS

SEC. 803. (a) Subject to the provisions of subsection (b) and section 807, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 shall apply:

(1) Upon enactment of this title, to—

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to the date of enactment of this title: *Provided,* That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b).

(b) Nothing in section 804 (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner *Provided,* That such private individual owner does not own more than three such single-family houses at any one time: *Provided further,* That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further,* That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any time: *Provided further,* That after December 31, 1969, the sale or rental of any such single family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales rental of any such single-family house shall or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804 (c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or tranfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

SEC. 804. As made applicable by section 803 and except as exempted by sections 803(b) and 807, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

DISCRIMINATION IN THE FINANCING OF HOUSING

SEC. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided,* That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 803(b).

DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

SEC. 806. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any mul-

tiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

EXEMPTION

SEC. 807. Nothing in this title shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

ADMINISTRATION

SEC. 808. (a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) The Department of Housing and Urban Development shall be provided an additional Assistant Secretary. The Department of Housing and Urban Development Act (Public Law 89–174, 79 Stat. 667) is hereby amended by—

(1) striking the word "four," in section 4(a) of said Act (79 Stat. 668; 5 U.S.C. 624b (a)) and substituting therefor "five,"; and

(2) striking the word "six," in section 7 of said Act (79 Stat. 669; 5 U.S.C. 624(c)) and substituting therefor "seven."

(c) The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this title. The persons to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362, and 7521 of title 5 of the United States Code. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this title and shall cooperate with the Secretary to further such purposes.

(e) The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices; and

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

EDUCATION AND CONCILIATION

SEC. 809. Immediately after the enactment of this title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

ENFORCEMENT

SEC. 810. (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such a complaint the Secretary shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Secretary shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) Wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title, the Secretary shall notify the appropriate State or local agency of any complaint filed under this title which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint if the appropriate State or local law enforcement official has, within thirty days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter, or, having done so, carries forward such proceedings with reasonable promptness. In no event shall the Secretary take further action unless he certifies that in his judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

(d) If within thirty days after a complaint is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c), the Secretary has been unable to obtain voluntary compliance with this title, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this title, insofar as such rights relate to the subject of the complaint: *Provided,* That no such civil action may be brought in any United States district court if the person aggrieved has a judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title. Such actions may be brought without regard to the amount in controversy in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the provisions of section 812, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual, in either Federal or State court, pursuant to this section or section 812, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance.

INVESTIGATIONS; SUBPENAS; GIVING OF EVIDENCE

SEC. 811. (a) In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: *Provided, however,* That the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Secretary may issue subpenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is

taking place. The Secretary may administer oaths.

(b) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpenas issued by the Secretary himself. Subpenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpena issued at the request of a respondent shall be paid by him.

(d) Within five days after service of a subpena upon any person, such person may petition the Secretary to revoke or modify the subpena. The Secretary shall grant the petition if he finds that the subpena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpena was addressed resides, was served, or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpena or lawful order of the Secretary, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(g) The Attorney General shall conduct all litigation in which the Secretary participates as a party or as amicus pursuant to this Act.

ENFORCEMENT BY PRIVATE PERSONS

SEC. 812. (a) The rights granted by sections 803, 804, 805, and 806 may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State or local courts of general jurisdiction. *A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred; Providing, however,* That the court shall continue such civil case brought pursuant to this section or section 810(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Secretary or a State or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Secretary or to the local or State agency and which practice forms the basis for the action in court: *And provided, however,* That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Act, and involving *a bona fide purchaser,* encumbrancer, or tenant *without actual notice* of the existence of the filing of a complaint or civil action under the provisions of this Act shall not be affected.

(b) Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

(c) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff *actual damages* and not more than *$1,000 punitive damages,* together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: *Provided,* That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

ENFORCEMENT BY THE ATTORNEY GENERAL

SEC. 813. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full been denied any of the rights granted by this title, or that any group of persons has been, denied any of the rights granted by this title and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this title.

EXPEDITION OF PROCEEDINGS

SEC. 814. Any court in which a proceeding is instituted under section 812 or 813 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

EFFECT OF STATE LAWS

SEC. 815. Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are granted by this title; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this title shall to that extent be invalid.

COOPERATION WITH STATE AND LOCAL AGENCIES ADMINISTERING FAIR HOUSING LAWS

SEC. 816. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this title. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

INTERFERENCE, COERCION, OR INTIMIDATION

SEC. 817. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806. This section may be enforced by appropriate civil action.

APPROPRIATIONS

SEC. 818. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

SEPARABILITY OF PROVISIONS

SEC. 819. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

TITLE IX

PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

SEC. 901. Whoever, whether or not acting under color of law, by force or threat of force willfully, injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a); or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Mr. HORTON. Mr. Speaker, I first would like to commend my colleagues on the high quality of discussion and debate that we have conducted on this bill. I know that all of my colleagues realize that the eyes of the Nation are on the House today as we decide the fate of H.R. 2516 as it was passed by the Senate.

Many Americans think this bill is a test for the Congress—testing whether or not we can be responsive to pressing problems which face America. Others, also in great numbers, feel that such important and serious legislation should not be voted upon in an atmosphere of crisis or hysteria, when the Nation is reacting to the shock of an assassination and the wanton riots and destruction which ensued.

My view is that such events outside the sphere of Government should not be permitted to disrupt or postpone action which has already been scheduled by the Congress on such important legislation. All of us knew long before the events of

last weekend that H.R. 2516 was slated for a crucial decision this week. We have all been studying this measure for many, many weeks, and we have all thoroughly read and considered the opinions of our constituents—the people of America. Irresponsible rioters should not be permitted to stall the workings of Congress, any more than they should be permitted to disrupt the lives of peaceful citizens in our cities.

Mr. Speaker, I believe that the provisions of this bill are very much in tune with the landmark legislation in the field of individual rights which Congress has enacted earlier in this decade. H.R. 2516 takes several important steps toward underscoring the determination of Congress and the Federal Government to make good the promise and the philosophy which is bound up in the 13th, 14th, and 15th amendments to the Constitution.

I support this legislation, and I am proud to be among a great many of our colleagues who share my support for its enactment today. This bill protects the individual rights of every American, not just those of one class or economic strata. We cannot fail to provide this protection.

Mr. BROWN of Ohio. Mr. Speaker, as is so frequently the case with legislation, H.R. 2516, the so-called civil rights bill of 1968, is not perfect. But it contains a number of features which are needed now.

I have examined this complex bill carefully and objectively. I have concluded that the bill should be passed as promptly as possible in the best interest of all our Nation's citizens.

While it is true that several parts of this legislation have not undergone the usual House procedure of careful reexamination by committee since passage by the Senate, it is also true that the vast national attention focused on this legislation has resulted in more careful scrutiny by every individual Member of this body than may be usual.

Title VIII, the open housing section, is generally considered the most controversial feature of this bill. The way this title is drawn hones very close to the bone of two fundamental principles: the individual right to reside wherever you can afford without discrimination on account of race, creed, or color; and the individual right to do with the property you own as you see fit. Nothing in this legislation can be construed to force an individual to sell his property to another unwillingly.

But I must point out that I am unhappy with the provisions in this legislation which I feel discriminate against the use of real estate brokers in the handling of homes and I feel the legislation should be corrected in this regard. Whether one can or cannot discriminate regarding his own home should not be dependent upon the use of an agent, but rather on whether or not one is in the business of selling or renting property.

I voted for the House-passed open housing legislation in 1966 which was rejected by the Senate. Events since then have not dissuaded me from that position. All Americans with the ambition and ability to improve their station in life should have the opportunity to do so without discrimination. This need is addressed in title VIII of this bill.

The pattern of minority groups throughout our Nation's brief history has been to move into the ghetto and then out of it. After the events of last week, I am sure many Negro Americans will have even more motivation to achieve in order to be able to escape to a place of greater safety and opportunity for themselves and their children. So, while I do not agree with all of the details of this bill, certain features are needed now.

Events of last week attest to the need for legislation to prohibit rioting and violence for whatever purpose. We need legislation to prevent interference with those pursuing their own civil rights or attempting to educate others about their rights. But we also need legislation to prevent inciting of violence in the name of civil rights or under whatever pretext. Such an urgent need cannot await delay nor tolerate inaction. These needs are addressed in title I of this bill.

Related to the above necessity to protect the bona fide civil rights movement, while restricting the riots and violence which unfortunately have been promulgated falsely in the name of that legitimate movement, is the need for legislation to limit the manufacturing or transporting of firearms, explosives, and incendiaries, along with advocating or instructing in their use in civil disorders. This need is addressed in title X of this bill.

This is also an appropriate time to improve the situation of the American Indian who has been denied many rights for too long. This need is addressed in titles II through VII of this bill.

Further delay in passage of this legislation could be dangerous. The legislation is legitimate and warranted. Last week made the need urgent. To delay would strengthen the hand and voice of the extremists, who are only sometimes racists. Some are extremists for personal or political advantage. To allow these extremists, regardless of which variety, to continue to exploit the genuine problems confronting the Negro would further polarize our Nation and threaten much greater civil disorder and riot in the future.

To delay would threaten the life and property of many more law-abiding citizens, whatever their economic circumstance or whatever their commitment to the cause of civil rights. Delay could mean further disorder and destruction with the inevitable loss of places to work or live.

And, finally, to delay would apparently deprive the Attorney General the authority he seems to feel he needs to move against national advocates of civil riot. For 2 years I have repeatedly urged the prosecution of such individuals. But the administration apparently felt it lacked the authority to prosecute. During this time the situation has grown increasingly worse. Passage of this act should remove that cloud by which the administration has avoided what I deem to be its duty.

Under no circumstances should legislation be considered as a memorial to an individual, because this is a nation of laws, not of individuals. But it may be appropriate to pass legislation and to do so promptly in the interests of preserving the orderly processes of our American system.

Those who would capitalize most upon our failure to pass this legislation are the same as those who would profit most from the disorders which followed the assassination of Martin Luther King, the Communists and the advocates of racial separatism.

And perhaps this is an appropriate point at which to ask whether the administration, the Congress, the news media, or the American people have given adequate consideration to this fact in connection with the recent tragic assassination.

Mrs. DWYER. Mr. Speaker, both simple justice and the equity of the Constitution compel us today to approve both the preferential resolution (H. Res. 1100) and the bill (H.R. 2516) as amended by the Senate including its open housing provisions.

There has been a great deal of misunderstanding, I fear, about what this bill would do in regard to open housing and about the manner in which the House is considering the legislation. After considerable study, both of the legislation itself and of the objections which have been raised against it, I am personally convinced that the weight of the evidence clearly comes down in favor of the bill and of the preferential resolution which will enable us to vote on the merits.

First, Mr. Speaker, by passing this long-overdue legislation, the House will not—repeat not—be acting hurriedly or emotionally. It will be voting belatedly and I hope soundly on matters of fundamental justice which have been under active consideration in Congress for several years.

As I am sure our colleagues will recall, a majority of the House, of which I was one, voted in favor of open housing legislation in the 89th Congress. Subsequent filibusters in the other body have accounted for the ensuing delay.

Contrary to the assumptions of many people, therefore, today's scheduled vote on civil rights has nothing directly to do with the tragic assassination of Dr. Martin Luther King, Jr., or with the disorders which followed. The Senate had finally passed the legislation in March and the House had, prior to Dr. King's death, assigned the bill for consideration today.

By any test, however, approval of this bill is right. Morally, discrimination based on race is wrong.

Constitutionally, the law cannot be—as it is today in many parts of the country—exploited for the purpose of enforcing housing segregation.

Politically, we shall irreparably damage and divide our country unless we honestly strive for equal opportunity and equal rights.

And practically, several States—including the State of New Jersey—already have in force open housing statutes even more comprehensive than the bill before the House. Consequently, passage of this legislation will not change the situation

in these States—again including New Jersey—in any respect.

Finally, Mr. Speaker, it is useful to remind ourselves that the pending bill is a better balanced piece of legislation than most people seem to realize. In addition to its civil rights provisions, it contains important antiriot sections which will be effective in preventing and controlling any further disorders.

For all these reasons—but with emphasis on the continuing need to do justice, to discourage racial discrimination, to bring new hope and opportunity to all our people—I urge our colleagues to approve the resolution and to pass the bill. In the final analysis, the obligation to act rightly and responsibly belongs to us. We must not avoid it.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Speaker, I speak only for myself. In this emotional atmosphere I would hesitate to claim that I speak for others.

I must say that I speak with deep conviction and with a troubled heart.

As I said several weeks ago, I favor the enactment of fair housing legislation and will vote for such legislation regardless of the parliamentary procedure determined by a majority of the Members of this body. But in all sincerity I strongly urge that the Senate bill be sent to conference.

Mr. Speaker, over the years the Congress, but more particularly the House of Representatives, has been a bulwark of strength reflecting the good judgment of the American people. This is so because we—each of us—go back to put our records on the line for approval or disapproval every 2 years.

Over the years the House with courage and wisdom has rejected the excessive and unwise demands of the executive branch of the Government.

Over the years the House with forthrightness and sagacity has maintained its right as a copartner with the Senate in working our combined will on legislative matters.

Over the years the House with dedication and good judgment has refused to be stampeded by one group or one segment of our society.

We have followed the time-tested procedures, and America has been the better for it. The net result: the Congress, and specifically the House of Representatives, has contributed constructively to America today and despite its problems, it is a great country.

I am saddened—and I sincerely mean it—by what we may do here today, not on the issue of open housing but because I feel we may abandon those procedures whereby a collective judgment of the Members of the other body and of ourselves will be the determining factor in what we finally approve.

I am saddened by the possibility that we may be rubberstamping some far-reaching legislation that came from the other body, not for ourselves in part.

Today we are considering this bill of some 50 pages, and we are considering it in 1 hour on an up or down basis.

It all began last August in this body when the House, by a vote of 326 to 93, passed a six-and-a-half-page bill which went to the other body and was referred to their Committee on the Judiciary. After 3 months of consideration their Committee on the Judiciary sent to the Senate a four-and-a-half-page document which was significantly different from the bill that we passed.

Then in January of this year this bill, as amended by the Senate Committee on the Judiciary, came to the Senate floor, and in 40 days of debate that body considered the House bill as amended and added one amendment after another, including H.R. 421, which in July of last year we passed in the House by a vote of 347 to 70.

But they did not pass the same bill in substance that the House had approved. The amendment the Senate added is not the bill that we passed. As a matter of fact, they deleted a most important provision which this House in working its will insisted be retained in the legislation by a vote of 2 to 1.

There are other substantive differences in this bill between what we passed and what the Senate approved. The Senate in its 40 days of deliberations added S. 1843 relating to Indian rights, approved by the Senate Committee on Interior and Insular Affairs. This was a 10-page-plus bill of considerable importance and some little controversy. This is legislation which is in the House Committee on Interior and Insular Affairs with no action on it thus far. If we approve this 50-page bill today, we will take from the 34 Members on both sides of the aisle in that committee the right to work their will and to make their recommendations to us.

Then the other body added a 23-page open housing provision, a provision which is quite different from the one passed here 2 years ago in the House of Representatives. The fair housing legislation passed in 1966 was more narrow in its coverage but more stringent in its enforcement provisions.

The SPEAKER pro tempore (Mr. ALBERT.) The time of the gentleman from Michigan has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 1½ additional minutes.

Mr. GERALD R. FORD. I pass no judgment on the two fair housing versions—the House version called the Mathias amendment on the Senate version—but since the House in the 90th Congress has not previously considered such legislation. I believe we should now do so through our House conferees.

Of course the Senate added other legislation concerning so-called gun control.

It will be said there is no significant difference between what the Senate did and what the House approved in August 1967. I respectfully urge each and every one of you to examine carefully this 24-page memorandum that came from the House Committee on the Judiciary staff. No good lawyer could allege there are no significant or material differences between the House version and the Senate proposal. The memorandum follows:

MEMORANDUM ON H.R. 2516

This memorandum contains a more complete analysis of H.R. 2516 (as passed by the Senate on March 11, 1968) than that provided by minority staff in the first memorandum of March 13, 1968. As in the first memorandum, the Senate substitute is compared to relevant House-passed bills, H.R. 2516 and H.R. 421 of the 90th Congress and H.R. 14765 of the 89th Congress. However, unlike the first memorandum, this provides an analysis of Titles II through VII of the Senate substitute which treat with Indian rights.

TITLE I—INTERFERENCE WITH FEDERALLY PROTECTED ACTIVITIES

Title I of the Senate version embraces the areas covered both in H.R. 2516 and H.R. 421, as they passed the House in 1967. It should be noted that Republican members of the Judiciary Committee expressed the view in the Committee reports on both of these House bills that the two bills actually reflected two sides of one problem, and that they therefore should be joined together. The Senate has taken the suggested approach.

The first half of Title I is similar to the House version of H.R. 2516. However, there are several differences. Both the House version and the Senate version make it a crime for anyone, whether or not acting under the color of law, by force or threat of force, to injure, intimidate or interfere with any person because he is or has been participating in specified federally protected activities. However, the Senate version requires that such injury be done "willfully," whereas the House version requires that it be done only "knowingly."

The Senate version divides the enumerated activities into two categories: the first might be called that of greater federal interest; and the second, that of lesser federal interest. But only as to the second category of activities does the Senate version purportedly require that racial motivation (a shorthand term for "because of his race, color, religion or national origin") be proved as an element of the offense. The House version does not divide the enumerated activities into two categories, and requires that racial motivation be proved as to all cases. The Senate version does not mimic the House version in describing the substance of the protected activities. There are thus subtle differences in the two versions.

After considerable debate in the House, it was agreed that "attempts to interfere" with a person's federally protected rights were simply too tenuous a basis for prosecution. The Senate version does not agree. However, neither did the House version consistently take that position throughout the entire bill. Compare Sec. 245(a) with Sec. 245 (b), 245(c) and 245(d).

The House version forbids discrimination on the basis of "political affiliation" in the enumerated areas, whereas the Senate version does not.

After some discussion, the House, in the Committee of the Whole, narrowly defeated (90–90) an amendment to protect businessmen during riots. However, such protection is extended to such people by Sec. 245(b)(3) of the Senate version.

Sec. 245(b)(4)(A) of the Senate version, which forbids interference with one "participating without discrimination on account of race, color, religion or national origin in any of the benefits or activities" enumerated, presents a serious problem. If the section is designed to proscribe acts of terrorism against minority groups, it may be superfluous (and certainly confusing) in view of the intimidation clause that was added by the Senate at subsection 1 of the Sec. 245(b). The House bill requires a separate acts-of-terror section, 245(b) (on page 3 of the House version), because it does not have an intimidation clause comparable to that in Sec. 245(b)(1) of the Senate version. If, on the other hand, it is not designed to proscribe acts of terrorism, but applies rather

to civil rights workers (see Cong. Rec., March 7, 1968, page 5636), it is likewise superfluous and confusing.

It should be noted that the language of the House version is far more clear. The principal sections were not rewritten on the floor. Thus the House version avoids awkward phraseology like that in proposed section 245(b)(1): "whoever, whether or not acting under color of law, by force or threat of force willfully . . . intimidates . . . any person . . . in order to intimidate such person or any other person or any class of persons from" participating in the activities described. Proposed section 245(b)(4)(A) repeats this language verbatim except that it adds the qualification that the victim must be participating "without discrimination on account of race," etc. Is that a distinction without a difference? Probably so.

Proposed section 245(b)(2) requires racial motivation as an element of the offenses concerning activities of lesser federal interest. This is the only place in Title I of the Senate version where racial motivation is made an element of an offense. But that requirement in proposed section 245(b)(2) is made meaningless by (b)(4) of such section which makes it a crime to do what (b)(2) forbids even if racial motivation is lacking.

Thus the element of racial motivation drops out of the Senate version—an effect which was probably not intended by the other body. Thus, for example, if a fist fight breaks out in a labor dispute because one party was "enjoying employment . . . by any private employer" as, say, a scab laborer, then a federal crime may have been committed. The same might be true if two employees fought over the fact that one received a bonus (a "perquisite") while the other did not. These results are not in harmony with the probable legislative intent of the other body, let alone that of the House.

One should recall that one of the earlier stalemates in the other body was caused by the question whether racial motivation should be made an element of the crime. Though subsections (b)(1) and (b)(2) give the appearance of compromise on that question, subsection (b)(4) indicates that the so-called liberal bloc lost the bargain.

The other example of a disparity in Title I between what was intended and what was legislated grows out of the Mrs. Murphy amendment [compare section 201(b)(1) of the Civil Rights Act of 1964] proposed by Senator Cooper (Cong. Rec., p. 5636, March 7, 1968). The amendment reads:

"Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence."

Thus if Mrs. Murphy wishes to intimidate a prospective Negro tenant she may do so without violating Title I of the Senate version. But suppose the Ku Klux Klan intimidates Mrs. Murphy because she has a Negro tenant. Does Title I of the Senate version protect her? No. The relevant language is found in proposed section 245(b)(4)(B): no one may intimidate Mrs. Murphy for "affording another person . . . opportunity . . . to *so* participate."

The language refers back to (4)(A) whose coverage was truncated by the Cooper amendment. Thus, since Mrs. Murphy was affording opportunities beyond those delimited in (4)(A) she is not protected by (4)(B).

The House version of H.R. 2516 probably produces a different result in both cases: Mrs. Murphy could not intimidate (by force or threat of force) the prospective Negro tenant nor could the KKK intimidate Mrs. Murphy for affording a room to such a tenant.

Thus it should be noted that these last two major differences (racial motivation, protection of Mrs. Murphy) between Title I of the Senate version and H.R. 2516 as passed by the House are somewhat accidental. It is probable that the Senate did not intend to be different on those two issues.

The question of protection from and protection of Mrs. Murphy is not laid to rest by the Cooper Amendment to Title I. Since Title VIII does not regulate Mrs. Murphy [section 803(b)(2)] and since the purpose of Title IX is only to enforce Title VIII with criminal sanctions, it would seem that none of the criminal sanctions in the Senate Amendment apply to the Mrs. Murphy situation. That was probably the intent of section 101(b) of the Senate version which states: "Nothing contained in this section shall apply to or affect activities under title VIII of this Act."

The argument would be valid if Title IX had been written to do no more than enforce Title VIII. But Title IX, mirroring the approach of Title I, makes it a crime to intimidate "any person because of his race . . . and because he is . . . renting . . . occupying . . . or negotiating for the . . . rental . . . or occupation of *any* dwelling. . . ."

Thus Mrs. Murphy may not intimidate the prospective Negro tenant. And since Title IX also forbids intimidating anyone because he is "affording another person . . . opportunity . . . so to participate," the KKK cannot intimidate Mrs. Murphy for renting to a Negro without subjecting itself to criminal penalties.

Thus the results under Title IX, unlike those under Title I, appear to square with the House version.

Both the Senate and House versions provide for the protection of Civil Rights workers. While the House version protects Civil Rights workers who are "persons," the Senate version protects only those who are "citizens." See proposed section 245(b)(5) in Title IX of the Senate version.

Both the Senate and House versions provide for an identical tier of penalties for violations of the Act based upon the seriousness of the offense.

Two Senate amendments attempt to make the protection provisions inapplicable to law enforcement officers. The first, proposed by Senator Talmadge, insulates officers who are "lawfully" carrying out the duties of their office, Sec. 245(c). The second amendment, proposed by Senator Ervin, provides that the operative sections shall not apply to "acts or omissions on the part of law enforcement officers . . . who are engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance." Under the latter amendment, Sec. 101(c), protection of the law may be wanting when it is needed most." Although neither the term "riot" nor the term "civil disturbance" is defined for the purposes of the chapter in question, it is clear that the Ervin Amendment would seriously decrease the number of people ("whoever, whether or not acting under color of law") whose conduct would be regulated by the proposed legislation.

The amendments to Sec. 241 and 242 of Title 18 concerning penalties are the same in the House and Senate versions.

The pre-emption Section of the House version says that no state law is pre-empted unless it is "inconsistent" with the Federal law, whereas the Senate version makes clear that there is no pre-emption whatsoever. Since it is unlikely that a State would seek to enforce a statute conflicting with the federal policy stated herein, it is probable that the different approaches would produce the same result.

Finally, Sec. 245(a)(1) of the Senate version states that no prosecution shall be undertaken unless the Attorney General certifies in advance that it is "in the public interest and necessary to secure substantial justice." The House version contains no such provision.

H.R. 421 and the Thurmond-Lausche amendment contain almost identical operative sections. However, the Senate version makes clear that the overt act which is required may occur either during the travel or use of the interstate facility or after the travel or use of such facility, whereas the House version seemed to say that the overt act could occur only after the travel or use of the interstate facility.

Sec. 2101 (b) of the Senate version provides for a rule of evidence. It is senseless. The House version has no such provision.

Sec. 2101(c) of the Senate version provides that conviction or acquittal on the merits under the laws of any state shall be a bar to any federal prosecution "for the same act or acts." What is the scope of the quoted phrase? The House version has no such provision.

Sec. 2101(d) of the Senate version requires that the Department of Justice quickly prosecute interstate rioters or report to Congress in writing. The House version has no such provision.

Sec. 2101(e) of the Senate version insulates labor unions from the anti-riot provisions, so long as they are "pursuing the legitimate objectives of organized labor." The House, in the Committee of the Whole, twice handily rejected (120–66 on a division, CONGRESSIONAL RECORD, vol. 113, pt. 15, p. 19418, and 110–76 on a division, CONGRESSIONAL RECORD, vol. 173, pt. 15, p. 19423) similar exemptions for labor unions.

Sec. 2101(f) of the Senate version is the anti-pre-emption section. It makes clear that the federal remedy is in addition to the state remedies. The House version says that the federal remedy does not pre-empt the state remedies unless they are "inconsistent." Since it is unlikely that a State would seek to enforce a statute conflicting with the federal policy stated herein, it is probable that the different approaches would produce the same result.

Sec. 2102 of the Senate version defines the terms "riot" and "to incite a riot," as does the House version. Both the House and the Senate versions make the mistake of applying the "clear and present danger" doctrine to the definition of a riot, rather than the definition of "to incite a riot." For the doctrine sets down a rule by which freedom of speech is limited. See *Schenck* v. *United States*, 249 U.S. 47, 52 (1919). Thus Congress may limit "speech" where it presents a clear and present danger of a riot. The doctrine does not address itself to the issue of whether a riot, in order to be defined as a riot, must present a clear and present danger of harm to the community.

The Senate definition of "riot" includes not only acts of violence, but also threats of acts of violence. The House version embraced only the former. The Senate version, like the House version, of the definition of the term "to incite a riot" states that such term does not mean the mere advocacy of ideas or expression of belief. However, the Senate version makes clear that "expression of belief" does not involve "advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit any such act or acts," whereas the House version is silent on that particular aspect.

These six titles were added to H.R. 2516 in the Senate by Senator Ervin. They constitute the exact provisions of S. 1843, a bill which passed the Senate without debate on December 6, 1967 and is presently pending before the House Committee on Interior and Insular Affairs. The bill has never before had the benefit of hearings in the House, although the Interior Committee has scheduled hearings beginning March 29, 1968, nor has such legislation been considered in any previous Congress.

A comprehensive analysis of these six titles concerning the Rights of Indians is found

in Senate Report No. 841, 90th Congress, 1st Session (accompanying S. 1843).

TITLE II—RIGHTS OF INDIANS

This title creates a "bill of rights" for Indians in relationship to their tribal government similar to the guarantees of our Federal Constitution. It embodies portions of the First, Fourth, Fifth, Sixth, Seventh and Fourteenth Amendments and Article 1, Sec. 3 of the Constitution and applies them to Indians who are not now so protected. Indian tribal courts, acting under Indian customs, presently are not subject to Constitutional sanctions.

In addition to the specific portions of the Constitution made applicable to Indians, this title provides additionally that: (1) tribal courts may not impose criminal penalties in excess of $500 and six months imprisonment, or both; (2) jurors may not be fewer than six; (3) assistance of counsel shall be at the accused's own expense (present interpretations of Constitutional minimum requirements of the Sixth Amendment applicable to non-Indian citizens require lawyers to be appointed at no cost to the non-Indian accused, if he is indigent and the Criminal Justice Act of 1964 provides payment for such lawyers in the Federal Courts); (4) habeas corpus application for release from tribal detention shall be made in the Federal courts (under present Constitutional practice, non-Indian citizens, if imprisoned under state law, must first seek habeas corpus by exhausting available state court remedies before applying to Federal courts.)

TITLE III—MODEL CODE GOVERNING COURTS OF INDIAN AFFAIRS

This title authorizes the Secretary of the Interior to draft for Congressional consideration a model code to govern the administration of justice by Indian courts which would supplant the present code now reposing in Title 25 of the Code of Federal Regulations and which is more than thirty years old. Curiously, this title requires that such code shall assure that any accused shall have the "same rights, privileges and immunities" as non-Indian citizens have under the Constitution. This blanket extension of protection under the Constitution seems to make the *Partial* enumeration of "rights" under title II unnecessary or confusing.

TITLE IV—JURISDICTION OVER CRIMINAL AND CIVIL ACTIONS

This title authorizes states *not* having jurisdiction over civil and criminal actions in Indian country within their boundaries to assume such jurisdiction only with the consent of the Indians (majority vote of adult Indians required). To accomplish that, title IV amends Public Law 83-280 (67 Stat. 588) which now permits States to assume such jurisdiction by legislative action and without Indian consent.

Some States presently exercise jurisdiction over Indians by authority of their own legislative enaction (PL 83-280) and some by Federal mandate (18 USC 1162, 28 USC 1360).

To implement the purposes of the bill—to govern Indians only with their consent—title IV repeals that part of PL 83-280 (Sec. 7) which permits States to assume Indian jurisdiction without Indian consent. The bill does not amend, however, those provisions of Federal law that specifically require certain States to assume jurisdiction. Instead title IV allows those States, along with the others now exercising jurisdiction, to retrocede such presently exercised jurisdiction back to the United States. Retrocession presumably, would then permit those States to extend jurisdiction back to Indians only upon the Indians' consent. But careful analysis of the bill and Senate report No. 841 reveals a contrary result.

The Senate report says that title IV authority for States to assume Indian jurisdiction—with Indian consent—extends only to those States where no such jurisdiction *"now exists."* Thus, States *now* exercising jurisdiction are not granted authority to extend such jurisdiction to Indians even in the event they should retrocede that jurisdiction to the U.S. This anomalous situation occurs because retrocession necessarily would be a future event. The State retroceding jurisdiction would, at the time of retrocession, and only then, become a State "not having jurisdiction." The bill, as explained by the Senate report gives authority *only* to States were no jurisdiction *"now exists."* Therefore, those retroceding States would not be authorized by this or any other provision to regain jurisdiction for subsequent extension to Indians once it is given up.

The apparent gap between the bill's purpose and effect is due to the interpretation given the authority grant language, namely to those States where no jurisdiction "now exists." Although this interpretation frustrates the purpose of the bill, it is supported by the general rule that Congress does not give its consent to acts that may occur in the future. That doctrine is best demontrated in the analogous situation where Congressional consent to interstate compacts is required. In such cases, the consent given is for only those acts presently occurring and not for acts that may happen *in the future.*

TITLE V—OFFENSES WITHIN INDIAN COUNTRY

This title amends the "Major Crimes Act" (18 USC 1153) to include an additional offense of "assault resulting in serious bodily injury." This offense, along with other serious crimes, will be prosecuted in Federal courts, since Indian courts may punish only up to $500 and six months, or both. Senator Ervin, who sponsored this amendment, thus sought to have serious assaults punished by more substantial penalties than imposed by Indian courts (Senate Report No. 841, p. 12.) But that may not be the result. Section 1153, to which this crime is added, provides no specific penalty, but instead provides such punishment as the offense would merit under other Federal jurisdiction. But the crime this amendment specifically defines does not appear in Title 18 U.S. Code. Therefore, no Federal penalty is provided. The Federal assault statute most nearly similar in definition (18 USC 113d) provides no greater penalty than the Indian court may impose. It could be argued, however, that 18 USC 13 would apply to effect the purpose of this amendment. 18 USC 13 provides that offenses occurring in Federal jurisdictions that are not defined by Federal statute are punishable under applicable State law. However, that application not only raises questions of State jurisdiction over Indians which other parts of this bill would extend only with Indian consent, but it also raises questions of whether similar State laws even exist or, if they do, whether they provide greater penalties.

TITLE VI—EMPLOYMENT OF LEGAL COUNSEL

This title provides that when approval of agreements between Indians and their legal counsel is required by the Secretary of the Interior or the Commissioner of Indian Affairs and takes longer than ninety days in forthcoming, such approval shall be deemed granted.

TITLE VII—MATERIALS RELATING TO CONSTITUTIONAL RIGHTS OF INDIANS

This title authorizes and directs the Secretary of the Interior to revise, compile and publish certain documents and materials relating to Indian rights, laws, treaties and other affairs.

TITLE VIII—OPEN HOUSING

This analysis will compare Title IV of the 1966 Civil Rights bill, H.R. 14765, which passed the House on August 9, 1966, with Title VIII of H.R. 2516, as passed by the Senate on March 11, 1968. The analysis will attempt primarily to note the differences in the two approaches.

The House version was more narrow in its scope and more stringent in its enforcement. The House version sought to regulate only real estate brokers, their employees, salesmen and people "in the business" of building developing, selling, and so forth. The Senate version, rather than treat the commerce of building, selling, and renting houses, embraces every dwelling in the nation except for certain cases where the conduct of the owner qualifies for an exemption from the law.

The House version established strict enforcement procedures. It established a Fair Housing Board as a new government agency with broad powers, similar to that of the National Labor Relations Board. Thus, the complainant would seek the vindication of his fair-housing rights before the Board, rather than going to court, as he would under the Senate version. Under the House version, the Secretary of HUD served in an ancillary enforcement capacity, but his powers were limited to investigating, publishing reports and studies, and co-operating with other agencies in eliminating discriminatory housing practices.

Under the Senate version, the Secretary of HUD is authorized to educate, persuade and conciliate in order to eliminate discriminatory housing practices. But, if the Secretary of HUD is unsuccessful, the sole recourse under the Senate version is to the court, State or federal, and not any administrative agency, such as a Fair Housing Board.

The two versions differ in more particular ways. Under the Senate version, the discriminatory basis is that of race, color, religion or national origin. The House version covered those four bases but also, at times referred to the factors of economic status and of children, both in their number and their age, as discriminatory bases upon which the bill was predicated.

The House version forbade real estate brokers and the like to refuse to use their "best efforts" to consummate any sale or rental because of race, color, etc., whereas the Senate version is silent.

Moreover, the House version forbade brokers and the like from engaging in any practice to restrict the availability of housing on the basis of race, color, etc., whereas the Senate version is silent.

The House version made clear that nothing in the Act would affect the right of the broker to his commission, whereas the Senate version is silent. On the question of the breadth of coverage, Sections 403(e) and 402 were at the heart of the House approach in that they emphasized the freedom of the typical homeowner in selling or renting. Sec. 403 said:

"(e) Nothing in this section shall prohibit, or be construed to prohibit, a real estate broker, agent, or salesman from complying with the express written instructions of any person not in the business of building, developing, selling, renting, or leasing dwellings, or otherwise not subject to the prohibitions of this section pursuant to subsection (b) or (c) hereof, with respect to the sale, rental, or lease of a dwelling owned by such person, if such instruction was not encouraged, solicited, or induced by such broker, agent, or salesman, or any employee or agent thereof,".

The last sentence of Sec. 402 reads:

"But nothing contained in this bill shall be construed to prohibit or affect the right of any person, or his authorized agent, to rent or refuse to rent, a room or rooms in his home for any reason, or for no reason; or to change his tenants as often as he may desire."

Since the House version regulated only those in the business of selling, renting, or developing, those who were not in such business were implicitly exempt although they were not expressly exempt. The only express exemption (the last sentence of section 402, quoted above) applied to homeowners

renting rooms in the town "homes" (whatever that means) even though they might otherwise be "deemed to be in the business" of renting under section 402(d).

However, the Senate version covers all classes of dwellings in all transactions except three. They are as follows:

A. *A single-family "house"* (whatever that means) sold or rented by an owner but only if the following four conditions are true:

(1) he owns three or fewer single-family houses,

(2) he sells no more than one non-residence in any two year period,

(3) he sells without the services of a broker or the like, and

(4) he sells without any discriminating advertising.

These conditions present some problems.

The first condition is modified by an attribution clause resembling in purpose those found in the Internal Revenue Code. That is, the ownership of an item by one spouse or relative is attributed to the other spouse or relative lest some rule be circumvented. The attribution clause here is very loose in comparison to IRC attribution sections.

The second condition is phrased in troublesome language: "The exemption . . . shall apply only with respect to one such sale within any twenty-four month period." What if two non-residences are sold in such time? Which sale gets the exemption? The first? Or is it the seller's choice?

The fourth condition requires that, "after notice," there be no discriminatory advertising. What "notice"? By whom? there is no intimation in the entire Title of what is meant by "after notice."

However, it is clear that regardless of circumstances, no one can "make . . . any notice, statement, or advertisement" that discriminates, section 804(c). That applies to *all* dwellings except religious and fraternal organizations exempted by section 807. Thus the fourth condition, which is stated in more narrow terms (it requires less of the seller) apparently contradicts the broader requirement of section 804(c) stated above.

The fourth condition would seem to require only the avoidance of written discriminatory advertising whereas section 804(c) would arguably require the avoidance of both written and spoken (a "statement" can be oral) "indications of preference."

So, does the fourth condition mean that less is required? Or is it simply a nullity?

Furthermore, don't these prohibitions violate "free speech" under the First Amendment? Does not a citizen have the right to indicate his preference by the spoken or written word? Those questions are not easy to answer.

B. *Mrs. Murphy's boardinghouse.* It appears under section 803(b)(2), there is an exemption for "rooms or units in dwellings" holding no more than four families ["'family' includes a single individual"—section 802(c)] living independently of each other, if the owner resides therein. The exemption applies to both the sale and rental of rooms and units, not merely to rental as would be true if this were purely a Mrs. Murphy exemption. (Note in comparison that private clubs are exempt only for rental purposes under section 807.) Is it then possible for Mrs. Murphy to sell all her units (i.e., her house) to one buyer and still be exempt?

If Mrs. Murphy is not exempt by section 803(b)(2) in selling her dwelling, is she exempt under section 803(b)(1)? Is Mrs. Murphy's house a "single-family" dwelling? From the use of language in Title VII, especially in sections 802(b), 802(c) and 803(b)(2), it would seem that a "single-family" house is one which is "occupied as, or *designed* or intended for occupancy as, a residence by one" family.

Thus if Mrs. Murphy has a boarder or if her house is *designed* to hold both the Murphy family and others as well (i.e, it has an extra room), then her house is not exempt for sale purposes under section 803(b)(1). Of course, there are many homes that fit that definition. If the definition is correct, then many dwellings considered exempt will not prove so.

However, the sections delimiting the exemptions are not so clear as they should be in view of their central importance.

It is interesting to note that a four-apartment condominium would be exempt under section 803(b)(2) whereas a co-operative would not, because in the former, each family owns a unit, whereas in the latter each family owns an undivided quarter which may not be considered by a court to be a "room" or "unit." The policy for making such a distinction is not clear.

However, the House version contained a provision, section 403(b), which was substantially similar to section 803(b)(2).

C. 1. *A dwelling maintained by a religious group for a non-commercial purpose,* exempt as to both sale and rental.

2. *A dwelling maintained as a bona fide private club for a non-commercial purpose,* exempt as to rental only so that preference can be given to members of such club.

In the House version, section 403(c) exempted the same two groups as to both the sale and rental to their own members.

Section 805 of the Senate version forbids banks and similar institutions from discrimination on the basis of race, color, etc. in the financing of housing. So did section 404 of the House version.

Section 806 of the Senate version forbids discrimination in the provision of brokerage services. So did section 403(a)(6) of the House version.

As for the enforcement of the open housing provision, it was noted earlier that the House version provided for an administrative remedy before the Fair Housing Board.

In contrast, section 810 of the Senate version permits any aggrieved person to file a complaint with the Secretary of HUD within 180 days after the alleged discriminatory housing practice occurred. Within thirty days after receiving a complaint, the Secretary must notify the aggrieved person whether he intends to resolve the complaint. The Secretary, if he intends to do so, then proceeds to correct the alleged discriminatory housing practice by informal methods of conciliation and persuasion.

The functions of the Secretary are delegable within the Department. However, HUD has only six regional offices and one area office within the United States. The bill does not make clear how or where a complaint will be filed. However, section 808(c) does state that conciliation meetings shall be held in the locality where the alleged discrimination occurred.

Under section 810(c), where there is a State or local fair-housing law applicable, the Secretary is required to notify the appropriate State or local agency of any complaint filed with him. If, within thirty days after such notice has been given to the appropriate State or local official, such official commences proceedings in the matter, then the Secretary must refrain from further action unless he certifies (why? to whom?) that such action is necessary.

However, section 310(d) interrupts this conciliation process by permitting the aggrieved person within thirty days after the filing of a complaint (that is, within the same period that the Secretary has to judge the substantiality of the complaint) to file an action in the appropriate U.S. district court against the respondent named in the complaint—unless State or local law provides "substantially equivalent" relief, whereupon such relief must be sought.

However, the Secretary may continue to seek voluntary compliance up until the beginning of the trial (as distinguished from the commencement of the law suit.)

In the course of the investigation, the Secretary is permitted to make whatever searches and seizures are necessary "provided, however, that the Secretary first complies with . . . the Fourth Amendment." The Secretary may issue subpenas to compel production of such materials and may issue interrogatories and may administer oaths. Any person who is found in contempt of the Secretary by "willfully" neglecting to attend and testify or to answer any lawful inquiry or to produce records shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Thus, in summary, the Secretary's powers are limited to education, conciliation, and investigation. He apparently cannot enforce the title; only a court can.

However, section 808(c) yields a contradictory implication. It empowers the Secretary to prescribe the "rights of appeal from the decisions of his hearing examiners." That implies *administrative enforcement* of the prohibitions of the title. It might be the source of an unintended enlargement of administrative power. Caution would require its elimination.

Section 812 states what is apparently an alternative to the conciliation-then-litigation approach above stated: an aggrieved person within 180 days after the alleged discriminatory practice occurred, may, without complaining to HUD, file an action in the appropriate U.S. district court. At this point, two commands come into play: Section 812 commands the court to wait to determine if the Secretary can achieve voluntary conciliation, while section 814 requires that the court "assign the case for hearing to the earliest practicable date and cause the case to be in every way expedited." Note further that the command of section 814 to expedite applies only in the situation where the aggrieved party has not sought the assistance of the Secretary of HUD, but has instead filed a civil action without the prior aid of the Secretary. If the aggrieved party has first sought the assistance of the Secretary and then files an action within thirty days of his filing the complaint with the Secretary, then the civil action arises under section 810(d), a section to which the expedition requirement of section 814 does not apply.

Section 812(a) also changes the law concerning the bona fide purchaser and the doctrine of lis pendens. Under section 812(a), it appears that a person who purchases a house that is involved in a law suit is termed a bona fide purchaser if he does not actually know of the law suit, even though he has constructive knowledge that such a law suit was pending.

Section 812(b) permits the court to appoint an attorney for the plaintiff where justice requires it. However, the court has that power only where the action is brought under section 812 and not where the action is brought under section 810 (that is, after the assistance of the Secretary has been sought.) Note that under section 812(c), the court may award up to $1,000 in punitive damages. The House version contained no such provision.

Both the Senate version, section 115, and the House version, section 407(a), stated that the provisions of the federal law do not preempt State and local open housing laws, but do pre-empt State and local laws which required or permitted discriminatory housing practices.

Section 817 of the Senate version establishes a civil cause of action in tort for the interference by coercion or threats with any person in the enjoyment of his right to fair housing. Section 407 of the House version is comparable.

Section 819 of the Senate bill is a separability clause. The House version contained no such clause. However, whereas the 1966 House bill fell within the Congressional power over interstate commerce, the more far-reaching Senate bill probably does not and must look to section 5 of the Fourteenth Amendment as

its constitutional basis. Since section 1 of the Fourteenth Amendment focuses only on "State" action, it has long been doubted that Congress could reach private discriminatory action through legislation to "enforce" section 1 of the Fourteenth Amendment, See *Civil Rights Cases,* 109 U.S. 3 (1883). However, six Justices of the Supreme Court of the United States, in the case of *United States* v. *Herbert Guest,* 383 U.S. 745 (1966), stated in *dictum* that section 5 of the Fourteenth Amendment empowers Congress to enact laws which reach private discrimination.

The following is a list of the comparable sections in the House and the Senate versions:

House version, 1966	*Senate version, 1968*
401	801
403(a)(1)	804(a)
403(a)(2)	804(b)
403(a)(3)	804(c)
403(a)(5)	804(d)
403(a)(6)	806
403(a)(8)	804(e)
403(b)	803(b)(2)
403(c)	807
404	805
405	817
406(a)	812(a)
406(b)	812(b)
406(c)	812(c)
407(a)	813
410	815

TITLE IX—PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Title IX of the Senate version provides criminal sanctions in the fair-housing area, just as Title I provided criminal sanctions in the areas enumerated in that Title. The Senate version apparently classifies the open-housing area as one of lesser federal interest and thus, as in Title I, requires racial motivation as an element of the crime in one section, but not in another. Compare section 901(a) with section 901(b)(1). Since the treatment of open housing in Title IX is identical with Title I's treatment of the areas of lesser federal interest, there is no readily apparent reason why Title IX could not have been incorporated into Title I.

Title V, section 501(a)(5) of the 1966 bill, passed by the House, also provided criminal sanctions for the interference with any person because of his race, color, religion or national origin while he is seeking to engage in the purchase, rental, or occupancy of any dwelling.

Note that both of these protection provisions with criminal sanctions are broader in scope than the open-housing rights recognized for the civil-law purposes. In both versions, the criminal sanctions apply with reference to "any dwelling" without exception.

Note also that because both versions protect the right to occupy any dwelling, that they are both public-accommodation and open-housing provisions.

TITLE X—CIVIL OBEDIENCE

Three new Federal crimes punishable by $10,000 or five years, or both:

1. Teaching or demonstrating the use of making of firearms or explosives or incendiaries or techniques capable of causing injury, knowing or *having reason to know* such devices will be used unlawfully in a civil disorder adversely affecting commerce or the performance of a federally protected function.

2. Transporting or manufacturing for transportation in commerce a firearm or explosive or incendiary knowing or *having reason to know* that such device will be used unlawfully in furthering a civil disorder.

3. Commission of an act to obstruct a law enforcement officer or fireman lawfully engaged in performing his duties incident to and during a civil disorder which adversely affects commerce or the performance of a federally protected function.

Section 232 defines "civil disorder" as a "public disturbance involving acts of violence by assemblages of three or more persons . . ." This definition of civil disorder is different from the Title I definition of "riot" (pages 7–8 of this memo). Civil disturbances for gun control and fireman and policemen protection purposes require acts of violence (but not threats) by assemblages, whereas riots require acts of violence (or threats of violence) by only *one* person as part of an assemblage. There seems no apparent reason for this confusing difference except that the "riot" amendment was offered by Senators Thurmond and Lausche and "civil disturbances" amendment was offered by Senator Long (D–La.). From the debate record, it appears that both sections were meant to treat with the same kind of "disturbance" or riot.

Section 231(a)(1), listed as number 1 under Title X above raises questions as to the scope of "teaching" and "demonstrating" either use of weapons or "techniques capable of causing injury . . ." when coupled with criminal liability for those acts by "having reason to know" that such weapons or techniques will be used unlawfully in furtherance of a civil disorder. What does that prohibition include? Also, what is the meaning of the requirement that the disorder adversely affect commerce? Does *scienter* also include knowledge of the affect on commerce?

The prohibition against transportation or manufacture for commerce of firearms and incendiaries, unlike the teaching and demonstrating prohibition, does not require that the disorder affect commerce. Does that difference make the disorder any more or less serious. Should teaching about firearms, incendiaries or "techniques" that cause injury become criminal only in disorders that affect commerce and should shipping firearms and incendiaries become criminal in disorders that do not affect commerce?

The firearms sections differ substantially from the proposals now being considered in the House and Senate Judiciary Committees (Dodd, Celler, Hruska and Biester-Railsback bills) in that these Title X sections prohibit the demonstration and transfer and manufacture of firearms and explosives with respect to their subsequent *use.* The bills in Judiciary Committees would simply regulate commerce of such devices and would not rely on subsequent use. Use of firearms and similar devices has been a matter for local control by states and political subdivisions.

Law enforcement officials, lawfully performing their duties, are excluded from the prohibitions of Title X.

Neither the 1966 nor the 1967 House-passed Civil Rights bills contained provisions affecting firearms.

Yes, Mr. Speaker, expediency may be the House decision today. I think it is wrong. We should not condone it.

In 1957 one of the great liberal Senators in the other body said in the consideration of equally important civil rights legislation then, and I quote:

Oh, Mr. President, I say to the liberals, parliamentary expediency is not the road to travel.

Those words by that individual in 1957 are applicable to us today. If we take the path of expediency, we will live to regret it. I say to you in my best judgment we should follow the time-tested principles of parliamentary procedure, because they are primarily in the best interests of our minority groups, and also in the best interests of all our citizens.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. ASPINALL].

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

Mr. ASPINALL. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Speaker, we cannot overestimate the seriousness of the action this House is being asked to take today. As most of my colleagues know, I have been speaking out frequently on the subject of law enforcement for several years now, most recently within the past few weeks.

An examination of the CONGRESSIONAL RECORD will clearly indicate that, unfortunately, my predictions of disaster have come true this past weekend. I have the feeling, however, that my voice is still not being heard when I repeat once again that we cannot make any progress in the field of civil rights when we are in a state of anarchy. And we will remain in that state just as long as we continue the policy of nonsupport for our law-enforcement agencies.

Mr. Speaker, if there is an underprivileged, downtrodden minority in this country today—and this past weekend—it is the police officers of the Nation. They were required to accept unspeakable insults, flagrant injuries, were shot at, thrown at, spit at, cursed at—and then asked to accept it quietly and at the same time be held responsible for the maintenance of law and order.

I say to my colleagues that this intolerable condition must be corrected first—now, before any other action is taken by this House. I, for one, will not be stampeded or threatened into precipitous legislative action that will in effect reward looters and arsonists.

Mr. Speaker, we are supposedly considering a civil rights bill. As I have said before, what we have been dealing with here has been neither civil, nor right. I say to the Members in this Chamber that before they vote today they should walk out that door and onto buses and ride through the destroyed areas and streets of our Nation's Capital. I ask how many of the Members about to vote here have been through the ravaged region of this city? I ask how many have talked to the police officers and National Guardsmen and Federal troops who braved the war on Washington? And that is exactly what it has been—a war on Washington.

Total and utter destruction of blocks of the city creating havoc and spreading fear through this city such as has never been done before. And now we are being asked to forge our usual calm, deliberative, legislative process, in an atmosphere of fear to pass legislation that may well have beneficial effects, but how do we know until our proper committee has examined the contents of this legislation?

Mr. Speaker, I rise today not in opposition to this bill in itself. I rise and speak with all of the earnestness of my heart to speak for the police of this Nation. And I ask my fellow Members to consider that we are adding still another indignity to their already overwhelming ones by precipitous passing of a bill that will make it clear to them that their job cannot be done.

Recently, I read a document of the District of Columbia National Guard entitled: "Riot Control Training, FBI,

and Prevention and Control of Mobs and Riots," dated April 3, 1967. This document contains the most incredibly inept, unbelievably poor and incomprehensible instruction to the troops who have been defending our city in the past 72 hours. I will take a few moments to cite some of the instructions contained therein but I point out, Mr. Speaker, that this document is a black mark indeed in our annals of protection of people and property. I submit that this House would better be considering an order for a full investigation of the origin of this document and if necessary an investigation of the National Guard and the Federal Bureau of Investigation.

Consider some of these orders that were issued a year ago to the men facing the insurrection and civil rebellion of the past few days: "You will fire only when ordered to do so." Thus, no provision for firing in self-defense. "When you fire, you will fire to disable, rather than to kill." Note there is no distinction of category between a casual looter and outright assault with a deadly weapon. And perhaps the most incredible order of them all: "You do not fire solely to protect property." It would seem that the traditional function of the Army and law enforcement agencies to protect life and property has been changed by some mysterious bureaucratic edict. Go out that door and go down to the ravaged area and see the results of that order.

Talk to the police of the city and hear their stories of retreat under fire, because they were ordered. Hear their stories of allowing looters to walk away unchallenged because they were ordered to. Hear their stories of failure to return fire from deadly snipers because those are what the orders said. To be exact, this document of which I speak says: "You simply don't fire at looters. This goes back to the principle which says you will not fire solely to protect property."

Mr. Speaker, this is unbelievable in this day and age of civil disobedience. It is beyond my wildest imagination that within the past 72 hours the people of this Nation saw television and newspaper pictures of a tripod and machinegun right outside these doors on the very steps of the Capitol Building and we still refuse to face the fundamental issue of this moment—the total restoration of law and order first—a job that cannot be done until our police are properly equipped and trained and paid to do their job. When it comes to the conduct of the war in Vietnam we do not stand around and second-guess General Westmoreland. We do not allow the Secretary of Defense to draw strategy maps in detail or issue instructions to the forward observer of a combat team. We assume that our military leaders have the capacity to make military decisions. If they do not then we remove them. But we allow, apparently, a civilian commissioner of police—or someone—to tell the Police Chief here, and perhaps all over the country, how to conduct police business in detail.

Mr. Speaker, this city, this Nation, has caused men in uniform to be out in the streets defending us and have left them totally defenseless. We have made a mockery out of law enforcement. We have created an underprivileged, undefended, trampled-on minority and have put them into blue uniforms and sent them out on the streets to be shot at like dogs. Why, if any Member suggested such similar treatment for our Negro citizens, or Indians, or Mexican Americans, they would be hooted out of this Hall as a madman. And yet we not only tolerate such treatment for this miniscule minority in blue, we are now being asked to further emasculate them by passage of legislation in an atmosphere of fear and to demonstrate to the entire Nation that we do not even have the guts ourselves that we demand of them.

Mr. Speaker, let us put to rest once and for all that we are about to make a pro-Negro or an anti-Negro vote here today. In recent hours more than 92 percent of our Negro citizens responded to a great tragedy with calmness and dignity. They did not make a mockery of the mourning for Dr. King by dancing in the streets and laughing while they burned and looted. The violence and destruction has been caused by less than 8 percent of the black population and about 5 percent of the white population who have joined the army of destruction flaunting the laws of this Nation. An overwhelming majority of all of our citizens, of whatever color, have remained calm, if frightened. But this small minority of destroyers that we have permitted to run amuck have caused millions of millions of dollars in damage and right now our Ways and Means Committee is being asked to pick up the bill. Pick up the bill when our law-enforcement people are being ordered to stand by and watch destruction? I am truly saddened, and if I shake my head in wonderment it is because we still refuse to see what is right in front of us.

Mr. Speaker, the police of this Nation must be given the tools to protect the vast majority of our citizens. They must know when we send them out into the streets that they are to deal with persons willfully doing vandalism and looting and burning that they are to deal with them for what they are—criminals, insurrectionists, irresponsible, irrational people who must be restrained.

Mr. Speaker, I intend to vote against the previous question and do so without any reluctance. Until this House is willing to face and assume some of the responsibility for the protection of the police of this Nation and in turn permit them to protect our law-abiding citizens, then I shall continue to oppose legislation in such an atmosphere of fear that will give aid and comfort to the enemies of the policeman on the beat. I propose to demonstrate as much courage as we have asked of them in recent hours.

Mr. ASPINALL. Mr. Speaker, I oppose the House approval of the Senate amendments to H.R. 2516 and request that the matters in controversy in this legislation be sent to a conference committee of the two bodies.

Mr. Speaker, there is a grave danger that by giving our approval to H.R. 2516, as it comes to us from the other body, we may, in fact, be destroying Indian treaty rights in the name of so-called civil rights—in trying to aid one minority we are destroying rights of another minority. I am sure there are none among us who desire this.

H.R. 2516, which includes titles II, III, IV, V, VI, and VII, relate to Indian affairs, and the language of these six titles is identical to the language of S. 1843 which has passed the other body and is now pending before the House Committee on Interior and Insular Affairs.

The inclusion of these titles in the civil rights bill would thwart the orderly legislative process. They were adopted on the floor of the Senate without hearings by any committee of the 90th Congress. The explanation was that these titles are the same as S. 1843, which had been considered and reported by the Judiciary Committee of the other body, and which had passed the other body on December 7, 1967, during the closing days of the last session. S. 1843, however, had been reported by the committee of the other body without any public hearings in the 90th Congress. Although predecessor bills had been the subjects of hearings in the 89th Congress, S. 1843 is a revised bill and it has not been the subject of any hearings either in the 89th Congress or the 90th Congress.

S. 1843 is now pending before the Interior and Insular Affairs Committee. Hearings on the bill have been scheduled for sometime to be held by the Subcommittee on Indian Affairs under the able leadership of the gentleman from Florida [Mr. HALEY]. The first of these hearings were held on March 29, 1968. It would be a travesty on the legislative process to allow the substance of S. 1843 to be included in the civil rights bill and enacted without any consideration by the committee that has jurisdiction.

I do not want to be understood as raising a jurisdictional issue. I am not. I am raising a question of orderly legislative process. While this is not the time to discuss the merits or defects of titles II through VII of H.R. 2516, I have satisfied myself that they contain provisions that merit careful evaluation before they are accepted by the Members of this House. The Interior and Insular Affairs Committee has received from some Indian tribes expressions of alarm and requests for amendments. Those Indian groups are entitled to be heard. Without in any way expressing an opinion regarding the merits of the objections because I believe the formulation of an opinion would be premature, I can mention a few of them as illustrative:

First. One provision of title II provides that in an Indian tribal court a defendant in a criminal case shall be entitled to the assistance of counsel. In an ordinary court of law this would, of course, be a highly desirable provision. A tribal court, however, is not an ordinary court. Neither the judges nor the prosecutors are attorneys. They function in a most informal manner. The fear expressed, which I believe should be evaluated, is that a defense lawyer in that kind of court would so confuse the lay judges with formalistic demands that the system might collapse. That fear may or may not be well founded. We should find out.

Second. Another provision of title II fixes a maximum penalty that can be

imposed by a tribal court at $500 and 6 months imprisonment. The split of jurisdiction between tribal courts, State courts, and Federal courts is technical and confusing. Some tribes have indicated that the maximum penalty provided by title II may be too low in some cases, and might result in serious offenders escaping reasonable punishment.

Third. Trial by jury, although embedded in our common law, is foreign to the customs of many tribes. Before imposing this requirement in tribal courts, the probable results should be considered.

Other provisions of these Indian titles are completely unrelated to civil liberties, and they do not belong in a civil rights bill. They relate entirely to sound Federal administration of the Indian affairs program. For example, no question of civil rights is involved in the question of whether Indian laws should be collected and published by the Secretary of the Interior, whether a book entitled "Federal Indian Law" should be updated and republished, or whether secretarial regulations affecting Indians should be published separately from the publication in the Federal Register.

One other provision needs to be noted. Title IV would substantially amend Public Law 280 of the 83d Congress by permitting States to assume partial jurisdiction over an Indian reservation. The Department of Justice has expressed serious doubt about the wisdom of this action.

Another change would require tribal consent before a State may assume any jurisdiction. Public Law 280 originated in the Interior and Insular Affairs Committee, and it is our intention to consider these two changes when S. 1843 is scheduled for hearing.

Mr. Speaker, it is my personal feeling that too many Members of the Federal Congress, and too many of the political spokesmen of the major political parties of our country, are trying to solve the problems attendant to the civil rights of our people purely from a political, partisan, or personal ambitious viewpoint. As long as this procedure continues, we shall never solve such problems. Just the reverse will be true. We shall continue to magnify and intensify them.

The strong feelings of pro-racism today and the growing fear among our people in their attitudes toward each other is no mere happenstance of the moment. I believe that it is a direct consequence of trying to go too far, too fast. Statutes, and statutes alone—no matter how nobly inspired—are not the sole, or even the main, answer to what is troubling us. We need, first of all, as a nation, to understand each other better—to come to know our ambitions, our goals, and our shortcomings—and, yes, above all, to know our possibilities and potentials, as a nation, of reaching worthwhile objectives. We talk and write too much of things which we are going to do, and then we actually do too little after we have run out of breath and paper.

I am convinced that the great majorities of all races in this Nation of ours wish to grow, to prosper, and to live together. I am also convinced that they wish to do this in an orderly, sane, and peaceful way. They do not want the shyster leader. They do not want the self-serving politician. They want the evolutionary leader, rather than the revolutionary one. They want leaders who are dedicated to the end goals of equal opportunities and freedom for all.

The great majorities of our people fully realize and understand how our festering sores of discrimination and inequities have developed. They understand the seriousness of the malady that affects us. They understand also that a nation does not cure these illnesses or maladies overnight. In my opinion, the overwhelming numbers of our people, regardless of race and national origin, know when they are being preyed upon by their fellow man, regardless of who the self-acclaimed leaders may be. Accordingly, let us be done with overnight cures, with hasty and ill-advised panaceas such as continued statutory verbiage. Rather, let us proceed to furnish within our limitations, frankly admitting what those limitations may be, to all and all alike the blessings which this great Nation possesses, realizing that with the acceptance of those blessings or any part of them goes corresponding responsibilities.

I repeat—this is not, and should not be, a partisan political controversy. I resent the implication which I sometimes find in the remarks of my colleagues.

Personally, I resent a statement from my fellow public servants which is publicized by the news media as follows:

> Any one voting against open housing or any part of this legislation in this election year must take the responsibility.

Rather, let us legislate from respect and understanding of each other than from the motivation of fear. I shall answer to my own conscience and to my constituents for my action, and not because of fears or reprisals.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, I most emphatically believe that we should take a firm, united stand in opposition to the proposed rule to collectively adopt the Senate amendments.

The procedure that is proposed makes a travesty of the whole legislative process. It is tantamount to the House abdicating its legislative prerogatives. It is tantamount to our delegating to the Senate, by a rubber stamp process, our duties and responsibilities to the people we represent.

It is not a question as to whether one is for or against open housing. Nor is it a question as to whether one is for or against gun control legislation, antiriot legislation, Indian rights, or any of the provisions which the Senate added to the civil rights bill we passed.

Whatever our position on any of these questions raised by the Senate amendments, the House should at least have opportunity to explore in detail just what the Senate proposes in its amendments to the bill we passed and for which I voted.

It is my understanding that the firearms section of the Senate amendment differs substantially from the bills now before our Committee on Judiciary, and even differs from the proposals being considered by the Senate Judiciary Committee itself.

By following the procedure now proposed, we would be denying members of our own Judiciary Committee opportunity to pass upon the adequacy or inadequacy of the firearms amendment to the civil rights bill.

The Senate open housing version differs in many and very material ways from the House version. There are differences not only as to scope, but also as to manner of enforcement.

Open housing can mean many things. Open housing is a matter of very real concern and delicacy to the people we represent. And the manner of enforcement can be as important as the scope of the law. Surely, we recognize that property rights are involved in this issue.

I have here a memorandum prepared by the minority staff of our Judiciary Committee analyzing the differences between the House-passed bill and the Senate-amended bill. It took 24 double-spaced, typewritten pages to outline the many and far-reaching differences between the House version and the Senate version of the civil rights bill. Yet we are called upon to accept the Senate version, yes or no, without a second thought, even without discussion and much less of any perfecting change.

But as I said at the outset, the question before us is not so much a matter of substance. We do not know except by label what the substance is.

The question before us is a matter of procedure. We owe it to ourselves, as well as to our constituents—we owe it to the House, as an equal arm with the Senate in the legislative process—we owe it to the orderly legislative processes—not to approve this extraordinary procedure.

We have many times complained against the practice of the Senate, which has no rule of germaneness, of adding entirely new matter to House-passed bills. We have many times fought against the Senate ignoring the will of the House, and jockeying us into an impossible position. Even now some of our Members are complaining that we do not have as large a voice as we should in foreign affairs.

To adopt this rule is to gag ourselves and to gag the people for whom all are supposed to speak. We of the minority have consistently railed against "rubber stamping procedure."

The rights of this House, which is more representative of the people than the Senate can possibly be, are at stake. And this is reason enough that the adoption of any rule to accept the Senate bill should be defeated.

This measure should be sent to conference that the members of our committee most familiar with the subject could have opportunity to examine in depth all that is involved. That is what we did with the tax bill last week. We rightfully refused to accept the many Senate amendments and sent the bill to conference. There is no reason whatever to assume that the conferees cannot come to an agreement. There is no basis for the assumption that the bill will die in

conference or that the conference report will not be adopted by the Senate.

I certainly do not believe any Member of this House, particularly those on our side of the aisle, wishes to abdicate both his rights and his duties by voting for a rule that precludes the House from having any voice whatever in such a far-reaching matter and of such great consequence as this.

Whatever our views of any of the Senate amendments, there is no reason whatever why the House should abdicate. The issue here is one of procedure and nothing more.

Mr. MADDEN. Mr. Speaker, I yield 2½ minutes to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, one of the finest statements for supporting the action to concur in the Senate amendments was made by the gentleman from Illinois [Mr. ANDERSON] when he said:

> I have come to this judgment because I believe that as a nation we must turn our face away from a course of segregation and separation. We must reaffirm this essential human right to justice and human dignity.

That statement is based on truth and principle. It is based on the constitutional right of all persons to equal rights and opportunity and respect, and more so, it is based on the moral law.

I am going to make brief reference to some of the contributions made by American Negroes during our constitutional history.

How many of you know that in the American Revolution that 5,000 Negroes served under Gen. George Washington?

May I refresh your memory by recalling that the first victim of the War for Independence in 1770 at the Boston Massacre was Crispus Attucks, a runaway slave.

At Bunker Hill, Peter Salem became the hero of the battle of Bunker Hill, killing Major Pitcairn who was the commander of the British forces at Bunker Hill.

In the War of 1812, American Negroes served and made up a large percentage of all our sailors and soldiers in the great victory on Lake Erie.

They served in the Mexican war.

In the Civil War, there were nearly a quarter of a million American Negro soldiers and sailors and they served in the Union forces. There were also Negroes in the Confederacy.

In the Indian wars the American Negro served with great distinction.

The Spanish-American War—they were there—they were at San Juan Hill and elsewhere.

In World War I there were about 342,000 Negro soldiers and in World War II there were 1,175,000 American Negroes who served.

So we are talking about human dignity. We are talking about human rights. We are talking about the right of a person to be respected.

Mr. Speaker, I include at this point a military history of the American Negro:

1. *The American Revolution:* Crispus Attucks, a runaway slave, was the first to fall in the Boston Massacre in 1770. Shot dead while leading a mob protesting the presence of British troops, he was the first American to die in the cause of freedom. A Negro Minuteman, Prince Estabrook, was among the 70 who faced the British at Lexington on the first day of the Revolution. Another Negro, Peter Salem, became the hero of the battle of Bunker Hill, killing Major Pitcairn, whose Redcoats had fired on the patriots at Lexington. Another Negro soldier, Salem Poor, was cited by General George Washington for his bravery at Bunker Hill. Negro regiments were raised in Massachusetts and Rhode Island. It is estimated that there were approximately 5,000 Negroes in the Continental Army during the American Revolution. Negro slaves who volunteered were given their freedom after three years of military service.

2. *The War of 1812:* Negroes made up a large percentage of Oliver Hazard Perry's sailors in the great victory on Lake Erie and a significant part of Andrew Jackson's soldiers in the triumph over the British at New Orleans.

3. *Mexican War:* A very small number served in the Mexican war.

4. *The Civil War:* Nearly a quarter of a million Negro soldiers and sailors served in the Union forces during the Civil War. Forty thousand died and twenty won Congressional Medals of Honor. From the moment Ft. Sumter was fired upon, the Negroes made efforts to participate directly in the conflict. In many Northern cities during April and May of 1861, Negro leaders initiated movements to raise Negro volunteers for the Army. It was not until after the issuance of the Emancipation Proclamation in 1863, however, that the Federal Government became amenable to the idea of enlisting free Northern Negroes as troops. In the meantime, General Butler had recruited a regiment of free Negroes in Louisiana in September 1862. This unit, the First Regiment of New Orleans native guards represented the first Negro soldiers mustered into the United States Army as a unit in the Civil War. Subsequent to the Emancipation Proclamation, the Secretary of War did authorize the enlistment of free Negro volunteers in the North. The first such Northern Negro regiment was recruited by Governor John A. Andrews of Massachusetts as the 54th Massachusetts Regiment. Other Negro regiments were recruited in most of the Northern States, including Rhode Island, Pennsylvania, and New York.

Negroes in the Confederacy: During the winter of 1864–1865, when it became impossible to keep the Confederate Army filled with white soldiers, the Confederacy finally enacted a Negro soldier bill which promised freedom to slaves after military service. This measure came so late that even though some Negro soldiers were enlisted, there is no evidence that any actually participated in any military campaigns.

5. *The Indian Wars:* After the Civil War, the Goverment organized the 9th and 10th Cavalry and the 24th and 25th Infantry Regiments made up of Negroes. These outfits helped guard the Western frontier against Indian attacks during the 1870's and 1880's.

6. *Spanish-American War:* These four regular Army Regiments, together with six volunteer State regiments, and four additional regiments raised by the War Department, gained distinction during the Spanish-American War. Four Negro units of the regular army served at San Juan Hill with the Rough Riders and at the battle of El Carney.

7. *World War I:* About 342,000 Negro soldiers served during World War I, approximately 100,000 overseas. Two Infantry Divisions, the 92nd and the 93rd, fought in several important battles, especially the Champagne and the Argonne sectors. The 369th Regiment of the 93rd Division was on the front line longer than any other American regiment. Privates Henry Johnson and Needham Roberts of this Regiment became heroes. Each won the French Croix de Guerre for fighting off a good-sized German raiding party in hand-to-hand combat.

8. *World War II:* During World War II, 1,175,000 Negroes served in the Armed Forces. Approximately 500,000 fought in most of the theatres of the war, from Pearl Harbor to the surrender of Germany and Japan. Dorrie Miller of the U.S.S. Arizona, won the Navy Cross for heroically manning a gun though he was only a mess attendant. The 761st Tank Battalion saw distinguished service in the Battle of the Bulge; the 92nd Division received many citations and decorations for valor for its part in the African and Italian campaigns; the 49th Pursuit Squadron, activated as the first all-Negro air unit, served in the Mediterranean theatre. In the Pacific theatre, Negro troops of the 96th Engineer Regiment fought in New Guinea, and the 93rd Division, a combat unit, served in the Solomons.

9. *Vietnam Conflict:* During the years 1961–1966, Negroes accounted for 11 percent of the total fighting force in Vietnam, while the enlisted death rate for those years was 18.6 percent. For the first eleven months of 1966, Negroes accounted for about 11 percent of the enlisted personnel in Vietnam, and for 17.8 percent of the combat deaths.

Mr. MADDEN. Mr. Speaker, I yield 11 minutes to the gentleman from Mississippi [Mr. COLMER].

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

Mr. COLMER. I yield to the gentleman from Alabama briefly.

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

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

There was no objection.

Mr. SELDEN. Mr. Speaker, I thank the distinguished gentleman from Mississippi [Mr. COLMER] for yielding to me so that I might express my opposition to House Resolution 1100 and urge its defeat.

It will be recalled that when the Civil Rights Act of 1964 was passed, it was said here on the floor of the House that the passage of that legislation would take the civil rights movement off the street.

Today, however, the House is being asked to consider yet another civil rights bill in a National Capital that in recent days has been under a virtual state of siege by looters and burners.

The House is being asked—if not in effect ordered and directed by extraordinary parliamentary procedures—to pass another civil rights bill while troops guard the Capital and patrol the streets protecting the Capitol Building itself.

I submit that no legislation should be considered under such conditions in a free and democratic society.

The spurious notion has been advanced in recent days that somehow property rights are separable from, and not as important as, other rights under our system. But the fact is that the foundations of the American system rest on the concept of the individual's right to hold property. The bill we are considering today is one of the most serious infringements on that right ever to be put before an American Congress. This is not a civil rights bill. It is a totalitarian bill which would sacrifice individual freedoms on an altar of election-year expediency.

I therefore ask that the House reject

this highhanded effort to stampede the U.S. Congress into enacting unwise legislation under conditions of siege.

Mr. COLMER. Mr. Speaker, first, I would like to thank my colleague, the gentleman from Indiana, the author of this resolution, for graciously permitting me this time. I must confess that I feel a bit selfish in taking this much time when only a brief 60 minutes is permitted under the straitjacket in which we find ourselves here today to discuss one of the most momentous questions involving the rights, the privileges, and the liberties of our people. But we find ourselves in that situation because we will not permit ourselves to act as an equal, coordinate body of the Congress.

There was a time, as envisioned by the Founding Fathers, when this body was set up to be the important body of Congress, fashioned after the House of Commons. But through a process of erosion, this body has permitted itself to become a second-rate body. We hear a great deal about second-class citizens. Are we not putting ourselves in the position of second-class legislators by accepting the Senate bill with all of these substantial changes and amendments in toto under this rule?

It might be well, in order to get the matter in its proper perspective, to briefly recite the history of the bill, even though others, including the gentleman from Michigan [Mr. GERALD FORD], have made reference to it. Permit me to remind you that this bill started out last year in this House as an antiriot bill. You will probably recall that, sometime around July, I arose in this House and notified the distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], that if his committee did not proceed forthwith to take some action on one of a number of antiriot bills that were languishing in his committee, my Rules Committee would exercise a rare power that it has of taking a bill from a legislative committee and reporting it to the floor of the House. Immediately following this action the Committee on the Judiciary did report the so-called Cramer antiriot bill, but it reported it with what I regarded and still regard as an antidote for the riot bill, a so-called civil rights bill. I insisted at that time that the bills be reported separately. The Judiciary Committee proceeded to do that. In due course both of these bills were passed and sent over to the other body in August of last year. After much consideration in the Senate Judiciary Committee, the two bills were reported as a package deal, but in a considerably modified form.

Finally, after weeks of debate on the floor of the Senate, the bill now before us was passed and sent to the House. But, that is not all of the story. During that debate on the floor of the Senate, three entirely new and extraneous matters were added—the so-called gun control chapter, the so-called Indian rights chapter, and the most far-reaching so-called open housing chapter. None of these last-mentioned chapters have been considered by the appropriate committees and upon the floor of the House during this, the 90th Congress. As a matter of fact, the so-called gun control provision of the bill is so controversial that no committee of this House has been able to report a bill, although it has been considered by at least two committees in the past several years. The Indian affairs provisions are now undergoing hearings in the committee of the distinguished gentleman from Colorado [Mr. ASPINALL], the Committee on Interior and Insular Affairs.

Possibly the most controversial, the most dangerous, and undoubtedly the worst provision of this bill is the one written on the floor of the Senate, the so-called open housing provision. To my mind, this is the greatest assault that has yet been made upon the Constitution and the heritage of free men which has been handed down to us by the Founding Fathers. Even as late as 10 years ago if some bureaucrat or politician had suggested that the Federal Government could tell a citizen how and under what conditions he could dispose of his property, he would have been scoffed at. What has become of the slogan we have heard so many times only a few years ago about. "A man's home is his castle." The right of a citizen to acquire, enjoy, and dispose of his property is one of our most sacred heritages as free men in a democratic Republic.

If we pass this bill today, I ask you in all seriousness what the next step will be. Will it be to require the Federal Government to move members of one race, minority or majority, into various sections of our communities to bring about a balance and thus hasten full integration? If you think this is far fetched, then I need only remind you that when we passed the Federal aid to education bill, even though the Congress refused to write a provision into that bill requiring the bussing of students from one school to another in order to remove a racial imbalance, the fact remains that it is being done today in many cities of our land. Is it fantastic, in view of what the Congress and the courts have done in the past, to suggest that even another step to be taken would be to subsidize people of minority groups by payment of a certain percentage, if not all, of the purchase price of a home in order to further the forced integration of the races, regardless of whether they wanted to or not?

Mr. Speaker, I realize that the wheel that squeaks the loudest gets attention, but remember that this proposed legislation affects not one section but all sections of our common country. And further realizing that a man's family, his dog, and his home are his most cherished possessions, I doubt seriously that this proposed revolutionary legislation is as popular as some politicians think. I think this is another case of where the politicians have failed to properly evaluate the public mind.

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

Mr. COLMER. I yield briefly to my friend, the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Speaker, I thank the distinguished gentleman from Mississippi for yielding to me. At this point, I think it is only proper that the gentleman be applauded for his valiant effort to preserve orderly procedure in the consideration of this legislation. The gentleman from Mississippi has been a consistent supporter of the concept that such broad-based legislation as we have before us should be thoroughly considered in committee before forced down the throats of the Members of this body.

We have heard it said here today that the level of debate is in keeping with the traditions of the House. That contention is not impressive to me since I observe that the entire debate has been a discussion of parliamentary procedures and personal philosophies of individual Members. At no time have we heard any discussion of the language of the legislation or of the great legal and constitutional questions involved.

The bill now before us has never been adequately studied by the membership of this House. We should defeat the resolution now before us so that the bill might be sent to conference where attention can be given to many important issues which it raises.

Mr. Speaker, it was my privilege to testify before the Committee on Rules on April 2, 1968. I make that testimony a part of my remarks at this point in the RECORD:

STATEMENT OF HON. BASIL L. WHITENER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. WHITENER. Mr. Chairman and members of the Committee on Rules. I have not heard all of the statement of my distinguished chairman, Mr. Celler. I was privileged to hear the first day of his testimony.

I note that in his statement on the first day of hearings he said that the Senate bill contained "many provisions not in the House bill." Of course, in this day and time, it is hard to pick out the understatement of the year. But that statement by Mr. Celler would be in the contest.

I have here a study made by the Library of Congress, Legislative Reference Service, which is a comparison of the open housing provisions of H.R. 14765, as passed by the House in August 1966, and H.R. 2516 as passed in the Senate on March 11, 1968.

A casual reference to that study will indicate that there is much in the so-called open housing provisions of H.R. 2516 which did not appear in the House bill which we had before us in the 89th Congress.

In view of Mr. Young's question of a few moments ago to Chairman Celler, I think it might be significant to point out that in the bill passed in the 89th Congress which, as Mr. Latta has so well said, was a Congress composed of different personnel to a major degree, the House very specifically wrote into that bill, section 403(e). That section provided:

"Nothing herein is to be construed to prohibit a real estate broker, agent, or salesman, or employee or agent of any real estate broker, agent, or salesman, from complying with the expressed written instructions of any person not in the business or not otherwise subject to the prohibition of subsection (b) or (e) with respect to the sale, rental, or lease of a dwelling owned by such person so long as the broker, agent, or salesman does not encourage, solicit, or induce the restricted instructions."

So it seems to me that the House, if we want to talk about what another Congress did, that the House in the 89th Congress met head on the problem which the gentleman from Texas—Mr. Young—and the gentleman from Florida—Mr. Pepper—have pointed out here.

I certainly concur with the gentleman from Florida that one of the elementary principles that we lawyers have always accepted was that a man could do through an agent what he could do himself.

I think that the attack in this bill upon an almost immutable principle of the law of agency is not justified and that we in this body should not embark upon a program of establishing bad law and bad precedents just because someone thinks that the other body might act differently.

Our responsibility to legislate wisely on any measure cannot be escaped by apprehension as to what the other body will do.

The first title of this bill, entitled "Interference With Federally Protected Activities," is a total misnomer. If we look at the language of the title, it provides that whoever, whether or not acting under color of law, does certain things is in violation of title I of this legislation.

Some of those things are voting or qualifying to vote, qualifying or campaigning as a candidate for elective office or qualifying or acting as a poll watcher or any legally authorized election official in any primary, special or general election.

So, really, what this is saying in this subsection is that the Federal Government is now going to preempt the body of statutory law in every State in this Union which relates to this subject matter.

It further inveighs against persons interfering with, whether under color of law or not, serving or attending upon any court in connection with possible service as a grand or petit juror in any court of the United States.

I take it that that means any local court as well as any Federal Court. I certainly don't recommend that we preempt the right of the States to control interference with serving as grand or petit jurors attending any court in connection with such service.

It goes further. It says whether a person is acting under color of law or not, that he has committed a Federal offense if he interferes with anyone participating in, or enjoying any benefits, service, privilege, program or facility, or activity, provided or administered by any State or any subdivision thereof.

You may say that this is not too important, but then you go on down to page 4 of the bill and it says that whether under color of law or not, if you interfere with anyone serving or attending upon any court of any State in connection with the possible service as a grand or petit juror, you are guilty of a Federal offense. Significantly, title I does not carry with it the usual nonpreemption provision which we refer to around here as the H.R. 3 provision.

So, it seems to me that in that title we may be getting ourselves into the doctrine of the *Steve Nelson* case and having our Federal courts say that no longer can a State protect a proposed juror or a potential voter, an election official, or these other categories that I have mentioned.

I could talk at great length but you gentlemen have heard our contentions on this for many, many years now. It seems to me that the constitutional law that we learned in the 1930's in law school, that the 14th amendment applies to State action and not the action of a citizen who might be walking down the street doing something without sanction or color of authority from the State, is still good law. It should be adhered to.

That being true, as I understand it, title I is alleged to be based upon the authority granted to the Congress by the 14th amendment. I don't see how the 14th amendment could be stretched to include the case of some criminal who might be charged with a crime in a local court, grabbing a prospective juror in the collar as he starts up the courthouse steps. I can't see that such conduct by an individual brings the 14th amendment into play in such a way as to give the Federal Government jurisdiction to punish the offender.

There has been a great deal written by the courts on that. I won't bore the committee with extensive references, except one comment made by Mr. Justice Douglas in *Garner* v. *Louisiana,* 368 U.S. 175. I use Justice Douglas for reasons which I am sure everyone on the committee understands. He said:

It is, of course, state action that is prohibited by the Fourteenth Amendment, not the actions of individuals. So far as the Fourteenth Amendment is concerned, individuals can be as prejudiced and intolerant as they like. They may as a consequence subject themselves to suit for assault, battery, or trespass, but those actions have no footing in the Federal Constitution. The line of forbidden conduct marked by the equal protection clause of the Fourteenth Amendment is crossed only when a State makes prejudice or intolerance its policy and enforces it as held in the Civil Rights Cases, 109 U.S. 3.

"Mr. Justice Bradley speaking for the Court, said: 'Civil rights such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful act of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings.' "

That is what Justice Douglas said about the application of the 14th amendment to situations such as title I would relate to in part. Those particular parts being the ones that I have referred to.

Mr. LATTA. The gentleman makes a very important point, as far as the 14th amendment is concerned, in pointing out that it applies to State action rather than to individual citizen action. I am wondering whether or not the Supreme Court had ruled on this question of open occupancy as far as the individual homeowner is concerned.

Mr. WHITENER. My reference is to title I, not to open housing.

I might give you another outstanding authority which I see here before me. In *Peterson* v. *The City of Greenville,* 373 U.S. 244, a case decided in 1963, the Chief Justice had this to say, and I quote:

"I cannot be disputed that under our decisions private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it."

That is what Chief Justice Warren says about it. In the light of that, I am wondering how we as Members of the legislative body can contend that for some strange reasons that we should create exclusively a Federal offense if one interferes with, because of color, religion, or national origin, persons serving or attending upon any court in any State in connection with the possible service as a grand or petit juror. Nor do I see how we find authority to say that in a water district election in North Carolina or any other State, that if some individual walks in from the bar, the corner bar, and interfered with the right or the privilege of one to vote, or qualifying to vote, or if he walked in where I was making a campaign speech and said that I was a honky, that I ought to sit down, and that he is going to take some violent action. I just don't believe that the 14th amendment gives the Federal Congress the right to vest exclusive jurisdiction in the Federal courts of that type of offense.

I won't comment about the Indian titles because, frankly, I am not too familiar with those titles. My distinguished senior Senator from North Carolina is the father of these sections of the bill. While I am not disinterested in the Cherokee Indians, Lumbees, Croatans or the others that are in North Carolina, I have not had occasion to know about the problems which Senator Ervin seeks to eliminate by the Indian legislation.

I do understand that some of the members of the House committee which has jurisdiction over the Indian affairs, have expressed some dissatisfaction with this legislation dealing with the Indian, and feel that it is a matter that should be studied by that committee.

The fair housing titles, you have heard a great deal about. I will not try to pose as an expert on them. But basically, I think it is offensive to all Americans to have anyone interfere with their right to own and dispose of property. I think this is offensive equally to persons of different color, religion, and national origin. I don't believe any of us would argue that there is any difference in our feeling about property we own.

In my own community where we have not been as concerned, apparently, about where people live as they have been in some other areas, we recently had an occurrence which pointed out to me members of other races are proud of their property and feel that they should be protected in it. In the past few days the local housing authority has proposed to build some low-cost housing near a subdivision which was developed immediately after World War II by some of our Negro friends. They built very attractive and expensive homes. They are now contending very strongly against the action of the housing authority to bring low-cost housing into their area where they have large investments.

I don't condemn or approve their attitude, but I merely point it out as a specific bit of evidence that people do like to protect their own property.

In an area of the city in which I formerly lived my neighbors were members of the Negro race. A colored church was within a hundred yards of my house. For as long as I can remember, people of both races have lived in this neighborhood in harmony. It was not a slum neighborhood. They live there now without friction.

But I dare say that if you went to my former neighbor who was a member of another race up the street and told him that under a Federal law he had to sell his house to a member of my race, and he had a son who was willing to pay him just a little bit less or a good friend of his own race, that he would loudly proclaim that any such law as that was a foolish law.

This I think is something that we must remember. There are people other than white southerners and Negroes in this country. There are members of religious groups. I know when I went to Brooklyn in World War II where the Navy had sent me, I was amazed that the social life, residential decisions, and everything else in the community where I went revolved around a Methodist Church.

When I wanted an apartment, living with fine fellow Methodists in their home, and we were looking for an apartment, they helped us find an apartment which they knew another Methodist was about to vacate. It was purely on the basis of my religious affiliation and in that time of great housing shortage we found the place to live. But under this bill, as I understand it, I cannot say if I put my house on the market, I cannot say to you, "Well, I will tell you one thing, I am not going to sell it to a Baptist, I am going to sell it to a Methodist because I think I owe it to my church to look after the Methodists."

If I were an Italian living in an Italian neighborhood, I couldn't say, and I couldn't have my broker go out and say, "We don't want any Polish people here, we want to sell this place only to Italians."

So this bill is a little more than just black and white. I certainly would not be understood here as saying that I favor prejudicial conduct on the basis of race, color, or national origin. But I do think that we are entitled as individuals to discriminate, as the Supreme Court has said we are entitled to, as individuals we are entitled to have our prejudices whether they be commended by the community or not.

If you start applying Federal law to every

individual that you know that had prejudice about many, many different matters, the Federal judiciary would be totally inadequate in number to undertake to handle the cases.

The antiriot provision we are all familiar with. I would like to point out a rather interesting thing. I don't know that Mr. Celler has dealt with this, but you have a title X in this bill called Civil Obedience. You have another title, the title on riots. You will note that in the chapter 102 on page 9, it is in title I, I guess, it was rather interesting to me to note that in that title, that section on riots, the other body was very anxious to write into that title at the bottom of page 10, line 25, subsection (e), "nothing contained in this section shall be construed to make it unlawful for any person to travel in or use any facility interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor through orderly and lawful means."

A riot as the bill defines it is a public disturbance involving, one, an act or acts of violence by one or more persons, part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual, or, two, a threat or threats of the commission of an act or acts of violence by one or more persons, part of assemblage of three or more persons having individually or collectively the ability of immediate execution of such threat, or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger or would result in damage or injury to the property of any other person or to the person of any other individual.

This protective provision for labor organizations in connection with labor disputes is written into this provision with reference to riots.

Now when you get to title X, and you tell with civil disorders which are disturbances of a lesser degree than a riot, you don't find this provision. While I don't advocate civil disorders or any conduct that disturbs the public peace in connection with labor disputes or otherwise, I do think that it is rather significant that title X of the bill would be so restrictive upon people and might subject them to criminal penalty in some rather remarkable ways.

What is a civil disorder, according to this bill? It means any public disturbance involving acts of violence by assemblages of three or more persons which causes an immediate danger of and results in the damage or injury to the property or person of any other individual. Three men walk out of a bar. One of them calls the other a name, a fighting name, and a fist fight ensues and personal injury results to one of these persons.

As I view this definition, that is a civil disorder. Suppose that in connection with a labor dispute this same event occurred among three of the people who were involved in it or maybe two who were involved in the labor dispute and one who was not involved but was friendly to management.

If someone could show under title X that either one of these men the week before had gone downtown to one of these karate training outfits and told them that a labor dispute was coming up next week and he didn't know what may happen but he wasn't very well able to take care of himself, and he needed a little bit of karate training. I say that under this provision the man who ran that training school, who knew that this individual was about to become embroiled in a labor dispute and taught him—and line 14 of page 46—"a technique capable of causing injury or death to persons" could be imprisoned. The same thing could happen if someone had taught another person to use a firearm and had reason to believe that this man was about to go into a labor dispute, because certainly the language on lines 18 through 21 where they use the words delay or obstruct, delay or adversely affect commerce, or the movement of any article or commodity in the commerce, or the conduct of the performance of any federally protected function could very well be extended to include knowledge that a strike was going to impede the flow of commerce.

It is not only true of labor disputes but if some individual instructed another in the use of firearms or other devices, or a technique capable of causing death or injury if he knew this individual was going to attend some meeting on a public highway. It might and very well could affect some of the very people that the first title of the bill seems to want to protect. It might do the opposite to them. That is, your civil rights workers who are going to an assembled group of more than three people.

I think that this legislation should not be swallowed by the Congress without adequate consideration.

I don't believe that sending it to conference will necessarily accomplish the type of study that I would like to see. I would rather see the bill referred back to the Judiciary Committee where we could look over the legislation and come up with some changes.

We have heard a lot about the history of civil rights legislation. In the 11 years that I have served on the Judiciary Committee, we have had numerous civil rights bills sent to us by the Justice Department. I can tell you, gentlemen, that I don't remember one of them that was not almost completely rewritten when the Judiciary Committee studied it.

I remember many of these bills that have come out of the subcommittee, Subcommittee No. 5 of the Judiciary Committee, I believe it is. In the full committee we have virtually rewritten them. I believe the gentleman from California, Mr. Smith, served with us on the Judiciary Committee during the considerations of some of those.

The committee refined and improved the legislation. I don't believe that it is good legislative practice for us to approve the language of this so-called compromise that somebody wrote one night in the Senate Office Building without subjecting it to the type of study that it should have.

I remember one occasion, Mr. Pepper, when our subcommittee charged with the primary responsibility in civil rights legislation came out with a proposal, reported it to the full committee and then attorney general, the present Senator from New York, Mr. Kennedy, contacted the chairman and asked to be heard in executive session on that legislation.

He said in effect to the committee that he just couldn't conceive of us going as far as the subcommittee had gone in that legislation, that it would create a police state, and he urged that we amend it. We did.

So while there may be some hue and cry for legislation in this field—there will be more, I am sure, at a later date—I don't believe we should place on the statute books without adequate study legislation which all of us will regret in the future.

Thank you.

The CHAIRMAN. Thank you, Mr. Whitener, for your very splendid analysis of this bill as a member of the Judiciary Committee, and a man who enjoys the respect and confidence of his colleagues.

Mr. Whitener, there are so many questions that arise here that I would really like to go into. But time will not permit. I am going to mention just one thing.

When the bill was before the House in the previous Congress, the House on the floor deleted the provision applying to organized labor by a vote on the floor. The Senate has changed that and just reversed the situation. It has taken the labor union out.

Mr. WHITENER. Out of title I?

The CHAIRMAN. Yes.

Mr. WHITENER. They didn't take them out of title X.

The CHAIRMAN. They took them out of title I.

Mr. WHITENER. Only where they are lawfully engaged. I really don't find any argument with that. I don't see why you need to write that into the law just as I don't see the necessity of one of the other provisions here, and I didn't refer to it in my testimony. They said no law enforcement officer—shall be indicted for doing his duty in a lawful way. How silly can you get?

The CHAIRMAN. Very well, but there was a change made there and, yet, your committee, and the House under the proposal here of sending this thing to the floor and concurring in the Senate amendment, would obviate any opportunity for even an amendment on that to reinstate the House version.

The gentleman made, also, some reference to the burden that would be put upon the Federal courts. There has been a tendency all through the years, and especially for the past several years, to preempt the State laws and concentrate power in the Federal Government and in the Federal courts.

If this is enacted into law as it is now written, you are going to have to have many additional Federal judges, more Federal police power to enforce this, and at a time when we are talking about retrenching, economizing, trying to stabilize the dollar.

But many, many questions could be raised. We are going to have to go to the floor.

The question here before this committee is whether we are going to adopt the version advocated by the advocates of this bill, take it as it is with no opportunity for amendment in a very limited discussion. Of course the discussion amounts to nothing if you can't amend it.

Mr. WHITENER. Certainly 1 hour discussing would not be adequate.

The CHAIRMAN. Even if you had 6 hours, your discussion would be really worthless if you had no opportunity to amend it. So it gets down to the question of what this committee is going to do. That is really the problem that is before us, and the question to be resolved.

Are we going to take it that way, or are we going to send it back to your committee, which you say you prefer and which I think would be the proper procedure?

Mr. WHITENER. Mr. Chairman, if this bill went back to the Judiciary Committee, I can assure you that there are members of that committee who have a record of strong support of civil rights legislation who would be offering key amendments to this language and who would be trying to improve it.

The CHAIRMAN. Since there seems to be no willingness on the part of the advocates of this bill to send it back to the committee, then the least we could do would be to send it to conference, would it not?

Mr. WHITENER. Yes, second to going back.

The CHAIRMAN. For orderly procedure.

Mr. WHITENER. I think in fairness—I am not trying to argue both sides of the case—but in fairness to those gentlemen, and I reiterate what I said before, that if this bill went back to the Judiciary Committee I would not be at all surprised to see our distinguished chairman of the Judiciary Committee and Mr. McCulloch and others offering key amendments to the bill.

Their contention on the procedural step—and I think we ought to be fair with them—is their apprehension that if the bill goes back through the Senate through the conference route, that there will never be anything except a roadblock created. I don't agree with them on that in the light, as Mr. Anderson pointed out, of the fact that the Senate voted cloture I believe twice in 2 weeks.

I think that bit of history gives more support for the position that we take. This bill should go to the Judiciary Committee for

further study and in any event it should go to the conference committee.

The CHAIRMAN. Very well.

Are there any questions?

Thank you very much, Mr. Whitener.

Mr. WHITENER. I appreciate the opportunity to come here. I am sorry I had not prepared a formal statement.

Mr. Speaker, I again commend the gentleman from Mississippi [Mr. COLMER] for the effort that he is making to preserve the dignity of the House of Representatives. I am happy to join him in undertaking to defeat this undesirable legislation.

Mr. COLMER. Mr. Speaker, I thank the gentleman for his contribution.

Now, if I may get back to these few remaining minutes, I have about 3 minutes. Think of that—3 brief minutes. And yet, under this gag rule that is 1,800 times more than the average Member of this House has to get up on this floor and even discuss this matter.

Now let me just say this, and I hate to say this but I am going to say it, because I have an unusual fault, I think, of saying what I think.

I pleaded with the powers that be in this House. I humbled myself to try to get an opportunity for all the Members of this House to have a direct vote upon the question of whether the bill should be sent to conference. This was, as I thought, a reasonable request and purely a procedural matter. The Committee on Rules turned down the proposition by a vote of 8 to 7 that the rule be granted on the Madden resolution, House Resolution 1100, and carry with it the right to also consider House Resolution 1118 on the floor which would send the bill to conference. That rule would not have delayed a single day the vote in the House. Whatever rule we passed would be considered here today on the floor.

Well, what is wrong with that?

The other day the other body put through a tax bill, a big tax bill, as an amendment which the President wanted, I understand, on our simple bill we passed in this House extending the excise taxes. When it came back to the House was there any motion to take that up and agree to the Senate amendment and adopt it and let it become law? That is what we are asked to do here because of the emotionalism that prevails.

Yes, I agree in this matter we are put in this straitjacket about voting. In the Rules Committee yesterday it was the best we could get, and Martin Luther King had nothing to do with that vote. But I also say, as one who has observed the workings of this House and who knows something about its personnel and membership, that on Thursday evening when I went home, in my humble judgment as well as that of many others, we had the votes to send the bill to conference.

But now the situation is changed. Here we are legislating in an atmosphere of hysteria, of threat, of arm twisting—an unsavory climate to legislate in.

Your U.S. Capitol today is surrounded by marines and soldiers. I ask you to follow the orderly procedure, to maintain the dignity of this House, to vote down the previous question and to send this bill to conference.

Mr. SMITH of California. Mr. Speaker, I yield myself my remaining 30 seconds to refresh the minds of the Members that the gentleman from Indiana [Mr. MADDEN] will move the previous question. I will request a yea and nay vote. A "yea" vote for the previous question will send this bill to the White House. A "nay" vote, if carried, will vote down the previous question. I will offer an amendment to send the bill to conference if a "nay" vote prevails.

The SPEAKER. The time of the gentleman from California has expired.

All time has expired.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 229, nays 195, not voting 9, as follows:

[Roll No. 95]

YEAS—229

Adams	Ford, William D.	Meeds
Addabbo	Fraser	Meskill
Albert	Frelinghuysen	Michel
Anderson, Ill.	Friedel	Miller, Calif.
Andrews, N. Dak.	Fulton, Pa.	Minish
Annunzio	Fulton, Tenn.	Mink
Ashley	Gallagher	Mize
Ayres	Garmatz	Monagan
Barrett	Giaimo	Moore
Bates	Gilbert	Moorhead
Bell	Gonzalez	Morgan
Betts	Goodell	Morris, N. Mex.
Biester	Gray	Morse, Mass.
Bingham	Green, Oreg.	Mosher
Blatnik	Green, Pa.	Moss
Boggs	Griffiths	Murphy, Ill.
Boland	Grover	Murphy, N.Y.
Bolling	Gude	Nedzi
Brademas	Halpern	Nelsen
Brasco	Hamilton	Nix
Brooks	Hanley	O'Hara, Ill.
Broomfield	Hanna	O'Hara, Mich.
Brotzman	Hansen, Wash.	O'Konski
Brown, Calif.	Harvey	Olsen
Brown, Mich.	Hathaway	O'Neill, Mass.
Brown, Ohio	Hawkins	Ottinger
Burke, Mass.	Hays	Patten
Burton, Calif.	Hechler, W. Va.	Pelly
Button	Heckler, Mass.	Pepper
Byrne, Pa.	Helstoski	Perkins
Cahill	Hicks	Philbin
Carey	Holifield	Pickle
Celler	Holland	Pike
Cleveland	Horton	Pirnie
Cohelan	Howard	Podell
Conable	Irwin	Price, Ill.
Conte	Jacobs	Quie
Conyers	Joelson	Railsback
Corbett	Johnson, Calif.	Rees
Corman	Karth	Reid, N.Y.
Cowger	Kastenmeier	Reifel
Culver	Kazen	Resnick
Cunningham	Kee	Reuss
Daddario	Keith	Rhodes, Pa.
Daniels	Kelly	Riegle
Dawson	Kirwan	Robison
Dellenback	Kleppe	Rodino
Dent	Kluczynski	Rogers, Colo.
Diggs	Kupferman	Ronan
Donohue	Kyros	Rooney, N.Y.
Dow	Leggett	Rooney, Pa.
Dulski	Long, Md.	Rosenthal
Dwyer	McCarthy	Rostenkowski
Eckhardt	McClory	Roush
Edwards, Calif.	McCloskey	Roybal
Eilberg	McCulloch	Rumsfeld
Erlenborn	McDade	Ruppe
Esch	McDonald, Mich.	Ryan
Eshleman	McFall	St Germain
Evans, Colo.	Macdonald, Mass.	St. Onge
Fallon	MacGregor	Sandman
Farbstein	Madden	Scheuer
Fascell	Mailliard	Schneebeli
Feighan	Mathias, Md.	Schweiker
Findley	Matsunaga	Schwengel
Flood	Meeds	Shipley
Foley	Meskill	Sisk
Smith, Iowa	Thompson, N.J.	Widnall
Smith, N.Y.	Tiernan	Wilson, Charles H.
Stafford	Tunney	Wolff
Staggers	Udall	Wyatt
Stanton	Ullman	Wydler
Steiger, Wis.	Van Deerlin	Yates
Stratton	Vanik	Young
Sullivan	Vigorito	Zablocki
Taft	Waldie	Zwach
Tenzer	Whalen	

NAYS—195

Abbitt	Fountain	Passman
Abernethy	Fuqua	Patman
Adair	Galifianakis	Pettis
Anderson, Tenn.	Gardner	Poff
Andrews, Ala.	Gathings	Pollock
Arends	Gettys	Pool
Ashbrook	Gibbons	Price, Tex.
Aspinall	Goodling	Pryor
Baring	Griffin	Pucinski
Battin	Gross	Purcell
Belcher	Gubser	Quillen
Bennett	Gurney	Randall
Berry	Hagan	Rarick
Bevill	Haley	Reid, Ill.
Blackburn	Hall	Reinecke
Blanton	Halleck	Rhodes, Ariz.
Bolton	Hammer-schmidt	Rivers
Bow	Hansen, Idaho	Roberts
Bray	Hardy	Rogers, Fla.
Brinkley	Harrison	Roudebush
Brock	Harsha	Satterfield
Broyhill, N.C.	Hébert	Saylor
Broyhill, Va.	Henderson	Schadeberg
Buchanan	Herlong	Scherle
Burke, Fla.	Hosmer	Scott
Burleson	Hull	Selden
Burton, Utah	Hungate	Shriver
Bush	Hunt	Sikes
Byrnes, Wis.	Hutchinson	Skubitz
Cabell	Ichord	Smith, Calif.
Carter	Jarman	Smith, Okla.
Casey	Johnson, Pa.	Snyder
Cederberg	Jonas	Springer
Chamberlain	Jones, Ala.	Steed
Clancy	Jones, N.C.	Steiger, Ariz.
Clark	Kornegay	Stephens
Clausen, Don H.	Kuykendall	Stubblefield
Clawson, Del	Kyl	Stuckey
Collier	Laird	Talcott
Colmer	Landrum	Taylor
Cramer	Langen	Teague, Calif.
Curtis	Latta	Teague, Tex.
Davis, Ga.	Lennon	Thompson, Ga.
Davis, Wis.	Lipscomb	Thomson, Wis.
de la Garza	Lloyd	Tuck
Delaney	Long, La.	Utt
Denney	Lukens	Vander Jagt
Derwinski	McClure	Waggonner
Devine	McMillan	Walker
Dickinson	Machen	Wampler
Dingell	Mahon	Watkins
Dole	Marsh	Watson
Dorn	Martin	Watts
Dowdy	Mathias, Calif.	Whalley
Downing	May	White
Duncan	Mayne	Whitener
Edmondson	Miller, Ohio	Whitten
Edwards, Ala.	Mills	Wiggins
Edwards, La.	Minshall	Williams, Pa.
Everett	Montgomery	Willis
Evins, Tenn.	Morton	Wilson, Bob
Fisher	Myers	Winn
Flynt	Natcher	Wright
Ford, Gerald R.	Nichols	Wylie
	O'Neal, Ga.	Wyman
		Zion

NOT VOTING—9

Ashmore	Karsten	McEwen
Fino	King, Calif.	Poage
Jones, Mo.	King, N.Y.	Roth

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. King of California for, with Mr. Ashmore against.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 172, answered "present" 1, not voting 10, as follows:

[Roll No. 96]

YEAS—250

Adams	Gallagher	Nelsen
Addabbo	Giaimo	Nix
Albert	Gilbert	O'Hara, Ill.
Anderson, Ill.	Gonzalez	O'Hara, Mich.
Andrews, N. Dak.	Goodell	O'Konski
	Green, Oreg.	Olsen
Annunzio	Green, Pa.	O'Neill, Mass.
Ashley	Griffiths	Ottinger
Ayres	Grover	Patten
Barrett	Gude	Pelly
Bates	Halpern	Pepper
Bell	Hamilton	Perkins
Berry	Hanley	Philbin
Betts	Hanna	Pike
Biester	Hansen, Wash.	Pirnie
Bingham	Harvey	Podell
Blatnik	Hathaway	Pollock
Boggs	Hawkins	Price, Ill.
Boland	Hays	Quie
Bolling	Hechler, W. Va.	Railsback
Brademas	Heckler, Mass.	Rees
Brasco	Helstoski	Reid, N.Y.
Brooks	Hicks	Reifel
Broomfield	Holifield	Reuss
Brotzman	Holland	Rhodes, Pa.
Brown, Calif.	Horton	Riegle
Brown, Mich.	Howard	Robison
Brown, Ohio	Hunt	Rodino
Burke, Mass.	Hutchinson	Rogers, Colo.
Burton, Calif.	Irwin	Ronan
Bush	Jacobs	Rooney, N.Y.
Button	Joelson	Rooney, Pa.
Byrne, Pa.	Johnson, Calif.	Rosenthal
Byrnes, Wis.	Karth	Rostenkowski
Cahill	Kastenmeier	Roush
Carey	Kazen	Roybal
Cederberg	Kee	Rumsfeld
Celler	Keith	Ruppe
Chamberlain	Kelly	Ryan
Clark	Kirwan	St Germain
Cleveland	Kleppe	St. Onge
Cohelan	Kupferman	Sandman
Conable	Kyros	Scheuer
Conte	Laird	Schneebeli
Conyers	Langen	Schweiker
Corbett	Leggett	Schwengel
Corman	Lloyd	Shipley
Cowger	Long, Md.	Sisk
Culver	Lukens	Slack
Cunningham	McCarthy	Smith, Iowa
Daddario	McClory	Smith, N.Y.
Daniels	McCloskey	Springer
Dawson	McCulloch	Stafford
de la Garza	McDade	Staggers
Dellenback	McDonald, Mich.	Stanton
Denney		Steiger, Wis.
Dent	McEwen	Stratton
Diggs	McFall	Sullivan
Dingell	Macdonald, Mass.	Taft
Dole		Tenzer
Donohue	MacGregor	Thompson, N.J.
Dow	Madden	Thomson, Wis.
Dulski	Mailliard	Tiernan
Dwyer	Mathias, Md.	Tunney
Eckhardt	Matsunaga	Udall
Edwards, Calif.	May	Ullman
Eilberg	Mayne	Van Deerlin
Erlenborn	Meeds	Vander Jagt
Esch	Meskill	Vanik
Eshleman	Michel	Vigorito
Evans, Colo.	Miller, Calif.	Waldie
Farbstein	Minish	Whalen
Fascell	Mink	Widnall
Feighan	Mize	Wilson, Charles H.
Findley	Monagan	
Flood	Moore	Winn
Foley	Moorhead	Wolff
Ford, Gerald R.	Morgan	Wright
Ford, William D.	Morris, N. Mex.	Wyatt
	Morse, Mass.	Wydler
Fraser	Mosher	Wyman
Frelinghuysen	Moss	Yates
Friedel	Murphy, Ill.	Young
Fulton, Pa.	Murphy, N.Y.	Zablocki
Fulton, Tenn.	Nedzi	Zwach

NAYS—172

Abbitt	Blanton	Clancy
Abernethy	Bolton	Clausen, Don H.
Adair	Bow	
Anderson, Tenn.	Bray	Clawson, Del
	Brinkley	Collier
Andrews, Ala.	Brock	Colmer
Arends	Broyhill, N.C.	Cramer
Ashbrook	Broyhill, Va.	Curtis
Aspinall	Buchanan	Davis, Ga.
Baring	Burke, Fla.	Davis, Wis.
Battin	Burleson	Delaney
Belcher	Burton, Utah	Derwinski
Bennett	Cabell	Devine
Bevill	Carter	Dickinson
Blackburn	Casey	Dorn
Dowdy	Jones, N.C.	Rogers, Fla.
Downing	Kluczynski	Roudebush
Duncan	Kornegay	Satterfield
Edmondson	Kuykendall	Saylor
Edwards, Ala.	Kyl	Schadeberg
Edwards, La.	Landrum	Scherle
Everett	Latta	Scott
Evins, Tenn.	Lennon	Selden
Fallon	Lipscomb	Shriver
Fisher	Long, La.	Sikes
Flynt	McClure	Skubitz
Fountain	McMillan	Smith, Calif.
Fuqua	Machen	Smith, Okla.
Galifianakis	Mahon	Snyder
Gardner	Marsh	Steed
Garmatz	Martin	Steiger, Ariz.
Gathings	Mathias, Calif.	Stephens
Gettys	Miller, Ohio	Stubblefield
Gibbons	Mills	Stuckey
Goodling	Minshall	Talcott
Gray	Montgomery	Taylor
Griffin	Morton	Teague, Calif.
Gross	Myers	Teague, Tex.
Gubser	Natcher	Thompson, Ga.
Gurney	Nichols	Tuck
Hagan	O'Neal, Ga.	Utt
Haley	Passman	Waggonner
Hall	Patman	Walker
Halleck	Pettis	Wampler
Hammer-schmidt	Pickle	Watkins
	Poff	Watson
Hansen, Idaho	Pool	Watts
Hardy	Price, Tex.	Whalley
Harrison	Pryor	White
Harsha	Pucinski	Whitener
Hébert	Purcell	Whitten
Henderson	Quillen	Wiggins
Hosmer	Randall	Williams, Pa.
Hull	Rarick	Willis
Ichord	Reid, Ill.	Wilson, Bob
Jarman	Reinecke	Wylie
Johnson, Pa.	Rhodes, Ariz.	Zion
Jonas	Rivers	
Jones, Ala.	Roberts	

ANSWERED "PRESENT"—1

Hungate

NOT VOTING—10

Ashmore	Karsten	Resnick
Fino	King, Calif.	Roth
Herlong	King, N.Y.	
Jones, Mo.	Poage	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. King of California for, with Mr. Ashmore against.

Until further notice:

Mr. Karsten with Mr. Roth.
Mr. Dulski with Mr. Fino.
Mr. Resnick with Mr. Herlong.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on House Resolution 1100 and to include therewith extraneous matter.

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

There was no objection.

LEGISLATIVE PROGRAM FOR TODAY

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time to inquire of the gentleman from Oklahoma the program for the remainder of today.

Is it the intention that we take up the excise tax extension proposal and the maritime authorization bill?

Mr. ALBERT. The gentleman is correct. If the Chair will recognize me at this time, I will offer a concurrent resolution for the adjournment.

ADJOURNMENT OF THE HOUSE FROM APRIL 11, 1968, TO APRIL 22, 1968

Mr. ALBERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 761) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 761

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, April 11, 1968, it stand adjourned until Monday, April 22, 1968.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House from April 11 to April 22, 1968, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

PRIVILEGE OF EXTENDING AND REVISING REMARKS IN THE CONGRESSONAL RECORD NOTWITHSTANDING THE ADJOURNMENT UNTIL APRIL 22, 1968

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 22, 1968, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

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

There was no objection.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority leader indicate if it is true that once we finish the legislative schedule that he has indicated previously for today, although we would meet tomorrow, there will be no legislation on Thursday?

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In response to the gentleman, if we finish the matter which the distinguished chairman of the Committee on Ways and Means intends to bring before the House and the maritime authorization bill, we will have finished our legislative program for the week.

Tomorrow is Pan American Day and, of course, we will announce the program for the week after the recess.

Mr. GERALD R. FORD. But there will be no unanimous-consent requests for the consideration of legislation?

Mr. ALBERT. There is no legislative program scheduled for tomorrow.

Mr. GERALD R. FORD. I thank the gentleman.

TEMPORARY EXTENSION OF EXCISE TAX RATES ON AUTOMOBILES AND COMMUNICATION SERVICES

Mr. MILLS. Mr. Speaker, I call up House Joint Resolution 1223 and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The Speaker. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1223

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the following provisions of the Internal Revenue Code of 1954 are each amended by striking out "March 31, 1968" and inserting in lieu thereof "April 30, 1968,", and by striking out "April 1, 1968" and inserting in lieu thereof "May 1, 1968,":

(1) Section 4061(a)(2) (relating to tax on passenger automobiles);

(2) Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles); and

(3) Subsections (a)(2) and (c) of section 4251 (relating to tax on certain communications services).

Subsection (c) of such section 4251 is amended by striking out "February 1, 1968" and inserting in lieu thereof "March 1, 1968,", and by striking out "January 31, 1968" and inserting in lieu thereof "February 29, 1968,".

(b) The amendments made by subsection (a) shall take effect as of March 31, 1968.

Mr. MILLS. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. MILLS. Mr. Speaker, this resolution continues the 7-percent rate of the manufacturers excise tax on automobiles and the 10-percent rate of the tax on telephone service from April 1 of this year to May 1. The conference committee which is presently meeting to resolve the differences between the House and Senate versions of the Tax Adjustment Act of 1968, realizes it cannot develop a conference report before Easter and feels this action should be taken.

The conferees have met a number of times and have made progress. Nevertheless, we are far from the end of our work and it appears unlikely that we can complete action before the Easter recess begins.

The series of amendments which the Senate added to the House version of the bill raised a number of major issues. These issues require careful consideration which necessarily prolongs the length of the conference.

The necessary length of the conference presents a problem, however, in connection with the excise taxes on automobiles and telephone service. The 7- and 10-percent rates of these excise taxes expired on April 1. At the suggestion of the Treasury, the manufacturers involved have continued to collect the excises at these rates. The Treasury issued this suggestion on the strength of the fact that both the House and Senate have approved legislation to continue these rates in effect from April 1 to the end of 1969. In fact this matter is not even in conference. The Treasury instruction is a temporary expedient, however, and legislative action is needed to clear up any uncertainty in the minds of the public. That is the purpose of this resolution.

Let me emphasize that the resolution deals with a provision of the bill which has been approved in identical form by both Houses of Congress. It is, therefore, clear that when this bill is enacted, the 7- and 10-percent rates will be imposed from April 1 until the end of the next calendar year.

Approval of this resolution will make it plain that the excise tax rates will not fall between April 1 and the date of enactment of the bill. It will also indicate that there will be no basis for claiming floor stock refunds with respect to items in inventories on April 1.

The 1-month extension of the excise tax rates provided by the resolution gives the conference committee additional time to arrive at a rational, reasoned answer to the many fundamental issues raised by the Senate amendments. In view of the complexity of these issues, the additional time provided is not excessive.

I urge the adoption of this resolution.

Mr. Speaker, are there further requests for debate?

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, rather than take time, I just join the gentleman and also advise that I joined him in the introduction of the resolution. I think it is desirable and important that we do provide this 30-day extension.

Mr. MILLS. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

MARITIME AUTHORIZATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from New York [Mr. DELANEY], I call up House Resolution 1122 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1122

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15189) to authorize appropriations for certain maritime programs of the Department of Commerce. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1122 provides an open rule with 2 hours of general debate for consideration of H.R. 15189 to authorize appropriations for certain maritime programs of the Department of Commerce.

H.R. 15189, as amended, would authorize appropriations for the use of the Department of Commerce for fiscal year 1969, as follows:

First, acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships—$237,470,000;

Second, payment of obligations incurred for operating-differential subsidy, $206,000,000;

Third, expenses necessary for research and development activities, $11,000,000;

Fourth, reserve fleet expenses, $5,279,000;

Fifth, maritime training at the Merchant Marine Academy at Kings Point, N.Y., $5,177,000; and

Sixth, financial assistance to State marine schools, $2,035,000.

Mr. Speaker, this is a very meritorious measure the rule would permit the House to consider, vital to the strength and perpetuation and building up of our important merchant marine. Therefore, I hope House Resolution 1122 will be adopted by the House, in order that H.R. 15189 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Florida [Mr. PEPPER] has stated, the purpose of the bill is to authorize appropriations for fiscal 1969 for the maritime programs of the Department of Commerce.

This is the first such authorization bill since Public Law 90–81 was passed. It provides that the maritime programs are to be specifically authorized rather than, as before, being lumped in with Commerce authorizations.

The bill as introduced and recommended by the administration called for authorizations totaling $344,856,000. The reported bill contains an increase of $122,105,000, bringing the total to $466,961,000. The increase is almost totally allocated for ship construction.

The committee believed the increase was necessary to permit the Maritime Administration to contract for the construction of some 27 new ships as compared with the 10 provided in the administration's request.

The committee notes that unobligated funds totaling $103,300,000 remains from fiscal 1968. It recommends that these funds be made available for ship construction as suggested above. Twenty-seven ships ranging from general cargo ships and container carriers to dry bulk carriers, the exact number of each to be determined according to needs.

The committee notes that even if all unobligated funds are used and the full increase is approved and used, our merchant fleet will still not begin to approach our needs. It notes that 5 years from now, if our present construction rate is maintained, we will have only 244 merchant ships less than 25 years old compared to today's total of 663.

The various agencies support the bill as introduced. There are no minority views.

Mr. Speaker, I have no further requests for time, but I reserve the remainder of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15189) to authorize appropriations for certain maritime programs of the Department of Commerce.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15189, with Mr. GILBERT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland [Mr. GARMATZ] will be recognized for 1 hour and the gentleman from California [Mr. MAILLIARD] will be recognized for 1 hour.

The Chair recognizes the gentleman from Maryland [Mr. GARMATZ].

Mr. GARMATZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, the purpose of this bill is to authorize appropriations for certain maritime programs of the Department of Commerce. To put it in more familiar terms, this bill would authorize for fiscal year 1969 appropriations for the principal activities of the Maritime Administration in carrying out our national maritime policies.

You will recall that on September 5, 1967, the bill numbered H.R. 158, which would require authorization of funds for certain programs of the Maritime Administration in the Department of Commerce to precede the making of appropriations therefor was signed by the President and became Public Law 90–81.

That bill required that after December 31, 1967, only such sums as the Congress might specifically authorize by law might be appropriated for several specified purposes—including such matters as vessel construction, vessel operations, reserve fleet expenses, research and development, maritime training at the Merchant Marine Academy and the State marine schools, and the vessel operations revolving fund.

The bill before you today is our first exercise of authority under Public Law 90–81. It was introduced in response to Executive Communication No. 1434, dated January 31, 1968, from the Acting Secretary of Commerce, recommending legislation to authorize appropriations without fiscal year limitation for maritime programs for the fiscal year 1969.

This bill, as introduced, would authorize funds for fiscal year 1969 for all purposes required under Public Law 90–81 except the vessel operations revolving fund. No authorization in the latter case was either sought by the Department of Commerce or added by your committee because activities under the fund are being reimbursed by the Military Sea Transportation Service with respect to the operation of general agency ships and are, therefore, not subject to the Department of Commerce appropriation bill.

The bill as introduced would have authorized a total of $344,856,000 for the several categories of activity.

Nine days of hearings were held by our committee, between February 27 and March 27, during which time testimony was heard from representatives of the Secretary of Commerce, the Federal Maritime Administration, the Bureau of the Budget, and all major segments of the maritime industry.

The bill, as reported, recommends an authorized total of $466,961,000. This is a total recommended increase of $122,105,000. More than the budget request.

Our committee approves and recommends authorization of the sums contained in the budget request for the following items:

First, operating-differential subsidy—$206,000,000.

Second, reserve fleet expenses—$5,279,000.

Third, maritime training at the Merchant Marine Academy at Kings Points, N.Y.—$5,177,000.

However, increases are recommended on the other items.

On the vital subject of ship construction and related matters, the committee recommends an increase in the authorized total from $119,800,000 to $237,470,000.

This is $107,670,000 more than budget requested.

And $150,675,000 less than the Maritime Administration requested.

This amount—together with the use of $103,300,000 heretofore appropriated, but carried over from 1968—would enable the Maritime Administration to enter into contracts in 1969 for about 27 new modern ships—as contrasted to the 10 ships contemplated by the budget request.

It would include ships originally planned to be contracted for in fiscal 1968.

In addition, it would allow the conversion and upgrading of as many as 30 existing ships—which would thereby be made more productive.

While this item is substantially more than the budget request, it is substantially less—$150,675,000—than the Maritime Administration recommendation to the Department of Commerce for fiscal 1969.

The committee also recommends an authorization for research and development which would exceed the budget request by $4,300,000—to a total of $11,000,000.

This is the amount originally requested by the Maritime Administration.

It is an exceedingly modest amount, especially in the light of ultimate cost savings which can accrue to the Government's benefit by reduction of the level of Government subsidy through increased efficiency of ship operations.

Finally, the committee increased the item of financial assistance to State marine schools—from $1,900,000 to $2,035,000—which was the amount originally proposed by the Maritime Administration and approved by the Secretary of Commerce.

We understand that the reduction in this case was based on a belief that the probable attrition rates in the State schools would not make the originally requested amount necessary.

Present needs for qualified officers in the current situation are very great.

Graduates of the service schools are heavily employed—and it is our belief that the Maritime Administration is in the better position to evaluate the probable requirements.

Our committee is fully cognizant and

sensitive to the present overall fiscal pressures which are requiring constraints on wide areas of Federal activities and programs.

The unanimous action taken on this bill was with complete awareness of these constraints.

However, when it is appreciated that within the next 5 years the privately owned, U.S.-flag, dry cargo fleet will fall from a present level of 663 ships of less than 25 years of age, to only 244, the problem is placed in a most disturbing perspective.

The national security and the national economy demand that this precipitously dangerous declining trend be reversed.

The neglect of the merchant marine in recent years has brought about this condition—a condition which finds us some 90 to 100 major ships behind in the replacement of the subsidized dry cargo fleet.

And there are no replacement prospects at the moment for the presently nonsubsidized liner fleet or the bulk carrier fleet.

This neglect has brought us to the condition of where we are capable of carrying only about 7 percent of our total waterborne foreign commerce.

We simply cannot afford to continue at the present rate of new construction.

As I stated, this bill was reported unanimously by the committee—and on the basis of the record of the hearings—is conservative in the light of our known needs, requirements of operators, and capability of the American shipyards.

I strongly urge favorable action on this legislation.

Mr. MAILLIARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under my unanimous-consent request, I have a statement that I will put in the RECORD, but our distinguished chairman [Mr. GARMATZ] has stated the fact situation in this bill, and stated the supporting reasons for our bringing in a bill even under these circumstances where our recommendation is substantially above the budget request.

Mr. Chairman, I wish to express my wholehearted support for the passage of the bill, H.R. 15189, with the amendment made by our Committee on Merchant Marine and Fisheries.

This bill represents a milestone in continuing congressional efforts to revitalize the American maritime industry. For the first time, your Committee on Merchant Marine has exercised jurisdiction over the authorization of appropriations for certain maritime programs pursuant to Public Law 90–81 approved on September 5, 1967.

H.R. 15189 with the committee amendment is the product of several weeks of extensive hearings and executive deliberation. All interested parties—both Government and private industry—were afforded every opportunity to present their respective views on the President's proposed maritime budget for fiscal year 1969.

While fully cognizant of the current fiscal restraints under which we now labor, your Committee on Merchant Marine unanimously agreed that the mounting needs of our maritime industry dictated increases in certain programs, and accordingly amended the legislation submitted by Executive Communication No. 1434. The committee amendment increases the administration's request for the several maritime programs by slightly more than $122 million in the following manner:

First. Ship construction-differential subsidy and related activities has been increased by $117,670,000, that is, from $119,800,000 to $237,470,000;

Second. Maritime research and development has been increased by $4.3 million, that is, from $6.7 million to $11 million; and

Third. Financial assistance to State marine schools has been increased by $135,000, that is, from $1,900,000 to $2,035,000.

By far the most important increase made by the committee amendment was the increase in the amount authorized to be appropriated for new merchant ship construction. At first blush, this increase may appear to be substantial. However, the demonstrated needs of the industry refute this initial reaction and render the increase both realistic and wholly justifiable.

Several years of cumulative neglect combined with executive deferral of the expenditure of funds appropriated by the Congress for new merchant ship construction have resulted in extraordinary vessel replacement needs. This situation has been further aggravated by the debilitating effect upon investor confidence in the industry resulting from the failure of the President to submit the "new" maritime policy which he promised more than 3 years ago in his state of the Union message of January 1965. Several of the subsidized American ship operators have requested and have been granted deferrals in their vessel replacement obligations in view of this air of uncertainty surrounding the future fate of the industry. As a result, the merchant ship replacement program, commenced in 1958, is 81 vessels behind schedule, and continuation of the low level of administration funding of this program will only serve to further deteriorate our maritime posture.

It has been estimated that the continuation of the ship replacement program at the current low level of funding will result in reducing the number of U.S.-flag dry cargo vessels 25 years of age or less by almost two-thirds. Acceptance of the amount requested by the administration for this program coupled with executive deferral of expenditures would further aggravate the situation and result in the loss of 1 year in meeting programed needs.

Mr. Chairman, I would venture to say that the American merchant marine has been allowed to deteriorate to such a low level that today our current sealift capability—comprised of privately owned shipping, the Military Sea Transportation Service, and the National Defense Reserve Fleet—could not meet minimum defense and civilian emergency requirements during a limited war contingency such as Korea. I feel we have become too complacent and have placed unwarranted reliance upon the National Defense Reserve Fleet to furnish the necessary surge capability to meet our contingency requirements. We would do well to bear in mind that these reserve fleet vessels were constructed during World War II and within the next 5 to 7 years will be completely phased out after an economic life of 30 years.

Perhaps even more telling concerning our ship replacement needs is the distinct probablity that during a limited war contingency we would not have sufficient bulk shipping capability to transport the raw materials so vital to sustaining our manufacturing complex. Dramatic shifts in our trade patterns have resulted in bulk commodities accounting for more than 85 percent of the volume of our total ocean-borne foreign trade. Between 1950 and 1966, for example, our dry bulk foreign ocean-borne commerce has increased nearly sevenfold. Unfortunately, owing to limited funds and a concentration on meeting our dry cargo vessel needs, there has not been a corresponding growth in U.S. sealift capability to meet this national need.

It is significant, therefore, that in its initial consideration of this authorization legislation, your Committee on Merchant Marine did take cognizance of this dramatic shift in our trading patterns and the need to address attention to our dry bulk shipping capability. Although it is not reflected in the legislation now before you, what your Committee on Merchant Marine did was to take into consideration the initial ship construction request submitted by the Maritime Administration to the Department of Commerce for a 30-ship program in fiscal year 1969. Included in that initial request was provision for funds to construct five dry bulk cargo ships. The committee amendment includes the necessary funds for these vessels, and I, for one, hope that a long overdue effort in this area will result.

The request of the Maritime Administration to the Department of Commerce also included funding for 10 full containerships and 12 general cargo ships. The committee amendment provides the necessary funding for these vessels which, when combined with the 5 dry bulk cargo ships, could result in a 27-ship program for this coming fiscal year, and thereby begin a realistic replacement program approaching national needs.

The committee amendment, however, deleted three combination passenger-cargo ships originally requested by the Maritime Administration, since it was learned that the operator for whom the funds were budgeted was not prepared to proceed at this time.

The committee amendment also reduced the original Maritime Administration request for funds to retrofit and upgrade existing vessels by slightly more than $7 million.

The authorization for maritime research and development was increased $4.3 million by your committee's amendment—from $6.7 million to $11 million. This comports with the request of the Maritime Administration to the Department of Commerce and the latter's request to the Bureau of Budget. It was done in recognition of the fact that slightly more than one-half of the $6.7

million requested by the administration would be required to fund the N.S. *Savannah* program. This would result in only $3.3 million being available for actual research and development—an exceedingly low level in the very area which holds forth the most promise of improving our maritime posture. I, for one, would hope that the level of funding authorized would be appropriated and would be applied to those projects which show the greatest near-term benefit to improving the competitive posture of the American merchant marine.

The third and final increase made by the committee amendment was concerning financial assistance to State marine schools. The administration's request was increased by $135,000—from $1,900,000 to $2,035,000. This increase results in a funding level which is the same as that requested by the Maritime Administration of the Department of Commerce and the latter of the Bureau of the Budget. This minimal increase is necessary to cover the statutory allowance for an additional number of cadets, plus makeup payments to the various State marine schools. It recognizes in a small way that our ship needs are complemented by personnel needs.

Finally, your Committee on Merchant Marine took into account the estimated carryover into fiscal year 1969 of unobligated funds in the amount of $103.3 million. The deduction of this amount coupled with decreases made by your committee in the original Maritime Administration request to the Department of Commerce results in a funding level slightly more than $150 million less than the agency's original request.

Mr. Chairman, the ultimate product embodied in H.R. 15189 represents a meaningful attempt to get on with the task of meeting our maritime needs. Some will say that the increases provided by the committee amendment are too great; some few, that they are not enough. I personally feel that the increases are necessary and totally justified, if we in the Congress intend to transpose our words of support for the American maritime industry into deeds. I therefore most earnestly urge that all my colleagues in the House support the passage of the bill, H.R. 15189, and assist in setting the course of the American Merchant Marine toward much-needed and long overdue revitalization.

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

Mr. MAILLIARD. I am glad to yield to the gentleman from Pennsylvania, a member of the committee.

Mr. CLARK. Mr. Chairman, I believe our chairman of the Merchant Marine and Fisheries Committee and Mr. MAILLIARD have adequately described the need for favorable consideration of H.R. 15189. I wish to join my chairman and associate myself with his remarks, but I wish to amplify, if I may, on the posture of our merchant fleet as compared to that of Soviet Russia.

By 1970, the Russian merchant marine will carry more than 50 percent of its foreign commerce. In striking comparison, the U.S. merchant marine now carries 7 percent of our foreign commerce, and as time marches on, by 1970 we will be carrying less than that figure.

Russia emerged from World War II with a nondescript fleet of 432 merchant vessels, totaling less than 2 million tons. By 1970, she is programed to attain a fleet totaling 15 million tons. Last year, 471 merchant vessels totaling slightly less than 4 million tons were under construction or on order. At the same time, only 48 merchant ships totaling a little more than 1 million tons are under construction or on order for the U.S. merchant marine.

Deliveries for our U.S. merchant fleet for the past several years averaged only 15 ships per year, while the Soviets have taken delivery of at least 100 ships per year.

Today, the Russian fleet exceeds the American fleet in numbers, and it is only a matter of time when she will surpass us in tonnage.

Mr. Chairman, I could cite additional statistics pointing out the ambitious shipbuilding program of the Soviets and what I consider the lethargic attitude of our U.S. shipbuilding program, but I believe the motive of the Soviet buildup is obvious. Supremacy on the high sea.

Unless we in this country do not embark on a strong ship construction program now, the glory of our merchant fleet, which dates back to the famous clipper ships, will cease to exist except in memory.

I strongly urge favorable consideration of H.R. 15189.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I urge support of H.R. 15189, the first maritime authorization bill to come before this House under legislation passed by Congress last year, providing that annual maritime appropriations bills shall not be reported or in order unless such expenditures are previously authorized by law.

H.R. 15189 exceeds the President's budget request. For example, the increase in funds for new ship construction would be from $119,800,000, requested by the administration, to $237,470,000. Our House Committee on Merchant Marine and Fisheries felt that this latter amount if coupled with carryover funds from fiscal year 1968 of $103,300,000 would provide for 27 new ships to be built instead of the 10 new ships requested by the President.

Also, the research and development authorization was increased from $6.7 million to $11 million.

The United States, Mr. Chairman, is 100 ships behind in its program to meet the block obsolescence in its merchant fleet, which was mostly built during World War II. We should be authorizing funds to build 50 ships a year to accomplish this objective, but the committee took a conservative position as a first step looking toward such a program. The committee report states my view that the national security and the economy require that the quality and composition of the American merchant marine must be improved.

The committee, in arriving at its recommendation, took as a starting point, the request for $388,000,000 of the Maritime Administrator, James Gulick, of the Department of Commerce, in order to provide the needed 5-day bulk carriers, 10 container ships, three combination passenger and cargo ships and 12 general cargo vessels.

Since there are no present applications pending for combination ships, the committe adjusted its authorization total accordingly and likewise reduced the figure for trade-in and conversion of the reserve fleet.

Mr. Chairman, I share the sentiment of my House Committee on Merchant Marine and Fisheries that its recommendation is conservative and that the Nation can no longer afford to neglect its merchant fleet in an attempt to curtail budget outlays. Let me point out that the Military Sea Transport Service has had to depend on foreign-flag vessels to provide for the needs of Vietnam, and our commitments throughout the world. For example in ship charter, it has paid out $30,079,626 for foreign ship charter last year alone. And, amounts paid to foreign lines for freight, and so forth, in 1 year alone—1965—was estimated at $1.322 million, and since then, the amounts would be much larger. I do not have these latter figures.

But, it is apparent the dollar drain and strain on our economy, because we do not have sufficient ships, is very heavy. And, besides, the necessary construction subsidy costs of constructing new vessels should properly be cut down by the amount we pay out each year to foreign shipowners.

So, I strongly urge passage of H.R. 15189 as reported by the House Committee on Merchant Marine.

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

Mr. MAILLIARD. I yield to the gentleman.

Mr. GROVER. Mr. Chairman, I think we should point out something that is not too well known here. The very base of our strategic reserve merchant fleet is to take ships from the existing fleet, the turnover from the presently used fleets, and to put them into the reserve.

We have taken some 120 ships from the moth ball fleet for the sea lift to Vietnam.

We have now, including those, some 1,200 ships in our strategic reserve. Some 455 of those, I believe are consigned for demolition to be scrapped.

The rest of these ships in the strategic reserve fleet, because we are not replacing them, will be by 1972 obsolete.

We will have no strategic reserve fleet by the 1970's.

So if we do not get on with rebuilding the merchant marine not only will we be off the seas in our import and export trade, but we simply will not have a bottom to go if we have a serious international situation; is that not so?

Mr. PELLY. The gentleman is absolutely correct. The situation is that we must start replacing our block obsolescence and supply added vessels. As the gentleman has pointed out, we must do so for national defense, if not for our economy. It is for both. Both are vital.

Mr. GROVER. For the past 6 years we have been presiding, as someone has said, at the last rites of our merchant

marine. It is a very, very serious thing. It does not get enough recognition from this Congress or the people of the country. If we do not get with it, we will be in extreme circumstances. If we were phasing-out the U.S. Marine Corps, which is another part of our defense security, we would hear a hoot and a howl from all over the country. Now we are phasing-out the fourth arm of our defense, and we are doing so very passively.

Mr. PELLY. I agree with the gentleman.

Mr. GARMATZ. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, there can be no question of the need of our country for an adequate merchant marine. We may differ as to what constitutes adequacy, but there can be no difference of opinion with respect to the fact that the relative handful of vessels presently in operation is totally inadequate.

We are carrying less than 8 percent of our own commerce. We had to dig 25-year-old vessels out of the reserve fleet in order to maintain our supply line to Vietnam, and we have virtually no ore carriers under our flag. Our tramp fleet is virtually obsolete and considerably more than half of our liners are overdue at the shipbreakers.

I am conscious of the needs of our Government for expenditures in other fields, but my experience in connection with merchant marine matters convinces me that the welfare of our country urgently demands the beginning of a constructive program to protect us in the future. Every year, more and more of our vessels are reaching the point where they are unable to fulfill their tasks, and unless they are replaced we will be totally at the mercy of foreign shipowners.

Shipbuilding is not something we can turn on and off like an electric light—we must set up a program beginning right now for a reasonably long period in the future to replace aging vessels and to augment our fleet. It takes years to build a merchant ship.

All we have to do is think back to the length of time it took us to turn out the first Liberty ship during World War II. That ship by today's standards lacked so many improvements that it would be virtually unusable under today's conditions. The development of engineroom automation, sophisticated cargo handling gear, vastly improved engines, and hull designs have substantially increased the length of time required to construct a vessel.

Therefore, our action on today's bill will not produce any vessels for as long as 3 years, and during that time our competitive position in world commerce will continue to worsen.

We must start now to rebuild our fleet and this bill represents a first step on the long road to regaining our rightful place as a maritime nation.

Mr. MAILLIARD. Mr. Chairman, I yield to the gentleman from Alabama [Mr. EDWARDS].

Mr. EDWARDS of Alabama. Mr. Chairman, I think this is a great day for the country, for the merchant marine, and for this body, because this is the first authorization bill that our committee has brought in under the most recently passed law. To me it is a great step in starting toward the rebuilding of our merchant marine. In the next few weeks we will be holding extensive hearings looking to a real national policy insofar as the merchant marine is concerned, and who knows what will come out of those hearings? In the meantime, we are starting on the right track. We are increasing the number of ships to be built. We are saying to the merchant marine and to the people of this country that Congress is going to do something about the sad state of our affairs in the merchant marine field.

We have watched the number of ships in this country dwindle. We have watched the amount of cargo that is hauled in our own ships, our own cargo, fall off to almost nothing. We have watched the Russian seapower increase daily. And we have seen the American merchant marine fall in almost every category from its once proud heritage.

I like to think this bill is the first step, the beginning in bringing our merchant marine back to that status in the world that it should have.

Mr. GARMATZ. Mr. Chairman, I yield to the gentleman from Maryland [Mr. FALLON] the chairman of the Committee on Public Works.

Mr. FALLON. Mr. Chairman, I rise in support of this long overdue legislation.

Mr. Chairman, the need to update our merchant marine is urgent, and the reasons are many. I do not think it necessary to repeat many of the very valid arguments already presented on many occasions for a viable merchant fleet. But I would like to present a few cold, hard facts that deserve repeating.

Almost everyone acknowledges that we cannot depend upon foreign maritime powers to transport the goods so vital to our Nation—especially in times of emergency. We are, at this moment in time, becoming increasingly dependent upon foreign ores to maintain our industrial complex. Iron ore, for example, is brought from Labrador, Peru, Brazil, and many other areas in the world to feed the blast furnaces in our country. America's national security would be imperiled if these ores were denied to us. Yet, there are practically no American ships engaged in this traffic, and we have no assurance that foreigners will continue to supply us these vital needs.

Although our maritime problems are complex and massive, they can be summed up with the statement that we must have more ships. And the only way to get them is by appropriating more funds for immediate construction.

As another illustration of our ship shortage, I might note that sufficient American vessels are not even available to carry the needed freight between America's east and west coast and Puerto Rico is an island totally dependent upon ocean transportation; it depends upon the United States for most of its vital materials, and we do not have sufficient American ships to service its needs properly. Such examples, I think, help drive home the significance of what we mean when we warn that the United States is only transporting about 7.4 percent of its own foreign commerce on American-flag vessels. In other words, foreign ships are carrying better than 92 percent of America's foreign commerce.

We are all aware of the great service rendered by our merchant marine in carrying 98 percent of all supplies to Vietnam. But do we stop to think that a large proportion of the fleet engaged in that service consists of World War II ships? Do we realize it is extremely unlikely that they will be available for the next emergency? They served us well in Korea, they served us well in Vietnam, but they have passed their useful life and if another emergency arises, we will be almost totally dependent upon foreign ships.

I call the attention of the House to the fact that ships cannot be built overnight. In World War I we embarked on a crash shipbuilding program at fantastic expenses, and the first vessel did not come over the ways until after the armistice. We cannot tolerate such a situation. If trouble should break out in the future any place in the world, we must have the means available to immediately transport our supplies. Over a quarter of our fleet is already overdue at the scrap yard. We must start building now to prepare for future emergencies.

The bill being considered by us today represents a bare minimum toward a start on the long road to an adequate merchant marine. The amount of money involved is relatively small compared to some of our other undertakings. We can and must have a proper fleet for our own welfare, both commercial and defense, and we cannot have it unless we build ships now. To say that we will build them when this emergency is over, or next year, or any other time, is no answer, because we know from experience that there are always demands on our budget. Unless we take care of the most immediate requirements first, we will never take care of them at all.

I submit to you, gentlemen, that this is a requirement that demands immediate action.

Mr. GARMATZ. Mr. Chairman, I yield to the gentleman from Maryland [Mr. FRIEDEL].

Mr. FRIEDEL. Mr. Chairman, I heartily endorse H.R. 15189. I heard the chairman, Mr. GARMATZ, and Mr. MAILLIARD speak so eloquently in bringing out the real reasons why we should have a strong merchant marine.

Mr. Chairman, I am completely convinced of the necessity for the enactment of this legislation as reported by the Merchant Marine Committee.

Despite our rising world commerce, and rapidly increasing demands upon our defense establishments overseas, our merchant fleet continues to diminish at an alarming rate.

Over the centuries, the preeminence of Great Britain was based primarily upon its possession of a large merchant fleet. Its ships were capable of carrying its products to all the corners of the world, and of returning with vital raw materials. Today, we are in a position similar to that which Britain formerly occupied. We have assumed obligations

to less fortunate nations throughout the world, we have obligations to our allies, and we must do our part in improving conditions of peoples throughout the world by aiding their development. This can best be done, not by gifts of money, but by encouraging them to produce products that can enter into the stream of world commerce. We must do our part by providing adequate transportation for such countries.

Ironically, at the moment, we are in the unhappy position of not being able to even assume our own commerce or defense responsibilities. Before we can undertake our share of the burdens of other countries, we must help ourselves. This can only be done by building up our fleet to the point where it is at least adequate for our own needs. These needs are essential, not only for our commerce, but—as Vietnam has demonstrated—for our defense.

We must embark upon the long, hard road toward an adequate merchant marine and this involves money. How can we justify not spending a few million dollars on such an important, pressing and obvious need, when we are willing to spend billions to put a man on the moon?

I submit that, if we do not provide the funds called for in this legislation, we are shirking our responsibility, not just to our Nation, but to the entire free world.

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding me time. I am not quite clear as to how many ships will be provided by this bill.

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

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

Mr. MAILLIARD. Of course, we cannot be absolutely precise, since these ships would be constructed in partnership between private business and Government. So you never can be sure until you know what the contracts call for. Our estimates are that new construction funds, together with the carryover that remains unexpended, ought to allow contracts for 27 new vessels during fiscal 1969.

In addition, there are funds provided for some upgrading and refurbishing of existing ships—perhaps as many as 30 of them, and again we cannot be precise until the contracts are signed.

Mr. GROSS. Why a carryover? The gentleman did say there was a carryover, did he not?

Mr. MAILLIARD. Yes. There was a carryover from 1967, I believe it is, of $103.3 million in the ship construction fund, carried over from prior years at the end of fiscal year 1969, and that together with the new money authorized would permit—it is our best estimate—27 new vessels instead of the 10 that are now programed.

Mr. GROSS. I am for ship construction in this country, but it seems an inopportune time to be compelled to spend money in this direction and in this amount in view of the financial crisis with which this Nation is faced.

It seems to me this points up the necessity—if we are going to approve a bill of this nature—to slash awfully deep in the foreign aid bill this year; not just a symbolic cut of $200 or $300 million. If we are going to finance projects of this kind, under the circumstances we had better be prepared to cut the foreign handout bill by a billion dollars. I would hope those who are interested in ship construction in this country would lend their best effort in that direction.

Of course, I am no longer a member of the Merchant Marine and Fisheries Committee, but by the time I left that committee I had been given a pretty good indoctrination in the condition of the shipyards of this country. I assume that in the matter of ship construction in American yards it is pretty expensive for the reason, among others, of the obsoleteness of the shipyards of the United States by comparison with those of foreign countries, many of which we bombed into destruction during World War II and then this Government turned right around and provided the money for rebuilding them into modern shipyards.

Meanwhile American shipyards have become obsolete, resulting in higher costs of construction. This means the American taxpayer is soaked both ways—for the money the U.S. Government has taken from him to rebuild up-to-date foreign shipyards and now for the additional subsidies necessary for the building of needed freighters in the shipyards of this country.

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

Mr. GROSS. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I would like to comment to the gentleman that the way our merchant marine exists today, we have to use foreign ships to carry our cargoes, and we can carry only 7 percent of our own merchant shipping. That is the foreign aid program we should cut down on.

Mr. GROSS. Yes, that, and the granddaddy of them all, the annual multibillion-dollar foreign aid program. We could build a lot of ships with even a fraction of the $152 billion which the handout artists in this Government have peddled around the world in foreign aid since World War II.

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

Mr. GROSS. I yield to the gentleman from New York.

Mr. GROVER. Mr. Chairman, I agree with the gentleman. We have $12 billion in the pipeline, and I will go along with him this year.

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

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1969, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $119,800,000;

(b) payment of obligations incurred for operating differential subsidy, $206,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $6,700,000;

(d) reserve fleet expenses, $5,279,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $5,177,000; and

(f) financial asistsance to State marine schools, $1,900,000.

Mr. PELLY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"The funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce for the fiscal year 1969, as follows:

"(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $237,470,000;

"(b) payment of obligations incurred for operating-differential subsidy, $206,000,000;

"(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $11,000,000;

"(d) reserve fleet expenses, $5,279,000;

"(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $5,177,000; and

"(f) financial assistance to State marine schools, $2,035,000."

AMENDMENT TO COMMITTEE AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. PELLY: On Page 3 immediately after line 5, insert the following new paragraph:

"None of the construction, reconstruction, or reconditioning of ships authorized in Paragraph (a) shall be procured from other than shipyards and faciliites within the United States."

Mr. PELLY. Mr. Chairman, H.R. 15189 authorizes, under paragraph (a), funds for acquisition, construction or reconstruction of vessels and construction-differential subsidy.

Under my amendment, a new paragraph is added to the bill which provides that none of this construction, recon-

struction or reconditioning of ships shall be procured from other than shipyards and facilities within the United States.

This is the same provision which the House, in its wisdom, adopted in connection with the Coast Guard authorization bill on March 19.

Mr. Chairman, no one should think for a moment this amendment is not necessary if Congress wants to follow this policy, because there are powerful individuals in this administration who advocate building some of our ships abroad.

Only last Monday the Maritime Administrator, James Gulick, testified before the House Merchant Marine Committee that his agency favored a policy of permitting the building of midbodies or parts of ships in foreign yards for jumboizing our American ships in our yards.

Secretary of Transportation, Alan Boyd, has for a long time advocated building U.S. ships abroad.

Congress does not agree and the House now has an opportunity to reaffirm its will that where the taxpayers' money is involved it should be kept at home and spent in American yards and for American workers.

I strongly urge my colleagues to adopt this amendment.

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

Mr. PELLY. I am glad to yield to the gentleman from California.

Mr. MAILLIARD. I am fully in accord with the gentleman's amendment, but in all honesty I should point out this is contained in very stringent language in the present law. Section 505(a) reads:

> All construction in respect of which a construction differential subsidy is allowed under this title shall be performed in a shipyard within the continental limits of the United States as the result of competitive bidding, after due advertisement, with the right reserved in the applicant to reject, and in the Commission to disapprove, any or all bids.

It even goes on to say:

> In all such construction the shipbuilder, subcontractors, materialmen, or suppliers shall use, so far as practicable, only articles, materials, and supplies of the growth, production, or manufacture of the United States.

That really is even stronger than the language of the gentleman's amendment.

While I certainly agree with the gentleman, I believe this is unnecessary.

Mr. PELLY. I would say to the gentleman that there are now to be authorized under this bill for some reconstruction and reconditioning some 30 vessels for the reserve fleet, and those could well have midbodies, according to the hearing we had the other day.

Mr. MAILLIARD. I would have to disagree with the gentleman. This section is binding as to anything that has construction differential subsidy. The midbodies involve questions of registering under the United States or having certain privileges under Public Law 480, cargo preference, and so forth.

This is ironclad; no construction money can go into foreign purchase.

Mr. PELLY. As I said in my remarks, as the gentleman knows, here is an opportunity to reaffirm our position on the basic law, and Congress can state once again, as we did on the Coast Guard authorization bill, that we are for building American ships, for reconditioning them and repairing them, in American yards by American workers.

Mr. MAILLIARD. I agree with the gentleman's point.

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

If I may have the attention of the gentleman from Washington, the gentleman knows we are in the middle of hearings right now on H.R. 163 and similar bills. What effect will the gentleman's amendment have on the construction of midbodies and other aspects as covered by H.R. 163?

Mr. PELLY. Mr. Chairman, I would say to the gentleman that so far as the building of American midbodies, if it was done under the new program, which my colleague from California indicates is not possible, it would meet with the administration's recommendation. They want to save money by building those midbodies in foreign yards and towing them over here and then attaching them in American yards. I think it might have no effect under existing law, as Mr. MAILLIARD pointed out, but at least it would let the administration know the way the Congress feels.

Mr. EDWARDS of Alabama. This would not render useless the hearings we are presently holding, would it?

Mr. PELLY. No, I do not think it would. In fact, to the contrary.

Mr. EDWARDS of Alabama. In other words, if a ship line is doing something today that would be prohibited by H.R. 163, the gentleman's amendment would not change that?

Mr. PELLY. That is correct.

Mr. EDWARDS of Alabama. I thank the gentleman.

Mr. GARMATZ. Mr. Chairman, I have no objection to the amendment. We accept the amendment on this side.

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

Mr. Chairman, I take this time to ask a question about the committee amendment. I have served far too long on the Airlift-Sealift Subcommittee of the Committee on Armed Services not to approve this bill in general, although, as the gentleman from Iowa has said, it is difficult to increase over and above the budget request by some $122 million the first authorization bill that this committee has brought out. As Members of this House for years have known it is easy to authorize something in the hopes that Appropriations will hold the line. If we do this too much, we relegate our authority to a subcommittee of the House. The thing that concerns me is that when the distinguished committee was given the privilege of authorizations and made a legislative committee, in fact, it was said, as I recall it, on the floor of the House that we would review by line items these authorizations. Already in the colloquy here today we have had the discussion of the carryover of funds authorized to the Secretary for continued use.

The question naturally arises, why were not those funds used? I thought we on the Committee on Armed Services, as long as we had Robert Strange McNamara, were the only ones that did not use up to our complete authorization and appropriation, and he has long since been dumped off the stern of the Ship of State. Perhaps the same thing happened in the Maritime Administration or whoever handles the merchant fleet. But we need this block replacement. We need to avoid block obsolescence and need, if necessary, to subsidize shipbuilding to keep the assembly lines going in the United States. We need to be able, without the spending of $1 billion a year in foreign bottoms, to lift our troops and equipment. So how do we come in this committee to do this when it says in the first line "That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation act may provide."

What use is an authorizing or legislating committee if we are going to pass the buck to the Committee on Appropriations? Why do we have carryover funds instead of reviewing in the committee each year by line item the new construction? These are the questions that I want to know before we accept almost automatically here in the shank of the evening today the committee bill which otherwise I am strongly in favor of.

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

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

Mr. MAILLIARD. I am very sympathetic to the point the gentleman makes, but we have a little unusual situation, if I may explain it. First let me answer the gentleman's earlier question.

The Secretary of Commerce simply withheld these funds even after the Congress appropriated them. It is not an authorization carryover but an appropriation carryover.

Mr. HALL. If I may interpolate, I presume that was a part of the Chief Executive's general economy program in holding back on congressionally approved funds. Is that correct?

Mr. MAILLIARD. It might have been that or it might have been he was peeved because we did not put the Maritime Administration into the Department of Transportation. I cannot read the mind of the executive branch.

Mr. HALL. I appreciate the answer of the gentleman, and I can only say that I am not privy to their high council. But is the gentleman trying to imply, in answer to my question, that this is a one-time authorization bill that will allow carryover funds and without fiscal year limitation?

Mr. MAILLIARD. What I was going on to say, if the gentleman will yield further, is that it is very difficult to pinpoint the fiscal year in a situation where each contract for the construction of a ship has to be worked out between the shipyard, the Government, and the prospective operator, and this sometimes take a long time to actually get from the point of discussion to a firm contract to build.

Sometimes it extends well over a year, so it is a very difficult situation.

Mr. HALL. If I may interpolate again, and I appreciate the answer of the dis-

tinguished gentleman but, after all, we have exactly the same problem in the Committee on Armed Services in contracting for capital ships, and we do it regularly.

Mr. MAILLIARD. The committee does?

Mr. HALL. And there is some carryover, and there are contingency funds, but I would presume the Commissioner of the Maritime Commission would have the same situation, or the same relief, unless we are just getting ourselves into the position.

Mr. MAILLIARD. That is the point. This is the first time we have done this.

I believe we have a limited experience in this, and we will have to develop our experience, especially, let us say, from the authorization to the appropriation of funds by the Committee on Appropriations to the actual contracts. For example, this last year we had a case where everyone was agreed, the contracts were put out to bid, and the bids turned out to be so much higher than had been anticipated that we had to recall the bids. That is an example of what can happen.

Will the gentleman yield further?

Mr. HALL. I yield further to the gentleman.

Mr. MAILLIARD. As I say, that is exactly what can happen in this situation that it just seems was not possible during that limited period. Now, I think we have several choices in the future. One will be to allow a carryover, but to look at the carryover each year, and take it into consideration when we authorize for the next year. But I do not believe we can strictly confine this three partnership operation to the fiscal year very successfully, because the time factors are just too long.

Mr. HALL. I want to say to the gentleman again that I appreciate his answer, and I appreciate the dilemma, and I appreciate that this is a three-way factor, but again I submit that in the building of capital ships we have capital ships built by private industry, in fact a great majority of them, and only repairs are made by the in-house capability of the various naval shipyards that we have around the country, too many of whom, incidentally, have been decimated.

But there is a way to do this, and with all due respect to the distinguished members of the committee, whom I love and whom I appreciate bringing this bill to the floor—and I believe I appreciate their dilemma—if you do not retain that factor of yearly authorizations and line item review, if experience, insofar as the building of capital ships is any experience, that this thing will get out of hand.

In fact, this Congress passed a law at one time to remove all the carryover appropriations on capital ships and wiped it out and started clean again.

So this language in this committee amendment today, Mr. Chairman, concerns me, and I hope that it will not be repeated in the future, and indeed that I can have assurance that this is a one-time, first-time, without fiscal year limitation inclusion in the authorization bill.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield again?

Mr. HALL. I am happy to yield again to the gentleman.

Mr. MAILLIARD. I thank the gentleman for yielding.

In a sense we did just what the gentleman is talking about because, when we came up with this total figure as against the program, the approved number of ships, and so forth, we deducted from what we are now authorizing the carryover funds from prior years. So where we may have gone at it a little differently than the gentleman's committee, I believe we have very tight control, as long as we always compute the carryover into the current authorization.

Mr. HALL. That is very reassuring, and I am certainly not trying to fit our hat on the gentleman's committee.

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

Mr. MURPHY of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the bill.

H.R. 15189 is a bill authorizing appropriations for certain maritime programs. Because of the fact that the American Merchant Marine has all but been eliminated from the high seas, this bill is vital to both the security and economy of the United States.

More than 80 percent of our American-flag ships are more than 20 years old. In the next 5 years, if we continue at the present rate of ship construction, our U.S.-flag fleet will drop to only 244 ships which are not virtually obsolete because of age.

Only $119,800,000 was requested for construction of new ships; the Merchant Marine Committee increased this amount to $237,470,000, which, taking into account a carryover of unobligated funds totaling $103,300,000, will enable the Maritime Administration to contract for about 27 new, modern ships as contrasted to the 10 ships contemplated by the budget request. With the amount authorized by this bill and the amount carried over, a total of $340,770,000 would be available in fiscal year 1969 for ship construction.

There is no change in the budget request of $206 million for operating-differential subsidy, but the amount requested for research and development has been increased from $6.7 million to $11 million. Almost half of the budget request would be used by the NS *Savannah* project, and there are many other important projects which would be unfunded without the increase recommended by the committee.

Basically, the rest of the budget requests are the same, with the exception of that applying to financial assistance to State marine schools. The committee raised the authorization to the amount originally requested by the Maritime Administration.

Mr. Chairman, our American merchant marine is facing nearly total block obsolescence within the next 5 to 10 years unless we act now to modernize and revitalize our fleet. This will cost money, but these expenditures must be considered an investment the security and economy of the Nation. Ships carry well over 90 percent of all supplies to Vietnam, and the resulting strain on our capacity would make it next to impossible to respond adequately to another crisis in another part of the world.

In addition, by increasing our shipping capacity, we will significantly improve our balance-of-payments deficit, which today threatens the economy of this Nation, if not the world. Today we carry only 7 percent of our foreign commerce on U.S.-flag ships. If this could be raised to 50 percent, there would be no balance-of-payments problem.

The time to act is now. The Soviet Union is one of many countries determined to control the high seas with their merchant vessels. But we have the capacity to regain our dominance of the seas if we only act now. This bill will be an important first step.

I urge my colleagues to support this bill.

Mr. MATHIAS of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the gentleman from Missouri is to be congratulated on the flexible attitude that he has taken. I think he raises a very substantive point. But I think the gentleman from California, the ranking minority member of the committee, has pointed out the urgency of this situation.

I personally want to congratulate the members of the committee, particularly my colleague, the gentleman from Maryland, the distinguished chairman of the committee, for the initiative that they have taken in going forward in this authorization bill, in increasing the budgetary request.

I believe that the increase in funds that have been requested in this authorization will prove to be one of the most valuable investments that this country has made.

The merchant marine and the maritime industry generally is so vital to all that this country does and all that this country aspires to do.

I think it is absolutely necessary that we move in the direction in which the committee is pointing today.

Mr. Chairman, I very strongly support the authorization and the increased amounts that have been requested.

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

Mr. Chairman, the distinguished chairman of the Committee on Merchant Marine and Fisheries has clearly and succinctly outlined the basic purpose of this bill, its background, and its effect.

The rules of the House provide that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

With appropriate exception in the case of continuation of appropriations for such public works and objects as are already in progress.

This rule has been with us since 1837.

Questions have been raised as to why we are now asking for annual authorization for maritime programs—why they have not been required before—and how long has it been since the annual authorization authority was lost.

Modern merchant marine organized promotional development goes back to the Shipping Act of 1916, which was hastily enacted to meet the emergency of World War I, when we suddenly discovered that the foreign-flag shipping which we had let ourselves become dependent upon in the prewar years was no longer available to us.

Prior to that time, there had been for many years no real merchant marine program. In that emergency the Congress authorized vast sums for a tremendous emergency shipbuilding program and set up organizations to administer them. The situation at that time was not comparable to the situation pertaining today. The object was to build and operate as many ships by the Government in the quickest possible time.

Then, and in ensuing years, there were several organizations set up—the Emergency Fleet Corporation, and later, the U.S. Shipping Board—to attempt to carry on a stable merchant marine program in the World War I and postwar years. A broad authority was enacted for the administration of these programs to buy and sell terminals; build, sell, operate and charter ships and other related activities.

There was no need under those authorities for annual authorization of appropriations because the statutes gave continuing authority so long as they were within the broad directives of the enabling statute.

Subsequently, when the Merchant Marine Act of 1936 was enacted, it was provided that—

> The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

And section 209 of the Merchant Marine Act of 1936 again provided for continuing authority for appropriations by the language:

> There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Thus, it can be seen that in the history of merchant marine programs for the past half century there has not been a general requirement for annual authorizations. Of course, whenever new programs not covered by the basic enabling law arose, specific authorization was necessary.

There, of course, have been occasions when new programs have been recommended when specific authorization had to be made as a prelude to appropriation.

I think the following background will be useful in explaining why we are now seeking to change the pattern of the past—and I think it is very pertinent to the background of what we are doing today.

When the Merchant Marine Act of 1936 was originally enacted the administering agency was the U.S. Maritime Commission, an independent agency responsible to the Congress. The programs authorized by that act were set up in a fashion intended to permit their efficient administration under broad enabling authority. The availability of a construction revolving fund minimized the need for seeking detailed annual authorization for appropriations.

Since shortly after World War II, however, such matters as the transfer of the administration of the maritime functions to the Department of Commerce, the denial of the availability of the construction revolving fund, and other self-imposed limitations have had the practical effect of placing the operations of the agency on a strictly annual basis.

In view of these developments, it has become increasingly clear to your committee that if it is to exercise and maintain its legislative responsibility over our maritime policies and programs, we must review such policies and programs annually and make specific legislative authorization for the use of appropriated funds for such major items of expense as those covered by this bill. Through such annual review and authorization your committee believes a genuine service can be rendered to both the Congress and the Maritime Administration in the evaluating and carrying out of the maritime programs.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Washington [Mr. PELLY].

The amendment to the committee amendment was agreed to.

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

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GILBERT, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 15189) to authorize appropriations for certain maritime programs of the Department of Commerce, pursuant to House Resolution 1122, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

AMERICAN MUSEUM OF NATURAL HISTORY CENTENNIAL IN 1969

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from New York [Mr. KUPFERMAN] is recognized for 15 minutes.

Mr. KUPFERMAN. Mr. Speaker, the American Museum of Natural History in New York City will celebrate its centennial in April of 1969. It is an important event for Americans and for the whole world.

Incorporated in 1869 to encourage and develop the study of the natural sciences, advance the general knowledge of kindred subjects, and furnish popular instruction, it has become the finest museum of natural history in the world. It occupies a four-block area of New York City-owned land on Central Park West, south of 81st Street and facing my district. Its 19 buildings contain over 50 exhibition halls, a large library, two auditoriums, and the American Museum-Hayden Planetarium. Its main entrance on 79th Street and Central Park West stands as New York State's memorial to Theodore Roosevelt, a former Governor of New York and the great 26th President of the United States, whose father was one of the founders of the museum.

Ninety-nine years of research and scores of expeditions have filled the museum's 58 halls and 11.5 acres of floor space with exhibitions covering every aspect of natural science, while millions of valuable specimens comprise the study collections used for research and investigation.

The scientific and educational work of the museum is carried on by 13 departments, each headed by a chairman or curator under the leadership of the director. The funds through which specimens are purchased, exhibitions constructed, explorations carried on, and scientific investigation conducted are contributed by the trustees, members, and other friends. The city of New York pays for the maintenance of the building, education, and custodial staffs, amounting to about one-third of the museum's budget. Its research program in part is supported by Federal funds.

During the course of its history the museum has changed and developed with the changing times. The original concept of the museum which limited its scientific investigations to anatomical study and classification of dead forms has undergone a tremendous evolution and growth in recent years. It now embraces the whole field of ecology, the study of living plants and animals in relation to other living species, and to the chemistry and physics of the environment. Today, the American Museum is at the forefront of research in systematic biology and evolution, in studies of fossil and live animals of many varieties, and in investigation about man and his cultures from earliest times to the present. The American Museum-Hayden Planetarium conducts an active growing program of research and education in astronomy.

Very important too is the fact that the museum is part of the effort made by the city of New York, the largest city in the Nation, to create better citizens. The thousands of elementary school, college, and postgraduate students who visit the museum every week emerge inspired to

play a role in the development of their city, their country, and their world.

The most extensive phase of the museum's centennial planning involves the museum's exhibit halls. Since the beginning of an expanded exhibition program in 1959, the museum has opened 10 permanent halls and some 30 special exhibitions and temporary exhibits. By 1969, six additional halls that are now being developed will have been completed. They range in subject matter from a comprehensive study of life in the oceans to a view of the cultural patterns and social organization of the peoples of Africa and of the Pacific. Specifically these halls are Man in Africa, Ocean Life, Biology of Fishes, Earth History, Mexico and Central America, and Peoples of the Pacific.

The plans for 1969 call for an academic procession, a convocation, and an address by an outstanding American on "The Museum in Modern Society," a symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the publication of an anecdotal history of the museum by Geoffrey Hellman; a pictorial history of the museum by Jean LeCorbeiller; a children's book on the behind-the-scenes at the museum by David Levine; a collection of the most outstanding articles that have appeared in the magazine Curator as a special issue of the magazine; meetings at the museum of some 10 to 12 scientific societies; presentation of the museum's medals for outstanding contributions in the field of the natural sciences; floodlighting of the museum; the "Man and Nature" lectures by Dr. Margaret Mead; an exhibit on 100 years of the American Museum of Natural History; and an ambitious exhibit to be placed in the Roosevelt Memorial on the theme "Man and His Future Environment," the exhibit being concerned with man's present future and highlighting population and conservation problems.

The mere existence of an institution like the American Museum of Natural History helps to give a better image to the United States. The museum's contribution to our cultural life is a story that deserves to be told. I am, therefore, giving support to the issuance of a commemorative stamp by the Post Office Department to celebrate the first 100 years of this great museum and on this 99th anniversary, as we prepare for the celebration next year, I am introducing a bill to help accomplish this result.

MORE VIOLENCE A CERTAINTY IF POVERTY MARCH IS ALLOWED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana [Mr. WAGGONNER] is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, the slaying of Martin Luther King last Thursday was a senseless act and I deplore the idea of anyone taking the law into his own hands; as much as I deplored King's preaching that philosophy. The senseless slaying of King, however, pales into insignificance when compared to the deaths and violence which have followed. Deaths across the Nation are numbered in the thirties, destruction of property in the scores of millions of dollars and the damage done to constructive efforts toward peaceful racial relations is beyond calculation.

But the slaying of King has changed nothing. What was wrong before he died is still wrong; what was right before he died is still right.

I will not belabor this body by recounting in all its horror, the appalling events that have taken place here in Washington in the past week. The press has been full of the details; it has been a constant subject of television coverage. Every day, the people of the Nation's Capital have tensely awaited further outbursts. Citizens have had to move under a curfew, dismiss employees early, and see to the safety of their families. A cloud of tension still hangs over the city. If we are to believe the public statements of the heirs of Martin Luther King, the Capital faces almost certain violence again later this month when the so-called poverty march builds another tinderbox in the streets. This time, who can say where it will end? In the burning of the Capitol? In an attack on the White House?

There are those who would have us believe that only an infinitesimal part of the Capital's Negro population took part in the looting, burning, and rioting, but the cold facts refute it. Over 6,000 were arrested. Even allowing that one out of 10 was caught, which is a highly optimistic figure, this indicates that 60,000 men, women, and children put aside all reason, morals, commonsense and ordinary decency to attack their neighbors in a week of madness.

What we have witnessed this week is only a preview of what will come later this month if thousands of trained demonstrators are permitted to pour into this city, already raw nerved and tense.

If there is any complacent official left in Washington, I ask him to sample these quotations from black power advocates and those who side with it in the hopes of some political gain:

Stokely Carmichael:

The rebellions that have been occurring . . . is just light stuff to what is about to happen. We have to retaliate for the deaths of our leaders. The execution for those deaths will not be in the court rooms. They're going to be in the streets of the United States of America.

Leroi Jones:

We citizens have the right to rebel.

Floyd McKissick:

We are through clapping our hands and marching. From now on, we must be ready to kill.

A. Phillip Randolph:

This could escalate into a race war in this nation which could become catastrophic to the Negro and to America.

Senator ROBERT KENNEDY:

There is no point in telling Negroes to obey the law. To many Negroes, the law is the enemy.

Whitney Young:

The Negro no longer can be appealed to on the basis of love and non-violence and being patient.

Adam Clayton Powell:

I'm calling this evening for total revolution of young people, black and white, against the sick society of America. The concept of non-violence is finished.

This is only a sample of what the leaders of the black power revolution are saying. In the face of this evidence, in the aura of tension that hangs over this city, we cannot stand quietly aside and allow the conditions that assure violence to build up again. The poverty march will accomplish nothing. We know it and the leaders of the march know it. The only effect it will have is to set the stage for more of what we have had the past week and, frankly, Mr. Speaker, I do not believe the people will stand for it.

I urge the House, before we adjourn for Easter, to express its will to the President and urge him to contact the leaders of the so-called poverty march and tell them that, for the safety of the people in the Capital and in the surrounding area, the march must be canceled.

If rioting breaks out again, and no one can realistically say that it probably will not, the failure of the Congress and the President to forestall it will be your responsibility and mine. Again, Mr. Speaker, I urge that the leadership contact the President and express this view to him.

PRAISE FOR PRESIDENT JOHNSON

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, a cross section of letters to the editor in the San Antonio Express demonstrates the respect and admiration Americans feel for President Johnson's decision to put peace and unity above party and politics.

The shock of the President's withdrawal from the presidential campaign has made people recognize—now as never before—his contributions to the welfare of America.

Our Nation now understands clearly—as it had difficulty understanding before—that the Johnson years have been years of great accomplishment.

The President has been the champion of civil rights for the Negro and quality education for the young. He has extended the Nation's hand to help the poor and needy help themselves, and provided security against the costs of major illness for our elderly.

Rich and poor, labor and business have all been enriched by the unparalleled prosperity fostered by the administration's fiscal policies.

History—with its clear vision—will see these 5 years as the outburst of creative legislation aimed at improving the quality as well as increasing the quantity of American life. Water and air pollution control have been launched in earnest and conservation given its proper—and vital—place in American life.

But Lyndon Johnson's Presidency is more than a catalog of achievements—as impressive as the list is. Rather, his tenure in office is distinguished by the devotion to duty, sacrifice of self, and loyalty to country which will stand as shining examples for generations to come.

As one of the writers to the San Antonio Express put it:

I, for one, will mourn the loss of one of the greatest leaders our country has known.

America mourns with him for we will have lost a giant in American history.

Under unanimous consent, I insert in the RECORD these expressions of support in the San Antonio Express:

"DECISION WAS JUSTIFIED"

DEAR SIR: An Open Letter to President Lyndon Baines Johnson:

I was shocked beyond words when I heard you say on television that you would not be a candidate for re-election as President of the United States.

At first I could not understand your decision. After thinking things over, I began to come to the conclusion that your decision was justified.

I know of no one person on the face of this earth who has done so much for so many people as you have. You have done more for the Negro than all the other Presidents before you, and it must have hurt to see them turn on you. You have done more for the young people than anyone; you made it possible for youngsters to go to college who could have never even dreamed of going before, and it must have hurt to see them turn on you. You have done more for the poor and the needy, for labor and business, and for everybody else and the ingratitude they showed was disgusting.

You were right as you could possibly be in your thinking and in your conduct regarding the war in Vietnam, and I think the time will come when Americans will realize it.

You are a better man than I. I would have quit a long time ago rather than put up with the ingratitude that you did. However, for the sake of our country, now and in years to come, I hope you will reconsider and make yourself available again for re-election.

FRED A. SEMAAN.

"WE LET HIM DOWN"

DEAR SIR: President Johnson's statement that he would not seek reelection has really upset me. Then I think—why should he?

Why should he tear himself apart for people who have cursed, abused and belittled him from the start?

He has done more for us than any past president and yet no one gives him credit for the good things. All they can think of is the Vietnam war and that their boys are being killed. What is so different about this war and the Korean War? The young men of yesterday died, too.

Why are the kids now ready to riot or street brawl at the drop of a hat and then consider their lives too valuable to risk for their country?

President Johnson isn't sending our boys over there for the fun of it. He is protecting us in the only way he can. He is lending a helping hand to our neighbors in the hopes of peace for all.

I, for one, will mourn the loss of one of the greatest leaders our country has known.

He didn't let us down, we let him down.

Mrs. AUDREY GRUNEWALD.

ANTI-OIL-POLLUTION BILL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I was pleased to be a sponsor of the original bill offered last January to fight the growing menace of oil pollution of our coastal waters and beaches. That bill, H.R. 14852, would have been the first step toward establishing new authority for the Coast Guard to control and combat oil spillage from tankers.

I was pleased to again join our distinguished and able colleague from Massachusetts, HASTINGS KEITH, last Friday in introducing a new bill to strengthen our earlier measure.

That bill had not yet received a hearing when a major disaster last month demonstrated how totally unprepared we are to act swiftly to avert the miring of our vacation beaches, the killing of our wildlife, and the disruption of our fishing industry by thick, black, stinking sludge. Miles of beautiful beaches in Puerto Rico were fouled by millions of gallons of crude oil from a tanker that foundered in San Juan Harbor.

At this point, the administration belatedly drafted its own bill which is expected to receive quick attention before the Committee on Public Works, whereas our original bill is still awaiting action by the Merchant Marine and Fisheries Committee.

Since it is imperative that something be done—and done immediately—to forestall similar disasters on our shores, that is why I am so pleased to again combine efforts with the gentleman from Massachusetts, this time to go even further than the administration's recommendations. We propose to include stronger language that would, among other things, extend the Government's authority to deal with tanker spillage, not merely within the 12-mile limit, but outside it as well, when our shores are threatened.

We must have an effective antipollution law passed as soon as possible, and I urge the House to give this matter its full support.

MEMORIAL PROCEEDINGS FOR JUDGE GEORGE C. SWEENEY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. PHILBIN] is recognized for 5 minutes.

Mr. PHILBIN. Mr. Speaker, under unanimous consent I revise and extend my remarks in the RECORD and include therein the memorial proceedings for our distinguished, beloved friend, the late Judge George C. Sweeney, which were held December 11, 1967, in the U.S. District Court of Massachusetts.

The proceedings were presided over by the learned, distinguished chief judge, Charles E. Wyzanski, Jr. Sitting were the learned, distinguished judges of the court: Hon. Frank J. W. Ford, district judge; Hon. Anthony Julian, district judge; Hon. Andrew A. Caffrey, district judge; Hon. W. Arthur Garrity, Jr., district judge, and Hon. Frank J. Murray, district judge.

The proceedings were attended by other members of the judiciary, leaders of the bar association, public officials, and Judge Sweeney's bereaved widow and friends.

In opening the exercises, Chief Judge Wyzanski made some very appropriate remarks and introduced the able, distinguished U.S. attorney, Hon. Paul F. Markham, and the able, distinguished attorney, Mr. C. Keefe Hurley, both personal friends and associates of Judge Sweeney, who spoke feelingly of their association with this great jurist of late and lamented memory, and delivered impressive eulogies concerning his long, faithful, memorable service to the court, to the State, and to the Nation.

The remarks made by the chief judge and those who participated in the program eloquently touched upon the personal qualities, public contributions, judicial talents, and effective thrust of Judge Sweeney during his career on the bench and in the public service.

The memorable tribute delivered on the occasion by the scholarly chief judge, Hon. Charles E. Wyzanski, Jr., traced Judge Sweeney's fine contribution on the bench, his constructive, able work with the Department of Justice in Washington, and other phases of his public life.

Judge Wyzanski's very striking recital of Judge Sweeney's background and the scope and quality of his service on the bench graphically illumined the many facets of Judge Sweeney's makeup as a judge and as a human being, which contributed so much to the success he achieved as a recognized, highly esteemed judicial leader.

The learned chief judge brilliantly and cogently summarized various important cases Judge Sweeney conducted, which included some extremely complex legal problems, and made mention of the down-to-earth, sensible, practical, humane approach that the late judge took in presiding over the court, and his fine, humane outlook, and understanding of his fellow men that always prompted Judge Sweeney to show special compassion and sympathy for his afflicted brethren.

As a warm friend and admirer of Judge Sweeney for many years, I am deeply impressed by these memorial proceedings, and am especially grateful to Chief Judge Wyzanski for his kindness in arranging and presiding over them and calling upon Judge Sweeney's close, distinguished friend, Attorney C. Keefe Hurley, an outstanding member of the bar, to present such well-chosen remarks, and especially for the magnificent tribute of esteem, respect and affection which he himself paid, and which very deeply touch all of us who knew and loved Judge Sweeney.

These proceedings were marked by that dignity that so fittingly typifies our great Federal court at Boston, and by the well-expressed words of its great presiding Judge Wyzanski, and those of our highly esteemed friend, Attorney Hurley, who during his lifetime was a neighbor and very close friend of our beloved, departed brother, whom we mourn so sorrowfully.

In reading the proceedings, I was

deeply moved by the fond recollections of Judge Sweeney which these remarks evoked. He came from the historic, very attractive city of Gardner, Mass., in my district, and worked his way up from humble beginnings to become a very successful, prominent lawyer, and at an unusually early age was elected mayor of that beautiful city.

I came to know the judge quite early in his career, and it was my happy providence to have worked with him in many causes which we both deemed very worthy.

Alert, vigorous, and buoyant he was endowed with a superabundance of energy and very deep convictions.

He was forward looking, independent of mind, known for his sincere fellowship of the spirit, and he was totally dedicated and devoted to the very distinguished public service that he rendered throughout his lifetime.

It was very appropriate that these exercises should have been attended by his esteemed, beloved, and illustrious colleagues of the court who stand so high in the annals and achievements of our renowned Federal judiciary, and by members of the bar, who so universally respected and esteemed Judge Sweeney.

The sorrow of his gracious wife and dear ones, encompassing a multitude of friends, has been poignant and deep, yet surely these touching exercises, for them and his wide circle of personal and professional friends, provided the comforting solace of publicly expressed tributes of honor, admiration, and love which will prayerfully serve to lighten the shadows and bring some substantial degree of resignation and peace at a time of sorrowful bereavement and grief.

In the words of the poet:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea.

But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and even bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark.

May our dearly beloved friend, George, find rest and peace in his heavenly home, and may the Good Lord whom he served so faithfully in life, bless and keep him forever.

The memorial proceedings follow:

MEMORIAL PROCEEDINGS FOR JUDGE GEORGE C. SWEENEY, DECEMBER 11, 1967

Sitting: Charles E. Wyzanski, Jr., Chief Judge; Francis J. W. Ford, D.J.; Anthony Julian, D.J.; Andrew A. Caffrey, D.J.; W. Arthur Garrity, Jr., D.J.; and Frank J. Murray, D.J.

Presiding: Judge Wyzanski.

Chief Judge WYZANSKI. Mrs. Sweeney, and honored guests, the exercises this afternoon will begin with a statement from the United States Attorney, Mr. Markham, and then will be followed by statements by Mr. Hurley and by Mr. Healey, and there will be a reply by the Court.

These exercises are in no sense funereal, and anyone should feel free to leave at any time if he wishes to do so, and there is no restriction on people entering during the course of the proceedings.

Before calling upon anyone to speak, I ought to say that Mr. Justice Fortas, the Supreme Court Justice, assigned to this Circuit, has expressed his regret at not being here. Several of the Circuit and District Judges have also communicated their regrets. In particular, the weather has kept many people from coming, and obviously the fact that the Congress of the United States is still in session explains, as their communications have already indicated, the absence of the members of the Senate and House of Representatives who had hoped to be able to attend, several of whom have asked that their names be incorporated in the record as people who wished to express their very high opinion of our late Chief Judge.

Mr. Markham.

Remarks of Paul F. Markham, Esquire, United States Attorney, at special session of the United States District Court, in honor of the late Chief Judge of the Court, the Honorable George C. Sweeney.

May it please your Honors, it is both indeed a pleasure and a distinct honor for me to participate this afternoon in this special session commemorating the late Judge Sweeney. I have a special debt of gratitude to Judge Sweeney for indeed he was one of the members of this Court who voted for my present position. I have many fond and particular memories of Judge Sweeney.

However, there are two people here today who perhaps knew him at least as well, and probably better, than most. Mr. C. Keefe Hurley, a man who knew Judge Sweeney from their early days in Massachusetts, and then again in college days. They followed the same paths. Their association was very close through the years. Again, another man who will speak about Judge Sweeney, Mr. Joseph P. Healey, who was Judge Sweeney's law clerk, and since those days maintained a very close relationship with the Judge, and who, as we all know, has risen to great heights not only in the law but in the fields of education and business.

I would only move, if your Honors please, that the proceedings here today be recorded and made a permanent part of the records of this Court.

Chief Judge WYZANSKI. Your motion that the proceedings shall be recorded will be followed. In some cases I am aware that the speakers may have manuscripts which they wish to have filed with the records of the Court. The manuscripts will be regarded as being the official entry unless the speaker asks otherwise.

I ought to express to you our gratitude to the United States Attorney's office, and you personally, for your part in arranging these proceedings, and also to Mr. Chase and Mr. Tamburello, the respective Presidents of the Boston Bar Association and the Massachusetts Bar Association, and their various associates from other Bar Associations, who have joined in these arrangements and in the selection of the two speakers, who, as you have correctly pointed out, had special relationships to Judge Sweeney, and will speak with the added authority of many decades of friendship.

First, Mr. C. Keefe Hurley.

REMARKS OF C. KEEFE HURLEY, ESQUIRE

Chief Judge Wyzanski, Chief Judge Aldrich, the family of Judge Sweeney, judges of the Court of Appeals and District Courts for this Circuit, distinguished members of the United States Senate and House of Representatives, members of the Bar and friends:

While I am humbled by the realization that the life and works of Chief Judge George C. Sweeney memorialize him with far more eloquence than any words of mine could ever achieve, I am deeply grateful for the cherished honor of participating in this tribute to a man who was my close personal friend for more than forty years.

Judge Sweeney was appointed to the United States District Court for the District of Massachusetts on August 24, 1935. At that time he was an assistant to the then Attorney General of the United States, Homer Cummings. He was in charge of the Claims Division of the Department of Justice and I was working with him there in Washington. My vivid memory of that happy occasion conspires with the aging process to convince me that it wasn't so very long ago—and perhaps it wasn't in the chronological sense. But in terms of events, it is ages past. On August 24, 1935, social security was a ten day old infant. The ravings of a diabolical little man in Germany were not yet recognized as the sparks that would ignite the bloodiest conflagration the world has ever known. And the atom was still the smallest particle of indivisible matter. Yet Americans of that generation sensed what their leader was soon to articulate—that they had a rendezvous with destiny.

Judge Sweeney came to the bench unawed by the prospect of that rendezvous, but with a deep sense of the responsibility which goes hand in hand with the cloak of judicial power. He loved the law—not merely because it provided nourishment for his great scholarship—but more importantly because he believed with every fiber of his being that the impartially administered rule of law is the cornerstone of our civilization. Moreover, as a thoughtful pragmatist, he rejoiced in a legal system which he perceived to be a practical and effective servant of the people.

Judge Sweeney was in incisive man. I invite you to contemplate his early decision in the case of *Davis* v. *Boston & Maine Railroad*, 17 Federal Supplement 97 (December 7, 1936). That case involved a challenge to the constitutionality of Title IX of the Social Security Act of August 14, 1935. In this, the thirty-second year of social security, it is difficult to recapture the drama and importance of that case. However, the title page gives us a clue to the significance which the government attached to the issues involved. The list of lawyers representing the interests of the United States would, a few years later, read like judicial Who's Who, including as it does such names as Charles E. Wyzanski, Jr., Stanley Reed, Robert H. Jackson and Francis J. W. Ford. No judge could fail to be acutely conscious of the great legal and social implications of any decision he might render in such a case. Judge Sweeney was no exception. But, he did not believe that big problems necessarily required lengthy opinions. On the contrary, he disposed of the conflicting contentions in four pages of lucid analysis and, with the incisiveness to which I have alluded, defined his holding in a paragraph which I consider to be symbolic of him in its clarity and simplicity. Let me quote it for you:

"I therefore rule that the tax imposed under Title IX of the Social Security Act is a valid exercise under the taxing powers imposed in Congress, that it does not exceed the limitation of uniformity, that it is to provide for the general welfare of the United States, and is therefore constitutional."

While Judge Sweeney derived much intellectual satisfaction from philosophical and conceptual debate, he was not an abstractionist. He was sensitively aware of the fact that a judge deals with specific human relationships and specific human problems. He was never governed by the desire to do so justly and humanely within the framework of law.

Judge Sweeney's devotion to fairness and justice often caused him pain, for the paths which lead to these great goals are not always clearly marked. However, he never permitted himself the luxury of indecision. He knew

that just as causes have a beginning, so must they have an end, if our legal system is to function effectively. And so he judged, with courage and without favor. But the loneliness of his task was not eased by a dogmatic belief that he was always right. His solace came from the conviction that a judge does all he should do when a judge does all he can. To my mind this concept becomes a truth when the judge in question possesses the character and capability of a George C. Sweeney.

No tribute to Judge Sweeney would be complete without grateful recognition of his considerate treatment of lawyers. He was ever attentive to our arguments and understanding of our problems. We reciprocated with respect and admiration. We miss his friendly demeanor, his finely honed sense of humor, and his even-handed administration of justice, but our fond memories of him will always endure. In order that future generations might associate the visage of the man with the great record of his reported decisions, we plan to commission the artistic recreation of his likeness for presentation to this Court.

When man first interacted with man, the need for an arbiter was born, and I suspect that debate over the qualifications of judges dates from about the same time. I have listened to and participated in much of it during my years at the bar, and I am satisfied that an impediment to unanimity is our tendency to approach the problem with a view to prescribing the quality of judgment to be visited upon others. I am equally satisfied that all who would contemplate the prospect of being judged themselves would join in this plea:

"Fill the seats of justice
With good men, not so absolute in goodness
As to forget what human frailty is."

Chief Judge George C. Sweeney was such a man. He will not be forgotten.

Chief Judge WYZANSKI. Thank you very much, Mr. Hurley.

Mr. Healey.

Remarks of Joseph P. Healey, Esquire, at special session of the United States District Court in honor of the late Chief Judge of the Court, the Honorable George C. Sweeney.

Chief Judge Wyzanski, Chief Judge Aldrich, honorable Judges of this Court and the Circuit Court of Appeals, Mr. Attorney General, representatives of the Bar Associations, distinguished guests, Mrs. Sweeney and her family:

More than two decades have passed since I served in this Court as law clerk to Chief Judge George C. Sweeney. These have been years of change, unprecedented in scope and impact. There has been searching inquiry, especially by our young people, into traditional concepts of religion and morality, government, business, education—indeed the very fundamentals of our society. Institutional loyalties have been shaken. Voices of disagreement have become voices of dissent. The beginnings of the population explosion has made for more impersonal relationships between man and all aspects of his environment, including government. The age of the computer promises to be one of struggle to preserve essential individual identity and dignity.

Our legal system has not escaped challenge. The structure of the common law, built upon tradition and precedent, has little attraction for the more opportunistic forces in contemporary society. The judicial process itself, with its inherent and often necessary delays, is met with a growing impatience on the part of those who function in our dynamic and complicated economy. Procedures adapted to a simple and more unhurried day must fit the new needs of today and tomorrow.

We cannot expect our democratic society to survive just because of its intrinsic merit and because we will it to survive. We must have answers to the challenges and the criticisms. One of the answers is the continuing assurance of a viable and functional judicial system—a system which will work well only if persons of ability, courage and vision sit in the places of judgment. The appointing authority of any jurisdiction in the nation would do well to use Judge Sweeney as the measure of what a judge should be.

Here indeed, in one man, was integrity, wisdom, dedication and a broad-gauged approach to the problems of his fellow man. He had a deep sense of urgency to get on with the business of the Court, knowing that justice, if not prompt, is not full. He was alert to schedule cases for trial and diligent in the use of pre-trial proceedings to narrow the issues in litigation.

Punctuality with him was almost an article of faith. He often said, "My obligation to counsel, the parties and witnesses is to be on time." Exactly at the appointed hour he would take his place on the bench and woe to the counsel who was not present and ready to proceed.

In the actual conduct of a trial he was a master at cutting through to the heart of complex evidence, and eliminating the superfluous and redundant. In one case counsel for the defendant successfully objected to the admission of certain documentary evidence on the part of the plaintiff. After the ruling of exclusion defendant's lawyer continued to argue that the evidence was inadmissible. The Judge finally leaned over and said, "I have excluded the document, but if you keep talking I'll change my ruling and admit it."

He had a fine rapport with juries and a facility for presenting issues to them in an understandable context. He also had a real feel for the technique of settling litigation. At a fairly early stage in the proceedings he could size up the trend of the case and evaluate the relative strength of the litigants' positions. A frank discussion with counsel in chambers often led to termination of the case by a settlement acceptable to both sides. When settlement was not possible and the matter went to ultimate decision, a concise and timely opinion was written. These opinions seldom dealt with issues extraneous to those directly involved, even where there was clear opportunity for discussion of questions of great but irrelevant interest. Such matters, he felt, were not for a trial judge to explore. One of his favorite expressions was, "I have enough to do to decide what is before me." This was one of the first lessons I learned at his law clerk, fresh out of the Harvard Law School and eager to tackle all the unresolved problems in Anglo-American jurisprudence.

From these comments it should not be inferred that Judge Sweeney was the paragon of all virtues as a trial judge. He was a vital member of the human family with all its inheritances. He was, on occasion, impatient and irritable. Sometimes counsel thought that his pressure for settlement was stronger than it should have been.

But he saw his role as an arbitrator as well as a judge, and in his more than thirty years of service on the Court he moved thousands of cases to conclusion, by decision or settlement, in the full spirit of due process of law.

As Chief Judge of this Court he had both the talent and concern for efficient judicial administration. A generalist, he was equally at home in criminal and civil cases. He had a flair for technical problems, e.g. those involved in patent infringement suits. Once he even attended classes at M.I.T. for background in preparing for a particularly complicated case.

He was a progressive innovator both in his personal approach to the judicial process and in carrying out his administrative responsibilities. These characteristics can be found in his handling over several years of the case involving the Aldred Investment Trust—one of first impression under the Investment Company Act of 1940. Before the matter was concluded he undertook, among other things, to supervise the operation of a horse racing track for a full season, and to direct the ultimate liquidation of the trust. His decisions survived a number of appeals to higher courts. One distinguished observer characterized the Judge's work as "the most nearly perfect handling of a long and complicated case that I have ever seen."

In criminal cases he was a firm and fair, but compassionate, judge, especially with first offenders. Rehabilitation to him was something that called for direct involvement to achieve a critical social objective. I recall one case in which two men and a woman were convicted of embezzlement. After sentencing the two men, both of whom had prior records, he turned to the woman, a first offender, and gave her an extended lecture. Finally he said, "If I put you on probation you won't do this ever again, will you?" The woman answered, "No father. I won't." Afterward the Judge was heard to remark—"That's the closest I ever got to the other side of the confessional."

What then can we say of this man whose vibrant presence once filled these rooms? We can say that he was in every sense a whole man and a whole judge. We will need many more like him in all the courthouses of this land in the years of trial and challenge that lie ahead.

Thank you.

Chief Judge WYZANSKI. Thank you, Mr. Healey.

REMARKS OF CHIEF JUDGE CHARLES E. WYZANSKI, JR.

We are met not in sorrow but in joy reflected from the honor our late Chief Judge, George C. Sweeney, earned for the United States District Court. From 1935 to 1966 Judge Sweeney sat with us. From 1941 he was our leader, first as Senior Judge, and from September 1, 1948 until his seventieth birthday, on July 23, 1965, the first Chief Judge of this District.

He was one of the most widely known Federal District Judges, partly because of the length of his tenure, partly because of his service as one of the two representatives of the First Circuit at the Judicial Conferences in Washington, but mostly because of his trial of cases here and in many other Districts of the United States, even as distant as California, had built a solid reputation for his rare mastery of that quality paradoxically known as *common* sense. Those who as jurors, lawyers, parties, witnesses, or mere spectators watched Judge Sweeney in action observed his practical skill, his shrewd judgment, and his insistence on fair play.

Judge Sweeney came to this Court after surprisingly large experience for a man who at his appointment on June 17, 1935 was not quite 40 years old. Born in Gardner, Massachusetts July 23, 1895, he had been educated in the public schools of his native city, and at Williston Seminary, which later chose him to give the annual address to the Honorary Cum Laude Society. During world War I he had served overseas as a sergeant of infantry attached to the 301st Military Police Battalion with the 76th Division, from which he was honorably discharged on July 17, 1919. Two months later he entered Georgetown University Law School from which he graduated in 1922. Beginning practice in Gardner in 1924, he was three years later elected to the City Council, of which he became president in 1929. From January 1, 1931 to June 15, 1933 he was Mayor of Gardner. His suc-

cessful municipal administration attracted national attention, and brought him into close contact with James Roosevelt and through him with his father Franklin D. Roosevelt.

At the outset of the New Deal George Sweeney was appointed Assistant Attorney General under Homer Cummings. Some friends had wrongly thought that the post would exceed the capacities of a lawyer who had not in his credentials either a college degree or intensive appellate court training. However, those who watched him as head of the Civil Division charged with actions in the Court of Claims and with admiralty causes and who heard him in argument before the Supreme Court of the United States recognized him as a genuine peer of his Department of Justice colleagues.

What he had learned in Gardner and in Washington made him a natural choice as a successor to Judge James Arnold Lowell. The appointment had particular significance because Judge Sweeney was the first Democrat and the first person of Irish antecedents and Catholic faith named a federal judge in Massachusetts. For us who realize that throughout the First Circuit there is not now sitting even one District Judge of Yankee heritage the nomination appears to mark a watershed.

There is a polite tradition that judicial lives should be recited in terms of cases heard and opinions rendered. No sophisticated reader of history regards this convention as the most revealing or accurate measure of wearers of the judicial robe. Many even of the most celebrated names in legal annals have a reputation which reflects less their qualities than the atmosphere of the age in which they lived. On the occasion of the hundredth anniversary of the commissioning of John Marshall, Oliver Wendell Holmes, Jr., perceptively wrote that "A great man represents a great ganglion in the nerves of society . . . a strategic point in the campaign of history, and part of his greatness consists in his being *there*." So much does the Zeitgeist rule in our accounting that a man as considerable a judge as Taney has been buried by the weight of the Dred Scott case, just as Chief Justice Warren was at once catapulted to world renown by the fortunate circumstance that in his first year there was on his docket *Brown* v. *Board of Education*.

History shone favorably on Judge Sweeney. His opening years gave him the opportunity of being the first judge to uphold in 1936 the constitutionality of the Social Security Act. The case was *Davis* v. *Edison Electric Illuminating Co. of Boston*, 18 F. Supp. 1 (D. Mass.) rev'd., 1st Cir., 89 F. (2d) 393, rev'd, 301 U.S. 619, and was argued by the future Justice Robert H. Jackson and Edward F. McClennen, a leader of the Boston bar and former partner of Justice Brandeis. A year later, Judge Sweeney in *U.S.* v. *H. P. Hood & Sons*, 26 F. Supp. 672 (D. Mass.) aff'd, 1st Cir., 108 F. 2d 342, aff'd 307 U.S. 588, again broke new paths when he sustained the constitutionality of the Marketing Agreement Act of 1937. Thereafter he applied that statute to many milk orders governing this region.

Later calendars brought to Judge Sweeney other noteworthy litigation. In 1956 in *Marks* v. *Polaroid*, 129 F. Supp. 243 (D. Mass.) aff'd 1st Cir. 237 Fed. 428, he held valid the basic patents of the Land camera upon which the Polaroid industry has been built. The criminal prosecution in *United States* v. *McGinnis* against officers of the Boston & Maine Railroad, whose convictions were affirmed in *McGinnis* v. *United States*, 1st Cir. 361 F. 2d 31, marked an advance in standards imposed on corporate officers. Only three years ago in the important suit involving *de facto* segregation in the Springfield schools, Judge Sweeney wrote an opinion, *Barksdale* v. *Springfield School Committee*, 237 F. Supp. 543 (D. Mass.), which, though the judgment was reversed in the Court of Appeals, *Springfield* v. *Barksdale*, 1st Cir. 348 F. 2d 261, may have a more distinguished progeny than that of the opinion of the appellate court.

Corporate reorganizations, receiverships, and liquidations fell in a field wherein Judge Sweeney was an accomplished performer, not least because of his sound judgment as to the members of the bar to whom responsibility could prudently be entrusted. The Amoskeag Mills liquidation in 1936, the Waltham Watch Company reorganization in 1948, and the Boston Post Publishing Company reorganization in 1956 are widely-known examples.

Judge Sweeney would have been the last to claim that his opinions in those or other cases were text-book models or specimens of scholarly elegance. He would not have wanted to write in an academic vein. His ideas were simple, direct, and often indeed phrased by his faithful law clerks pursuing the lines of direction he firmly settled.

In jury work, Judge Sweeney was always the master of the courtroom, avoiding prolixity and delay without ever trenching upon the lawyers' province of needlessly interfering with their presentation. The judge remembered testimony with scrupulous accuracy, though he took almost no notes and rarely, if ever, wrote his instructions to the jury. While, particularly in later years, he may not have equalled some few extraordinary judges in patience or in care as to details, the main outlines of each litigation never escaped him and the principal points received appropriate attention.

Quite rightly, no aspect of his daily work more concerned Judge Sweeney than the sentences he imposed on criminal defendants. He was never insensitive to human frailty, nor lacking in compassion. He strongly believed that only a man who had children of his own was qualified for criminal sentencing. An example is the discriminatory skill with which he designed successful rehabilitative procedures for the unfortunate singer Ray Charles. Judge Sweeney's moderation in disposition of tax evaders and postal embezzlers (while it may not have pleased those who, sitting in bureaucratic offices in Washington, offer unproven theories as to the deterrent effect of heavy sentences), seems, in retrospect, to have had as sensible social consequences as heavier penalties would have produced.

The role that George Sweeney had as Chief Judge he performed with such tact, insight, and quiet efficiency that only after his death were his colleagues fully appreciative of what his leadership had meant. We all knew that his reins lay light upon us. He never sought in influence a judge in his opinion, though he was available to counsel him. He never checked on any brother's work habits, but he gladly assumed another's load so that he could more easily take a vacation or attend a meeting.

We gratefully sensed the time he unobtrusively devoted to daily administrative tasks and his principle part in recruiting worthy persons as probation officers, clerks, referees, commissioners, court reporters, and other important functionaries. In his footsteps we adopted as he had the Massachusetts state court practice of pre-trials, long before it was standard procedure. We benefitted from the evenhanded assignment of cases by lot, pursuant to a formula he devised.

But of what perhaps even his brethren did not have full awareness was the extent to which he voluntarily did more than his aliquot share of the total burden of the District Court. And this was the more remarkable because, though he never whimpered, Judge Sweeney did not uniformly enjoy robust health or extraordinary vigor. If a judge came to the Court with little trial experience, or if he were dilatory, or even in some aspects incompetent, Judge Sweeney gave him relief and help, never admonishing, much less criticizing him, either privately or publicly. His colleague was his brother, in every sense of that word.

Friendliness characterized his treatment of elderly no less than young attaches of the Court. Men and women who had begun to falter were given lighter assignments and patient consideration. Judge Sweeney never forgot their human needs and still existent potentialities as well as their years of devoted service. If he by doing their work or forgiving their lapses could keep them productive and useful citizens he knew that they and the Court and the larger society would all benefit.

His relationships to members of the United States Senate and the House of Representatives were grounded in mutual confidence and affection, as indeed this assembly bears witness, and as did the remarks about Judge Sweeney published at the time of his death in the Congressional Record by his Congressman, the Honorable Philip J. Philbin. With state judges he was on intimate terms. Judges in other Districts and Circuits of the Federal System turned often for assistance and for advice to Judge Sweeney. Both in Massachusetts and in New Hampshire where he had a country place at Wolfboro, his friends were legion. Again the visible evidence is before us, as well as in letters such as Judge Gignoux has sent to make his esteem.

What Judge Sweeney was to his professional associates and neighbors he was in even greater measure to his family. For his beloved and charming wife he had a constant solicitude which made his marriage so successful. His son and daughters were rightful objects of his pride. Though he took care to avoid boring anyone with accounts of their prowess, their happy days were occasions for Judge Sweeney to invite his brethren to be with them.

Many judges are thought to be of special stature because they have earned plaudits from professors, or appellate judges, or the press. For such acclaim Judge Sweeney had no yearning. Perhaps he had indifference even to the verge of disdain.

He was glad to be a friend of his Department of Justice colleague, Dean Erwin N. Griswold of the Harvard Law School, and to have received an honorary degree of Doctor of Jurisprudence in 1964 from Suffolk University, but he knew that academic appreciation coming from men who must largely rely on hearsay, is no reliable index to the quality of a trial judge.

As to appellate courts, he had the attitude of a self-respecting judge of first instance who knows that a court which happens to be superior in the hierarchy is not inevitably superior in judgment or in understanding. Often appellate judges, as he noticed, are more eager to shine as teachers than as appraisers of fairness. If they are bent on discovering flaws, they in the quiet of their libraries can easily fault the performance of lower court judges ruling under fire. He had seen not a few superior court judges more solicitous of commendation from law reviews than from men who have better grounding in the realities of litigation. Writers of their own press releases, appellate judges find it easy to score better than men who necessarily speak extemporaneously and subject to the distortion which almost always accompanies a translation from oral speech to written record. Charles James Fox said a speech that reads well almost never sounded well. And the same might be said of a charge to a jury or many rulings or remarks made during a trial.

With the press Judge Sweeney was cordial, without imitating one of his predecessors who seasonally distributed cigars and other gifts designed to curry favor. The judge was glad, of course, when an editorial commended him as a "no nonsense judge." But he would not have been intimidated or deflected by editorials written in adverse criticism unless, which is too rarely the case, the comment reflected a full appreciation of the facts and circumstances surrounding judicial action. While no judge is entitled to scorn public opinion, the opinion to which he is most likely to defer is that of men who spend the effort, have the learning, and apply the canons of judgment appropriate to make a knowledgeable appraisal of professional work.

We who were Judge Sweeney's colleagues and are subject to the same standards as governed him know how well he did his job to the very moment of his death on November 5, 1966. We found in him the apotheosis of the common man trained by experience for uncommon tasks. No doubt he had superiors in formal education, but none in practical wisdom or high sense of honor.

Now as the judges, the Senators, the Congressmen, the lawyers, the family and friends of Chief Judge Sweeney, and others in this honorable company leave, let us in grateful remembrance stand for one minute in tribute to him as we always stood when he entered or left this courtroom.

THE KEY TO UNITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS], is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, it is not arrogance to remind ourselves that this is a great and mighty Nation. Through the work of our hands and minds, and under the dispensation of a gracious providence, we have piled up power and wealth beyond compare. All the resources of emperors and kings through the ages fade into insignificance when measured against what we have achieved in science and technology, in social advancement, in education, in benevolence.

And yet, with all that we have, and all that we are, we have not been able to set up a reign of peace and happiness in our own land. We are living in dangerous and explosive times. All the progress of the last few decades could be swept away, submerged under waves of discontent, distrust, and disillusionment.

Lust for power and craving for wealth seem to have warped the consciences of great and small alike. Virtue and honor and integrity are almost lost words. The system of morality so painfully constructed by experience and suffering through the long centuries is being thrown into the rubbish heap.

Strange doctrines are abroad throughout the land. Propagated and proclaimed by some 2,000 extreme leftwing organizations and an equal number of extreme rightwing organizations, these doctrines pour out a flood of venom against the Government, and infect our people with the poison of dissension and strife.

Recent events have shown that we cannot keep on the road we are now traveling, for on that way lies disintegration of our democracy in an explosion which will scatter all our greatness into the dust of the air. What is the answer? I do not know, but I always turn to the words of the Master: "Let us have faith." Faith in ourselves, in our fellowmen, in the original tenets of our democracy; but above all, faith in Almighty God, as the architect of the universe, the ruler of the destinies of men, the strength and the protection of our noblest national aims and purposes.

As he was returning to his own country after a long sojourn in the United States, former President Romulo of the Philippines observed that the strength of this mighty Nation lay in the deep religious faith of its people, and he believed we would maintain that strength as long as we held fast to our faith. Today his statement appears as both a warning and a prophecy.

The remarkable insight of our Founding Fathers shows itself in the structure of a government capable of indefinite expansion and development, and also in the key words which they set up here for our guidance and admonition. In the Chamber of the House of Representatives, on the Speaker's dais where all may see, they engraved five words. They still stand there: "Union; justice; tolerance; liberty; peace."

First comes union, for without that accord in purpose and action which we call unity, we are impotent, we can attain none of the other desired goals, we must soon collapse as a nation.

Second is justice, justice for every individual regardless of his station in life or the condition of his birth or his genetic origin.

Then comes tolerance, which asks us to give equal faith and credit to every man's views, though we do not accept them as our own.

Liberty is a wide-spreading concept, incapable of exact definition, perhaps. Fundamentally it permits every man to make his own decisions, so long as these do not interfere with the equal rights of his fellows.

And to cap this illustrious pentad of ideals, there is peace. It is the reward of the attainment of the previous four. Without these foundation stones, there can be no peace.

May we reverse the course which leads to destruction, and return to the sound and useful principles of our forefathers.

And may the Lord which dwelleth in Heaven watch over this great and mighty Nation and keep it strong, and may His angels watch over each individual citizen and guard and guide him through the perilous days that lie ahead.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 30 minutes, tomorrow; and to revise and extend his remarks and include extraneous matter.

Mr. WAGGONNER, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. GONZALEZ, today, for 10 minutes; to revise and extend his remarks and to include extraneous material.

Mr. PHILBIN, for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WIGGINS) to revise and extend his remarks and to include extraneous matter to:)

Mr. HALPERN, for 5 minutes, today.

Mr. HOSMER, for 15 minutes, on Thursday, April 11.

Mr. MICHEL, for 20 minutes, on Thursday, April 11.

Mr. STAGGERS (at the request of Mr. CLARK) to revise and extend his remarks and to include extraneous matter, for 5 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. DADDARIO.

Mr. RUMSFELD to extend his remarks in the body of the RECORD during debate on the civil rights bill.

Mr. DICKINSON to revise and extend his remarks immediately following the remarks of Mr. CRAMER.

Mr. MICHEL and to include an editorial.

Mr. CLEVELAND to extend his remarks during debate today on the civil rights bill.

Mr. CRAMER to have his 1 minute speech included during debate on civil rights legislation today.

Mr. MCCORMACK (at the request of Mr. PEPPER) to revise and extend his remarks made today and include a document entitled "Military History of the American Negro."

(The following Members (at the request of Mr. WIGGINS) and to include extraneous matter:)

Mr. BELL.

Mr. ANDERSON of Illinois in two instances.

Mr. HARRISON in two instances.

Mr. BROYHILL of Virginia in two instances.

Mr. REIFEL.

Mr. SCHERLE in three instances.

Mr. MILLER of Ohio.

Mr. HOSMER in two instances.

Mr. CURTIS in two instances.

Mr. ASHBROOK.

Mr. GURNEY.

Mr. GUDE.

Mr. GROVER.

Mr. BURKE of Florida.

Mr. ERLENBORN.

Mr. DERWINSKI in three instances.

Mr. BOB WILSON.

(The following Members (at the request of Mr. CLARK) and to include extraneous material:)

Mr. DINGELL in two instances.

Mr. LONG of Maryland in two instances.

Mr. BRASCO.

Mr. TUNNEY in three instances.

Mr. MACDONALD of Massachusetts.

Mr. GALLAGHER in two instances.

Mr. RESNICK in two instances.

Mr. ROSENTHAL in three instances.

Mr. GIAIMO.

Mr. PODELL.

Mr. THOMPSON of New Jersey.

Mr. EILBERG.

Mr. RYAN in three instances.

Mr. JOELSON.

Mr. CAREY in two instances.

Mr. WHITENER in two instances.
Mr. GONZALEZ in three instances.
Mr. HOWARD.
Mr. HELSTOSKI.
Mr. RARICK in three instances.
Mr. HAMILTON in two instances.
Mr. HATHAWAY in two instances.
Mr. CHARLES H. WILSON.
Mr. DE LA GARZA.
Mr. CORMAN.
Mr. JONES of Alabama.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2516. An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

ADJOURNMENT

Mr. CLARK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, April 11, 1968, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1290. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 15890. A bill to amend title 5, United States Code, to provide for additional positions in certain executive agencies, and for other purposes; with amendment (Rept. No. 1291). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr EVERETT:

H.R. 16580. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 16581. A bill to prohibit the Administrator of Veterans' Affairs from requiring an annual income statement from certain pensioners who are 72 years of age or older; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of California:

H.R. 16582. A bill to designate the Desolation Wilderness, Eldorado National Forest, in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD:

H.R. 16583. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 16584. A bill to establish producer-owned and controlled emergency reserves of wheat, feed grains, soybeans, rice, cotton, and flaxseed; to the Committee on Agriculture.

By Mr. RIVERS:

H.R. 16585. A bill to authorize payment of expenses relating to the transportation of motor vehicles of certain members of the Armed Forces; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 16586. A bill to amend the Communications Act of 1934 to prohibit discrimination in employment practices by broadcast station licensees; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 16587. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

By Mr. WHALLEY:

H.R. 16588. A bill to provide that the receipts from all Federal gasoline and automotive excise taxes shall be placed in the highway trust fund to be used for road improvement purposes only, to eliminate the State matching requirements in the Federal-aid highway program, and to provide Federal assistance for State and local highway purposes; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 16589. A bill to amend the Civil Service Retirement Act to provide increased annuities; to the Committee on Post Office and Civil Service.

H.R. 16590. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

H.R. 16591. A bill to amend the Internal Revenue Code of 1954 to provide that the full amount of any annuity received under the Civil Service Retirement Act shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 16592. A bill to provide for orderly trade in canned mushrooms; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mr. CAREY, Mr. TIERNAN, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mr. DANIELS, Mr. DOW, Mr. FRIEDEL, Mr. GALLAGHER, Mr. HALPERN, Mrs. HECKLER of Massachusetts, Mrs. KELLY, Mr. KLUCZYNSKI, Mr. MCCARTHY, Mr. O'NEILL of Massachusetts, Mr. PATTEN, Mr. PUCINSKI, Mr. WOLFF, and Mr. WYDLER):

H.R. 16593. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. ZWACH (for himself, Mr. NELSEN, and Mr. LANGEN):

H.R. 16594. A bill to amend chapter 34 of title 38 of the United States Code to provide certain educational assistance for veterans taking 6 or 9 hours of institutional courses while engaged in agricultural employment; to the Committee on Veterans' Affairs.

By Mr. GURNEY:

H.J. Res. 1225. Joint resolution designating Tax Freedom Day as a national holiday; to the Committee on the Judiciary.

By Mr. JOELSON:

H.J. Res. 1226. Joint resolution to direct the Secretary of the Navy to provide a Marine Corps honor guard at the Marine Corps War Memorial; to the Committee on Armed Services.

By Mr. DE LA GARZA:

H.J. Res. 1227. Joint resolution to authorize the temporary funding of the emergency credit revolving fund; to the Committee on Agriculture.

By Mr. HATHAWAY (for himself, Mr. ANDERSON of Tennessee, Mr. DAVIS of Georgia, Mr. DOW, Mr. GATHINGS, and Mr. SISK):

H.J. Res. 1228. Joint resolution to authorize the temporary funding of the emergency credit revolving fund; to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XXII,

331. The Speaker presented a memorial of the Legislature of the State of New York, relative to declaring the Garibaldi-Meucci Memorial Museum as a national historical landmark, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 16595. A bill for the relief of Francesca and Antonio Ardizzone; to the Committee on the Judiciary.

H.R. 16596. A bill for the relief of Lorenzo Ardizzone; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 16597. A bill for the relief of Gaetano Lazzaro-Marocco; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 16598. A bill for the relief of Flavia Merlino; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 16599. A bill for the relief of Wei Lian Lee; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 16600. A bill for the relief of Mrs. Paolo Fontana, and her son, Girolamo Fontana; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 16601. A bill for the relief of Gabriella Giacomello and Tiziana Giacomello; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 16602. A bill to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 16603. A bill for the relief of Eizo Ninomiya; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 16604. A bill for the relief of Yoshio Arakawa; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 16605. A bill for the relief of Wong Kam Foon, his wife, Mah Yuet Mei, and children, Wong Lai Sun, Wong Wai Hang, and Wong Wai Leung; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 16606. A bill for the relief of Domenico Di Bellis; to the Committee on the Judiciary.

H.R. 16607. A bill for the relief of Emilia Oliveri; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 16608. A bill for the relief of Maria Scire; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 16609. A bill for the relief of Sea Oil & General Corp., of New York, N.Y.; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 16610. A bill for the relief of Dr. Auelino T. Sales and his wife, Loreto O. Sales; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 16611. A bill for the relief of Pancho O'Mara (also known as Francisco Rube-Cincotta); to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 16612. A bill for the relief of Eugene A. Helterbrand; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Emergency Aircraft Radio Location Instrumentation: "Seek You, Seek You"

HON. GORDON ALLOTT

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. ALLOTT. Mr. President, a recent speech by my colleague from Colorado [Mr. DOMINICK] has come to my attention. I believe his remarks merit the consideration of the Senate. I ask unanimous consent that Senator DOMINICK's speech be printed in the RECORD at the conclusion of my remarks.

The address was delivered on Wednesday, April 3, before the National Conference on Aircraft Locator Beacon Implementation, sponsored by the Radio Technical Commission for Aeronautics. The conference was attended by representatives of the member industries and Government agencies for the purpose of studying the feasibility and desirability of crash locator equipment to assist in search operations for downed aircraft.

This has been assumed by many to be a problem chiefly limited to areas such as our own Rocky Mountain regions in Colorado. The data presented by Senator DOMINICK, however, repudiates this theory and gives a clear picture of the national scope of the problem.

The response of the delegates to the conference to Senator DOMINICK's presentation was enthusiastic in support of his recommendations to require emergency locator equipment for general aviation aircraft. This is particular significant upon examination of the members of the Radio Technical Commission for Aeronautics—a list which includes the majority of our major commercial airline companies, our major aircraft producers; industries such as IBM, A.T. & T., Bell Telephone Laboratories, Ford Motor Co., General Motors, Bunker-Ramo Corp., General Dynamics; aviation groups such as the National Pilots Association, and the Aircraft Owners and Pilots Association; as well as the Departments of the Air Force, Army, Navy, Marine Corps, Commerce, State, Treasury, and the Federal Communications Commission.

I commend Senator DOMINICK's remarks to the attention of the Senate and hope every Member will take into consideration the continuing cost in terms of human suffering and in terms of expensive searching missions, as long as the FAA delays in issuing the rule to require installation of aircraft locator equipment.

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

SEEK YOU, SEEK YOU

(An address by PETER H. DOMINICK, U.S. Senator, before the Radio Technical Commission for Aeronautics, National Conference on Aircraft Locator Beacon Implementation, Washington, D.C., April 3, 1968)

"MAY 1967.

"DEAR EDITOR: You can remove my husband's name from your sample copy mailing list. He was killed in 1965. The crash occurred only about 33 miles from our home airport on a heavily timbered mesa. Searchers estimated they flew over the spot at least 20 times but could not see a sign of the plane because of the way it had dived into the timber."

This was a letter to the Editor of "Aero West" Magazine from one of my constituents in Gunnison, Colorado.

"C.Q." ("Seek-You") has been the familiar call of "Ham" radio operators the world over seeking contact with whomever might be listening. In the phonetic sense, it very well fits the theme of this conference. For we are seeking to make it easier to find an aircraft and its occupants who may have encountered an emergency situation and have been forced to attempt an emergency landing away from any airport, and very likely in "an unfriendly environment." If the emergency occurs in rough terrain, the likelihood of injury to the occupants is high, and the dangers are compounded if adverse weather conditions prevail in the area where the emergency occurred. Adverse weather not only endangers the survival of injured and uninjured passengers alike, but can and often does increase the hazards to the dedicated people who risk their own lives while trying to help those in distress.

Our success in finding downed aircraft has been fairly good, but in a number of instances we have failed tragically in locating the aircraft until weeks or months after the accident—too late to help those who survived the accident but later perished from long exposure in the hostile environment. Most recently, the nation was shocked to read in the newspapers of the diary kept by 16-year-old Carla Oien, documenting the two-month-long struggle of the three members of this family to survive after their light plane went down in the mountains of California on March 11th last year. A deer hunter finally happened upon the scene of the tragedy on October 2nd—six months too late!

In my own state of Colorado, evidence found at the scene indicated that Dr. W. Randolph Lovelace and his wife survived the crash of their rented plane in December, 1965, but died of exposure before they were found, even though countless hours were spent in searching for them. And, as I recall, it was during that search that we lost one of our Civil Air Patrol planes piloted by an Air Force Sergeant from Lowry Air Force Base.

But, such tragedies are not limited to our Western states. In fact, you documented in your "System for Downed Aircraft Location" study, published in January, 1965, the four-day struggle for survival of Drs. Miller and Quinn, whose plane went down in the small state of Vermont on February 21, 1959, but was not found until May 5 of that year. Dr. Miller kept a diary, too. It closed with: "Goodby all. This is saving a lot of experiments, I hope."

I could cite other examples, but this map tells the story more graphically.

Despite the tens of thousands of search hours spent by the Civil Air Patrol, the Air Force, the Coast Guard and the FAA, planes and their occupants are still missing in various parts of the country, not only in the Western Region. It strikes me that the FAA notice gives the false impression that the problem is centered in the Western Region. This stems from the fact that in illustrating the extent of the problem, the FAA on page 3 of the Notice of Proposed Rule Making stated that, "in the Western Region 31 aircraft have been listed as missing and have not been located during the 10-year period between 1957 and 1967." I did not have access to the statistics on missing and unlocated aircraft for this ten-year period, and therefore have used the period since the Aerospace Rescue and Recovery Service was inaugurated in October of 1961, extending through December 31, 1967. I might add, also, had I continued the period through the month of January, 1968, I would have added two more missing planes in my own state of Colorado. One of these has been missing since the first day of January, piloted by a Longmont, Colorado, doctor; and the second plane has been missing since January 12 with four members of a Chicago family aboard.

The crosses on the map represent the general areas where searches have been conducted by the Aerospace Rescue and Recovery Service, Civil Air Patrol and Coast Guard, for these aircraft which have not been located during the past six years.

I would like to point out that the Eastern Region—not the Western Region—has the greater number of missing aircraft. Florida leads with 7 and possibly 8, since in one case it is not certain whether the plane is lost in Florida or Alabama. South Carolina has 5, followed by North Carolina which has 4 and possibly 5 because it is not certain in which of 4 states one plane went down. Alabama, Tennessee, Kentucky and New York each have been involved in two multi-state searches.

I think it is noteworthy that there are five aircraft that have never been found in the New York-New England area during the past five years. One is missing in the relatively flat, and certainly well populated state of Ohio!

In the Central Area, which includes Colorado and virtually all of the Continental Divide, there are only ten of these completely lost aircraft. But, note that four of them are in the State of Michigan, one in Illinois and one in Missouri. There is only one in the Rocky Mountain area, and there is some question whether it actually is in Colorado or Utah. If it is in Utah, that would put it in the Western Region. Wyoming, which is both mountainous and sparsely populated, has not had a downed aircraft which was not ultimately located.

Washington and Oregon, together, lead the Western Region in the number of aircraft which have not been found during the last five years. There are eight and perhaps nine aircraft which have disappeared in these two states without a trace since October, 1961. Again, note that Idaho and New Mexico, both of which are mountainous and have large sparsely populated areas, have not had a plane down which they have not been able to find.

Alaska, which is carried separately in the statistics, has had eight aircraft which have completely disappeared since October, 1961.

There certainly has been no lack of effort to locate missing aircraft. Aerospace Rescue and Recovery Service records show that from 1961 through December 31, 1967, a total of 215,404 hours of search have been conducted. Of this total number of hours of search, 135,835 hours—nearly two-thirds—were flown by the Civil Air Patrol. 79,569 hours of search were flown by the Coast Guard and others during this period. The cost has been high, not only in terms of operational costs, but also in terms of lives lost while searching for missing aircraft. In the last three years, ARRS records show that two C.A.P. aircraft and four lives have been lost during search missions. In Colorado last year, we conducted 13 search missions for missing aircraft at an average cost of $2,916 each.

There are other costs that are extremely difficult to measure. In addition to the prolonged grief caused the families of the occupants of these completely missing aircraft, there are also severe financial hardships imposed, because in most states, under the common law rule, estates cannot be settled

until seven years have elapsed and a presumption of death is established. This can cause all kinds of problems with insurance, real estate and family finances.

Our primary concern, however, is not the finding of wreckage, but the saving of human lives. Our system of discovering the emergency and locating people quickly must be up-graded to take advantage of our advances in technology. Our present system is plagued with delay, uncertainty, danger, tedious and often futile effort. In most instances, we don't learn that an emergency has occurred until the aircraft is reported as overdue at its destination. Quite a few hours may elapse before a report is made to the Aerospace Rescue and Recovery Center. Even then, there is further delay while a check is made of other airports to determine whether the plane may have landed at other than its announced destination. Only after this check is made is the Civil Air Patrol alerted. More delay occurs as the C.A.P. organizes its search teams. Then, following a grid pattern, visual search is begun along the probable route. This boils down to a practice of flying low and looking, and looking, and looking, and looking some more.

As time passes, the chances of successful rescue of survivors of the downed aircraft grow less and less. I call your attention to the study made by the FAA which is mentioned on page 9 of the Notice of Proposed Rule Making. The FAA found after studying survival cases that 50 percent of all persons who are rescued from downed aircraft are recovered within the first 12 hours, and seventy-five percent of the persons saved are recovered within the first 24 hours. Thereafter, the probability of rescue diminishes sharply.

The blue dots on the map show the approximate area where aircraft were located after they had been missing for three days or longer. I should explain that the Central Region shows these locations for the past three years; and 12 of the blue dots in the Central Region are for aircraft located in 1965. Since the Eastern Region and the Western Region do not keep these records for longer than two years, comparable information is not shown for 1965 in these two regions.

In the Northeastern part of the United States there were five aircraft during the past two years which were missing for more than three days but were subsequently located. One of these, found on Haystack Mountain near North Bennington, Vermont, on July 4, 1967, had been missing since September 13, 1965. Another one, located October 12, 1967, 100 feet from the top of Mt. Williams near Williamstown, Massachusetts, had been missing since June 25, 1967, when a honeymooning couple from Baltimore, Maryland, were last heard from enroute to Montreal. The Central Region had 17 such aircraft found in the two-year period, 1966–67. The Western Region had nine, including one in the Baja, Lower California area.

Of more importance, the red circles on the map represent the area where an aircraft was missing for more than 24 hours, but was found before the end of the third day. Again, they seem to be fairly evenly distributed across the country. The Eastern Region had 13. Six of these were in the New York, Pennsylvania, New Jersey area; two in North Carolina; two in Alabama; and three in the Southern Georgia-Northern Florida area. The Central Region also had 13. Texas and Colorado accounted for 7 of the 13 that were found in this region.

The Western Region had 14, with California and Washington state accounting for 11 of the 14.

In summary, this map shows that in the last six years there are 60 aircraft in the continental United States and Alaska which are missing and have never been found. In the continental United States in the last two years, 36 aircraft were missing for more than three days, and 40 aircraft were missing for a period of from one to three days. The map also shows clearly that aircraft "emergencies" are not limited to mountainous areas, large bodies of water or sparsely settled areas. It indicates that the proposed FAA Rule should be broadened. In support of that position, I would like to read you part of a letter I received last fall from a doctor in Ogdensburg, New York. It reads as follows:

"I, too, have spent long hours on a search mission in the Civil Air Patrol. I shouldn't have been there really, as the weather was marginal and I am strictly VFR. However, the thought that people might be alive and lying out in the snow with broken legs kept me going.

"We never found the wreck. A farmer on a tractor did after we had searched for almost three days.

"A crash locator beacon would have shown us the way in 30 minutes."

I completely agree. And I think that the experiences of the Army, Navy and Air Force in locating and rescuing downed pilots in Vietnam clearly demonstrate the value of the locator equipment. Then why have we not been able to obtain more widespread voluntary use of this equipment? There are a number of reasons which we should recognize and deal with.

First, I think we have created a bad image of the instrument by calling it a "crash" locator beacon. No aircraft manufacturer likes to admit that his planes may crash. No pilot plans to crash. On the other hand, every student pilot is thoroughly schooled in the fact that he will probably encounter emergency situations. By the time he gets his private pilot's license, the student-pilot has demonstrated many times his knowledge of emergency procedures. The automobile industry did not call their flasher lights, "trouble lights" or "accident flashers"—they call them emergency flasher signals. We should refer to these aircraft locator beacons as emergency beacons. Furthermore, since we seek to find downed aircraft more quickly, we might give the entire system a catchy name whose initials suggest its function. We might call it "Emergency Aircraft Radio Location Instrumentation." Phonetically, the first initials spell EARLI.

Cost is the second problem. But this can be solved if we can get utilization of the beacon in large enough numbers.

Also related to more wider acceptance and use is the problem which confronts our Ham radio operator who seeks to make contact with other Hams. To make contact, someone must be listening. I am pleased to note that the FAA states it is planning to equip more of its own aircraft with equipment capable of homing in on small transmitters emitting signals on the emergency frequencies. At present, the Air Force regularly monitors the UHF emergency frequency—243.0 Mhz. The likelihood that a military aircraft will be within range at any given time is relatively small; however, there is one other suggestion that I think deserves very serious consideration. Why not enlist the help of our commercial air carriers? It could be done at minimal cost, and without undue burden on the crew. What I am suggesting is the installation of a simple receiver on our commercial passenger and cargo aircraft to monitor the VHF and UHF distress frequencies. Operational when the main power switch of the aircraft is activated, the receiver would be inoperative when the main switch was turned off. A blinker light would indicate to the crew that a distress signal was being received, and the only action required of the crew member would be to snap an audio switch to verify that a wavering distress signal was in fact being received. The pilot then would immediately fix his position, call the nearest Flight Service Station and report that he had received a distress signal. In a matter of seconds, hours or even days would be saved—for in those few seconds it has been established that an emergency exists, the approximate location is known, and a beacon is known to be operating on which rescue aircraft can home.

Within minutes, a ground or air rescue team, hopefully with an accompanying medic, is homing on the beacon. Extension of this system to substantial segments of general aviation would enlarge enormously rapid location and rescue of downed aircraft. Think of the countless hours of searching this system could save. Think of the lives that can be saved and the suffering that can be alleviated by getting medical attention to the injured quickly.

I commend the FAA for its investigation into the locator beacon in 1963 and commend them for their issuance of the Notice of Proposed Rule Making. But I confess that I do not believe their present proposal is either realistic or enforceable. General aviation is growing rapidly. The smallest aircraft are used extensively for pleasure and business in cross-country flights. At what point must portable equipment, as suggested by the proposed FAA Rule, be picked up? Who will enforce the Rule? If I fly from here to Denver, must I have the equipment? Probably not if I take regular airways via Kansas City. But suppose there are storms, and I have to detour North and find myself over Lake Michigan and into Minnesota and the Bad Lands. Do I have to stop and install the equipment? Will this involve detailed mandatory flight plans for all weather? If a pilot flies from Chicago to New Orleans and crosses the Mississippi Delta, does he have to install a beacon before he goes, or on his way down; and who will inspect his plane on arrival?

Frankly, it is my feeling that sound common sense says that all pilots, like politicians, are optimists. Very few will install a locator beacon in their planes, although they may well agree that their neighboring pilot should have one. Hence, an enormous administrative problem will arise under the Rule, or it will simply be ignored.

Ladies and Gentlemen, we must have a mandatory required system—a system that will require emergency locators in all new general aviation aircraft, except perhaps jets, which operate almost constantly under radio surveillance. A system which will, within a stated time, require installation in all "used" aircraft in operation; a system which will not only transmit but receive; a system which above all will save lives, reduce suffering, and avoid dangerous and costly low-level search sweeps.

I am confident that there is represented in this room the wealth of technical expertise to create the finest system for downed aircraft location that could be devised. I urge that you lend your support and collective knowledge to that dramatic goal.

Rennie Davis: Yippie (Youth International Party)

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. RARICK. Mr. Speaker, the confessed Communists are even trying to incorporate the hippies into their conspiracy of hate and extremism against free people.

So that our colleagues will be alerted to the Yippie during the planned riots at the Chicago Democratic Convention, I insert the report of the Osth Informa-

tion Service, Berryville, Va., following my comments:

RENNIE DAVIS AND CARLOS RUSSELL: MOVEMENT LEADERS

A Chicago Tribune reporter penetrated a closed meeting held at the east and west camps of the Ravenswood Y.M.C.A. off Illinois highway 132 near Deep Lake Road the weekend of March 23rd. The secret conclave was sponsored by the National Mobilization Committee, an outgrowth of the original Spring and Student Mobilization Committees to End the War in Vietnam. The National Mobilization Committee is a coalition—a united front—comprising all new left organizations which in turn are carefully manipulated by the old left Communist Party U.S.A. The House Committee on Un-American Activities released a report to that effect about a year ago.

There were two separate, strictly segregated meetings at the camp. Black militants were headed by *Carlos Russell* while white anti-war leaders were led by *Rennie Davis*. On March 24th the New York Times said that "Delegates represented groups ranging from Women Strike for Peace to the Communist Party." While the main discussion centered on disruptions for the Chicago Democratic Convention next August, delegate Dave Dellinger said leaders of the coalition also would confer with Martin Luther King to offer support for his "poor people's campaign" in Washington later this month.

On March 26th the New York Times said there would be a follow-up meeting held in June at an undisclosed site in the Midwest to make further plans for the Chicago protest. Rennie Davis, head of the white section, said the coalition would "work cooperatively" with the Youth International Party, the Yippies, who plan to attend the Chicago demonstrations.

Do not confuse the Yippies with the Hippies. Although Hippies lead communal lives, they have been deplored by leftwing activitists for their political inactivity. In order to draw them into active militant roles the Yippies, headed by one of its Founders, Jerry Rubin, intend to provide an organizing framework for Hippies in order to involve them in more demonstrations. Jerry Rubin is a far cry from an inactive Hippie type. The 13th Report of the California Un-American Activities Committee told about his illegal trip to Red Cuba, and after his return in 1964, how he extolled the virtues of the Communist Cuban regime.

Martin Jezer, both a Yippie and an SDS member, took pains to explain the purpose of Yippies in a letter to the editor of New Left Notes, official SDS organ, March 25, 1968 issue. At the same time, Julian Lester, writing in the March 30, 1968 independent Communist weekly, Guardian, called Jerry Rubin "one of the most articulat revolutionaries in the country." Lester wrote that the Yippies represent "psychological guerrilla warfare," and their "festival" in Chicago next August will present "an alternative" to Hippies who will be present.

Since Carlos Russell headed the Black Militant Contingent at the secret planning meeting the weekend of March 23rd, it is well to know something about him. The National Guardian, forerunner to the present Guardian, reported on September 16, 1967 that Panama-born Carlos Russell, who had just resigned as director of a Brooklyn, N.Y., federally funded, anti-poverty organization, came to the National Conference for New Politics Convention in Chicago last Labor Day in order to write a report for the national office of the Episcopal Church "which is reassessing relations between church and race." He ended up as chairman of the black caucus which in a dramatic midnight vote September 3rd, gained voting control of the entire convention.

The Communist *Worker* for January 28, 1968 reported that Carlos Russell was among those who attended a tribute for Communist Party lawyer John Abt. *The Worker* again discussed Russell in the February 25, 1968 issue, reporting on his attendance at the "Brooklyn Conference on Black People and Politics." That conference, sponsored by the Black Caucus of the National Conference on New Politics, included such speakers as Communist Party official James Jackson. The Conference made plans to draw all "Negro Americans," regardless of differences in their outlooks, into a unity to oppose established government.

II

Now let's look at Rennie Davis, who today works with Staughton Lynd at SDS's Center for Radical Research where Davis is Director. Since he led he whole white contingent at the secret Illinois camp meeting he must have a background to qualify him for the task.

In May 1965 I delivered a 3-part radio commentary on the origin of the Students for a Democratic Society. Because Rennie Davis at that time headed up the Economic Research and Action Project of SDS, I found it useful to quote from an article he wrote about organizing poor people which had appeared in an SDS Bulletin. I also thought my radio listeners would like to know just who Rennie Davis was, so I told them that his father, an economist, John C. Davis, attended the well-known fabian socialist London School of Economics where he took special studies in 1938. Father John is listed in Who's Who and his background as a professor and also as a top labor economist, Council of Economic Advisers Executive Office of the President from 1947 through 1953, is published. Since 1948 father John has owned a farm in the same Virginia County where I live, and among his five children is next to eldest, Rennard, nicknamed Rennie.

Sometime after my broadcast the station manager wrote me saying Mr. Davis had telephoned stating several local people had told him that I had mentioned his name and that of his son on one of my broadcasts. Mr. Davis, according to the manager, also stated he wanted a copy of my talk in order to turn it over to his lawyer to institute a suit against the station. After giving his address, he slammed the telephone down.

In due time I provided the gentleman with the copy. That was the last either the radio station or I ever heard about the matter. Of course there were no grounds for a suit. I had recited published facts. But the incident aroused my curiosity, and after an inquiry, I received a letter from one of Rennie's high school teachers. He wrote that Rennie was one of his best students with high intellectual ability. In classroom discussion the boy was always way out on the left side of the plank. On the subject of economics, Rennie felt that the country was due for a major recession and a catastrophic financial crash toward the end of that year, probably 1957. Rennie constantly quoted his father whom he called "a top economist in the government service," which information appalled the teacher. The boy graduated "unreconstructed" as far as the teacher was concerned. He had been a class officer and a straight "A" student.

The teacher also wrote that while he had no idea at that time what his father's political connections were, he still was astonished at the defeatism which he evidently conveyed to Rennie and which Rennie so enthusiastically bought. They were both for more social control and more control of the economic system. Rennie was constantly saying that what we needed was more controls, more government controls, more government planning of economic price fixing, more government ownership, etc.

In September 1957, as a high school senior, Rennie was appointed program chairman of the state convention of the Student Cooperative Association held in Richmond, Va. In October of 1961, as an Oberlin College senior, he was admitted to Forensic Union and was to participate in intercollegiate debates, discussions and radio broadcasts. He was, at the same time, also president of the Progressive Student League and forum director of the student newspaper, "Review," as well as vice president of the class of 1962. In April of 1962, Rennie served as conference chairman for the first national conference on campus political parties held at Oberlin College. He is reported in the local newspaper as having been president of the Progressive Student League, which served as cosponsor of the conference.

Rennie later became a graduate student at the University of Chicago. SDS's ERAP which he headed, evolved into JOIN, standing for Jobs or Income Now, and it was conveniently based in Chicago. Since 1965 his name has apeared from time to time in the Communist Worker as well as in numerous "movement" publications. He has written many articles and his interviews given several left-activists, have been published.

For example, *The Worker* of May 30, 1965 reported an interview with him concerning his expectation of recruiting several hundred full-time students for ERAP projects that summer. *The Worker* described Rennie Davis this way: "Quiet-spoken and unpretentious, Davis is described by one co-worker as 'having remarkable faith in people. He takes his car to a garage where convicts work. They rob something every time, but he still goes back. He's a great human being.' "

On July 11, 1965 *Worker* columnist Ben Levine discussed Rennie's appearance on the Susskind "Open End" show. Commenting on that appearance Frances Bartlett wrote in her Facts in Education that Rennie Davis said he doubted SDS could work within our present system of government, that the American people have a "neurosis toward Communism" and our foreign policy is anti-Communist, all of which must be changed. Alice Widener discussed the same show in her column of July 6, 1965. She said the so-called new left young men on the Susskind program mouthed all the old Communist and anarchist cliches and merely attached them to new names such as Santo Domingo, the Congo and Vietnam.

The National Guardian for May 29, 1965 published an article about vigorous demonstrations in Chicago against hearings by the House Committee on Un-American Activities held then. Rennie Davis, one of the demonstrators, spoke before the "anti-HUAC rally" saying, "We should stop HUAC with massive civil disobedience."

SDS published and sold for 10¢ a pamphlet written by Rennie Davis called "Mississippi Freedom Democratic Party." His interests have indeed covered the "movement" waterfront.

In mid-February 1967 Arthur Waskow of Institute for Policy Studies, Anne Braden of the Communist-cited Southern Conference Education Fund, Mike Sharon of Rennie's JOIN, and others in the new and old leftist coalition, met in Washington for a "Conference on Radical Vocations in the White Community." Rennie Davis is quoted at length by Mike Sharon in his paper reprinted from "The Movement," delivered at the Conference. Here is an example:

"What we're all about is not an interracial movement of the poor but a parallel movement of the poor; organizationally the movement will be interracial but as a community it will not be interracial. JOIN will have a definite power contribution to make

to the Negro Movement around any given issue."

On January 13, 1968 SDS's Radical Education Project sponsored a Chicago Conference to decide on various perspectives for organizing as radicals in professions. Among the three speakers was Rennie Davis. He spoke of his trip with other movement people to North Vietnam last fall, suggested that professionals pool money to hire a community organizer to organize their clients into unions and discussed the need for counter-curricula in education which might come out of a research center. He made a great point about necessary action by leftists at the forthcoming Chicago Convention, and particularly emphasized that a person be a radical first and a professional second so "professionals can be the allies, not the enemies, of the revolution." All this and much more was published in the February 1968 issue of Radicals in the Professions Newsletter which, in turn, is published by SDS's Radical Education Project.

Norman Fruchter, an editor of the magazine, "Studies on the Left," interviewed Rennie Davis and other JOIN organizers for the Summer, 1965 issue. Rennie told Fruchter he grew up in rural Virginia, but in getting to know the "informal gang structure on the corner" in his Chicago area, he once went out of his way to be "virtually drunk all week," because the fellows on the corner drink all day. He felt they were a potential revolutionary force in Uptown Chicago and are least afraid of the police. Rennie said JOIN wanted to put a stop to "police brutality."

Rennie Davis helped organize a demonstration outside Mandel Hall at the University of Chicago in early 1966 to oppose a speech delivered by Senator Walter Mondale, substituting for Vice President Hubert Humphrey. SDS organ, New Left Notes, reported that Davis spoke, and among other topics, outlined an incipient movement of the poor then developing in Chicago to challenge the "Daley Machine." The movement Rennie spoke of included the Woodlawn Organization, the Southern Christian Leadership Conference and JOIN.

The Communist newspaper, National Guardian, published an article received from its correspondent in Berkeley, California, in the November 12, 1966 issue. The article reported on the Black Power Conference held there, headed by Stokely Carmichael, who spoke to an audience of about 15,000. Among other speakers was Rennie Davis who, the correspondent writes, "has worked among the Appalachian migrants to the big cities," and he described "the potential for organizing among radical lines among poor whites."

Late last summer when plans were made for the meeting at the Chicago Palmer House of the National Conference for New Politics, many movement activists were asked to prepare working papers. Among those published was one by Rennie Davis and Staughton Lynd, co-writers. Originally, it appeared in New Politics News for August 29th but was reprinted in the National Guardian and New Left Notes. The ideas found in that lengthy piece are too varied and too involved to summarize here.

The Movement, a newspaper published in San Francisco by SNCC and SDS activists, interviewed Rennie Davis at great length in the February 1968 issue. The topic was organizing for disruption at the Chicago Democratic Convention, but many other subjects were included. Among these was one especially pertinent to U.S. leftists right now: the fact that government is finding it necessary to clamp down to some extent on left-activists, and to conduct investigations of radical organizations. Rennie Davis told The Movement that in this "repression" activists must not take the defensive by going underground or seeking to protect themselves by denying what they stand for at their public trials. Instead, said he, "I believe we must turn every trial into a trial of the system, that we should fight off paranoia as much as possible as repression comes and that we should seek the widest support for our actions and for our right to hold and express our convictions . . ."

This past February Rennie Davis went to the University of Kentucky where he spoke under the sponsorship of the Southern Conference Education Fund and the American Friends Service Committee. He attacked the bombing of North Vietnam and commented "on the tremendous enthusiasm and unity of the people in the face of attack which he witnessed on his 19-day visit to North Vietnam last October." That Conference was reported in *The Worker* for February 25, 1968 and was publicized in several other radical movement organs.

While a great many other examples could be cited describing the experience Rennie Davis has had in leftwing organizing, we will tie up the story of his life with just one further reference, that of his visit to Bratislava, Czechoslovakia last September 5th through 12th. He traveled there with forty other American anti-war activists and community organizers, stayed at a "modern workers' resort," and met with twenty-four Vietnamese, twelve from the National Liberation Front of South Vietnam and twelve from the "Democratic Republic of (North) Vietnam." After hearing the Vietnamese Reds tell of their organizing methods and problems, Rennie Davis, "with a smile of immediate recognition, described the same problems and similar methods used in the SDS–JOIN project in Chicago . . ." Tom Gardner wrote that and much more in the November 1967 issue of New South Student, organ of the Southern Students Organizing Committee. His article was called, "Viet Report."

With a background like this, is it any wonder Rennie Davis was chosen to lead the white anti-war pack at the secret camp meeting in Illinois in mid-March? Is it at all mysterious that "The Mobilizer," organ of National Mobilization Committee, lists him in its most recent issue as the person to whom to write for presenting position papers and proposals toward disruption next August in Chicago? Rennie's address as it appears in The Mobilizer is Room 315, 407 South Dearborn, Chicago, Illinois 60605.

While we now have Stokely Carmichael and Carlos Russell heading up the young black militants, it would appear their white counterparts are Staughton Lynd and Rennie Davis, now leading the equally militant white pack. The proper agencies of government should take careful note.

[From the New York Times, Mar. 26, 1968]

PEACEFUL PROTEST IN CHICAGO VOWED—GROUP SAYS IT DOESN'T PLAN TO DISRUPT CONVENTION

(By Donald Janson)

CHICAGO, March 25.—Spokesmen for a loose coalition of New Left and antiwar groups said today demonstrators at the Democratic national convention here in August would be peaceful rather than disruptive.

But they attacked Mayor Richard J. Daley, charging him with planning unconstitutional repression, and promised a legal challenge to insure their right to freedom of speech and assembly.

Spokesmen at a news conference at the Y.M.C.A. Hotel fresh from a planning meeting held over the weekend, were Rennie Davis of Chicago, director of the Center for Radical research; David Dellinger of New York, editor of Liberation magazine, and Donald Duncan of San Francisco, military editor of Ramparts magazine.

"I don't think much would be gained by trying to storm the convention against all the tanks and other military equipment they would bring in," said Mr. Dellinger, a principal organizer of massive demonstrations in New York City last April 15 and at the Pentagon last Oct. 21.

Demonstrators may be aimed at induction centers rather than the convention, he said. He said they would take place simultaneously in other cities as well as Chicago.

Mr. Davis condemned the recent arming of all Chicago policemen with chemical Mace, a disabling spray. He said the "major disrupter" of the convention could be Mayor Daley for such "provocative actions."

He said the Mayor had "indicated every intention of locking up and harassing people bent on exercise of civil liberties."

The Mayor commented at a news conference that the rights of all citizens would be respected but that "no one, no matter who they are or who they represent, will be able to take over the convention hall or streets of Chicago."

The coalition initiated last weekend will be composed of such New Left student groups as students for a Democratic Society such antiwar organizations as Women Strike for Peace, draft resistance groups and slum neighborhood organizations. Representatives will meet in June at an undisclosed site in the Midwest to plan the convention protest.

The aim stated today was "to use the Democratic convention as a national platform to heighten our impact and visibility and draw the movement together."

Demonstrations will seek to stimulate popular antiwar sentiment and build coalition membership.

Mr. Dellinger said the coalition would not try to impose peaceful demonstration tactics on other groups demonstrating at the convention.

Mr. Davis said Dick Gregory, Chicago entertainer and civil rights activist, conferred with Negro participants in the weekend meeting and an effort to coordinate demonstration at the convention.

Mr. Gregory has threatened such massive demonstrations that "the Government will be forced to bring the Army in" to protect the convention.

Mr. Davis said the coalition would also "work cooperatively" with the Youth International Party ("yippies") which plans a massive "love-in" for Chicago parks during the convention.

"Yippie" elder statesmen include Allen Ginsburg, the poet, and Dr. Timothy Leary. "Yippie" observers attended the week-end planning conference of about 200 new left, antiwar, and black power leaders at a camp near Lindenhurst, Ill., 50 miles from here.

A conference resolution supporting the "yippie" convention project calls it "a yippie festival seeking to contrast the celebration of life with the death-producing rituals of the politicians."

Mr. Dellinger said the coalition would support the candidacies of neither Senator Eugene J. McCarthy of Minnesota nor Senator Robert F. Kennedy of New York because their peace and domestic platforms did not go far enough.

The coalition, he said, wants immediate pull-out of American troops in Vietnam and self-determination for the Vietnamese people.

In the United States, he said, it wants a greater self-determination for slum residents rather than job and housing programs that would rely in part on private and business assistance, as proposed by Senator Kennedy.

Mr. Dellinger said leaders of the coalition would confer tomorrow with the Rev. Dr. Martin Luther King, Jr. to offer support for his "poor people's demonstration" in Washington next month.

Minneapolis Tribune Praises the President's Speech to the Nation

HON. WALTER F. MONDALE

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. MONDALE. Mr. President, in his speech to the Nation, President Johnson exhibited what the Minneapolis Tribune rightly described as "statesmanship on a plane commensurate with the traditions and ideals associated with the Nation's highest office."

His offer of peace to the world and unity for our land may be judged as his greatest act—and certainly his greatest sacrifice.

He placed—in the words of the Minneapolis Tribune "the needs of the Nation above partisan advantage to himself," unity above party, peace above politics.

The President joined his plea for united purpose at home with a call for united international action for peace abroad. And to demonstrate the sincerity of his offer and the intensity of his convictions, he made the supreme political sacrifice—he took himself out of partisan politics.

If we in America—and if the nations the world over—can match the President's dedication to freedom and tranquillity we cannot fail to succeed.

His sacrifice was as great as his belief that peace in the world and unity in the United States are more important than the fate of any man.

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:

[From the Minneapolis (Minn.) Tribune, Apr. 1, 1968]

THE PRESIDENT'S SPEECH

President Johnson last night delivered what future historians may record as the greatest speech of his presidency, a speech that may prove to be the principal turning point in his administration. A stunned nation today will be appraising President Johnsons decision not to seek or accept renomination, and assessing the future impact of this decision upon the crucial political steps to be taken by both major parties later this year.

We believe the President's speech was statesmanship on a plane commensurate with the traditions and ideals associated with the nation's highest office. Mr. Johnson clearly placed the needs of the nation above partisan advantage to himself or to the party under whose political banner he has served in Washington for more than three decades.

His decision to cease the bombing of most of North Vietnam for an indeterminate period is a courageous one, both because of the political risks at home and because the shift implies recognition that his previous policy was not succeeding.

The President's decision to send only 13,500 troops to Vietnam to support the 11,000 sent recently reflects growing American opposition toward a further buildup of American forces in a stalemated land war in Asia. The South Vietnamese were warned last night that the war is principally theirs to prosecute, and that American fighting men cannot win for South Vietnam what its citizens are unwilling to do for themselves.

Significantly, the President last night expressed the hope that "all the South Vietnamese," a description which presumably includes the Viet Cong, could chart their course free of outside interferences.

The President reminded the world that there is a useful role for other nations—he mentioned Britain and the Soviet Union, as co-chairmen of the Geneva conferences—to play in obtaining peace for Southeast Asia. The British have long indicated their willingness for such a role. We hope the Russians now will come forward also, even though there are reasons, including their relationships with China and North Vietnam, that such a role may be difficult for Russia.

The President again called upon the Congress to recognize and act upon its fiscal responsibilities. The Congress must increase taxes, unpopular though this may be in an election year, because such a step is needed to lessen the dangers of inflation at home and to restore confidence abroad in the American economy. The President spoke with realism and courage. We hope Congress responds in kind.

By removing himself from personal competition for the next four years of the presidency, President Johnson has, we believe, greatly improved the nation's opportunity to achieve those goals to which most Americans—including Vice-President Humphrey and Sens. McCarthy and Kennedy on one side and former Vice-President Nixon and Gov. Rockefeller on the other—subscribe. We hope that the credibility gap that has dogged the Johnson administration will now be dissolved by the President's action of last night. Let the North Vietnamese reassess America's desire for peace with honor. Let other nations reassess their general belief that no real peace negotiations can take place before the November election. Let the American people reassess their own disunity.

President Johnson has made a generous offer toward peace in the world and toward unity in our land, and perhaps this offer will someday be measured as his greatest act.

Teachers-in-Politics Weekend

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, April 5 marked the opening of a unique program sponsored by the National Education Association and its constituent State associations. The program is called Teachers-in-Politics Weekend.

The purpose of the program is to focus the attention of our teachers on the political process by a series of clinics and seminars at which they may meet and hear their elected representatives on the State and national level.

Mr. Speaker, I cannot think of any more appropriate time for this observance. I can recall no other period in our national life when we have had more remarkable happenings on the political scene than we have witnessed these past 10 days. I think that our teachers should get involved. A teacher who is alive to the workings of our political system will be able to bring a fuller appreciation of our democratic system to the classroom and, in the process, be in a better position to participate in the conduct of public affairs. I commend the NEA for sponsoring this observance and I would hope that it would become an annual event.

Strong Truth-in-Lending Bill Needed for Proper Protection of the Consumer

HON. DANIEL B. BREWSTER

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. BREWSTER. Mr. President, on April 9, conferees of the Senate and House began the job of deciding upon the final form of one of the most vital pieces of consumer legislation in years—truth in lending.

The truth-in-lending bill passed by the Senate last year and the one approved by the House in February have significant differences. In brief, these differences make the House bill a stronger and better one in protecting the interests of the American consumer. For instance, unlike the Senate bill, the House bill covers revolving credit, transactions where credit is $10 or less, credit advertising, and garnishments.

Today I should like to address some remarks to the question of why we need a strong truth-in-lending bill—like the House bill—one that leaves no doubt to its adequacy in protecting the consumer.

The case for strong truth-in-lending legislation is more compelling today than ever before. Consumer credit has become more and more an integral part of the American way of life. Since 1960 the total of such credit—excluding mortgage credit—has risen some 69 percent to an all-time high of over $95 billion, or almost $500 for every person in the United States.

The major portion of this consumer credit is installment credit. This type of credit has risen since 1960 by a whopping 74 percent to a record high of about $75 billion.

The benefits of credit in our way of life are clear, for it permits a family to enjoy a standard of life beyond its current savings and income. But its dangers are equally obvious; it can lead to financial ruin and poverty.

To be sure, the American credit-buying consumer knows the goods he is buying and their price. But the trouble is that the consumer is rarely aware of the dollar cost or the annual percentage rate paid for the use of credit. No one disputes that this lack of knowledge is a major contributor to the abuse and misuse of credit.

The reason for the lack of knowledge about the true costs of credit stems largely from the varying and confusing manner in which credit costs are stated. The array of practices defy comprehension of even the most intelligent citizen. For example, one finds such practices as add-ons, sales price versus cash price, discounts, term price differentials, and differing service charges.

From all of this then there is little wonder why there has been a rising tide of consumer bankruptcies. Bankruptcies, in fact, have risen faster than consumer debt—by 80 percent since 1960.

In view of the increasingly widespread use and misuse of consumer credit, it has become increasingly clear that consumers must be given full and comparable

information on what credit costs them in easily understandable terms.

This, in brief, is one major reason for the drive that has been underway for more than 7 years to get truth-in-lending legislation enacted into law. The battle has been a long and hard one, and the issues have been complex and confusing. We are now near the end of this difficult road, and success—victory for the consumer—is in sight.

Just recently, there was an interesting television program that focused well on the question of truth in lending and where it stands today. Sponsored by the Georgetown University Forum and shown March 17 on WRC–TV, the program was entitled: "Truth in Lending: Its Promise and Importance." The participants in the program were Joseph W. Barr, the Under Secretary of the Treasury; Representative LEONOR K. SULLIVAN, chairman of the House Subcommittee on Consumer Affairs; and Charles R. McNeill, director of the Washington office of the American Bankers Association. For the information of those who did not see the program, I ask unanimous consent that a transcript of the proceedings be printed in the RECORD at the end of my remarks.

I urge Senators who are members of the conference committee to give close and careful consideration to this important piece of proposed consumer legislation. I hope they will cast their votes for a strong, fair, and equitable truth-in-lending bill, such as the one the House has passed.

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

TRUTH IN LENDING: ITS PROMISE AND IMPORTANCE

(Georgetown University Forum, as broadcast over WRC–TV, Channel 4, March 17, 1968, and WETA, Channel 26, March 18, 1968)

Moderator: Wallace Fanning, NBC News.

Panel: Honorable Joseph W. Barr, Under Secretary of the Treasury; Honorable Leonor K. Sullivan, U.S. Representative, Missouri, Chairman, House Subcommittee on Consumer Affairs; Mr. Charles R. McNeill, Director, Washington Office, American Bankers Association.

PROCEEDINGS

Mr. FANNING. Welcome to another in our series of Georgetown University Television Forums. I'd like you to meet the members of today's panel.

The Honorable Joseph W. Barr, the Under Secretary of the Treasury; the Honorable Leonor K. Sullivan, U.S. Representative from Missouri, Chairman of the House Subcommittee on Consumer Affairs; and Mr. Charles R. McNeill, Director of the Washington Office of the American Bankers Association.

The question of whether or not there should be Federal legislation in the form of a truth-in-lending bill has been before Congress for eight years. In recent months, both the House of Representatives and the Senate have passed such a bill. The two versions now are being discussed in conference committee representing the two branches.

Consumer credit is a huge fact of American life, and therefore every American might well want to know the latest developments in the congressional efforts to protect the consumers. For that purpose, we have invited a representative of the Executive Branch, a Congresswoman who has fought valiantly for passage of such a bill on the floor of the House, and a representative of the American Bankers Association. They will expound the purpose of the legislation, the problems involved, the needs for and the limitations of, Federal legislation, and the anticipated results when the bill reaches its final form.

Mrs. Sullivan, would you begin the discussion, please?

Representative SULLIVAN. Be happy to, Mr. Fanning.

Basically, the purpose of this legislation is to provide for the customer—the consumer—the facts which he has to have in order to be able to use credit in an informed manner. We require in the bill that in every consumer credit transaction the seller, or the lender, has to tell the buyer, or the borrower, the full amount of all of the extra costs—the full amount of the money that's involved in the transaction, including the principal amount and all of the extra costs added for the purpose of financing the obligation. And these have to be spelled out in understandable terms, and then translated also into an annual percentage rate, so that the customer can compare the credit costs on the rate basis as well as on a dollar-and-cents basis. And in addition to comparing one type of credit offer with another, the consumer can, if he knows the actual percentage rate of a credit charge, compare that rate with the percentage rate of the return on his own money; that is, if he has a savings account or makes an investment, he can compare what he gets when he invests with what he has to pay when he borrows. So I think the annual percentage rate is the heart of this issue—to give the consumer or the customer the proper information in order to "shop for credit" as he shops for merchandise.

Mr. FANNING. Now, Mrs. Sullivan, what you've been talking about, essentially, is the House bill, your bill, is that true?

Representative SULLIVAN. That's right.

Mr. FANNING. Now, how does this differ from the Senate version?

Representative SULLIVAN. Well, there are nine really major differences in the House and Senate bills.

Number one is that all first mortgages are covered in the House bill, not the Senate's. Where the Senate has exempted all department and catalog houses from expressing their credit rate on an annual basis for their revolving charge accounts, the House bill has removed that exemption and now these revolving charge accounts must be expressed on a nominal annual percentage rate the same as all other sellers of credit must do. We have also removed the exemption in the Senate bill pertaining to the transactions where the credit charge is $10 or less. These were two very important items that should not be exempted.

We cover in the House bill credit advertising; we cover credit life insurance, as part of the finance charge, which the Senate bill did not. We have a garnishment provision in the bill; we also have a Commission on Consumer Finance, that would last for two years, to oversee and report back to the Congress on any need, or how this legislation is working. And one of the most important things we have, too, is administrative enforcement, so that when someone finds that there's something wrong, they don't have to start suit themselves. They take it to the proper Federal agency right in their area and it's taken from there.

And then the last, is the anti-loan-shark provision that is in the House bill.

Mr. FANNING. Well, now, those are the things that the House bill has that the Senate bill does not. Does the Senate bill have any features that your bill does not?

Representative SULLIVAN. Yes. The Senate bill requires a percentage rate disclosure, but it leaves a lot of loopholes so that everyone who sells or lends—sells credit—does not have to reveal the same information. In the House bill, we have made it clear-across-the-board, so that everybody who sells an item on credit or makes loans must express the very same kind of percentage rate and dollar amount information.

Mr. FANNING. Mr. Secretary, how does the administration regard these bills?

Mr. BARR. The administration has been fighting, as I think nearly everyone knows, for approximately eight years to get this legislation enacted. We finally are very close. We're going to have to resolve the differences between the House bill and the Senate bill. It's the position of the administration that the House bill is a much better bill, for the reasons Mrs. Sullivan has given you.

In the first place, the House bill does get to this whole question of advertising. You can hardly pick up a paper, or turn on your television, or turn on your radio, without being assaulted by all sorts of advertising to come and get credit. Unfortunately, a lot of this advertising—I'm not going to say it's misleading—but it's really confusing. The House bill should remove much of this confusion. That's why it has a great advantage over the Senate bill.

As Mrs. Sullivan says, too, the House bill goes across the whole board; it just doesn't take a certain type of lending or credit operation. It includes all types of credit operations. These are the two really significant advantages that I see between the House and Senate bills.

Wally, you know, I'd like to add just a little bit right here, as we start off, on the importance of this legislation.

Consumers in this country have outstanding right now roughly a hundred billion dollars in consumer debt. This is installment debt on cars, and refrigerators; it's debt to stores, it's debt to doctors and service people, and it's debt to banks.

Now, I'm not talking about mortgages, the mortgage credit we owe on our homes, and I'm not talking about what corporations owe or what the government owes. I am referring only to the debt we owe as a people. Now, of this hundred billion outstanding, over seventy-five billion is repaid each year, so you can see that this debt nearly rolls over every year. The seventy-five billion dollars is paid every year by the American people on installment plans. That figures out to one dollar out of every six of the disposable income we have. In other words, for the average American, one dollar out of every six he is earning is being used to pay this credit. So, when you're up in magnitudes of this sort, I think it's crucially important that the American consumer have the information he needs to make an installment decision as to what kind of credit he wants, what the terms are, what it's going to cost him, so he can shop between one seller, one lender and another, and get the best deals available. This is a lot of money, and I just don't think we can brush it off the rug. I think we must make it crystal clear to the consumer what he's getting into. That's the whole purpose of this legislation.

Mr. FANNING. Thank you, sir. Let's get to Mr. McNeill now for the Bankers Association.

Mr. MCNEILL. Mr. Fanning, we in the American Bankers Association believe that after many years of consideration of this bill, that the bill that is now before the conferees of the Senate and the House, and as it is likely to be enacted, is one that is both workable and practicable. We see some problems in it, and the administrator, the agency of the government charged with formulating regulations, the Federal Reserve Board, is going to have some problems in being certain that their regulation and their rules are simple and understandable and readily usable by all types of lenders and extenders of credit. But we believe this can be done and if it is done in the manner that we anticipate, that the consumer will then be in a position to have a usable comparison of credit costs. This, of course, means that the consumer takes an interest in this comparison. Some people have

said that many borrowers, many consumers, are only interested in how many dollars they have to pay each month, and care very little about the percentage rate or the actual cost of credit over the period of a loan. If this is true, the legislation will not be meaningful to those people.

But for those consumers who want to have a basis of comparison, we believe that this legislation, as it is likely to come out of the conference, will be workable and give them the opportunity for a meaningful comparison.

Mr. FANNING. Well, Mr. McNeill, is it your estimate that the legislation will materially reduce the amount of credit buying and selling that there is or do you think rather it will just work toward eliminating abuses of the system?

Mr. MCNEILL. Mr. Fanning, I doubt if there are abuses of the system. As Under Secretary Barr said, I think the manner in which consumer credit has developed has led to some misunderstandings. I think the legislation will lead to a clarification. I do not believe that this is going to lead to a marked reduction in the amount of consumer credit that is extended. I think it may lead to some reduction during a period of adjustment. For one thing, the consuming public is going to have to realize that the whole idea that six percent simple interest is the most that should be paid for credit is just not true in terms of small loans, in terms of consumer installment credit, which are most expensive to handle for the lender. Therefore, there is going to have to be a realization that rates, and the rate will be quoted under this bill, and it is not an interest charge, it is a percentage rate expressing the total finance charge; that this finance charge in small loans, in consumer lending, may very well turn out to be 9, 10, 11, 12 percent, and this is not at all unreasonable.

Mr. BARR. Could I comment on that one point?

I think there are some statistics that I have right here in front of me that would indicate this total of 100 billion is probably not going to shrink. I don't think this legislation will make much difference to the American people except they're going to be able to get better deals.

At the end of 1966, we as a nation owed each other about a trillion, five hundred billion dollars. Now, of this, Federal debt, state and local debts, corporate debts, run six hundred billion. Home mortgages run two hundred sixteen billion, etc. Excluding the $100 billion of consumer debt, all this adds up to a trillion, four hundred and twenty billion, on which there is absolutely no confusion over interest rates. The simple annual interest rate is clear to all. And that total goes up year after year, so I think the full knowledge of what credit really costs is not going to depress the $100 billion consumer debt either. I think we're just going to have a more intelligent American consumer shopping for the credit that he needs.

Representative SULLIVAN. Mr. Fanning, I want to agree with Secretary Barr, that I don't believe we're going to see any lessening of borrowing or lessening of buying on time. But I think that we will possibly stop some of the misuse of credit that's so prevalent today. And we have found during the hearing——

Mr. FANNING. I think I used the word "abuse."

Representative SULLIVAN. Well, it's abuse, but it's really misuse, because it isn't only the uneducated that can't figure what they're paying for credit; I know many intelligent people who are buying on credit today, and they say "How on earth do you ever arrive at the cost? We don't know."

But it is misused by the uneducated, because they are—they are given—what you would say, this——

Mr. FANNING. This come-on.

Representative SULLIVAN. Yes—this come-on, and they're oversold on many items that maybe they want, but sometimes they don't even want it. But it looks like such an easy thing, to sign your name and take the article home and use it, and so when do you pay for it, or can they really pay for this item that was so easy to buy on credit?

Mr. BARR. Lee, tell them the bankruptcy story. You had several hearings about bankruptcy.

Representative SULLIVAN. Well, the question is asked—you know, people say, "Well, why do you need this legislation? Is there a demand for it?" And there really hasn't been a demand by the people. But we who have studied this for the past eight years have seen things happen that are frightening, the way people misuse this very great thing that we have in this country, and that's credit.

We have found, as we looked into the court cases—we looked into the personal bankruptcy cases—that personal bankruptcies have gone from an average of 10,000 a year in the past ten to twelve years—they've gone up to 208,000 personal bankruptcies in the last fiscal year. Now, this shows that people are overbuying; they're buying beyond their means to pay. I don't think most of them buy with the intention "I don't intend to pay; I'll just get it and use it and let them repossess."

Mr. FANNING. May I ask you several questions in that area?

Number one, is there any possibility that there might be included in your legislation something that could help prevent the courts being used as collection agencies for the sharpies?

Representative SULLIVAN. This is what we hope it will lead to. This has to be done, I think, by the states, in great part. But the passage of Federal legislation, and Federal recognition of this problem, I think, will stimulate the states to do something about it. Because, as it is today, after a person takes personal bankruptcy, as they may be advised to do by some lawyer or someone, as they go out the court steps there are people waiting for them and telling them "We'll sign you up for more credit immediately," because these creditors know that the wages of these particular persons can be garnished, and they can't take personal bankruptcy for another seven years. So they're credit risks if they have the kind of a garnishment law under which the court can take all the man earns. But they'll sign him up immediately for more credit, immediately after he completes personal bankruptcy.

Mr. FANNING. Is there any way of knowing who these people are who are declaring bankruptcy? What group do they come from?

Representative SULLIVAN. They really come from all groups. But in the cases that I personally have studied in the court records in the District of Columbia, we have seen many of them—the poor, the uneducated—who have been oversold, who have gotten themselves into debt beyond their ability to pay. We have seen many cases, too, where credit was given to some person who has moved in from out of town, or from another state, and as we've searched back into his files after he took bankruptcy in the District, we've found there are amazing cases, and I can just cite one: where a man had come from Buffalo, New York, with $8,000 in debts over his head, and immediately after he got into the District he started to buy from one of the big catalogue houses. The first thing he bought was a gun, a shotgun. The next thing he bought was a hi-fi, and then he bought a second-hand, two-year-old Cadillac convertible.

Well, as we got into it and looked through this case, we called in the gentleman who was representing one of the catalogue houses and said, "Tell me, how do you run a person's credit when they come in to you, brand new, to open an account?" "Oh, we give it a very, very thorough study, and we have use of these credit bureaus that give us fast service, just like this." And he went on to explain a very elaborate system they have for running down a person's credit rating. So then I confronted him with the court record of this man who had just taken personal bankruptcy for another four or five thousand dollars, and I said, "Will you tell me how your company gave this man credit." As I said, the first thing he bought was a shotgun and the second thing he bought was a hi-fi. And he said, "I just don't understand it, Mrs. Sullivan; may I go back and look these up and come back?" And I said "I wish you would; I'd like to have that." Well, he came back with the facts, blushing, and said, "I'm sorry. The man had a job. The man was married. He had just moved into the District from another state. We thought he was a good risk, because he was married and had a job, so we gave him credit without going through all the preliminaries that we're supposed to go through." Now, this is bad.

Mr. FANNING. Mr. McNeill?

Mr. MCNEILL. Mr. Fanning, I'd like to comment on one thing that Mrs. Sullivan said. I think that we have to be careful in this area of not asking the Federal government to do the whole job. The area of creditors' remedies, of interest rate limitations, of usury provisions, has traditionally been a matter of state law. We have many, many state laws that vary in all parts of the country. We felt originally that it would have been better if the states had done an adequate job in this disclosure area. They didn't do it, and Congress felt impelled to move, and we have a bill that, as I say, I think is workable. But I think we should be careful and not expect the Federal government to take over the job of correcting creditors' remedies, enacting a Federal usury statute and other provisions of this kind.

We're very hopeful that an effort now under way of the Commissioners on Uniform State Laws for a proposed Uniform Consumer Credit Code, greatly inspired and hastened by the work of Mrs. Sullivan and the Congress in the disclosure area, will result in a very great improvement in this general subject of creditors' remedies and lending practices.

Representative SULLIVAN. I'm glad that Mr. McNeill said that because some of the states have come up with some very good laws. One of our witnesses last August was from the State of Massachusetts, where they had passed a very excellent consumer credit law, and it was working beautifully. And it has not stymied the use of credit, but it's made them—made the people—a little more cognizant of what money costs, because I think we've got to impress upon the people that money is not cheap. If they want to use someone else's money to buy the things that they want now, but can't afford to pay for, then they're going to have to know what it will take to pay for it. It's not cheap; but they should know, and they should have a clear knowledge of what it costs to use your money to buy things that they want and can't pay for.

Mr. BARR. Wally, let me bring this together just a little bit. What does all this mean to the country? As a nation, one of our greatest strengths since the very earliest days of the Republic has been our willingness to go into debt, as a country, as a state, as individuals, and as businesses. This country literally has been in debt up to its ears from the earliest days of the Republic. I might mention that Alexander Hamilton had to borrow—as I remember, it was $30,000 to pay George Washington his salary and the first salaries of the first Members of Congress. We've used debt intelligently to build a great nation. We've used it intelligently to build our educational system, to build most of the things we have in this country. The crucial thrust of this

legislation, as I see it, is that we do make available, to Americans as consumers and borrowers, all the information they need, to use credit intelligently. I've got a lot of faith in the American people; traditionally they've never gotten themselves too deeply into debt. Good times or bad times, if you give them the information, they have essentially very good sense, in the management of debt. The only thing we're doing with this legislation is giving them more information so that they can make better choices.

Mr. FANNING. Mr. Secretary, is there any figure that can be cited that would serve as a limit or ceiling to which debt might go, the public debt?

Mr. BARR. No. People ask me this; I think they probably asked that of Alexander Hamilton. It really gets down to the good, hard sense of the American people, Wally. In this area of consumer credit, especially, the statistical studies that I have seen indicate that—in the majority of families—it's the mother who finally determines just how much debt the family can carry. Believe me, when they get to what she thinks is the limit, she cuts it off and cuts it off fast. Essentially, the American people have good sense, and that's it.

Mr. FANNING. This legislation that we're talking about, when and if it becomes law, and in what shape it becomes law, if it's along the present lines, do you think it's enforceable?

Mr. BARR. Yes. I don't see any real difficulty, especially in the House version. The Federal Reserve Board, which has had long experience in this area, will draft the necessary regulations; then the Federal agencies will administer the law in the particular segment of the economy that they regulate. I think it will not be difficult to enforce. As a matter of fact, these things are usually self-enforcing. When somebody thinks he's been cheated or he's had a crooked deal, he'll come in and complain. That's one way this will be enforced.

Representative SULLIVAN. And may I say, Mr. Fanning, that—getting back to the limitation on what might be charged—we have not attempted in either the Senate bill or the House bill to put a ceiling on what rate of interest may be charged; no one has attempted to do that. The only thing we've tried to do, as Mr. Barr said, is to give a measuring stick to the individual consumer so that if they don't like the credit terms that John Jones is giving them, they'll go over to Paul Brown and see what he can give them.

As long as they all have to express, and count in, all these additional finance charges and put it all under a nominal annual percentage rate for financing the item, this will give people an intelligent way to go and shop for the product, to shop for the credit as well as to shop for the merchandise.

Mr. FANNING. You didn't feel then—there wasn't a consensus, then, that there was any need to put a limit on it?

Representative SULLIVAN. Oh, we talked about it, but—

Mr. FANNING. Well, why did you discourage the idea? Can you tell me that?

Representative SULLIVAN. Why did we discourage it? We discouraged it because I don't believe we could put a hard-and-fast Federal usury law in effect. I think each state does have some sort of a usury law that they apply to their own area. But I just don't think it would be advisable to try to meet every possible contingency through a Federal ceiling. It was in the original bill, but we took it out at my suggestion. I put in a proposed limit of 18 per cent a year, because I really wanted to shock the people into letting them know that 18 percent was not an unusual amount that they paid for credit. Because everyone who has a revolving credit charge today, in any department store or in any catalog house, is paying at least one and a half per cent per month, which is 18 per cent a year, and they don't realize it. This is why we fought so hard to include revolving credit on an annual rate basis, and I credit the American Banking Association for helping us in this. Because if we had let the retail group, the big stores, have the right to quote a monthly rate and everyone else had to quote an annual rate, there would be no basis for comparison. In the Senate bill they are allowed to do that—to use just a monthly rate. In the House bill, they must quote the annual rate on any loan or any item that is sold for credit.

Mr. MCNEILL. We certainly agree that if this bill is to be effective, the basis of comparison has to be the same for all extenders of credit, banks, other lenders and retailers and others.

Mr. FANNING. Very briefly—we have less than half a minute—is there anything the public can do at this point? I judge it was not by popular demand that you went ahead with this legislation, because there doesn't seem to be any groundswell of public opinion, but can the public do anything?

Mr. BARR. They don't need to write the House, but I think there are other members of the Senate that should be told what the public feels about truth-in-lending.

Representative SULLIVAN. The people should write to their own Senators, not to any other House Member or Senator, but to their own Senators.

Mr. FANNING. Thank you very much for your discussion of "Truth-in-Lending: Its Promise and Importance."

Thanks to the Honorable Joseph W. Barr, the Under Secretary of the Treasury, the Honorable Leonor K. Sullivan, United States Representative from Missouri, Chairman of the House Subcommittee on Consumer Affairs, and to Mr. Charles R. McNeill, Director of the Washington Office of the American Bankers Association.

Join us next week on the Georgetown University Forum when we will discuss "New Towns, New Health Problems."

A Time for Action

HON. WILLIAM HENRY HARRISON

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. HARRISON. Mr. Speaker, I ask to have printed an editorial from the April 6, 1968, Cheyenne, Wyo., State Tribune which deals with the violence in our cities.

In his brief and hard-hitting commentary, Editor James M. Flinchum asserts that the "massive outbreak of lawlessness that threatens to topple the structure of America, must be halted by any and every means available."

Says the Tribune in a statement with which I fully agree:

It must be done now, at once, without delay. What is happening today cannot go on.

The editorial follows:

A TIME FOR ACTION

America today is a land of violence.

From the Arkansas city of Pine Bluff, population 60,000, to New York, Chicago and even to the nation's capital, this is the day of the arsonist and the looter.

It is not the first time our nation has been beset by violent upheaval. But it could be the last.

It is not the first time rioters have swept through the streets of Washington, nor even burned down buildings.

But it just might be the last.

The assassination of Dr. Martin Luther King provides no justification for this disorder. It is merely an excuse for an attack on our society.

The time has come in America to stop what is taking place in our cities today.

The time has arrived for a stern and fearless leadership that will say to one and all, whites and blacks, young and old, men and women: We must not and we will not tolerate any longer this violence and this lawlessness.

It will be put down with every means at our command.

The time has come to say: Each of you—Quiet down.

To those of you who do not, we shall deal with you in the harshest possible measures.

For months now we have heard the pleadings of the highest authorities in this land against "senseless violence."

There have been prayers and entreaties.

There has been consultation. Commissions have been appointed. Much money has been spent.

There has been shedding of tears and wringing of hands.

None of it has worked.

The time for wailing, and praying; the time for pleas and parleys and spending of money is over.

This massive outbreak of lawlessness that threatens to topple the structure of America, must be halted by any and every means available.

Somewhere, somehow, someone must perform this task, now so long overdue. That it has not been carried out is evidence enough today that it should have been accomplished long ago.

It must be done now, at once, without delay. What is happening today cannot go on.

Teachers in Politics—Toward a Stronger Government

HON. CHARLES H. PERCY

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. PERCY. Mr. President, this past weekend, teachers across the country were involved in the observance of Teachers-in-Politics Weekend. A series of clinics were held to publicize the ways and means of informed and effective political participation. It is a commendable idea, and one which I regard as a fine contribution to the future strength of the country.

Thomas Jefferson once noted:

That government is the strongest of which every man feels himself a part.

To be a part of Government in this Nation is to take part—to join actively in choicemaking at all levels of local, State, and Federal activity; it is the foundation upon which our freedoms rest. Realizing this, responsible citizens have always supported and campaigned for their preferred candidates and issues.

Teachers, as a group, already have an admirable record of political involvement. Their participation in the November 1964 elections was almost universal; nine out of 10 teachers went to the polls as compared to seven out of 10 persons of voting age in the general population. Furthermore, many teachers are active in politics—seeking and holding office at every level of government—local, county, State, and National.

Today a majority of teachers themselves believe that they should be active in political elections. Their belief is indicative of a growing awareness that our Nation is a "Government of the people," and that we cannot attain the ideals we seek for ourselves and for future generations of Americans until and unless we participate fully in choosing the men who run our country and shape its destiny.

Thoughtful men everywhere know that education is of paramount importance to the continued strength and vitality of our country and its Government. "Brainpower" is one of our most precious assets for thoughtful and intelligent participation in daily life as well as political activity. The importance of reason has increased enormously in recent years, because the effect of technology and the news media on individual choice is now so great. The ability to see issues clearly and separate fact from editorializing—to think for oneself—is ever more critical.

As members of a profession which has daily contact with the means and processes of educating, the teachers of this country are highly qualified to comment on present educational policies, and if they disagree with them, to encourage new policies through the exercise of their political prerogatives.

Through the active participation of teachers in politics, our Nation will benefit not only from the increased activities of intelligent and informed persons, but it will benefit from the example which they set for their closest contacts—the children of the Nation—who will be the voters of tomorrow.

Emergency Loans for Farm Areas

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. HATHAWAY. Mr. Speaker, with so many problems confronting us today I hesitate to report a new emergency which is seriously affecting about 10,000 farmers and ranchers.

These farmers and ranchers are operating in counties which have been designated as emergency loan areas by the Secretary of Agriculture to authorize the Farmers Home Administration to make emergency loans. These counties were designated upon the Secretary's finding that natural disasters had caused a general need for agricultural credit which cannot be met by other sources.

These farmers and ranchers are unable to obtain credit from local banks and production credit associations. They cannot continue farming without credit. They will be forced out of business and off the land unless emergency loans can be made to them. The pathetic fact is that emergency loans cannot be made to them because funds are not available for this purpose.

I learned this during a recent visit to Maine where many farmers told me their applications for emergency loans had been approved but that funds for making these loans are exhausted.

So many farmers contacted me about this that I looked into the matter and found that the Farmers Home Administration had approved emergency loans for 96 Maine farmers in the amount of $722,160 for which checks could not be written because of inadequate funds. These approved loans are in the finance office of the Farmers Home Administration ready for the preparation of checks if and when funds are available.

I learned also that 250 additional loans in the amount of $1,911,050 were being processed for Maine farmers in field offices of the Farmers Home Administration and that at least 300 more would require emergency loans to continue farming. This alarmed me because it means that 646 farmers in Maine will be forced off the land unless additional emergency loan funds are made available.

This is a bleak picture—so bleak that on my return to Washington I inquired of the Farmers Home Administration about the loan fund situation nationally.

I was informed that emergency loans are made out of the emergency credit revolving fund and that the revolving fund does not receive annual appropriations. Funds are loaned, collected, and loaned again to established farmers and ranchers who are unable to obtain credit from other sources.

Presently there are 1,326 designated emergency loan counties in 39 States. There has been an unprecedented need for emergency loans this year. This increased need has resulted from—

First. Hurricane Beulah in September of 1967, which, with accompanying floods and tornadoes, did extensive damage to buildings, land, vegetable crops, and livestock in 16 south Texas counties. These counties had already experienced damage to the cotton crop because of a prolonged drought. The drought and other adverse weather conditions prevailed in 178 other Texas counties during 1967.

Second. Freezing temperatures in early November which did extensive damage to the 1967 cotton crop in many counties in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. The cotton crop was practically destroyed in most of these counties. Emergency loans are available in 339 counties in these States.

Third. Excessive moisture and freezing temperatures at harvest time in Illinois, Indiana, Iowa, and Ohio which resulted in large volumes of soft corn and seriously interfered with the harvest of corn and soybeans. Many acres were not harvested. In addition, the moisture content of harvested corn is high and prices are greatly depressed. Emergency loans are available in 58 counties in Illinois, 76 counties in Indiana, 40 counties in Iowa, and 53 counties in Ohio.

Fourth. Excessive moisture and freezing temperatures in the early fall of 1967 which seriously interfered with harvesting and damaged the quality of crops in New England, particularly in the potato area of Maine.

Fifth. Heavy snowstorms which hit Arizona and parts of New Mexico between December 11 and 19. These storms did extensive damage to livestock, buildings, feed, and farm machinery. The greatest damage was to breeding livestock and the livestock increase crop for 1968. Very few ranchers will have any income this year from the sale of livestock increases. Thirteen counties in Arizona and four counties in New Mexico were designated as emergency loan areas because of these storms.

Because of the unusually heavy demand for loans, the revolving fund's cash assets were exhausted by the middle of March. Since that time the Farmers Home Administration has been able to make additional emergency loans only as collections are received. This is not the season of the year for heavy collections on agricultural loans and the amount of emergency loan collections during the remainder of this fiscal year are not expected to even approach meeting the needs of farmers and ranchers who have already applied for loans.

A total of 18,540 emergency loans in the amount of $89,483,900 had been made through March 29 of this fiscal year. At the same time the applications of 1,629 additional farmers in the amount of $8,297,970 were pending in the finance office of the Farmers Home Administration awaiting adequate funds for the preparation of loan checks. Also, the applications of 2,571 other farmers were being processed in the field. These applications total $14,749,380. Farmers Home Administration field personnel estimate that an additional 6,272 farmers will need emergency loans in the amount of $17,952,650 for this crop year.

It is obvious that additional funds are urgently needed. If additional funds are not provided, approximately 10,000 farmers will be unable to farm this year because of a lack of credit. I think it is important to our national economy that these farmers have an opportunity to continue farming. Therefore, I am today introducing a resolution authorizing the Commodity Credit Corporation to make available $30,000,000 to the Farmers Home Administration for use in making emergency loans and to provide that the Commodity Credit Corporation will be reimbursed this amount plus interest out of a future appropriation to the Emergency Credit Revolving Fund. I am proceeding in this manner because it is the fastest method for making additional funds available.

The amount of $30,000,000 plus $11,000,000 expected to be collected on emergency loans during April, May, and June will be adequate to meet the needs I have described.

The present need for replenishing the emergency credit revolving fund has not been caused by loan losses. This program was initiated on April 6, 1949. Emergency loans have been made to approximately 350,000 farmers and ranchers in the total amount of $1 billion. Losses have been insignificant—less than 2 percent of the amount loaned.

Mr. Speaker, my proposed resolution deals with the fate of 10,000 farm families. We can make it possible for these families to remain on the land by enacting this resolution—or we can fail to enact it and watch them depart into a very

uncertain future. Time is of the essence in this matter. Loans are needed now for this year's farming. Three weeks from now may be too late.

Past and Present Wounds

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. SCOTT. Mr. President, as this tragic and sorrowful week draws to a close, I implore my fellow citizens to forgive one another instead of indulging in mutual recrimination. Each of us would do well to ponder the lead editorial from last Sunday's Washington Post. I ask unanimous consent that it be printed in the RECORD.

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

PAST AND PRESENT WOUNDS

Now that violence has exploded in the streets there are plenty of white Americans ready to blame the whole Negro community for the offenses of a small minority of looting incendiaries. They have their counterpart in Stokely Carmichael, who indicted the whole white community for the dreadful crime that took the life of Dr. Martin Luther King Jr.

In all great criminal matters it is important to find out who is not guilty as well as to discover who is guilty. The millions of sober, decent, law-abiding and patriotic Negroes of this country are not guilty of the violence in the ghetto. And the millions of sober, decent, law-abiding and patriotic white people who have loved and respected Martin Luther King did not kill him.

We must rise above the racial generalizations that are the first symptoms of racist sickness and prejudice. To the racists in both communities we must repeat Burke's warning: "You cannot indict a whole people."

It is easier to forgive the Negro than it is the white man for this kind of racism. Generations of white discrimination and injustice have fixed in the minds of Negroes an image that will not be erased until long after all the manifestations of racial intolerance have been removed. It is no small price that a people must pay for more than a century of indifference and indignity. We will have to pay it in installments that will be exacted year by year, long after white people have dealt fairly and honorably with the Negro. White people are going to have to be prepared for this long historical interval of probation. Millions of unremembered acts of hate and cruelty and perversity explain this psychology. We must not expect it to disappear, even when the offenses that occasioned it are gone—and they are yet far from banished.

The wounds from this grim past, and the wounds of this grim present, will not be healed by the hates that have been engendered, by dangerous generalizations that put forward racial concepts of guilt, that condemn whole racial communities in their entirety. If ever they are healed it will be by love and not by hate; by love that recognizes individual character and scorns collective blame; by affection that respects the human qualities that are no matter of race or appearance; by a humanity that makes us deal mercifully with weakness, forgivingly with wrongdoing and patiently with the waywardness of all God's children.

What we attempt in this spirit will avail something toward diminishing the wrongs of past and present; nothing that we undertake without this spirit will succeed.

Let the fearful crime at Memphis and the terrible violence in our streets turn us not to hatred; let them turn us instead toward love and understanding born out of the misery and anguish of the human condition and nurtured by a hope and determination to better the lot of all the family of man so that one day we may look back upon these days as the bad old times before the Nation was reborn.

Moratorium on Passenger Train Discontinuances

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. HAMILTON. Mr. Speaker, the Public Service Commission of Indiana unanimously passed a resolution on March 29 of this year, calling for a halt of train discontinuances until the impact such discontinuances are having on welfare and safety of this country is assessed.

I have on two occasions protested such discontinuances until, at the very least, public hearings were had in the affected areas. Decisions are still to be handed down by the Interstate Commerce Commission on whether to hold hearings. I trust the number of State resolutions calling for this moratorium will make clear that further discontinuances must be investigated.

I include the text of the resolution at this point in the RECORD:

RESOLUTION OF THE PUBLIC SERVICE COMMISSION OF INDIANA

Whereas, there have been numerous passenger train discontinuances of recent date; and

Whereas, there are numerous applications for discontinuance of passenger trains now pending before the Interstate Commerce Commission and the various state commissions; and

Whereas, the recent action of the Post Office Department has materially reduced passenger revenue; and

Whereas, the welfare and safety of this country is being materially injured by such discontinuances; and

Whereas, the Public Service Commission of Indiana knows of its own knowledge acquired from several such applications before it and the participation in such hearings before the Interstate Commerce Commission that such facts are true;

Now therefore be it resolved, that the Public Service Commission of Indiana joins its sister states in appealing to Congress to call an immediate moratorium on all train discontinuances and to investigate and determine the impact these discontinuances are having on the welfare and safety of our country including its national defense.

This Resolution adopted by the Commission this twenty-ninth day of March, 1968.

Attest:

G. M. DEVOSS,
Secretary.
PHILLIP L. BAYT,
Chairman.
C. PATRICK CLANCY,
RICHARD P. STEIN,
Commissioners.

The Future Belongs to Candidate Who Enlists National Dignity

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. BYRD of Virginia. Mr. President, William S. White is one of the Nation's most distinguished and conscientious columnists. His column published in the Washington Post of April 8, discusses the need for a regeneration of our sense of national dignity.

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

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

FUTURE BELONGS TO CANDIDATE WHO ENLISTS NATIONAL DIGNITY

In this springtime of crises, of violence, of hatred, and of horror, one thing, at least, is clear amidst the vast and menacing uncertainties of our days. This is that politically the future will belong to that man who may most truly embody a sense of dignity, of restraint, of strength, of compassion, and of a calm, firm resolve to restore to this Nation those old and traditional values which we seem so largely to have lost.

For some years now nearly all that has been fashionable has also been sick—sick comedians, sick students, sick politicians, sick demonstrators, and counter-demonstrators, sick books and periodicals and sick TV.

Un-chic, indeed, have been such old-fashioned qualities as patriotism, loyalty, love of family, responsibility in private and public conduct, tolerance toward other men and other ideas, a decent reserve in life—and, yes, religion, too. The truly "in" pulpits have rung not so much with man's obligations to God as with the shrill, mundane socio-political dogmas of political parsons. The very sanctuaries of noble cathedrals have been used more for bitter, nihilistic pseudo-dramas, for wild, psychedelic so-called music and the gyrations of youthnicks than for the somber, measured and timeless liturgies of our ancient faiths.

But what most of all has been lost, perhaps, is that sense of manners which in the heirarchy of mankind's true values stands next to morals themselves. It is a profound truth, though many have never known it and many more have forgotten it, that neither public nor private morality can long endure without that lesser but still indispensable companion which used to be called good taste.

"Student activists" do not merely defy a lawful military draft, coaxed on by professors publicly advising them on schemes to evade the common obligation of their generation while less privileged boys carry the guns and do the dying. They do not merely close minds and ears to every opinion save their own. Repeatedly also they shout down and even physically menace honorable men bearing heavy burdens—Cabinet officers of the United States, no less, some bearing the scars of an old war against fascism—who seek to offer a contrary view. And all of this, God save the mark, in the universities of a Nation, which can have no reason for being save for the free and decent exchange of ideas.

Some of us are old enough to remember the hoarse, terrifying, mindless roars of Hitler Youth; and though it is a frightful thing to have to say, it must nevertheless be said: A thing not too dissimilar from Hitler Youth has been abroad upon the campuses, and elsewhere, in this country.

Young students and middle-aged professors, and young politicians and middle-aged politicians, have laid ugly and largely unintentional hands upon the honored concept of free dissent. They have twisted and perverted rights into a license of intellectual terrorism, into a conscious subversion of lawful national purposes constitutionally arrived at.

President Johnson's unexampled sacrifice in laying down his own career to try to heal this sickness, this cruel and back-biting miasma of self-interest selfishly run riot, is a splendid thing. But this alone will not be enough. Those who seek to replace him must also behave as though there are matters more important than the Presidency. They too, must put the Nation above all personal ambition and all other considerations.

A Well-Deserved Tribute to Lyndon B. Johnson

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. JOELSON. Mr. Speaker, I am pleased to insert in the CONGRESSIONAL RECORD an article by Mike Royko. It is high time that President Lyndon B. Johnson received the credit to which he is entitled.

The article follows:

There were those who screamed with a vicious joy when President Johnson, in that slow, sad way of his, said he is not running again.

There were others who reacted with sullen cynicism, asking what his angle is.

The white racists said "good." The black racists said "good." The superhawks said "good" and the doves said "good." And most of all the young said "good." The young, who are so sure they have the answer in Bobby with the flowing hair.

They were all so busy being jubilant in this strong man's terrible moment that many didn't listen to the serious things he told them.

The president of the United States told the people of the United States that they are so divided against themselves he dares not take part in a political campaign for fear that it could get even worse.

But they answered, many of them, with one last jeer of contempt and hatred.

It figured. Unrestrained hatred has become the dominant emotion in this splintered country. Races hate, age groups hate, political extremes hate. And when they aren't hating each other, they have been turning it on L.B.J. He, more than anyone else, has felt it.

The white racist, those profoundly ignorant broads who toss eggs at school buses, blamed him for the very existence of the Negro. To them he was a nigger lover.

The black separatist could find no insult too vile to be used on him. To them he is a white racist. That he launched some of the most ambitious civil rights legislation in the nation's history means nothing in a time when black scholars say Abe Lincoln was the worst kind of bigot.

The super-hawks complained that he wasn't killing the VC fast enough.

The doves portrayed him as engaging in war almost for the fun of it.

And the young, that very special group, was offended by him in so many, many ways.

For one thing, he was old. They might have forgiven him that if he had at least acted young. But he acted like a harassed, tremendously busy, impatient man with an enormous responsibility. Just like their old man.

He offended them by failing to pander to them, by not fawning over them and telling them that they were the wise ones, that they had the answers, that they could guide us. He didn't tell them that because that fact was, he was the man charged with running the country, not them.

He isn't at all like Sen. Robert Kennedy. Bobby tells it like it is. He tells them how wonderfully wise and profound they are. A 43-year-old father of 10 wears a kid's haircut and stands there saying he is part of their generation, and they cheer him for telling it like it is.

LBJ offended others by engaging in an "unjust" war. Their collective conscience rebelled against the "unjust" war. So they portrayed him as the eager murderer of babies. Just how many of these conscience tormented young men are more tormented by the thought of being rousted out of bed at 5 a.m. by a drill sergeant than by the thought of a burned village, we'll never know.

And he offended many by his lack of style and wit, his sore-footed hound-dog oratory.

So the abuse he took from all was remarkable. Presidents, like all politicians, have to take abuse. It is within the rules of the game to criticize them, to spoof them, to assail them.

But there may not have been anything in our history to compare with what has been tossed at President Johnson in the last four years.

A play that says he arranged the murder of John F. Kennedy has been a hit with the intellectuals, and those who think they are.

A somewhat popular publication of satire called The Realist printed something so obscene about him that I can't find a way to even hint at it.

High government officials were hooted down when they tried to represent the administration point of view on campuses, those temples of free speech.

Every smart punk grabbed a sign and accused him of being in a class with Adolf Hitler or Richard Speck. The nation's nuts vowed to come to Chicago during the convention and turn it into anything from an outdoor orgy to a historic riot as their contribution to the democratic process.

He needed more personal protection than any President in history. That can't feel very good. But it was necessary. We have people who burn cities and many others who go to movies and howl with glee at the violent scenes.

If you live in a big city you see the hate that threatens it. He lived in the whole country and looked at it all. And he couldn't see a way to unite it.

Maybe he wasn't the best president we might have had.

But we sure as hell aren't the best people a president has ever had.

Tax Dodging by Rich Hobby Farmers

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. METCALF. Mr. President, on November 1, I introduced S. 2613, a bill to amend the Internal Revenue Code of 1954, to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income. The Senator from Idaho [Mr. CHURCH], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], and the Senator from Wisconsin [Mr. NELSON] have joined me in sponsoring the bill. On November 29, companion legislation, H.R. 14218, was introduced in the House and referred to the Committee on Ways and Means.

In a recent editorial, Labor, a national weekly newspaper representing 18 unions, called for support of S. 2613. So that other Senators may have the benefit of the editorial, I ask unanimous consent that it be printed in the Extensions of Remarks.

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

WOULD CURB TAX DODGING BY RICH HOBBY FARMERS

Sen. Lee Metcalf (D., Mont.) has renewed a plea to the Senate to act on a bill he has introduced which would curb a mounting practice among the wealthy of acquiring farms as a device to cut their taxes. His bill, he explained, would "provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income."

As new evidence of the need for such legislation he called the Senate's attention to a significant article entitled "The Great Farm Mystery," written by Hendrik S. Houthakker, professor of economics at Harvard, who is currently a senior staff economist with the President's Council of Economic Advisers. The article appeared in Challenge, a magazine of economic affairs.

In an example of what's going on, Houthakker points out that in 1964, the last year for which full figures are available, farmers in Texas had a net income of well over $800 million, according to the U.S. Agriculture and Commerce Departments. But on their tax returns filed with the Internal Revenue Service, the Texas farmers told a different story—"they did not earn a penny; in fact they lost $60 million."

Why this discrepancy? One clue, Houthakker says, is to be found in tax returns from the Dallas metropolitan area, which counts quite a brace of millionaires. The taxpayers there "reported a net loss of $44 million from farming, although this area does not include much farm land."

What has actually happened, the professor explains, is that many of the rich have invested in cattle raising. Expenses incurred in raising cattle, including depreciation, may be deducted from ordinary income—which in the case of the Dallas nabobs who're in the top tax bracket is taxed at 70 per cent. Thus, they can use the cattle "losses" to slash their tax bills—and in addition use proceeds from the sale of breeding cattle as a "capital gains," subject to a tax of only 25 per cent.

Houthakker declared the same sort of tax finagling goes on all over the country. "The use of farm losses for tax avoidance has increased considerably," he writes.

Here, obviously, is a mounting abuse which should not be tolerated. As Labor has repeatedly pointed out, it's unconscionable to continue such tax loopholes at a time when American lives are being sacrificed and billions of dollars being spent to wage the war in Vietnam.

The "Pueblo": How Long, Mr. President?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. SCHERLE. Mr. Speaker, this is the 79th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

UTEP's Dr. Ray Stepping Down

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. YARBOROUGH. Mr. President, Dr. Joseph M. Ray, the president of one of the fastest-growing universities of Texas and an academician in the highest tradition, is stepping down from his executive position. The loss is a great one, lessened only because Dr. Ray has elected to continue as a professor at the University of Texas at El Paso.

Dr. Ray came to what was then known as Texas Western College in El Paso nearly 8 years ago. It was a developing school then that was famous for its mining engineering programs, but not so acclaimed in many other departments. At that time TWC had about 4,000 students.

Today, with a new name—the University of Texas at El Paso—UTEP—this growing school is one of the bright spots on the panorama of higher education in Texas. Dr. Ray's leadership has contributed much to that ascent, while UTEP has now grown to full university status, with an enrollment of more than 8,000 and with a faculty that is energetic and proud of their institution.

I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Dr. Ray Steps Down," from the winter, 1968, issue of NOVA, a magazine published by the News and Information Service at the University of Texas at El Paso.

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

DR. RAY STEPS DOWN

"The burdens of the office of the President, with its tensions and pressures, have become increasingly onerous for me. I have many times recently reflected on the halcyon days when I was a professor with no administrative duties."

With these words, Dr. Joseph M. Ray, U.T. El Paso President since August 15, 1960, announced to a hushed gathering of faculty members his impending retirement as president of The University of Texas at El Paso, effective September 1, 1968.

The announcement by Dr. Ray plus a statement from Chancellor Harry Ransom of The University of Texas System were read February 14 to the completely astonished faculty membership in Magoffin Auditorium.

"I have never borne a title of which I was prouder that I am of that of professor." Dr. Ray continued, "I have never surrendered it during the years when I had the administrative titles of dean and president. I am now sixty years old and weary of the exacting requirements of the presidency of such a rapidly burgeoning university. I think I have earned the privilege of devoting the remainder of my productive career to the line of work I much prefer. I am convinced that in that work I would be happier and would have a longer life expectancy."

Dr. Ray said he made his request to be relieved of administrative duties to Chancellor Ransom and through him the Board of Regents which approved the request at the San Antonio meeting January 26-27.

On September 1, Dr. Ray will become H. Y. Benedict Professor of Political Science and President Emeritus of the University. For the first semester of 1968-69, Dr. Ray will take a semester of Faculty Development Leave for reading and study to bring himself abreast of the developments that have taken place in political science over the past several years.

Chancellor Ransom made the following statement on Dr. Ray's decision: "The University of Texas at El Paso has changed much more than its name during the presidency of Dr. Joseph Ray. Academic standards have been raised, faculty recruitment fortified, the plant expanded, libraries and laboratories improved, and international activities strengthened. The Benedict Professorships, the rejuvenated Excellence Program, and the founding of an advisory council all came during this period of significant progress.

"Most notable, perhaps, are the strong votes of confidence given the University at El Paso by accrediting groups made up of rigorous academic critics from institutions outside Texas.

"All these accomplishments are now history, and truly historic in the future prospect of a steadily improving university.

"Both the Regents and the Central Administration, recognizing President Ray's earlier leadership, now confidently expect him to continue contributions to the University of Texas. His research in his specialty, public administration, has been both varied and generally recognized. As Benedict Professor, in both scholarship and teaching, he can be expected to make a record equal to that which he has attained in administration."

In the summing up, Dr. Ray told the faculty gathering, "I take great pride in the progress that has been made at The University of Texas at El Paso in the eight years I have been here. In all the areas of the University's program, in quality of faculty, in the selective admission of students, in the expansion of academic programs and graduate offerings, in the library growth, in plant expansion, in our thrust toward Latin America, in reorganizing the administrative establishment with new departments and new schools, in athletic prowess, in the Excellence Program, in academic quality in general, in the influx of students from outside our immediate region, we have changed from a small regional college to a great state university. In 1960 I would have been reluctant to accept a position on the faculty of Texas Western College. I now by my own request in 1968 move with high pride to a position on the faculty of The University of Texas at El Paso, resolved as best I can to continue to contribute to the quality of our splendid University."

A standing ovation from his faculty audience attested to the fact that everyone has understood and felt the impact of the institution's historic progress during the tenure of office of President Joseph M. Ray.

Educating the Disadvantaged

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. REIFEL. Mr. Speaker, one of the most constructive contributions to the recent annual convention of the National School Boards Association came from Dr. Roy C. Knowles, of Sioux Falls, S. Dak.

Dr. Knowles is one of the State's leading physicians and an active member of the Sioux Falls Board of Education.

In these times when much of the rioting and civil unrest can be traced directly to the lack of educational opportunities for disadvantaged families, his words carry particular meaning.

His remarks are addressed specifically to the type of disadvantaged children that live in the smaller communities of the Midwest. Nevertheless, his observations are cogent to the overall national problem.

The remarks of Dr. Knowles follow:

REMARKS OF DR. ROY C. KNOWLES, FROM SIOUX FALLS, S. DAK., AT THE 28TH ANNUAL CONVENTION OF THE NATIONAL SCHOOL BOARDS ASSOCIATION, DETROIT, MICH., MARCH 31–APRIL 1, 1968

This presentation will be made out of my own experience rather than a survey of the programs now ongoing throughout the United States; nor will it be an attempt to illuminate the theories behind such programs.

Always and always we find ourselves getting into battles with the words we use. If we take the title, "Educating the Disadvantaged," and take the directing statement which is printed under the title in our program, "Differences in the Social and Economic Backgrounds of Children is Recognized as a Major Cause of Differences in Educational Attainment," we immediately get what appears to be a clear directive and clear definition.

It should now be easy to restrict ourselves to a discussion of the slum as opposed to Nob Hill and we should be able to define or designate clear cut evidences of educational advantages accruing to the children who come out of one economic level of society as opposed to the other.

SOME COMPARISONS

One may say that it has already been established that those children who come out of homes which are disadvantaged socially and economically are disadvantaged educationally as they are compared with their age peers from the right side of the tracks or from higher up on the hill.

I think we can accept this kind of statement as a generality, but it seems to me it should be accepted only as a generality. If it is accepted as an absolute, then there will be children who will become educationally disadvantaged because they are forced into the mold of being considered advantaged or expected to be advantaged by their social status when indeed they are not, and there will be children who are disadvantaged educationally because we expect them to be.

Many of our fine, Jewish leaders came out of ghettos as dark and dingy and rat-infested and hopeless as the Harlems of our large cities or as our middle western Indian reservations. They were beset by ethnic-based prejudice as intense as is color-based prejudice, but someone refused to accept the implied disadvantage.

There is an educational film concerning the migrant workers in the New Jersey strawberry and potato harvesting. In this film a man, intent on reforming a bad situation, recognizes that the Polish farmers who now own the farms take a terrible advantage over the colored workers, just as their predecessors took advantage of them when they were the workers in the same fields.

Some of these Polish migrant workers fell under their disadvantage and some rose. Not all succumb and we must be wary lest we force them to succumb to prove our own point.

GENERAL APPROACH DANGEROUS

I make the preceding statement only to suggest that as communities look at the terrible problems that beset them in the matter of educating the socially and economically disadvantaged child, they not destroy some children in the name of helping the generalized mass of children.

There are parents among the disadvantaged who do read to their children and who do encourage their children to read; who do dream with their children and encourage their children to dream; who do seek mountains with their children and encourage their children to climb these mountains.

There are parents among the socially and economically advantaged who do not read with their children; who do not dream with their children; who do not seek mountains with their children.

The former should not be disadvantaged by being squeezed into a program for people who are "disadvantaged." The latter should not be disadvantaged by being denied access to a program for the "disadvantaged."

THE MIDWESTERN PROBLEM

Perhaps it is well that there is a representative on this panel who comes from a modest-size city in a small midwestern state. This city is not beset by problems of ghetto or slum or race or creed, nor, on the other hand, by great wealth or superior station.

This does not make us unaware of the terrible problems of the large cities for, indeed, it is not far to Minneapolis, Omaha, Kansas City, Denver. Also, we are not far from the shame which is the reservation. Also, we are not far from other modest cities which do have large, disadvantaged, Indian populations.

Perhaps it is because we are not beset by massive problems and overwhelming problems that I tend to view this subject more specifically rather than generally. If we have a problem concerning governmental financing and programming, it may be because we are beset by a conservatism—a political conservatism.

We also do not have large, money-producing industry and, therefore, state-level programs are very limited and are almost completely a matter of dispensing federal funds which have been assigned to the states.

TYPES OF DISADVANTAGE

Out of this particular background my look at the subject of educating the disadvantaged is, therefore, inclined to include all kinds of disadvantage.

The retarded child is disadvantaged; the socially maladjusted child is disadvantaged; the emotionally disturbed child is disadvantaged; the crippled child is disadvantaged and children marked by ethnic or skin pigmentation differences from the larger group are disadvantaged.

We can weave a more complicated web by indicating that generally speaking the retarded child, being different, is also emotionally disturbed and, therefore, even more socially, economically and educationally disadvantaged. So, too, with the crippled child and any other child who is set off from his peers.

I rebel against myopic programs which, seeing only one aspect of a problem, pour money into an area to raise the economic base and thus promise to cure the evils.

However, though I rebel against such generalized, non-specific, mass attacks against a wide range of problems lumped together under our title, I do recognize that when a community or a state is faced with overwhelming problems, it must use heroic, if sometimes clumsy and sometimes damaging, methods.

SPECIAL CASES CITED

Our state and our community is small enough that we can point to isolated and individual cases of specific kinds of disadvantage. Take, for example, the instance of a welfare worker presenting to a meeting of the county commission the case of an infant Indian child with pneumonia who badly needs to be in a hospital and listen to one of the county commissioners as he says, "I won't spend a dime on a damn Indian!"

Take the instance of a child who is a poor reader and generally a poor student in the fifth grade in school and hear his mother ask a teacher, "Do you suppose I ought to buy him a book of his own now?" This came out of a middle-class family.

Take the instance of a child chained to a stove in the middle of a room so that he can be handy to pass a catheter into his mother and draw her urine since she is incapacitated. The father must work; the mother must be taken care of and therefore, the child must not be allowed to go out and play or to go to school because he must tend to his mother.

Though we may be able to see the individual tree in our particular forest, I cannot say that we build programs any more promising than those produced in the areas where the forest must be taken care of and the individual trees must find for themselves.

SOUTH DAKOTA PROGRAMS

In our area we do have the typical Head Start programs. The teachers are convinced that as these children enter kindergarten and first grade they are readier than were their brothers and sisters who did not have Head Start.

We have an unusually fine crippled children's hospital and school. This takes crippled children of all colors, all economic and social backgrounds.

Technically, it does not provide for the psychological needs of the emotional disturbances attendant upon crippling, but, in actual fact, because the school is small and individual oriented, the needs of the children are intuitively or accidentally met in a large percentage of the patients. This program is state and locally supported.

We have one of the original and model comprehensive facilities for aiding the high school drop-out. This program is intensive, highly personalized and permits a wide range of vocational exploration with subsequent follow-up through the Division of Vocational Rehabilitation.

This comprehensive facility is a function of the Board of Education, but it is financed through federal monies and the later vocational rehabilitation efforts are financed by federal monies. This program serves a hard core group of misfits who have come out of socially and economically deprived backgrounds, although this cannot be considered an exclusive statement.

Local, state and Board of Education funds go into a reasonably extensive program for the retarded child. These programs definitely cut across all levels of social and economic privilege.

MENTAL HEALTH PROGRAM

Staying with the general approach of individual case finding and individual care, the local mental health center provides corrective educational, as well as corrective psychological, experiences to children who come to the attention of the mental health center largely through the schools because the children are performing poorly.

Again, this program cuts across all social levels, but it does point out to us that within the group we are considering, the socially and economically disadvantaged, there are those who must be given a primary label or emotional illness rather than the generalized label of having come from a slum or ghetto or a large mass of underprivileged and disadvantaged.

This program is funded at all governmental and charitable levels up to state government. From time to time it has been the recipient of special federal projects grants supporting studies which are similar to many which have been reported from other parts of the country.

The educational efforts at the mental health center have varied through the past twelve years from the use of unskilled therapists who taught as the kids caught fire, through the use of certified teachers in two classrooms of four to six children each, and now to the use of one teacher and one nurse and four college students using two classrooms and an informal play situation.

Grades are not considered. Parent participation is required. Some children have moved two academic years in one semester. Some have failed or we have.

BUSING STUDENTS

We have found that children from two of our school areas are educationally well below the average as measured by the standardizing test used by us—the Iowa test of basic skills. Not one child reached above the 25 percentile. Since we are forced by circumstances to go into extensive busing, we will try to use this opportunity to bus many of these children to other schools so they may receive the stimulation from more highly educationally excited peers. We are just beginning.

Since this is a rural and farm state, the federal grants for survey and research may someday be fruitful in defining the special problems of the disadvantaged who live in scattered and thinly populated areas.

The state is divided into districts under Title III as are other states. The fiscally responsible agency of the Southeastern South Dakota District is the Sioux Falls school district.

Though we will probably never have the violence and the immediate urgency now being experienced by large, urban areas, we may find that though the problems are different, they are equally as difficult as we try to find ways of providing educational opportunities for the isolated, socially and economically disadvantaged child.

Paterson, N.J., America's First Industrial Community

HON. CLIFFORD P. CASE

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. CASE. Mr. President, we in New Jersey have long been proud that America's first industrial community was established in Paterson.

The story of this city, beginning with the incorporation of the Society for the Establishing of Useful Manufactures in 1791, is a fascinating one. Recently, Dr. D. Stanton Hammond, an outstanding historian in Paterson and curator of the Passaic County Historical Society, told the story in a series of articles published by the Paterson News. In the belief that others outside our State will find this series of interest, I ask unanimous consent that the articles be printed in the RECORD.

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

PATERSON'S CHARACTER FIXED IN 1791 WHEN GOVERNOR SIGNED S.U.M. LAW

(By Dr. D. S. Hammond)

(First of a series)

The place and stature of Paterson, both in the state and in the nation, were set for all time on Nov. 22, 1791.

This was determined when William Paterson, then Governor of New Jersey, signed the Legislature's bill incorporating the Society for the Establishing of Useful Manufactures. Familiarly and alphabetically known as the S.U.M., it existed until 1945 when it was swallowed by the city that grew up out of the town the S.U.M. itself had created.

Let us trace Paterson's birth and growth as the National Manufactory which the Secretary of the Treasury of the then infant United States of America planned and provided for. The unique position Alexander Hamilton had in mind for Paterson was that it should be the focus of national American attention on manufacturing, to rid the

13 states of European domination in that line of the national economy. With boundless possibilities in the way of national resources, easy water transportation for commerce and the ending of the wars in America, only this European strangulation impeded "full speed ahead."

To retrace the history in proving Paterson's right to be considered the foundation on the national level of American manufacturing, let us "look at the record," for this properly is a cause in the legal sense, and the preponderance of facts as evidence.

After the American Revolution was over (practically in 1781) the 13 Colonies loosely collaborated in a confederation called the United States of America. Napoleon's attributed appraisal of the so-called Holy Roman Empire as "neither holy, Roman nor an empire," would well be paralleled here. This is because the American states were individually and internally weak and yet kept up constant bickering with each other.

EUROPE KEPT ALOOF

Fortunately for them, most of Europe at that time was involved in the several monarchical wars, so America was largely left to its own devices. Most fortunately, too, the close of the 18th century produced a generation of mental giants who could rise above self and bickering.

So the U.S. Constitution of 1787 emerged, a new united nation was born and a suitably efficient government was set up by 1789, headed by the First President of the United States of America. George Washington was the first president of a united country, and he had the successful support of most of the better brains of that generation.

Washington, under his constitutional authority and with the consent of the Senate, set up his cabinet by naming some of the best of those brains. In this cabinet we find Alexander Hamilton as Secretary of the Treasury, laying out the U.S. finances mainly, but extending his department's influence into fields not assigned to any of the then five cabinet officers.

In January, 1790, a resolution adopted by the House of Representatives called on the Secretary of the Treasury to report on the need for manufactures in the United States. After careful study and deliberation. Hamilton on Dec. 5, 1791, presented to the Congress his famous Report on Manufactures.

This masterful document alone would mark Hamilton as an economic and financial genius. He laid out in crystal clear fashion the course our country should chart to achieve freedom from all European or any other domination through the "establishing of useful manufactures." While not divulging all of his own ideas and operations, the hint was there of practical application of his own plans for national manufacturing. This is indisputably chronicled in the minutes of the directors of the S.U.M. at their meeting in New Brunswick on Dec. 9, 1791.

TWO HAMILTON CONTRACTS

In proof of this, the minutes record two contracts prepared by Hamilton as "agent of the society." The first, dated Aug. 17, 1791, was a contract with Thomas Marshall to be superintendent of a proposed cotton mill. Marshall's name still appears on the city's street signs. The second contract dated Aug. 20, 1791, was with William Hall to be superintendent of cotton printing, with Joseph Mort as his assistant. Note—there was no legal corporation until Nov. 22, 1791.

The Society for Establishing Useful Manufactures (S.U.M.) became a legal corporation Nov. 22, 1791, by an act of the New Jersey Legislature.

Treasury Secretary Hamilton and his associates then proceeded to step up the business of organization.

His clients, his comrades in the Revolution, his relatives by marriage, and his business friends quickly subscribed for the stock by January, 1792. It was reported that 6,299 shares of the capital stock, limited by the charter of Nov. 22, 1791, to 10,000 shares at $100 a share, had been subscribed. An original printed form of the S.U.M. prospectus and subscription list is in the vault of the Passaic County Historical Society at Lambert's Castle. Among the subscribers listed are the following:

Elias Boudinot, 100 shares; Judge Elisha Boudinot, 50; Dr. Burnett, 20; Gen. John N. Cumming, 50; Elias and Jonathan Dayton, 10 each; Abijah Hammond, 40; Gen. Henry Knox, 40; Nicholas Low, 64; Henry Livingston, 120; Archibald Mercer, 50; John Pintard, 100; James Parker, 60; Richard Stockton, 82, and the State of New Jersey, 100.

The S.U.M. stockholders were among the biggest men in the New York and Philadelphia areas, as well as wealthy merchants from Amsterdam and other cities of Holland.

Congressman Elias and Judge Elijah Boudinot, General Cummings, Elias and Congressman Jonathan Dayton, Gen. Knox, Congressmen Livingston, Stockton and Col. John Neilson were important figures in the Revolutionary War.

Craigie, Abijah Hammond, Nicolas Low, Le Roy, McConnel, Macomb, Mercer and Troup were merchants and speculators in a big way in New York and Philadelphia (until a sad denouement in the N.Y. panic of 1792). Hamilton's own family in-laws came from his marriage to Elizabeth, daughter of Gen. and Congressman Philip John Schuyler. She was the close friend of Lady Kitty, daughter of Gen. Sterling and the wife of Congressman William Duer.

So far, the stage has been set for the opening scene of the dramatic production of one man's dream, the establishment of "The National Manufactory." Now, the record must be examined to explain the significance of the stage set for this drama.

With Alexander Hamilton's appointment as Secretary of the Treasury by President Washington on Sept. 11, 1789, he was the first appointed Cabinet officer of the United States, preceding Gen. Henry Knox as Secretary of War by one day.

Hamilton was born in the West Indies and was not eligible to election to the Presidency. Coming to New York in 1772 as a boy for education at what is now Columbia University, he joined the Continental Army in New York as a captain of artillery. From 1777 to the end of the Revolutionary War he served George Washington as aide de camp and was active in all campaigns to the final siege of Yorktown.

After the Revolution, with admission to the bar in New York, he served in the Continental Congress from 1782 on, playing a vital role in the Philadelphia Constitutional Convention of 1787 and in the New York State Convention of 1788. After Washington's appointment he served in the Treasury post from 1789 to 1795, retiring to practice law up to the time of his untimely demise in 1804. This thumbnail biography depicts no ordinary man, but one who could crowd so much of action in his short 47 years.

To be certain that there is solid substantiation of this report concerning Hamilton and his "National Manufactory" project, reference is to be had to the following primary sources:

—The original minutes of the directors of the S.U.M., 1791–1928, Vol. 1, a 471-page manuscript quarto volume recently and beautifully rebound by order of Mayor Lawrence F. Kramer. This was a much needed step for the preservation of this primary source of Paterson history.

—The voluminous S.U.M. papers lodged in the vaults of the Passaic County Historical Society in Lambert's Castle, as well as much more documentary material in the Paterson City Hall.

—The "Collected Papers of Alexander Hamilton" being published by Columbia University under editorship of Prof. Syrett since 1955, now in 13 volumes. This report uses the series from Vol. VI of 1789 to Volume XIII, to February, 1793.

PATERSON'S STORY LINKED TO ALEXANDER HAMILTON'S

(By Dr. D. Stanton Hammond)

(Second of a series)

To start this complicated journey step by step through the records, Alexander Hamilton's progress as secretary of the treasury from 1789 will be followed. Mainly by Hamilton's skillful exposition and management, Congress was persuaded to assume the several states' Revolutionary War debts. This Hamilton calculated to be $2½ million, costing in annual interest the then staggering sum of $826,624.73, at the then very reasonable average rate of a little less than 4 per cent.

To pay for this and for debt retirement, Hamilton planned for revenue to be raised by taxes on hard liquors. He devised an import tax on an estimated 10 million gallons at specific rates from 8 to 11 cents a gallon, which he predicted would produce nearly $1 million a year.

This envisioned a per capita 1½ gallon consumption annually, which probably was the case in our 18th century population of four million. It originated our liquor consumption taxing, which was not altogether a welcome plan, as the Pennsylvania Whiskey Rebellion of 1794 evidenced.

As a sidelight, Hamilton was arguing the modern theory of taxes on use and consumption in order to ease the taxes on land and personalty. The extant lists of "Tax Ratables" in Acquackanonk Township of Essex County (now Passaic County) for 1779 show that land, horses, cattle, slaves and bachelors tax supported almost the entire governmental establishment.

MANUFACTURING REPORT

On Jan. 15, 1790, the House of Representatives called for a report on national manufacturers as urged in President Washington's State of the Union address. By the month of June, Hamilton had sent Treasury circulars to some of his customs collectors. The circular received by Benjamin Lincoln at Boston listed Hamilton's request for local information on manufacturing. At this time, busy Hamilton was preparing a government report on a National Bank, then helped to incorporate the Bank of the United States with the Philadelphia Biddles.

In January, 1791, Hamilton prepared a report on the establishment of the Mint for the issuance of the new coinage. It is interesting to note that the law of Apr. 2, 1792, called for minting of half cents and cents in copper, the half dime, dime, quarter, half and dollar in silver and the $10 or eagle, the half eagle and quarter eagle in gold. This is our present U.S. coinage with the withdrawal of the half cent, half dime and all gold denominations. Hamilton's work very evidently made for performance.

In April, 1791, Hamilton in Philadelphia had correspondence with William Duer in New York, in which his first plan for a manufacturing society was unfolded. Duer accepted the idea enthusiastically and moved to interest Theophile Cazenove, an Amsterdam entrepreneur and representative of four large financial houses in Holland. Cazenove did later get these Dutch houses to subscribe for $25,000 in S.U.M. stock and to set up in 1794 the Holland Land Co., that bought and developed the western half of the present state of New York.

WROTE TO L'ENFANT

Hamilton was also writing in 1791 from Philadelphia to Maj. Charles Pierre L'Enfant at Georgetown, Md., who was then engaged in planning for the "Federal City" on the banks of the Potomac in Maryland and Virginia. L'Enfant was well known to Hamilton because of their association in the Continen-

tal Army during the Revolution. L'Enfant had exceptional engineering vision and ability and had been chosen for this task by President Washington to work under a committee he appointed, consisting of Thomas Jefferson, Secretary of State; Congressman Daniel Carroll of Maryland and David Stewart of Virginia.

But L'Enfant's grand layout for our Washington capital had to be carried out by others, since L'Enfant could not subject himself to serve under the committee and was dismissed in short order (Feb. 26, 1792) at President Washington's command. It is interesting to note that because of the dismissal L'Enfant was available for Hamilton's use in the SUM engineering in August 1792.

On June 22, 1791, Hamilton sent out the before mentioned Treasury Department circular to all the Customs Officers seeking information on the amount and character of local manufacturing in the various states. A single copy seems the only survivor—the circular received by John Dexter, collector for Rhode Island, now preserved by the Rhode Island Historical Society in Providence.

PICTURE OF DAWNING U.S. INDUSTRY IS SHOWN IN REPLIES TO HAMILTON

(By D. Stanton Hammond)

(Third of a series)

The responses to Alexander Hamilton's questionnaire to customs officers were many and even voluminous. Hamilton had received the initial reply to his letter of Jan. 25, 1790, to Benjamin Lincoln, then the customs collector at Boston, who answered Hamilton on May 25, giving a sketchy overview of local manufacturing. With this start, the 1791 circular called for complete compilation of the facts. In Vol. IX of the Columbia series, starting at page 319, the succeeding 200 pages are replete with these answering reports.

On July 21, 1791, came the Connecticut report from John Chester of Hartford, who had been selected by Peter Colt to conduct the state's survey on manufacturing. Peter Colt at that time was a veteran of the revolution, the treasurer of the state of Connecticut and an important citizen. A member of an original colonial family, he was destined to bring about tremendous changes in American history in guns, land, manufacturing and government.

A complete digest of the answers would run on tediously, but enough must be included to give a fair picture of manufacturing conditions in the 1790's in the U.S. Colt reported that Connecticut had granted a lottery in May, 1787, to promote manufacturing of woolen goods and Elisha Colt (Peter's relative) wrote Chester on Aug. 20 that the lottery had netted 900 pounds which were added to the 2,800 pounds already invested in the business.

Elisha noted the carping jealousy of the British factors, as agents in Connecticut, trying to prevent manufacturing by disallowing machinery importation. Their success stifled American manufacturing, he said, hence "we try to make our own machines." Elisha described the machines as a "willow" a "scribbler" and a "burler," adaptations of the spinning wheels and looms then in most of the citizens' homes. However, Elisha reported that "since our commencement in the summer of 1788, there has been worked up 20,000 pounds of wool to over 12,000 yards of woven cloth selling at a shilling and a half to 28 shillings a yard" (37½ cents to $7).

Herman Swift of Cornwall, Conn., answered Aug. 22 on the iron furnaces and forges and slitting mills.

Benjamin Huntingdon of Norwich on Aug. 26 wrote he didn't understand what Secretary Hamilton wanted but listed at length on the variety of manufacturing that could be done there. John P. Cooke of Danbury on Sept. 12 reported on the hat manufacturing in the factory of O. Burr and Co. since 1787, with some cotton manufacturing since 1788 and later bar iron manufacturing.

Amasa Learned of New London on Sept. 14 reported boat building, saddlery and tanning. James Davenport of Stamford on Sept. 16 reported that linen and sailcloth manufacturing were started in 1789 by John Willian Holly. Roger Newberry of Windsor on the same day reported manufacture of woolens, linen, axes, nails, etc.

Alexander King of Suffield on Sept. 12, 1791, reported large woolen business in 1788, the location of a water power trip hammer for iron plates, with blacksmith, nail mill, and axes and potash manufacturing. He said 300,000 feet of planks were produced on the west bank of the Connecticut River.

On and on reports came from Farmington, Southington, Middletown, Killingworth, Lebanon, Mansfield, New Haven (four letters), in September and October, 1791, making an astonishing array of small but effective establishments.

Hamilton also had traveling friends who touted his plans about the country. A letter from Nathaniel Hazard, Oct. 11, 1791, stated, "I go to Connecticut to attend the assembly with friend William Maxwell (a New York City merchant). I will press turnpike roads and national manufactury in Jersey upon my Connecticut acquaintances." The reader should note that Hazard was working the manufactury idea for New Jersey nearly 10 months before Paterson was founded.

Letters dated Oct. 13, 1791, came also from Massachusetts bearing reports of Nathaniel Gorham, the supervisor for revenue in Massachusetts, on manufacturing in that state.

Hamilton also heard from Thomas Lowrey, U.S. marshal in New Jersey, on Oct. 14, 1791, from Alexandria, the present borough of Frenchtown, on the Delaware River. He wrote suggesting good mill sites on that river to locate the national manufactury, 20 to 40 miles above the falls at Trenton. The next day, Oct. 15, Lowrey wrote a second letter extending the site area "from the mouth of the Musconetcong River to Trenton." The Riegel Paper Mills are now on the Musconetcong.

Charles Coxe, living on his vast estate on the Raritan River in Hunterdon County, offered his "Sidney Farm" of a thousand acres with a map showing many mill sites from present Clinton, past Flemington on the Raritan. Coxe was the great-grandson of the original Dr. Daniel Coxe, physician to the queen and owner of much West Jersey property.

John Halstead of Perth Amboy wrote he had 400 acres available, as shown on an included map dated Oct. 31, 1791. The most intriguing report, however, was sent to Hamilton by John Dexter, his Rhode Island supervisor of revenues. This was a letter to Dexter from Moses Brown of Providence, R.I., dated Oct. 15, 1791, and giving a long, full report of Brown's manufacturing activities in Rhode Island from 1789 to date.

This letter is of vital importance in the Paterson-Slaters mill discussion about the foundation of American manufacturing. A short synopsis, follows:

Brown asked Dexter to lay his letter before Alexander Hamilton." Then he mentioned the whale oil manufacturers in Rhode Island. He stated that in the spring of 1789 he had two Scots, Joseph Alexander and James MacKerries, working on machines on the Arkwright model for spinning, etc., in Providence. But the Scots' machines did not work well. Spinning was also tried in East Greenwich, R.I., with little success.

But, he explained, a young man had lately come from England via New York who claimed he knew the Arkwright machinery in England, "the old country." Brown had brought him from New York and employed him to make new Arkwright plan machines, but up to that date they had not been entirely successful. This young man was Samuel Slater, who left his home in Belper, Derbyshire, after the death of his father and the expiration of his cotton spinning apprenticeship in Aug. 1789, under Jedediah Strutt. Strutt was a partner with Sir Richard Arkwright.

Samuel, then 21, left London Sept. 13, arrived in New York City Nov. 18, a 66-day trip, got a New York City weaving job, heard about Moses Brown's Rhode Island factory and on Dec. 2, 1789, wrote his letter of application to Moses Brown, stating his Arkwright training. On Dec. 10, Brown answered, accepting promptly. Slater, through contact with his informant, packet Capt. Curry, sailing between New York and Providence, arrived in Rhode Island about New Year's Day, 1790.

During January Slater went with Brown to his Pawtucket hill, examined the machinery and declared repairs to it to be a useless waste. Slater with David Wilkinson, later his brother-in-law, got Brown's consent to work together practically in secret to make Arkwright models. By Dec. 20, 1790, they had a measure of successful spinning that produced more spun yarn than all their handloom weavers could use.

It was not until July 12, 1793, that Moses Brown's firm, Almy and Brown, finished the "New Mill" on the west side of the Blackstone River in what is now Pawtucket, and successfully conducted complete cotton manufacturing. This "New Mill" is now known as the "Old Slater Mill," still standing and maintained today as a historical mill museum by an association set up by the National Association of Cotton Manufacturers.

White's biography of Samuel Slater on pages 72 and 73 confirms the early dates of Slater's American itinerary. Reverting to Moses Brown's letter to Hamilton, he wrote that from 1789 to date his mill wove 515 pieces, over 12,000 yards in all.

HOW MANUFACTURING GREW IN UNITED STATES FOLLOWING REVOLUTION

(By Dr. D. Stanton Hammond)

(Fourth of a series)

Shortly after the Revolution was over, Thomas Digges, a citizen of Maryland, appeared to be interested in business speculation but was actually inveigling "skilled workmen—artists" (meaning mechanics or artisans) to elude the stringent English laws prohibiting their emigration to America. In traveling in Scotland and Ireland, he met many prospects to whom, if willing to emigrate, he would give letters of introduction to his American associates.

So it was that in July, 1791, Thomas Marshall arrived in New York from England, looking for a Hamilton contact. Marshall had been Sir Richard Arkwright's superintendent from 1786 to 1790 and claimed he could set up the whole cotton business. Another Englishman obtained by Hamilton was William Hall.

The two contacts earlier mentioned in this series put them to work at once. On Aug. 29, 1791, Hall wrote Hamilton in Philadelphia that he had explored the Delaware River for Hamilton for 94 miles as far north as the Pequest River for mill sites, and that he had found none satisfactory on the Raritan River.

"BEST PLACE"

In September Hall went to the Passaic Falls and reported the site as the "best place in the world." Also in September, Marshall reported on his inspection of the Passaic Falls with "Monsieur Allou, a French engineer, at the request of Mr. Duer." Apparently Duer on his own initiative had employed the Frenchman to plan "a canal from the falls to Vreeland's point" (Acquackanonk at tide water) at the estimated cost of 2,000 pounds.

Duer later had Col. Samuel Ogden contract on Feb. 8, 1792, with John and Jacob Vreeland with a $250 binder for part of their farmland. This extravagance proved to be a

sore point later with the S.U.M., which did not ratify the plan. The directors had to cover the $250 expense and loss to Ogden at the Godwin Hotel meeting on July 6, 1792.

Marshall was unhappy with the Allou's bungling of their Falls visit, and his canal and tidewater mill ideas. Marshall was quite sold in his own mind with his preference for the mill site at the Great Falls.

The prospectus of the new S.U.M. was printed in Philadelphia in August, 1791. One of the originals is now in the possession of the Passaic County Historical Society's vault in Lambert's Castle. Various notations in Alexander Hamilton's writing cover many items. Thirteen kinds of manufactures were proposed: paper, cloth, cotton, wool, silk, shoes, stockings, pottery, hats, carpets, blankets, brass and ironware and thread. It is noteworthy that Paterson has manufactured in all these lines, and expansions, down through the years. In November, 1791, Hamilton received a report on the manufacture of chemicals from the Marshall Drug firm in Philadelphia. It was not acted upon but Paterson later became the silk dyeing giant of the United States.

REPORT ON MANUFACTURES

During the entire year of 1791, Hamilton, while busy with his S.U.M., plans, had been working on his "Report on the Subject of Manufactures in the U.S.," with the help of Tench Coxe, his assistant secretary of the treasury. From January to December they had worked over five drafts for the report before feeling satisfied to meet the deadline of presentation of the report to Congress. This was done on Dec. 5, 1791, was entered on the clerk's books and published in full in the country's newspapers. It required several successive issues in the usual weekly publications.

The report traveled everywhere, even across the Atlantic, where it made quite an impression—not too satisfying in Great Britain.

Thomas Diggers wrote Hamilton from Belfast, Ireland, on Apr. 6, 1792, that he had received and read every issue and was so impressed he had published a pamphlet, "Alexander Hamilton's Report on Manufactures to Congress, on Dec. 5, 1791," which was sold in Ireland and elsewhere at a shilling a copy, with a large demand.

On Dec. 7, 1791, Hamilton made his first official recommendation at the first S.U.M. directors' corporate meeting in New Brunswick. Among other things, he recommended William Pearce as superintendent and Joseph Mort as his assistant.

MARIA REYNOLDS SCANDAL

As if Hamilton did not have enough to do, the most catastrophic difficulty of his life, save the fatal duel, exploded on Dec. 15, when the Maria Reynolds scandal and blackmail erupted. With money payments, sometimes heavy, the "affair" was kept under wraps until 1797, when James Monroe (later president) and other of Hamilton's political enemies used the worthless Reynolds husband to accuse Hamilton of speculating with U.S. government funds. Hamilton, stung to the quick, published the true facts, sparing no one in a pamphlet, "Written by Himself," printed "for John Fenno in Philadelphia by John Bioren, 1797."

It was a masterful defense, but hurt those dearest to him, for while Elizabeth Schuyler Hamilton, the mother of his eight children, remained steadfastly loyal and strong in defending him, she carried her sorrow to her dying day. It was long afterward, about 1830, that James Monroe called on her at her home and stated that in view of his approaching demise, he wanted to make amends for the trouble and pain he had caused her in his political dealings. She heard his apology, but stated nothing could be changed by his words. Monroe died in 1831 but Mrs. Hamilton carried on to 1854, dying at 95.

Under the S.U.M. charter of Nov. 22, 1791, a stockholders' meeting in Trenton elected 13 directors as the charter provided, with William Duer elected as governor of the society, and Archibald Mercer as deputy governor. At the Jan. 20, 1792, meeting, the directors determined that the location of the "Seat of Manufactories" must be on one of the three New Jersey rivers.

John Hills of Philadelphia and Christopher Colles of New York were hired to make surveys and levels. Hamilton recommended among other matters that the S.U.M.'s money accounts be kept in the new U.S. dollars and cents, rather than the old pounds, shillings and pence.

The New York panic of 1792 involved the S.U.M. directors most unhappily. On March 9, the firm of Duer and Macomb failed in New York and Duer wrote Hamilton begging his help to stave off the U.S. Comptroller from starting suit in Philadelphia for a $200,000 deficiency. Hamilton replied in a friendly letter March 14 that "your request came too late for my help here." Duer's firm had failed for about half a million, due to speculation, for debt in New York City and the next day S.U.M. director Nicholas Low wrote Hamilton that the S.U.M. stock seemed safe but that the $10,000 in Duer's hands "is probably lost." Then on April 10 Director John Dewhurst failed and Director Nicholas Low and several others planned to send a fast pilot boat to England to head off the loss of S.U.M. funds in the society's agent's hands in London.

WITH HAMILTON HELPING, S.U.M. FINALLY LOCATES AT GREAT FALLS OF PASSAIC

(By Dr. D. Stanton Hammond)

(Last of a series)

Through all of the business failures, Hamilton remained in the clear and continued to advise the remaining directors. In a letter to them dated April 14, 1792, he urged the manufactory location be decided upon; to buy land commerce building and to confine initial operations to the cotton branches. He thought a proposed lottery would better be postponed.

At the May 15 meeting, a finance report of the S.U.M. showed the following assets were still intact: $29,000 in the Bank of New York; $24,000 in the Bank of the United States in Philadelphia, and $70,000 in U.S. deferred stock (U.S. Bonds).

At the May 18 meeting in Newark it was decided to locate the manufactory on the Passaic River. A directors' committee of three was appointed with $500 expenses allowed. It consisted of Directors Nicholas Low, John Bayard and Elisha Boudinot.

This special committee was to select the actual site on the Passaic River for the manufactory. It was to buy the land, hire surveyors to map it, arrange for workmen and machinery for Supt. Thomas Marshall, up to $5,000, and report back to the directors as soon as possible.

HAD HAMILTON'S HELP

This was a tremendous assignment, but not to be considered insurmountable when they had the doughty assistance of Hamilton. This is evidenced by his letter to Director Bayard (in June, 1792) in which he writes that he had talked with his father-in-law, Gen. Philip Schuyler, and others acquainted with the Great Falls area. Hamilton insisted this should be "the spot" for the "town seat" in the same language of today when we say the County Court House is the "County Seat."

Hamilton went even further in abandoning the "Grand Canal" idea so as to confine all activities of the S.U.M. to the immediate area around the Great Falls. Hamilton described what he thought should be the town's area and bounds, which indeed were subsequently adopted in the main by surveyor-engineer Abraham Willis. Paterson's Park Avenue was originally named Willis St. for him. The original letter Hamilton wrote to Director Bayard is now in possession of the New Jersey Bank and Trust Co.

Hamilton's town layout would be a modern blessing in disguise. It would cover about 36 square miles of the Passaic River Valley below the "Little Falls." This writer's map of the area appeared in the 175th Anniversary Celebration issue of The Paterson News and bolsters our historical regard for Hamilton as the "Father of Paterson."

Now as a "flashback," as they say in the movies, let us see why Hamilton was so sold on the Great Falls. Like the little pebble or snowbank on the mountain side that can trigger the avalanche, we can find the little event that surely triggered Hamilton's mind when he was 21.

On June 28, 1778, at the Battle of Monmouth, Washington's young aide-de-camp wrote out his report on the "Position of the Enemy." On June 30 he wrote Washington's order at Englishtown about erecting forts for the defense of Philadelphia. On July 3, in New Brunswick, he wrote Washington's plan for Lafayette's proposed corps.

On July 7 he wrote Washington's order in New Brunswick to Col. Stephen Moylan's cavalry to go to the North River. On July 8 he translated for Washington the letter in French from the Comte D'Estaing, then at sea with the French war fleet, and on July 13, he translated the count's second French letter. Thus our young aide-de-camp was in daily service to the American commander in chief.

The day by day progress is particularized because on this northbound army journey another aide to the general kept a diary of the more personal activities. This was Dr. James McHenry (1753–1816), who later served in the cabinets of Presidents Washington and Adams as Secretary of War.

He wrote on July 10, 1778, "In our route to Paramus, we (that is Washington and his staff), visited the Falls of the Passaic." He then goes on in seraphic description of its beauty and wonders of rocks, tree shade and other features to say:

"After viewing these Falls, we seated ourselves 'round the General under a large spreading oak within view of the spray and in hearing of the noise. A fine cool spring 'bubled' out most charmingly from the bottom of the tree."

Then they ate "a modest repast of cold ham, tongue and biscuit, and some excellent grog." They rested and "chatted away a very cheerful half hour," and then departed to Mrs. Provost's "Hermitage" (in what is now Ho-Ho-Kus,) "for four days and four nights," dancing and gallanting until the General ordered departure for Haverstraw, N.Y., on the Hudson River.

What cogitations were then in the minds of an engineer like Washington, or of an aggressive young man, making his way on his own, as we may properly surmise in regard to Hamilton? This writer cannot doubt that Washington told his surrounding "family" of boys just turned men in war's harsh turmoil, that they were looking at power going to waste—that after the war it could be used to improve national development, (Washington later as President did much along these lines in the Potomac and Ohio valleys.

Who can doubt that Alexander Hamilton was powerfully impressed, almost obsessed with the possibilities?

He unquestionably had the Passaic River's Great Falls continuously in his mind for capital reason which he skillfully unveiled while erecting the S.U.M. as the National Manufactory to free American economy from European domination.

This is the essential point which determines Paterson's rightful position as the actual, physical focus for a "National Historical Landmark" of national manufacturers at the Great Falls of the Passaic.

To rob Alexander Hamilton's record of this achievement, is to attempt to rewrite history. Let us leave the rewriting of history to the

communists and others. There is much more to the S.U.M. story that proves it never was a failure, as will be shown at a later article.

A Man for All Seasons and All People

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. O'NEILL of Massachusetts. Mr. Speaker, the Reverend Dr. Martin Luther King, Jr., has been characterized in many ways. He was called a man of God, a man of peace, a man of love, and a man of right. He was all these things and more.

He had a vision of what America could and should be, and he devoted his life to make our Nation fulfill its own promise and its own heritage. His dream for America was a land where freedom, justice, and equality were not words or slogans, but fact, and a way of life.

He was among the most eloquent of men, for his words came from his loving soul and his brilliant mind. And he seemed to have grasped the truth that so often evades us.

His Eminence Richard Cardinal Cushing and the Honorable Kevin White, mayor of Boston, addressed 30,000 mourners on the Boston Common on Monday. They were there to find comfort and courage, and perhaps some of that faith that served Martin Luther King throughout his life.

Cardinal Cushing and Mayor White provided solace, but more importantly, they charged America with a task and a road to follow toward equal opportunity for all.

His Eminence said:

Dr. King summons us now to a march that has no ending, to a dream from which there is no waking, to a task that will consume all of the hours of all our days.

Mayor White spoke to all of us when he said:

Let us pledge ourselves in this holy hour, before God and our neighbor, that we will build a new world of dignity and justice, of hope and opportunity, from which no man will be excluded.

Mr. Speaker, I include the complete texts of these statements in the RECORD:

[From the Boston (Mass.) Herald Traveler, Apr. 9, 1968]

ADDRESS OF CARDINAL CUSHING AT CEREMONIES ON COMMON

Our age may not seem to be an age of saints, but, it surely is an age of martyrs. God's mysterious Providence has now summoned from among us one more of our heroes, leaving the memory of a great soul who sought only the love of his own brother.

Living men will not forget the rousing beauty of his voice, the courage that disdained all danger, the burning charism of his silent heart. We are bruised and saddened by a loss more profound than we can yet realize, we are bewildered by a cruel act of violence that has snatched from our midst a man of peace.

We know that Dr. Martin Luther King was not afraid of death; he had faced its threat so many times, he knew its features well. He was a man of God, and so too a man of faith, for whom this world held promise of another where among the blessed he lives this day.

From his faith came the grace and inspiration that gave meaning to his every action, that made bearable the long and lonely nights, the miles of marching, the days in prison cells, the heaped abuses of the law, and all the troubles of a people scorned.

This faith in God gave wings to his words, summoned to his side strong Christian souls, rallied the conscience of millions, changed the laws of a land, and gave new meaning to human brotherhood.

This was a faith that, literally, moved mountains, melting the accumulated prejudice of generations, and making the way straight for justice too long delayed.

It is this faith in whose promise this afternoon Dr. Martin Luther King finds all his longings fulfilled, all his pains soothed, all his struggles resolved, as he rests eternally in the bosom of God.

But there was another faith, similarly powerful and moving, which was part of the character of this gentle man of God. As he had an unquenchable faith in God, so too he had an unfailing faith in his fellow man. Like any great leader in human history, he summoned to himself kindred spirits, those who shared his ideals and aspirations, and who were willing also to share his anxieties and trials.

Even those who watched from afar caught something of the confidence and trust he felt in man's ability to see the right, to follow the star, to choose the better path. The "non-violent way," which he preached and practiced, saw no merit in forcing the human spirit; man could be brought to goodness by example and persuasion, and one day the righteous would overcome.

Dr. King has left us a legacy that is rich beyond all counting, it is a new expression of the ancient faith that is summed up in the love of God and love of neighbor.

Let us challenge what men call impossible, endure what seems unbearable, penetrate what appears to be impassable, and create in this very generation what has been man's dream since the dawn of time. It will not be Camelot, it will not be Utopia; it will be real, and it will be ours.

We have trifled too long, all of us, with words and admonitions; we have done so little when so much was required. In this dark hour, with our whole nation in mourning, we must judge ourselves, and take the measure of our failings. We were all in Memphis, one way or another, on Thursday night and the violence and death there must touch the conscience of every citizen.

Nothing that we can do will bring back the life that was lost, but what we can do will assure that it was not spent in vain.

Dr. King summons us now to a march that has no ending, to a dream from which there is no waking, to a task that will consume all of the hours of all our days.

Let us go forward together, with God's grace, and conscious of his judgment upon us.

TEXT OF WHITE'S STATEMENT

We have come together today to honor the life and work and prophecy of the Rev. Martin Luther King Jr.

The Boston Common is an appropriate place for our purpose. It is deeply involved in the history of freedom.

Thousands of memorials like this are taking place—today, tomorrow and yesterday—throughout the nation, indeed throughout the world. Millions of words are being said and sung in tribute and in sorrow—and in the hope that words can somehow make us whole again and better than we were before.

Words can do some of this. They can give us instruction and insight, faith and hope and charity. But they cannot give us all of what we so desperately need to make Dr. King's dream of equality and freedom come true in this city.

That will take work and patience and understanding. That will take dedication and personal sacrifice.

Perhaps the most important work of all is commitment. The right things are being said publicly and privately, personally, and in gatherings like these. But the right things must be done, and that will take commitment of the highest order. What must be done cannot be accomplished in a day or two, a month or two, even a year or two. Good works cannot come as immediate and miraculous acts of will. They must come through the long, hard processes of man and his government on earth.

There is no excuse for delay. There will be days ahead when, weary of the stress and bitter with the struggle, shrill voices will grow prominent again, preaching hate and revenge—attempt once again to kill Dr. King's dream of love and redemption.

Then as now, we, black and white alike, must ignore those voices. We must keep to our tasks. We must do our work.

Tomorrow the right thing must be done.

It is to this work that I pledge this city and our generation in it.

But he also left us a dream. And now we must make that dream come true. Bought in his own blood, paid for with his own life, it can no longer be denied. Let us pledge ourselves in this holy hour, before God and our neighbor, that we will build a new world of dignity and justice, of hope and opportunity, from which no man will be excluded.

FDA and Drug Testing Criticized in Report on Indocin

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. METCALF. Mr. President, the Washington Post of Sunday, March 3, 1968, published an important article written by Morton Mintz, dealing with Indocin, a drug which was introduced in 1965 and hailed as one of the most significant advances in medical therapy of that year.

Indocin, which is the trade name for indomethacin, was introduced by Merck & Co. with the claim that it was a highly effective drug against rheumatic diseases, particularly rheumatoid arthritis, and a vigorous promotional campaign was launched. Recent studies have indicated that this drug is not what Merck claims it to be and there is some question as to whether the Food and Drug Administration should have approved it for marketing in the first place. Dr. William O'Brien, of the University of Virginia School of Medicine, has found that the FDA based its decision for approving the drug on trials which were largely uncontrolled and subject to the wishful thinking of physicians. As a matter of record, in controlled scientific studies it was found that Indocin was actually no better than aspirin in the treatment of the rheumatic diseases for which it was being prescribed.

Further, William Goodrich, the FDA's counsel, has stated that claims made in an Indocin ad in the Journal of the American Medical Association overstated both the safety and efficacy of Indocin, and, even worse, omitted "some very important information." And it must be remembered, Mr. President, that this is the kind of information practicing physicians must rely on when prescribing drugs.

Mr. President, I ask unanimous consent that Mr. Morton Mintz' article be printed in the RECORD.

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

FDA AND DRUG TESTING CRITICIZED IN REPORT ON INDOCIN

(By Morton Mintz)

Two years ago, physicians were asked in an informal poll by a medical magazine to identify 1965's "most significant advance in medical therapy."

Overwhelmingly, the responses named Indocin, a drug intended for the management of certain arthritic disorders, especially rheumatoid arthritis.

A similar poll today would probably produce a less exultant result. One reason is that in the current Clinical Pharmacology and Therapeutics, Dr. William M. O'Brien of the University of Virginia School of Medicine says, in effect, that physicians were taken in, thanks in part to a poor performance by the Food and Drug Administration.

Implicitly, his article raises troubling questions about the quality of drug testing generally.

In the 1965 poll, made by the Medical Research Digest, which is received by 100,000 practicing physicians, the vote of confidence given Indocin (indomethacin) has several explanations.

One was that the Merck, Sharp & Dohme division of Merck & Co. introduced the drug with the claim that it was highly effective against rheumatic diseases.

More than 300 clinical investigators had tried Indocin in 10,000 patients, the manufacturer said, and improvement was experienced by between 5000 and 8000, or 50 to 80 percent.

Another explanation lay in vigorous promotion. When the drug was launched, as Indocid, in Britain, Merck's regional managers were instructed in a Merck booklet:

"We can say, here and now, that Indocid is going to be a tremendous success—if it isn't, then some heads will fall."

The Merck pamphlet was made public in October by Tony Clifton in his column in the Sunday Times of London. One of the pieces of advice it gave Merck salesmen when calling on physicians was:

"Develop eye-contact habits that help to signal sincerity . . . Being sincere is not enough . . . When you make a statement from the heart out, look your customer right in the eye . . . Keep the sincerity flag of good eye-contact flying."

In the United States, FDA counsel William W. Goodrich said that claims made in an Indocin ad in the Journal of the American Medical Association overstated claims of safety and efficacy and omitted "some very important warning information." Merck was given an opportunity to show cause why it should not be prosecuted. Ultimately, FDA decided not to undertake criminal action.

In a speech to the Pharmaceutical Advertising Club in October, 1966, Goodrich also criticized a July (1966) article in Pageant magazine that "featured" Indocin for conditions that Merck itself was not allowed to promote to physicians—"Bursitis," "tennis elbow," "trick knee."

Although few knew of it, a largely unaudited experience with Indocin abroad, before it went on sale here, had put the first pinpricks in the bubble. In February, 1965, for example, a troubling list of side effects was published in the Medical Journal of Australia.

In October, 1966, Merck sent American physicians "new cautionary information," but enveloped it in a promotional aura ("144,000,000 patient-days of therapy in 99 countries").

A month later, the Canadian Food and Drug Directorate in Ottawa, in a letter to Canadian physicians, told of several indomethacin deaths in children and of a number of other severe adverse reactions.

A few weeks after that, in December, the FDA acted on hundreds of reports of adverse reactions, including a few deaths, in Indocin users.

Then, about a year ago, a storm broke with the publication of four carefully controlled, double-blind trials. In these, the investigators did not know until afterward whether they were treating patients with Indocin, another drug or a dummy pill (placebo).

Three of the trials failed to show that indomethacin was superior to aspirin in rheumatoid arthritis. The fourth could not distinguish between the effects of the drug and aspirin as against placebo and aspirin.

These results were startlingly different from the most quoted endorsement given, for example, in 1965. Indocin "appears to be more effective than any other anti-inflammatory drug for the long-term management of chronic arthritis with minimal toxicity to the patient," said Dr. Bernard M. Norcross, a Buffalo (N.Y.) internist whose practice is limited to rheumatic diseases.

A key question was raised by the huge gap between the results obtained by Dr. Norcross and by the double-blind trials: Had FDA obeyed a strict legal requirement when, in June, 1965, it approved Indocin for a prescription market including 3-5 million victims of rheumatoid arthritis (and others among 12.5 million additional victims of related arthritis disorders)?

The requirement—added to the drug laws by the Kefauver-Harris Amendments of 1962—is that a manufacturer must support claims of efficacy of a drug with "substantial evidence." This is defined as "adequate and well controlled investigations, by experts qualified by scientific training and experience to evaluate . . . effectiveness. . ."

To see whether the gap could be explained, the University of Virginia's Dr. O'Brien, an associate professor of preventive and internal medicine, examined all literature about Indocin available in public medical archives.

He identified 132 references. All but 93 had to be discarded (31, for example, were preliminary abstracts or duplications). Of the 93. Dr. O'Brien said in Clinical Pharmacology and Therapeutics, 18—including Norcross—were uncontrolled and subject to the wishful thinking of physicians and their rheumatoid arthritis patients.

These papers showed an extraordinary 61.8 per cent of "good or excellent responses" to the drug. But in six studies that used some objective measurements, such as grip strength, such results were reported in only 25.1 per cent of the cases.

Although Dr. O'Brien agrees with FDA that Indocin works in the relatively few rheumatoid arthritis patients in which aspirin fails, he had doubts even about the improvement reported in the 25 per cent of cases where there were objective measurements. One reason he gave was that a significant number of patients have remissions that are spontaneous but can be erroneously attributed to a drug.

Turning to the study made by Dr. Norcross, which involved 530 patients, Dr. O'Brien protested that it was published solely as two very brief abstracts—one, in 1963, in Arthritis and Rheumatism, and the other, in 1965, in 250 words in the Journal of New Drugs.

This was "about half a word per patient," Dr. O'Brien said in an interview. He was critical of the Journal of New Drugs and said the abstract was "simply . . . not good scientific documentation."

Yet, he added, it was largely on the basis of such uncontrolled trials that FDA made the "bizarre decision" to approve Indocin for the market.

The agency used unpublished information that clinical investigators could not examine, including the full data from Dr. Norcross, Dr. O'Brien said, "It might better serve the public interest if only fully published, public data were allowed as evidence supporting therapeutic claims."

In the interview, he expressed doubt that FDA has "the expert knowledge to evaluate the clinical trials of drugs used in rheumatoid arthritis, but there's absolutely no mechanism whereby I can examine the evidence or reasoning by which FDA makes its decisions."

Accusing the agency of "more and more meddling" with designs for drug investigations, he said physicians are "afraid to complain for fear that FDA might retaliate."

He Had a Dream

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. TUNNEY. Mr. Speaker, most thoughtful and eloquent editorials have appeared in the New York Times, April 7, 1968, and the Los Angeles Times, April 5, 1968.

At this time of national honor to Martin Luther King, Jr., they deserve our serious reflection and meditation.

The editorials follow:

HE HAD A DREAM

Martin Luther King was a preacher, a man from Georgia and a Negro who became a golden-tongued orator, a spokesman for the Deep South and the Ghetto North, a symbol above color of undying yearnings and imperishable rights. He was an American in the truest historic sense: he had a dream.

He dreamed for the black youth of his country.

From a jail in Birmingham, citadel of segregation, his words leaped through the bars: "When you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her little eyes when she is told it is closed to colored children, and see her begin to distort her personality by unconsciously developing a bitterness toward white people; when your first name becomes 'nigger' and your middle name becomes 'boy' however old you are—then you will understand why we find it difficult to wait."

He dreamed for the poor of his country.

Marching for equal laws, he quickly recognized that equal opportunity was just as necessary. For black and white, he called for a Bill of Rights for the Disadvantaged: "In addition to a revolution in attitude, our country must undergo a revolution in values. The billions of dollars now directed toward destruction and military containment must be redirected to provide an adequate education, income, home and recreation, as well as physical and mental care. Once we develop the will to do so, we will discover that our own self-interest, both as individuals and as a nation, lies in sharing our wealth and resources with the least of God's children here and around the world."

He dreamed for the peace of his countrymen, at home and abroad.

When the United States was honored by his Nobel Peace Prize, he felt obliged to extend his personal philosophy of nonviolence from the streets of Selma and Memphis to

the rice paddies of the Mekong Delta and the jungles of Vietnam. He saw the impediments to race and economic progress at home while a war was raging abroad: "It's inevitable that we've got to bring out the question of the tragic mix-up in priorities. . . . When a nation becomes involved in this kind of war, when the guns of war become a national obsession, social needs inevitably suffer."

It was said of Dr. King that he had a naive optimism in nonviolence. But his militant nonviolence accomplished more in his short lifetime than all the violence of the racists, black or white. He set the civil rights movement on a new course in the United States; and it will yet prevail. He helped to unify the races by showing what one man could do by believing in brotherhood; others will continue the work of this fallen martyr.

He was a Negro who made Americans aware that the better angels of our nature could dominate the struggle of the United States and its people. The dream of true equality of rights and opportunities without regard to race is nearer because in our lifetime there lived an American named Martin Luther King.

[From the Los Angeles Times, Apr. 5, 1968]

THE MURDER OF DR. KING

The murder in Memphis of Dr. Martin Luther King, Jr. is an event of horror and shame to America and a shock to the world.

It underscores once more the tragedy of the divisions which rip and tear at the basic fabric of our society. It stands inescapably as a further negation of the values, the dreams, the promises to which we as a people—as one people—aspire.

Many have fallen in the cause for which Dr. King, preeminently an apostle of nonviolence and a winner of the Nobel Peace Prize, has now become a victim. The attack on him, like any criminal act, demands justice. Beyond that—and let this be the fervent aim of all persons of decency—it demands the most sober reflection, the deepest national self-examination.

We do not believe in the concept of collective guilt. The person or persons responsible for the assassination of Dr. King alone carry the burden of their deed. But we most solemnly believe that all Americans have a stake in determining what kind of society we are, and what kind we are to become. This is why we say the occasion of this despicable bloodletting is a time for national assessment, a time for introspection.

The lesson has once again been driven home, all too tragically: Americans will either agree to live together as one people under one standard of law and humanity, or we will be the witnesses and passive conspirators in the process of our own self-destruction.

There is no evading this choice, for white or black, in Memphis, Los Angeles or anywhere.

Negotiations With the Vietnamese

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 10, 1968

Mr. THURMOND. Mr. President, the Spartanburg, S.C., Herald-Journal of April 7, 1968, contains an interesting article entitled "The United States Must Be Cautious Against Overanxiety."

In the article, Mr. Hubert Hendrix, the capable editor of the Spartanburg Herald-Journal, urges that American leaders be on their guard against overanxiety.

He points out the dangers of surrendering at the conference table many of the policies and principles that are crucial to the security of the United States and the free world. He specifically warns against unnecessary compromise, prolonged stalemate, a fictional cease-fire, and an agreement that will leave a power vacuum in Southeast Asia.

Mr. President, I commend this article to Senators and ask unanimous consent that it be printed in the Extensions of Remarks.

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

THE UNITED STATES MUST BE CAUTIOUS AGAINST OVERANXIETY

Americans, more than any other people in the world, are awaiting anxiously further developments toward peace in Vietnam.

President Johnson's reduction of bombing and his appeal for negotiation brought from Hanoi a positive response, for the first time.

More hope was added to the movement with the indication that preliminary talks perhaps would be held in Moscow. This suggested that Russian influence was in the direction of a peace conference.

If these two factors remain intact—Hanoi's willingness to talk and Moscow's support of it—negotiations are in prospect.

Presently, every effort of the United States must be to encourage that hope.

In this urgent desire, however, there is the danger of over-anxiety.

American leaders, and their people, must be on guard against:

(1) Entering negotiations on such a compromised basis that an honorable settlement is precluded. The U.S. must not abandon the principles which brought it into Vietnam in the first place.

(2) Prolonged stalemate at the table, during which time the Communists go right ahead with their aggressive subversion while the U.S. reduces its military strength and activity.

(3) A fictional "cease fire" and stalemate, during which time the Communists are on attack and the defenders are not. Some of the worst fighting in Korea came during the two years after talks began.

(4) An agreement, in the end, which will effectively eliminate American influence in Southeast Asia. This country must maintain its policy of firm support of allies, including active defense against aggression.

In short, the United States must not be so eager to extract itself from Vietnam that it surrenders at the conference table the policies and principles that are crucial to the security of the Free World and itself.

A Ray of Sunshine

HON. WILLIAM HENRY HARRISON

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. HARRISON. Mr. Speaker, during these times of turmoil and dissent a Congressman's mail reflects a portion of this attitude, adding to the darkening atmosphere.

This week a ray of sunshine arrived in my office, it was a short letter but sincere and filled with the generating honesty and hope for the future, as possible only through the eyes of a child.

I share this letter with my colleagues so that they may taste of the encouragement reflected by Connie Witt, a sixth grade student at Garfield in Casper, Wyo., as follows:

DEAR MR. HARRISON: We are proud of our school, Garfield, because it has very strong leadership in teaching, patriotism, and citizenship. We are also proud of how we handle our patrols, our money in the school store, and how we obey school regulations.

Every Friday our school gets together and honors our flag as well as honoring it daily.

We made a scrap book which weighs more than 30 pounds composed of reports, pictures and articles of our school activities. This book was sent to the Freedom Foundation to compare us with other schools.

It was our honor to win the Principal School Award which makes everyone proud of Garfield.

Sincerely yours,

CONNIE WITT.

The 100th Anniversary of the University of California

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1968

Mr. TUNNEY. Mr. Speaker, I would like to place in the RECORD a letter which I have written to the chancellor of the University of California, Riverside, in which congratulations are extended on the 100th anniversary of the University of California.

Mr. Speaker, the university is a great institution of learning and has contributed a great deal to California and the Nation. The letter follows:

DR. IVAN HINDERAKER,
Chancellor, University of California, Riverside, Riverside, Calif.

DEAR IVAN: I should like to take this opportunity to extend my congratulations, through you, to the entire University of California community as it enters its 100th year of service to the State, the Nation, and the entire world. Within the relatively short span of ten decades the University of California has achieved a secure position among that handful of institutions truly deserving the accolade "one of the world's *great* universities."

It has become a model of quality public higher education that has been frequently copied, often envied, but never equaled.

Time and again, the people of California have demonstrated their vision and common sense through their unmatched support for the University. While the University—as a great university must—has frequently been the center of ferment and controversy, it has, and will continue to have, the support of the overwhelming majority of our citizens.

The location of a campus in Riverside has been a constant source of pride to the people of our community. It is a pleasure to commend your administration, the Riverside campus, and the entire University on their centennial celebration. I am certain that the next century will be fully as productive, as the last, and that the University of California will continue to be in the forefront of developments aimed at making man more humane, just, and rational.

With warmest personal regards to you and the entire University community.

Sincerely,

JOHN V. TUNNEY.