ute to Hon. Paul F. Schenck, whose able service in the House of Representatives for 13 years entitled him to the gratitude and admiration of his constituents, and the warm friendship of his colleagues on both sides of the aisle. Although the Nation mourns his passing, he will be long remembered and beloved by his fellow Americans, to whom he bequeathed so much of everlasting value in the beneficial legislation which he helped to enact.

Paul Schenck was a blithe spirit who always made the darkest days much brighter. He was a great storyteller, and not only edified his colleagues on the floor with his anecdotes, but especially livened up the Republican cloakroom. Even so, when it came time for serious business, no one was more intent or dedicated to doing a good job than was Paul Schenck. He was a very popular Member of the House.

Mrs. Rhodes and I wish to express our deepest sympathy to Mrs. Schenck.

HOUSE OF REPRESENTATIVES—*Monday, January 27, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou wilt show me the path of life: in Thy presence is fulness of joy.—Psalm 16: 11.

Our Heavenly Father, we pray that Thou wilt fill this sacred moment with the reality of Thy presence. Restore our souls, refresh our spirits, and reinvigorate our bodies that we may be made ready for the responsibilities of this day.

Grant unto us sincerity that we may persistently seek the things that endure, refusing those which perish, and that, amid things vanishing and deceptive, we may see the truth steadily, follow the light faithfully, and grow ever richer in that love which is the life of men.

We pray for those nations sitting around the peace table. Lead them into the ways of justice and truth and establish among them that peace which is the fruit of righteousness.

We meet this day with sadness in our hearts as we remember our beloved colleague who walks with us no more. We thank Thee for his life of public service and pray that the comfort of Thy presence may abide in the hearts of all who loved him and worked with him.

In the spirit of love, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, January 23, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Vice President, pursuant to title 42, United States Code, section 2251, appointed Mr. COTTON as a member of the Joint Committee on Atomic Energy in lieu of Mr. Hickenlooper, retired from the Senate.

The message also announced that the Vice President, pursuant to title 20, United States Code, section 43, appointed Mr. FULBRIGHT a member, on the part of the Senate, of the Board of Regents of the Smithsonian Institution.

BANKERS' TAKEOVER OF TREASURY—A NATIONAL DISGRACE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, President Nixon's decision to give the commercial banking industry full run of the Treasury Department is a national disgrace.

To date, the new President has named the three top policy men at the Department—the Secretary and the two Under Secretaries. Each came directly from the commercial banking industry—an industry which is affected day to day by the decisions made in the Treasury Department.

Here are the three:

Secretary of the Treasury—David Kennedy, chairman of the Continental Illinois National Bank of Chicago, and a man who has been a leading executive in the banking industry for decades.

Under Secretary of the Treasury—Charls E. Walker, for 8 years the leading spokesman and the chief lobbyist for the American Bankers Association.

Under Secretary for Monetary Affairs—Paul A. Volcker, vice president of the Chase Manhattan National Bank of New York, the Nation's second largest commercial bank.

Not since the days of President Hoover and his infamous Secretary of the Treasury, Andrew Mellon, has Washington been flooded with so many bankers in official policymaking positions. I am sure that someday this Congress and the American people will learn why President Nixon felt so compelled to reward the banks and their lobbyists.

Surely, the new President realizes that the policies and the day-to-day decisions of the Treasury Department vitally affect the welfare of the entire Nation and of each of our 200 million citizens. It is not intended to be a play toy of the banking industry.

Mr. Speaker, the installation of these three bankers in top policy jobs at the Treasury Department represents a clear conflict with the public interest functions of the Department. This is true regardless of whether these men have disposed of their bank stock and severed other direct connections with the industry.

It remains a fact that these men come from years of experience in the banking industry and that they bring with them all the prejudices and the attitudes of this industry. It is impossible for them to divorce themselves from the friends and contacts and, most importantly, the philosophy gained from their leading roles with commercial banks.

In Sunday's Washington Post, Hobart Rowen discussed the problems of conflict of interest regarding another Nixon appointee, David Packard, who was appointed Deputy Secretary of Defense after a long career in defense-oriented industries. Here is what Mr. Rowen had to say:

> The public shouldn't have to trust to luck or the extra sensibilities of a man in high office. The matter of principle, it seems to me, remains clear: whatever his talents, Mr. Packard shouldn't have been taken out of the defense industry and placed in a position where he has to make judgments on expansion of the defense establishment.

Of course, Mr. Rowen is right and what he has to say about Mr. Packard applies, with much greater impact, on the appointments of David Kennedy, Charls Walker, and Paul Volcker to the Treasury.

Like Mr. Packard in the Defense Department, these three bankers will now be in a position to influence the policies which so vitally affect their former employers. Nearly every function of the Treasury Department affects commercial banks, their profits and their scope of operation.

The Treasury, of course, handles the Federal Government's debt management and sells massive sums of Government securities to commercial banks. The Treasury is the source of Federal tax policy, an item which has consumed a major part of the banking lobby's time and effort in recent years. The commercial banks also are the depository for so-called tax-and-loan accounts maintained by the Treasury Department. And the Treasury Department originates policies which affect the international activities of U.S. banks, something that is of vital importance to the big banks. Over all, the Secretary of Treasury is in a position to influence economic and monetary policy which bears directly on the operations of the commercial banks.

The list of areas where the Treasury Department has a close relationship with banking and monetary policy could fill pages. The dangers of having the banking industry run the Treasury Department are obvious.

Mr. Speaker, the function of exploring the qualifications of these men, of course, falls to the Senate in the confirmation process. This is the Senate's prerogative, but, I deeply regret that my colleagues in that body did not more fully explore this question.

This is particularly true in the case of Charls E. Walker, who has made no secret of his activities as the chief spokesman and the No. 1 lobbyist for the American Bankers Association. Yet, the Senate set what one national publication described as a "speed record" in approving his nomination as the Under Secretary.

Dr. Walker will now be in a position to implement the very policies for which he has lobbied the Treasury Department and the Congress for so many years. As my colleagues know, Dr. Walker and his lobbyists have been to Capitol Hill often, seeking special tax favors for the big

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banks and allied corporations. The Walker lobbyists have spent time, money, and much effort to wipe out major sections of the antitrust laws. They have lobbied hard for higher interest rates and for the removal of statutory interest ceilings on Government bonds. Within the past year, Dr. Walker all but wrecked the college student loan program through his demands that the banks be allowed windfall profits from this program.

Mr. Speaker, this list of lobbying activities is long and I will not mention all of the incidents here today. However, let me say, that it has been Dr. Walker's job to carry forward the positions of the American Bankers Association and the big banks which dominate this lobbying operation.

And I say, Mr. Speaker, that the interests of the U.S. Treasury Department and the Federal Government are not the same as those of the American Bankers Association.

Mr. Speaker, I do not ask my colleagues to take my word for Dr. Walker's political and lobbying activities. Instead, I refer them to sources within the banking industry itself. They confirm Dr. Walker's role beyond question.

Let me quote from the January 23 issue of the American Banker, a daily publication which faithfully reflects the industry's viewpoint:

Within the banking industry and among Washington observers there is near-unanimous agreement that Mr. Walker's major contribution to the industry during his tenure was the strengthening of banking's political position.

He made the membership more aware of political forces. Under his guidance, the ABA Washington office was transformed from a mini-lobby into a well-staffed, well-heeled activist political apparatus.

When Mr. Walker took over the ABA, the Washington office consisted of about 13 staffers and secretaries, and only one registered lobbyist. In fact, the Washington bureau at that time considered itself primarily an educational and service organization.

Now the office has a complement of about 35, including six registered lobbyists. Mr. Walker is also listed as an active lobbyist on the House clerk's records.

After lauding Dr. Walker further, the article goes on to say:

Now ABA lobbyists move among the Congress and Treasury officials, personally keeping tabs on events. The ABA also helps initiate and enact legislation.

And now the American Bankers Association can brag further that it not only lobbies with the Treasury but that it also runs the Department.

Mr. Speaker, there simply is no question that the American Bankers Association has been, and is today, one of the most blatant, hard driving, and determined special-interest lobbies operating in Washington. It has become a fantastic force and I am amazed that even a Republican President would consider giving this lobby a policymaking desk.

Mr. Speaker, we are not talking about a telephone booth lobbying operation, we are talking about the biggest of the bigtime lobbyists when we mention Dr. Walker. And I quote further from the American Banker article:

Friend and foe concede that Mr. Walker has lifted the ABA lobby to the point where it is a force to be reckoned with on all legislative issues affecting financial institutions.

Said one lobbyist who has opposed the ABA on many issues: "Charlie brought them from the bottom of the league right up there to title contention."

A former ABA staffer put it another way in describing the broadening of the ABA's presence in Washington.

"In the old days," he said, "I don't ever remember seeing in the newspaper that anyone feared the American Bankers Association lobby. Now this seems to be injected into almost every debate on the Hill."

Mr. Speaker, quite obviously the banking industry and the American Bankers Association feel that they have the Congress of the United States on the run. Let me quote again from the story on Dr. Walker:

In the old days, I don't ever remember seeing in the newspaper that anyone feared the American Bankers Association lobby. Now this seems to be injected into almost every debate on the Hill.

Mr. Speaker, perhaps it was this concept of a Washington frightened by the bankers' lobby that led President Nixon to believe that he could appoint the ABA's chief lobbyist without a murmur from the Congress or the press.

NIXON ADMINISTRATION HITS HOMEOWNERS WITH HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the suspense ended early. And after waiting only 5 days, the Nixon administration has made its first big move to raise interest rates.

Mr. Speaker, I refer to the action of the Secretary of Housing and Urban Development, George Romney, in raising interest rates on FHA- and VA-insured mortgages. In the case of FHA, the interest rates was pegged at 8 percent, including one-half of 1 percent for a mandatory insurance fee. The rate for VA housing will now be 7½ percent.

Mr. Speaker, these are the alltime records for interest rates on FHA and VA mortgages which are fully guaranteed by the Federal Government. Few of us in the Congress ever thought we would see the day when the Government would back 8-percent interest rates for homeowners.

It is a sad day for the American people.

Secretary Romney's decision, taken after only 5 days in office, will price hundreds of thousands of lower and moderate income families out of the housing market. For other homeowners, the interest rate increase means a tremendous jump in the price of homes and in the amount of downpayment required.

Secretary Romney has made a grievous mistake in this action.

Mr. Speaker, the announcement of this fantastic increase on FHA and VA mortgages came late Friday afternoon, apparently timed to minimize adverse reaction.

For some reason, the announcement was followed by statements in news stories indicating Secretary Romney's decision would somehow make more money available for housing. Several major newspapers and other news media carried statements of this nature.

Apparently, these claims appalled even Secretary Romney and in Sunday's Washington Post, he was quoted as conceding that the interest rate increases "would mean a reduction in the number of homes built."

Secretary Romney's belated statement is, of course, correct—the interest rate increase will reduce homebuilding. And the reductions will come first for the people who need housing the most—the low-income and moderate-income families.

Mr. Speaker, the use of high interest rates to stimulate the purchase of FHA and VA mortgages has been disproved time and time again. And it is extremely unfortunate that Secretary Romney fell for this gimmick. Once again, there has been talk that the interest rate increase will diminish the number of discount points charged on VA and FHA home mortgages.

Here, again, we know that high interest rates will not remove these points. What happens, invariably, is that the points decline temporarily and then quickly move back up to their previous levels. So what we end up with are high interest rates and high discount points.

Secretary Romney's ill-advised action undoubtedly will also bring up conventional home mortgage rates. In fact, Secretary Romney raised the FHA rate more than three-quarters of 1 percent above the going nationwide average for conventional mortgages.

Figures released by the Federal Home Loan Bank Board on Friday—the same day as the Romney increase—showed that the conventional mortgage loans were going at 7.23 percent. In many cities, they were substantially below this figure.

Mr. Speaker, there are many strange aspects to this sudden decision to raise interest rates and I hope that Secretary Romney will have an early opportunity to give the Congress a full explanation.

Mr. Speaker, I issued a release on Saturday, January 25, which more fully explains my position on this latest increase in home mortgage rates. I place a copy of this release in the RECORD:

WASHINGTON, D.C., January 25.—Chairman Wright Patman of the House Banking and Currency Committee today charged that the Nixon Administration had leveled a possibly fatal blow at low and moderate income housing by raising interest rates to 8% on fully-guaranteed FHA mortgages.

"It is significant that the first major decision of the Nixon Administration is to raise interest rates for homeowners," Mr. Patman said. "It is regretable that Secretary of Housing and Urban Development, George Romney, who has been in office five days, did not investigate the nation's housing programs and needs before he took this drastic action."

Mr. Patman said the country is now reaping the results of legislation which passed in the second session of the 90th Congress giving the Secretary of Housing and Urban Development discretionary power over interest rates on FHA mortgages.

"We now see what this authority means when it is in inexperienced hands and when it is carried out by an Administration heavily dominated by bankers and economists who follow high interest, tight money philosophies," Mr. Patman said. "It is obvious that the Congress must regain statutory control over these interest rates. It is shameful that the Congress gave away this power temporarily in the 90th Congress and left the American consumer unprotected."

Mr. Patman said the action by Secretary Romney is a direct slap at the newly-formed Presidential Commission on Mortgage Credit. Mr. Patman is a member of the Commission.

"The Commission has already met twice and is in the process of launching a comprehensive study into the question of mortgage credit and interest rates," he said. "Despite knowledge of this work, Secretary Romney has decided to jump the gun and slap this interest rate increase on the homeowner before the facts are assembled."

Mr. Patman said he was particularly disturbed by public statements claiming that an interest rate increase would result in more housing and that the so-called discount points would be eliminiated.

"These are the oldest and the most fallacious arguments that could be used in support of this unnecessary interest rate increase," he charged. "There is absolutely no evidence that high interest rates bring more housing. It is a fact, undisputed by any housing economist, that interest rate increases price the lower income groups out of the housing market."

Mr. Patman said that a reduction in the "points" would be only temporary and "very slight at the best." "In past interest rate increases, the points have declined for a few months and then skyrocketed back to their high levels again. And this will happen again with the Nixon Administration's increase."

Mr. Patman said the implication by Secretary Romney that the 8% interest rate was needed because of money market conditions was totally inaccurate.

"Actually, Secretary Romney's 8% interest rate will place FHA mortgages substantially above conventional rates now existing throughout the country," he charged. Mr. Patman cited the latest release of the Federal Home Loan Bank Board which listed the effective interest rate on conventional mortgage loans at 7.23%—more than three-quarters of a per cent lower than Secretary Romney's 8% rate on FHA mortgages.

Mr. Patman cited city-by-city figures on conventional mortgages as listed by the Home Loan Bank Board: Atlanta, 7.48%; Baltimore, 6.94%; Boston, 6.83%; Chicago, 7.02%; Cleveland, 6.85%; Dallas, 7.60%; New York, 7.23%; and Philadelphia, 6.86%.

"Secretary Romney's decision, of course, will have the effect of pulling all of these conventional rates up as well as the FHA rate," the Banking and Currency Committee Chairman said.

Mr. Patman said that the increase, in addition to pricing low and moderate income people out of the housing market, would put a severe strain on funds available for the subsidized Federal housing programs for the poor.

Under many of the current low income housing programs, the Congress appropriates funds to subsidize all interest charges above one per cent. Under the new increase, the Congress will now be required to appropriate the difference between one per cent and eight per cent interest charged for housing constructed under these programs.

"There is only so much money available for these programs, and this new increase in interest rates will reduce substantially the number of housing units that can be built," he said. "In other words, the available funds will go for increased interest rates and not for additional units."

Mr. Patman said this latest increase means that there has been a rise of 25% in interest charges on FHA mortgages in less than a year. "A year ago, the FHA mortgage rate stood at 6½%, meaning that the average homeowner paid $126 a month on a $20,000 mortgage. Now, under this Romney increase, the homeowner will be paying 8% interest, or $146 a month on the same $20,000 mortgage—an increase of $20 a month.

SUPPLEMENTAL APPROPRIATIONS FOR NEEDED HOUSING PROGRAMS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, there is no more urgent priority facing Congress than the crisis of housing and jobs in our cities. With the passage of the Housing and Urban Development Act of 1968, Congress showed signs of recognizing this crisis, but then Congress failed to provide full appropriations for the rent supplement program, the section 235 homeownership and section 236 rental assistance programs for lower income families, and the model cities and urban renewal program. If our cities are to be renewed, then adequate financial resources must be devoted to the task.

The Housing and Urban Development Act of 1968 proposed a goal for the next decade of the construction and rehabilitation of 6 million housing units for low- and moderate-income families. The 1968 act states:

> The Congress finds that the supply of the Nation's housing is not increasing rapidly enough to meet the national housing goal, established in the Housing Act of 1949, of the "realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family." The Congress reaffirms this national housing goal and determines that it can be substantially achieved within the next decade by the construction or rehabilitation of twenty-six million housing units, six million of these for low- and moderate-income families.

The President's National Advisory Commission on Civil Disorders also recommended the annual construction of 600,000 units of low- and moderate-income housing. Yet President Johnson in the first annual report on the Nation's housing goals had to modify the fiscal year 1969 and fiscal year 1970 production goals to reflect the fact that Congress did not appropriate the full authorization for fiscal year 1969.

Today some 7.8 million American families cannot afford to pay for decent, standard housing. The December 11, 1968, report of the President's Committee on Urban Housing points out that the private marketplace will not solve their housing problem:

> We concluded that new and foreseeable technological breakthroughs in housing production will not by themselves bring decent shelter within economic reach of the millions of house-poor families in the predictable future. To bridge the gap between the marketplace costs for standard housing and the price that lower-income families can afford to pay, appropriations of Federal subsidies are essential and must be substantially increased.

The task before us is clear. In the first year of the 10-year housing goal we have already fallen behind. Therefore, I have introduced a number of supplemental appropriation bills to insure that for fiscal year 1969 the original budget requests are fulfilled, so that at least we can move steadily toward the goal of the 6 million units of new or rehabilitated housing in the next decade.

H.R. 4305, which I have introduced, would make a supplemental appropriation of $50 million for fiscal year 1969 to the Department of Housing and Urban Development to carry out the low-income rental and cooperative housing programs administered under section 236 of the 1968 Housing and Urban Development Act. The supplemental appropriation requested in my bill represents the difference between the amount authorized by Congress for fiscal year 1969—$75 million—and the amount appropriated—$25 million.

If the section 236 rental program were funded for this fiscal year at its full authorization level of $75 million, it should produce 99,000 to 120,000 units instead of 33,000 to 40,000 at a funding level of $25 million. The 1968 act envisioned a total of 720,000 units to be funded over the 3-year authorization period.

Section 236 assistance benefits reduce the market interest rate—which includes principal, interest, and cost of insurance premium—to an amount that would be required if the mortgage bore an interest rate of 1 percent. The tenant pays no more than 25 percent of his income per month for rent.

The President's National Advisory Commission on Civil Disorders called for a massive attack on slum housing and the establishment of an ownership supplement program to make homeownership possible for low-income families. Section 235 of the Housing and Urban Development Act of 1968 and my bill H.R. 51, the Cooperative Rehabilitation Act, will help to meet this need.

My bill, H.R. 4602, provides a supplemental appropriation for the section 235 homeownership for lower-income families program. The homeownership program enables lower-income families to achieve homeownership through subsidy payments based upon the difference between 20 percent of the homeowner's income and the monthly mortgage payment. The 3-year authorization for the section 235 program in the 1968 Housing and Urban Development Act proposed a production goal of 500,000 units. The 1968 Housing and Urban Development Act authorized $75 million for this program for fiscal year 1969, but Congress appropriated only $25 million. The difference between the authorization and the appropriation means that 33,000 rather than 100,000 units can be funded under this program for this fiscal year.

I have also introduced legislation (H.R. 3840) to provide supplemental appropriations for the rent supplement program for fiscal year 1969. Each year the rent supplement program has been starved for funds, and each year its supporters have had to fight valiantly to help it stay alive. The administration's fiscal year 1969 budget request was cut by over 50 percent from $65 million to $30 million. This drastic reduction has

already had an effect on the operations of the program. Within the next 50 days the Department of Housing and Urban Development's authority to enter into contracts for annual rent supplement payments will have been exhausted. H.R. 3840 would increase the annual rent supplement payments which may be contracted for through fiscal year 1969 by $35 million. This $35 million increase in contract authority will produce 35,000 additional units of rent supplement housing and will help insure reaching the 10-year goal of 6 million housing units for persons of low and moderate income.

As yet, the rent supplement program has hardly made a dent in the critical need of our urban population for low-income housing. The program is the private sector complement to the low-rent housing program and allows private enterprise to take a direct hand in meeting the housing needs of our low-income population living in substandard housing. Under the program the tenant pays 25 percent of his monthly income for rent. The Federal Government pays an amount equal to the difference between 25 percent of the tenant's monthly income and the total monthly market rent. But if the rent supplement program is to gain more momentum in tackling the needs of low-income housing, it must have the $35 million increase in contract authorization for fiscal year 1969.

Another bill, H.R. 602, would remove the existing dollar limit on the amount of annual contributions which may be contracted for by the Department of Housing and Urban Development to assist rental public housing. The Housing and Urban Development Act of 1968 proposed a production goal of 375,000 units over a period of 3 years. Given the great need as reflected in large waiting lists such as in New York City where 135,000 applications for public housing are pending, this production goal is not sufficient.

Although rent supplements and interest reduction payments are imaginative and important programs, the fact is that public housing remains the only effective way to reach low-income families in our larger cities. The Department of Housing and Urban Development should gauge the public housing program not by a statutory contract authority limitation but by generated demand for the program and the number of applications received. Through fiscal year 1969, HUD has contract authority to make annual contributions payments in the amount of $654.25 million and $804.5 million through fiscal year 1970. However, the annual contributions payments through the current fiscal year will actually amount to $366 million—$350 million already appropriated for fiscal year 1969 plus $16 million supplemental requested by President Johnson—which represents a cumulative total of 755,564 units under annual contributions payments in the public housing program. It is to be noted that the construction of 810,000 units of public housing over 6 years.

The vast discrepancy between contract authorization and actual contributions shows how the low income public housing program has failed thousands of low-income persons who live in substandard housing. Congress should immediately express to the Department of Housing and Urban Development its dissatisfaction with the progress of the public housing program. Past experience raises a serious question as to whether or not the public housing program can deliver its share of the 10-year national goals for low- and moderate-income housing. In fiscal year 1969 it is estimated that at most only 75,000 additional units of public housing will actually be completed throughout the country. This is totally inadequate, especially in view of the fact that Congress has provided the necessary contract authority.

I have also introduced legislation to increase the amount of appropriations for the urban renewal program, both in model city neighborhoods and the overall program. H.R. 4603 would increase the appropriations for urban renewal in the model cities program for use in fiscal year 1969 from $312.5 million to $350 million. H.R. 4604 would increase the appropriations for the urban renewal program, appropriated in the Independent Offices and Department of Housing and Urban Development Appropriations Act of 1968, to be utilized in fiscal year 1970 from $750 million to the full authorization level of $1.4 billion.

The supplemental appropriation of $650 million for use in fiscal year 1970, which would cover urban renewal projects, demonstration programs, code enforcement programs, demolition grants, relocation grants, community renewal programs, and the neighborhood development program is necessary to meet the existing and prospective demands for urban renewal assistance throughout the country. Presently, there is a large backlog of applications which must be funded to renew our cities, rid them of slums and blighting influences, and serve to meet the 10-year national housing goals. One of the priorities upon which HUD approves urban renewal applications is that projects conserve and expand the housing supply for low- and moderate-income families. Furthermore, the 1968 Housing and Urban Development Act requires that a majority of units in future residentially redeveloped projects must be for low- and moderate-income families and persons, with 20 percent specifically earmarked for low-income persons. The urban renewal program, therefore, is an essential part of the 1968 act's goal of a decent and safe dwelling unit for every American by 1978. The average construction of new units in urban renewal projects has averaged 92,123 units for the past 5 years and 173,403 units on the average have been committed annually. These figures should increase substantially in the next 2 to 3 years, due to recent congressional and administrative stipulations.

As one of the essential components of the model cities program is a "substantial increase in the supply of standard housing of low and moderate cost," as well as "the maximum opportunities for employing residents of the area in all phases of the program and enlarged opportunities for work and training," the supplemental funds for model cities will help to insure jobs in housing as well as to increase the supply of low- and moderate-income housing to meet the national housing goal.

Another aspect of my housing package is H.R. 49—and H.R. 4308, an identical bill with cosponsors—to authorize assistance under the section 236 program and the rent supplement program to qualified rental and cooperative housing projects financed with aid under State and local programs even though construction or rehabilitation was completed prior to approval for such assistance. The purpose is to provide relief to State and local programs which have recently been severely undercut by spiraling interest rates. Higher interest rates for such projects result in increased rents for publicly assisted middle-income housing programs such as in New York City where Mitchell-Lama project rents and operating costs have risen steadily and are forcing middle-income families to move out of the central city. This bill would also assist in the provision of additional units to meet the national goal because it would cost the Federal Government less to subsidize the interest rate on a Mitchell-Lama housing project down to 1 percent than to subsidize a privately financed project down to an interest rate of 1 percent.

I have also joined in cosponsoring with Congressman CONYERS the Full Opportunity Act, H.R. 3338, which provides that:

> The Federal government must annually for the next ten years assist the financing of an additional one million housing units for low and moderate-income families in order that every American family will have the opportunity to obtain adequate housing.

Annually, for 10 years, this act provides for 300,000 additional public housing units, 200,000 additional units under the rent supplement program, 150,000 additional units of section 236 housing, 100,000 additional units of section 235 homeownership housing, and 150,000 additional rehabilitated housing units, and other housing tools. The Full Opportunity Act would also provide for HUD to make grants or loans for financial and technical assistance to sponsors of low- and moderate-income housing and eliminates the ability of local communities to prevent rent supplement and 221(d)(3) housing by not adopting a workable program for community improvement.

The legislation which I have introduced, providing supplemental appropriations for this fiscal year for section 235, section 236, rent supplements, and urban renewal and the related legislation for increased production of low- and moderate-income housing through public housing, extension of section 236 and rent supplement benefits to State and locally financed housing, and the Full Opportunity Act, is urgently needed. With the passage of the 1968 Housing and Urban Development Act committing this country to the 10-year goal of 6 million units of additional low- and moderate-income housing, the 90th Congress must take the necessary steps to ensure that this goal does not remain an empty promise but becomes an actuality.

Legislation to increase the appropriations for housing programs in this fiscal

year not only will increase the volume of low- and moderate-income housing but also provide opportunities for new jobs for minority residents in the constructions of such housing. A massive housing program combined with job-creation program has been urged by the National Committee for a Confrontation with Congress, a grassroots group in New York City, which has called upon the Congress to extend to the ghetto the same concern for housing that Congress did 20 years ago when it promoted the suburban housing boom through FHA and VA loan programs.

In the 90th Congress I was cosponsor of legislation called the Jobs-in-Housing Act of 1968, which recognized the value to be derived from creating tens of thousands of new well-paying construction jobs while at the same time rebuilding our central cities. Recognizing the explicit connection between more jobs and more housing, the National Committee for a Confrontation with Congress spent many hours with Members of Congress promoting jobs-in-housing and succeeded in their efforts by having Congress adopt section 3 of the Housing and Urban Development Act of 1968. This jobs-in-housing provision will be of enormous benefit to low and moderate income urban residents, for it applies to the supplemental appropriation bills I have introduced for sections 235 and 236, public housing and rent supplements. Section 3 states:

> The Secretary of Housing and Urban Development shall require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of housing assisted under such programs be given to lower income persons residing in the area of such housing.

Supplemental appropriations will provide expanded opportunities to minority groups and contractors in the planning and construction of low- and moderate-income housing. The lack of jobs and slum housing are two interlocked manifestations of poverty. The unemployed, who are seeking, not handouts, but decently paid jobs, could be employed in the very task of rebuilding their neighborhoods.

Another bill, H.R. 649, is also related to the question of jobs and housing. It deals with the problem of minority group contractors who are unable to obtain bonding. It would authorize the Small Business Administration to indemnify corporate sureties on bonds covering contracts of sound small business concerns and would help minority contractors to satisfy certain legal requirements in order to participate in the construction of low- and moderate-income housing—thus providing job opportunities and minority entrepreneurship in the housing area.

In the last Congress I drafted and introduced the Cooperative Rehabilitation Act—H.R. 51 of the 91st Congress—which would make it possible for low income tenants to acquire and rehabilitate buildings, turning them into cooperatives.

It is the duty and responsibility of this Congress to insure that the Housing and Urban Development Act of 1968, unlike its predecessors, achieves the goal first set forth in the Housing Act of 1949—"the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family." It has been over 20 years since Congress stated that goal. It is now time for Congress finally to fulfill that promise and free millions of ill-housed Americans from the evils of slum housing.

APPROVAL OF PRESIDENT'S ACTION IN AIRLINE CASES

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, I wish to express my strong approval of the action taken by President Nixon in rescinding the order of the Civil Aeronautics Board in the transpacific route cases.

While it has been true in the past that international route cases have been decided near the end of an administration, no decision has ever been surrounded by so many reports, rumors, charges, and countercharges as have filled the air and the press following the announcement of the decision in the transpacific route case.

Some of these reports and charges were so serious that they could not be ignored. The only effective and appropriate way that the more serious of these charges could be proved or disproved was by the action which President Nixon took on January 24, 1969.

Many air carriers had filed administrative requests for reconsideration. They included successful and unsuccessful applicants for transpacific routes, so that the demands for reconsideration were not based solely on disappointment with the awards.

Many Members of Congress, Democrats and Republicans alike, and possibly about equal numerically, submitted formal requests to the President to recall and review the transpacific decision. This demonstrates that the congressional interest in this matter was bipartisan.

The President's action was one with which no one can find fault. The air carrier industry and the users of commercial aviation should applaud the courage and forthrightness which President Nixon displayed in this matter.

No harm can come from the action with which President Nixon recalled and rescinded the transpacific order. It precludes nothing. If the order and decision were properly arrived at, both can be reinstated. If they were improperly arrived at, they can be corrected.

This was probably the single most significant action taken by the President of the United States during his first week in office. It was an appropriate one and one which meets with near universal approval of all Americans.

FIX AND UPDATE U.S. INCOME TAX

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include an editorial.)

Mr. FEIGHAN. Mr. Speaker, a very timely and thought provoking editorial appeared in the Cleveland Plain Dealer on Thursday, January 23, 1969. I have sent a copy of this editorial, entitled "Fix and Update U.S. Income Tax," to the distinguished chairman of the Ways and Means Committee for consideration by him and the members of the committee. This editorial is well worthy of the reading and consideration of other Members of the House:

FIX AND UPDATE U.S. INCOME TAX

There are at least two things drastically wrong with the federal income tax. This Congress should correct them.

First: Loopholes and allowances are open to oil well owners and to some million-dollar-a-year men. But the common man with his common income cannot find and use those dodges.

Second: The old income tax return is as out of date as Aunt Ellas's antimacassars. There has been a massive upward march of incomes and prices, but the $1,000 ceiling on standard deductions and the $600 personal exemption have stood still.

In 1950 almost every taxpayer could use the simple 10% standard deduction. It made filling out an income tax return simple.

But in those days 94% of all families, approximately, earned less than $10,000. So the $1,000 ceiling affected only 6% of the families.

Today about one-fourth of all families are up to $10,000. What's more, a much larger part of family income today has to be spent on deductibles. The average home's real estate taxes and mortgage interest in Cleveland very nearly reach the $1,000 mark, and rising hospitalization, charities and union dues compel the rank and file taxpayer to sweat through itemizing his deductions.

The $600 personal exemption, once related to food, clothes and housing cost, is now below federal poverty standards for any average urban family.

On the opposite end, many congressmen have rapped at wealthy individuals and corporations which pour their investment money into tax-free municipal and government bonds.

They have also questioned the fairness of tax exempt philanthropic foundations, which a wealthy patriarch can use to dodge inheritance taxes, and as a sanctuary for securities intended for his heirs.

Every special loophole for some clubby little group should be peered into and probably plugged. And for the ordinary man, surely a more up-to-date set of rules and a simpler tax form would win Congress a host of friends.

THE "PUEBLO" INQUIRY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, no one is on trial for the *Pueblo* incident, but the inquiry now being conducted by the Navy has convinced a great many people that the *Pueblo*'s captain and crew actually are being tried. There are many unanswered questions about the *Pueblo* incident, and the whole subject is a touchy one. The United States lost enormous prestige when the ship was surrendered and the crew not released for nearly a year. The method in which their release was obtained was salt in an open wound.

The fact that the *Pueblo*'s crew is back is, of course, a source of great satisfaction. But the indignities which were in-

flicted upon them, including the death of one, rankle in the minds of the American people. Now some very important questions which have long remained unanswered are coming to the surface. The *Pueblo* carried no self-destruct mechanisms to protect highly advanced communications equipment and codes. When the ship was surrendered, all of this fell into Russian hands via the North Koreans. It has been assumed that our information-gathering electronic equipment is more advanced than that of the Russians. Whether or not that is true, they now know everything we know in this field.

Of major importance is the fact that the U.S. Government still has taken no productive action to obtain the return of the ship and its equipment or reimbursement for the ship and to obtain indemnity for the death, wounds, and suffering of the crew and their families.

No one has satisfactorily explained the failure to send help to the *Pueblo* before she actually fell into Communist hands. The *Pueblo* case is not one which can be swept under the rug and forgotten. Congress will want to take a hand in bringing all the facts to the surface before blame is fixed for the loss of the *Pueblo* and the indignities to its crew. Appropriate steps also must be taken to insure there will be no repetition of a situation where an American ship is left defenseless in any waters. It is equally essential that proper equipment be installed to insure that communications vessels be fully equipped with destructive devices for the protection of classified materials and equipment.

Proud American traditions are at stake. We do not beg our way out of trouble.

EDITORIAL COMMENDS SPEAKER CHOICE

(Mr. JONES of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include an editorial.)

Mr. JONES of Alabama. Mr. Speaker, the House of Representatives has been commended by an editorial printed in the Decatur, Ala., Daily for the selection of the Honorable JOHN W. MCCORMACK as Speaker for the 91st Congress.

For years, the editor and publisher of the Decatur Daily, Mr. Barrett Shelton, Sr., has been associated with progress and growth of the thriving Tennessee Valley area through his newspaper and in his personal civic endeavors.

I am pleased to associate myself with the editorial comments about Speaker MCCORMACK and I include the editorial at this point in my remarks so that all of my colleagues can share these thoughts:

MR. MCCORMACK WILL BE REMEMBERED AS GREAT

The House of Representatives made an admirable choice in the selection of the Honorable John W. McCormack of Massachusetts as Speaker for the 91st Congress.

Speaker McCormack, through his many years of service to the nation, has established an enviable record for fair play and consideration of all the divergent issues which meet in the Congress.

On the occasion of his recent election to the speakership, rare tribute was paid to him by the Honorable Gerald R. Ford, the minority leader. Mr. Ford was the Republican candidate for the speakership. After the election, Congressman Ford told of his regrets at losing and said, "But, it is an even sterner test of statesmanship and character to be magnanimous and gracious in victory—and for whatever comfort and consolation it may be to any of my colleagues I can testify that the distinguished gentleman from Massachusetts has always been magnanimous and gracious to me—every time I have tried to take his gavel from him in the American political arena."

Our nation faces many tasks of considerable complexity as we lay the groundwork to meet the technological demands and requirements of the 21st Century. No one is more dedicated to this task than Speaker McCormack. He has proved this with his leadership of the Congress in recent years when unparalleled amounts of new legislation have been formulated to serve the people of this country.

His open and friendly manner and his willingness to counsel and advise have made him a legend in his own time among members of the Congress. He is the very embodiment of all that is great about our representative form of government.

The story is told that Speaker McCormack once confided in a fellow member that "rather than being known as a great man, I would prefer to be known as a good man, if I had a choice."

In our opinion, Speaker McCormack will have his wish. He will be known as a good man, and he will be known as one of the great speakers of all times.

NATIONAL PRIORITIES AND THE NATIONAL BUDGET

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, over the past year or so, the term "national priorities" has taken on new popularity here in Washington. Pressing social problems, demands for maintaining a costly military operation in Southeast Asia, exploration and exploitation of natural resources, the thrust toward placing men on the moon—the argument goes that all programs, all issues, must be put into some broad perspective, then evaluated according to a prejudged order of priority.

Of course, what we term "national priorities" today is, in reality, nothing other than that old debate of guns and butter—the tradeoffs between sets of competing needs. The theory itself is simple and blunt: given limited resources, what must be sacrificed to reach a chosen objective?

President Johnson's recent budget message spotlights the new attention given "priorities." According to the President, "the composition of the budget reveals much about the Nation's priorities."

To gage by the budget he presented Congress, if Mr. Johnson's statement is indeed true, I feel that the Nation is continuing to head down a tragic, extremely costly path. I do not concur that America's paramount national goal should be one of further military buildup, of an increase in military hardware, and of the pursuit of a debilitating, wasteful war in Southeast Asia.

If there is one thing that President Johnson's budget does not reflect, it is a real ordering of priorities. The budget may show priorities, but they are priorities of power, not priorities of need.

Unfortunately, as much as President Johnson hopes his budget represents an accurate presentation of national priorities, I think that he is wrong. Priorities ranked on the basis of lobby or monetary strength of special interests always get distorted. It has become a cliche to note that poor people—both here in America and abroad—carry less clout with Congress than do powerful industrial and military blocs, but that cliche holds as a good rationale behind the "priorities" of the fiscal 1970 budget.

For example, what concept of priority can make rational the assignment by the General Accounting Office of only five auditors for over $40 billion of military negotiated contracts while, at the same time, putting between 70 and 80 auditors at work analyzing poverty programs.

In a true sense, the budget does not adhere to the very meaning of priorities. Instead of rating programs by individual merit, they are lumped together under functional headings, so that it becomes impossible to carry on any across-the-board analysis. Congress' experience last year in the expenditure control controversy bears testimony to this fact. Many vulnerable and sensitive programs—mainly in the poverty and urban areas—got sliced disproportionately to older, more established, but also often less valuable programs. In the end, I am sure we shall see Congress finding it necessary to go right back into the very areas it cut drastically, and often to revive discontinued programs and to get them underway again, with resultant total costs that are more than were saved by the original cutbacks.

The fiscal 1970 budget is the second budget document prepared in accordance with recommendations by the President's Commission on Budget Concepts—which was headed by the incoming Treasury Secretary, David M. Kennedy. The new unified accounting system has certainly contributed to better understanding of the total budget. But, in content, the budget remains little more than a confusing catalog of hundreds of programs which differ significantly in value.

I suggest that either Congress or the new administration give deep thought to the problem of offering a national budget which will present a true ordering of "national priorities"—a budget which will take into account the question of evaluating alternative budget strategies. Such a budget would show long-range and short-term benefits and costs associated with various program mixes.

Congress would be greatly assisted by a priority based budget. For example, at midyear we will be faced with the income tax surcharge issue once again. Already, the Budget Bureau and the Council of Economic Advisers have constructed a series of projections depicting different outcomes relative to passage of the surtax. These scenarios indicate that if the surtax is not extended, and war costs run at current levels, we will be in for continuing inflationary pressures and a budget deficit. However, surtax extension would

lead to a budget surplus, and inflation would be stymied.

These scenarios sound simple. They are simple. They also are misleading. Much fundamental analysis is not present. During last year's tax debate, I voted against the surcharge because I felt it to be the major finance mechanism for the Vietnam military operations. This year, I will vote against extension on the same grounds.

The Johnson administration succeeded in convincing Congress it was possible to have both more guns and more butter. Nevertheless, resources are limited, and we only fool ourselves if we think we can get everything we want without paying a dear price.

Last year's price was expenditure controls. What will this year's price be? Will it be stricter expenditure control—control applied to most programs while at the same time defense costs keep spiraling up?

The question should not be how large a budget deficit and how much inflation we are willing to accept in lieu of surtax extension. Instead, we should inquire what is the real cost of higher and higher defense allocations—in terms of inflation from resource dislocations, in lower economic growth, in unemployment, in foregone education and training, in balance-of-payments deficits, in poor housing and medical care, in festering cities, in a polluted environment.

The fiscal 1970 budget is barely below the $200 billion level. It took the Nation from 1786 until 1962 to reach the $100 billion budget, but it's only taken us since 1962 to get from $100 billion to $200 billion. And, the national defense budget requested for fiscal 1970 is larger itself than were total budget expenditures in fiscal 1957.

This appetite of the military which literally ingests all incremental budget funds does not appear to be diminishing. During the past 3 years, rising Vietnam costs have cut into two other defense areas—inventories and research and development. Now, with Vietnam expenditures settling down, overall military outlays, other than in Southeast Asia, will climb $4.1 billion, and budget requests for inventory and research and development are mounting, with the estimated rise in research funds of nearly $1 billion.

No sensible person argues against a reasonable national defense posture for this country. But little justification exists for the burgeoning size of our military budget. Indeed, there is good evidence that major reductions in the defense budget could be made, and, in the end, we would have an even more effective national defense system. Without doubt we would have a vastly increased national security, for additional weaponry frequently decreases security.

Last summer, Congressional Quarterly reported that approximately $10.8 billion could be cut from the defense budget "while retaining or even improving the current level of the Nation's defense." None of the Congressional Quarterly recommended cutbacks directly involved Vietnam operations; on the other hand, most of the areas where reductions were called for already represented significant question marks for many policymakers.

It was probably too much to hope that defense planners would have looked seriously at the Congressional Quarterly report before drawing up the fiscal 1970 budget requests. If they did, it does not show in their new spending proposals. When the budget came out, I made my own comparison between the Congressional Quarterly recommendations and proposed budget outlays for 1970. The results, tabulated in the following chart, indicate that in the areas that Congressional Quarterly noted that reductions of $10.8 billion could be achieved, the new budget asks for a net increase of over $1.7 billion:

[In millions of dollars]

Item	CQ recommended cut	Fiscal 1970 budget change
Anti-ballistic-missile system Bomber defense system Surface-to-air missiles	2,950	[1] +1,000
Manpower:		
Army	2,200	+200
Navy	900	−400
Air Force	675	+12
Marines	400	+400
Total	4,175	+212
Tactical aircraft:		
Army	510	+309
Navy	635	+85
Air Force	700	−56
Total	1,845	+338
Antisub carrier forces	400	−40
Attack carrier forces	360	+380
Fast deployment logistic ships	500	−137
Manned Orbiting Laboratory	600	−17
Total	10,800	+1,736

[1] Approximately.

When the Congressional Quarterly report was published last year, I argued that even the $10.8 billion cut was conservative, and that a total approaching $20 billion could be sliced from the defense budget without sacrificing military efficiency. I remain firm in that belief, and I will act accordingly.

Additional analysis substantiating the Congressional Quarterly report was brought forth yesterday in an article by Bernard D. Nossiter for the Washington Post. Nossiter tells of a clandestine study which showed utterly dismaying performance in recent military weapons systems—systems which cost over $40 billion during the past 15 years. The story follows:

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950's was bad; those of the 1960's are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to the Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $3 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B–70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context: The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new * * * by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown, in the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rate of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates, the Pentagon and the aerospace industry apparently learned * * * the systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail

twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F–102, the Delta wing interceptor for the Air Defense Command, was bedevilled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extensive, two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

Thus, in the chart, A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on. B1 is the first version of an entirely different system; so are C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four time as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the paper observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars (or billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F–111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F–4, a supersonic Navy interceptor. Even though the F–4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

Mr. Speaker, recent economic performance indicates the rashness of attempting to achieve simultaneously more guns and more butter. Real growth has been rising, but at a decreasing rate. Unprecedented prosperity is rapidly being eroded by spiraling inflation. And the price for easing inflationary pressures is that of an increase in unemployment—an increase primarily felt by low income, marginal workers. Hobart Rowen vividly illustrates the current situation in his column published in the January 19, 1969, Washington Post, which follows:

NUCLEAR ARMS RACE

(By Hobart Rowen)

With this year's Budget document and Economic Report, an era comes to an end. This was the period of the "New Economics," dominated by reliance on fiscal policy—that is, changes in tax and expenditure programs to offset ups and downs in the private economy.

It was the era of Walter Heller and David Bell, Kermit Gordon and Charles Schultze, Gardner Ackley and James Tobin, Arthur Okun and Charles Zwick.

In their eight years, as Okun's swan song Economic Report said this week, there has been an "unparalleled prosperity." But it is a record tainted, as the Report concedes, by continuing poverty for 22 million persons, and an uncomfortable inflation for all.

The grand design of the New Economics came apart at the seams in 1965, when Mr. Johnson decided that he could fight a major war in Southeast Asia without raising taxes.

It couldn't be done, as almost all of his own advisers told him. But LBJ's 1965 insistence (amended much too late) that the U.S. could have "guns and butter" is at the root of the present-day inflation. Mr. Johnson's bitter denunciation of Congress as the villain is a transparent attempt to re-write history.

The mistakes of 1965 are behind us. But there may be in the making a parallel and equally portentous decision—and this one has been shielded by the tiny surpluses shown in the 1969 and 1970 budget projections.

In summary, President Johnson has substantially quickened the pace of the nuclear arms race in his new Budget, but it hasn't gotten through to the public because spending for Vietnam shows a reduction for the first time.

The over-all Pentagon budget, therefore, is only fractionally increased. But within the grand total, non-Vietnam spending programs are up by $4 billion, a good part of the increase being for the Poseidon—the sophisticated missile that can carry up to 10 hydrogen bombs, each of which can be ticketed for a separate city, and for the Sentinel antiballistic missile system.

Still another "strategic" weapons increase stems from the Johnson Administration decision to let the Navy embark on construction of a whole new class of nuclear attack submarines, a multi-billion plunge spread over the next several years. This puts the Nation on the track to more than 100 nuclear attack subs.

The implication of all this, it seems to me, is clear. All of the nice theorizing by the Post-War Planning Committee (as published in the Economic Report) on what to do with the money saved on Vietnam is a fruitless exercise if the Pentagon gobbles all of it up.

Former Budget Director Charles L. Schultze warned in a Washington Post article January 12 that this might happen in a Nixon Ad-

ministration. What the Johnson Budget suggests, I believe, is that the pressure from the military to "make up" for the budget program it "loses" at the Vietnam peace table has already begun.

It would probably be over-stating it to say that the Johnson budget bureau had let the military budget slip out of its control. But this could happen in the next round.

Coming up for discussion early in the Nixon Administration will be vastly stepped-up ABM expenditures; a manned bomber program; an undersea launch program; and a brand-new advanced nuclear missile. The Navy shipbuilding program, already putting enormous pressure on shipyards, could balloon upwards.

During the closing stages of the campaign, Mr. Nixon made clear that he believed that our military forces had to be built up. Defense Secretary Melvin Laird has more recently echoed this sentiment.

The economic implications are staggering. A new arms race (surely, the Russians will not be content to cut their weapon output while we boost ours) means either a continuance of high taxes to pay the freight (to prevent a repetition of the mid-1965 mistakes) or a continued neglect of the pressing problems of the cities. Or, an uncontrollable inflation.

Paul McCracken, as he moves into Arthur Okun's chair at CEA, and Robert Mayo, as he slides into Zwick's hot seat at the Budget Bureau, have their work cut out for them. I wish them a lot of luck, which they'll need.

Mr. Speaker, significant, far-reaching congressional attention is imperative to control the ever-expanding grasp of the military complex. I suggest immediate action in three specific areas:

First. The defense budget must undergo severe paring. Congressional Quarterly pointed out where more than $10 billion could be cut without impeding national security. In addition, there can be major reductions made in many of our graft-producing commitments to South Vietnam, in the overall military aid program, and in other controversial ventures such as the newest of our flying boondoggles, the C–5 supertransport.

Second. Current military practices need revision to eliminate undue profiteering and wastage by defense contractors. Again, a prime example is the C–5 which will probably end up costing around $5 billion—about twice as much as originally projected.

Two weeks ago, I joined my colleague the gentleman from Texas (Mr. GONZALEZ) in an effort to prevent future excess profiteering through a bill calling for expansion of Renegotiation Board activities and a resolution which would create a special committee to conduct an investigation and study of procurement and construction for the national defense and national space programs.

Third. Revised military manpower programs must be enacted. In his budget message, President Johnson requested that a fair and impartial random selective service be established. I agree with Mr. Johnson that Congress should move quickly to institute such a system. But I accept the improved system only as a stopgap. A shift in total manpower concepts is needed, and, once again, I will soon introduce legislation to provide for the early transition to a full voluntary military manpower procurement system.

Congressional examination of just the three areas I have mentioned will be of great value. National security and national priorities are highly interrelated. Danger exists when so-called defense demands engulf all other programs. Unfortunately, this has been too evident over the past 3 years. There is little inspiring in the new administration which causes me to think that improvement is imminent. And, yet, our dilemma, if left unchanged, will grow even more serious and tragic. The stakes in the arms race game are too high to let the situation fester. Security is not just an American problem, it is global, and the outcome of any current military expenditure decisions will have an effect on the entire human race.

IT IS TIME TO REVIEW THE INCOME TAX STRUCTURE

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, most of the Federal income tax forms for reporting last year's incomes have now been delivered, and we taxpayers will soon have to face up to wrestling with the income tax rules and regulations, and with the complications of the tax return forms.

Over the past several years, as chairman of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, I have directed the subcommittee staff in various efforts to obtain simplification of income tax forms and procedures, with the twin objectives of making the tax collection process less expensive to the Government and, of equal importance, trying to make it easier for taxpayers to comply with the income tax laws.

The Internal Revenue Service has taken a real interest in these objectives, and some of its forms have been improved, as have some of its procedures. The big hurdle to greater simplification, however, is the fact that over the years there have been written into the income tax laws a great number of special deductions, credits, exclusions, exemptions, and preferential rates. The total of such special income tax treatment has complicated the income tax forms and procedures to the extent that they present severe difficulties to the average taxpayer.

They also result in harsh inequities in the sharing of the overall tax burden. In recent testimony before the Joint Economic Committee, then Secretary of the Treasury Joseph W. Barr very forcefully made that point. For example, he alluded to the fact that in 1967 there were 155 Federal income tax returns which reported adjusted gross incomes of over $200,000 but on which there was not one cent of Federal income tax due. Twenty-one of these showed incomes of over a million dollars each, and yet none paid any income tax. Tens of millions of middle-class families and individuals, however—those with incomes between $7,000 and $20,000—had to pay taxes based upon the full ordinary rate with no advantage from special tax benefits that have been written into the laws.

This middle-income group pays over one-half of the total individual income taxes that are collected, a highly disproportionate burden to that borne by many who should be in the upper brackets. The incongruous result is that this middle class of taxpayers bears its share of the full tax load, and then some. Their tax burden is increased because they must also contribute to the support of the upper-income groups who pay little or no taxes because of the preferences granted in the law. And on top of it all, the 10-percent surtax.

The inequities in the law, according to Secretary Barr, may bring about a middle-class revolt against income taxes—"not because of the amount of taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay." He said that not only are they concerned; they are angered about the high-income recipients who escape their fair share of the income tax burden.

Most of the provisions which cause inequities were put into the law to achieve some social or economic objective; standing alone, each undoubtedly seemed to possess some special merit when it was adopted by the Congress. Too often, however, they have constituted "loopholes" through which those who are well able to carry their fair share of the tax burden have escaped doing so.

All of this points to the need for a careful study by the Congress of the whole income tax structure. Undoubtedly there are valid reasons for retaining some provisions which may seem to afford preferential treatment to some taxpayers, but they should be reexamined to make sure that that is the case. The primary goal in revising the laws should be fairness, with the accent on balancing the equities for all taxpayers across the board. A predicate for such a general review of tax laws has been laid in the work that has been done at the Treasury Department over the last 2 years on tax reform proposals. This would also be a wonderful opportunity to simplify all the paper work that has to be done in reporting incomes and in computing the taxes due.

An excellent summary of Secretary Barr's testimony appeared in the Wall Street Journal on January 20, 1969, which I am bringing to the attention of all Members by inserting in the RECORD at this point:

TREASURY CHIEF WARNS OF TAXPAYER REVOLT, CITES $50 BILLION A YEAR IN PREFERENCES

WASHINGTON.—Warning that a middle-class "taxpayer revolt" might lie ahead, Treasury Secretary Barr disclosed a department study singling out some $50 billion a year in tax preferences under current laws.

In stressing the immensity of revenue losses because of existing special tax benefits, Mr. Barr appeared to be seeking to stir support for the Treasury's forthcoming reform proposals as well as striving to stiffen resistance to the additional tax incentives promised by President-elect Richard Nixon.

Testifying before the Congressional Joint Economic Committee, Mr. Barr asserted the revolt "will come not from the poor, but from the tens of millions of middle-class families and individuals with incomes of $7,000 to $20,000." Such citizens are "angered," Mr. Barr said, about wealthier persons who "pay little or no Federal income taxes" because they can take better ad-

vantage of special legal provisions. The existence of the 10% income-tax surcharge, he added, has "made many taxpayers more aware of the inequities in our present tax system."

The extreme cases, Mr. Barr said, are indicated by the 155 tax returns in 1967 that showed incomes above $200,000 with no Federal income tax liability, including 21 from persons whose incomes exceeded $1 million each. Major reforms to improve the fairness and simplicity of the tax laws are needed, he argued, because "public confidence in our income-tax system is threatened."

STILL-SECRET PACKAGE

A proposal to assure that wealthy persons pay some tax even if all their income is from such tax-exempt sources as interest on municipal bonds is considered a likely part of the Treasury's still-secret package of reform ideas. Mr. Barr said an agreement had been worked out for the House Ways and Means Committee to obtain a copy of the reform study from Treasury Secretary-designate David M. Kennedy, and then to make the contents public, presumably within a week or two.

In the meantime, Mr. Barr released a study based on Assistant Treasury Secretary Stanley S. Surrey's concept of "tax expenditures," which is intended to show that deductions, exemptions and the like, which reduce revenue have the same impact on the Government's budget as a dollar of spending to achieve the same purpose. In some cases, Mr. Barr said, these tax expenditures surpass the amounts spent by the Government on related programs.

The most costly category of tax expenditures, the report showed, is in the health and welfare field, where estimated revenue losses of $19.5 billion would equal 36% of Federal spending planned in these areas for the fiscal year starting next July 1. Among the items included are $2.2 billion of revenue loss through permitting deductions for charitable contributions, $10 million through the extra exemption for blind persons, $3 billion through exclusion of private employers' pension contributions and $1.5 billion in medical expense deductions.

GRADUAL END TO PREFERENCES

The Treasury isn't expected to ask that anywhere near all the tax benefit that it has identified be ended, of course. And aides emphasize that many of its proposals will provide for a gradual rather than an abrupt end to preferences.

One likely target is the "multiple surtax exemption" which permits the first $25,000 profit of each corporation to be taxed at a 22% rate compared with the regular rate of 48%. Treasury strategists are understood to want this rate limited to small businesses and will likely seek some way to keep large corporations from attaining it for each of many separately incorporated subsidiaries. The total tax drain through this provision the study shows, is about $1.8 billion a year.

This and other tax benefits in the commerce and transportation area, the department figures, will cost the Government about $9.7 billion in the next fiscal year, or $700 million more than budgeted spending in these fields. Among the other tax expenditures in the grouping, the report shows, are $2.3 billion for the 7% equipment-investment credit, $500 million in excess depreciation on buildings, $600 million in excess bad debt reserves of financial institutions, and $1.3 billion through deductibility of interest on consumer debt.

NOT SURE OF AMOUNT

Allowing the oil, gas and other "extractive" industries to use percentage depletion methods deprives the Treasury of about $1.3 billion a year, the department stated. This is the sum the Treasury figures it would collect if depletion deduction were limited to actual costs rather than to flat percentages of gross income. The highest percentage depletion allowed is 27.5% for oil and gas; although this has long been a target of liberal criticism, the Treasury isn't expected to request any major change in this practice.

The reduced rate of tax on capital gains is costly, too, the Treasury says, but added that the matter is so complex it isn't sure whether the sum is nearer to $5.5 billion or to $8.5 billion a year. Generally, gains from the sale of capital assets—such as common stocks—are taxed at a rate no higher than 25%, provided the assets were held more than six months.

One aspect of this treatment known to anger Treasury planners is that if the owner of a stock that has risen in value dies, the gains tax doesn't apply to the appreciation which would have been taxable if the property were sold just before death. The heirs who receive such appreciated property are taxed, if they later sell it, only on the further gain during the time they owned it, the Treasury said, so that "appreciation on assets held until death is never" subjected to the income tax. However, the value of an estate, including any such capital gains, is subject to Federal inheritance taxes.

At current captial gains rates, it said, this practice costs the Government $2.5 billion annually. If such income were taxed at regular rates, it added, the cost works out to $4 billion.

Among many other deeply entrenched tax preferences cited, with their annual costs to the Treasury, were these: Exemption of interest on municipal bonds and deduction by homeowners of local property taxes, $1.8 billion each; exclusion of certain veterans' pensions, $700 million; exclusion of employer-paid premiums on group life insurance and medical insurance, and employer payments for medical care, $1.5 billion; exclusion of interest on the savings element of regular life insurance policies, $900 million; the additional personal exemption and other features favoring the elderly, $2.3 billion, and home-mortgage interest deductions, $1.9 billion.

In other tax developments, Mr. Barr spoke favorably of suggestions that the U.S. create a system of border taxes on imports and rebates on exports, and the Treasury formally asked Congress to extend for two years past its July 31 expiration the interest-equilization tax on Americans' purchases of foreign securities from foreigners.

THE FUTURE OF U.S. PUBLIC DIPLOMACY—V

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am taking the floor this morning to call to the attention of my colleagues in the House, and to place in the RECORD, a series of editorial comments on my subcommittee's report on "The Future of U.S. Public Diplomacy."

Released on December 22, 1968, that report has received considerable attention from the American mass media.

It was the subject of news stories or editorial comments in such newspapers as the New York Times, the Washington Post, the Evening Star, the Christian Science Monitor, the Los Angeles Times, the Boston Globe, the Milwaukee Journal, and many others.

It would take too much space to insert all of those comments in the CONGRESSIONAL RECORD. I have, however, selected a few and I would like to commend them to the attention of my colleagues and of the appropriate officials of the new administration.

Our subcommittee's call for a thorough review of our Government's overseas information activities by a competent, nonpartisan group has met with overwhelming support, not only in the media, but also in our various functional communities: business, education, philanthropic activities, and others.

The editorials speak for themselves, as follows:

[From the Boston Globe, Jan. 9, 1969]

FOR A NEW FOREIGN POLICY—I

Even before the administration of President-elect Richard M. Nixon takes over Jan. 20, it is already clear that the foreign policy of the United States is in deep trouble, so deep indeed as to suggest that its continued failure is certain unless its direction is changed.

We are not lacking for straws to indicate which way the wind is blowing. The most prominent, of course, is our Vietnam policy and the lack of progress in the Paris talks. But there are plenty more.

One such straw was the capture by North Korea a year ago of the USS Pueblo and its crew—which surely would have been a casus belli in days long gone by—and the crew's release last month, after almost a year's imprisonment and brutal treatment, under the circumstances of an already repudiated apology from the United States that made many think of Alice in Wonderland.

Still another straw bent over in the wind only last week when the Philippines' Carlos P. Romulo resumed office as Foreign Secretary and announced a drastic switch in the foreign policy of a country that has been traditionally friendly toward us.

The United States, he said, was no longer dependable as an ally, and the need of both American bases and the Philippines' military alliance with us must now be questioned. The basic reason for this change, he said, was that "After Vietnam, I do not think the American people will ever again consent to involving their troops in Asia." Most Americans would surely say "Amen" to that.

But perhaps Mr. Romulo's most important statement was that in both Cuba and Vietnam the United States had been unable to use its super-strength (a fact that Gen. Charles de Gaulle used in October 1962 to change France's foreign policy).

"After World War II," said Mr. Romulo, "we thought in terms of the bipolarization of the two superpowers, the United States and Russia. . . . Now . . . the big power polarization has been fragmented, and the giants cannot use the strength of giants."

It could be argued that Mr. Romulo spoke for only one relatively small country. But the disquieting fact is that his opinion is shared in almost every other country on earth.

Only last month, after lengthy hearings, a subcommittee of the House Committee on Foreign Affairs issued a 175-page report on "The Future of United States Public Diplomacy." Of our image abroad it said "The U.S. reputation has become tarnished during recent years. Public attitudes toward our country are now reported to be at a 50-year low. Fewer people abroad consider the United States as their best friend . . . And fewer have trust and confidence in the ability of the United States to provide wise and steady leadership in the current world upheaval."

The nation needs, then, both to ask itself why this has happened and, with a new administration taking over, to make the changes that are necessary. They will be discussed in a later editorial.

[From the Boston Globe, Jan. 11, 1969]

FOR A NEW FOREIGN POLICY—II

Why has the foreign policy of the United States become so ineffective? The recent re-

port of a subcommittee of the House Committee on Foreign Affairs says that "three factors are generally credited with responsibility" for the low esteem in which our country is held abroad.

It said they are "(1) the Vietnam war; (2) our race problem; and (3) crime and lawlessness. Of the three, Vietnam has had the greatest impact on public opinion abroad . . . U.S. withdrawal from Vietnam is urged even in countries which have depended on this country to protect them against Communist aggression. A recent poll conducted in four leading countries of Western Europe revealed that an absolute majority . . . favored that course—regardless of a possible Communist takeover in Vietnam."

The report was concerned more with our image abroad than with our policy itself, its hearings having been held on "Winning the Cold War: the U.S. Ideological Offensive." Thus circumscribed, it could point only to surface indications in urging repair of our "image." It said we should "accept the fact that foreign policy begins with domestic conduct," and that we must learn to listen to others abroad and to speak more effectively to them.

Yet in its recommendations it made a point, albeit for a limited purpose of strengthening the U.S. Information Agency, that shows the path to a far more significant needed change in our policy.

The report said: "There are four main channels of foreign affairs: diplomacy, trade, communications—and force. The first three are complementary, the fourth an alternative. Today, the United States spends 95 percent of the resources devoted to foreign affairs through the fourth channel; only 5 percent through the other three. Isn't it about time to start changing that ratio?"

This last question is important, and not merely because expending more of our resources on diplomacy, trade and communications is the good idea that it is. The question is important because it throws light on what is wrong with our foreign policy and on how it should be changed.

Our foreign policy, like that of every large nation, has in the past been based implicitly on force. This may have been valid enough in an historical period when superior force could carry the day, although at the cost of wars that became ever larger and more gory. But something has happened in this nuclear age that has changed all that.

For among the long accepted, "immutable" natural laws that have had to be changed along with the advent of the theory of relativity and the splitting of the atom is the law that physical force counts for everything.

Only the wisest of men perceive today that events have repealed this law. It is true, but hard for most men to understand, that the nuclear armaments that cost so many billions and were supposed to guarantee invincible superiority have, without even being used after Nagasaki, canceled each other out of the picture. All that remained was for the nuclear emperor to be told he had no clothes on, and that is now being done.

Thus we have Jerome Wiesner, provost of M.I.T. and former science adviser to Presidents Kennedy and Johnson, and Adam Yarmolinsky, former assistant to the Secretary of Defense and now a Harvard professor, arguing in the current issue of "War/Peace Report" that with second strike capability there is no such thing as nuclear superiority, and that in consequence, even limited wars between the superpowers are no more practical than nuclear wars.

The question of how the makers of our foreign policy can adapt to this relativistic and truly revolutionary change will be discussed in a later and concluding editorial.

[From the Los Angeles Times, Dec. 24, 1968]

CONGRESS STUDY OF U.S. "IMAGE" URGED

Ironically, as the North Koreans sought to extract maximum propaganda value from their release of the Pueblo crew, certain congressmen were broaching a plan for a bipartisan look at the U.S. "image" abroad.

The two matters are purely coincident, of course, but their juxtaposition brings up a fundamental question:

To what degree should a world power like the United States concern itself with that ephemeral thing called "image?"

We are a nation of 200 million citizens, only a relative few of whom are politicians. It is nice to be loved by our global neighbors. But it is not essential either to our well-being as a republic, or to the fulfillment of our mission as a civilized country.

The House Foreign Affairs subcommittee wants mainly to assess the U.S. Information Agency, its policies and procedures, to ascertain whether the USIA is doing its best to enhance our popularity abroad.

Rightly, the House group notes that we spend 95 cents for force, and the hardware of force, compared with 5 cents for diplomacy, trade and communications out of each dollar spent on foreign affairs.

To be respected should be the real concern of our national leaders. If we can achieve popularity during the course of fulfilling our Free World mission, so much the better. But popularity is not the goal.

Any analysis of the USIA, therefore, must concern itself with whether that agency is making our mission clear. Both the inquiry, and the USIA, will be immeasurably assisted if our national purpose is understood at home—before we strive to clarify it abroad.

That seems a prime task for the incoming Nixon Administration.

[From the Cleveland (Ohio) Plain Dealer, Jan. 14, 1969]

IMPROVE U.S. PUBLIC DIPLOMACY

Leaders in the executive and legislative branches of the federal government should give early and earnest attention to the report on "The Future of United States Public Diplomacy" made three weeks ago by a House foreign affairs subcommittee.

As of right now, that future does not appear bright. The tarnished condition of the American image abroad reflects the dull state of U.S. public diplomacy. The foreign affairs subcommittee concludes that something must be done about it.

Unlike high-level, striped-pants diplomacy, public diplomacy relates to the practices of communicating directly with the peoples of other countries, of seeking their understanding and of cultivating their opinions. In a world constantly made smaller by improvements in communications technology, skill in public diplomacy is required of a world power that wants to retain its position of leadership.

The House subcommittee based its assessment of the poor state of U.S. public diplomacy on testimony from a broad representation of experts in communications and diplomacy. In reaching its conclusions the subcommittee drew heavily upon the most recent report from the U.S. Advisory Commission on Information, which exercises a watchdog function over the operations of the U.S. Information Agency.

Three of the questions posed by the commission concerning USIA's mission are especially pertinent to the larger question of how to advance the art of U.S. public diplomacy. They are:

Should USIA have a hand in information dispersal for government agencies beyond the Department of State? Should USIA be more than an arm of foreign policy? Should USIA play a role in influence of policy as well as its execution?

Toward improvement of U.S. public diplomacy, the House subcommittee recommends that a thorough, systematic reappraisal of the entire information policy of the government be undertaken—preferably by a bipartisan commission of outstanding national leaders and experts in communication and in the social sciences. It calls for wholehearted support for the project from the executive and legislative branches of government.

The call should be heeded.

"NEW BUDGET CONCEPT" AND OBSERVATIONS THEREON

(Mr. MARSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARSH. Mr. Speaker, last Thursday, I took the floor of the House to point out that the actual operating budget for the Federal Government for fiscal year 1970 was in deficit by nearly $7 billion, according to the figures presented by the outgoing administration and contained in documents accompanying the budget.

As I mentioned at that time, the surplus that was shown occurs in the "New Budget Concept," which includes in the gross receipts of the Federal Government the sums collected in the trust funds, such as social security.

I realize that the statement that the budget is actually in deficit does surprise many people, and there may be others who point to the "New Budget Concept" to refute what I said. However, let me point out to the membership this further observation: Unless there are substantial reductions in the spending proposed in the budget presented to the Congress by the outgoing administration, or unless there is some unexpected contingency by way of windfall that would reduce this spending, my information is that it will be necessary, later this year, for the Treasury to request legislation to increase the national debt limit, even if the 10 percent tax surcharge is extended.

In support of what I have just said, about increasing the national debt limit, I quote to the membership a statement contained in President Johnson's budget message of January 15 of this year, and appearing on page 26 of the publication, "The Budget of the United States Government," wherein it is stated:

> It may be necessary, therefore, within the next few months, to revise the present debt limit. Even if this does not prove necessary at that time, the need for such action will, in all probability, arise next fall, when budget receipts will be seasonally low.

Mr. Speaker, if the budget is in balance with a surplus, why, then, would it be necessary to increase the national debt?

THE FARMERS HOME ADMINISTRATION'S INSURED LOAN PROGRAM FOR WATER AND SEWER SYSTEMS

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, today I have introduced legislation which I hope will permit the Farmers Home Administration's insured loan program for water and sewer systems to function again as the Congress intended.

The Congress, in its wisdom, created this program to assist rural communities in providing adequate water systems and sanitary sewer systems. This program

provides for grants, direct loans, and insured loans from the Farmers Home Administration of the Department of Agriculture.

However, Mr. Speaker, in July of 1966, the Treasury Department put a virtual stop to the insured loan portion of this program on the grounds that the private investors in local government bonds did not have to pay Federal income tax on the revenue received on the bonds they purchased. This exemption is provided by our Federal Income Tax Statutes. The Treasury Department has taken the position that the insured loan program has given an unwarranted tax break to these investors who generally are in the high income tax bracket in the first place.

Mr. Speaker, whether we agree with the Treasury Department's position or not, the fact is that the small community water and sewer program has been dealt a cruel and harsh blow. There are 30,000 of these small rural communities which desperately need financial help to construct a water system, and there are some 40,000 that urgently require waste disposal systems. Something must be done quickly to revive this vital FHA-insured loan program.

My bill would let the Farmers Home Administration buy tax-exempt bonds from small towns or public districts at interest rates not to exceed 5 percent. FHA then would resell these loans to private lenders, who would receive the higher insured loan interest rate from the Farmers Home Administration. The bonds would retain their tax-exempt form; but under separate agreements with the Farmers Home Administration insuring their investments, the private lenders would agree to pay income tax on their interest received from FHA.

In practical effect at the U.S. Treasury, there would be no net outlay by the Government. The difference between FHA's interest received from the local public body, and its interest paid to the private lender, would be offset by the lender's Federal income tax payments. In fact, the following figures, based on insured loan interest rates in force this fiscal year, show that the Government could more than offset its initial deficit:

First. FHA would collect 5 percent interest from the local public body. This would amount to $5 million on every $100 million of rural water and sewer system financing.

Second. FHA would pay an estimated 6 percent interest to a private investor for funds to cover the loan. Temporarily this would incur a net deficit of $1 million for every $100 million of financing.

Third. Assuming, as has the Treasury Department, that private lenders on the average would be in the 50-percent income tax bracket, lenders would pay $3 million income tax on the $6 million of interest earned from investments totaling $100 million. This tax would be $2 million more than FHA's deficit from the first two transactions described above.

Fourth. The Government thus would net $2 million a year on every $100 million worth of such financing accomplished through the Farmers Home Administration.

Mr. Speaker, I hope that the Congress will act on my bill at the earliest possible date. In the period between December 1967 and December 1968, the Farmers Home Administration rejected approximately 3,100 applications for financial help for water and sewer systems. These 3,100 applications involved requests for approximately $600 million in loans and $300 million in grants—almost a billion dollars.

In my State of Kansas alone, 49 water system applications, requesting about $6.3 million were rejected because of insufficient funds during that 1-year period. Sixteen sewer applications, requesting about $1.1 million suffered an identical fate.

Mr. Speaker, one of the best things that has ever happened in rural America was the extension of electricity to our farms made possible by the Rural Electrification Act of 1936. In 1935 much of the Nation's rural areas did not have central station electric service and fewer than 11 percent of our farms had this type of service. Today, over 98 percent of rural America enjoys the benefits of electrical service. Rural electrification has helped to preserve rural America.

Mr. Speaker, rural America desperately needs to have adequate water and sewer systems. Unless the financial avenues are open to the thousands of communities that need new water and sewer systems, I fear that the end result will be the desolation of these communities and an ever-increasing exodus of their residents to our already overcrowded metropolitan areas.

Mr. Speaker, the citizens of rural America are entitled to good water and sewer systems the same as their friends in the city. This insured loan program is not a giveaway program—it makes loans which must be paid back. The Farmers Home Administration has an outstanding record in this program. Losses as a result of the insured loan program are minute indeed.

Mr. Speaker, the legislation which I have introduced is of vital importance to the well-being of thousands of our fellow citizens in rural America.

TOP-LEVEL PAY INCREASES SHOULD BE DISAPPROVED

(Mr. FOREMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, today I am introducing two House resolutions designed to bring about the rejection and defeat of the increased pay recommendations proposed by former President Johnson for Members of Congress and the top officials of the executive and judicial departments.

The first resolution reads as follows:

Resolved, That the House of Representatives hereby disapproves all of the recommendations of the President of the United States, with respect to the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90-206), transmitted by the President to the Congress in the budget for the fiscal year ending June 30, 1970.

I introduce this resolution so that the Members of this House of Representatives may be allowed the forthright opportunity of expression to totally and completely reject this unwise, unnecessary and costly bill—particularly at this most crucial time of high defense, domestic, and other necessary spending.

At a time when the taxpayers are being socked in the pocketbook for an additional 10-percent surtax charge to pay the bill for the outrageously high cost of government, it is unreal and unconscionable to propose these pay increases.

We have asked the people across America to tighten their belts, we have asked the unions to relax their demands for higher wage increases and benefits, we have asked the suppliers and manufacturers to hold the line on prices—all this we have asked in order to try to hold down the dangerously increasing upward inflationary spiral in this country.

I respectfully suggest that it is our solemn, undeniable responsibility to set forth the example ourselves, gentlemen. We should set the example that we will, indeed, practice what we preach—the example of holding the purse strings tight against unnecessary spending, so that we can work toward a restoration of economic stability in this troubled land of ours.

Because I have doubt that the House Post Office and Civil Service Committee will favorably report my first resolution to the House floor for a recorded vote, I am also now introducing a second resolution, which I trust will go to the Committee on Rules, for the purpose of bringing the first resolution directly from the Civil Service Committee to the floor for a vote.

The second resolution reads as follows:

Resolved, That immediately upon the adoption of this resolution, the resolution (H. Res. 133) to disapprove the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970, hereby is taken from the Committee on Post Office and Civil Service, and the same is hereby agreed to.

THE PRESIDENTIAL SALARY INCREASE

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, on January 6, 1969, this body enacted legislation increasing the salary of the President of the United States from $100,000 to $200,000. No hearings were held on this proposal. I do not recall that any of the candidates for this high office complained about the President's salary. I am sure that each of them knew what the position paid before they announced their candidacy. I have no knowledge that President Nixon urged this legislation. Efforts to secure a rollcall vote were defeated, hence the record does not show how Members would have voted if given an opportunity.

At this time, every Member knew that this was a prelude for a 39-percent increase for Members of Congress, judges,

Cabinet members, and other high echelon officials in the Government. Whether increases in salary are justifiable or merited is not the question. At a time when we should bend our efforts to stop inflation, it ill behooves this body to vote a 39-percent increase in salary for itself; a 50-percent increase for the President, and comparable increases to all executive and judicial officials, and then ask labor to hold the line.

On January 16, I introduced H.R. 139 for myself and the gentleman from New Jersey (Mr. HUNT) which if adopted would disapprove all of the recommendations submitted by President Johnson with respect to salary increases.

The Members of this body should be willing to get "on the line." The people are entitled to know how their chosen representatives voted.

NO COMMIES IN NATION'S DEFENSE PLANTS

(Mr. QUILLEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. QUILLEN. Mr. Speaker, I have reintroduced my joint resolution to prohibit Communists from working in the Nation's defense facilities.

This resolution, which I first introduced in December 1967, proposes an amendment to the Constitution of the United States which would authorize Congress to "establish conditions of employment in any facility which Congress determines is essential to the national defense."

A Supreme Court decision in December 1967 struck down the portion of the Subversive Activities Control Act of 1950 which prohibited the employment of members of Communist-action groups in defense facilities.

The Court held in its 6-to-2 decision that the statute is an unconstitutional abridgement of the right of association protected by the first amendment, and opened the doors for the hiring of Communists and those who would advocate the overthrow of our Government in defense facilities.

I am still outraged by the Court's action, and I am more determined to overrule this deplorable decision. I am going to do everything in my power to accomplish this either by statute or by the constitutional amendment route.

I have asked the best legal brains in Washington to come up with some very tight legislation which would stand up under court tests. At the same time, I feel that my constitutional amendment will get something rolling in this session.

My resolution clearly states:

Now, therefore, be it

Resolved, that . . . Notwithstanding the provisions of the first article of amendment to the Constitution of the United States, or any other provision of this Constitution, Congress shall have the power to establish, by law, conditions of employment in any facility which Congress determines is essential to the national security, including, but not limited to, the condition that no person shall be employed in such a facility who becomes or remains a member of any organization which advocates, advises, or teaches that the Government of the United States or of any State, District, territory, or possession thereof (including any political subdivision therein) should be overthrown or destroyed by force or violence.

I feel that the language of this amendment will make it clear once and for all that Congress does have the authority to establish these conditions of employment.

My resolution was referred to the House Judiciary Committee but no action was taken during the last session of the Congress, but I am hopeful that prompt action will be taken in this session.

It is shocking to me to realize that this resolution floundered in the committee for 1 whole year while at the same time our men are dying fighting Communists in North Vietnam, while at the same time we throw out the red carpet to them in defense facilities here in the United States.

I am including the text of my resolution at this point in the RECORD in the hope that my colleagues will follow suit and introduce the same measure:

H.J. RES. —

Joint resolution proposing an amendment to the Constitution of the United States relating to employment of subversives in defense facilities

Whereas in the Subversive Activities Control Act of 1950 Congress found that there exists an international Communist movement which by treachery, deceit, espionage, and sabotage seeks to overthrow existing governments; that this movement operates in the United States through foreign dominated Communist-action organizations; that these organizations are made up of rigidly disciplined adherents operating in secrecy and employing espionage and sabotage tactics in form and manner evasive of existing law;

Whereas Congress further found that the security of the United States required the exclusion of Communist-action organization members from employment in defense facilities and provided for means of preventing and punishing such action;

Whereas the Supreme Court of the United States in the case of United States against Eugene Frank Robel has virtually destroyed the right of the United States to protect itself from these activities; and

Whereas the right of association, a judicial construction not mentioned in the Constitution, should not be used as the basis for overriding the national security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"ARTICLE —

"Notwithstanding the provisions of the first article of amendment to the Constitution of the United States, or any other provision of this Constitution, Congress shall have the power to establish, by law, conditions of employment in any facility which Congress determines is essential to the national security, including, but not limited to, the condition that no person shall be employed in such a facility who becomes or remains a member of any organization which advocates, advises, or teaches that the Government of the United States or of any State, District, territory, or possession thereof (including any political subdivision therein should be overthrown or destroyed by force or violence."

ONE OF THE BEST WAYS TO FIGHT INFLATION AND PLUG TAX LOOPHOLES: REPEAL THE 7-PERCENT INVESTMENT TAX CREDIT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I call for the prompt repeal of the 7-percent investment tax credit.

Both the outgoing and incoming administrations have set forth their intention to impose a continuation of the 10-percent-tax surcharge for the year beginning July 1, 1969, calculated to raise $9 billion of revenue. The stated purpose is to fight inflation.

If the administration is looking for an aspect of the tax structure to change in order to fight inflation, it would do much better to zero in on the 7-percent investment tax credit. The 7-percent investment tax credit currently causes a budgetary loss—and hence an increased deficit—of some $3 billion annually. It concentrates inflationary spending power on precisely that portion of the economy that is already most overheated—the capital goods sector. And, having stimulated inflation in the capital goods sector in the first place, it creates a second round of inflation by causing business to hasten to invest before inflation drives up capital goods prices even further.

Nor is this all. In order to damp down the inflation caused in considerable part by the investment tax credit, the country's monetary authorities are currently engaged in a policy of restricting money and credit and raising interest rates. The purpose of the tight money policy is to slow inflation, mainly in the capital goods sector. Unfortunately, tight money and high interest rates fall upon the just and unjust alike. The business firm that overinvests in capital equipment may have to pay high interest rates, but it is bountifully subsidized by the Government through the investment tax credit, and is thus largely insulated from the effects of interest rate increases. Meanwhile, the three segments of the economy that suffer most from tight money and high interest—the housing industry, State and local government, and small business have no investment tax credit to rescue them from the effects of tight money and high interest rates.

Let us now examine in detail the origin, nature and effects of the investment tax credit, and why it should be repealed.

Throughout the Economic Report of the President, filed in mid-January by the outgoing administration, there is repeated emphasis on the need to take such steps as are necessary to bring the present inflation under control. The President said, and I quote:

The immediate task in 1969 is to make a decisive step toward price stability. (p. 9)

At another point he said:

The challenge to fiscal and monetary policies this year is difficult indeed. Enough re-

straint must be provided to permit a cooling off of the economy and a waning of inflationary forces. But the restraint must also be tempered to ensure continued economic growth. We must adopt a carefully balanced program that curbs inflation and preserves prosperity. (p. 7)

Secretary of the Treasury David M. Kennedy, last week, likewise called for "decisive action, because inflation is undermining both the foundation of our prosperity and our balance-of-payments position."

I am not at all surprised to be told that there is still much work to be done if we are to bring inflation under control. Last July, speaking before this House on the subject of inflation, I said:

Nor can we lightly assume that the torrent of price boosts will come to a quick end as a result of the recent enactment of a combination tax increase and spending reduction. There is an almost universal view among experts that the present inflation will continue for as much as another year or two. Indeed, many claim that it will not even begin to slow down seriously for another six months or more. . . .

Changes in prices are somewhat like a fever in the human body—both are signals that the organism is out of balance. Both maladies can be cured, but only if there is a correct diagnosis as to the cause and if the right medicine to deal with that cause is administered in time.

Subsequent events have amply borne out expectations of last July. The cooling off of the inflationary fever has been slow to get underway. In part our problem may well be that the fiscal package has not been the best balanced package that we could have designed to attack the inflation. To the extent that there was a very rapid rise in Government expenditures and a substantial budget deficit that helped trigger the inflation, the package of restraints encompassed in the Revenue and Expenditure Control Act of 1968 operated in the correct direction.

INVESTMENT HAS OUTRUN CAPACITY TO CONSUME

But a big part of the inflation also comes from the excessive rates of investment, which have been generating a steady increase in idle industrial capacity. According to figures compiled by the Research Division of the Federal Reserve System, manufacturers, who had been operating at 90 percent or more of capacity during 1966, were down to 83.4 percent 2 years later in the third quarter of 1968. This, despite an increase over the 2 years of 12 percent in real output. Furthermore, the ratio of business spending on plant and equipment to the gross national product has been running over 10 percent in recent years—a level much higher than history would indicate could be sustained over a long period without serious consequences.

Yet, although there is evidence of a mounting tide of idle industrial capacity, surveys of business intentions suggest an increase between 1968 and 1969 of between 6 and 8 percent in spending on new plant and equipment. There is every evidence that business is going to continue to invest at a high rate because of the high cash flow generated by such devices as the 7-percent investment credit and the accelerated depreciation, compounded by the resulting inflation, which is encouraging them to invest now rather than to wait.

Tax policy should aim at reducing the incentives to continue excess investment when this investment is generating excess capacity and encouraging inflation at one and the same time. Yet the 7-percent tax credit remains in the tax law, apparently sacrosanct. It will be recalled that 2 years ago we experimented for a brief time with a suspension of the investment tax credit, but at the slightest evidence of a slowing down of the economy we repealed the suspension.

The experience with the investment tax credit have amply borne out the warnings made as early as 1961 by the Joint Economic Committee. The committee pointed to the probable destabilizing effects of the investment tax credit and urge caution in its enactment. The committee's cautions were disregarded, and this may explain part of our unfortunate experiences since then with inflation and instability. I will refresh your minds with a few quotes from the earlier comments of the Joint Economic Committee with regard to this tax.

In 1961, in its report on the President's January 1961 Economic Report, the Joint Economic Committee commented in part as follows:

The administration has recommended that the increased revenue from all of the above proposals be offset by granting a tax benefit to business investment. The principal objective of this tax benefit is to stimulate modernization and expansion of plant and equipment. This Committee has frequently indicated the desirability of improving and increasing our private capital, and we believe that expanded private investment is an important national objective. At the same time, however, it is necessary to assess as fully as possible the economic consequences which will stem from the use of the proposed tax-reduction device. (p. 34)

Additional investment is desirable because it can raise productivity and lower costs. If these lower costs are translated into lower prices, consumers can be benefited and total demand for goods and services can be expected to increase. However, the principal inducement to expansion of capital must be the prospect of increased demand for products which capital produces. It may be that a tax incentive to a faster rate of investment will have relatively little stimulus to investment unless final consumer demand failed to keep pace with capacity expansions in the 1955–57 period, as a result of which the Federal Reserve adopted policies to constrain the investment "boom" of that period. (pp. 34–35)

In connection with countercyclical policies, the proposal may tend to accentuate fluctuations in business activity. Investment normally increases in periods of rapid economic expansion. In these periods, therefore, the investment tax credit would provide a greater tax reduction than it would in recessions. These greater tax reductions would occur precisely when we might wish Government revenues to rise, in order to offset inflationary pressures. Also, in an expansion period, the Federal Reserve System may adopt a policy of high interest rates to curb investment, at the same time that the tax structure is providing the greatest stimulus to investment. This was a matter of concern to many observers of the 1956–57 and 1959–60 periods, after the adoption of accelerated depreciation methods in 1954.

In its 1962 annual report to the Congress on the President's Economic Report, the Joint Economic Committee commented on the then proposed 7 percent investment tax credit as follows:

However, we are concerned about the cyclical features of the proposal. It is well known that investment tends to be high in boom periods and low in recessions. The effect of an investment credit will be, therefore, to lower Government revenues in times when revenues should be rising to curb inflationary pressures, and to make Federal revenues relatively higher in recession periods, when Government receipts should be reduced. Moreover, the investment credit will tend to accentuate the instability of investment by encouraging overinvestment in boom periods. This, in turn, may actually retard growth rates. For example, there was a very substantial increase in the rate of investment immediately after the adoption in 1954 of the accelerated methods of depreciation for tax purposes. However, as the report of the Council of Economic Advisers points out, capital stock for the entire period from 1954 to 1960 actually grew at a lower rate than it did in the pre-1954. (p. 43)

An economic analysis of the investment credit will, I am convinced, prove that it contributes to instability in the long term as well as in the short; that it may very well encourage the export of capital; and that it encourages inflationary potentials of the economy whenever the economy tends to approach high employment levels as in recent years.

CHARACTERISTICS OF THE INVESTMENT TAX CREDIT

From the standpoint of economic analysis, the salient features of the investment tax credit are: First, a taxpayer earns the right to claim a tax credit by making an investment; second, the credit is equal to 7 percent of the value of each installation of eligible equipment; third, the investment credit is available only on certain types of equipment—section 38 items—not on all types and not on structures; fourth, the amount of credit that can be claimed in any one year is equal to $25,000, plus not more than 25 percent of the taxpayer's liabilities for the particular year; fifth, unused tax credits in any particular year may be carried back 3 years and forward 5 years; and, sixth, the credit is earned in the year in which the equipment is installed and put in service.

Economic analysis of the effects of the investment tax credit rests on either or both of the two ways through which it is assumed to encourage investment: First, financing of capital outlays is facilitated by the effect of the investment tax credit in bringing about increases in the after-tax internal flows of funds to business firms; and, second, the incentive to investment in new equipment is increased because the tax credit raises the prospective after-tax yield on new capital projects. Although the analysis may proceed in terms of either of these approaches, any thoroughgoing analysis must take both into account.

CORPORATIONS HAVE ADEQUATE FUNDS FOR INVESTMENT WITHOUT THE CREDIT

The first or available-funds approach to the investment tax credit assumes that investment in new equipment has been less than would be desirable from the standpoint of productivity and economic growth, and that this resulted from an inadequate flow of funds to busi-

ness to finance additional investment. The truth is that under prosperous conditions the cash flows generated out of current business operations—profits after taxes, plus depreciation allowances—have been fully adequate to finance a high enough level of investment. Indeed, the experience of the mid-1950's indicates that these cash flows were large enough to enable industry to create excess capacity. For example, as you well know, the rate of use of capacity in the 1950's reached its peak in late 1955 and declined in the ensuing 2 years, during which investment remained high and gross national product continued to increase in real terms, though slowly—See "Measures of Productive Capacity," hearings before the Subcommittee on Economic Statistics, May 1962.

Furthermore, a staff memorandum prepared in connection with the committee's hearings in August 1962, on the "State of the Economy and Policies for Full Employment" concluded that the corporate cash flow had been, if anything, high by historical standards, and that the ratio of corporate cash flow to gross national product would be quite high at any time the economy were growing vigorously and resources were being used about in line with optimum full employment conditions. This detailed econometric analysis indicated that when corporate cash flows seemed inadequate, it was because the economy was operating below its potential and/or was growing very slowly. The formula derived in that study showed that about 22 percent of any shortfall of actual gross national product below the full employment potential output would show up in reduced corporate cash flows.

This study was based on relationships prevailing from 1929 to 1950, excluding the war years. It therefore did not take into consideration the accelerated depreciation provisions of the 1964 revision in the Tax Code, nor the more recent revisions in depreciation provisions from 1961 on, and the enactment of the investment tax credit. These more recent provisions obviously produce a cash flow well in excess of what was historically available under preceding provisions. The study, therefore, noted that cash flows began to run above those computed from the formula from 1955 on—See pages 687 and 965, and following pages of the hearings.

In these same hearings in August 1962, the Secretary of the Treasury submitted a Treasury statement which reads in part as follows:

> Treasury analyses indicate that, in general, corporate expansion and modernization of productive facilities have not been restricted by any inadequacy in the availability of funds. For most individual businesses and industries there has been a steady growth of funds available from internal sources, particularly from rising depreciation allowances. (p. 680).
>
> I think from the point of view of cash flow, it is probably quite correct to say that business as a whole has not been suffering. * * * But I think it is a perfectly fair statement to say that there is a very real belief among business executives that there is a profit squeeze, and that they have not had adequate profits on sales. And that does affect investment decisions. * * * Now, this belief may not be entirely accurate, but whether it is accurate or not, it is there, and it is affecting corporate action. (p. 690).

INCREASED CAPITAL FLOWS INDUCE FOREIGN INVESTMENT

Before turning to the incentive argument, we must make clear that whether or not there is any shortage of funds for investment, the granting of additional funds via the investment tax credit will have an effect on business policy. Exactly what effect it will have is difficult to predict. Clearly, part of the effect would be via stimulating additional investments, particularly in large firms where availability of funds plays a significant role in the number of marginal projects that is passed up to top managements for consideration.

Part of the effect, however, may well have been to add to the rising outflow of capital into foreign investments by private enterprise. To the extent that the foreign investment formed the outlet for these additional funds, the granting of the investment credit would be a factor in the continuation of the deficits in the U.S. balance of payments and the progressive reduction in our gold reserves. Thus repeal of the credit in the long run will improve the balance of payments.

Finally, the increase in internal flow via the credit might reduce the demand for funds from the banking system for working capital. If we examine the experience of the banking system since the credit was enacted, this latter seems a dubious interpretation. The growth of demand for bank loans has been larger, not smaller than could be accounted for by general business conditions. Though no one can say with certainty, it seems likely that the major effect of the increased flow of funds has been either to increase investment at home or to increase the outflow of funds to investment abroad, the latter effect being a definite detriment to the balance of payments.

EXTRA INVESTMENTS INDUCED BY THE CREDIT TEND TO BE MARGINAL

If we accept the evidence of what facts are available and the judgment of the Treasury, any virtues the investment credit has as a stimulus to investment must come largely from its incentive effect via an increase in the after-tax rate of return on new projects. The Joint Economic Committee in its 1962 report on the President's Economic Report considered this possibility and presented evidence indicating that the rate of return in recent years was at the time of enactment of the investment tax credit hardly inadequate by historical standards and, if so, its low level must be due to the high rate of unemployment of labor and capital, rather than any decline in profit margins per se. But as the Secretary of the Treasury pointed out in 1962, the argument in favor of the investment credit was not solely or largely on grounds that the rate of return was inadequate, but on grounds that business thought it was inadequate. We might interpret the device, therefore, as an exercise in industrial psychology, rather than as a response to real economic forces.

Whatever interpretation one takes, however, we must remember in analyzing its economic effects that this tax device raises the after-tax rate of return on all eligible investments without regard to their quality.

This carries a grave question with it. What kind of project is it that businesses are now encouraged to invest in that they are not ready and willing to invest in the absence of the investment tax credit?

If one assumes that businessmen are reasonably intelligent and rational in their business decisions, they must invest in the best paying projects first, and then proceed down the list of available items toward the least desirable. This must mean that in the absence of the investment tax credit businessmen first take up the desirable, well-paying investment projects, continuing down the list until they arrive close to the margin. Here there are questions as to whether each added project will pay an acceptable rate of return after taxes. Thus the investment tax credit tends to encourage businessmen to lower margins of acceptability and to invest in less desirable assets.

In brief, the incentive effect of the investment tax credit encourages private enterprise to invest in projects which it should not be investing in, either from the standpoint of its own long-term rate of return on its invested capital or from the social standpoint of promoting a high productivity economy and rapid economic growth. If this is the case, then clearly the law is encouraging businessmen to do something which they should not do either from the standpoint of general economic policy of the country as a whole or from their own self-interest. One may well wonder whether in this case the Government is doing business a favor, or is leading it astray.

THE TAX CREDIT IS AFFIRMATIVELY HARMFUL, IN THAT IT ENCOURAGES INFLATIONARY PRESSURES AT FULL EMPLOYMENT

Thus, on analysis, the alleged benefits of the tax credit vanish into thin air. Funds for investment are adequate without it; and the extra investment it induces, if any, tends to be investment in marginal ventures. But the tax credit is not merely a wasteful $3 billion a year loophole.

It is affirmatively harmful. As the Joint Economic Committee pointed out in 1962, the tax credit causes the business cycle to be more violent—something the Employment Act was designed to prevent in the interest of all Americans in economic growth.

Ironically, the tax credit is antibusiness in the long run.

Business, in its own self-interest, ought to be actively campaigning for the elimination of the investment tax credit. It is such a sound principle that business profits depend on two major factors external to the individual business firm. These are the speed with which the national economy is expanding and, secondly, the rate at which the Nation is using its productive resources, of labor and capital. An economy marked by sharp, large, and frequent business cycles will have a slower average growth rate,

with a lower average rate of return on capital, than an economy that maintains a somewhat faster growth rate by suppressing business cycles.

Commonsense can tell us why the investment tax credit actually hurts business profits. Profits can go only so high at the peak of a business cycle, since there are limits on availability of resources to produce goods and services for sale. Therefore, there are limits on how fast the economy can grow. At the cyclical peaks, costs of using marginal resources rise rapidly, and there is more or less a rough, though somewhat elastic, ceiling on profit rates at full employment. A mere look at any chart of corporate profits will show these effects in high employment years. On the other hand, in a recession profits can drop, not merely to zero, but into the zone of actual loss. In a word, there is a great deal more latitude for changes in profits on the down side than on the up side during the course of the cycle.

It must be true, therefore, that the sharper, larger, more frequent the business cycles the country experiences, the more often profits will be below their peak possibility. Hence, over the course of the cycle, the average rate of return is likely to be lower than if the cycle were smoothed out. But the investment tax credit is inherently procyclical, and it must be reckoned as lowering the rate of return on capital in the long run.

The procyclical character of the investment tax credit derives from two aspects of its practical operation. First, any such device is much more likely to encourage business to try to make additional investments in periods of high employment of labor and capital than when the rate of use of resources is low. The literature has many studies of this relationship between the rate of operations and investment. In the case of the investment tax credit, there is an additional feature; namely, that the credit earned in a given year can be claimed only to the extent of $25,000, plus 25 percent of tax liabilities. It must be obvious that business firms can claim more of the credit at cycle peaks, when tax liabilities are high, than at cycle troughs and, other things being equal, they have a greater incentive to use the device up to the limit provided by law in prosperity, though not in recession.

It is also true that a dominant anticyclical device of American policy is the great cyclical swings in corporate tax liabilities. The marginal rate of tax on corporate profits has been about 50 percent in recent decades, and corporate after-tax profits themselves are highly volatile—rising and falling much more sharply than output or sales. For example, from calendar 1957 to calendar 1958, corporate tax liabilities declined by 10 percent, while gross national product in current dollars rose by $6 billion, or something over 1½ percent. As was pointed out earlier, even a slowdown in the rate of expansion may stop the rise in corporate profits or cause them to decline. The net effect of high marginal tax rates and the great volatility of corporate profits is to produce very large swings in Government revenues—raising them sharply in prosperity or inflation and reducing them sharply whenever business conditions weaken.

This process tends to keep private incomes more stable than they would otherwise be and transfers the instability to the public sector; namely, the Federal Government. This functioning of the stabilizing effect of the corporate profits tax is completely automatic, and requires no deliberate countercyclical action by the President or the Congress. It is, therefore, one of our best, most automatic, and rapid acting stabilizers. But the investment tax credit tends to weaken this, reducing the Government's revenue relatively more at business cycle peaks than at business cycle troughs. To the extent that the automatic stabilizer is thus weakened, either the Government must make a more aggressive use of deliberate, discretionary policies requiring formal action by the President and the Congress, or must allow larger and more frequent fluctuations than would otherwise be the case. As was pointed out above, this would have the effect eventually of reducing the long-term rate of return on capital. This would appear to be the opposite effect of that which the Treasury had in mind when it recommended adoption of the investment tax credit.

Summing up, it seems fair to suggest that both the logic and the evidence point to the investment tax credit's promoting more investment at business cycle peaks than would otherwise be the case, while at the same time weakening the automatic response of the corporate income tax to changing business conditions. The result is likely to be a procyclical effect combined with a lower average rate of return on capital in the long run. In addition, such a policy in the long run may well produce less economic growth than a less procyclical operation.

It may be that the only way to avoid the undesirable effects of this tax device is through secular inflation at a substantial rate—perhaps at least 4 or 5 percent a year, as has happened in the 1965–68 period. This latter exit from the dilemma would hardly seem consistent with the objectives of the Employment Act, which the Joint Economic Committee has always regarded as calling for stable prices.

A POLICY FOR 1969: REPEAL THE INVESTMENT TAX CREDIT

At a time when the rate of inflation exceeds 4 percent a year—and by some measures it is approaching 5 percent per year—why continue a device whose sole economic rationale is that it will worsen inflation in the short run, and will reduce the rate of employment and the rate of investment and capital in the long run. Essentially the 7-percent credit attempts—and succeeds—in persuading business to create an unbalancing economic situation. We are subsidizing business to create excessive investment demands at a time when, to restrain inflation, we are imposing restrictions on consumers, in the housing industry, and on the social programs of Federal, State, and local governments.

The tax investment credit at the present time costs the Federal Government some $2.3 billion in lost revenue under the corporate income tax, and $0.5 billion under the individual income tax—this makes a total of close to $3 billion.

One of the first and most urgent steps of tax reform is to repeal this tax, reducing the inflationary potential in the economy and returning the decisions about investment to the normal influence of the marketplace, divorcing them from the less resonable and inflexible pressures of congressional directive. The very least this would accomplish would be to reinforce other fiscal measures that are slowing down the rate of inflation. More, it would by itself make it possible for us to reduce by one-third the size of the surtax when it is extended for another year during this session of the Congress.

The sound course is to repeal the investment tax credit device at once. In the next few days I intend to introduce a comprehensive loophole-plugging tax reform package that will include such a repeal.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. REUSS, for 30 minutes, today; to revise and extend his remarks and include extraneous material.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. JONES of Alabama and to include extraneous material.

(The following Members (at the request of Mr. DEVINE) to extend their remarks and include extraneous matter in the Extensions of Remarks of the RECORD:)

Mr. BYRNES of Wisconsin.
Mr. DERWINSKI in two instances.
Mr. QUILLEN in four instances.
Mr. CEDERBERG.
Mr. BROWN of Ohio.
Mr. ASHBROOK in two instances.
Mr. WYMAN in three instances.
Mr. MINSHALL.
Mr. HORTON in two instances.
Mr. KUYKENDALL.
Mr. SKUBITZ.
Mr. HARVEY.
Mr. CLEVELAND in two instances.
Mr. CONTE.
Mr. POFF.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. O'HARA in two instances.
Mr. BRADEMAS in six instances.
Mr. HAMILTON in 10 instances.
Mr. DIGGS in three instances.
Mr. NIX in two instances.
Mr. JACOBS.
Mr. BARING.
Mr. ABBITT.
Mr. MCCARTHY in three instances.
Mr. GARMATZ.
Mr. GIAIMO.
Mr. BOLAND in two instances.
Mr. HOWARD.
Mr. RARICK in four instances.
Mr. BURKE of Massachusetts in two instances.

THE LATE HONORABLE ROBERT A. EVERETT

Mr. EVINS of Tennessee. Mr. Speaker, it is my sad duty to announce to the House today the passing of our beloved friend and colleague, Congressman ROBERT A. EVERETT, of the Eighth Congressional District of Tennessee.

Congressman EVERETT passed away early Sunday morning, January 26, at the Veterans' Administration hospital in Nashville, following an illness of several months duration.

Our colleague had returned to the 91st Congress, and we were hopeful of his recovery. However, he reentered the hospital a few days ago for further care and treatment.

I was deeply saddened to learn of the untimely passing of our genial friend from Tennessee, "FATS" EVERETT, as he was affectionately known.

Funeral services will be at 2 p.m., Tuesday in Union City, Tenn.

He was a giant among men—not only physically but in legislative ability and dedication to the public interest. He possessed a wonderful good humor and cheery disposition—these were his trademark.

He will be greatly missed in the Halls of Congress and by his host of friends everywhere.

On this sad occasion I wish to convey this expression of our deepest sympathy to Congressman EVERETT'S mother to whom he was devoted.

The Clerk read the resolution, as follows:

H. RES. 156

Resolved, That the House has heard with profound sorrow of the death of the Honorable Robert A. Everett, a Representative from the State of Tennessee.

Resolved, That a committee of fourteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the committee to attend the funeral the following members on the part of the House: Mr. EVINS of Tennessee, Mr. BROCK, Mr. FULTON of Tennessee, Mr. QUILLEN, Mr. ANDERSON of Tennessee, Mr. DUNCAN, Mr. BLANTON, Mr. KUYKENDALL, Mr. RIVERS, Mr. FALLON, Mr. TEAGUE of Texas, Mr. JONES of Alabama, Mr. STUBBLEFIELD, and Mr. SLACK.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 28, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

430. A letter from the Chairman, U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting the Sixth Annual Report of the Advisory Commission, pursuant to section 107 of Public Law 87–256 (H. Doc. No. 91–66); to the Committee on Foreign Affairs and ordered to be printed.

431. A letter from the Chairman, U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting a special report relative to the use of U.S.-owned excess foreign currencies, pursuant to section 107 of Public Law 87–256 (H. Doc. No. 91–67); to the Committee on Foreign Affairs and ordered to be printed.

432. A letter from the Secretary of the Air Force, transmitting the semiannual experimental, development, test, and research procurement action report for calendar year 1968, pursuant to the provisions of 10 U.S.C. 2357; to the Committee on Armed Services.

433. A letter from the Secretary of the Army, transmitting a report on the progress of the Army Reserve Officers' Training Corps flight instruction program for calendar year 1968, pursuant to 10 U.S.C. 2110; to the Committee on Armed Services.

434. A letter from the Director of Civil Defense, Department of the Army, transmitting the report of Federal contributions program equipment and facilities for the quarter ending December 31, 1968, pursuant to the provisions of subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

435. A letter from the president, Georgetown Barge, Dock, Elevator & Railway Co., transmitting the annual report of the company, pursuant to the provisions of section 5 of the Act of Incorporation; to the Committee on the District of Columbia.

436. A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting the fourth annual report on the Council; to the Committee on Education and Labor.

437. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures, and balances of the U.S. Government for the fiscal year ended June 30, 1968, pursuant to the provisions of 31 U.S.C. 1964 ed., supp. II, sec. 1029, and 31 U.S.C. 66b; to the Committee on Government Operations.

438. A letter from the Secretary of the Interior, transmitting the fourth annual report of activities and accomplishments in cooperative water resources research and training pursuant to the Water Resources Research Act of 1964, as amended; to the Committee on Interior and Insular Affairs.

439. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found to be admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

440. A letter from the Chairman, Railroad Retirement Board, transmitting a report on positions in grades GS–16, GS–17, and GS–18 in the Railroad Retirement Board during calendar year 1968, pursuant to the provisions of 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

441. A letter from the Acting Federal cochairman and the State cochairman, Upper Great Lakes Regional Commission, transmitting the annual report of the commission, pursuant to the provisions of section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 4563. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 4564. A bill to mobilize and utilize the scientific and engineering manpower of the Nation to employ systems analysis and systems engineering to help to fully employ the Nation's manpower resources to solve national problems; to the Committee on Government Operations.

H.R. 4565. A bill to establish a sonic boom damage fund to provide for the payment of damages caused by sonic booms; to the Committee on the Judiciary.

H.R. 4566. A bill to amend section 312 of the Immigration and Nationality Act to exempt certain additional persons from the requirements as to understanding the English language before their naturalization as citizens of the United States; to the Committee on the Judiciary.

H.R. 4567. A bill to amend title 38 of the United States Code to provide a monthly clothing allowance to certain veterans who, because of a service-connected disability, regularly wear a prosthetic appliance or appliances which causes exceptional wear or tear of clothing; to the Committee on Veterans' Affairs.

H.R. 4568. A bill to amend the public assistance provisions of the Social Security Act to assure all recipients of such assistance (in conjunction with recent social security benefit increases) an average increase of $7.50 in the total amount of their income from such assistance and other sources; to the Committee on Ways and Means.

H.R. 4569. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 4570. A bill to amend title XIX of the Social Security Act to make it clear that a person is qualified to provide services under the medical assistance program if he is licensed by the State where the services are performed; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 4571. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 4572. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 4573. A bill to amend the act of November 8, 1966; to the Committee on the Judiciary.

H.R. 4574. A bill to provide for the admission to the United States of certain inhabitants of the Bonin Islands; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 4575. A bill to increase the personal income tax exemption of a taxpayer and the additional exemption for his spouse from $600 to $1,000, and to increase the exemption for a dependent from $600 to $1,000; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 4576. A bill to amend title IV of the Social Security Act to repeal the provisions

limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 4577. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 4578. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mrs. GRIFFITHS:

H.R. 4579. A bill to amend title II of the Social Security Act to permit the payment of regular widower's insurance benefits (actuarially reduced the same as widow's benefits) at age 60, and to eliminate the special dependency requirement for entitlement to widower's insurance benefits; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 4580. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. HAYS:

H.R. 4581. A bill to amend section 3543(f) of title 39, United States Code, to increase the mileage allowance paid to rural carriers for equipment maintenance from 12 to 15 cents per mile; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 4582. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4583. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas having high proportions of persons with low incomes, and for other purposes; to the Committee on Ways and Means.

H.R. 4584. A bill to provide a comprehensive national manpower policy, to improve the Manpower Development and Training Act of 1962, to authorize a community service employment program, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 4585. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 4586. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

By Mr. JOHNSON of California (for himself and Mr. BARING):

H.R. 4587. A bill to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California (for himself and Mr. MCFALL):

H.R. 4588. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the initial phase of the east side division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEE:

H.R. 4589. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

By Mr. McKNEALLY:

H.R. 4590. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 4591. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 4592. A bill to amend title 5, United States Code, to correct certain inequities with respect to the details of civilian employees of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4593. A bill to amend title 5, United States Code, to provide that a retiring employee or Member may elect to receive a full annuity without annuity for the surviving spouse only on submission to the Civil Service Commission of evidence of the knowledge of the spouse of such election; to the Committee on Post Office and Civil Service.

H.R. 4594. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 4595. A bill to amend title II of the Social Security Act to increase from 22 to 24 the age at which an individual otherwise qualified for child's insurance benefits on the basis of school attendance can no longer be entitled to such benefits; to the Committee on Ways and Means.

By Mr. RANDALL:

H. R. 4596. A bill to amend the Uniform Time Act of 1966 in order to change the period during which daylight saving time shall be in effect in the United States to the period from Memorial Day to Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 4597. A bill to amend title 38, United States Code, to relieve certain persons from filing the annual income questionnaire in connection with non-service-connected pensions; to the Committee on Veterans' Affairs.

H.R. 4598. A bill to amend title 38 of the United States Code so as to extend to veterans of Mexican border hostilities the same benefits enjoyed by veterans of periods of war; to the Committee on Veterans' Affairs.

By Mr. ROBISON (for himself, Mr. BATES, Mr. CLANCY, Mr. DEVINE, Mr. DONOHUE, Mr. FRIEDEL, Mr. KARTH, Mr. MACDONALD of Massachusetts, Mr. SHRIVER, Mr. THOMPSON of New Jersey, Mr. VANDER JAGT, Mr. WALDIE, Mr. WILLIAMS, and Mr. WRIGHT):

H.R. 4599. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. ROGERS of Colorado:

H.R. 4600. A bill to amend the act entitled "An Act to incorporate the National Education Association of the United States", approved June 30, 1906 (34 Stat. 804); to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 4601. A bill to extend the executive reorganization provisions of title 5, United States Code, for an additional 2 years, and for other purposes; to the Committee on Government Operations.

By Mr. RYAN:

H.R. 4602. A bill to amend the Supplemental Appropriation Act, 1969, to increase to the full authorized amount the maximum annual homeownership assistance payments which may be contracted for through the fiscal year 1969 under section 235 of the National Housing Act; to the Committee on Appropriations.

H.R. 4603. A bill to amend the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, to increase to the full authorized amount the special appropriation for urban renewal projects within model cities for the fiscal year 1969; to the Committee on Appropriations.

H.R. 4604. A bill to amend the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, to increase to the full authorized amount the regular appropriation for grants under the urban renewal program for the fiscal year 1970; to the Committee on Appropriations.

By Mr. SCHEUER (for himself and Mr. BUSH):

H.R. 4605. A bill to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception, and advertisements with respect to such articles; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself and Mr. FULTON of Tennessee):

H.R. 4606. A bill to amend title 38, United States Code, to permit for 1 year the granting of national service life insurance to certain veterans heretofore ineligible for such insurance; to the Committee on Veterans' Affairs.

By Mr. SKUBITZ:

H.R. 4607. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to make interest income on water and waste disposal loans sold out of the agricultural credit insurance fund subject to Federal income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of California:

H.R. 4608. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.R. 4609. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 4610. A bill to raise the Veterans' Administration to the status of an executive department of the Government to be known as the Department of Veterans' Affairs; to the Committee on Government Operations.

H.R. 4611. A bill to amend title 38 of the United States Code to provide that the effective date of reduction or discontinuance of pension by reason of the death of a dependent shall be the last day of the sixth month following the month in which such death occurred; to the Committee on Veterans' Affairs.

H.R. 4612. A bill to amend title 38 of the United States Code to provide eligibility for Vietnam era veterans for one episode of treatment for all noncompensable dental disabilities found to be present within 1 year after discharge from service in the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 4613. A bill to amend title 38, United States Code, to repeal the restrictions on dependency and indemnity compensation payments in cases involving inservice waiver of Government life insurance premiums; to the Committee on Veterans' Affairs.

H.R. 4614. A bill to amend title 38, United States Code, to liberalize the provisions relating to death and disability pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4615. A bill to amend chapter 39 of title 38, United States Code, to increase the

assistance payable by the Administrator of Veterans' Affairs toward the purchase price of specially equipped automobiles for disabled veterans; to the Committee on Veterans' Affairs.

H.R. 4616. A bill to amend title 38, United States Code, with respect to the manner of determining annual income for pension purposes of certain persons who are entitled to annuities under the Railroad Retirement Act of 1937, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4617. A bill to amend section 411 of title 38, United States Code, to provide additional dependency and indemnity compensation payments to widows with one or more children; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 4618. A bill to amend title 38 of the United States Code so as to permit the Administrator of Veterans' Affairs to enter into contracts for the provision of health services for certain veterans and certain dependents and survivors of veterans; to the Committee on Veterans' Affairs.

H.R. 4619. A bill to amend title 38 of the United States Code to increase the amount of servicemen's group life insurance which may be carried by members of the uniformed services; to the Committee on Veterans' Affairs.

H.R. 4620. A bill to liberalize the oath requirement for hospitalization of veterans; to the Committee on Veterans' Affairs.

H.R. 4621. A bill to increase dependency and indemnity compensation to widows who are in need of regular aid and attendance; to the Committee on Veterans' Affairs.

H.R. 4622. A bill to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years; to the Committee on Veterans' Affairs.

H.R. 4623. A bill to amend title 38 of the United States Code to provide cost-of-living increases in monthly dependency and indemnity compensation payments to widows of veterans; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 4624. A bill to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONNER:

H.R. 4625. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 4626. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 4627. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4628. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 4629. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. WATSON:

H.R. 4630. A bill to amend title 39, United States Code, with respect to the mailing of certain publications of State departments of agriculture as second-class mail; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 4631. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

By Mr. BIESTER:

H.J. Res. 299. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President; to the Committee on the Judiciary.

By Mr. DENT:

H.J. Res. 300. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. HARVEY:

H.J. Res. 301. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. HAYS:

H.J. Res. 302. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program in the United States; to the Joint Committee on Atomic Energy.

By Mr. KEE:

H.J. Res. 303. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. ERLENBORN:

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. KING:

H. Con. Res. 102. Concurrent resolution proposing the recognition of the village of Whitehall, Washington County, N.Y., as the birthplace of the U.S. Navy; to the Committee on the Judiciary.

By Mr. BROWN of California:

H. Res. 157. Resolution to establish a Select Committee on Technology and the Human Environment; to the Committee on Rules.

By Mr. FOREMAN:

H. Res. 158. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

H. Res. 159. Resolution relative to consideration of House Resolution 158; to the Committee on Rules.

By Mr. SCHEUER:

H. Res. 160. Resolution to amend the Rules of the House of Representatives with respect to the procedures of committees of the House; to the Committee on Rules.

H. Res. 161. Resolution authorizing the part-time or temporary employment of not more than two additional employees in the district office of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BARRETT:

H.R. 4632. A bill for the relief of Fausto D'Angelo; to the Committee on the Judiciary.

H.R. 4633. A bill for the relief of Luisa Pietrangelo; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 4634. A bill for the relief of Lawrence Brink and Violet Nitschke; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4635. A bill for the relief of George Adom; to the Committee on the Judiciary.

H.R. 4636. A bill for the relief of Tullio Luigi Bellardini; to the Committee on the Judiciary.

H.R. 4637. A bill for the relief of Enrico Bruschi, Giovanna Bruschi, Lorena Bruschi, and Antonella Bruschi; to the Committee on the Judiciary.

H.R. 4638. A bill for the relief of Maria Cardinali; to the Committee on the Judiciary.

H.R. 4639. A bill for the relief of Santina Cortese; to the Committee on the Judiciary.

H.R. 4640. A bill for the relief of Camillo Criscuolo; to the Committee on the Judiciary.

H.R. 4641. A bill for the relief of Luigina DiGuilelmo; to the Committee on the Judiciary.

H.R. 4642. A bill for the relief of Giampiero Federico; to the Committee on the Judiciary.

H.R. 4643. A bill for the relief of Filippo Gambino and daughter, Maria A. Gambino; to the Committee on the Judiciary.

H.R. 4644. A bill for the relief of Vito Giannola, his wife, Rosa Giannola, and their son, Salvatore Giannola; to the Committee on the Judiciary.

H.R. 4645. A bill for the relief of Ernesto Gugliara; to the Committee on the Judiciary.

H.R. 4646. A bill for the relief of Rudolfo Jackson; to the Committee on the Judiciary.

H.R. 4647. A bill for the relief of Calogera La Rocca, Antonino La Rocco, and Vincenza La Rocca; to the Committee on the Judiciary.

H.R. 4648. A bill for the relief of Sabato Longobardi; to the Committee on the Judiciary.

H.R. 4649. A bill for the relief of Raimondo Marullo; to the Committee on the Judiciary.

H.R. 4650. A bill for the relief of Vittorio Perniciaro, his wife, Marie Francesca Perniciaro, and their daughter, Patrizia Perniciaro; to the Committee on the Judiciary.

H.R. 4651. A bill for the relief of Antonio Regalbuto, his wife, Maria Regalbuto, and their son, Domenico Regalbuto; to the Committee on the Judiciary.

H.R. 4652. A bill for the relief of Sabato Ruberto; to the Committee on the Judiciary.

H.R. 4653. A bill for the relief of Antonio Taourmina; to the Committee on the Judiciary.

H.R. 4654. A bill for the relief of Savino Tota; to the Committee on the Judiciary.

H.R. 4655. A bill for the relief of Domenico Trimarchi; to the Committee on the Judiciary.

H.R. 4656. A bill for the relief of Dr. Takashi Wakamori; to the Committee on the Judiciary.

H.R. 4657. A bill for the relief of Vincenzo Zomparelli; to the Committee on the Judiciary.

By Mr. BOLLING:

H.R. 4658. A bill for the relief of Bernard L. Coulter; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 4659. A bill for the relief of Mariano and Rosa Liga; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 4660. A bill for the relief of Jesus Hernandez-Rocha; to the Committee on the Judiciary.

H.R. 4661. A bill for the relief of Sook Cha Kim; to the Committee on the Judiciary.

H.R. 4662. A bill for the relief of Angela Maria Narici; to the Committee on the Judiciary.

H.R. 4663. A bill for the relief of Yerk Fei Sze; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 4664. A bill for the relief of Mario

Guarracino; to the Committee on the Judiciary.

H.R. 4665. A bill for the relief of Clinton M. Hoose; to the Committee on the Judiciary.

H.R. 4666. A bill for the relief of Maged I. Rifaat; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 4667. A bill for the relief of Rogelio Gutierrez; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 4668. A bill for the relief of Flavia Merlino; to the Committee on the Judiciary.

H.R. 4669. A bill for the relief of Ohannes Hashas; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 4670. A bill for the relief of Ok Yon (Mrs. Charles G.) Kirsch; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 4671. A bill for the relief of Chin-Hsia Pan; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 4672. A bill for the relief of Mrs. Evelyn M. McGrath; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 4673. A bill for the relief of Mrs. Aiko Azuma Taylor; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 4674. A bill for the relief of Zosima Marasigan Phojanakong, also known as Zosima Marasigan Arceco; to the Committee on the Judiciary.

H.R. 4675. A bill for the relief of Vincenzo, Anna Rosa, and Giuseppe Bozzi; to the Committee on the Judiciary.

H.R. 4676. A bill for the relief of Marie Louise Elizabeth Varona Espiritu; to the Committee on the Judiciary.

H.R. 4677. A bill for the relief of Dorothy Yin-Chu Fung; to the Committee on the Judiciary.

H.R. 4678. A bill for the relief of Giuseppe Geraci; to the Committee on the Judiciary.

H.R. 4679. A bill for the relief of Ionie I. Lino; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 4680. A bill for the relief of Helen Andreakos; to the Committee on the Judiciary.

H.R. 4681. A bill for the relief of Aspacia Aspoulis; to the Committee on the Judiciary.

H.R. 4682. A bill for the relief of Federico Barbuto; to the Committee on the Judiciary.

H.R. 4683. A bill for the relief of Abraham J. Braum; to the Committee on the Judiciary.

H.R. 4684. A bill for the relief of Luis Richardo Britos; to the Committee on the Judiciary.

H.R. 4685. A bill for the relief of Aurora Floresca; to the Committee on the Judiciary.

H.R. 4686. A bill for the relief of Jesus Joselito Floresca; to the Committee on the Judiciary.

H.R. 4687. A bill for the relief of Dr. Jesus L. Floresca; to the Committee on the Judiciary.

H.R. 4688. A bill for the relief of Thomas A. Geary; to the Committee on the Judiciary.

H.R. 4689. A bill for the relief of Kalavati Gupta; to the Committee on the Judiciary.

H.R. 4690. A bill for the relief of Dr. Jose Martin Hipolito; to the Committee on the Judiciary.

H.R. 4691. A bill for the relief of Alberto Rogue Jarmi; to the Committee on the Judiciary.

H.R. 4692. A bill for the relief of Mehmet Tahir Kaplan and Sevim Alton Kaplan; to the Committee on the Judiciary.

H.R. 4693. A bill for the relief of Anastasia Kokinis; to the Committee on the Judiciary.

H.R. 4694. A bill for the relief of Neoklis Alkiviades Meimaris; to the Committee on the Judiciary.

H.R. 4695. A bill for the relief of Alicia Miyagui; to the Committee on the Judiciary.

H.R. 4696. A bill for the relief of Edgardo Jorge Munoz; to the Committee on the Judiciary.

H.R. 4697. A bill for the relief of Jong Kil Park; to the Committee on the Judiciary.

H.R. 4698. A bill for the relief of Giovanni Rossi; to the Committee on the Judiciary.

H.R. 4699. A bill for the relief of Rosalia Tria Tirona (Sister Mary Pia); to the Committee on the Judiciary.

H.R. 4700. A bill for the relief of Sean Tyrrell; to the Committee on the Judiciary.

H.R. 4701. A bill for ther relief of Johanna Hermine Schwarz Verbeek; to the Committee on the Judiciary.

H.R. 4702. A bill for the relief of Albert Wangke Ferdinand Winter; to the Committee on the Judiciary.

H.R. 4703. A bill for the relief of Longin Wroclawski; to the Committee on the Judiciary.

H.R. 4704. A bill for the relief of Shih-Lo Yeh; to the Committee on the Judiciary.

H.R. 4705. A bill for the relief of Dr. Mehmet Kemal Yillar; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 4706. A bill for the relief of Dudu Uygur; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 4707. A bill for the relief of Cesare Tambellini; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 4708. A bill for the relief of Roberto Cerbone; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 4709. A bill for the relief of Pamella Bernadette Nelson; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 4710. A bill for the relief of Adilia Monteiro Carcia; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 4711. A bill for the relief of Giuseppe Cavallo; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 4712. A bill for the relief of Louise Gorna; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 4713. A bill for the relief of Yvonne Maria Juster Canavarro; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 4714. A bill for the relief of Mrs. Luisa Cangiano, and her three children, Roberto, Rosario, and Rita; to the Committee on the Judiciary.

H.R. 4715. A bill for the relief of Vito Delisi; to the Committee on the Judiciary.

H.R. 4716. A bill for the relief of Francesco Meigliore; to the Committee on the Judiciary.

H.R. 4717. A bill for the relief of Milanino Pastore; to the Committee on the Judiciary.

H.R. 4718. A bill for the relief of Flaviano Sellaro; to the Committee on the Judiciary.

H.R. 4719. A bill for the relief of Leonardo Taormina; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 4720. A bill for the relief of Maria Rosa Martins; to the Committee on the Judiciary.

By Mr. KING:

H.R. 4721. A bill for the relief of Itzhaq Feldman; to the Committee on the Judiciary.

H.R. 4722. A bill for the relief of Walter J. O'Grady; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 4723. A bill for the relief of Elaine Wilson; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 4724. A bill for the relief of Peppino Campus; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 4725. A bill for the relief of Lorna Leonie Davis; to the Committee on the Judiciary.

H.R. 4726. A bill for the relief of Filippo Musumeci; to the Committee on the Judiciary.

H.R. 4727. A bill for the relief of Santa Nicolosi; to the Committee on the Judiciary.

H.R. 4728. A bill for the relief of Guiseppe Signorello; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 4729. A bill for the relief of Winfield Henry; to the Committee on the Judiciary.

H.R. 4730. A bill for the relief of Angel Orris Amado Rocha; to the Committee on the Judiciary.

H.R. 4731. A bill for the relief of Gilan Tehranchi; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 4732. A bill for the relief of Dino Cucci; to the Committee on the Judiciary.

H.R. 4733. A bill for the relief of Pasquale Antonio Frisoli; to the Committee on the Judiciary.

H.R. 4734. A bill for the relief of Pietro Ratta; to the Committee on the Judiciary.

H.R. 4735. A bill for the relief of Guiseppina Rigoli; to the Committee on the Judiciary.

H.R. 4736. A bill for the relief of Miss Emilia Salerno; to the Committee on the Judiciary.

H.R. 4737. A bill for the relief of Rosa Vitale; to the Committee on the Judiciary.

Br. Mr. POWELL:

H.R. 4738. A bill for the relief of Oliver Thompson; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.R. 4739. A bill for the relief of the Vladimiro Canulla family (Vladimiro, Romana Bardella, Marco Valerio, and Paolo); to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 4740. A bill for the relief of Chi Ho An; to the Committee on the Judiciary.

H.R. 4741. A bill for the relief of Dr. Minoo Bomanshaw Chinoy, and his wife, Jeroo Minoo Chinoy; to the Committee on the Judiciary.

H.R. 4742. A bill for the relief of Peter William Craine; to the Committee on the Judiciary.

H.R. 4743. A bill for the relief of Dr. Ismail Dimillier; to the Committee on the Judiciary.

H.R. 4744. A bill for the relief of Mrs. Ezra L. Cross; to the Committee on the Judiciary.

H.R. 4745. A bill for the relief of Dr. Philipe Figuracion; to the Committee on the Judiciary.

H.R. 4746. A bill for the relief of Peter Jean Heusser, and his wife, Francine Croke Heusser; to the Committee on the Judiciary.

H.R. 4747. A bill for the relief of Waldemar E. Kunstmann; to the Committee on the Judiciary.

H.R. 4748. A bill for the relief of Dr. Frederick Sia Lim, and his wife, Chua Huay Ching Lim; to the Committee on the Judiciary.

H.R. 4749. A bill for the relief of Giuseppe Palozzolo; to the Committee on the Judiciary.

H.R. 4750. A bill for the relief of Dr. Lolita L. Rana; to the Committee on the Judiciary.

H.R. 4751. A bill for the relief of Dr. Rameshehadra C. Shah; to the Committee on the Judiciary.

H.R. 4752. A bill for the relief of Dr. Vicente T. Uy; to the Committee on the Judiciary.

H.R. 4753. A bill for the relief of Dr. Ismael D. Yanga, Jr.; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 4754. A bill for the relief of Michele Cetrangolo; to the Committee on the Judiciary.

H.R. 4755. A bill for the relief of Peter Karonis; to the Committee on the Judiciary.

H.R. 4756. A bill for the relief of Zaven O. Kodjayan; to the Committee on the Judiciary.

H.R. 4757. A bill for the relief of Weronika Marek; to the Committee on the Judiciary.

H.R. 4758. A bill for the relief of Guiseppe Vitale; to the Committee on the Judiciary.

H.R. 4759. A bill for the relief of Salvatore Vitale; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 4760. A bill for the relief of Rafael Antonio Pappa, his wife, Clotielde Consuelo Teresa Burastero de Pappa, and their children, Alejandra Andrea, Gabriela Araceli, Sergio Javier, and Fabian Rafael Pappa; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 4761. A bill for the relief of Dennis J. Relyea; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 4762. A bill for the relief of Charles J. Culligan; to the Committee on the Judiciary.

H.R. 4763. A bill for the relief of Filippo D'Agostino; to the Committee on the Judiciary.

H.R. 4764. A bill for the relief of Mario Errera; to the Committee on the Judiciary.

H.R. 4765. A bill for the relief of Vita Fodera; to the Committee on the Judiciary.

H.R. 4766. A bill for the relief of Eugene P. Horton, Remilda Horton, and James Horton; to the Committee on the Judiciary.

H.R. 4767. A bill for the relief of Dr. Somsak Pappawuiat; to the Committee on the Judiciary.

H.R. 4768. A bill for the relief of Cecilia Pelaez; to the Committee on the Judiciary.

H.R. 4769. A bill for the relief of Francesco Somma; to the Committee on the Judiciary.

H.R. 4770. A bill for the relief of Basile and Palagia Stavroupoulos; to the Committee on the Judiciary.

H.R. 4771. A bill for the relief of Ioannis Stoubos; to the Committee on the Judiciary.

H.R. 4772. A bill for the relief of Giuseppe Trimarchi; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 4773. A bill for the relief of Eihau Malik and his wife Claire; to the Committee on the Judiciary.

H.R. 4774. A bill for the relief of Tomasa Rivera; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 4775. A bill for the relief of Giuseppe Andreano; to the Committee on the Judiciary.

H.R. 4776. A bill for the relief of Salvatore Cusimano; to the Committee on the Judiciary.

H.R. 4777. A bill for the relief of Guido Fenu; to the Committee on the Judiciary.

H.R. 4778. A bill for the relief of Dr. Violeta Poblacion; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 4779. A bill for the relief of Giuseppa Cordaro; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 4780. A bill for the relief of Shirouych Makaremi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

35. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to the Armed Forces; to the Committee on Armed Services.

36. Also, petition of Gordon Levon Dollar, Springfield, Mo., relative to redress of grievances; to the Committee on the Judiciary.

37. Also, petition of Benjamin L. Ehrlich, Chicago, Ill., relative to redress of grievances; to the Committee on the Judiciary.

38. Also, petition of Charles B. Lucas, Oxon Hill, Md., relative to redress of grievances; to the Committee on the Judiciary.

39. Also, petition of William B. Coleman, Jacksonville, Fla., relative to the Committee on Un-American Activities; to the Committee on Rules.

SENATE—*Monday, January 27, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Everliving God, unto whom in all ages men have lifted up their hearts in prayer, grant to all of us in this place a sense of the sacredness of every task, that while we work we may worship, while we think we may pray, while we speak we may witness for Thee, that serving here we may serve our Nation and serving our Nation we may serve all mankind. Receive now, O Lord, the dedication of our lives which we offer to Thee this day.

In Thy holy name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, January 24, 1969, be approved.

The VICE PRESIDENT. 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 VICE PRESIDENT 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.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a brief period be allowed for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

MAN IN THE NEWS: SENATOR FRED HARRIS

Mr. MANSFIELD. Mr. President, some days ago, the Democratic National Committee met and selected a new national chairman. The man selected was one of our colleagues, FRED HARRIS, the senior Senator from Okahoma.

I am delighted with his appointment, because if anyone can occupy a position in the Senate and do an outstanding job as the national chairman for our party as well, it is Senator HARRIS. I assure him that he will have the full cooperation and understanding of the Senate leadership in the efforts he undertakes to strengthen the party, to invigorate it, and to bring about a better understanding with the younger people of this Nation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the transcript of the first TV appearance by Senator HARRIS as national chairman, on "Face the Nation," January 19, 1969, as well as an article about Senator HARRIS and his lovely wife, LaDonna, entitled "Man in the News: FRED HARRIS Riding Herd on Democrats," published in the New York Post of Saturday, January 25, 1969.

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

[From the New York Post, Jan. 25, 1969]

MAN IN THE NEWS: FRED HARRIS RIDING HERD ON DEMOCRATS

(By Warren Hoge)

WASHINGTON.—Only one thing was missing in the Humphrey command headquarters in Minneapolis' Leamington Hotel early election night.

The three television sets were in place. Telephones linked the suite with key lieutenants. The co-chairman of the Democratic Presidential nominee's campaign, Minnesota Sen. Walter Mondale, and his aides were there and a burly friend of the Senator's chauffeur stood at the door to keep out unwanted guests.

Still awaited was the other half of the campaign leadership, Sen. Fred Harris of Oklahoma.

Suddenly there was a commotion in the hallway. A short, somewhat overweight young man with shiny black hair parted razor-straight down the middle was trying to convince the bouncer that he was a U.S. Senator. It wasn't until Mondale came to the door and vouched for him that Sen. Harris was admitted.

In addition to being co-chairman of Humphrey's campaign, Harris had also been an activist member of the Kerner Commission on Civil Disorders and a frequently mentioned possibility for the Democratic Vice Presidential nomination.

Now, at 38, he is the chairman of the Democratic National Committee.

If all that wasn't immediately apparent to the doorkeeper that night, it's understandable.

Harris is a shirtsleeves and feet-on-the-desk type, a man with no time or taste for

the excessive formality of traditional Senatorial demeanor.

While others suited up for convention strategy conferences in Chicago last August, Harris came out in turtlenecks, slacks and loafers. On other mornings, he often used to stroll over to the McLean, Va. home of his neighbor and friend, the late Robert Kennedy, dressed in bathrobe and slippers.

His 37-year-old wife LaDonna, who is half-Indian, and he prefer picnics and backyard cookouts to the Capital's entertainment institution—the candle-lit dinner party.

Behind this easy-going style lurk a drive and an ambition second to none in Washington. A look at his quest for the National Committee chairmanship and his first acts in office yield a telling view of the Harris method.

First, he cleared his credentials with the headliners in the party—Humphrey, Sens. Muskie, Kennedy, Mansfield and McGovern and House Speaker McCormack. (He couldn't get through to Eugene McCarthy.)

Then he personally telephoned all 110 members of the National Committee to see if they had any questions about his qualifications for the job or his plans for the party.

The day after his Jan. 14 election by the committee, Harris summoned all the committee employes and made it clear that his own earnestness was to be the model of the performance he expected from each of them.

He told them he wanted on his desk the next day a memo from each listing past experiences, present duties, attitudes about the current thrust of the committee's work, suggestions for the future and any complaints about their jobs.

He ordered them to memorize the names of all 110 committee members and of all Democratic Representatives, Senators and Governors. If any of these officials writes the committee, Harris directed, an answer should be in the mail within 24 hours.

And he demanded a promise from the staff that none of them would get involved in the jockeying for the party's 1972 Presidential nomination.

With that warning, he intended to dispel the fears of some who saw in his selection a bid to hold the party for Humphrey until 1972. "That's just not true," Harris said when asked in an interview about those allegations. "I want the party to keep open the options for anybody to run for President."

A second source of concern among some Democrats was a feeling that as a Senator he would not be able to devote the time needed to rebuild the sagging party structure and to pay off the $8 million debt incurred for the 1968 Presidential race.

Harris answers this by arguing that the time he gave last year to writing a book "Alarms and Excursions," a report on his work for the Riot Commission, directing Humphrey's race and serving on the Kerner Commission he will give this year solely to the committee chairmanship.

Harris learned to work hard at an early age. Born Nov. 13, 1930, the son of a Southwestern Oklahoma farmer, he was baling hay at the age of five.

Harris' mother earned money during the Depression years of the Senator's childhood by working alternately as a domestic, field hand, chicken plucker, laundry worker, cotton picker and store clerk.

His father had been a day laborer, mule skinner, cotton picker, migrant farm worker, mechanic, bus driver, trucker, cattle buyer, owner of a custom wheat harvesting outfit and a farmer and cattleman.

As a youth, Harris maintained this eclectric tradition, doing a variety of odd jobs around town and following the wheat harvest to North Dakota nine summers in a row. At 12, he decided he had to learn a trade, and he set out to become a printer.

It was an upbringing scarred by poverty; "depending on the need or my mood," Harris now reflects, it was "either terribly deprived or richly educational."

He received both undergraduate and law degrees from the University of Oklahoma where he made his first political mark as an official of the Young Democratic Club.

He had married his high-school sweetheart, LaDonna Crawford, during his first year at the University. They spent his college years together in a trailer the school provided for married students.

LaDonna, daughter of an Irish father and a Comanche mother, was virtually raised by her Indian grandparents after her own parents were divorced.

After graduation, Harris set up a law practice in Lawton and immediately ran for the State House of Representatives. He lost. Then he ran for the state Senate. He won, taking his seat at age 25.

In January, 1963, the veteran U.S. Senator from Oklahoma, Robert Kerr, died. The state's Democratic Governor, J. Howard Edmondson, resigned and had his lieutenant governor appoint him to the vacant post in Washington.

Harris set his sights on the seat and soon began an 18-month campaign through every hamlet of the state. It took two upsets to get him to Washington. First he overturned Edmondson's bid in a three-way Democratic primary. Then he overcame monumental odds and defeated Republican Bud Wilkinson, Oklahoma University's legendary football coach and a revered man throughout the state.

That election was for the two remaining years of the Kerr-Edmondson term and then in 1966 he won the seat for a full term in his own right.

In Washington, Harris performed a remarkable tight-wire act, becoming friendly with President Johnson, Sen. Robert Kennedy and Vice President Humphrey simultaneously.

In 1967 he recommended in a Senate speech that a "Special Commission on Civil Strife" be created to probe urban riots. Soon he received a call from the White House endorsing the idea and appointing him to the panel, named the National Advisory Commission on Civil Disorders.

On the Presidential commission, Harris and Mayor Lindsay quickly became the aggressive ones. They toured ghetto areas together, and later, when the White House tried to shelve their final report, they were the two commissioners most vocal in their insistence that its recommendations be adopted as national policy.

He also pushed hard for the section ascribing much of the blame for riot-breeding situations to white racism. "Racism," he told the NAACP 1968 convention in Atlantic City, "is the number one mental problem in America.

Known as an "egghead" in college, Harris has directed his intellectual interests at the history and problems of the American Indian. Both he and his wife are amateur anthropologists and go on digging expenditions together. He is also an authority on Oklahoma's Indians. One out of four American Indians live there.

The Harrises both speak Comanche and all three of their children, Kathryn, 19, Bryon, 10 and Laura, 7, are enrolled members of the Comanche tribe. A fifth member of the family in their eyes is Mary Jackmon, a Negro woman from Lawton, who has worked for them since the Senator was an Oklahoma lawyer. Her sister, Stella, is the Senator's receptionist in his Capitol Hill office.

Their seven-room white brick house in McLean is decorated in bright colors. Many of its paintings depict Oklahoma scenes.

Married more than half their lives, they are inseparable. His first act as Democratic National Chairman was to introduce her to its members. He even took her into President Johnson's Oval office for his very first audience with the Chief Executive. She lives his life as earnestly as he does.

Though something of a celebrity in Washington and a catch for Capital hostesses now, Harris is not likely to foresake his Oklahoma habits. A Southwestern twang colors the resonant timbre of his speaking voice and that part in the middle of his hair has stayed there despite the complaints of his friends.

One day recently Harris took an early morning stroll through the feedlots with his father on the farm in Lawton. Then he boarded a plane and flew to Washington.

Later that afternoon, a friend confides, he glanced at his feet and noted proudly that he was striding the carpeted floor of the U.S. Senate with traces of Lawton manure still on his shoes.

"FACE THE NATION," CBS TELEVISION NETWORK, CBS RADIO NETWORK, JANUARY 19, 1969, WASHINGTON, D.C.

Guest: Senator Fred R. Harris (D., Okla.) Chairman, Democratic National Committee.

Reporters: John Hart, CBS news; David Broder, the Washington Post; David Schoumacher, CBS news.

Producers: Sylvia Westerman and Prentiss Childs.

MR. HART. Senator Harris, tomorrow you Democrats turn the White House over to the one man you Democrats thought could unify you. If Richard Nixon could not bring unity to your party, how do you, as the new Chairman, propose to do it?

Senator HARRIS. Well, I think the primary thing is that we have to help people become more aware of the tremendous problems which this country faces and how it is in their own self interest for us to meet those problems.

ANNOUNCER. From CBS Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with the new Chairman of the Democratic National Committee, Senator Fred Harris, of Oklahoma. Senator Harris will be questioned by CBS News Correspondent David Schoumacher, David Broder, National Political Reporter of The Washington Post, and CBS News Correspondent John Hart.

MR. HART. Senator Harris, what will you do to offer participation to the disconnected elements of the Democratic Party?

Senator HARRIS. Well, I think, first of all, we've got to really want to do that. I do. I think that is the mandate of the party, and I said, when I accepted the election, that we wanted to make this an open party, with the widest possible participation in all its processes, and made fully democratic. And, under the mandate of the convention, I will be appointing very soon a Commission on Party Structure and Delegate Selection, which I hope will give us recommendations for step-by-step ways that may be done.

MR. BRODER. Senator, the man who led the fight for opening up the party structure at the convention, as you know, is Senator Harold Hughes, of Iowa. Are you going to let him follow through as Chairman of the commission?

Senator HARRIS. I haven't made any decisions about the chairmanship, or members, either one, because, for example, I have just mailed out, oh, I think something like four or five hundred letters to officeholders, party leaders, people who have shown an interest in this subject, and others, asking for their recommendations. I do want the widest possible participation in this party, and I want that much participation also in the selection. Harold Hughes is exactly the kind of man, it seems to me, that we will want on this commission.

MR. SCHOUMACHER. Well, if you are going to have credibility in your desire for reform, aren't you almost going to be forced to select someone that was not identified with the Humphrey campaign, someone that was

either connected with Robert Kennedy's campaign or Eugene McCarthy's?

Senator HARRIS. I think there are some good guys, you know, who were connected with the Humphrey campaign, myself, but also I—let me just say that criteria for the appointment to that commission, I think I can say very quickly—and I have said it to everybody, both before and after my election—number one, I want people who believe in the mandate. I do. I think we've got to make this party more democratic, as the convention has directed us to do it, and so people who go on that should also believe that. Secondly, I want the commission to be credible, that is, I don't want people to just look at it and say, "Oh, well, that group isn't going to do anything." Thirdly, I want it to be of people of really sound judgment, who will really work at it. For example, I come down on the side of decentralization of schools in New York City but, as we have seen, that is easier said than done. So I am not just interested in a group that will restate the principle, that is, we want a more democratic party, but people who will really work at making that come to pass. Fourthly, I want people who are representative of the various elements in the party.

Mr. HART. Senator Harris, Robert Kennedy won the Indiana primary and yet the votes of Indiana went to, let's say, Hubert Humphrey, the party establishment. Eugene McCarthy won the Pennsylvania primary and, yet, with yourself prominently involved, those votes of Pennsylvania went to the establishment, again. Do you want to see that happen again? How are you going to insure that primary votes are translated into delegate votes?

Senator HARRIS. Well, as you recall, after the Indiana primary Senator Kennedy, unfortunately, was assassinated and wasn't, therefore—their votes couldn't, therefore, later be cast for him, so the party itself had to decide what it was going to do. In Pennsylvania, I believe, Senator McCarthy ran—I don't remember whether he was unopposed altogether or not, but I do know that Hubert Humphrey was prevented from being in that primary. I think the convention has given us a mandate that we've got to follow. It is one which I believe in. And that is that in every possible way, by primaries, by open conventions, by whatever, when we select the delegates who will select our nominee in 1972, that ought to represent the popular will of the Democratic Party at that moment.

Mr. BRODER. Senator, there are some people who would take it one step further and just get rid of the national convention and let the people choose the candidate directly. How do you feel about that?

Senator HARRIS. I don't know. I have misgivings about a primary because of the tremendous money that would be involved for everybody to have to run in every state. I think the primaries serve a very useful purpose, the ones we already have, and perhaps others that will be added, because I think it gives the party a chance to see whether or not a man can really appeal to the people themselves. I am not sure that we will want to throw it out altogether and go to a direct primary. There have been suggestions for that, and that will be considered in the Congress itself. But I would hope that this commission, which I will appoint, under the convention mandate, will consider that as well as other suggestions.

Mr. HART. Senator Harris, you speak of wanting credibility for your reform commission; what about the committee itself, which met this week and, in rhetoric at least, condemned the Georgia party for selecting rather than electing its officials, and then went ahead and seated those selected, autocratically selected officials? Is there a credibility problem there?

Senator HARRIS. Let me just say, first, that that was decided, of course, before I was elected. It was a committee which was appointed by my predecessor, as chairman, but it was a rather good committee, I thought. Mayor Doorley, of Providence, Rhode Island, was the Chairman, a young, bright Democratic leader, I think one of our better young Democratic leaders in the country. The way I understood it—I was not present when the Credentials Committee report was made, that was, as I say, before I was elected—as I understand it, there are some legal problems about the Georgia law, and so forth. But I talked afterwards to the two, the committeeman and woman, who were seated, and they promised me they would go back to Georgia and try to comply with what is the obvious requirement of the convention. And we are going to try to see that that is done.

Mr. SCHOUMACHER. We are just about swimming in committees and commissions and councils, let's talk about the Democratic National Policy Council.

Senator HARRIS. Right.

Mr. SCHOUMACHER. How much success are you going to have with that idea of a legislative advisory committee, a policy advisory committee with the opposition, apparently, of Senator Mansfield, the majority leader?

Senator HARRIS. Let me say first that, when I called Senator Mansfield and asked him about whether or not he would approve of my selection as Chairman of the Democratic Party, he said, "I am enthusiastic about it," and, he said, "You can quote me." And when I called Speaker McCormack about it, interestingly enough, he mentioned the same word. He said, "I am enthusiastic about it, and you can quote me." I also had a very good visit with Senator Kennedy in advance, and he gave me his pledge of approval and support. Carl Albert, of Oklahoma, the majority leader in the House, urged me to take this and, obviously, I am in close working relationship with him. I was for the Democratic Policy Council because I want this to be a party which is the loyal opposition. I don't agree with Benjamin Disraeli that the business of the opposition is to oppose. I think that we shouldn't oppose just for the sake of opposition, but we have a responsibility which we can't evade on the great moral issues of our time—peace, race and poverty—and I think we have got to speak out and help lead this country, and especially is that so because now we are also in control of the House and Senate, despite the fact that the Republicans elected their man to the White House.

Mr. BRODER. Well, Senator——

Senator HARRIS. Well, that is why I wanted the Policy Committee and I think, therefore, it is an asset to be in the Senate, to enjoy the close working relationship with those leaders, and I believe we can avoid the kind of split we had, as I understand it, back during the Eisenhower administration, between the Democratic National Committee, on the one hand, and the Congress, on the other.

Mr. BRODER. You don't expect Senator Mansfield and Speaker McCormack to join this policy council, do you?

Senator HARRIS. I don't know. I just really hadn't thought about that. The words of the resolution call for the appointment of congressional leaders, party leaders, officials around the country of stature, and so forth, and I would hope that people that we could put on this council and who would head up task forces under it, would be Cabinet quality people, the kind of people who would really work at staying abreast of these issues and the kind of people who could be called before committees to testify on the matters as they come up and offer constructive alternatives.

Mr. SCHOUMACHER. Will Hubert Humphrey be the chairman of this council?

Senator HARRIS. I don't know. We really haven't discussed that. I haven't thought about it at all, and I would want to—you know, I haven't really thought about who will be on any of these, and I don't intend to until we have had an opportunity to receive the recommendations from people all over the country, which I have solicited.

Mr. HART. Senator, could we talk about specific plans that you have in mind for involving these disaffected sections of the party——

Senator HARRIS. Yes.

Mr. HART. —at the grass roots?

Senator HARRIS. Well, first of all, I intend to appoint a youth commission, a youth participation commission very soon, and that is a matter which I have been very much interested in. I introduced last year a bill called the Youth Participation Act, to involve young people in decision-making in government at all levels, and it is a bill which I worked out in conjunction with a lot of really bright kids all over this country. There is a chapter in the book I wrote last year, "Alarms and Hopes," on this very subject, the subject of youth, and their alienation and their feeling that there isn't sufficient outlets for their energies and ideas and idealism, and I think that is right. I think we need to take them in. Well, first of all, we are going to believe in taking them in. This task force is going to go out looking for ways that they can participate in the decision-making processes of the party itself, participate—

Mr. HART. Do you have any ideas on that, at this point, on how they can participate?

Senator HARRIS. I think, for example, that all these commissions and committees I appoint ought to have some of these really bright young kids on them, and that is what I intend to do, to just start right off with that kind of participation. Furthermore, I am asking——

Mr. SCHOUMACHER. Are these going to be Young Democrat kind of bright young kids or are these going to be bright young kids?

Senator HARRIS. Bright young kids and bright Young Democrats also.

Mr. SCHOUMACHER. Which is going to get me a lot of letters from the Young Democrats.

Senator HARRIS. Well, what we are going to have to do, also, is go out and say that you are not going to have to sign in blood that you will vote for every one of our nominees or say that you are going to dedicate the rest of your life to politics, in order to be able to participate in our party and to participate in the issues, discussion of the issues. But one more thing, which I am really very excited about, is this: I want the Democratic Party to offer an opportunity to young people, to women, to everybody, a chance not just to say something about social ills but to do something about them. I want to see us offer technical assistance, encouragement, stimulation for people to begin tutoring programs and programs like that, to do something right now in a non-Federal, private way, even though we are not in the White House.

Mr. Hart, Senator, we have some questions on that and we will ask you those in a moment.

Mr. HART. Senator Harris, you are talking about a government in exile, a shadow government. How are you going to operate these ambitious programs for involving all of these varied people, in great numbers, and pay off $10 to $12 to $15 million, and get your $1.5 to $2 million a year just to run the committee, and fund these other activities?

Senator HARRIS. Well, I think they are really compatible. I think that, for example, if you are just a party doing nothing but raising money, you find money much harder to raise. What I want to do is to have so many activities going, that are really worthwhile, on the issues and on doing things and on allowing everybody to take part in it, speaking out on the things that we think are really

vital to the future of this country, that we will be a party that people will want to participate in. Some will want to participate with money, if they have it; some will want to participate with time, and some with both. But we are going to try to broaden the base of the financial contributors in this party, and I think we will be able to do that, if we are doing things.

Mr. HART. Well, let me re-ask that question: You are in debt. You owe a lot of money. How are you going to do these other things?

Senator HARRIS. We will just do them, because I think people want those sort of things to be done by this party. And, in addition to that, of course, our contributors know that if they—that is, the people that we presently owe—that if they demanded their money this very moment, of course, we just wouldn't be able to do anything at all, and we would have a far harder time raising the money. Now, they have been very, very good and very forbearing about being willing to take their money over some period, and we are going to have a great many activities on fund-raising, but that is not going to be our only activity.

Mr. SCHOUMACHER. Senator, the conservatives in Congress generally expect a liberal legislative program to be submitted this year. Will there be one?

Senator HARRIS. Submitted by the President, do you mean, or——

Mr. SCHOUMACHER. Not only by the President, but I am speaking of by liberal Democrats.

Senator HARRIS. Well, we have—our platform adopted in Chicago, I think, on domestic issues, particularly, is a very good platform. For example, it endorses the findings and recommendations of the Kerner Commission. And I will be hopeful that bills will be introduced to help carry out that platform. Our platform of 1964 virtually is enacted now, and I think even though we are not in the White House we are in control of the Congress and we have a very serious responsibility to try to carry out this platform we adopted in Chicago.

Mr. SCHOUMACHER. How much in control of the Congress are you? Hasn't the Conservative Republican-Southern Democrat coalition taken back over, particularly in view of this latest rules fight that you lost?

Senator HARRIS. Well, men are still individuals and each has his own responsibility, to discharge his responsibility as he sees fit, and so we haven't any kind of whip over anybody. The Democratic National Committee couldn't possibly dominate the Congress, if it wanted to, and the Congress shouldn't dominate the Democratic National Committee. But I think we can work far closer together than we have in the past, and I think the country will benefit from it.

Mr. HART. In an administration which seems to be talking about rationalizing existing laws rather than bringing in new laws, will the Congress dominate the government over the next four years?

Senator HARRIS. Well, I hope that—you know, it is not so much a question of who dominates who—I hope we will move on these programs. For example, we are spending now about $3 billion on education. One of them—there are several kinds of programs—we have such a great indebtedness for President Johnson, who led us really to move on some of these massive kind of domestic problems we have. Well, here you just look ahead at the children coming on who were born a little time after the Korean War, and you will see that, even with present programs, that is going to cost $11 billion, just because of increased kids in school and in college, and so forth. Well, now, you can't stand still because our population is growing, urbanization continues. All of these problems are there and they are not going away and they are not getting smaller. Now, whether you are a Republican or a Democrat, you are an American first, and you have to worry about these things because America is not going to be the kind of country that you and I want it to be unless we face up to these problems courageously and unless we move to meet——

Mr. HART. Is that the tone you read in the Nixon administration, a standstill?

Senator HARRIS. Well, I don't feel responsible for the Nixon administration, you know, but I do feel responsible for offering constructive alternatives. If he doesn't offer plans to meet these problems, then it seems to me that, in conjunction with the Congress, the Democratic Party and its leaders have to offer constructive alternatives and give the people a chance to debate and discuss these things and decide them.

Mr. BRODER. Senator, what is your constructive alternative for the antipoverty program, which even President Johnson said maybe needs to be overhauled? Are you going to try to fight to save that agency as a separate agency?

Senator HARRIS. Well, I don't know about the separate agency. I personally would like to see it, because I think it is a good yardstick for other agencies which in the past sometimes sort of sat back and waited until somebody came in with a problem instead of going out looking for problems and going out giving people a chance to have a voice in a solution to their own problems, which I like. So I would like to see the agency continue, but one way or another you are going to have to continue the program because the problems are there. As a matter of fact, what I am particularly interested in is what we said in the Kerner Commission report, adopted in the Democratic Platform, and that is a very greatly increased public and private job program and job training program, because I think that is the number one thing we could do, if we were just going to do one thing, because to help people have a job and the training to do the job so that they can provide for themselves.

Mr. SCHOUMACHER. Senator, does organized labor, do labor leaders have too much influence in the Democratic Party?

Senator HARRIS. I don't think so. I think that they have an influence, just like every other group or group of individuals does. And, so far as I know, they don't have any inordinate influence.

Mr. SCHOUMACHER. Well, now, several times a week there will be a circular come out announcing some meeting of the new Democratic coalition in one state or another, several hundred, five hundred, a thousand people getting together to talk over party problems. And several weeks ago Vice President Humphrey met secretly with some labor leaders in the backwoods of Maryland to talk over party affairs. Just where really is it at in the Democratic Party?

Senator HARRIS. Well, I don't know what you're talking about, but where it's at is everybody—our party is open to everybody who believes in the democratic processes and we will offer a forum to people who believe in the democratic processes and who are Democrats who want to come in and voice their opinions and take part in our party. And, you know, if you would look at my appointment list, you will see that I meet with all types of people, and I am interested in doing that and I am going out looking for them.

Mr. SCHOUMACHER. We have, perhaps, concentrated too much on your problems to the left of the center of the Democratic Party. What about to the right, and particularly in the South? How are you going to balance these needs, as you see them, in the party and in the country, versus the defections that the Democrats are running to in the South?

Senator HARRIS. Well, let me say, first on issues, the platform in Chicago is binding on the Democratic Party. It was adopted at our convention. I support it. So on issues, such as race issues, we have a platform, and it is one which I have supported and helped draft. Insofar as participation in the party is concerned, in the southern states, it has got to be just like in any other state, and you have got to follow the political—the democratic processes, it mustn't be racist, it mustn't exclude people because of race or for any other reason. If they believe in the democratic processes, and if they are a registered Democrat, why, they have got to be allowed to take part in the democratic selection of their party officials and individually of their delegates. Now, that's the mandate of the convention. It happens to be one I believe in. Even if I didn't believe in it, I would have to carry it out because I have no alternative.

Mr. HART. Senator, you talk about politicians now, what about the voters of the South which made Richard Nixon President this time, how do you get them back?

Senator HARRIS. I think that what you have to do is to—something I hope we will do, as a party, something I tried to do last year, in writing a book. I thought about my dad, who lived on a farm down in southwestern Oklahoma. He comes originally from Mississippi. And what you have to say to him is that, you know, your life is very much bound up with what is going on in Detroit, or what is going on in Chicago, or somewhere else. I think Benjamin Franklin was—I think one problem about us liberals is that we try to get people to do things simply because we preach to them. Well, I think people ought to do the right thing because it is right, but I also believe that Benjamin Franklin was right when he said, "If you would persuade, you must first appeal to interest rather than intellect." And so I think what we have to say to a guy like my dad is that it is in your interest to recognize these problems, and it is in your interest to see that they are solved. In that way, I think, we can make an appeal, as a party. But solutions sound nutty to people who don't think there are any problems, and I think there are a lot of people in the country who either don't know that these problems exist or don't realize how serious some of these problems are, the problems of urbanization, for example, now, with 70 per cent of our people living on only 2 per cent or less of the land, and we have had to spread that awareness. That is the reason why I am interested in this action program, to get people involved. If you get involved in tutoring some child, for example, in a black ghetto, or wherever, in a white rural poverty area, if you get involved, then you begin to see these problems. Then you see—you know how serious they are.

Mr. HART. Is that what the Democratic Party is going to do?

Senator HARRIS. That is what I hope we'll do.

Mr. BRODER. But, Senator, the reality is that you lost every southern state except Texas. In many of them your ticket finished third, it didn't even finish second. How do you really expect to make the Democratic Party, as long as it adheres to the principles that you are talking about, palatable to the south?

Senator HARRIS. In the first place, why should the South, why should people who live in the South be all that different from people who live in the North? If we do our duty, if we help build a really democratic and representative party, and if we do our duty in helping spread the awareness of the problems which face this country—they are not just problems of Oklahoma, they are not just problems of Washington, D.C., they are problems of Mississippi and Alabama, and so forth. And I think we have to do what we

ought to do, anyway, and that is build—and now perhaps for the first time, really—a National Democratic Party.

Mr. HART. Senator, it sounds as if, in talking about an open party in the South, you're putting your hopes a great deal on a lot of new and newly registered black voters in the South.

Senator HARRIS. Yes, that's true, of course——

Mr. HART. But there aren't enough of them to return the South to you.

Senator HARRIS. Well, there are a great many more black people there. In Mississippi, for example, the party which is headed by Dr. Henry, is the Democratic Party of Mississippi. It is about half black and about half white. I suppose it is about like the ratio of——

Mr. HART. In August was the Democratic Party.

Senator HARRIS. Well, it is the Democratic Party there. It is the one recognized by the convention. It followed—It was the only party which followed the processes which the convention had in 1964——

Mr. SCHOUMACHER. What would happen to you if you had people like John Stennis and Richard Russell and a large part of your congressional delegates suddenly go over and help the Republicans organize a Congress in the future?

Senator HARRIS. Well, you know, that would be an individual decision of theirs. I don't expect it. But may I say, nevertheless, what we have to do is laid down in the mandate of our convention. Our processes must be democratic and our platform is as adopted in Chicago. I suppose that.

Mr. BRODER. Senator, let me change the subject, if I can. Do you consider that Senator Kennedy can have that 1972 nomination if he wants it?

Senator HARRIS. I don't have any business even considering that. What I have said all along, both before and after my election as Chairman of this party, is that we ought to preserve the options of everybody who wants to run for President of the United States or any other office, if they want. What I want to do is build a party they will be proud to inherit, whoever gets the nomination.

Mr. HART. Senator Harris, as prime minister of this shadow-type government, what major role do you foresee for yourself in the next, 1972 campaign?

Senator HARRIS. Oh, in 1972 I plan to run for reelection, right now, to the United States Senate, in Oklahoma. I don't want to bind myself even to do that for sure, four years away. But I am not looking to run for——

Mr. HART. You are not binding yourself for reelection in Oklahoma?

Senator HARRIS. No, because it is four years from now. Right now I would say yes, I probably will, but I am not looking to run for national office.

Mr. SCHOUMACHER. Does the law permit you to run for both President and the Senate in Oklahoma?

Senator HARRIS. I wouldn't think so.

Mr. HART. Thank you very much, Senator Harris, for being here to "Face the Nation."

ANNOUNCER. Today, on "Face the Nation," Senator Fred Harris, of Oklahoma, the new Chairman of the Democratic National Committee, was interviewed by CBS News Correspondent David Schoumacher, David Broder, National Political Reporter of The Washington Post, and CBS News Correspondent John Hart. Next week, another prominent figure in the news will Face the Nation. "Face the Nation" was recorded yesterday at CBS Washington.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

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

WEAPONS SYSTEMS: A STORY OF ALLEGED FAILURE

Mr. SYMINGTON. Mr. President, in the Washington Post of Sunday, January 26, is a story by Mr. Bernard D. Nossiter, "Weapon Systems: A Story of Failure—Pentagon Gadgetry Failure Found High in Fifties, Higher in Sixties."

The article includes some charts which I hope anyone interested in the subject will examine. Unfortunately, the charts cannot be reproduced in the RECORD.

As a result of this article, I would hope there would be more understanding of why some of us suggested during the last session that this Government continue with research and development on the new ABM system, but not place orders for its production. The proposed ABM system is far more complicated than any of the systems referred to in this article.

As Members of the Senate know, over a period of years I have been protesting the "gadgetry" aspect of our current defense procurement as against the obtaining of workable hardware.

I would hope the "abstruse" article in question, now that much of it has been made a matter of public record, will be made available to the proper committees of Congress.

I ask unanimous consent that the article in question be printed at this point in the RECORD.

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

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

[Charts and graphs referred to not printed in the RECORD.]

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950s was bad; those of the 1960s are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to The Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $5 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B–70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context. The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new * * * by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown. In the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rating of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates, the Pentagon and the aerospace industry apparently learned * * * the systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F–102, the Delta wing interceptor for the Air Defense Command, was bedevilled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extension

two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed in a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

Thus, in the chart, A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on. B1 is the first version of an entirely different system; so are C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four times as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the paper observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars or (billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both, except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F-111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F-4, a supersonic Navy interceptor. Even though the F-4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

GOOD WILL TOWARD MEN

Mr. ERVIN. Mr. President, during the recent Christmas season, the Rocky Mount, N.C., Telegram, published an editorial, on December 31, 1968, entitled "Where Good Will Really Counted."

In order that all Americans might read of the spirit of good will that prevailed in the case of little Margie Elizabeth Ingram, I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

WHERE GOOD WILL REALLY COUNTED

The story of little five-year-old Margie Elizabeth Ingram is one to warm the cockles of the heart and make the old familiar words about "goodwill toward men" more meaningful.

Margie was severely burned the Saturday before Christmas and was immediately placed in Park View Hospital. But with third-degree burns over 40 per cent of her body, she needed specialized treatment, the kind available in the burns institutes in various cities.

Shriners of the Rocky Mount Shrine Club and Sudan Temple arranged a room for her in the Cincinnati Shriner's Burns Institute and arranged transportation through the helping hands of Rep. L. H. Fountain and the Surgeon General's office in Washington. An Air Force plane was made available at Seymour Johnson Air Base in Goldsboro.

Weather prevented landing in Cincinnati so she was placed in the Shriner's Burns Institute in Boston where she is getting the best care available.

Officials at the Boston Institute say her condition is good despite the widespread burns. Rocky Mount citizens will be joined by countless others across the country who read the story on the national wire services in pulling for the child to make a complete recovery.

At the same time, we all heartily commend those who were actively involved in arranging such fine care for Margie—the Shriners, Rep. Fountain, the Surgeon General's office, the Air Force, the countless unnamed citizens here who pitched in when help was so desperately needed. In this, our season of "good will" it was given a special meaning for Margie Ingram at a time when she needed it most.

PRESIDENTIAL CONTROL OVER INDEPENDENT ADMINISTRATIVE AGENCIES

Mr. ERVIN. Mr. President, during the past year, the Subcommittee on Separation of Powers has been studying various constitutional issues involving the independent administrative and regulatory agencies. Our concern to date has been primarily with the relations between the agencies and Congress. The subcommittee has examined the problem of agency adherence to legislative policy and the various techniques by which Congress can better insure that its legislative will is followed. As part of this inquiry, we have also examined the extent to which the courts perform a policy oversight function.

The relationships between the agencies and Congress and the courts are, however, only two-thirds of the picture. The remaining aspect involves the relationship between the agencies and the President. Although we may popularly regard the administrative agencies as part of the executive branch, they were not created as arms of the executive departments, nor are they intended to act as

such. The agencies are creatures of Congress legislative power, particularly its authority over interstate commerce. They were created to perform a large part of the regulatory function which Congress, as a practical matter, could not. Their regulatory functions and the policies they administer are determined by Congress, and it is to Congress that they are ultimately responsible.

The "independent" part of their descriptive title refers primarily to independence from the policy and partisanship of the President and his administration. Congress sought to achieve continuity in the functioning of the agencies regardless of changes in control of the executive branch. Such is the theory. In practice, however, there are a variety of methods by which the agencies are kept more or less within the influence, if not the control, of the President and his administration. In a speech delivered January 16 before the Capitol Hill chapter of the Federal Bar Association, Commissioner Everette MacIntyre of the Federal Trade Commission sketched some of the devices by which, potentially or actually, the President can exercise influence over the agencies, and to some indefinite extent make them conform to his policies and programs.

As Commissioner MacIntyre related, these devices are in part the unintended byproducts of attempts to improve the operations of the agencies. In other respects, they are the result of a very understandable desire to reduce friction between the executive department and the agencies and eliminate conflict between the economic policies of the President and the activities of the agencies.

The subcommittee intends to explore further this aspect of the administrative agencies system, which Commissioner MacIntyre has so well described. I ask unanimous consent that his speech, "Regulator Independence: Factual or Fanciful," be printed in the RECORD at this point.

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

REGULATORY INDEPENDENCE: FACTUAL OR FANCIFUL?

(Remarks by Everette MacIntyre, Commissioner, Federal Trade Commission, before Capitol Hill Chapter, Federal Bar Association, Washington, D.C., January 1, 1969)

I. INTRODUCTION

Congress, in the exercise of its prerogatives pursuant to Article 1, Section 8 of the Constitution, which empowers it "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes," by 1885 felt the necessity for the regulation of commerce by some other method than had previously been the case. It faced up to this problem with the full realization that it would not be able to deal with all the requisite details by way of direct legislation from one detail to another. It also realized that under the doctrine of separation of powers it would not be proper to delegate the function of filling in all legislative details to either the judiciary or the executive branch of the government. It therefore determined upon a course of creating, as arms of the Congress, independent regulatory agents to whom would be delegated a limited amount of legislating authority —namely, filling in of legislative detail within a broad framework of congressional standards and declarations of policy. An example of such a delegation is Section 5 of the Federal Trade Commission Act, which provides that "unfair methods of competition" are unlawful. In such situations there was left to the independent regulatory agent, as an arm of Congress—in this instance the Federal Trade Commission—the delegated authority and power to fill in and implement the necessary legislative details to establish the precise meaning of the phrase "unfair methods of competition." This was to be established by quasi-judicial action through the process of judicial inclusion and exclusion and by the quasi-legislative process, including rulemaking proceedings. The Supreme Court has recognized the propriety of congressional delegation to an independent regulatory agent serving as an arm of Congress. But it is equally clear that it would not only be improper but unconstitutional to attempt delegation to the same degree to the executive or, for that matter, to the judiciary.[1]

This is not to say, of course, that Congress may not properly delegate some regulatory authority to the executive. But under constitutional theories such delegation requires a great deal more specificity than is required for "an arm of Congress." This distinction, however, has been steadily eroded, be it by accident or design.

With the advent and growth of the railroads after the Civil War and improved methods of communication, commercial intercourse between the states mushroomed and Congress could hardly be expected to concern itself with the day-to-day aspects of regulating this commerce. Accordingly, Congress delegated a goodly part of its authority to different bodies as the need arose and depending upon the particular function involved. The independent regulatory agency was but one method used by Congress to achieve a particular end. This method of regulation was to be through the reach of an arm of Congress outside of the control of the executive. With this approach Congress chanced upon a method of regulation unique and untried at that time but upon which it was to place increasing reliance in the fulfillment of its constitutional mandate.

Parenthetically, I should note that whenever regulatory independence is discussed it should be understood that it refers to independence from the executive or executive departments. It does not refer to absolute independence; the agencies are arms of Congress, are responsible to Congress and subject to the oversight of Congress.

Since the creation of the first federal independent regulatory agency in 1897—the Interstate Commerce Commission—and the last of the original seven [2] independent regulatory agencies—the Civil Aeronautics Board in 1938—there has been an almost endless stream of legislative and judicial expression affecting every phase of these agencies' operations. The purpose of this paper is to review and analyze some of these legislative and judicial developments which relate to the concept of the "independence" of these agencies, with particular reference to the Federal Trade Commission. At the outset it should be noted that the Federal Trade Commission differs from other independent agencies with respect to the subject matter of regulation; whereas other independent agencies have a particular industry assigned to them, the Federal Trade Commission is charged with regulating that vast array of American business not otherwise the subject of special federal regulation. This gives additional meaning and importance to the theory of independence as applicable to the Federal Trade Commission.[3]

Every time the administration changes we frequently experience calls for a reorganization, if not an actual reorganization, during which the theory of the independence of the regulatory agency is debated with renewed vigor. It is hoped that the following comments will contribute some useful information to this debate.

II. HISTORY AND THEORY OF INDEPENDENCE

The legislative history of the Federal Trade Commission Act, as well as that of any of the other commissions, leaves little doubt of Congress' intent insofar as it pertains to the Commission's independence from control of the executive. More specifically, Congress expressed the desire to create a commission which in the performance of its functions would be independent from the executive branch of the government. For instance, prior to the creation of the Commission, its powers of investigation resided with its predecessor—the Bureau of Corporations of the Department of Commerce. This investigatory power was taken from a department under the control of the executive and "given to this non-partisan body." [4] Expressions of congressional intent on this point are surprisingly explicit and articulate. As a matter of fact, no other single topic concerning the new commission received such extensive comment. It was, perhaps, most succinctly stated by Senator Newlands, Chairman of the Senate's Committee on Interstate Commerce, who introduced the original bill, when he explained the need for independence from the executive branch in the following way:

"The need has long been felt for an administrative board which would act in these matters in aid of the enforcement of the Sherman antitrust law, which would have precedents and traditions and a continuous policy and would be free from the effect of such changing incumbency as has in the nature of things characterized the administration of the Attorney General's office." (Sen. Newlands, 51 Cong. Rec. 10,376.)[5]

The desire for impartial regulation not dictated by political considerations and the recognized, as well as demonstrated, need for a continuous policy of regulation prompted the care which Congress bestowed upon this particular part of the Act. And aside from specific congressional intent, the theory of independence as it concerns the Federal Trade Commission has proven merit over and beyond that of other regulatory agencies. For example, the Commission and the Department of Justice's Antitrust Division have concurrent jurisdiction over a variety of practices. The benefits of such concurrent jurisdiction can be readily observed. The Department, as a general matter, has traditionally concerned itself almost exclusively with hard-core and clear-cut cases. The Commission, on the other hand, has been more willing to move into the gray areas, as indeed was one of the purposes of its creation, i.e., to fill the interstices of the Clayton Act. Thus, enforcement of Section 7 of the Clayton Act [6] in the area of conglomerate mergers by the Commission has been more innovative and imaginative. Therein the Commission is able to rely to a considerable extent on the economic expertise available to it. Similarly, the brunt of enforcement activity under the Robinson-Patman Act has been borne by the Commission. There can be little doubt that concurrent jurisdiction by an independent regulatory agency and a department of the executive has resulted in more effective and successful law enforcement than exclusive jurisdiction by one governmental body could have provided.

It should also be recalled that with the passage of the Federal Trade Commission Act and the Clayton Act Congress expressed its continuing concern with economic concentration. At the same time, Congress is, of course, continuously aware of governmental concentration. Certainly if the generalization of concern with centralized pow-

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er has any validity at all it applies equally to governmental as well as economic concentration.

III. DEVELOPMENTS BEARING ON INDEPENDENCE

An analysis of a number of congressional actions ultimately affecting regulatory independence shows that not infrequently there was only a very general congressional intent, with no clear recognition of the effect such legislative endeavors would have upon regulatory independence. For example, of the plethora of statutes enacted solely for housekeeping purposes, many of them subsequently proved to have considerable impact upon the substantive work of an agency. What Congress intended to be an administrative statute, where it was deemed necessary to give the chief executive certain authority in the interest of economy, efficiency and the orderly conduct of government, developed into a means of executive control over substantive programs of an agency unforeseen and inconsistent with congressional intent.

1. The Budget and Accounting Act of 1921

The first act passed by Congress which adversely affected the independence of regulatory agencies was the Budget and Accounting Act of 1921.[7] The Act specified that henceforth the budgets and requests for appropriations of all governmental units, with the exception of the legislative and executive units, shall be submitted to the Bureau of the Budget, created by the Act.[8] These budgets and requests for appropriations would be included in the nation's budget the President submits to Congress each year.

Congressional debate indicates that passage of the Act reflected increasing concern over governmental economy, occasioned by the fact that 1918 was the first year since the end of the Civil War in which the United States experienced a budgetary deficit. To remedy this situation it would ". . . be necessary to wipe out duplications in the Government service, to eliminate inefficiency and to stop unnecessary work."[9] The motives prompting passage of this Act can hardly be questioned. The question which remains is whether Congress intended to effect regulatory independence to the degree the Act subsequently would, and, if not, how this could have been avoided.

In practice, the Act resulted in a degree of control over substantive programs of the agency which were certainly not envisioned by the Congress when it passed what it considered to be a statute dealing with administrative detail. An agency's proposed appropriations request is reviewed by the Bureau of the Budget, which follows policies and priorities established by the President and not necessarily by the Congress. To the extent they coincide, the congressional intent will be fulfilled; to the extent they differ, congressional intent will, of necessity, take a back seat. What was intended as a purely housekeeping measure not infrequently has become an instrument of control over policy. Perhaps a better solution would have been to have budgets and requests for appropriations submitted to the Bureau of the Budget for review but at the same time permit independent agencies to submit copies of such requests directly to the Congress. This, however, the Act expressly prohibits.[10] Such a practice would at least enable Congress to obtain a greater knowledge of the agencies' positions.[11]

2. The Judges Act of 1925

The next development affecting the independence of regulatory agencies was the passage of the Judges Act of 1925.[12] The purpose of this Act was to collect in one statute the provisions of the law relating to appellate jurisdiction of the Supreme Court. At the same time, the Act sought to reduce this jurisdiction due to the backlog of cases before the Court.[13] This was accomplished by the simple expedient of broadening the Court's jurisdiction to issue writs of certiorari, *i.e.*, increasing the Court's discretion as to the cases it will hear.[14] At the same time, however, Congress (it is not clear whether through inadvertence or design) altered the then-existing practice whereunder the Federal Trade Commission prepared its own requests for write of certiorari and argued its own cases before the Supreme Court. At that time, by leave of the Attorney General (who neither had the staff nor the inclination to do otherwise), the two then-existing agencies—the ICC and the FTC—argued their own cases before the Supreme Court.[15] With respect to the Interstate Commerce Commission, the practice was codified in 1913,[16] and reaffirmed by the Judges Act of 1925. At the same time, how-ever, it was denied to the Federal Trade Commission by implication and now all independent agencies, with the exception of the Interstate Commerce Commission, do not ask the Supreme Court to grant a writ of certiorari directly but channel their requests through the Attorney General.

The importance of this development cannot be overstated and will be demonstrated in more detail in a subsequent section. Suffice it to say at this point that conflicts as to the type of case in which certiorari should be sought are inevitable. Equally inevitable is the fact that any such conflict is resolved by and in favor of the Attorney General, since he has the final word. The extent to which an agency can find a responsive ear with the Attorney General will largely depend upon the extent to which its own views coincide with his. It goes without saying that frequently they do not coincide, in which case the agency is denied the chance to seek Supreme Court review of what may be an important decision. In such cases the Attorney General substitutes his judgment for that of the agency, which seems to be diametrically opposed to what Congress had in mind. Control over litigation is the most important aspect of independence, which must be considered severely handicapped if it is in the hands of someone other than the agency.

3. Central clearance of legislative proposals—1930

Sometime during the mid-1930s the practice originated of submitting legislative proposals to the Congress via the Bureau of the Budget. This policy was originated by Franklin D. Roosevelt and has been continued to this day, although there does not appear to be any statutory authority for it. As a matter of fact, with respect to the Federal Trade Commission, it appears to be directly contrary to the mandate contained in Section 6(f) of the Federal Trade Commission Act—that the Commission, together with annual and special reports to Congress, shall submit recommendations for additional legislation to Congress. In addition, when the Commission is requested to report on specific legislative proposals, such reports must be cleared by the Bureau of the Budget before being submitted to the appropriate congressional committee. At the Bureau of the Budget such reports and legislative recommendations must receive clearance in terms of substance, *i.e.*, they are again reviewed in light of the President's policy objectives.[17] This practice clearly constitutes a significant departure from the theory of independence insofar as it may deprive Congress of the benefit of the views of its agencies.

4. The Federal Reports Act of 1942

Passage of the Federal Reports Act of 1942[18] accorded to the Bureau of the Budget another important right of review and control over the activities of regulatory agencies. Curiously enough, as is often the case, the Act was passed under circumstances and for reasons considerably different from those in which it would be used.

It will be recalled that passage of the Federal Reports Act was occasioned by the proliferation of governmental questionnaires and requests for information and other forms which were the direct result of the activities of the Office of Price Administration. The nation was literally engulfed in a blizzard of paperwork concerning rationing, output, prices, and any other conceivable type of information, both private and public.

E.g., for the purpose of ensuring successful prosecution of the war, the OPA required literally hundreds of thousands of questionnaires be filled out by farmers and housekeepers who needed a few gallons of oil for lighting and other purposes around their homes. For this purpose, however, it proved not only unnecessary but was much resented by the many citizens who were required to wait their places in long lines at various post offices throughout the country for a determination whether the questionnaires were properly filled out and their requests indeed necessary.[19]

The Act provides that requests for information originating with any governmental agency[20] and directed to more than nine respondents must receive clearance by the Bureau of the Budget. Requests for such clearance must be accompanied by a detailed explanation of the questionnaire, such as technicalities of implementation, manner of selecting the respondents, whether the information is to be collected by mail or personal interview, etc., etc. In addition, the request must be justified in depth. This would include a statement why the information is sought and how it will be used; why the particular number of respondents and not less has been selected; how much time it will take a respondent to answer the questionnaire, etc., etc. In ruling upon such requests the Bureau of the Budget must also be satisfied that this is the only practical method of getting the necessary information and that it is not available through some other governmental or more readily accessible private source.[21]

The power of review within the Bureau of the Budget extends so far as to permit forbidding collection of all or a part of the information sought. In case of the traditionally used questionnaire, for example, the Bureau of the Budget may withhold clearance for its issuance altogether or it may strike certain questions—a matter entirely within its discretion.

Congress, in its haste to pass this bill, however, did not heed the warning of those questioning its extent, although this point was the subject of considerable debate.[22] Specifically, some members of Congress felt that while the bill was ostensibly aimed at the elimination of unnecessary and presumably duplicate reports the way it was phrased gave the Director of the Bureau of the Budget a good deal more control over the collection of information than was necessary under the circumstances and perhaps even intended by Congress had it considered all the ramifications of the bill.[23] As it turned out, the Act permits the Bureau of the Budget to exercise a good deal of control over the investigative functions of the independent agencies. With respect to the Federal Trade Commission this represents a drastic departure from the theory of its creation. One of the Commission's most important functions arises out of the mandate to investigate and publicize business conditions harmful to the continued good health of the economy and to do so independently and outside of the control of the executive. Any control over its ability to investigate or a substantive review of the information it seeks will naturally adversely affect the independence of the Commission.

There is no doubt that the purpose for

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which the Act was conceived—to cut costs to the government and to avoid unnecessary harassment of citizens and businesses—has considerable merit. If, however, it becomes an instrument of control over some types of investigations, specifically those of independent regulatory agencies—and this in fact has occurred—it would appear that the authority the Act vests in the Bureau of the Budget needs to be reexamined.

5. The Hoover Commission and the Landis Report

In 1947 the Hoover Commission [24] was organized to study and make its report on, along with recommendations, governmental operations, with particular emphasis on efficiency in the operation of government. One recommendation included in the Hoover Commission report,[25] which was adopted later and which was to have a far-reaching impact upon the independence of regulatory agencies, concerned the position of chairmen for these agencies. In the interest of efficiency and to "enable the President to obtain a sympathetic hearing of broader consideration of national policy which he feels the Commission should take into account," [26] the Hoover Commission recommended that the chairman of an agency should be appointed by the President and should be given more administrative authority over his agency. It will be recalled that up to that time, with the exception of the Federal Communications Commission, whose organic statute provides for the appointment of its chairman by the President, the agencies selected their chairmen from among their members. Generally the chairman of an agency would be selected by the members of such an agency on an annual basis and he constituted little more than a *primus inter pares*. In addition, the agencies themselves would decide how to handle intra-agency administrative detail. Under the reorganization of 1950, however, the chairman had the authority (1) to appoint and supervise personnel,[27] (2) to distribute the workload among such personnel, and (3) to determine the use and expenditure of funds. The reason assigned to this drastic departure from previous practice was that it would relieve the commissioners from burdensome administrative chores such as ruling upon the salaries of the char force and thereby free them to devote their energies to the substantive aspects of the commission's work.

The impact of these plans, once they were implemented, was profound.[28] Inasmuch as the chairman holds his post at the pleasure of the President, it becomes unlikely for him to pursue a policy alien or contrary to that of the Chief Executive if he is to retain his post. Since the chairman is responsible for the selection of personnel, the assignment of the workload and the use of the agency's funds, it is difficult to see how an agency, even if a majority of its members wish to do so, may pursue a course independent from the wishes and desires of the then current administration. As a practical matter there would appear to be no conflict if the policies of the Executive are the same as those of the Congress; should those be different, however, it will become readily apparent that independence from executive control has been materially weakened.

Those members of Congress who had the opportunity to study the proposal recognized, of course, that any gains in efficiency which might result would be at a sacrifice in independence. As a result, Senator Edwin C. Johnson from Colorado introduced a resolution for disapproval [29] of the proposals on the ground that they were contrary to the "long established congressional policy that regulatory agencies must be independent and directly responsible to Congress." [30] Interestingly enough, the resolution carried only with respect to the Interstate Commerce Commission and the Federal Communications Commission, and in those instances only because it was vigorously supported by the industries regulated by these commissions and their bars.[31]

The Landis Report of 1960 [32] covered similar ground and also voiced its concern about efficiency in government. The recommended cure for whatever bureaucratic blunders or loss of efficiency might have occurred was again greater control by the executive. With respect to the Federal Trade Commission the report states:

"Here, as in the case of the Interstate Commerce Commission, the Civil Aeronautics Board and the Securities Exchange Commission, the powers of the Chairman should be increased and the Commission's authority to delegate decision-making implemented by Presidential Action under the Reorganization Act." [33]

Quite revealing is the reason given for the necessity of these changes. As the report states, the Federal Trade Commission must, due to its limited resources, exercise a great deal of discretion as to the trade practices it will investigate and must concentrate on specific areas. This, according to Landis, "involves an issue of policy of which the Executive should not only be aware but which should be keyed to whatever over-all program is then the Administration's prime concern. The responsibility for concentration on a particular area should be the responsibility of the Executive and not the Federal Trade Commission." [34] Under this theory, the Executive, alternatively, would be able *not* to concentrate on a particular area. Acceptance of this theory would inevitably lead to precisely the circumstances the establishment of the independent agencies was supposed to preclude—*executive* control over the regulatory scheme. By the same token, however, the report, in a curiously candid comment, states that "[t]here has also been too much of the morale-shattering practice of permitting executive interference in the disposition of causes and controversies delegated to the agencies for decision." [35] No doubt there is a direct relationship between the extent of "morale-shattering executive interference" and the degree to which, over the years, we have veered from the original congressional intent concerning regulatory independence. As a matter of fact, such interference is invited for the very reasons assigned to the need for greater executive control.

The recommendation with respect to the Federal Trade Commission contained in the report became the Reorganization Plan No. 4 of 1961.[36] The plan substantially broadened the Chairman's authority, particularly with respect to the assignment of workload among the Commission personnel as well as among the individual Commissioners. The importance of this authority in the Chairman's office cannot be underestimated.

6. Federal Trade Commission v. Guignon

The most far-reaching recent development affecting the Federal Trade Commission's independence is the Eighth Circuit's 1967 decision in *Federal Trade Commission v. Guignon*.[37] In that case the court, in a two-to-one decision, held that the Commission does not have the authority to institute court proceedings to enforce its subpoenas. The Commission had, of course, for 53 years, instituted subpoena enforcement proceedings under Section 9 of the Federal Trade Commission Act, which states that "in case of disobedience to a subpoena the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence." The court stated the issue to be "whether the Federal Trade Commission, acting under § 9 of the Federal Trade Commission Act . . . may, without the aid or consent of the Attorney General of the United States, seek enforcement of its own subpoenas in the Federal District Courts." [38] In reaching its decision to deny the Commission enforcement of its own subpoenas the majority considered not only the briefs and arguments of the parties but also a brief *amicus curiae* submitted by the Department of Justice at the invitation of the court. In that brief, the Department took the position that Section 9 did not authorize the practice which the Commission has followed since its creation, and argued that the Department should conduct and control proceedings to enforce Commission subpoenas.

Until the Department took that position and the court agreed with it, it had been accepted practice that the Commission did, indeed, have the authority to enforce its own subpoenas, and this has never been questioned. Now, however, the Commission must apply to the Attorney General for enforcement of its subpoenas, notwithstanding the fact that Section 9 of the Act appears to be abundantly clear on this point. This is evidenced by the enforcement provision relating to subpoenas and that relating to the enforcement of orders. Subpoena enforcement may be sought by the Commission whereas its orders are enforced by application to the Attorney General. In addition, the theory of independence and congressional intention amply demonstrate the necessity for this authority. One of the most important aspects of the Commission's functions and duties is the ability to investigate through the issuance of subpoenas. It has repeatedly been recognized that it is in this area that Congress intended the Commission to have the greatest possible degree of independence from control by the executive. In *Humphrey's Executor*,[39] the Court stated that the Commission's "duties are performed without executive leave and, in the contemplation of the statute, must be free from executive control." [40]

In the *Guignon* case, the court repeated a previously made mistake; [41] it confused those provisions of the Federal Trade Commission Act relating to mandamus, *i.e.*, enforcement of orders, and that relating to enforcement of subpoenas. In addition, this decision brings into sharp focus the problems presented by the inability of the Commission to request the Supreme Court to grant writs of certiorari. In *Guignon*, the Commission is faced with a decision which is against the interest of the Commission but which is supported by the Department of Justice. In order to seek certiorari, however, the Commission had to obtain the support of the Attorney General, which in this case was not achieved. It is certainly open to question whether this result was intended by Congress when it established independent agencies.

V. CONCLUSION

These are some of the outstanding developments which demonstrate that regulatory independence is rapidly becoming more fanciful than factual. Congressional intent was clear from the outset that the quasi-legislative and quasi-judicial regulatory agencies were to be independent and free from the influence, direction or oversight of the executive department. Moreover, the above noted reasons for this—the quasi-legislative service as an arm of the Congress and continuity in effectuation of public policy as declared in the broad outlines of the law—are as valid today as in 1897, more than 70 years ago. I tend to believe that many of the congressional actions undertaken in the interest of orderly and efficient operation of government, which subsequently adversely affected regulatory independence, were accidental rather than a conscious and deliberate effort to limit such regulatory independence. Academic considerations aside, however, the fact remains that when Congress assigned these regulatory tasks to independent agencies it did so because it expected its mandate, as evidenced by the organic acts, to be carried out by a vigorous and effective enforcement policy.

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This policy was intended to be continuous and irrespective of the changing political fortunes dictating White House occupancy. To the extent we have deviated from this intent the resulting diffusion of control has taken its inevitable toll in regulatory efficiency. For example, this situation has undoubtedly had a deleterious impact on antitrust enforcement activities by the Federal Trade Commission as well as the activities of other agencies. To varying degrees, therefore, erosion of independence has at the same time undermined the agencies' effectiveness. It is ironic that the loss of efficiency should be, at least in part, the result of precisely those statutes designed to foster the orderly and efficient conduct of government. Perhaps, then, the public interest has and may continue to suffer loss of efficiency instead of capturing that illusive objective if there should be continuing erosion of effective congressional oversight instead of oversight by others.

FOOTNOTES

[1] *A.L.A. Schechter Poultry Corp.* v. *U.S.*, 295 U.S. 495 (1935); *Humphrey's Executor* v. *U.S.*, 295 U.S. 602 (1935).

[2] ICC—1887, FTC—1914, FPC—1920, SEC—1933, FCC—1934, NLRB—1935, CAB—1938.

[3] For example, the argument advanced—that executive control of an agency at the same time protects it from unwanted control by the industry it regulates—is not particularly relevant with respect to the Federal Trade Commission.

[4] 51 Cong. Rec. 8841. The opinion was also expressed that if the Bureau of Corporations could be converted into an independent commission, more complete knowledge about corporations engaged in commerce could be gathered.

[5] In the House of Representatives Mr. Morgan expressed these views:

"And instead of giving additional power to the Attorney General we should, as the gentleman from Maryland [Mr. Covington] said this afternoon, create a great, independent, non-partisan commission, independent of the President, independent of Cabinet officers, removed so far as possible from partisan politics, that would command the respect and confidence of all parties and of all the people of the Nation. . . . What I say is not particularly applicable to the present Attorney General or the administration in power. Whatever we do in regulating business should be removed as far as possible from political influence.

"It will be far safer to place this power in the hands of a great independent commission that will go on while administrations may change. That is one reason why I believe in having all these matters placed, so far as they can be, in the hands of a commission, taking these business matters out of politics." (51 Cong. Rec. 8857).

In an article entitled "Constitutionality of Investigations by the Federal Trade Commission," 28 Column. L. Rev. 708, 728 n. 56 (1928), Milton Handler pointed out that:

"The opposition to the Covington bill came not from those who thought the bill went too far but that it did not go far enough. . . . There was singular agreement as to the wisdom of establishing an independent, nonpartisan fact-finding body, and no attempt was made to reduce the broad inquisitional powers discussed in the text [of Handler's article]."

[6] See, for example, *F.T.C.* v. *Procter & Gamble*, 386 U.S. 568 (1967); and *General Foods* v. *F.T.C.*, 386 F.2d 936 (3d Cir. 1967), *cert. denied*, — U.S. — (1968).

[7] 42 Stat. 20; 31 U.S.C.A. 1. Passage of the Act failed the previous year, interestingly enough, due to a dispute over the presidential removal power of the proposed Budget Bureau's director. 61 Cong. Rec. 980.

[8] 31 U.S.C.A. 16.

[9] 61 Cong. Rec. 980.

[10] Budget and appropriations requests may only be transmitted to Congress upon the specific request of either house thereof. 31 U.S.C.A. 15.

[11] It is interesting to note that after passage of the Act some of the independent agencies apparently took the position that it did not apply to them. This, however, was made clear in a 1939 amendment restating applicability of the Act to include "any independent regulatory commission or board." 53 Stat. 565. See also "Government Organization," H. Rep. 2033, 75th Cong., 3d Sess., p. 15 (1938).

[12] 43 Stat. 936.

[13] Henry Pringle, *The Life and Time of William Howard Taft* (New York 1939 (two vols.)), p. 992, *et seq.*

[14] 66 Cong. Rec. 2752.

[15] The authority to argue cases in which the United States is interested before the Supreme Court rests with the Attorney General. 28 U.S.C.A. 518 (1968). For example, the first Federal Trade Commission case to reach the Supreme Court—*F.T.C.* v. *Gratz*, 253 U.S. 421 (1920)—was argued by the Commissioner whose term I am succeeding—Huston Thompson. As a matter of fact, there was widespread belief at the time that the fact that a Commissioner argued the case may have cost the Commission the decision.

[16] Urgent Deficiencies Appropriations Act of 1913, 38 Stat. 208.

[17] "The Organization and Procedures of the Federal Regulatory Commissions and Agencies and Their Effect on Small Business," H. Rep. No. 2967, 84th Cong., 2d Sess., p. 91 (1956).

[18] 56 Stat. 1078; 44 U.S.C.A. 421 (1968).

[19] Speaking about OPA reports and questionnaires, Congressman Patman stated:

"If the gentleman had heard the testimony that has been presented before the Committee on Small Business of the House, he would be very anxious to have this bill passed without 1 hour's delay. The people are up in arms about these useless reports and unnecessary questionnaires. They are irritated by them and they are irritated at the Congress because the Congress will not do something about it." 88 Cong. Rec. 9121.

[20] Some of the supervisory agencies and the Bureau of Internal Revenue are exempted. See Bowman, "Results Achieved by the Federal Reports Act," 7 Bus. and Gov't Rev. 5 (U. of Missouri 1966).

[21] Bowman, *supra* note 20.

[22] 88 Cong. Rec. 9159–9166.

[23] The following is an excerpt of one of the comments during the debate of the bill:

"Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, there is a good deal more to this bill than merely the elimination of unnecessary reports. Under section 2 (d) it seems to me you are vesting a lot of authority and power in the Director of the Budget.

"Upon the request of any party having a substantial interest or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or any other proper purpose.

"Certainly a considerable amount of information being collected by various governmental agencies is being so collected by direction of the Congress in response to specific legislation. Are we to infer that the Director of the Budget is to have final authority and power to set aside any legislation which the Congress has passed directing the collection of information?" Cong. Rec. 9159.

[24] The Commission on Organization of the Executive Branch of the Government received its name "Hoover Commission" because it was chaired by ex-President Hoover.

[25] Report on the Organization of the Independent Regulatory Commissions, March 3, 1949.

[26] Task Force on Regulatory Commissions, Appendix N, p. 32 (January 1949). (Prepared for the Commission on Organization of the Executive Branch of the Government.

[27] With the exception of appointments to the largest organizational units within an agency, which would require approval of a majority of commissioners.

[28] These plans were labeled in the following manner: Reorganization Plan No. 8, FTC; Reorganization Plan No. 9, FPC; Reorganization Plan No. 10, SEC; and Reorganization Plan No. 13, CAB. 5 U.S.C. 133–Z–15 (1964).

[29] Under the Reorganization Act of 1945 (59 Stat. 613), the President was given the authority for a specific time period to submit reorganization plans to the Congress. To prevent such a plan from going into effect, a concurrent resolution was necessary by the two Houses, stating that the Congress does not favor the reorganization plan. This time period has since been periodically extended but permitted to expire as of 1968.

[30] Hearings Before the Senate Committee on Expenditures in the Executive Departments, 81st Cong., 2d Sess. (1950), S. Res. 253, 254, 255 and 256, pp. 13–17.

[31] It is questionable whether it is desirable that a regulated industry become the champion and protector of the independence of its regulatory agency.

[32] Report on Regulatory Agencies to the President-Elect, James M. Landis, December 1960.

[33] *Id.* at 48.

[34] *Id.* at 52.

[35] *Id.* at 36.

[36] Reorganization Plans 1 (SEC), 2 (FCC), and 5 (NLRB) were disapproved by the House of Representatives. 5 U.S.C. 133–Z–15 (1964).

[37] *F.T.C.* v. *Guignon*, 261 F. Supp. 215 (E.D. Mo. 1967), *aff'd*, 390 F.2d 323 (8th Cir. 1968).

[38] 390 F.2d at 324.

[39] *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935).

[40] *Id.* at

[41] *F.T.C.* v. *Claire Furnace Co.*, 274 U.S. 160 (1927).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF FEDERAL CROP INSURANCE CORPORATION

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report of the Federal Crop Insurance Corporation, dated 1968 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report covering the activities of the Rural Electrification Administration for the fiscal year 1968 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF OVEROBLIGATION OF AN APPROPRIATION

A letter from the Secretary of Defense, transmitting, pursuant to law, an overobligation of an appropriation (with an accom-

panying report and papers); to the Committee on Appropriations.

REPORT OF OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, Office of the Secretary of the Army, Department of the Army, transmitting, pursuant to law, a report on the Federal Contributions Program Equipment and Facilities for the quarter ending December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON ARMY RESERVE OFFICERS' TRAINING CORPS FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the progress of the Army Reserve Officers' Training Corps flight instruction program, for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT OF PROPOSED ADDITIONAL FACILITIES PROJECTS, ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain additional facilities projects proposed to be undertaken for the Army National Guard (with an accompanying report); to the Committee on Armed Services.

REPORT OF DIRECTOR OF SELECTIVE SERVICE

A letter from the Director, Selective Service System, transmitting, pursuant to law, a report of the System for the period from January 1, 1968 to June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, a report on the Department's procurement from small or other business firms, for the period July–October 1968 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development, reporting, pursuant to law, on the progress of the Department in developing a plan for an insurance program to help homeowners in meeting mortgage payments; to the Committee on Banking and Currency.

PROPOSED LEGISLATION PERTAINING TO IMPORTATION AND INTERSTATE SHIPMENT OF CERTAIN SPECIES OF FISH OR WILDLIFE

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED EDUCATIONAL TELEVISION AND RADIO AMENDMENTS OF 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and provisions relating to support of the Corporation for Public Broadcasting (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION MAKING CERTAIN AIR CARRIERS INELIGIBLE FOR SUBSIDY PAYMENTS

A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend section 406(b) of the Federal Aviation Act of 1958 to make certain air carriers ineligible for subsidy payments (with accompanying papers); to the Committee on Commerce.

REPORT ON THE USE OF U.S. OWNED FOREIGN CURRENCIES

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, a report on the use of U.S. owned foreign currencies (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATION AND CULTURAL AFFAIRS

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, the sixth annual report of the Advisory Commission, dated January 21, 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON DISPOSAL OF FOREIGN EXCESS PROPERTY

A letter from the General Manager, Atomic Energy Commission, reporting, pursuant to law, on the disposal of foreign excess property, during the fiscal year 1968; to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT FOR THE SOUTH RIM OF THE GRAND CANYON NATIONAL PARK, ARIZ.

A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of a proposed concession contract for the South Rim of the Grand Canyon National Park, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF THE ALASKA POWER ADMINISTRATION

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the first annual report of the Alaska Power Administration for fiscal year ending June 30, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

ORDER CANCELING CERTAIN IRRIGATION CONSTRUCTION CHARGES

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an order canceling certain irrigation construction charges against non-Indian owned lands within the Modoc Point unit of the Klamath Indian irrigation project, Oregon (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED CANCELLATION OF CERTAIN IRRIGATION CHARGES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE

A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting a proposed amendment to a concession contract for the National Capital Region, National Park Service (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF SECRETARY OF THE INTERIOR ON ACCOMPLISHMENTS IN COOPERATIVE WATER RESOURCES RESEARCH AND TRAINING

A letter from the Secretary of the Interior, reporting, pursuant to law, on activities and accomplishments in cooperative water resources research and training; to the Committee on Interior and Insular Affairs.

REPORT OF OFFICE OF COAL RESEARCH

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Office of Coal Research, for the calendar year 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain alien defectors (with accompanying papers); to the Committee on the Judiciary.

PROPOSED COMMEMORATION OF THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF YELLOWSTONE NATIONAL PARK

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON MEDICARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on medicare (with an accompanying report); to the Committee on Finance.

REPORT OF RAILROAD RETIREMENT BOARD

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a report of the Board for the calendar year 1968 (with an accompanying report); to the Committee on Post Office and Civil Service.

PROPOSED BILL TO MERGE FIRST-CLASS MAIL AND AIRMAIL INTO A SINGLE CLASS OF MAIL SERVICE

A letter from the Postmaster General, transmitting a draft of proposed legislation to merge first-class mail and airmail into a single class of mail service (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT OF COST OF CLEAN WATER AND ITS ECONOMIC IMPACT

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the cost of clean water and its economic impact (with an accompanying report); to the Committee on Public Works.

PROPOSED AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

REPORT ON THE COST OF CARRYING OUT THE FEDERAL WATER POLLUTION CONTROL ACT

A letter from the Secretary of the Interior, transmitting, pursuant to law, the second annual report on the cost of carrying out the Federal Water Pollution Control Act (with an accompanying report); to the Committee on Public Works.

PROPOSED AMENDMENTS OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value and abolish the distinction between commercial licenses for facilities and certain research and development licenses for facilities and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

An letter from the Chairman, Atomic Energy Commission, transmitting a draft of

proposed legislation to amend section 11 of the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. Res. 57. Resolution authorizing the Select Committee on Small Business to make a complete study of the problems of small and independent businesses (Rept. No. 91-3); referred to the Committee on Rules and Administration.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. HANSEN:

S. 629. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of Buffalo Bill Dam; to the Committee on Interior and Insular Affairs.

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

By Mr. TOWER:

S. 630. A bill to provide for the appointment of an advisory committee to recommend improvements in and simplification of Federal tax return forms and procedures; to the Committee on Finance.

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

By Mr. DOLE:

S. 631. A bill for the relief of Dr. Elsaid Abel Ghani Ashour; to the Committee on the Judiciary.

By Mr. PROUTY:

S. 632. A bill for the relief of Raymond C. Melvin; to the Committee on the Judiciary.

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

By Mr. MATHIAS:

S. 633. A bill for the relief of Adriana Bernardis;

S. 634. A bill for the relief of Rev. Dr. Christopher Stephen Mann;

S. 635. A bill for the relief of Dr. Joel Malabrigo;

S. 636. A bill for the relief of Dr. Fausto Q. Aquino, Jr.;

S. 637. A bill for the relief of Dr. Angelita A. Topacio;

S. 638. A bill for the relief of Minas Kritharis; and

S. 639. A bill for the relief of Dr. Istvan Kuhn; to the Committee on the Judiciary.

By Mr. CASE:

S. 640. A bill to establish the Sandy Hook National Seashore in the State of New Jersey; to the Committee on Interior and Insular Affairs.

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

By Mr. ERVIN:

S. 641. A bill to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform necessary legal services in connection with such loans; to the Committee on Agriculture and Forestry.

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

By Mr. BYRD of West Virginia:

S. 642. A bill to make it a Federal offense, to assassinate, kidnap, or assault a Member of Congress or a Member-of-Congress-elect; and

S. 643. A bill for the relief of Ruperto Evangelista Perez; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. MCGOVERN):

S. 644. A bill to provide a special milk program for children; to the Committee on Agriculture and Forestry.

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

By Mr. HART:

S. 645. A bill for the relief of Man Jak Cheung (Ting Ping Woo); and

S. 646. A bill for the relief of Joan Sara; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 647. A bill for the relief of Severino Manni; and

S. 648. A bill for the relief of Ernesto Alunday; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 649. A bill for the relief of Mrs. Margarita Gutierrez De Cespedes; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. ERVIN):

S. 650. A bill to amend section 3006A of title 18, United States Code, relating to representation of indigent defendants; to the Committee on the Judiciary.

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

By Mr. SPARKMAN:

S. 651. A bill to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.; to the Committee on Interior and Insular Affairs.

By Mr. CURTIS (for himself and Mr. HRUSKA):

S. 652. A bill for the relief of Filadelfo Fracica; to the Committee on the Judiciary.

By Mrs. SMITH:

S. 653. A bill for the relief of Guvenc Alpander; to the Committee on the Judiciary.

By Mr. CANNON:

S. 654. A bill to enable the citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on Rules and Administration.

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

By Mr. RIBICOFF:

S. 655. A bill for the relief of Raul das Dores Roberto and Maria Inocencia de Sousa Roberto;

S. 656. A bill for the relief of Corazon Halili Lomotan; and

S. 657. A bill for the relief of Gaetano D'Andria; to the Committee on the Judiciary.

S. 658. A bill to amend section 815 of the Internal Revenue Code with regard to certain distributions of the stock of wholly owned corporations; to the Committee on Finance.

By Mr. NELSON:

S. 659. A bill for the relief of Sui King Yu, Yuk Shui Chan, Man Wa Yeung, Sui Kwong Wong, Kam Woon Leung, Chun Piu Yung, Ping Ying Choi, Lun Sang Wong, Muk Kan Yip, Wai Yung Lau, Ngan Lung, Chau, King Hung Chu, Shu Yau Chan, Chuen Chan, Mau Hing Chan, Au Ming, Ng Man Hung and Leung Ah Fong; and

S. 660. A bill for the relief of Fu Ken Hung; to the Committee on the Judiciary.

S. 661. A bill to provide an improved and enforceable procedure for the notification of defects in tires; to the Committee on Commerce.

(See the remarks of Mr. NELSON when he introduced the last above-mentioned bill, which appear under separate heading.)

By Mr. TYDINGS:

S. 662. A bill for the relief of Vasilios Cypriotis;

S. 663. A bill for the relief of Bechu Banerjea, his wife Pushpalata Banerjea, and their children, Binapani, Sukla, Jaya, and Tarak;

S. 664. A bill for the relief of Dr. Ataullah Moshayedi;

S. 665. A bill for the relief of Safia Talibi Naz;

S. 666. A bill for the relief of Ioannis Karaoulanis;

S. 667. A bill for the relief of Dr. Glocrito G. Sagisi; and

S. 668. A bill for the relief of Georgios J. Kornias; to the Committee on the Judiciary.

By Mr. METCALF:

S. 669. A bill to extend the provisions of certain laws relating to housing and urban development to the Trust Territory of the Pacific Islands; to the Committee on Banking and Currency.

S. 670. A bill to amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes; and

S. 671. A bill to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes; to the Committee on Commerce.

By Mr. RANDOLPH:

S. 672. A bill for the relief of Charles Richard Scott; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 673. A bill for the relief of Concepcion Quezada Mota; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 674. A bill to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting any such discontinuance or change; to the Committee on Commerce.

S. 675. A bill to prohibit federally insured banks from voting their own stock and to provide for cumulative voting in federally insured banks; and

S. 676. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

S. 677. A bill for the relief of Guiseppe Tamburro;

S. 678. A bill for the relief of Francisco Renigio Fabre Solino (Frank R. S. Fabre);

S. 679. A bill for the relief of George Zaharias;

S. 680. A bill for the relief of Christodoulos Anagnostou;

S. 681. A bill for the relief of Silvestro D'Urso;

S. 682. A bill for the relief of Rene E. Montero;

S. 683. A bill for the relief of Diamantino Ferreira Pereira;

S. 684. A bill for the relief of Hon Chun Eng;

S. 685. A bill for the relief of Tino Cattabiani, Caterina Cattabiani (nee Papurello), and Pier Maria Cattabiani;

S. 686. A bill for the relief of Juan Antonio Lopez;

S. 687. A bill for the relief of Antonino Garoffolo;

S. 688. A bill for the relief of Carmela LaGalia;

S. 689. A bill for the relief of Michele Lombardi;

S. 690. A bill for the relief of Chong Pil Lee;

S. 691. A bill for the relief of Virgilio Cibellis, Gelsimina Cibellis, and Mauro Cibellis;

S. 692. A bill for the relief of Kostas Parlapanides;

S. 693. A bill for the relief of Antonio and Rosa Malatesta; and

S. 694. A bill for the relief of Hon Yiu Fong; to the Committee on the Judiciary.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the first two above bills, which appear under separate headings.)

By Mr. BYRD of West Virginia:

S.J. Res. 30. Joint resolution to amend the Constitution to provide for the direct election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mrs. SMITH:

S.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote; to the Committee on the Judiciary.

By Mr. CANNON:

S.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; and

S.J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. CANNON when he introduced the above joint resolutions, which appear under separate headings.)

S. 629—INTRODUCTION OF BILL RELATING TO THE MODIFICATION OF THE BUFFALO BILL DAM

Mr. HANSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of the Buffalo Bill Dam.

In a recently released reconnaissance study, the Bureau of Reclamation found that Buffalo Bill Dam is incapable of containing or passing safely the probable flood that might enter the reservoir without overtopping the dam and damaging the structure. This information is the result of a study utilizing the latest meteorologic and hydrologic data and reevaluating the spillway capacities of older dams.

The Buffalo Bill Dam is located on the Shoshone River about 5 miles west of the city of Cody, Wyo., and is one of the first dams built under the Reclamation Act of 1902. The fact that a dam incapable of handling a probable flood is located a short distance upstream of the city of Cody is cause for concern.

Three alternatives have been offered to solve this problem. The first plan is to enlarge the spillway to allow the safe passage of a probable flood that might enter the reservoir. The second plan would raise the dam without enlarging the spillway. This plan would enable the dam to contain a probable flood; however, this proposal would cause conditions which might be detrimental to the spillway tunnel to the extent that the left abutment of the dam would be in danger. No additional conservation storage would result under either of these plans.

The final alternative contemplates enlarging the spillway tunnel in combination with raising the dam. This proposal would provide additional surcharge in the reservoir, together with additional conservation storage for a multiplicity of uses.

In addition to alleviating flood dangers, this third proposal, by increasing the conservation capacity of Buffalo Bill Reservoir, would provide additional water for irrigation, power production, and municipal and industrial supply, as well as enhancing the downstream fishery, providing opportunity for increased recreation potential, and making possible some control of water quality for downstream water users.

The multiple-use development which would be made possible by increasing the conservation capacity of the dam would add greatly to the economic development of Wyoming. The State would have a greater number of options for the use of Big Horn River system waters. The Wyoming Natural Resource Board, anticipating the possible future need for water in this area, has expressed interest in 50,000 to 100,000 acre-feet of storage water from the enlarged Buffalo Bill Reservoir for municipal and industrial supply.

A comparison of the benefits and costs shows that there is economic justification for each proposed plan with selected functions.

Because of the need to correct the unsafe spillway conditions of Buffalo Bill Dam, it is urgent that a detailed study be made and a plan be selected as soon as possible.

I urge the Senate to act quickly on this measure authorizing a feasibility investigation for the modification of Buffalo Bill Dam.

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

The bill (S. 629) to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of Buffalo Bill Dam, introduced by Mr. HANSEN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 630—INTRODUCTION OF BILL RELATING TO THE SIMPLIFICATION AND IMPROVEMENT OF THE METHOD OF COLLECTING THE FEDERAL INCOME TAX

Mr. TOWER. Mr. President, the time of year is with us again for filing our income tax return forms. It has become more apparent to me than ever before the burden that the American taxpayer is under in trying to fill out this form to the satisfaction of the Internal Revenue Service. Often crrors are made in this process by people, who are not trying to mislead the IRS, but who honestly do not know how to fill out the form properly due to its complexity. I certainly know how these people feel; not being an accountant myself, I find it extremely difficult.

In order that we may have some hope of correcting this ever-increasing burden, I introduce today a measure which would provide for the establishment of a commission to recommend improvements in and simplification of Federal tax return forms and procedures. This Commission would be appointed by the Secretary of the Treasury and would act in an advisory capacity only; however, I think that it is imperative that we begin as quickly as possible to correct the glaring problems of this procedure that affect in some way or another almost every American.

The Commission itself shall consist of nine members well versed in the problems involved: there shall be tax lawyers and accountants who know how the forms and procedures work; it shall also have a representative taxpayer who can present views on the difficulties confronting them; and also there shall be representatives of the Government who know its needs. The duties of the Commission shall be to recommend simplification of the current forms used by the IRS. We have form 1040A at the current time, which shows what can be done if the proper climate is created by form simplification.

In closing, Mr. President, this Commission can be a service to us all, for we all must pay taxes. I do not expect any overnight miracles, but if the Commission is able to reduce our burden in this matter, it shall have performed splendidly.

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

The bill (S. 630) to provide for the appointment of an advisory committee to recommend improvements in and simplification of Federal tax return forms and procedures, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Finance.

S. 632—INTRODUCTION OF BILL FOR THE RELIEF OF RAYMOND C. MELVIN

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, a bill for the relief of a young constituent of mine, Raymond C. Melvin.

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

The bill (S. 632) for the relief of Raymond C. Melvin, introduced by Mr. PROUTY, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 640—INTRODUCTION OF BILL TO ESTABLISH THE SANDY HOOK NATIONAL SEASHORE, N.J.

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to create the Sandy Hook National Seashore recreation area.

Sandy Hook, a peninsula bounded by the Atlantic Ocean on one side and Sandy Hook Bay on the other, consists of 1,634 acres. From 1846 until approximately 7 years ago the entire complex was a military reservation known as Fort Hancock. However, in early 1962 it was determined that the entire acreage was no longer needed for military purposes

and the Department of the Army leased 745 acres to the State of New Jersey for a recreation area. This became known as the Sandy Hook State Park.

I was, of course, happy to support and work for the establishment of this State park.

In January 1967, the Department of Defense announced that it would turn approximately 1,200 acres of land at Sandy Hook, including 745 acres that comprise the present State park, over to the General Services Adminsitration for disposal. A recent check with the Department indicates that it anticipates reporting the approximately 1,200 acres as surplus no later than August of this year.

Enactment of my bill will authorize the Department of the Interior to take possession of this acreage, operate and maintain it for recreational purposes, and place in New Jersey its first national seashore recreation area.

The New York metropolitan region will be completely urbanized within 30 to 40 years. Even now, open space and recreation facilities fall far short of the needs of the region's population. The little open space that is left is truly a "precious little."

The New York Metropolitan Regional Council and the Regional Plan Association assessed the need for open space in a recent report, "The Race for Open Space," the fourth and final report of their park, recreation, and open space project. This report recommended that the present 189,000 acres of public parks in the metropolitan region be expanded to 736,000 and that the total open space be expanded from 600 square miles to 1,700 square miles. The report also suggested criteria for choosing lands to be acquired, pointing out that swimming and beach use rank first in public preference in recreation; picnicking is second, and walking and nature study third.

Ocean frontage within the metropolitan region totals 150 miles, of which 71 miles are suitable for mass recreation and conservation. Most of this frontage lies in New York State, and is not easily available to the people of northern New Jersey. The western part of the region's suitable ocean frontage lies mainly in Monmouth County, N.J. Of the county's 27.2 miles of recreation frontage, 8.8 miles are held privately and 6.7 miles are held by the military. The remaining 11.7 miles are publicly owned and, for the most part, are either already fully used or are unusable because of pollution.

Thus, Sandy Hook is the sole practicable potential public recreation area left to serve the people of urban north Jersey. In addition, its colorful history and interesting geological and natural features give it potential for a varied recreational experience not found elsewhere in the region west of the Hudson.

Unlike the establishment of the Cape Cod National Seashore, Mass., as part of the national park system, inclusion of Sandy Hook in the national park system will not require appropriation of millions of dollars to acquire privately owned lands. The land at Sandy Hook is already owned by the Federal Government.

The present State park is one of the most popular recreation areas along the New Jersey coast—providing swimming, nature walks, sunbathing, and some of the best fishing around. It is so popular that on many weekends during the summer months the gates to the park must be closed as early as 10:30 in the morning, depriving thousands of would-be visitors of its use.

As the report, "Sandy Hook, A Study of Alternatives," prepared by the National Park Service and the Bureau of Outdoor Recreation, points out:

> Sandy Hook's recreation resources are . . . outstanding and should be preserved. Its 6 miles of uninterrupted Atlantic oceanfront and wide sand beaches provide a maximum opportunity for developing mass water-oriented recreation. These beaches, imaginatively planned, will provide varied and vitally needed water-oriented recreation for the massive urban population in the western half of the region. Even though swimming and sunbathing will dominate their use, they will also be ideal for hiking, beachcombing, and some of the best surf fishing in the State.
>
> Inland from the beaches a series of relatively unaltered dunes, interspersed with fresh and salt water marshes, plus 7½ miles of bay shoreline will provide the opportunity for supporting activities, such as hiking and nature study. Primarily the value of the natural resource is educational, in that the student or visitor is afforded a favorable field for the study of plant succession.

Since I introduced this bill in the 89th Congress, I am glad to report that the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments at its 59th meeting endorsed the proposal to establish the Sandy Hook National Seashore as a unit of the national park system.

And on January 15 of this year then Secretary of the Interior, Stewart L. Udall, stated that he endorses enactment of legislation to establish a national seashore at Sandy Hook.

It is my strong hope that the Senate Interior and Insular Affairs Committee will hold prompt hearings on my bill so that the full Senate will have an early opportunity to pass the legislation.

The use of Sandy Hook for any purpose other than a recreation area would be unconscionable, for it is a national heritage and should remain in public possession.

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

The bill (S. 640) to establish the Sandy Hook National Seashore in the State of New Jersey, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 641—INTRODUCTION OF BILL TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform any necessary legal services in connection with such loans.

I should like to observe that in my opinion any act which deprives individuals of the right to select their own counsel, as this act does, is certainly incompatible with the theory that we have a free country. No government agency should direct an individual as to what lawyer he can or must retain to perform services for him.

I ask that the bill be appropriately referred, and I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed at this point in the RECORD.

The bill (S. 641) to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform necessary legal services in connection with such loans, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1986) is amended (1) by inserting "(a)" immediately before "No officer" in the first sentence thereof; and (2) by adding a new subsection as follows:

"(b) Any person making application for a loan under this Act may employ any attorney of his choice to provide him with the legal services necessary in obtaining such loan if such attorney is a member in good standing of the bar of the highest court of the State in which the loan applicant resides. In any case involving the purchase of land the loan applicant may employ any title insurance company of his choice to provide him with necessary legal services if such title company is licensed to perform such services in the State in which the land to be purchased is located."

SEC. 2. The amendment made by the first section of this Act shall be effective in the case of all persons who make application for loans under the Consolidated Farmers Home Administration Act of 1961 on or after the date of enactment of this Act.

S. 644—INTRODUCTION OF BILL RELATING TO EXTENSION OF SPECIAL MILK PROGRAM FOR CHILDREN

Mr. PROXMIRE. Mr. President, I introduce, on behalf of myself, the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Wisconsin (Mr. NELSON), a bill to extend and expand the special milk program for schoolchildren. The bill increases the amount provided for in the Child Nutrition Act of 1966 from $120 million for fiscal 1970 to $125 million for that year. The proposal also makes the program a permanent one, thus extending it beyond the present June 1970 expiration date. The bill will increase authorized funding to $130 million in fiscal 1971 and $135 million in fiscal 1972 and thereafter. And finally the legislation makes it crystal clear that the program is to be administered in the same manner as it is currently being handled.

This last point is particularly signif-

icant in view of the proposal made in the President's budget to eliminate the school milk program by melting it into the child nutrition and special food assistance programs. Although the budget indicates that increased milk consumption in these two programs will substantially offset the decline resulting from the elimination of the special milk program to my mind no convincing evidence exists that this is, indeed, a sound judgment.

Since the Agricultural Act of 1954 provided for the use of Commodity Credit Corporation funds to increase the consumption of fluid milk by schoolchildren the school milk program has been one of the most successful efforts the Federal Government has ever made to improve the nutrition of our sons and daughters. Periodic attempts to reduce or eliminate the program, the most recent being a 1966 attempt to slash the program by 80 percent, have failed ignominiously.

The program has been successful for two reasons. First and foremost it has supplied billions of half pints of milk—nature's perfect food—each year over and above the milk sold as part of the type A lunch under the school lunch program. Thus it has provided an invaluable supplement to the noonday meal provided by the school lunch program. The midmorning "milk break" filled many empty stomachs long before the school breakfast program was conceived.

Second, it has put Federal funds to work to feed the young as an alternative to the use of tax dollars to buy up surplus milk for storage in powdered form. For the school milk program has taken substantial portions of fluid milk off the market that the Federal Government otherwise would have had to buy and store under our price support program. Consumption under the program has typically represented approximately 2½ percent of fluid milk consumption in the United States.

To submerge this success story of a program by making it a subsidiary of the school lunch and other special programs would be to make it an unwanted stepchild. Certainly it would be far far easier to sharply slash school milk expenditures that were an unidentified part of a general nutrition effort than it would be to make deep cuts in the existing school milk program. Furthermore I am convinced that the young of our Nation, especially those with serious nutritional deficiencies, need more, not less, fluid milk.

Finally, Mr. President, I must add that it is a special source of joy to me to have my colleague from South Dakota, Senator McGOVERN, as a sponsor of this bill. We are all familiar with the marvelous work that his Select Committee on Nutrition and Human Needs is doing to analyze and find solutions to the problems of hunger and malnutrition in this land of ours. It gives me a particular sense of confidence to know that a man with his deep experience with the needs of the hungry in the United States and abroad has chosen to associate himself with me in the introduction of this legislation.

I ask unanimous consent that the bill to expand and extend the special milk program for schoolchildren be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, in accordance with the request of the Senator from Wisconsin.

The bill (S. 644) to provide a special milk program for children, introduced by Mr. PROXMIRE (for himself and Mr. McGOVERN), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Child Nutrition Act of 1966 is amended to read as follows:

"SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, not to exceed $125,000,000; for the fiscal year ending June 30, 1971, not to exceed $130,000,000; and for each succeeding fiscal year, not to exceed $135,000,000, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section 'United States' means the fifty States and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 89-642, as amended, during the fiscal year ending June 30, 1969."

S. 654—INTRODUCTION OF BILL ENTITLED "THE RESIDENCY VOTING ACT OF 1969"

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill entitled "The Residency Voting Act of 1969."

I first introduced this bill as S. 1881 on May 25, 1967. Hearings were held by the Subcommittee on Privileges and Elections, at which time the Honorable Fred Vinson, Assistant Attorney General, representatives of American citizens residing abroad, and various committees seeking improvements in the residence requirements for voting, testified or submitted statements in support of the bill.

In essence, the bill provides that no citizen of the United States who is otherwise qualified to vote in any election shall be denied the right to vote for the Offices of President and Vice President if he establishes residence in a new State not later than the first day of September next preceding the date of an election, and, further, no citizen of the United States who is otherwise qualified to vote by absentee ballot in any election shall be denied the right to vote for President and Vice President because of any requirement of registration that does not include a provision for absentee registration.

Mr. President, the citizens of the United States are highly mobile, and it is not uncommon for them to be sent to countries all over the world representing American industry, educational institutions, and other social institutions. The Bureau of the Census has estimated that up to 20 or 25 percent of the citizens of this country are in a state of transition. During the presidential election year of 1964 witnesses stated that as many as 8 million citizens were denied the privilege of voting either because they moved into a new State too late to comply with the residency qualifications or because they were unable to register by absentee procedures.

Several States have under the Constitution the right to establish qualifications of voters, including residence requirements and procedures for absentee voting. It is quite understandable that the States would claim certain reservations concerning the right of any citizens to vote in local elections on the ground that new citizens would have insufficient knowledge of local issues and local candidates to draw meaningful conclusions. However, mass media communication, especially TV, carry to all corners of the earth complete information concerning the national issues, the candidates for President and Vice President, and the problems facing the Nation at home and abroad. No matter where in the world a citizen may temporarily be residing, he has at least been well informed on the programs and policies of each candidate seeking the office of President. He ought not to be denied the voting franchise because of some antiquated residence requirement or absentee voting requirement.

The committee again this year will hold hearings, and it is hoped that those hearings will produce sufficient interest to demonstrate the need for the adoption of this bill so as to extend to all American citizens the right to vote at least for President and Vice President beginning in 1972.

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

The bill (S. 654) to enable the citizens of the United States who change their residences to vote in presidential elections, and for other purposes, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Rules and Administration.

S. 661—INTRODUCTION OF BILL TO RECALL DEFECTIVE TIRES

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill to direct the Secretary of Transportation to develop a procedure for the recall of defectively manufactured tires.

The bill would amend the National Traffic Safety Act to require the Secretary of Transportation, within 6 months, to develop procedures under which the tire manufacturers would notify every tire purchaser of potential defects in his tires. The notification—by certified mail—would explain the nature of the suspected defect and an evaluation of the safety hazard as well as measures to be taken to correct the defect.

In effect, this bill would simply extend the existing recall provision of the Traffic Safety Act which now applies only

to the automobile manufacturer, to the tire manufacturer.

The tire industry—like every modern manufacturing process—experiences continuous problems with quality control. And as a result, a number of defective tires are reaching the marketplace, and we know that this number is very much larger than any figures reveal. In reply to a questionnaire I sent to all tire manufacturers in August 1967, six companies replied that they have recalled a total of more than 125,200 tires in the last 7 years for inspection of defects.

Despite the fact that defective tires are reaching the consumer, there has never been a systematic recall of such tires from the consumer. In all cases related, the tires were recalled from warehouses or dealers.

Because most tire companies have no system for keeping track of their product after it leaves the factory, they contend that it is impossible for them to locate the owners of defective tires.

The consumer is clearly not being reached under the present system.

Since I first introduced this tire recall bill in November, 1967, many incidents have reconfirmed the need for this legislation.

First, it became apparent last winter that untold thousands of defective Firestone wide oval tires were on the roads. The sidewalls of the tires cracked and split severely at very low mileage, creating a significant safety hazard. Also, the tires had unusually rapid tread wear. In private, Firestone admitted to this problem and changed the design of this tire, but no recall was ever carried out.

Second, my office continues to receive, as it has since 1964 when I introduced the first tire safety standards bill in the Senate, a stream of letters from consumers whose original equipment and replacement tires are failing at uncommonly low mileage. The number of multiple failures of tires on new cars is also shocking.

And finally, the obvious need for the recall provision for defective automobiles—under which more than 5 million cars have been recalled in the past 2 years—helped convince officials in the Department of Transportation and in the office of the President's special assistant for consumer affairs that motorists deserved the same protection from defective tires that they were receiving from defective autos. Both the Department of Transportation and the President's special assistant for consumer affairs, Miss Furness, endorsed the tire recall bill in the last session of Congress.

All these incidents help to dramatize the need for a recall system for defective tires. Yet the need and urgency for a systematic procedure was brought into even sharper focus by two events in the last week.

On January 19, Mohawk Tire and Rubber Co. of Akron, Ohio, announced the recall of approximately 10,000 of their tires to check for a manufacturing defect that could cause blowouts. The company urged all owners of Mohawk tires by the trade name of Airflo in size 7.35 x 14 purchased since last February 1 to return to their dealers immediately and have the tire replaced at no charge.

To my knowledge, this is the first recall of defective tires at the user level in the history of the tire industry. I want to commend Mohawk for their safety-conscious action and urge their colleagues in the industry to heed Mohawk's example.

It is hoped that all the suspect tires will be exchanged speedily before injury comes to any of their owners. But because the company keeps no record of the tires after they are sold to the dealers, they must rely on the public news media to spread the word to the individual users. So it is foolhardy to expect Mohawk's recall attempt to be more than 50 percent effective.

The bill I have introduced today will establish a system for identifying each tire and keeping track of it from the manufacturer to the dealer to the user. Then, when recall is necessary, the manufacturer can reach the individual user directly and recall can be carried out with maximum efficiency. Certainly in this computer age, this is not an awesome task.

It is particularly urgent that this bill be passed quickly. For we know that the 10,000 Mohawk Airflo tires represent only a small fraction of the total number of defective or substandard tires on the roads.

It is now apparent that literally millions of tires now on sale to the public by major tire manufacturers have failed to meet the safety standards established under the National Traffic and Motor Vehicle Safety Act of 1966.

In the past 5 months, dozens of failures of the tire standards have been reported to the Department of Transportation by their contractors who are testing for compliance with the standards. Nine major tire companies including the top four producers who account for about 75 percent of total passenger tire production are involved.

The exact number of tires involved is not known at the moment. However, one Department of Transportation spokesman estimated that perhaps as many as two-thirds of all new tires sold had serious and potentially hazardous defects.

Yesterday, I released a letter to Secretary of Transportation John Volpe, listing all the tires that do not meet the Federal standards, and urging him to proceed to institute legal action against the tire companies who are violating the law, to inform the public in as comprehensive a manner as possible about the suspect tires, and to work with the tire companies to recall all the faulty tires and replace them. I ask unanimous consent that a copy of that letter and a list of the tires be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. NELSON. It is very clear that Congress must act immediately to establish a workable recall procedure for defective tires—a system which will protect the motorist and will put the responsibility for defective tires squarely with the tire manufacturer where it legally and rightfully belongs.

I ask unanimous consent that the bill be printed in the RECORD at this point.

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

The bill (S. 661) to provide an improved and enforceable procedure for the notification of defects in tires, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

"SEC. 206. (a) In addition to the requirements of section 113 of this Act, relating to notification of defects, not later than six months after the enactment of this section, the Secretary shall establish procedures under which every manufacturer of tires shall be required to furnish notification of any defect in any tire produced by such manufacturer which the manufacturer determines, in good faith, relates to motor vehicle safety, to the last purchaser of such tire known to the manufacturer, within a reasonable time after such manufacturer has discovered such defect.

"(b) The procedures established pursuant to this section shall provide—

"(1) a method of notice to each tire manufacturer of the names and addresses of the purchasers of the tires of such manufacturer;

"(2) for notification (A) by certified mail to tire purchasers other than dealers of tire manufacturers to whom tires were delivered, (B) by certified mail or other more expeditious means to dealers of tire manufacturers to whom tires were delivered, and (C) by such other means as the Secretary deems will assist in carrying out the purposes of this Act; and

"(3) coordination of the requirements of this section with the requirements of section 113 of this Act so as to avoid unnecessary duplication of notification of tire defects while assuring the greatest probability of notification to the user of a tire as to a defect therein as soon as possible.

"(c) The notification required by this section shall contain a clear description of such defect, an evaluation of the risk to traffic safety reasonably related to such defect, and a statement of the measures to be taken to repair such defect or to replace, if necessary, any tire with such a defect.

"(d) Every manufacturer of tires shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or purchasers of tires of such manufacturer regarding any defect in such tires sold or serviced by such dealer. The Secretary shall disclose so much of the information contained in such notice to the public as he deems will assist in carrying out the purposes of this Act, but he shall not disclose any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code unless he determines that it is necessary to carry out the purposes of this Act.

"(e) If through testing, inspection, investigation, or research carried out pursuant to this title, or examination of reports pursuant to subsection (d) of this section, or otherwise, the Secretary determines that tires of any class or description—

"(1) do not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to this Act; or

"(2) contain a defect which relates to motor vehicle safety;

then he shall immediately notify the manufacturer of tires of such class or description of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include all information upon which the findings are based. The Secretary shall afford such manufacturer an opportunity to present his views and evidence in support thereof, to establish that there is no failure of compliance or that the alleged defect does not affect motor vehicle safety. If after such presentation by the manufacturer the Secretary determines that tires of such class or description do not comply with applicable Federal motor vehicle safety standards, or contain a defect which relates to motor vehicle safety, the Secretary shall direct the manufacturer to furnish the notification specified in subsection (c) of this section to the purchaser of any such tire as provided in subsections (a) and (b) of this section.

"(f) For the purpose of this section the term 'manufacturer of tires' includes the retreader in the case of retreaded tires."

SEC. 2. Section 108(a)(4) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "or section 206" immediately after "section 113".

EXHIBIT 1

Hon. JOHN VOLPE,
Secretary, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: I want to bring to your attention what I consider to be a serious violation of the National Traffic and Motor Safety Act of 1966 which is threatening the safety of millions of Americans.

Under Section 1 of the Act, the Department of Transportation has established minimum tire safety standards. The first standards went into effect in January, 1968. However, I am informed that a substantial number of tires now on sale to the public by major tire manufacturers have failed to meet these standards, and that these manufacturers therefore are in violation of the law.

In the past five months, dozens of failures of the tire standards have been reported to the Department of Transportation by their contractors who are testing for compliance with the standards. Nine major tire companies, including the top four producers who account for about 75 per cent of the total passenger tire production, are involved. I enclose a list of tires reported to the Department of Transportation as having failed to meet the official standards.

I do not know the exact number of tires involved. One Department of Transportation spokesman estimated in mid-December that perhaps an many at two-thirds of all new tires sold had serious and potentially hazardous defects.

In any case, it is safe to say that there are literally millions of faulty tires on the roads today which are a clear and present danger to millions of unsuspecting American motorists.

Under Sec. 109(a) of the Act, any manufacturer who manufacturers or sells tires not conforming to the federal standards is subject to a civil penalty of up to $1,000 for each violation. In all cases listed above, the tire companies assured the Department of Transportation that their tires met or exceeded the federal standards and were therefore eligible to receive the Department's certification. This process of self-certification has been necessary in the past because the National Highway Safety Bureau has not had the funds nor the personnel and equipment to establish more than a spot testing program. They simply could not test and certify each tire themselves.

I urge you to take steps immediately to institute legal action against those who are violating the law, to inform the public in as comprehensive manner as possible about the suspect tires, and to work with the tire companies to recall all the faulty tires and replace them.

This serious situation provides a good opportunity to take a close look at the effectiveness of the tire standards program and in this connection I would like to make several suggestions to you concerning the program.

First, it seems obvious that the process of self-certification, whereby the tire companies certify that their tires meet federal standards, is not workable. If the tire standards program is to have any meaning at all, the National Highway Safety Bureau must be able to conduct a full-scale testing program where they can test every brand of every tire manufacturer who applies for the government's certification of approval. Without this ability, the government is not able to enforce its own standards. And to establish this kind of testing program, the Bureau needs funds for testing wheels and personnel which I hope you will request from the Congress.

Secondly, the recall of about 10,000 of their tires announced last Sunday by Mohawk Tire and Rubber Company demonstrates the need for a systematic procedure for recalling defective tires. I do want to commend Mohawk for their safety-conscious action. This is the first time in the history of the tire industry that tires have actually been recalled from users (as well as from dealers). However, as Mohawk said in their announcement, they do not have any records of where these faulty tires are and they must rely on the public news media to spread this information. This is obviously not an efficient system. It is doubtful that the recall can be more than 50 percent effective.

I am reintroducing in the Senate tomorrow a bill to establish a system for identifying each tire and keeping track of it from the manufacturer to the dealer to the user. Then, when recall is necessary, the manufacturer can reach the individual user directly and recall can be carried out with maximum efficiency. In effect, the bill would simply extend the recall provision of the National Traffic and Motor Vehicle Safety Act which now applies only to automobile manufacturers, to the tire manufacturers. The Department of Transportation and the President's Special Assistant for Consumer Affairs endorsed the bill in the last session of Congress, and I am hopeful that you will lend your firm support to the bill to assure speedy congressional action in this session.

And finally, I think the Department of Transportation should establish a firm policy that recall announcements be made by the Department in Washington to assure the broadest press coverage and dissemination to the public. This is information that is of vital public interest. The Mohawk recall incident is a good example of the need for broad press coverage. The effectiveness of the campaign rests solely on the press getting the information to the public. However, the Mohawk announcement was made in Akron, and none of the major newspapers in Washington and New York, at least received a copy of the news release from the company. I hope you will take whatever action is necessary to assure that these announcements henceforth come from the Department.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

Enclosure.

Tire manufacturer	Brand name and size	Test	Date of failure
Firestone	Delux Champion, 6.50x13	High speed and dimension	September 1968.
	Champion, 6.50x13	Endurance	Do.
	Delux Champion, 6.95x14	Strength	Do.
	Safety Champion, 7.35x14	do	August 1968.
	Delux Champion, 8.55x14	Labeling standard	September 1968.
	Super Sport Wide Oval, F70x14	Dimension	Do.
	"500," 8.15x15	Endurance	Do.
	Super Sport Wide Oval, H70x15	Dimension	June 1968.
B. F. Goodrich	Silvertown 660, 6.50x13	High speed and strength	October 1968.
	Silvertown 660, 6.95x14	High speed	Do.
	Silvertown 770, 7.00x13	do	August 1968.
	Silvertown 770, 7.35x14	do	Do.
	Silvertown 660, 8.25x14	do	October 1968.
	Silvertown 660, 8.55x14	do	Do.
Goodyear	Power Cushion, 6.50x13	Endurance and high pseed	Do.
	Power Cushion, 7.00x13	Strength	Do.
	Power Cushion, 7.75x14	do	Do.
	Power Cushion, 7.75x15	Endurance	September 1968.
	Safety All Weather, 7.75x15	Dimension	October 1968.
	Power Cushion, 8.45x15	High speed and dimension	September 1968.
General	Safety Jet, 7.00x13	Endurance	August 1968.
	General Jet, 8.15x15	do	October 1968.
	Safety Jet, 9.00x15	Endurance and strength	August 1968.
Uniroyal	Laredo, 6.50x13	High speed	September 1968.
	Laredo, 7.35x14	Dimension	August 1968.
	Tiger Paw, 8.55x14	Endurance	Do.
Dunlop	C. T., 6.50x13	Endurance and strength	August-September, 1968.
	Gold Seal, 7.75x14	High speed	August 1968.
Mansfield	Premium, 7.75x14	do	November 1968.
	Premium, 895/900x15	Endurance	Do.
Mohawk	Airflo, 7.35x14	do	July-August, 1968.
	Bonanza, 8.55x14	do	July 1968.
Armstrong	Premium Coronet, 7.35x14	High speed	August 1968.

S. 674—INTRODUCTION OF COMMUTER ASSISTANCE ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, I am today introducing the Commuter Assistance Act of 1969, legislation which will bring increased financial assistance to the Nation's hard-pressed commuter transportation systems—systems more than ever needed where urban sprawl has become urban crisis.

The gradual strangulation and atrophy of our urban transportation systems has been an important factor in the creation of that crisis. The problems that would arise from the failure to build a transportation system equal to the needs of giant city areas were foreseen long before our cities reached the serious—almost desperate—condition they are now in. Since coming to the Senate in 1958, I have worked for sound programs of Federal assistance for modern transportation networks for our ever-growing cities. We have made important progress. The Mass Transportation Act of 1964 was a major step forward, and in its 4 years of operation, has produced fine results. Without the assistance provided by this program, there is no question that vital commuter operations in cities like New

York, Boston, and Philadelphia would have ceased entirely. It has given impetus to the construction of new and modern systems in San Francisco, Cleveland, and Chicago. The long campaign for the passage of this act made people aware that for the city of today, an efficient transportation system was not merely a convenience, but an absolute necessity. But given the need, the amount of money being spent on a key part of our cities' life and growth is pitifully small. There are $4.5 billion available for highway construction, but only $175 million for mass transit. Former Transportation Secretary Boyd described well the absurdity of this disproportion when he said:

> We've got a bucketful of money for highways, and only a medicine dropperful for the rest.

We do not now have and never will have a balanced transportation system as long as this cockeyed imbalance in the spending of public funds exist.

Sound planning and sensible public policy call for spending money for transportation more equitably and where the most results for the tax dollar are achieved. We can build highways and airports from now until kingdom come without helping the commuter. The commuter clearly can not fly to work, and driving becomes a dangerous daily journey in pursuit of a probably nonexistent parking place. Instead of solving the traffic problem, we are wasting more valuable land to create ever larger traffic jams.

In an era when we are sending men to look at the dark side of the moon, it may seem an anachronism to talk about the railroads as a key part of modern transportation. But it has been pointed out that "a single passenger track can handle as many people in peak hours as a mile of expressway 20 lanes wide. A tax dollar can buy up to 20 times as much rail transportation as it can when it is spent on urban highways."

Linked with good bus service, the railroad is the most effective means of mass transportation. Railroads have one other decided advantage—not only do railroads use less land areas than sprawling highways, they are already there. By using existing rights-of-way to their fullest for transportation, we can avoid serious human problems created by putting new freeways into already overcrowded cities.

Mr. President, commuters depend on and will continue to use good railroad commuter service. In 1967, commuters constituted 67 percent of all passengers carried by railroads. These commuters paid $143.8 million to ride to and from work, and railroads with commuter service carried almost 200 million revenue passengers. Clearly, the end of commuter service would be a transportation disaster. In New York, for example, we have frequent lessons on the importance of commuter service everytime the Long Island Railroad, which carries 80,000 people a day, is shut down. They are unfortunate and negative lessons, but one picture of a traffic jam on the Long Island Expressway says more than a thousand words on why we must have good mass transportation.

Now that the Penn Central Railroad has taken the New Haven Railroad, it will carry about 138,000 people a day into Philadelphia, New York, New Jersey, and Boston, and 40,000 people a day go from New Jersey into Manhattan. It would be impossible to build a highway system large enough to handle that number of people if they were added to the rush-hour traffic jams already existing.

One myth that the mass transportation program has laid to rest is that people do not want to use mass transportation systems. Figures show that where good and efficient service is provided, it will be used. In the Philadelphia area, for example, the total number of commuting passengers rose 34 percent from 1962 to 1967—from 13.6 to 18.2 million. In northern New Jersey, passenger volume rose 6 percent in 1967 once the Aldene Plan was in effect. The Grand Trunk Railroad, serving the suburbs of Detroit, increased its passenger volume by 25 percent in 1967. Cleveland's recently begun high-speed service from downtown to Hopkins Airport, shows every sign of being a great success.

The taxpaying public certainly knows the importance of good commuter transportation, and will back spending with their votes. The voters of New York in 1967 authorized a $2.5 billion bond issue to revitalize the State's transportation systems. In the last election, the voters of New Jersey overwhelmingly approved a $640 million transportation bond issue. This is tangible evidence of the importance taxpaying Americans give to good transportation. All across the country there has been a consistent effort by States and local governments to improve existing commuter systems or, as San Francisco is doing, to build new ones from the ground up.

Mr. President, in the last session of Congress, I chaired hearings of the Housing Subcommittee of the Committee on Banking and Currency on the effects of railroad mergers on commuter transportation.

The subcommittee heard from an impressive array of witnesses from Government and the railroad industry. These hearings gave us a chance to review the entire commuter situation. On several points, there was almost unanimous agreement. Commuter transportation is an absolute necessity. As Mr. Owen Clarke, vice president of the C. & O./B. & O. put it:

> Urban transportation in the large cities can only be looked upon as a public service. It is analogous to police and fire protection, the construction and maintenance of highways and waterlines, and the operation of schools.

Second, privately owned railroads—even given the new financial strength brought by the recent series of mergers—cannot and will not operate deficit-ridden service. In agreeing to take over the Erie Lackawanna, Delaware & Hudson, Boston & Maine, the Reading, and the Central of New Jersey as a condition of their mergers, the C. & O. and the Norfolk & Western told the ICC it would take these ailing railroads only if the problem of commuter losses were solved.

Finally, all agreed that more Federal assistance was needed. Now, I know my colleagues have been told that more Federal assistance is the solution to the myriad problems which the Nation faces. But the ludicrously small amount of money we are spending now for mass transportation gives the argument force.

One solution which has worked well when tried by State and local transportation authorities is an operating subsidy. Since 1959, the State of New Jersey has spent $60 million for operating subsidies. Operating subsidies now keep good commuter service going into Boston and Philadelphia. There is nothing new or novel about the idea. The railroad industry recognizes that it does have a responsibility to the riding public, but asks that the public provide some support for the public service they provide. There is some question as to whether the railroads are doing all they financially can, but they cannot be expected to bear the entire expense of deficit-ridden commuter operations. But working with State and local transportation agencies, they can maintain and improve service.

Mr. President, a substantial portion of my remarks has been devoted to commuter trains. I have placed emphasis on the railroads only because they are already dangerously close to the eve of extinction, and not because the bus companies find themselves in a financially enviable position. Last year alone, for example, D.C. Transit, right here in the Nation's Capital, was granted a total of three fare increases. Each increase has been accompanied by a decrease in riders. Most of these lost riders turn to automobiles as their alternative form of transportation. This simply aggravates the already serious situation the community faces in coping with automobile and traffic problems. Furthermore, the segment of the community most dependent upon public transportation—the low-income group—is the group least able to pay the increases, and therefore, the most affected by the increased fares. It is my strong belief that commuter lines of all types, including buses, must be maintained in order to insure the continuing prosperity and well-being of the millions of people all over the country whose daily routine is so dependent on them.

The Mass Transportation Act provides capital grants for the construction or improvement of transportation systems. We must increase the appropriations for this program, which has never been funded at the level authorized by the Congress. At the same time, we should make money available to State and local transportation authorities to keep existing service going through operating subsidies. This is what the Commuter Assistance Act will do. It will provide Federal funds for operating subsidies over a limited period of time to aid those local agencies which are already doing more than their share in paying the transportation bill.

The bill is not intended to set up a program of permanent subsidies. An operating subsidy grant would have a 10-year limitation, although individual grants could be extended for another 5 years. During this period of time, we can hope that the necessary program of capi-

tal investment will be carried out which will put commuter transportation on a paying basis.

Under the provisions of the legislation I am introducing today, the Secretary of the Department of Transportation would make these grants on a two-third, one-third matching basis, not to the operating applicant itself, but to a public transportation authority which has broad responsibilities for maintenance of commuter transportation and upon whose contribution the ratio is based.

In operation, a State or independent public body with transportation responsibilities, will submit to the Department of Transportation a complete, long-term program setting out a limited period of time in which its operating deficits must be met and a comprehensive schedule for capital improvements. I am hopeful that this legislation will also stimulate creation of the broad regional transportation authorities which have proven so successful in dealing with the complex and interrelated problems of planning transportation for a particular metropolitan region.

As a companion measure, I am also introducing an amendment to the Interstate Commerce Act which will make it more difficult for railroads to eliminate passenger service, unless they have exhausted all possibilities for public assistance open to them.

Instead of allowing abandonment of service on the grounds it currently does, which are mostly financial, the Interstate Commerce Commission must first require that a carrier has made good-faith efforts to take full advantage of the provisions of the commuter service bill. In short, we will give all possible help to keep the railroads in business, but we will not tolerate their just walking out of the picture because that is the simple way out.

Similar legislation is being introduced in the House by my colleague of New Jersey, Representative JAMES HOWARD. Congressman HOWARD is well aware of the need for more assistance to commuter transportation systems, and he has worked hard to improve transportation facilities for residents of his district.

Mr. President, I hope that the new administration will pay close attention to this legislation. Under a Democratic administration, the importance of good urban transportation was recognized; a sensible program of assistance was begun with the Mass Transportation Act. The Commuter Assistance Act will give the Secretary of Transportation a new instrument for the improvement and continuation of good commuter service. It relies on a principle about which we have heard much from the Republicans—cooperation between private enterprise and State, local, and Federal governments in solving public problems. I hope that Transportation Secretary Volpe, who, as Governor of Massachusetts, should have learned the importance of urban transportation to the Greater Boston area, will give his support to increased aid and realize that highways alone cannot do the job. Good mass transportation by rail and bus is a vital part of a balanced national transportation system. We can rightly ask the present administration to carry forward the record of progress built by the Kennedy-Johnson administrations in the field of mass transportation.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD following my remarks.

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

The bill (S. 674) to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting any such discontinuance or change, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13a(1) of the Interstate Commerce Act (49 U.S.C. 13a(1)) is amended by inserting after "If, after hearing in such investigation," the following: "including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,".

SEC. 2. Section 13a(2) of the Interstate Commerce Act (49 U.S.C. 13a(2)) is amended by inserting after "The Commission may grant such authority only after full hearing" a comma and the following: "including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,".

S. 675—INTRODUCTION OF BILL RELATING TO CORPORATE DEMOCRACY FOR BANKS

Mr. WILLIAMS of New Jersey. Mr. President, I introduce a bill to strengthen the Federal Deposit Insurance Corporation and to provide for added corporate democracy in bank stock ownership.

This legislation provides for cumulative voting rights for shareholders in all federally insured banks. By cumulative voting, a group of minority shareholders would be able to vote their stock together and possibly elect at least one member to their bank's board of directors—insuring at least some minority representation in policy determinations.

This procedure is presently required in the voting of national bank stock. Certainly, such established democratic procedures which have worked so well in the past should be made applicable to State banks. Cumulative voting for the election of directors is an essential ingredient of corporate democracy and for the protection of the rights of minority stockholders. Its benefits should be extended throughout our banking system.

This bill would also add further safeguards to the Federal deposit insurance program. Under its provisions, federally insured banks would be prohibited from voting their own capital stock, or any such stock held in the bank's trust department. The right of banks to vote their own stock plus shares held in trust, coupled with the lack of cumulative voting, has had the effect of perpetuating entrenched management, thus disfranchising minority shareholders.

In some instances, shareholders' meetings have become meaningless rituals, with minority shareholders having little or no say in the bank's affairs. Surely such a situation does not bring confidence to our banking system. The democratic election of bank directors required under this bill's provisions will provide meaningful safeguards and added public confidence in our Nation's banks.

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

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

The bill (S. 675) to prohibit federally insured banks from voting their own stock and to provide for cumulative voting in federally insured banks, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 675

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

SECTION 1. The Federal Deposit Insurance Act is amended by adding the following new sections at the end:

"SEC. 21. No insured bank may directly or indirectly exercise or control the exercise of the voting rights of its capital stock.

"SEC. 22. In all elections of directors, each shareholder of any insured bank shall have the right to vote the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute them on the same principle among as many candidates as he shall think fit."

SEC. 2. The first sentence of section 5144 of the Revised Statutes (12 U.S.C. 61) is amended by striking "(2)" and all that follows in such sentence and inserting "and (2) any exercise of voting rights shall be consistent with the requirements imposed by section 21 of the Federal Deposit Insurance Act."

SENATE JOINT RESOLUTION 32—INTRODUCTION OF JOINT RESOLUTION RELATING TO CONSTITUTIONAL AMENDMENT TO PERMIT VOTING BY 18-YEAR-OLDS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a resolution proposing a constitutional amendment to permit voting by 18-year-old citizens.

Efforts to lower the voting age to 18 have been frustrated in the past due largely to the narrow perspective of our older citizens. Eighteen-year-olds have been looked upon only as teenagers without the mature judgment to cast a vote responsibly.

It was universally accepted that 21 was the age of maturity, of emancipation and

the beginning of reliable accountability. Times have changed, Mr. President. Today 18-year-old citizens can own property, draw wills, purchase firearms, be sued, or otherwise be held liable for their acts.

In most States they are no longer held to be juveniles. They have a military obligation and acquit themselves with honor and courage. Millions of them have worked intelligently and industrially in the Peace Corps, poverty programs, educational projects, and in political campaigns.

Four States—Alaska, Georgia, Hawaii, and Kentucky—already have changed their laws to permit voting by citizens less than 21 years of age. Almost 7 percent of our total population consists of persons between 18 and 21.

Today the great preponderance of 18-year-olds are high school graduates. Their education is superior to the requirements set by those States which demand that citizens pass a literacy test to determine eligibility for voting.

Eighteen is the beginning of adult life, not 21. Young married couples put themselves through college or work together to establish responsible positions in the community.

Let us hope, Mr. President, that the 91st Congress will accept this new challenge from the youth of our Nation with pride and help them to obtain the voting franchise.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 32) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 33—INTRODUCTION OF JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT PROVIDING FOR THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a joint resolution proposing a constitutional amendment providing for the election of the President and Vice President.

Mr. President, the debate which took place on the floor of both Houses of the Congress on January 6, 1969, involving the counting of electoral votes proves that, first, presidential electors are free agents and could, if the spirit moved them, cast their votes for Snoopy for President—and from the number of bumper stickers I saw advocating his candidacy, I would say that would be a real possibility; second, electors who are not legally bound to vote in accordance with the wishes of the people of a given State could thwart and frustrate all of the citizens of that State; and, third, the presidential elector under our present system is not an officer charged with responsibility, serves no useful purpose, and ought to be removed entirely from the process of choosing the President and Vice President of the United States.

However, I believe in the constitutional provisions allotting to each State a certain number of electoral votes in accordance with the total number of Senators and Representatives.

Each State has two Senators serving all of the people of the State plus one or more Representatives depending upon the population of the State. Proportional representation guarantees each State a weighted vote in the Congress of the United States. Consequently, the electoral votes should be retained.

The provisions of my joint resolution are in keeping with the wishes of the drafters of the Constitution except for the abolition of presidential electors who could no longer perform the functions intended by the original drafters of the Constitution.

The population of our Nation is too large today for an elector to be able to exercise the peculiar personal choice of candidates for President and Vice President that was intended at the latter part of the 18th century.

Millions of voters now have the right to expect that their votes will be honored in choosing the country's two highest officers. This resolution, therefore, abolishes the presidential elector but not the electoral vote.

Following the casting of votes by all of the people on election day, the lists of all persons for whom votes were cast on election day for the offices of President and Vice President, the responsible election official for each State, and the District of Columbia would transmit all that information to the President of the Senate.

Thereafter, the President of the Senate at a joint session of the Congress, would open all certificates and count the votes.

Each person for whom votes were cast for President in each State and the District of Columbia would be credited with such proportion of the electoral votes as he received of the total vote cast by the electors of that State for President. In making computations, fractional numbers less than one one-thousandth would be disregarded.

The person having the largest number of electoral votes for President would be President if he received at least 40 percent of the total electoral vote. If no person received 40 percent of the electoral vote or if two persons received an identical number of such votes which is at least 40 percent of the total electoral vote, then from the persons having the two greatest numbers of electoral votes the Senate and House, in joint session, would choose by ballot the President. A majority of the votes of the combined membership would be necessary for a choice.

The same procedures would apply to the choosing of a Vice President.

Mr. President, a great many different proposed amendments have been introduced in the past and will, I am sure, be offered this year.

In my opinion, however, the electoral votes should be preserved but cast not on a winner take all basis, as is done under the existing law, but on a proportional basis in accordance with the votes cast by our American citizens.

My bill preserves the historical structure of the Constitution, yet eliminates the "unfaithful elector" and fairly distributes the electoral votes to reflect in a truly democratic manner the wishes of the voters.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 33) proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

Mr. AIKEN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New Mexico (Mr. ANDERSON) be added as a cosponsor of the bill (S. 111) to amend title XVIII of the Social Security Act so as to provide a more uniform, orderly, and economical method for the payment for physicians' services under the supplementary medical insurance program for the aged established by part B of such title.

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

Mr. PEARSON. Mr. President, when I introduced the Rural Job Development Act of 1969 (S. 15) on January 15, 1969, I was particularly pleased to have the senior Senator from South Dakota (Mr. MUNDT) joining as one of the 36 cosponsors of the bill. Thus, I was distressed to learn later that due to error Senator MUNDT was not listed in the official record as a cosponsor. Therefore, Mr. President, I ask unanimous consent at this time that Senator MUNDT be added as a cosponsor at the next printing of S. 15.

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

Mr. METCALF. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill (S. 500) to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income.

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

SENATE CONCURRENT RESOLUTION 5—CONCURRENT RESOLUTION TO PRINT ADDITIONAL COPIES OF HEARINGS ON THE NOMINATION OF WALTER J. HICKEL, TO BE SECRETARY OF THE INTERIOR

Mr. JACKSON submitted the following concurrent resolution (S. Con. Res. 5); which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Interior and Insular Affairs five thousand additional copies of the hearings entitled "The Nomination of Governor Walter J. Hickel, of Alaska, to be Secretary of the Interior" held January 15–18, 1969.

SENATE CONCURRENT RESOLUTION 6—CONCURRENT RESOLUTION RELATING TO THE ADJOURNMENT OF CONGRESS

Mrs. SMITH submitted the following concurrent resolution (S. Con. Res. 6); which was referred to the Committee on Rules and Administration:

S. CON. RES. 6

Resolved by the Senate (the House of Representatives concurring), That section 132 of the Legislative Reorganization Act of 1946 is amended to read as follows:

"SEC. 132. (a) Effective with the first session of the Ninety-first Congress, in each even-numbered year in which the two Houses have not adjourned sine die by August 15, they shall stand adjourned on that date, or on the next preceding day of session, until 12 o'clock meridian on November 15 in that year, or the following Monday if November 15 falls on Saturday or Sunday; and in each odd-numbered year in which the two Houses have not adjourned sine die by August 1, they shall stand adjourned on that date, or on the next preceding day of session, until 12 o'clock meridian on November 1 in that year, or the following Monday if November 1 falls on Saturday or Sunday.

"(b) The consent of the respective Houses is hereby given to an adjournment of the other for the period specified in subsection (a)."

SENATE RESOLUTION 60—RESOLUTION AUTHORIZING THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO INVESTIGATE CERTAIN MATTERS WITHIN ITS JURISDICTION—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 60); which was referred to the Committee on Rules and Administration:

S. RES. 60

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a), and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Interior and Insular Affairs, including national parks and recreation areas; Indian affairs; irrigation and reclamation; water and power resources; minerals, materials, and fuels; public lands; environmental studies; and territories and insular affairs.

SEC. 2. Pursuant to its authority under section 134(a) of the Legislative Reorganization Act of 1946, as amended, the committee is authorized to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, documents, and to take such testimony on matters within its jurisdiction as it deems advisable.

SEC. 3. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 61—RESOLUTION TO CREATE A SPECIAL COMMITTEE ON FILM CLASSIFICATION

Mrs. SMITH submitted the following resolution (S. Res. 61); which was referred to the Committee on Commerce:

S. RES. 61

Resolved, That there is hereby created a special committee to be known as the Committee on Film Classification and to consist of five Senators appointed by the Vice President of whom not more than three shall be members of the majority party.

SEC. 2. It shall be the duty of such committee to study and survey by means of research and investigation all of the problems of film classifications as they have appeared or may appear both in this country and elsewhere throughout the world, and to obtain all of the facts possible in relation thereto which would not only be of public interest but which would aid the Congress in enacting remedial legislation contemplating limitations upon the exhibition of certain motion pictures to minors, and to report to the Senate at the earliest practical date but not later than January 31, 1970, the result of such studies and surveys. No proposed legislation shall be referred to such committee and such committee shall not have the power to report by bill or otherwise have legislative jurisdiction.

SEC. 3. Said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the session, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, not to exceed $25,000 as it deems advisable.

SEC. 4. A majority of the members of the committee, or any subcommittee thereof, shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking testimony.

SEC. 5. For the purposes of this resolution the committee is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SENATE RESOLUTION 62—RESOLUTION RELATING TO THE DEATH OF REPRESENTATIVE ROBERT A. EVERETT, OF TENNESSEE

Mr. BAKER (for himself and Mr. GORE) submitted a resolution (S. Res. 62) relative to the death of Representative ROBERT A. EVERETT, of Tennessee, which was considered and agreed to.

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

SENATE RESOLUTION 63—RESOLUTION AUTHORIZING THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO MAKE CERTAIN INVESTIGATIONS—REPORT OF A COMMITTEE (S. REPT. NO. 91-4)

Mr. McGEE, from the Committee on Post Office and Civil Service, reported an original resolution (S. Res. 63); and submitted a report thereon, which report was ordered to be printed, and the resolution was referred to the Committee on Rules and Administration, as follows:

S. RES. 63

Resolved, That the Committee on Post Office and Civil Service, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and conduct such studies as may be deemed necessary with respect to any and all aspects of—

(1) the postal service, including studies of mechanization, modernization, personnel policies, utilization of manpower, hours, wages, work schedules, and management techniques, designed to improve postal service in the United States;

(2) the Federal civil service, including retirement, life and health insurance, and general consideration of legislation to improve the quality of Federal employment and Federal personnel policies and practices; and

(3) committee jurisdiction concerning the census and the collection of statistics.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1969, until January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments and agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 64—RESOLUTION TO PROVIDE FOR A STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICY OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original resolution (S. Res.

64); which was referred to the Committee on Rules and Administration:

S. RES. 64

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate, and may enter into contracts for this purpose.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $275,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 65—RESOLUTION TO AUTHORIZE THE SENATE TO RESPOND TO OFFICIAL INVITATIONS RECEIVED FROM FOREIGN GOVERNMENTS OR PARLIAMENTARY BODIES AND ASSOCIATIONS—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original resolution (S. Res. 65); which was referred to the Committee on Rules and Administration:

S. RES. 65

Resolved, That the President of the Senate is authorized to appoint as members of official Senate delegations such Members of the Senate as may be necessary to respond to invitations received officially from foreign governments or parliamentary bodies and associations (including the Commonwealth Parliamentary Association) during the Ninety-first Congress, and to designate the chairman of said delegations.

SEC. 2. (a) The expenses of the delegations, including staff members designated by the chairmen to assist said delegations, shall not exceed $25,000 for each such delegation, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairmen of said delegations.

(b) The expenses of each delegation shall include such special expenses as the chairman may deem appropriate to carry out this resolution, including reimbursements to agencies for compensation of employees detailed to each delegation and expenses incurred in connection with providing appropriate hospitality to foreign delegates.

(c) Each member or employee of each delegation shall receive subsistence expenses in an amount not to exceed the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88-633, approved October 7, 1964.

TRIBUTE TO LYNDON BAINES JOHNSON

Mr. MANSFIELD. Mr. President, the Senator from Washington (Mr. MAGNUSON) has prepared a tribute to President Johnson. In his absence from the Senate today, I ask unanimous consent that his statement may be printed in the RECORD.

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

STATEMENT BY SENATOR MAGNUSON

In paying tribute to President Johnson, I join my colleagues, not as a historian, but as a friend who will miss the warmth and companionship of this great man.

In the thirty-two years since Lyndon Johnson and I stood together and were sworn in as freshman Congressmen, I have had the privilege of working with him almost daily, and of sharing some of his rare moments of leisure.

During this time, Lyndon Johnson has impressed upon me the qualities he brought to American politics: immense energy, passionate commitment, and enormous personal strength.

These qualities marked President Johnson as a truly big man. His departure leaves a special void for us and for the Nation.

We will miss him.

THE PORTSMOUTH NAVAL SHIPYARD

Mrs. SMITH. Mr. President, the members of the Navy League of the United States, Portsmouth chapter, at their annual Navy Day meeting on October 24, 1968, passed the following resolution:

It was moved, seconded and passed unanimously, that the Portsmouth Naval Shipyard be kept open and in operation for the needed defense of our great country, these United States, and that the representatives in Washington be so advised, that this motion be presented before the Congress of these United States and be placed upon the Congressional Record.

In response to the language of this resolution and to the request of Rear Adm. George E. Peterson, president of the Portsmouth chapter, I have thus read the resolution into the CONGRESSIONAL RECORD and presented this motion before the Congress of the United States.

EQUAL EMPLOYMENT OPPORTUNITY IN FEDERAL-AID HIGHWAY WORK

Mr. RANDOLPH. Mr. President, on Friday, January 17, the Subcommittee on Roads of the Committee on Public Works concluded a series of hearings reviewing the implementation of the equal employment opportunity provisions enacted as part of the Federal-Aid Highway Act of 1968. This comment is in the nature of an interim report on those hearings and the manner in which the law is being administered.

The timing of our hearings, begun so soon after the 91st Congress convened, highlights the intense interest of the members of the Committee on Public Works in this subject. Our purpose is to assure that the objectives sought by the Congress and the actual implementation of the EEO program are not lost in an overly complicated and unresponsive administration of the statutory requirement that employment in highway construction be open to all persons without regard to race, color, creed, or national origin. The language of section 22 of the Federal-Aid Highway Act of 1968 emphasizes the need that opportunity for employment be accorded to all qualified applicants.

The hearings were undertaken in an effort to make certain that at the beginning of the implementation of this law no situation develops which could make it impossible or unnecessarily difficult to carry out the Federal-aid highway program. During the months since Congress adjourned we received repeated complaints that the proposed method of implementation was so uncertain that it was difficult to achieve the established goal and, as a result, the construction program was being unduly delayed. As a concomitant result, employment in highway work was being severely curtailed. The hearings brought out with clarity and without question the high commitment of most of the people concerned with the highway program to the principles underlying the equal employment opportunity provision. With equal clarity it was established that, as with all new programs, there is a wide difference of opinion as to how this worthy goal could best be achieved.

The committee heard 29 witnesses representing those engaged in the construction industry, persons and agencies seeking employment opportunities, and officials responsible for administering the program at the State level and in the Federal Highway Administration.

So that there is no misunderstanding, I reemphasize that all the witnesses acknowledged, without question or condition, the propriety of the equal employment opportunity policy. All the witnesses stated clearly for the record that they wanted to assist in making the program succeed.

The staff of the Committee on Public Works, at the direction of the members of the committee and under my supervision, is reviewing the record in detail to ascertain the facts and circumstances surrounding the program at this time. In the meantime, it is my understanding that a number of the parties to the problem have begun to meet to see if they can arrive at a workable method of implementing the program.

Pending the development of our committee report on the hearings and pending the outcome of on-going meetings, the members of the Committee on Public Works, individually, are seeking to assist wherever and however they can. It is my intention to convene a conference of Federal and State officials, representatives of the highway construction industry, labor union executives, and the leaders of private organizations interested in making equal employment opportunity a reality. The purpose will be to move this program from the arena of public discussion to day-to-day implementation as early as possible.

I commend our witnesses for their valuable contributions to a better understanding of the problem. And I acknowledge the plea for assistance made to us by the 21 contractor witnesses who wish to fulfill their obligations as enlightened employers while, at the same time, carrying out their responsibilities in the national highway construction program. I am impressed with the reservoir of good will and high purpose which the testimony revealed. It is my hope that the solutions we hopefully will achieve will provide guidelines for other Federal agencies likewise struggling with the implementation of equal employment program objectives.

TRIBUTE TO LYNDON BAINES JOHNSON

Mr. COTTON. Mr. President, I wish to join my colleagues on both sides of the aisle in words of appreciation to our former President, Lyndon Johnson.

When I came to the House of Representatives, he was still a Member of that body, though he shortly moved to the Senate. Like others here I served with him during his entire career as majority leader. I doubt if, in the history of this body, there has ever been a more skillful and adroit leader. Some Senators have claimed that he handled the Senate as a chess player moves his pawns about the board. That, of course, is exaggerated. He always reminded me more of a football coach pacing up and down the sidelines, calling his players from the field and whispering in their ear with his arm across their shoulders, or sending in new ones with a slap on their back.

I sometimes wonder if, when he became President, he was a bit baffled and bewildered because he could not move millions at home and foreign nations into line by the same tactics. He made a good stab at it, however, and might have succeeded in thawing the cold war and making strides toward peace at home and abroad had it not been for the tragedy of Vietnam.

In his own words, he "tried." No President ever tried harder. No President ever worked harder. No President has been more devoted to the welfare of his country and mankind. We who served with him here in the Senate knew this. Though some of us disagreed with him at times, we never questioned his ability or doubted his dedication.

He came to the Presidency under tragic circumstances. We will always remember how well he conducted himself following the events in Dallas. He was fated to meet with unusual difficulties. He gave of himself unstintingly, and history may well accord him laurels as it has other Presidents who seemed to struggle vainly in times of stress.

We owe him our gratitude. We owe him our prayers for a long and happy life.

PLANNING-PROGRAMING-BUDGETING—PPB

Mr. JACKSON. Mr. President, the Subcommittee on National Security and International Operations has been making a nonpartisan study of the planning-programing-budgeting system—PPBS—in the national security area.

In its study, the subcommittee has sought to get the basic issues relating to the use of program budgeting and systems analysis methods out in the open, to encourage, to the extent possible, a sound estimate of their worth.

The subcommittee solicited the views of eminent authorities, published studies and memorandums on the issues of the inquiry, and held a series of hearings during which informed witnesses testified from their differing perspectives. These hearings and our subcommittee publications have found a wide audience in this country and abroad among government officials, in business circles, and in colleges, universities, and research centers.

Drawing on this testimony and counsel, the subcommittee staff has made certain interim comments on the application of program budgeting and analysis in national security affairs.

Mr. President, I ask unanimous consent to have printed in the RECORD the substance of these staff comments.

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

PLANNING-PROGRAMING-BUDGETING—
INTERIM OBSERVATIONS

(From a study submitted by the Subcommittee on National Security and International Operations to the Committee on Government Operations, U.S. Senate, December 2, 1968)

The quest for national security is not the work of a year or a decade. It is an unending task—and in a world in which technologies and expectations are changing rapidly and in which our Nation faces powerful and unpredictable adversaries, it is a task where mistakes in policy can ill be afforded. Procedures and arrangements that were scarcely adequate even for a simpler and safer time will not necessarily do, and those whom we place in positions of responsibility need better help than ever before.

As one step in the continuing effort to improve our national policy processes, President Johnson decided in August 1965 that a Planning-Programing-Budgeting System (PPBS) should be introduced throughout the Executive Branch, along the lines of the system introduced into the Department of Defense starting in 1961.

Stripped of the technical verbiage which characterizes the imperialism of specialists in all fields, PPBS is an effort to help policymakers make better policies.

A key element is the *program budget*, that is, a budget which links the goals the policymaker hopes to accomplish to the expenditures by which he proposes to meet these goals. In theory, a program budget would display not only initial, first-year costs but also full costs over the life of the proposed program, or at least over a period of several years.

A second key element in the PPB approach is analysis, and, in particular, an art-form known as *systems analysis* that attempts to provide the policy-maker with a comprehensive and orderly measure of the advantages and disadvantages of alternative means of accomplishing a given end, relying heavily on quantitative data.

It is still too early to reach definitive judgments on the contributions program budgeting and systems analysis can make to the improvement of the national policy process. It is not too early, however, to derive some lessons from DOD experience and from the initial experiments with PPB in other departments and agencies concerned with defense and foreign policy.

Drawing on the testimony and counsel presented to the subcommittee, the following observations seem appropriate at this time:

One: PPB is a tool. Like any tool, it can be useful in experienced hands—and dangerous in unqualified and injudicious hands.

It is *not* a device by which a policy-maker can safely delegate his decisions to subordinates, advisers, and consultants, in the belief that the system will produce "scientific" (and therefore unassailable) solutions. Given Ptolemaic assumptions, a computer will produce geocentric conclusions. The analyses generated by the PPB approach involve conjectures or assumptions of critical importance. A responsible decisionmaker will want to make or assess these conjectures for himself—and no responsible analyst would have it any other way.

Two: Modern management techniques have obviously come to the Department of Defense to stay. Without them the direction of the world's largest single enterprise would impose impossible burdens on its chief.

The law puts the Secretary of Defense in charge of his Department. It does not tell him how to take charge. To be chief in more than name, he must see to it that key policy issues and key conflicts of judgment among Indians in and out of uniform are presented to him in intelligible form.

Military requirements will continue to exceed the resources a President and a Congress will be prepared to provide: hard choices are inevitable, and the use of cost-benefit criteria will help a Secretary on certain of these choices.

Historically, program budgeting has been applied mainly, and most successfully, in decisions that are chiefly budgetary. Though many decisions in the Defense Department are not primarily matters of resource allocation, the defense budget is so large that the scope for skillful budgetary practice is considerable.

Moreover, for a Secretary of Defense the budgetary process can provide a powerful means of exercising his general authority over defense policy. As Thomas Schelling emphasized to the subcommittee:

"Some people have more instinct than others, or better training than others, for using the purse strings as a technique of management and a source of authority . . . but almost anyone concerned with administration sooner or later discovers that control of budgetary requests and disbursements is a powerful source of more general control."

The programming-budgeting system as introduced and developed in the McNamara tenure has already been adjusted and modified, and further changes will be made as future Secretaries of Defense bring their unique talents and styles of operation to the Department.

For example, a Secretary may wish to retain the program-budget approach and the capability it provides for control of those matters on which he wishes to act, yet decentralize many detailed decisions that were brought to a predecessor. Another Secretary may also rely less on a central systems analysis staff as strong and sophisticated centers of analysis develop in other elements of DOD.

Three: PPB was extended to all major federal departments and agencies in August 1965 without a period of selective experimentation and testing in non-defense departments and agencies. At that time, some BOB officials argued for a step-by-step approach, and with the advantage of hindsight it is now apparent that this advice was wise.

The top management of some agencies, such as AID, was ready for PPB. For many years, in preparing foreign aid budgets, AID had been trying to relate American assistance more closely to country development programs looking several years ahead and to economic aid available from international agencies and other outside sources. In principle, program budgeting should be able to contribute to an improvement of economic assistance programs, for AID is engaged in

the kind of resource allocation problems suited to this approach. As William S. Gaud, Administrator of AID, told the subcommittee: ". . . in August 1965, when President Johnson announced Government-wide adoption of the PPB system, the directive came to AID not as a shock, but as a fillip. In fact it was a confirmation of what we were already doing."

Top management in some other agencies, however, was not persuaded that PPB was well suited for their tasks. Yet for PPBS to work there must be a responsible person or body that wants this tool to help provide the organized data and arguments on which to base a decision. Thomas Schelling expressed it this way:

"PPBS works best for an aggressive master; and where there is no master . . . the value of PPBS is likely to be modest and, depending on the people, may even be negative."

Even for some willing and interested consumers it was difficult to learn what PPB could do for them and how to comply with the requirements set by BOB. As Frederick Mosher put it to the subcommittee:

"Clearly, in most areas of federal activity, the Defense model of PPBS could be helpful only in peripheral ways. Most would have to develop their own blueprints, adapted to their own subject matter, their own power structure, their own environment, and their own culture."

Furthermore, there had been little or no preparatory work in the foreign policy field (or most domestic fields) in any way comparable to the decade of study and experience at the RAND Corporation and elsewhere that provided techniques and trained analysts for the application of PPB to defense problems.

Whatever the reasons may be, the exaggerated hopes of some that PPB would enable the Executive Branch to identify national goals with precision, determine which goals are most urgent, and measure exactly the costs and benefits of alternative policies, have died away.

Four: In the application of PPB, it is important to take careful account of the special circumstances and needs of different agencies and not to force all into the same Procrustean bed.

While the new techniques may be mutually supporting in some cases, a caution is in order. As Charles Hitch has said: ". . . We are not dealing here with a matter of either/or. There is an infinity of degrees. Not only may one introduce a program budget without systems analysis or vice versa, but each may be used in limited areas or ways, and sometimes quite productively."

Inflexibility could be the *rigor mortis* of PPB.

It is encouraging that PPB requirements have become more elastic since 1965:

Initially, federal agencies were required to submit comprehensive five year projections of all their programs; this unrealistic demand was changed in 1967 to require such projections *only* for programs already approved.

By all accounts, the elaborate and stereotyped BOB requirements for "program memoranda" on matters small and large, peripheral and central, back-burner and front, tended to produce archives of superficial and uninteresting papers—unread by busy officials, who do, on the whole, try to make good use of their time. In 1968 it was decided to require agencies to prepare "program memoranda" not for all "program categories" but *only* for programs within which major policy issues have been identified.

Confusion and unnecessary work for both agency and BOB staffs resulted from the two-track system of budget presentations, one geared to program budgeting and the other to conventional appropriation categories. In 1968 agencies were encouraged to make adjustments that would assist in integrating program and appropriations structure, where this could be done without impairing the usefulness of the program budget format for Executive Branch program decisions.

The effort to impose a PPB structure on State's budget was suspended in 1967 (except in connection with international educational and cultural exchange programs) and has not been resumed. The hard decisions in foreign affairs are laden with value judgments that elude quantification and are typically little affected by the constraints of State's own budget.

Adaptation, experimentation and selectivity are now on the PPB menu.

Five: A major issue today as in the past is how best to generate more coherence in the planning and operations of the several departments and agencies in the field of foreign affairs.

Would the installation of an interagency foreign affairs program budget be a promising way to extend and strengthen the authority of the Secretary of State over the conduct of foreign affairs? Is this what a President and his Secretary of State want? And is this what Congress wants? Would the expected advantages of central direction and control justify the move away from the real, or fancied, advantages of the decentralized initiative and responsibility of agencies like USIA, AID, the Peace Corps, the Department of the Treasury, and others?

Considering the complexities and ambiguities of these issues, it is not surprising that the Bureau of the Budget and the Department of State have been, to use the words of BOB Director Charles Zwick, "moving forward pragmatically and deliberately."

Interesting experimental efforts underway include:

The ongoing CASP project (County Analysis and Strategy Paper), which is being tried in State's Bureau of Latin American Affairs and which attempts to relate, systematically and explicitly, our policies and programs to our objectives, country by country, throughout the region;

An interagency effort, sponsored by the State-chaired Senior Interdepartmental Group (SIG), to develop a model foreign affairs program budget for one country; and

Participation by the SIG in the review of programs and budgets of agencies with overseas responsibilities.

Six: Nowhere is the need for improved policy analysis more critical than in foreign affairs.

Given the fashionableness of quantitative analysis and the magic aura surrounding the computer, it is unfortunately the case that some analysts are tempted to employ quantitative methods where they are clearly inappropriate, may introduce distortions, and can do positive harm.

Policy analysis need not be dominated by methods that risk short-changing, ignoring, or misreading non-quantifiable costs and benefits. But it sometimes is; some people seem to believe there is safety in numbers. The good foreign affairs analyst has of course always attempted an "advantage-disadvantage" (as contrasted to a "cost-benefit") analysis of alternative policies for pursuing foreign policy goals.

It may be that a concerted effort by the Department of State would reveal methodological insights and techniques that could improve foreign policy analysis. For example, much might be gained if the Department of State worked out arrangements with a few universities and organizations like RAND where pioneer work in policy analysis is underway. Promising officers could be assigned to these centers for training and experience in a variety of analytical techniques, as a means of seeking new skills that might add to the Department's capabilities.

Seven: Members of Congress clearly have not welcomed all the implications of PPB.

Under our Constitution, Congress is responsible for the authorization of programs and the appropriation of funds. Congress is obviously concerned when an Executive Branch official steers away from careful analysis of his pet projects. James Schlesinger posed the issue in these words for the subcommittee:

"Will the decisionmaker tolerate analysis—even when it is his own hobby horses which are under scrutiny?

"How many hobby horses are there?

"Are they off limits to the analysts?"

It would be helpful for the Executive Branch to provide Congress with more high quality studies in support of program proposals. Provided that the needs of security can be satisfied, and experience suggests that they can be, an independent evaluation by Congress of the rationale for key programs should make a net contribution to the quality of our national policy process. Members of Congress would, of course, look at supporting studies skeptically, since they are well aware that figures can be used to mislead as well as to clarify. Analyses are bound to vary in quality, some are designed more to support a preconception than to challenge it, and critical assumptions will often be hidden or unstated.

Meanwhile, Congress needs to increase the capabilities of its own committees and their professional staffs for the analysis of policy problems, and to take better advantage of consultants and other sources of advice and counsel to improve its contributions to the decisions on which the safety and welfare of the nation depend.

FREE PRESS, FAIR TRIAL

Mrs. SMITH. Mr. President, Col. G. O. Ashley, U.S. Air Force, retired, has written a very succinct and perceptive paper on the conflict between the press and the courts, known as the free-press, fair-trial issue.

Having written an article on this subject myself for the American Bar Association Journal, I have a keen interest in this subject. In addition to such interest, as a former member of the press, both with a weekly newspaper and as a nationally syndicated columnist and as a successful plaintiff in a libel suit, I find his paper to be very cogent.

I invited the attention of all Members of this body to it and I ask unanimous consent that it be placed in the RECORD.

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

FREE-PRESS, FAIR-TRIAL

(By G. O. Ashley)

It is awkward with the typography we own to give equal billing to the vain protagonists in a dispute now evident. An overprint is possible, which has both press and trial on a same line: as Press. Notice how clearly the "r" stands out. Let it stand for reason, and let us apply that to the present dispute.

The dispute now over billing, and adjectives, may demean us, if it goes on much more. We have been caught up in a verbal harangue. It is time we undid the parts of the dispute about "free press" and "fair trial" that we are able to undo. For signs exist in the present dispute that it has become one of "which of the two shall prevail" over the other. Reflectively, we know neither may safely or should prevail. For they are two legs of a tripod of social sense and reason. If effective media do not inform the people, from whom jurys are drawn, then the jury system of the law could become a charade of ignorance. Thus, hear this from one of the people, sided now neither way, above.

It would be prudent for us to notice now that most of the verbal trouble lies in the modify words. The two adjectives, "free" and "fair," were put on the key words once as a

poetry. They were put on also as expressive of a noble goal, toward which there ought to be honest striving. At a time, the people indorsed tacitly both modifyers, from seeing their advantage in the ultimate of each. Now the people see a wrangle of words.

Much of the present bellicosity has developed because one side or the other is condemning the other for not having achieved more, toward its noble striving. A time has come then for both the pot and the kettle to desist from calling each other black, lest the people who have an interest in the dispute become supplied with so much defamation of both they lose confidence at the tarnish of each.

Two examples of many in public domain ought to make a point about the snide level comments have come to, from both sides. ANPA said of legal jargon, "It must be remembered that technical criminal charges often, absent counsel, appraise neither the accused nor the public of the crime alleged." If true, that does not flatter the law, the national level of learning helped by the press, or an educational system that might have instilled more language wisdom. From the law, by Prof. Barron, we find . . . "Thus, we are presented with the anomaly that the protagonist of the "absolute" view of free speech has helped fashion a protective doctrine of greatest utility to the owners and operators of the mass communications industry." Neither example may be said to be soothing or complimentary, surely.

It does not engender sensible dispute if we drop adjectives and speak of the "press," by itself. The literate among us know straightaway what the subject is about. We know straightaway of the arrangement of men and facilities and investment and tradition of it. We know of the requirement for profit and effectiveness, since today the press is one of four important media. And the same knowledge comes to us directly if the subject is a "trial." We know of its adversary nature, of its troubles with interpretation, and its tradition.

It is only when one puts the present adjectives on—free and fair—that the present petulant and snappish conflicts of meaning and intention begin. We all know that some of the press, ennobled as it may be in its striving to be fully "free," has not been always so. And it is only when we put the other adjective on trial that we are aware some trials have fallen short of their ennobling goal of being fully "fair."

The peevishness of the present dispute has been noted. Some lawyers have taken to billing placement, insisting on the order in print "fair trial-free press." Some journalists want it the other way around. Publications by each side show this present nitpickery.

This is construed by some of the people as a sign this matter has come down to a carping stage, an effort at some trivial one-upmanship, and that the lofty principles have been lost sight of. So it could be useful to note that the adjectives at issue could stand to have three things said about them.

As noble goals, they served awhile. There is now evidence they are becoming misused.

They could be retired as words without loss or harm. Retired, they may become refurbished of better meaning, for a later more fit usage.

Other constituted words do fit as well, which if used might extract some of the venom from present disputes.

We have the liberty, if we will it, to go forward once more thinking together using words from our mutual Constitution. We may take from it the more potentially useful adjectives, for our next effort on noble striving by both sides, in which an admiring public then might join. We would clearly tolerate no dampening of the earnest desire for perfection of form, either of the press or of trials or of ourselves.

And if seen correctly as desirable, adjectives from the Constitution do not preclude this. If seen correctly, their use could sponsor a new surge of nobility, to replace the quibble of committees and study groups and ad hoc et cetera there is now.

From the Constitution, we notice the motive word for the press in Amendment I is "abridging." So let's begin striving now for a more "unabridged press," one hopefully not even abridged by itself, from a lack of talent.

And of the courts and trials and the law, Amendment V makes it clear that trials should strive to become a "due process." So we could begin striving now for a more full and due process, a process prepared and eager to submit itself to inquiry from any source at any time, from it being so sure its process has been a due one, and fitting, that no injury could fault it. Using "unabridged press" and "due process trial" is wholly constitutional, for those of that emphasis. Both may inspire men poetically, and stimulate men toward perfection, as the mind of man may conceive any words having that capability. And they may unhook us in a timely way from the two other adjectives that have helped to create polarization and bad-naming of other's motives.

Now it remains to be seen if there are enough well-meaning men among us. An alternative has been offered, now.

MAYOR ROLL OF DISTRICT HEIGHTS, MD.

Mr. TYDINGS. Mr. President, in an article published on January 2, 1969, the Washington Post paid tribute to one of Maryland's outstanding mayors—Mayor E. Michael Roll, of District Heights. Because the article, written by Peter Osnos, will serve as an example of the kind of dedication it takes to be a good mayor, I request that it be printed in the RECORD.

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

HAS 275 MEETINGS A YEAR

(By Peter Osnos)

Emmett Michael Roll, the genial mayor of District Heights and newly-elected president of the Maryland Municipal League, is the consummate civic activist. By his own calculation, 65-year-old "Mike" Roll attends upwards of 275 meetings a year, despite the fact that he has a full time job as a sales representative with the Humble Oil Co.

"He would rather go to a meeting than do almost anything else," Malinda Roll said recently. "About the only day we stay home is Christmas."

Roll, who sports a patriotic red, white and blue hankerchief in his breast pocket and a Lions Club 20-year perfect attendance pin in his lapel, beamed broadly in agreement.

Since moving to District Heights from Washington in 1941, Roll has served six terms as mayor and two terms as a city commissioner. He has been president of the Prince George's Municipal Association, president of the District Heights P-TA and president of the Prince George's Board of Trade.

He has also been vice president of the District Heights Citizens Association, director of the Prince George's Chamber of Commerce, lay adviser to the County Community College, judge of elections and chairman of several committees in the Prince George's Democratic Club Inc. And this is only a partial list.

Now, at an age when a man could reasonably be expected to start to run down, Mike Roll, with characteristic zeal, has taken on the important job of president of Maryland's Municipal League.

The League, made up of more than 90 percent of Maryland's towns and cities, represents the interests of the municipalities in the State's legislative councils. It also offers technical assistance in such things as the drafting of ordinances and acts of liaison for the communities through meetings and conventions.

In Maryland, the function of the municipalities is limited by law and the strength of the local County government. The problems of the municipality are the fundamental ones of trash collection and street repairs. The more complex responsibilities of zoning and planning, schools and the courts belong to the counties.

Inevitably, rivalries develop in services where there is overlap, police protection and recreation, for example.

As far as the County government is concerned, Mike Roll has a more precise relationship to it than his fellow mayors. County Commissioner Chairman Francis J. Aluisi is Roll's brother-in-law and neighbor. In 1964, when Roll made an unsuccessful bid for the Democratic nomination for Congress, Aluisi, then a relative unknown in County politics, was campaign manager.

Having a brother-in-law in the top job in Maryland's Municipal League shouldn't hinder Aluisi's stated intention of improving cooperation between the County government and the municipalities—from marginal Upper Marlboro to exploding Bowie.

Now ⅔ of the County's estimated 630,000 residents live in unincorporated areas and rely on a central government which has grown ever larger.

In the past, tensions between County and local leaders developed over division of responsibilities. But both sides have become more sophisticated about their relative capacities and relations have improved.

Roll, whose disposition is relentlessly positive, anticipates no difficulties working with the County. His chief concern is that the municipalities are reaching the outer limits of their expansion possibilities and could use some additional land—and taxpaying citizens.

The Vice Chairman of the Commissioners, Francis B. Francois, however, thinks the municipalities should remain small. "In a County like this," Francois said, "the most important role of the municipality is to give the residents a feeling of local identity and a vehicle for electing representatives to deal with County and state officials."

In effect, said Francois, the municipality is a legally constituted citizens association."

Roll, understandably, sees his positions as something grander than the representative of a citizens association. He views himself as the overseer of almost 9000 inhabitants of District Heights—"the president of the corporation," was the way he put it; "father of his people," suggested a District Heights resident.

Mike Roll is extravagantly proud of District Heights and especially of its municipal center built in 1962.

Roll's small, stocky frame veritably soars from room to room as he ushers a visitor through the building. For each passer-by there is a greeting, often by name. There can be no doubt: the mayor of District Heights and the president of the Maryland Municipal League revels in his duties.

THE CRISIS IN THE POSTAL SYSTEM

Mr. BAKER. Mr. President, I have today written to Mr. Winton M. Blount, the new and distinguished Postmaster General of the United States, with respect to what I believe is a crisis in our postal system. I think that now is an appropriate time for me, a Republican, to speak on a matter about which I feel very strongly—the removal of the postal system from the political structure.

I have written to the Postmaster General as follows:

I feel that postal service in America is in crisis, and I have publicly expressed my support for an extensive overhaul and re-

vision of the postal system, including its removal from politics completely.

My letter continues in part:

I am perfectly willing, indeed I would be most pleased, to see postal appointments in Tennessee made on a non-political, non-partisan basis, but rather on the basis of merit and qualifications.

I think it only fair to point out that I believe such a plan should not operate to freeze a pre-existing partisan political situation, nor should it be designed to create a new one, but rather to preserve and protect the efficiency of the system by the creation of a non-partisan postal service.

INAUGURAL ADDRESS BY THE GOVERNOR OF DELAWARE

Mr. BOGGS. Mr. President, on January 21, 1969, Russell W. Peterson became Governor of the State of Delaware. In his eloquent inaugural address he revealed to the people his "people oriented" philosophy of government.

Mr. President, I ask unanimous consent that the text of his address and an editorial in the Wilmington Morning News of January 23, 1969, praising him, be placed in the RECORD; and I commend its reading to my colleagues.

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

TEXT OF GOV. RUSSELL W. PETERSON'S INAUGURAL ADDRESS

I become your governor with humility, with pride, and with confidence in the future of our state and its people.

The humility stems from the knowledge that I am today assuming the mantle of tremendous responsibility, greater than ever before in my life.

The pride comes with the realization that you have chosen me as your governor in what undoubtedly is one of the most trying periods of our lifetimes.

And the confidence is rooted not in my own abilities, but in my faith in the greatest natural resource Delaware has—its people.

I will not during these brief remarks discuss specifics of programs to be offered by my administration. That will come later in addresses to the General Assembly.

BROAD OBJECTIVES, PHILOSOPHY

Instead, I want to discuss broad objectives and philosophy upon which my administration will be based.

We aspire to many goals, but one rises above all others. Unity. Without unity, we can have no real strength, no lasting progress.

Unity. A word. An approach. A philosophy. The dictionary calls it a "condition of harmony."

As we look over our state today—ideologically splintered and emotionally scarred—there is no unity. People are divided. There is unrest. There is suspicion. There is fear.

What can be done about it? There is very little that I can do. But there is no limit to what we can do.

MUST WORK AT UNITY

Yes, we can have unity. Not by just wishing for it. Not by just talking about it. But by doing something about it. By working at it. By living it.

Each of us must become actively involved in creating the climate that leads to unity—the climate based on brotherhood, respect for individual human dignity and faith in the other ideals upon which this nation was founded.

Our disunity today results from our failure to observe these ideals, our failure to realize that every individual—regardless of social or economic status—must have not only the opportunity but the incentive to progress towards a worthy goal.

When one sees the turmoil wracking this nation, it's obvious that this failure is not limited to Delaware.

PROBLEMS SOLVABLE

I firmly believe that people, working together, can solve virtually any problem. I dedicate my administration to seeking such cooperation and unity not only from individuals but from all segments of community life—government, business, labor, citizens' groups, social and religious agencies and private foundations.

With such support, we can form a dynamic partnership for progress that can be especially potent in Delaware, a state of only half a million people with an abundance of human and physical resources.

I firmly believe that Delaware has the potential to become a model state, to set an example for the nation.

MICROCOSM OF NATIONS

Delaware is much more than just a small piece in the great mosaic of America. We are in many respects a microcosm of this great country, a little America with bits of its strengths and weaknesses, its problems and potential.

We have its rural and urban areas, its industries and its farms, its northern traditions and its southern traditions, and its people of every race, color and creed and every economic and educational level.

We have its problems—mounting fear and frustration, rising crime, soaring costs, persistent poverty and dangerous social prejudices and conflict.

The major difference is that Delaware is small enough to make a noticeable impact in solving its problems. A dollar wisely spent in Delaware will have much greater results than one wisely spent in a large state. One individual's talent in Delaware can yield significantly more results than one person's efforts in a larger state.

OPPORTUNITY GOLDEN

So here in Delaware we have a golden opportunity. There is no shortage of ideas or talent or dedicated people in this state. We have tremendous talents, tremendous human resources, but they have been weakened and wasted by our inability to put these resources to work on common objectives.

Once that is done, we can find solutions to our problems. We can show the nation how to attack poverty, how to reduce crime, how to change a welfare system into an incentive system, how to bring more efficiency and economy into government.

And in the process, we can show America how to build a better life, a better future for all of its citizens.

But we must face this future with realism. Glowing promises that dim and die merely build new frustrations.

So I do not say that the road ahead will be smooth. I do not say we will solve all our problems. There will be disappointments and failures. I offer no panacea, no quick solution. Because there is none.

IDEALISM, REALITY

We must seek the same meld of idealism and reality that is reflected in a quotation I read about brotherhood. "Brotherhood," it said, "is in essence a hope on the road—the long road—to fulfillment. To claim it to be already a full-grown fact is to be guilty of hypocrisy. To admit it to be always a fiction is to be guilty of cynicism. Let us avoid both."

This meld of idealism and reality is the middle road we must travel.

It will be difficult, but it can be done. It must be done.

There are those today who would tear down our American system of government because it is not perfect. There are those who would use the principle of law and order as a weapon of repression and persecution, and those who would distort our right to dissent into the right to destroy.

REJECT EXTREMES

We must reject both extremes, because they are dangerous and degrading both to our people and their traditions. Our American system has worked for 80 per cent of our people. Admittedly, it has failed for the other 20 percent.

It does not have to be so. Our system can—indeed it must—be made to work for all of the people.

There are those who would have us believe that the black man is the enemy of our society. The real enemy is that man—black or white or whatever his race—who would destroy our society, who would destroy the successes as well as the failures of the free enterprise system.

We must recognize these people, and we must reject them. And we must reject all those other elements—indifference, petty politics, fear, cynicism—that divide the people and dissipate their power.

HOPE IS NEEDED

We need to provide hope—hope for the fulfillment of the American dream that each person can move forward to a better tomorrow.

We can reach this fulfillment not by tearing down America, but by building on the great foundation it provides—a democratic system based on justice under law and powered by free enterprise.

This is America. It offers the best hope for the disadvantaged of today just as it did for the disadvantaged millions of yesterday.

Destroy it? No! We must strike from this giant of a nation the shackles of prejudice and ignorance and fear that threaten to dwarf its potential. Nurture it with your faith and confidence, with your talents and ideals, with yourselves. Protect it.

And you will find that our America will provide the justice, the opportunity and the human dignity so desperately needed by those yet to realize its full benefits.

DISADVANTAGED HERE

The only natural resource we have that is large enough to cope with the problems of the disadvantaged is the disadvantaged themselves. We can unlock this potential with the same keys that have been used since this nation was founded—a voice in our joint affairs, justice under law, freedom of enterprise. And then they will take care of themselves.

With this will come fulfillment and hope and an end to many of the frustrations that lead men to strike out at their fellow men.

The power of people helped build this nation into the greatest in the world. This same power can make Delaware the greatest state in the nation.

We must create in Delaware a climate that recognizes the intrinsic worth of every individual, that protects not only his physical being, but his self-respect and dignity, that has no room for the concepts of second-class citizens or second-rate ideals, that realizes the joining of hands is an empty gesture unless there is also a joining of hearts and wills, that proclaims faith in, not fear of, our fellow man and the democratic process.

AMERICAN DREAM

Let's commit Delaware to fulfillment of the American dream. This then is our charge, our challenge—and our opportunity.

I need, I want, I ask for the commitment of each Delawarean. I challenge you to embark on this long, difficult and exacting journey.

I challenge you to give more of yourself to the community, and you will reap a hundredfold return from the blessings of brotherhood and fulfillment.

For my part, I commit every ounce of energy and talent that I possess.

With your help, and with God's help, we shall succeed.

[From the Wilmington (Del.) Morning News, Jan. 23, 1969]

PEOPLE-ORIENTED MAN TAKES OVER

There is a new and well-founded awareness in the state that Delaware has a modern man for all seasons in Russell W. Peterson as governor. Clearly he seems equipped for the office in the world of today.

This is a man who drove himself out of a Depression boyhood high into industrial science and administration and now addresses himself, in his maturity, to the problems and challenges and opportunities of Delaware in 1969. One need only point to the sweeping reform of the state's correctional system as an evidence of the kind of goals he sets for himself in civic effort. He is the man who went into every corner of the state and stirred a movement that got results in the Legislative Hall.

It is no surprise that Gov. Peterson's inaugural address is deeply people-oriented. His spirit and his idealism both show in this sentence: "We can show the nation how to attack poverty, how to reduce crime, how to change a welfare system into an incentive system, how to bring more efficiency and economy into government." He sees Delaware as "a state of only half a million people with an abundance of human and physical resources," awaiting new catalytic action for abating disunity and fears among the people and providing opportunities for those who have seen too many closed doors.

If the Peterson inaugural address was devoted almost entirely to the social problems attributable to poverty, crime, and attendant ills, the weeks ahead are sure to show him getting down to work on many issues. His position papers of the campaign are now up for action. Just how will he propose to put incentives into the welfare system for the benefit of people? Education from kindergarten on up will be a special interest along with improvements in corrections and mental health, to name a few targets.

Mr. Peterson's gifts for communicating with other people are sure to serve him well. His placing Mrs. Arva Jackson in his Wilmington office as an assistant for urban affairs suggests the wisdom of further expansion of the executive branch up here.

It should not be necessary to await a new state office building in Wilmington for doing here what (for example) the Maryland government has done in Baltimore. The new "complex" of state offices in or near Baltimore is the base for the agencies in the fields of education, welfare, highways, state police, motor vehicles, taxation, corrections, and public health. Traditionally, Annapolis remains the base for the governor, the legislature, and a few agencies including those for natural resources and recreation. For the best of reasons, most of the year-round state governmental services are headquartered in metropolitan Maryland—where most of the people are.

Meanwhile Delaware is so small a state that better communications between Gov. Peterson and the people, wherever they live, can be expected to shape up fast enough. Those who know the man's caliber, his intensity of thought and action, will testify he was in earnest when he said Tuesday at Dover: "I firmly believe that Delaware has the potential to become a model state, to set an example for the nation."

The new governor deserves the chance to try to help make that kind of dream approach reality.

THE USE AND ABUSE OF STATISTICS

Mr. JACKSON. Mr. President, the Subcommittee on National Security and International Operations has recently conducted a major inquiry into the planning-programing-budgeting system in the national security area. In its hearings, studies, and reports the subcommittee has explored the hazards as well as the opportunities in the use of quantitative methods of analysis, including the danger that statistics and numbers will be used by Government officials to distort issues and to mislead.

In this connection, I should like to call to the attention of the Congress a particularly able discussion of the misuse of statistics by Government officials. This article is authored by Arthur M. Ross, who served as Commissioner of Labor Statistics from 1965 until 1968, and is now vice president for State relations and planning at the University of Michigan.

Mr. Ross' analysis appeared in the first issue of the new magazine entitled the Washington Monthly, February 1969.

I ask unanimous consent that the article 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 DATA GAME

(By Arthur M. Ross)

I

Three years in Washington taught me that men of integrity, brains, and diligence can have an alarming capacity for self-deception.

The reason is quite clear:

The issues which lodge themselves in Washington are generally vast, ambiguous, intractable—the indissoluble residue of history. In dealing with such complexities, high federal officials must commit themselves, decide, and act. Because they must risk their reputations and self-esteem—and often millions of dollars or thousands of lives besides—their psychic need for certainties may lead them, all too easily, into deluding themselves. A man of exceptional courage can look ambiguity in the face and still maintain his capacity for action. But a man with only commonplace courage will demand clear and certain guideposts; if they are lacking, he may discern them in mirages.

We in the general public, for our part, want to believe that men in government act on the basis of objective, ascertainable verities. We like to think that these men always base their decisions on a rational array of relevant facts. If a bad decision is made, we prefer to believe that it derived from an improper weighing of hard facts, rather than from an insufficiency of such facts or, worse still, from instinct. Our desire to believe that each action is based on a clear-eyed appraisal of facts is by no means limited to the way we view the government. When we are medical patients, we do not want to know how often we are treated on an experimental basis; when we are clients, we do not want our lawyers telling us that our case could go either way; when we are parishioners, we do not want our ministers airing whatever doctrinal misgivings they may have. We want the doctor's bedside manner, the lawyer's grave self-assurance, and the clergyman's outward serenity to minimize whatever anxieties may be stirring within us.

Although most such men project infallibility in their workaday professional lives, they frequently ventilate their doubts with wives and colleagues. Government leaders, on the other hand, are not able to detach themselves from their official utterances to the same extent. Such qualities as combativeness, assertiveness, "ego-involvement"—almost prerequisites for public life—are rarely combined with skepticism. The official, like the voter, has a need to believe. Credibility gap notwithstanding, his hazard is not so much that he will knowingly fool the public; it is, far more often, that he will fool himself.

In an earlier era, federal officials could delude themselves about society through ideology, dogmatism, and bombast. But politics and government have now entered the Age of Science. Today it is the seemingly neutral instruments of statistics and systems analysis which organize the chaos of society into some intelligible pattern. It is because these instruments allow fallible man to interpret them that the federal administrator carries within him the seeds of his own delusion.

II

There are many jokes on the subject of crooked statistics. A current one in Washington is that "It's hardly worthwhile to lie any more without statistics." When I was sworn in as Commissioner during the middle Johnson years, William F. Buckley, Jr., observed that I might not have enough muscle "to cope with a President and Administration that have shown no compunction when it comes to controlling or suppressing facts." Buckley suggested that a Bureau of Labor Statistics which would move a decimal point to the right or left might be very helpful in bolstering the poverty program.

Actually there is nothing dishonest about government statistics. To my knowledge, no suggestions are made that facts be suppressed or decimal points moved. The distortions are more subtle and do not lend themselves to cops-and-robbers reporting. The real problem is not in the statistics themselves but in their subsequent careers.

If you are measuring the number of cows in Nevada, nothing more is reported or implied than what has been counted: 6,000,000 cows. A cow exists in a state of nature and is directly observable. But suppose you administer an intelligence test to a group of children. The test is one thing, a mechanical instrument; intelligence is something else altogether, an abstraction devised by psychologists. While the scores of a test can be calculated, that which is measured remains an abstraction. Educators have been learning the painful lesson that great care must be used in drawing inferences from one to another.

When government officials call for statistics, they seldom want anything as palpable as the cows of Nevada. They want measures of inflation, or poverty, or hard-core unemployment, or criminal activity, or American prestige abroad, or the progress of the Vietnam war. These are man-made concepts, *socially defined*. It is man who invents the categories; it is man who decides to characterize them in terms of one or two measurable dimensions. But as in the case of I.Q. tests, the people who read government statistics—the press, the public, and the officials—are prone to regard partial or statistical truths as objective realities.

Thus shadow is confused with substance. Essentially this is how public officials deceive themselves with statistics of impeccable quality. The officials are vulnerable because they are searching desperately for ways to clarify and simplify the protean problems of government. Statistics enable them to do this at the cost of heroic oversimplification: one or two dimensions, which happen to be measurable, serve to symbolize an elusive, many-sided phenomenon.

The trouble is that the unmeasured, or unmeasurable, aspects of a problem may be vastly more important than those which have been, or can be, measured. And even with measurements that are known to reflect on the core of a problem, the rate of change in the United States has become so swift that "good" statistics, intelligently used in decision-making, may be rendered irrelevant or obsolete by the time action results from an official's decision.

These margins for misjudgment are not always stressed to the policy-maker. Attracted by the appearance of objectivity and precision, he keeps his eye fixed on charts and tables which may be incomplete, obsolete, or both. Eventually he may come to believe that poverty really is a condition of having less than the current cutoff point of $3,335 in annual income; that full employment really

is a situation where the national unemployment rate is four per cent or less; and that Vietnam really is a matter of body counts and kill ratios.

III

The official definition of poverty serves as a good example of how a misleading statistical concept can have mischievous results.

When eradiction of poverty became a leading national goal it made sense for the government to seek a unit of measure that would define the size of the job and permit us to chart the amount of progress. The unit of measure, arrived at by the Council of Economic Advisers in 1964, decreed that a family of four was in poverty if its annual income was below $3,000 and that a single person was in poverty if his income was below $1,500. According to Professor Richard Tobin of Yale, a former member of the Council:

"No detailed scientific justification was, or could be, offered for these round numbers. But few would deny that people with so little money were poor, and the one-fifth of the nation so described were not so many as to make the problem seem unmanageable."

What do we learn from this arbitrary definition of poverty? For one thing, that there is less poverty in America than ever before. The proportion of poor families has fallen from 18.4 per cent in 1959 to 10.6 per cent in 1967, the last year for which statistics are currently available. In the case of Negroes, improvement has been even more dramatic: 49.6 per cent of Negro families were poor in 1959; only 30.6 in 1967. Moreover, the Office of Economic Opportunity has said that the complete abolition of poverty is possible by the year 1976.

With the poverty problem ostensibly marching toward statistical victory, it is small wonder that the government bristled when it was confronted by claims of widespread hunger and malnutrition in the United States or that the Secretary of Agriculture joined the rural county commissioners in contending that there was plenty of food for all. Nor is it surprising that the government was caught unawares by the rising hostility and violence of urban Negroes.

What is wrong with the poverty concept? A "poverty line" based on annual income, while a useful statistic for many purposes, is a simplistic boundary for separating the non-poor from what most of us mean by "the poor"—i.e., those who are left out of things in a generally affluent society. Poverty is the sense of failure and despair eating at a man who cannot make the grade (and who knows that his family knows it). Poverty is lack of opportunity for adequate housing, whether or not a family finds itself on the right or wrong side of the poverty line. Poverty is lack of access to good schools, good medical care, good police protection, and the other community services, attentions, and courtesies that society has come to expect.

The poverty line, then, is an economic indicator that often masquerades as a social indicator. It is reliable and accurate in telling us what percentage of the population has more than x amount of purchasing power and what percentage has less. As a gauge for "poverty," however, it is gross at best; inadequate and misleading at worst.

The poverty line made its debut in 1964. In the five years since then, it has won a place in our culture as an accurate boundary between the non-poor and the poor. It has sometimes been extended—at least by implication—to serve as a dividing line between the content and the discontent.

Perhaps an example from my own experience will illustrate the fatuous lengths to which poverty statistics can be carried. In the fall of 1967, the White House asked the Bureau of Labor Statistics to join with the Bureau of the Census in producing a report on the economic and social conditions of Negroes. We issued a workmanlike, well-balanced, but undistinguished, report. The White House received it with what struck me as excessive enthusiasm and then flooded the mails with thousands of copies.

Last spring, when I was preparing to leave the government, the White House asked us to "bring the report up to date." This time I sensed a determined effort to persuade Negroes that they had never had it so good. On the ground that not enough time had passed since the original document came out, I declined to participate in the study. However, last July, shortly after my departure, an updated version of the earlier report appeared. According to the introduction, most of the figures showed "important gains in the level of living for Negroes in the United States." The *pièce de résistance* was the dramatic statement that—on the basis of the poverty-line definition—"most non-white families in poverty areas of large cities are not poor."

Think about it for a minute. "Poverty areas of large cities" are the worst 25 per cent of census tracts in metropolitan areas of 250,000 or more: the slums. The conditions of Negroes in slums are worse than those of whites. Yet the government solemnly reported the statement above. The only logical inference to be drawn from it is that most of the Negroes in the slums of America's large cities are reasonably well off and, if one chooses to infer further, content.

Another feature of the poverty line that tends to keep poor people in a statistical isolation ward is its unswerving constancy. Although the poverty line is adjusted regularly to reflect price changes, its cut-off point remains static from year to year; that is, the line is always drawn at a virtually fixed amount of purchasing power. But poverty is relative and getting "more relative" all the time. Rising aspirations at the bottom of our economy and rising affluence at the middle tend to make a static poverty line misleading, even if it is viewed primarily as an economic indicator. Some additional statistics may illuminate this. In 1950, the median family income in the United States was only fractionally higher than the family income at the poverty line (as reconstructed from the 1964 definition). By 1959, the ratio was 2:1; by 1966, it was 2.5:1; and by 1976, when the war on poverty is due for statistical victory, median income will be three times as great as the poverty cutoff.

Poverty is also highly subjective. Our cave-dwelling ancestors did not feel impoverished, broke as they were; nor do people in certain foreign countries where most family incomes fall far below our magical boundary line. Poverty, then, is as much a feeling of deprivation (a social fact) as it is deprivation itself (an economic fact). Although statistics, wisely used, can help to delineate poverty, the federal administrator must remember that poverty is to be found in the eye—or in this case, perhaps, the psyche—of the beholder.

These are the kinds of things statisticians seldom point out.

IV

A number of people have been asking lately: how can unemployment constitute a major domestic social problem at a time when we have full employment?

The answer is that full employment is another statistical concept that has developed a large capacity for misinterpretation. Like the poverty-line measurement, full employment is an economic measure susceptible to misuse or misreading as a social weathervane. In short, full employment does not mean everyone who wants a job has one. And here again, social changes and accelerating expectations have rendered the old measure incomplete.

Full employment, as officially defined, is a national unemployment rate of four per cent or less. What this means is that the national unemployment rate, whatever it may be at a given time, is always a statistical fact, whereas the term "full employment" is always an abstraction drawn from a policy judgment. The concept of full employment, designed by economists to serve as a distant early warning on the state of the economy, developed from an attempt to prevent a recurrence of the economic stagnation of the 1930's.

When the unemployment rate is four per cent or less—that is, when we have "full employment"—we know that we are not in a recession or depression. We also know that most married men with substantial training or experience, even those who are black, have jobs. But even in times of full employment, there is bound to be considerable unemployment among women, teenagers, single men, and people with little education or training. This has always been true. But now, with social aspirations swiftly on the rise, four per cent is less valid as an indicator of the general welfare than it used to be, although its value as an economic index may not have diminished much. It is partly for this reason that many believe full employment should be pegged at an unemployment rate of three per cent or less.

Today the demand is for decent, rewarding jobs with a promising future. Yet in figuring the employment rate, *all* jobs still count: part-time jobs, casual and intermittent jobs, dead-end jobs, menial and degrading jobs. It cannot be denied that exaggerated hopes have been stimulated and that some job-seekers make unrealistic demands. Nor can we expect the government to guarantee everyone a job to his liking. It seems clear, however, that an element of quality, as well as quantity, has been irreversibly imported into the way we regard the economy and society. When social changes proceed as rapidly as they have over the past decade, cultural lag prevents such venerable statistical concepts as full employment from catching up to the times.

V

Is it a coincidence that the most elaborately measured war in American history has also been our least successful?

I do not think so.

For many months we were "winning" the war, steadily and inexorably. All the statistics told us so: the body counts, the kill ratios, the bombing toll, the infiltration estimates, the captured documents, the pacification figures.

Gradually it became obvious that we were not winning and that the abuse of statistics had contributed directly and substantially to the strategy, tactics, and outcome. Some of the statistics are now conceded to have been pulled out of the air, and some were done violence through palpably absurd interpretation (for example, the claim that 2,000,000 refugees had "voted for freedom with their feet"). Perhaps the major error in the conduct of the war was that key decisions were based too heavily on those kinds of military activity which could be counted, calculated, and computerized.

Had this calculus of measurable elements not yielded such voluminous and comforting food for thought, it would have been impossible to disregard so flagrantly all the nagging, contrary "gut" factors which could not be computerized. Science, despite its wonders, has not yet put history, ideology, religion, color, colonialism, nationalism, sectionalism, or cynicism on the computer. Since these could not be quantified, they received little, if any, weight in the equations. Or the briefings.

George Romney was by no means the only high official to be brainwashed in Saigon. Dozens of powerful Congressmen and Senators made tours of inspection, sat in on top-secret briefings, and came home with their misgivings allayed.

By coincidence, a technical assignment took me to Vietnam at the end of June, 1967, only a few days before Secretary McNamara's final visit to Saigon. In preparation for the trip I read all the serious accounts of the war that I could lay my hands on. After I reached Saigon, the American authorities ar-

ranged dress rehearsals of briefings prepared for McNamara.

Three solid days of briefings, replete with maps and statistics, left me convinced that I was learning little about the true state and nature of the war. I began ducking out of the Embassy to chat with correspondents from *The New York Times, The Washington Post,* and *Newsweek,* all of whom were in considerable disfavor at the time. These were the "grunts"—working reporters who lacked easy access to inside information and had to rely on horse-and-buggy methods of covering the war. Nonetheless, they had one distinct advantage: they could see what was going on. In their view, the war was going badly militarily, no matter what the battle statistics had to say.

Then too, there was "the other war"—the hearts-and-minds struggle known as Revolutionary Development in its current incarnation. As in the military side of the war, subjective and unscientific methods of appraisal had been left far behind. In Saigon I was introduced to the wonders of a computerized data bank known as the Hamlet Evaluation System and operated by Robert Komer, the former White House assistant who had been put in charge of "the other war." Each of thousands of hamlets had received one of six security designations. The designation for each hamlet evolved from about 15 criteria, each of which, in turn, had been measured on a quantitative scale.

I remember having been struck by the fact that the progress of pacification had never before been charted so scientifically. It seemed to me, however, that the criteria had little to do with hearts and minds and even less to do with Revolutionary Development. Since the whole thrust of our intervention was counterrevolutionary and since economic and political development was impossible under the circumstances, this almost had to be the case. While the information fed into the computer may have been narrowly factual, the inferences that resulted were wholly insupportable. And yet it was understandable that President Johnson and others in his Administration were impressed, halfway around the world from Saigon, by the progress Komer reported right up to the eve of the Tet offensive.

VI

If such statistical concepts as the poverty line, full employment, and body counts have caused misinterpretation in the past, so have the full-blown analytical systems that are based on quantitative data. The most widely used of these in the government is the Planning-Programming-Budgeting System, known familiarly, if not lovingly, as PPBS.

PPBS, briefly stated, is a system of planning whereby each individual agency or department is required to identify the specific goals of its programs, discuss the alternative ways in which those goals might be achieved, and then quantify the results of the programs it is pursuing. It imposes upon each agency a requirement for disciplined thinking that did not exist before, and it is clearly a more useful way of looking at governmental expenditures than was the old line-item basis (personnel, supplies and materials, travel, etc.). Because PPBS had been widely and efficiently used in the Department of Defense under Secretary McNamara, President Johnson ordered that it be installed throughout the government in 1966.

But here, as in the world of statistics, there are subtle and treacherous pitfalls: faulty assumptions, the downgrading or distortion of matters which cannot be quantified, and the fatal error of supposing that technical procedures can eliminate the agony of decision.

Its inherent dangers have been recognized by two of the foremost scholars in the field of national security. Dr. Thomas C. Schelling of Harvard University has warned that PPBS is a procedure "whose worth depends on the skill and wisdom of the people who use it" and that "quantitative data can be subtly made prominent to the detriment of important qualitative considerations." Dr. James R. Schlesinger, director of strategic studies at the RAND Corporation, has emphasized that "analysis is not a scientific procedure for reaching decisions which avoids intuitive elements, but rather a mechanism for sharpening the intuitions of the decision-maker."

As PPBS spread throughout the government, most agencies found that their most difficult task was the attempt to quantify the benefits of its programs. The danger was and is that the areas which do not lend themselves to accurate measurement—who can quantify the benefits of diplomacy, national parks, education?—will be regarded as less important than those areas which do.

VII

When Wilbur J. Cohen was Secretary of Health, Education and Welfare, he once said that the chief statistician of HEW and his staff "do more to determine HEW programs than all the other officials in the Department."

Was he kidding? Maybe he was, and then again maybe he wasn't. In either case, his statement dramatizes the fact that statistics carry great weight in determining government policies and programs.

I myself find it amazing, and sometimes frightening, to observe the extraordinary prestige of statistics both inside and outside of the government. For a recent example of its national pervasiveness, we need go back only as far as the recent Presidential campaign, in which the Gallup and Harris polls played such a decisive role in shaping the candidates' respective strategies that their role in determining the outcome clearly exceeded that in any previous Presidential campaign.

Within the government, statistics in the '60's have reached such a pinnacle that men of affairs often become known by the statistics they keep. Until the last two years or so of his Administration, President Johnson's imposition of the latest popularity polls upon his visitors was a mark of his style. John F. Kennedy's attack on the Eisenhower Administration in 1960 centered on statistical comparisons of economic growth and missile stockpiles. President Nixon's discussions of law and order during the recent campaign rarely failed to mention statistics concerning the increase in crime.

When I emerged from the obscurity of academic life to become U.S. Commissioner of Labor Statistics, I was startled to discover that I was good copy because I issued the figures on inflation and unemployment. To the amusement of my colleagues and the gratification of my wife, I was often described as "the Nation's leading expert" on subjects about which I knew little.

I did discover, however, that positivism has triumphed in statistics, as it has in other sciences, so that statistics consists of technical procedures quite independent of content or purpose. I found that most government statisticians are principally concerned with techniques, which have greatly improved in recent decades. But their outlook is often too narrow to encompass the larger role of numbers in public life. Like horses who obediently pull a wagon over a cliff, they exercise great skill in producing numbers but have little sophistication concerning their use and misuse. Although statisticians like to think that they are constantly warning policy-makers against misuse, what they usually warn them about is the limited sample or the possible range of error, rather than the one-dimensional quality of the statistics themselves.

What I have said in these few pages may strike the reader as anti-statistical and anti-intellectual, but that is not my intent. I strongly believe that leaders need every available aid to understanding the murk and chaos of life. My concern is not with science, but with the abuse of science. It is human ignorance, indolence, and incuriosity which permit statistical data to be perceived as objective verities rather than as the shadowy hints and clues they most often are.

We need more and better statistics in order to illuminate our problems more fully. But we must remember that statistics, indispensable as they are and improved as they may become, cannot substitute for the intuitive feel of a problem resulting from first-hand exposure. Shoe leather and the human mind will always be needed more than statistics when complex and qualitative judgments must be made. So will leaders who can confront ambiguity without heading for the nearest statistical escape hatch.

THE "PUEBLO" INQUIRY

Mr. CURTIS. Mr. President, I rise to pay tribute to a great American and a distinguished son of Nebraska. I refer to Comdr. Lloyd Bucher of the ill-fated U.S.S. *Pueblo.*

Nebraskans are proud of Commander Bucher for his years of distinguished service to his country. We point with pride that Commander Bucher grew up and graduated from high school at Father Flanagan's Home for Boys at Omaha, Nebr., and that later he graduated from the University of Nebraska. His rise to a place of responsibility is in the noblest of American traditions.

For some days, Commander Bucher has been giving forthright testimony. The fact that no help was sent to him is just as historically true as the fact that the *Pueblo* was seized. I suggest that Commander Bucher not be harshly judged by Monday morning quarterbacks who were so silent and inactive on the fateful day—January 23, 1968—when the *Pueblo* was attacked, chased, fired upon, and seized by Communist vessels.

I am sure that Commander Bucher wants to be helpful, not only now but also in the future, in cooperating with various agencies of our Government. But I do point out the great suffering that this man already has endured, and I would express the hope that he not unnecessarily be subjected to repetitious congressional or other investigations.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REPORTS SCHOOL DESEGREGATION PROGRESS

Mr. HART. Mr. President, the Office for Civil Rights of the Department of Health, Education, and Welfare recently reported a significant increase in the desegregation of formerly dual school systems in 11 Southern States. The percentage increase—from about 14 percent in September 1967 to more than 20 percent a year later—may not seem particularly impressive unless one looks behind the statistics.

A brief summary of what has happened in the area of school desegregation will illustrate what I mean. In 1963, 9 years after the Supreme Court had declared that dual, racially-segregated school systems were unconstitutional, 1 percent of the Negro students in the Southern States attended school with whites. School segregation—unconstitutional separation of youngsters by race—was widespread, the decision of the

Supreme Court to the contrary notwithstanding. In 1964, the Congress enacted the Civil Rights Act with its prohibition in title VI against using Federal funds to assist programs which discriminate on the basis of race, color, or national origin. Title VI was implemented on a small scale at HEW in 1965 and provided with the appropriations needed for a larger staff a year later.

In September 1968, little more than 3 years after the implementation of the title VI program at HEW, the school desegregation figure in the 11 Southern States stood at 20 percent. And in school systems desegregating under plans negotiated to meet the requirements of title VI, the figure was higher—25.6 percent.

In other words, Mr. President, the school desegregation figure between 1954, the year of the landmark Brown decision, and 1963, the year before the enactment of the Civil Rights Act, rose to only 1 percent. In the next 5 years, it increased 20 times that figure. This is significant progress and a credit to the administration of a difficult program by HEW's Office for Civil Rights.

I should point out, Mr. President, that the statistics on desegregation for last September represent for the most part only progress toward the goal of an end to the dual racially segregated school system. The Office for Civil Rights program requires that districts, which formerly assigned students and faculty on the basis of race, adopt desegregation plans ending the dual system in most cases by September 1969 or—at the latest—September 1970 in cases where there are legitimate administrative reasons why the 1969 deadline cannot be met. September of this year should see another substantial increase in school desegregation in the Southern States.

Mr. President, for the information of readers of the CONGRESSIONAL RECORD, I ask that the school desegregation press release issued recently by HEW's Office for Civil Rights be included as part of my remarks at this point in the RECORD.

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

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY,
Washington, D.C., January 16, 1969.

Preliminary analysis of the 1968 data on school desegregation in the 11 Deep South States shows that 20.3 percent of the 2.5 million Negro students in these districts or a total of 518,607 Negro children are attending schools with white children. (Table 1) This figure compares with 13.9 percent for the 1967–68 school year.

At the same time, the data reveals that in the school districts desegregating under the requirements of Title VI of the Civil Rights Act of 1964, 25.6 percent of the one million Negro children in those districts or 272,281 are attending schools with white children.

The overall desegregation figure, 20.3 percent, includes districts desegregating under court orders as well as those desegregating under voluntary plans.

The voluntary plans under which the districts are desegregating have been developed locally and have been submitted to the Office for Civil Rights of the Department of Health, Education, and Welfare.

The 25.6 percent figure, contained in survey data released today by the Office for Civil Rights, HEW's Title VI compliance agency, compares with the 19 percent or 202,794 Negro children reported in desegregated schools in the same districts during the 1967–68 school year. The districts are in the following States: Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia.

All of the school districts in the 11th Deep South State, Alabama, are desegregating under court order.

A comparison of the voluntary plan desegregation progress in the 10 Deep South States for 1966–67, 1967–68 and 1968–69 is shown in Table 2. A desegregated school is defined, as in 1967–68, as one attended by minority group children in which at least 50 percent of the students are white.

TABLE 1.—PUPIL DESEGREGATION IN 11 SOUTHERN STATES, ALL DISTRICTS REPORTING, FALL 1968

State	Number of districts reporting	Enrollment		Desegregation [1]	
		Total	Negro	Number of Negro students	Percent of Negro students
Alabama	89	588,639	204,365	15,039	7.4
Arkansas	173	376,470	94,791	22,048	23.3
Florida	57	1,160,644	282,226	67,961	24.1
Georgia	144	883,287	268,044	38,196	14.2
Louisiana	50	774,140	299,152	26,354	8.8
Mississippi	100	398,725	193,602	13,839	7.1
North Carolina	143	1,120,602	330,449	92,028	27.8
South Carolina	76	486,509	196,203	29,198	14.9
Tennessee	120	843,525	140,287	34,098	24.3
Texas	501	2,264,881	306,648	119,259	38.9
Virginia	115	992,047	236,023	60,587	25.7
Total	[2] 1,568	9,889,469	2,551,790	518,607	20.3

[1] The Office for Civil Rights estimates that the data on which the 1968 preliminary analysis is based accounts for 85 percent of the estimated 11,677,684 public school students in the 11 Southern States.

[2] Includes all districts with total enrollment over 3,000 students and a sampling of districts with less than 3,000 students enrolled.

TABLE 2.—PUPIL DESEGREGATION IN 10 SOUTHERN STATES (3-YEAR COMPARISON), VOLUNTARY PLAN DISTRICTS [1]

State and year	Number of districts reporting	Enrollment		Desegregation [2]	
		Total	Negro	Number of Negro students	Percent of Negro students
Arkansas:					
1966	99	173,130	73,545	6,058	8.2
1967	124	217,378	82,215	13,821	16.8
1968	97	179,755	66,199	14,417	21.8
Florida:					
1966	47	296,344	81,917	11,018	13.5
1967	41	264,273	76,226	14,213	18.6
1968	42	297,726	78,772	25,253	32.1
Georgia:					
1966	114	543,254	149,117	11,081	7.4
1967	125	588,291	141,208	19,128	13.5
1968	115	567,991	146,739	26,975	18.4
Louisiana:					
1966	3	20,482	4,301	454	10.6
1967	3	19,502	3,853	623	16.2
1968	3	20,351	4,168	1,001	24.0
Mississippi:					
1966	34	133,234	52,459	2,200	4.2
1967	35	150,058	59,898	3,768	6.3
1968	40	161,588	65,322	7,842	12.0
North Carolina:					
1966	102	774,225	244,770	31,339	12.8
1967	97	836,452	243,081	40,236	16.6
1968	90	724,322	232,896	63,554	27.3
South Carolina:					
1966	72	467,868	180,922	9,433	5.2
1967	57	349,835	143,975	10,257	7.1
1968	70	459,043	182,987	28,207	15.4
Tennessee:					
1966	40	171,802	23,466	7,699	32.8
1967	43	160,457	30,223	11,550	38.2
1968	31	155,674	25,240	12,051	47.7
Texas:					
1966	334	886,046	166,341	47,936	28.8
1967	323	989,704	177,798	63,008	35.4
1968	177	850,013	142,071	62,374	43.9
Virginia:					
1966	50	371,386	107,311	18,410	17.2
1967	54	431,799	117,148	26,190	22.4
1968	53	370,799	119,676	30,607	25.6
Total:					
1966	895	3,837,771	1,033,693	145,628	14.1
1967	902	4,007,749	1,075,625	202,794	18.9
1968	718	3,787,262	1,064,070	272,281	25.6

[1] The Office for Civil Rights estimates that the data on which the 1968 preliminary analysis is based accounts for 86 percent of the estimated 10,846,023 public school students in the 10 Southern States. (All districts in the State of Alabama are under Federal court order to desegregate.)

[2] For 1966, a desegregated school was defined as one which had 5 percent or more white enrollment. For 1967 and 1968 this definition was changed to schools which had 50 percent or more white enrollment.

Preliminary analysis also showed that:

1. Desegregation progress in Deep South school districts desegregating under court orders was sharply below the voluntary plan desegregation figure. Data from court order districts showed that only 11.5 percent or 149,000 of the Negro students in those districts are attending school with white children. (Table 3.)

2. In those school districts in the 10 Deep South States which have submitted forms certifying they have eliminated their dual systems (Form 441), 51.6 percent of the Negro students are attending schools with white children.

These preliminary figures account for approximately 85 percent of the students attending schools in the 11 Deep South States. The reports were to be completed and returned to HEW by October 15, but school districts which account for approximately 15 percent of the students in these States failed to return reports or returned incomplete information.

The only large system which has not yet reported data is **Dallas, Texas. Dallas is under** court order.

A breakdown of the extent of school desegregation in the 11 Deep South States for all types of school districts (voluntary plan, 441, court order) is shown in Table 4.

TABLE 3.—PUPIL DESEGREGATION IN 11 SOUTHERN STATES (2-YEAR COMPARISON), COURT ORDER DISTRICTS [1]

State and year	Number of districts reporting	Enrollment		Desegregation [2]	
		Total	Negro	Number of Negro students	Percent of Negro students
Alabama:					
1967	113	690,393	232,021	12,528	5.4
1968	89	588,639	204,365	15,039	7.4
Arkansas:					
1967	10	60,055	20,426	3,516	17.2
1968	10	61,503	21,427	3,629	16.9
Florida:					
1967	16	766,494	164,894	30,507	18.5
1968	12	617,412	143,881	31,149	21.6
Georgia:					
1967	4	163,121	83,564	5,730	6.9
1968	10	251,367	114,169	8,966	7.9
Louisiana:					
1967	43	644,041	255,784	16,771	6.6
1968	47	753,789	294,984	25,353	8.6
Mississippi:					
1967	36	131,176	78,998	2,405	3.0
1968	55	226,811	126,002	5,408	4.3
North Carolina:					
1967	14	186,697	59,041	10,496	17.8
1968	18	214,199	71,807	17,286	24.1
South Carolina:					
1967	2	14,549	6,473	401	6.2
1968	6	27,466	13,216	991	7.5
Tennessee:					
1967	25	365,166	124,571	11,365	9.1
1968	19	302,125	100,992	9,495	9.4
Texas:					
1967	13	445,928	124,903	12,163	9.7
1968	11	429,178	116,836	18,975	16.2
Virginia:					
1967	22	240,653	96,681	12,961	13.4
1968	20	215,699	91,381	12,709	13.9
Total:					
1967	300	3,708,273	2,273,127	118,843	9.5
1968	297	3,688,188	1,299,060	149,000	11.5

[1] The Office for Civil Rights estimates that the data on which the 1968 preliminary analysis is based accounts for 85 percent of the estimated 11,677,684 public school students in the 11 Southern States.

[2] For 1966, a desegregated school was defined as one which had 5 percent or more white enrollment. For 1967 and 1968 this definition was changed to schools which had 50 percent or more white enrollment.

TABLE 4.—PUPIL DESEGREGATION IN 11 SOUTHERN STATES, TOTALS BY CATEGORY, FALL 1968

Category	Number of districts reporting	Enrollment		Desegregation [1]	
		Total	Negro	Number of Negro students	Percent Negro students
Voluntary plan	718	3,787,262	1,964,070	272,281	25.6
441's [2]	553	2,414,019	188,660	97,326	51.6
Court orders	297	3,688,188	1,299,060	149,000	11.5
Total	[3] 1,568	9,889,469	2,551,790	518,607	20.3

[1] For purposes of this fall 1968 tabulation, Negro students are considered to be enrolled in a desegregated school only when the white population of that school is at least 50 percent.

[2] Includes all districts with total enrollment over 3,000 students and a sampling of districts with less than 3,000 students enrolled.

[3] The Office of Civil Rights estimates that the date on which the 1968 preliminary analysis is based accounts for 85 percent of the estimated 11,677,684 public school students in the 11 Southern States.

INTERGOVERNMENTAL PERSONNEL ACT OF 1969

Mr. SCOTT. Mr. President, I am pleased to be a cosponsor of S. 11, the Intergovernmental Personnel Act of 1969, which was introduced on January 15 by the distinguished junior Senator from Maine (Mr. MUSKIE).

If we are going to cope successfully with the problems of our cities, the initiative for positive action is going to have to come from the States and the communities themselves. Fortunately, steps are being taken to strengthen the capacity of the States and localities to act. The Intergovernmental Cooperation Act of 1968, which I cosponsored, is now on the statute books. I hope Congress will act this year on my bill, which I shall reintroduce shortly, to encourage the ability of States and local governments to plan comprehensively for the development of their human, physical, and economic resources. None of this legislation will be of value, however, unless the quality of State and local government personnel is upgraded. That is the objective of the Intergovernmental Personnel Act.

In a recent letter to me, Donald C. Stone, the distinguished dean of the Graduate School of Public and International Affairs of the University of Pittsburgh, offered some useful comments on the Intergovernmental Personnel Act. I ask unanimous consent that this letter and an earlier statement on the legislation by Dean Stone be printed at this point in my remarks.

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

UNIVERSITY OF PITTSBURGH, GRADUATE SCHOOL OF PUBLIC AND INTERNATIONAL AFFAIRS,
Pittsburgh, Pa., January 9, 1969.

Senator HUGH SCOTT,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR SCOTT: Thank you for writing about the draft of the Intergovernmental Personnel Act of 1969. I am pleased to have the opportunity to comment on it.

1. In my view, the bill represents a most resourceful and constructive effort to strengthen the recruitment, training, and development of state and local government personnel. The development of greater understanding and competence on the part of federal, state, and local officials who increasingly deal with common tasks entailed in the administration of our domestic programs is one of the most crucial needs to make the federal systems function effectively. The proposed bill would make a substantial contribution to this objective, and I hope you will co-sponsor it with Senator Muskie.

2. While the provisions of the bill have been modified since the hearings were held on its predecessor version, S. 3408, I believe the statement that I submitted at that time is relevant in respect to the new draft. A copy is enclosed.

3. The Intergovernmental Personnel is a fine companion to the education for the Public Service Act passed by the last Congress. The provisions of the two have been well integrated. I hope that you will also help encourage appropriations to implement that Act. No legislation, no matter how meritorious, can accomplish anything if there are no appropriations.

4. In respect to the Intergovernmental Personnel Act, some state and local organizations have feared federal encroachment and the possibility that the U.S. Civil Service Commission might apply limiting procedures on State and local governments. I have no fear of this. The federal civil service system has been modernized and made extremely flexible, reflecting advanced personnel practices in industry as well as government. The paralyzing practices are those currently incorporated in many state and city civil service provisions. Much of this so-called civil service reform legislation was designed to provide detailed procedures for the recruitment and retention of employees, often in a manner that prevented enlistment of the most competent persons. The elimination of incompetence was made difficult or impossible.

5. In any event, Title II of the Intergovernmental Personnel Bill keeps the initiative

and responsibility for state and local policy and practice in the hands of state and local officials, but places a high premium on their formulating a positive plan of action if they hope to secure grant funds. This is the right way to do it.

6. I consider Title III—Training and developing state and local employees, to be very important. An enormous amount of training is needed for such emplyees to develop both adequate understanding of the problems and tasks entailed in serving an urban society as well as to produce skills and technical competences presently required for which no training has been available. In general, the provisions are good. Section 304 doesn't mention the utilization of universities and other educational agencies for training purposes. Section 305 dealing with grants to other organizations does not mention universities, although they would be covered by sub-item (b)–(3) where reference is made to nonprofit organizations. The major universities with a public service orientation need to expand greatly their nondegree in-service training programs as well as academic work, for public service. This will not get done unless federal, state, and local agencies insist on it and make funds available to help cover additional costs.

7. The establishment of government service fellowships under Section 306 is one of the most important provisions of the bill. Cities and most states will not take the initiative to assign employees for graduate professional work like the federal government and business establishments do unless they are given some inducement. The provision for the federal government to reimburse one-fourth of the salary of each fellow is just about the right amount of inducement. Subsection (a)–(3) of 306 provides for a payment to the educational institution in which a fellow enrolls of $3,000 per academic year. This would cover most of the cost of education beyond that provided by tuition if the academic year is defined as the equivalent of two semesters. Under some present federal fellowship programs, universities which provide two semesters or two terms of academic work in a twelve-month period are treated far more favorably than those on an accelerated three or four-term basis in which a year and a half or a year and a quarter of academic work is done in a twelve-month period.

8. Title IV dealing with mobility of federal, state, and local employees provides a most resourceful and imaginative way to maintain fair treatment and to avoid a tendency for a one-way movement of persons from local and state government to the federal level on a permanent basis.

9. The text under Section 506 dealing with the distribution of grants warrants some caution. While the aim should be to stimulate initiative in the improvement of personnel systems and training programs in all states, many states do not have a substantial enough population to support high quality and varied educational and training programs. Cooperation among such states and utilization of institutions in larger states that have adequate programs will need to be relied upon.

10. The amount of funds authorized for the next three years is minimal. When one considers the enormous range of administrative, professional, and technical fields to be covered and compares this with the amount of funds the U.S. government is putting into education and training in such fields as agriculture, science, medicine, public health, and space exploration, the figures seem very modest. The main need, however, is to get started.

I hope these comments are useful to you.

Sincerely yours,

DONALD C. STONE,
Dean.

STATEMENT FOR THE SUBCOMMITTEE ON INTER-GOVERNMENTAL RELATIONS

(By Donald C. Stone)

Enactment of legislation along the lines of S. 3408 to improve the quality of personnel responsible for public services at state and local levels is most critically needed. Such a program would contribute in many important ways to the achievement of the society and conditions of life in this country to which our citizens aspire.

In this statement I wish (1) to stress the critical need for measures to upgrade and strengthen present personnel systems, (2) to comment on several aspects of S. 3408, (3) to assess the adequacy of certain related legislation, and (4) to outline categories of public service personnel for which federal educational assistance is long overdue.

I make these comments from the background of the experience of the Graduate School of Public and International Affairs of the University of Pittsburgh, the main functions of which are to provide pre-service education and in-service training for public service personnel at local, state, and national levels, and to conduct research and advisory assistance to improve the quality of public service. Having devoted most of my years to the improvement of municipal, state, and federal administration as an official, consultant, researcher, and teacher, I naturally have a very special interest in the purposes of S. 3408.

URGENCY OF IMPROVING THE QUALITY OF PUBLIC SERVICE PERSONNEL

Action contemplated in S. 3408 has become critical because rapid urbanization under the impetus of technological developments is changing the character of our society and the role of government in relation to it. While we have become a highly urbanized society, our administrative arrangements and personnel practices are mostly designed for a previous era. The character of public services and facilities now required are radically different from those of earlier generations, and changes of equal magnitude can be foreseen in the future.

The administrative structures of local and state government and the capabilities of public services have lagged far behind the challenge of these changes. Part of the problem relates to the outmoded character of local government systems, but even without changing these systems, major advances can be made in the quality of public service administration by modernizing internal management in local and state governments and by administrative measures to link local, state, and federal agencies in effective cooperative endeavors. S. 3408 would facilitate such cooperation and enhance the quality of public service administrative functions as they affect the quality of life in communities, cities, and metropolitan areas throughout the nation.

Many cities, a few counties, and a number of states have made noteworthy progress in applying modern methods of management, resource and program planning, personnel methods, budgeting, and technical practice in their efforts to provide the kind of public services and facilities essential for modern urban life. The federal government has made striking progress in the quality of its administration and personnel since World War II. However, it is interesting to note that the more capable the public official or the governmental organization may be, the greater is the recognition given to its shortcomings and to the dearth of professionally educated personnel for the complex tasks of modern public service.

Having worked on the improvement of local, state, and federal administration for many years, I can testify that an enormous gap exists between the quality of personnel and the effectiveness of public service as now practiced in comparison to what is readily achievable by the application of modern management standards. To the extent that we fail to take measures to close this gap, we are wasteful of hard-to-come-by resources and are compounding problems for future generations. The failure to secure a dollar's worth of service for a dollar of public expenditure because of inept and inefficient performance by personnel is just as much a waste as outright corruption and political patronage. The failure to apply effective systems of classifying, recruiting, training, promoting, and evaluating performance of public service personnel is a major cause of such waste.

The strength of this nation lies largely in its urban industrial might. Our posture abroad, our demonstration of the effectiveness of democracy, as well as our economic and social well-being require that we parallel our genius in scientific, industrial, agricultural, and medical fields with equivalent attention to public management.

Urban local governments have been the stepchildren of our governmental system. State governments were designed to serve a rural society and most of them have been controlled by legislators and administrative organizations whose interests were focused primarily upon rural life and small communities. Until recently, the development of effective structures and administration for local governments has been of little interest to many state and federal legislators.

Finding that local government reform was blocked by disinterest at the state level and by inappropriate and outmoded constitutional and legislative provisions, I early became the advocate of home rule for municipalities. While the citizens of cities and counties do need to have authority to develop local government organization and administration under a broad authorization of state legislation, the early idea of home rule is not applicable to modern society. In urbanized society the primary role of a state government and of the federal government is to foster policies, programs, arrangements, and conditions which create a dynamic, effective, livable society. Thus the federal, state, and local governments all share in the same objective. There must be partnership all along the line.

S. 3408 represents application of the partnership principle at the most crucial point, namely cooperation and mutual support among the federal, state, and local governments in improving the quality of personnel to carry out functions in which all three kinds of government share a concern and responsibility. I hope that the Subcommittee on Intergovernmental Relations will unanimously recommend S. 3408 and that the Congress will enact it. Its principles of cooperation and mutual assistance will be contagious for many other areas where there must also be close partnership between local, state, and federal administration. Only with this kind of partnership can our federal system be adequate to cope with the almost overwhelmingly complex and critical changes that are taking place in our urbanizing society.

S. 3408 WELL DRAFTED

I have examined in detail the provisions of S. 3408. It is extremely well drafted. While refinements could be made, the essential features of the Bill in my view are well designed. Cooperative and constructive relationships between the federal, state, and local governments are conceived in a flexible and effective manner. The principle of federal assistance for improving administrative practice and initiating programs of personnel modernization incorporated in the Bill is compelling.

The Bill appears to have drawn well on the lessons we have learned in the conduct of grant-in-aid programs. It recognizes that

apathy, ignorance, as well as inadequate financial resources at state and local levels can be surmounted only with the inducement of financial assistance. Since a viable urban society is a national concern, it is essential that the Congress and federal agencies take initiative in encouraging and assisting state and local governments in fulfilling their sectors of national responsibilities.

In many states progressive cities are better managed and have higher quality personnel than their state governments. The state governments are modernizing, but in some cases it may be a long time before the states will have either much interest in or competence to foster management improvement in their municipalities. Under a dynamic federalism, our national government must of necessity be concerned with the quality of local government administration as well as with that of the states. It must not let national obectives and responsibilities be destroyed by inept state administrations when progressive municipalities in such states wish to keep in step with the nation. Thus the provisions in S. 3408 which authorize local governments to submit plans directly to the federal government when the states do not act are highly desirable. Indeed they are crucial.

ADEQUACY OF RELATED LEGISLATION

As emphasized by the statement of Senator Muskie in introducing S. 3408, the bill is primarily concerned with training within the service after appointment, not with education for public service prior to appointment. His statement mentions the hope that "Title I of the Higher Education Act of 1965 will resolve some of the problems in this area," and also makes reference to the potential of Title VIII of the Housing Act of 1964.

Title I of the Higher Education Act is little more than a blind stab to do something about communities. Most states are not organized in a manner that enables provisions of the Act to be effectively implemented. Departments of education which in many states have been assigned the administration of the Act are not competent to deal with overall community and municipal problems. Their staffs know very little about city, county, and state administration, about present programs, or the potential of universities in providing public service education. A review of what is happening under Title I of the Higher Education Act is discouraging. Moreover, the fellowship provisions of the Act are not focused on critical urban professional fields. Whenever legislation is put in the hands of persons who are ignorant or disinterested, the purposes of the legislative body are inevitably thwarted.

Title VIII of the Housing Act of 1964 could be very beneficial to the purposes of S. 3408, but it has not been implemented because of the denial of appropriations. While conceived in too limited a framework, this Title has considerable possibilities. Moreover, it is the responsibility of a federal department which is concerned with the broad development of urban communities.

Recognizing that as much progress as possible should be made under both the Higher Education Act and the Housing Act, new legislation is essential to focus upon the many gaps in the range of categories of personnel of crucial urgency to local, state, and federal agencies in serving an urban society. President Johnson's Princeton speech emphasizes the character of the problem, and many of us in public service education are heartened that studies are under way to cope with it. Since the problem involves intergovernmental relations, I trust that the Subcommittee on Intergovernmental Relations will give sustained attention to it.

CRITICAL CATEGORIES OF PERSONNEL

A major deficiency in the Higher Education Act, in the Housing Act, and in most other federal approaches to this problem of developing qualified personnel for public service in an urban society is the failure to take into account the variety of categories of personnel and the kind of professional education needed, both pre-service and in-service. To illustrate how federal, state, county, municipal, and private agencies all are involved in providing the functions and facilities of an urban area, I have prepared the attached chart on "The Community Organization Complex." Two-thirds of our national population now live in such community complexes. The upper portion of the chart illustrates the interplay of official and voluntary agency leadership as well as the diversity of government and voluntary organizations immediately responsible for urban affairs. The central city structure is duplicated to a considerable extent in the satellite communities and in the county or counties of the region. State and federal agencies not only provide significant services to the same areas, but increasingly are involved as partners in a variety of financial and administrative arrangements.

The functions depicted in the boxes on the chart comprise those which are especially crucial to achieving the attributes of the Great Society in urban complexes. Most of them require cooperation among federal, state and local administrations.

Only fragmentary university education has been developed to prepare qualified personnel to administer most of the principal functions shown on this chart. For some fields no significant graduate educational programs exist. The cultural lag in modernizing university education to fulfill the needs of urban public service is enormous.

During the past few years the Graduate School of Public and International Affairs has made three surveys of this problem. The most recent resulted in the preparation of a handbook on "Career and Educational Opportunities in the Urban Professions." Under separate cover I am sending a sufficient number of copies of this handbook to be provided to the members of the Subcommittee on Intergovernmental Relations. The purpose of the handbook is to interpret to college and university instructors, placement officers, students, and other appropriate persons the challenging career opportunities in 19 major fields of public service. University programs to prepare personnel for each field are listed as are fellowship resources.

The most important fact revealed by the handbook is the fragmentary character of educational programs for most of the 19 urban fields. These fields are as follows:

Urban public administration.
Administrative staff officers.
City and regional planning.
Urban renewal and community development.
Housing administration.
Community action and opportunity development.
Industrial-economic development.
Public Works engineering and administration.
Urban traffic and transportation: engineering, planning, and administration.
Administration of law, safety, and justice.
Social service and welfare administration.
Employment-social security, administration.
Community recreation and park administration.
Public health administration.
Hospital administration.
Education planning and administration.
Public library service.
Culture and the arts.
Research and teaching in urban affairs.

Professional education for a few of these 19 fields has been nationally fostered and accorded some financial support, notably public health, social welfare, and education administration. However, most have been overlooked or ignored by government and by educational philanthropy. No federal legislation recognizes the scope and diversity of these professional fields and the need for fostering university programs, for providing fellowships, and for establishing in-service training to supply the manpower requirements.

The enactment and implementation of S. 3408 would result in immediate upgrading of federal, state, and local personnel already engaged in many of these 19 fields. Since the majority of employees in most fields have not had professional education initially, the deficit of properly trained personnel is enormous. Thus the long-term objectives of S. 3408 cannot be fulfilled without a vast expansion in pre-service education to enable channeling a new generation of young men and women into these fields of service to fill vacancies. Moreover, there will not be suitable professional schools to carry out in-service training needs under S. 3408 unless the federal government provides financial assistance to assure the establishment of such schools for both pre-service and in-service education. Continuing education for physicians would not amount to much if there were no medical schools. Similarly, efforts to provide mid-career course work in such fields as urban administration, public works, or industrial-economic development will be ineffective unless professional schools are created with qualified instructors, research programs to prepare teaching materials and supporting assistance for university resources.

Many universities are ready to establish new programs or expand present ones to meet this national need, but they lack funds. Universities respond to the demands of society as reflected by financial inducements, public and private. The federal government has appreciated this in the fields of science, agriculture, and health. The stakes in filling this educational (and research) vacuum in public service professions are no less crucial. They consist of achieving in the United States a tolerable urban-industrial society for 150 to 200 million urban dwellers during this century.

I do not know how many university centers of education are needed for these various functions. In the field of public works in which my School is about to launch a graduate program jointly with the School of Engineering and the Graduate School of Public Health, we believe a minimum of 25 comprehensive university programs will be needed, and that civil engineering departments generally should give more attention to urban applications and to public administration.

We have found at the University of Pittsburgh that many mutual benefits and economies derive from engaging in a number of related professional fields. For example, the new public works curriculum will be greatly strengthened by the companion programs of the Graduate School of Public and International Affairs in Public Administration, Urban and Regional Planning, Urban Development and Renewal, Urban Management, Metropolitan Studies, and Economic and Social Development. These in turn are advantaged by the availability of expert staff and courses in the Schools of Public Health, Business, Social Work, Education, Law, and Engineering, and such departments as Economics, Political Science, Geography, and Sociology.

Thus the aim of the federal government should be to foster a network of universities which are committed to education, research, and services in most of the 19 fields listed above. Only comprehensive universities which feature graduate and professional education are capable of doing this.

The simplest way the federal government can foster professional education in deficient fields is to provide fellowships to enable qualified persons to secure the requisite education, and also to allocate to the university attended a supplement to help

finance its educational costs. This supplement should be at least $1000 for an academic term or semester of study. The availability of such supplements will encourage universities to expand or initiate new programs, and to secure additional resources. Such a system also avoids involving the government in making grants-in-aid for operation. This is the principle used by NDEA, Merit, and numerous other fellowship programs, although in many cases the supplement is insufficient.

Two additional elements are important in cooperative endeavors to upgrade public service personnel and to modernize structures and methods of administration: (1) professional associations of public officials and (2) foundations.

Much has already been achieved in federal-state-local coordination through functional associations which enlist officials of all levels. Examples of these are the American Public Works Association, the American Public Welfare Association, the Public Personnel Association, the American Society of Planning Officials, the National Association of Housing and Redevelopment Officials, and many others. They need to foster programs of professional education as well as assist in carrying out the provisions of S. 3408.

Foundations are essential initiators of new programs and demonstrations. By cooperating with universities and professional associations, they can help create prestigious professional education programs which will point the way for other universities and pave the road for federal support.

CONCLUSION

The enactment of S. 3408 is thus strongly advocated. It will help greatly to strengthen our Federal system of government. It will foster public administration at the municipal and county levels capable of discharging the leadership and operational responsibilities required for local self-government and for achieving effective partnership with State and Federal governments.

But the implementation of S. 3408 will be seriously handicapped without the establishment by universities of programs or schools of professional education in the major public service fields. Otherwise there will not be qualified places in which to conduct the more advanced and difficult training contemplated under S. 3408, nor will the necessary network of professional schools be created to recruit and prepare the best of the Nation's youth for Federal, State, and local government service.

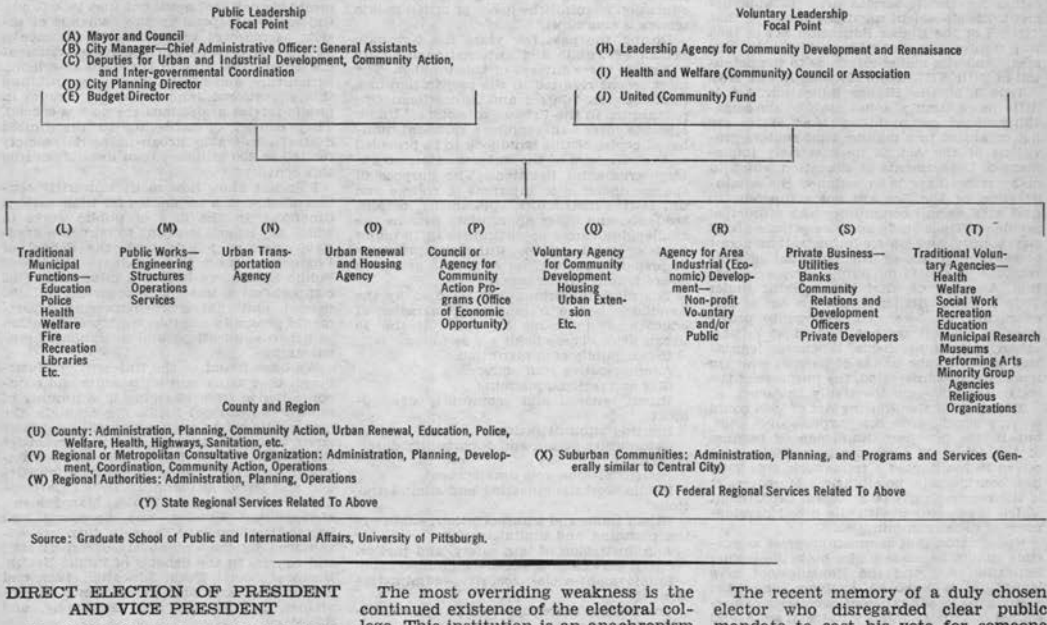
S. 3408 will stimulate Federal, State, and local action to improve personnel administration and to support in-service training. Additional legislation is needed to enable universities to provide the educational and research underpinning on which high standards of personnel and performance in the public service professions must ultimately rest.

Finally, major revisions in the organization and administrative systems of local government are essential. The present apparatus was designed for a rural—and, from a technological standpoint, a primitive—society. A glance at the attached Community Organization Complex Chart makes it abundantly clear that the achievement of efficient urban administration and of effective partnership among local, State, and Federal organizations requires wide-scale local government modernization.

The Committee on Economic Development (CED) has recently issued a policy statement entitled "Modernizing Local Government." This report prepared by the CED's Committee for Improvement of Management in Government under the chairmanship of the Honorable Marion Folsom provides a practical handbook for such modernization. Federal, State, and local governments all have roles to play in creating a better system. Intergovernmental cooperation is essential. The report is thus an important one for the consideration of the Subcommittee on Intergovernmental Relations.

APPENDIX A

THE COMMUNITY ORGANIZATION COMPLEX—FEATURING AGENCIES ESPECIALLY RESPONSIBLE FOR COMMUNITY AND REGIONAL DEVELOPMENT AND ACTION



Source: Graduate School of Public and International Affairs, University of Pittsburgh.

DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. RIBICOFF. Mr. President, I have joined my distinguished colleague from Indiana, Senator BAYH, in sponsoring a joint resolution to amend the Constitution by providing for the direct popular election of the President and Vice President.

The events of 1968 have shown us the dangers and pitfalls of the present electoral system. Now, with almost 4 years before the next presidential election, and without the attendant pressures of an election year, we must act to correct the weaknesses and inequities in the system.

The most overriding weakness is the continued existence of the electoral college. This institution is an anachronism that reflects a basic mistrust in the ability of the American voter to decide who should be President. Its very existence violates the spirit of our democracy.

The American voter needs no assistance in selecting a President. He needs no agent to cast his ballot. Throughout our Nation our citizens vote directly for selectmen, county officials, Congressmen, Senators, and Governors. It is ironic and demeaning to our society that the American voter cannot cast his ballot directly for the two highest offices in the land.

The recent memory of a duly chosen elector who disregarded clear public mandate to cast his vote for someone other than the choice of his State is a blot on our election system. We can no longer condone this loophole in our democracy.

Numerous suggestions have been put forward to revise the present system. But the only meaningful change is an amendment to abolish the concept of electoral votes completely. The only votes that should count in our Nation's most important election are those cast directly by the individual voter.

An amendment providing for direct

popular election will avoid the possibility of a President being elected on the basis of fewer votes than his opponent. Our Nation can no longer tolerate the inconsistency in our system that allows a candidate to win over an opponent who has more votes.

Recent analyses have proven that the electoral college system discriminates against the voters of some States. Because most States count all of its electoral votes in the column of the candidate with a plurality, the voters in States with large electoral blocs have more power to decisively affect the outcome of a national election.

This simply is not fair. We in Congress have made great strides in enlarging the franchise and protecting the right to vote. We ought to take a further step and insure that this power of the ballot is an equal power. By amending the Constitution in favor of direct popular election of the President we can give life to this belief in fairness.

HICKENLOOPER SAYS FAREWELL—ARTICLE BY CLARK MOLLENHOFF

Mr. MILLER. Mr. President, on January 3, my senior colleague from Iowa, Bourke B. Hickenlooper, voluntarily bowed out of a distinguished career of public service—24 years in the Senate, 2 years as Governor of Iowa, 4 years as Lieutenant Governor, and 4 years as a State representative.

In these 34 years, Senator Hickenlooper gave his State and the Nation dedicated, principled, hard-working service. "Service Above Self" was his motto, and it was only natural that personal integrity was his reputation.

A firm believer in the constitutional institutions and safeguards of our Government, he sought progress for our people on a sound and lasting basis. He believed strongly in the preservation of States rights consistent with the exercise by the States of their responsibilities, and he felt keenly about the excessive concentration of power in Washington to the detriment of the viability of the States.

His Senate career spanned the administration of five Presidents, and he was often called upon by these leaders of our country for his wise and well-informed counsel. He well understood that compromise is the art of the legislative process, but fundamental principles of good government were not within his area of compromise.

As ranking Republican on the Senate Foreign Relations Committee, he constantly devoted his energies to the search for a just and lasting peace within the family of nations. At the same time, this was carefully balanced by his recognition that the security of our country must never be compromised. He was not one to take the hard line of belligerence, but, rather, the firm line of straightforward commonsense.

On January 2, the distinguished Washington reporter for the Des Moines Register, Clark Mollenhoff, wrote a fitting summation of the public life of the man known far and wide as "Hickenlooper of Iowa." I ask unanimous consent that the article, entitled "Hickenlooper Says 'Farewell,'" be placed in the RECORD.

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

HICKENLOOPER SAYS FAREWELL: ONLY ONE IOWAN HAS SERVED LONGER IN THE U.S. SENATE

(By Clark Mollenhoff)

WASHINGTON, D.C.—The cavernous gray office safe is empty and the walls of the fifth floor office are stripped bare of the mementos of 24 years Bourke B. Hickenlooper served in the United States Senate.

Today the 72-year-old Iowa player will bow out of the Senate after nearly a quarter of a century in which "Hickenlooper of Iowa" was recognized in Washington and throughout the world.

He is a little heavier and somewhat slower moving than he was 15 or 20 years ago, but there is remarkably little change in the face or the demeanor of the man who has served longer than any other political figure in the last half-century. Only former Senator William B. Allison, a Republican who served from 1873 to 1908, served longer than Hickenlooper.

STARTED IN 1934

When he relinquishes his seat today to Senator-elect Harold Hughes, a Democrat, Hickenlooper will end a public career that started when he was elected to the Iowa House in 1934.

Although Hickenlooper, the third ranking Republican in the Senate, made a decision not to seek re-election because of a possible tough Republican primary fight, he has found it easy to reconcile himself to the philosophy that it was wise to retire.

His time in office spanned the administrations of five presidents—from Franklin D. Roosevelt through Lyndon B. Johnosn—and he was intimately acquainted with Iowa-born President Herbert Clark Hoover and President-elect Richard M. Nixon.

Although the late Senator Brian McMahon (Dem., Conn.) has the technical title of the first chairman of the Joint Congressional Committee on Atomic Energy, McMahon never actually served as chairman in late 1946, and it was Hickenlooper who headed that important congressional body in January, 1947, as the first active chairman in the dawn of the nuclear age. He has continued as a senior member of that committee in the 22 years it has been in existence.

It has been a period of controversy, with triumps and a few stinging defeats. He was allied with Gen. Leslie R. Groves, head of the Manhattan Project, in pushing for further nuclear developments in the period immediately following the explosion of the first atomic bombs.

Later, Hickenlooper was allied with other congressional leaders in forcing the Navy to promote Hyman Rickover from captain to rear admiral and from rear admiral to vice-admiral.

NUCLEAR POWER

Rickover, a tough, bright and outspoken advocate of nuclear power for submarines and surface vessels, periodically found himself in bitter battles with the "battleship admirals" and political civilians at the Pentagon.

Rickover has periodically paid tribute to Senator Hickenlooper as a leader in Congress in forcing the executive branch to move forward with the nuclear submarine program and later the nuclear surface ship program.

While Hickenlooper's role in the development of nuclear power was of historic significance, his role in the foreign affairs field was even more important in recent years.

The boy who was born and reared in the little town of Blockton, Ia., toured more than 65 countries and talked with presidents, prime ministers, and kings in his role as ranking Republicans on the Senate Foreign Relations Committee.

If Blockton had been any more than five miles from the Missouri border, it is doubtful if Bourke Hickenlooper could have claimed to have been out of Iowa until he was 20 years of age.

He was 20 when he made his first long trip to Richmond, Va., where he attended a national convention of his University of Iowa college fraternity, Sigma Phi Epsilon.

On the same trip he made his first visit to Washington, and the son of a small town hardware merchant kept traveling. After receiving his bachelor of science degree he joined the Army as a second lieutenant, and in 1917 went to France with a field artillery unit.

PRACTICED LAW

After graduating from law school in 1922, Bourke practiced law in Cedar Rapids until 1934 when he was elected to the Iowa House. Two two-year terms in the Iowa House were followed by two terms as lieutenant-governor, and one term as governor before he was elected to the Senate in 1944.

Although he is regarded as a conservative Republican, Hickenlooper pushed the first aid to dependent children program through Iowa at a time when the Hawkeye state was one of only two states without ADC programs.

In the Senate, Hickenlooper has regarded himself as "for social programs that can be properly administered and do not create dependency."

In recent years he has been distressed by "the lack of standards and the lack of safeguards" in the laws providing for foreign aid and for a broad range of poverty programs.

He said he has "never been opposed to social programs that will actually help people get on their feet."

"I do oppose these open-ended giveaway programs that have no standards and are an invitation to mismanagement and corruption," Hickenlooper said "It is bad government."

AGAINST FRAUD

It is on the same basis that Senator Hickenlooper said he has periodically questioned the amount of foreign aid or the laws under which foreign aid was being administered. While he usually ended up voting in favor of foreign aid, his objections were "based on the need for better management and more safeguards against frauds."

In his period of time in the Senate, he has most resented "the oversimplification" by various groups in analyzing votes in Congress. "Votes against poverty programs or other social programs are too often pictured as votes against poor people when in fact those votes are an attempt to get some common sense into a program so poor people will be benefitted," Hickenlooper explained.

In the same manner, Hickenlooper said votes against foreign aid are too often characterized as "a return to isolationism and a retreat from world responsibility, when in fact it is simply an effort to get better management into these programs."

In Senator Hickenlooper's first years in the Senate, the great bipartisan figure was the late Senator Arthur Vandenberg, a Michigan Republican, who was an important figure in getting Republican support for President Truman's first foreign aid program, the Marshall Plan.

In more recent years, Hickenlooper has been regarded as "Kennedy's Vandenberg" and later as "Johnson's Vandenberg."

Because of opposition of the Vietnam War by Foreign Relations Committee Chairman J. William Fulbright (Dem., Ark.), Hickenlooper was often the strongest supporter that either Kennedy or Johnson had on the committee.

NO PATSY

It was a title that Senator Hickenlooper wore uneasily, for he was wary of being the Republican patsy for a Democratic administration. He managed to handle it with just enough wariness that he was usually able to

give the Democratic administration support against the most vociferous doves without relinquishing his right to criticize.

Hickenlooper's periodic rose garden walks with President Kennedy were an important part of American foreign policy in the 1961–63 period. The personal relationship was excellent and Hickenlooper "trusted his (Kennedy's) motivations and liked him as a person."

"I had some serious reservations about his maturity and his judgment from time to time, but I never doubted his good intentions," Hickenlooper said.

President Johnson has been another case. While Hickenlooper has given general support to the stated aims of the administration in Vietnam, he has been constantly wary of fast political dealings.

Even as he criticized the "unrealistic doves" of the Senate, Senator Hickenlooper has usually voiced his own sharp differences with the Johnson administration on the manner in which the war was being fought.

BOMB PAUSE

One of the most disappointing aspects of the Johnson administration's performance was in the period immediately prior to the election, Hickenlooper related last week.

Hickenlooper said that while there were numerous rumors of a possible bombing pause just before the election, he received a call from an unnamed high figure in the Johnson administration assuring him there would be no bombing pause.

Hickenlooper said he had some reservations about the assurances at the time, but since there was no way to effectively challenge such a private assurance merely accepted it with "thanks."

"The announcement of the bombing pause a few days later did not surprise me, but it certainly did disappoint me to find such misrepresentations being made by high level spokesmen on such an important matter," Hickenlooper said.

Hickenlooper said, "There is no point in identifying the man at this time." At the proper time, he expects to try to make available more details of the unwritten story of his years in Washington.

Dozens of cartons of Hickenlooper's papers have been sent to the Herbert Hoover Library at West Branch, Ia., where they will be available for examination by students and authors interested in the early years of the Atomic Energy program and the tumultuous story of foreign affairs in the period since World War II.

Senator Hickenlooper finished the last bit of discarding of papers from his desk late Tuesday, and tossed aside two copies of a small brown covered history of "Mormontown"—the early name of Blockton.

NO MENTION

The little history was printed in 1961 at the time of the centennial for the little Taylor County village. It contained no note on the boy from Blockton who served as Iowa's governor and U.S. senator.

There was only one small picture of a teenage boy and a huge black setter dog captioned simply, "Bourke B. Hickenlooper and his dog."

Hickenlooper is saving the two small centennial pamphlets for his two children, not because they tell any great story about their father but to demonstrate "it takes quite a bit to impress some of the folks down there in Blockton."

Senator Hickenlooper who will have a pension of more than $20,000 a year has had a number of offers to join law firms in Iowa and Washington, but has made no decision on the future. Mrs. Verna Hickenlooper has a serious heart condition that in recent weeks has confined her to her bedroom.

Hickenlooper said he will delay any decision on whether to remain in Washington or return to Iowa until after Mrs. Hickenlooper's health has improved.

LET THERE BE NO MORE "PUEBLOS"

Mr. YOUNG of Ohio. Mr. President, it is of utmost importance that President Nixon, as Commander in Chief of the Armed Forces of the United States, direct a complete separation of the operation of our spy or intelligence collecting ships from the U.S. Navy, even to the extent of honorably discharging enlisted men, and encouraging some officers to resign from the Navy.

The *Pueblo* operation was a disgrace from the outset to the moment that Commander Bucher without offering even a show of resistance suffered the North Korean boarding party from a small North Korean naval vessel to back against our armed naval vessel and board and capture it without any resistance whatever. During 2 hours of harassment preceding that, Commander Bucher never even had the covers removed from the ship's .50-caliber guns, nor did he proceed out to sea away from about 13 miles off the coast of North Korea at full speed.

The first lesson that officials of the executive branch of our Government must take to heart from this is that we must without delay completely separate the operations of all our intelligence collecting factories, such as the sister ships to the *Pueblo* and others, from the U.S. Navy. The Soviet Union has at this time more than 100 spy or intelligence collecting vessels. They are in evidence at practically all times off the coast of the United States and wherever and whenever on the seven seas U.S. warships are maneuvering, engaging in target practice or mock combat maneuvers. The spy ships of the Soviet Union are disguised as fishing trawlers. Many, probably most of them, have no fish nets whatever nor other strictly fishing equipment. All of them are equipped with radar and highly sensitive detection devices for underwater surveillance as well as listening-in devices. They are everywhere in evidence.

At the time of the *Pueblo's* capture, Soviet trawlers were operating beyond our 3-mile limit off Norfolk, Charleston, Guantanamo Naval Base, Cuba, and various ocean areas off our Pacific coast from San Diego to the Alaskan waters. If the commanding officers of these Russian trawlers, so-called, are in fact officers of the Navy of the Soviet Union that is entirely unofficial and secret. We must follow the example of the Soviet Union. Our 10 or more intelligence collecting, or spy, ships must be commanded and staffed with officers and crew being civilians and paid by the Central Intelligence Agency as civilians. True, the commanders and executive officers and most of the seamen would undoubtedly be men whose past records as officers and enlisted men of our Navy have been excellent, during their period of former service in our Navy.

Director Helms of the CIA, replete with a sad record of blunders such as the U2 affair and the poorly planned Bay of Pigs operation, must bear the responsibility for the disgraceful *Pueblo* disaster. It is evident that this was an unnecessary and an ill-timed operation from the outset. He and the admirals of our Navy are to be condemned for this risky intelligence collecting operation just outside the 12-mile limit back and forth along the coast of North Korea at a time when we were so heavily involved in a major war in Vietnam and Thailand. It is evident not only that it was ill timed but poorly planned.

As a Member of the Armed Services Committee of the Senate, I am asking for a complete investigation of this entire affair from its inception to the disgraceful moment that a commanding officer of an armed U.S. naval warship suffered his ship to be boarded and captured without firing a shot, without making even a show of resistance and without even removing the covers from the .50-caliber guns on the forward deck of the *Pueblo* and in plain view of the officers and men of the small boats of the North Korean Navy surrounding the *Pueblo* and threatening its officers and men.

There must be an investigation of this sordid affair. There are so many unanswered questions. Why, for example, should an American ship engaged solely on a CIA operation be commanded by a U.S. Naval Reserve commander then on active duty? Spying is and always has been an operation conducted by either civilians or by men who are ostensibly acting as civilians and have been separated from duties as army or naval officers. Furthermore, we have a duty to ascertain from the admirals of the U.S. Navy the reason for their failure in misinforming the Armed Services Committee of the Senate as to the facts surrounding the mission and the capture of the *Pueblo*.

Last year at 2:30 p.m. on Tuesday afternoons we on the Armed Services Committee of the Senate listened sometimes for as long as nearly 2 hours to highly secret intelligence briefings, usually made by officers of our armed services. Following the capture of the *Pueblo*, in one of these highly secret briefings I recall the officer telling the fact, or at least he alleged his statements to be facts, that only one of the 83 officers and men aboard the *Pueblo* was killed. He stated that in destroying highly secret and classified material and instruments an explosion blew off the leg of this one crewmember. He later died.

Now Commander Bucher testifies that small arms fire from the North Koreans mortally wounded this crewmember. We must have the facts. Otherwise, what reliance can we place on such briefings? My conclusion is that this briefing regarding the *Pueblo* involved a waste of our time. It was inaccurate in my judgment on many counts. Even the chart displayed on the screen referred to the U.S. warship *"Pubelo"*.

Now, many citizens write that Commander Bucher should be awarded a medal. A medal for what? Let us think of John Paul Jones, Decatur, Preble, and Capt. James Lawrence, of the 44-gun American frigate *Chesapeake*, mortally wounded when his frigate was boarded by officers and men of the English 44-gun frigate *Shannon* outside of Boston oceanfront in 1813 at a time when he was valiantly seeking to repel the British boarding party. The last words of Captain Lawrence as he was carried be-

low deck mortally wounded were, "Don't give up the ship."

During the War Between the States and down through World War II, no warship of our Navy was ever captured or sunk or scuttled without a fight. Furthermore, of thousands of Americans imprisoned and on numerous occasions tortured by the Japanese in World War II, following the death march from Bataan, and elsewhere, no one, but no one, ever knew of an officer of our Armed Forces or of an American civilian taken captive signing a confession or statement denouncing his country.

North Korea has a nonaggression treaty with the Soviet Union. According to the provisions of this treaty the Soviet Union is obligated to send its armed forces to the aid of North Korea in event another nation attacks that country. This nonaggression treaty is similar to that our Nation has with West Germany. The fact that North Korea indulged in more than twice as many intrusions into the demilitarized zone in 1967 than during the previous year was an insufficient reason for CIA officials to undertake this risky surveillance operation by the *Pueblo* along the North Korean coast for more than 10 days and nights at a time our Nation was heavily involved with more than half a million of our Armed Forces in and off the shores of Vietnam and Thailand. In drifting with the engines off the CIA technicians on board the *Pueblo* could no doubt better intercept the messages and radio communications, and the closer the *Pueblo* was to the shore the more information could more easily be obtained. In this period of our radio silence it was assumed and hoped at the Pentagon and at the CIA offices that orders not to intrude further than 13 miles off shore had been followed. North Korean authorities claimed the *Pueblo* had intruded into their territorial waters and on some occasions was but 5 or 6 miles from the nearest North Korean island.

It is certain that both the United States and the Soviet Union will continue to employ spy ships. In view of the *Pueblo* blunder, our Nation must devise a new policy for handling any future incidents like that of the *Pueblo*. Spying is a risky business. The risks ought to be well considered in advance.

There must be no more *Pueblo* incidents. The Congress and President Nixon should give priority to straightening out and reforming our Central Intelligence Agency and its spying operations. Commencing with President Eisenhower there has been a pattern of CIA blunders, humiliating to our Presidents and to the American people. Will President Nixon be the next to be afflicted by some horrendous CIA blunder? Let there be no more *Pueblos*.

CONFLICT-OF-INTEREST RULES SHOULD BE REVIEWED

Mr. MATHIAS. Mr. President, the current transfer of power from one administration and one group of Cabinet officers to another has reopened discussion of the complicated question of conflicts of interest. Several cases have spurred us to reassess the current ways of insuring that the private interests of a high government official will not have an improper influence on his decisions in matters of public policy.

In the case of men entering Cabinet posts, stringent rules have been applied, as a condition of confirmation, to preclude potential conflicts of interest. These nominees have opened their personal accounts to close public and congressional scrutiny, and have been required either to divest themselves of certain holdings, or to place their funds in blind trusts for the duration of their public service.

In the case of men leaving the Government for private posts, we are now confronted with the difficult case of the Department of Transportation's approval of a $25.2 million mass transit grant to the Illinois Central Railroad shortly before the former Secretary of Transportation left that office to become president of the Illinois Central. In this instance, Secretary Boyd did refuse to become involved in that application, precisely to avoid any conflict-of-interest possibilities. But his action, while well motivated, left only the unsatisfactory alternative that he effectively abdicated his departmental responsibility to review the largest single mass transit grant made to date by DOT. Secretary Volpe has properly initiated a full review of this case.

These events have emphasized the size of the challenge we face in trying to make more sense out of a tangled and often grey area of policy. Our task is made more difficult by the human factors involved, such as the fact that Cabinet officers and other high officials have to earn a living and feed their families after they end their Government service, and must become job seekers as their terms expire.

In my judgment, we should review the current laws, enacted in 1962, governing the business activities of former public officials and those who, while still in office, are considering private offers. For example, we should consider legislation to require that any relevant employment offer made to an official with jurisdiction over any case, application or contract award should be made part of the public record of that matter.

This would be similar to proposals long pending to include in the public record of every case before an administrative agency a full report on all written and oral communications about the case from Members of Congress and all other outside parties.

Other amendments might be in order as well.

Second, we should develop more clear and consistent standards for incoming officials. This month various committees have required one step for one nominee and a different course for another, depending on the size of the holdings involved and the degree of concentration of one's capital in a given industry. More consistent rules would be helpful both to this body and to all individual citizens who will have to measure the financial impact of possible Government service in the future.

Finally, the current cases raise questions reaching beyond the executive branch. As Joseph R. L. Sterne pointed out in an excellent article in this morning's Baltimore Sun, we are operating under a double standard, since there is no requirement for public disclosure of outside income and holdings by Senators, much less any rule requiring us to divest ourselves of any holdings which might raise conflict-of-interest questions.

I have discussed in the past the importance of removing this double standard, and of giving the public the facts on which to weigh any potential or apparent conflict of interest on the part of Members of Congress as well as executive officers of the Government. Last year Mrs. Mathias and I made full public disclosure of our own assets and the sources and amounts of our outside income during my entire period of service in the other body. I intend to bring this public report up to date this year, and will also press for legislation to strengthen the Senate rules by requiring public disclosure by all Senators.

Mr. President, this is a field in which there are no easy answers, and only hard thought can produce sound policies. I hope that the appropriate committees will take up these problems without delay.

I ask unanimous consent to include in the RECORD at this point the article from today's Baltimore Sun which I referred to above.

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

SENATE DOUBLE STANDARD REVEALS ITSELF ONCE AGAIN

(By Joseph R. L. Sterne)

WASHINGTON, January 26.—The Senate's double standard was showing once again during the ritual leading to last week's confirmation of the Nixon Cabinet and the new deputy defense secretary.

Executive branch officials, one after the other, paraded before Senate committees to discuss how they planned to divest themselves to certain holdings or to establish trusts in order to avoid conflict of interest.

NO SUCH REQUIREMENTS

Sitting in judgment were lawmakers who have imposed no such requirements on themselves.

The new Senate ethics code will require senators to file public statements listing campaign contributions they have received for the first time this year. By May 15, they will also have to file with the comptroller general—but not for public scrutiny—copies of their income tax returns and lists of their assets and liabilities.

But there was never any serious move during last March's debate on the new ethics code to require the divestiture of holdings that might arouse conflict-of-interest questions.

MOST IMPORTANT REASON

And given the present mood of the Senate, no such move is in prospect.

Perhaps the most important reason for this state of affairs is the sincerely held belief in some Senate circles that a double standard is justified.

A senator has to answer for his conduct in primary and general elections, it is argued, while members of the executive branch face no such cleansing process.

Legislators, with rare exceptions, are confined to the establishment of broad, general policy, while administrators have a direct control over the awarding of contracts.

And there is a theory that the whole legislative process quite rightly involves an interplay of conflict among geographical areas and

economic groups from which a lawmaker cannot and should not stand apart.

KERR AND WILLIAMS

The late Senator Robert S. Kerr (D., Okla.), one of the most powerful Senate operators in modern times, felt no compunction about voting for oil-depletion allowances despite his own large oil holdings. He figured the people in his oil-rich state wanted the depletion allowance and believed his holdings would make him fight zealously for them.

The opposite of the coin is represented in Senator John J. Williams (R., Del.), a self-appointed watchdog of ethics in government, who will not accept any federal agriculture benefits for his farm even though he does not object to his colleagues obtaining subsidies on the same basis as the ordinary citizen.

Although there have been a few rare appeals to force senators to divest themselves of holdings in a manner comparable to requirements for Cabinet officials, there has been a growing demand for mandatory disclosure of financial assets.

During last year's ethics debate, for example, a proposal to require public statements failed by a vote of only 40 to 44.

MORSE SPOKE OUT

One of the blunter attacks on the present secrecy was made at that time by former Senator Wayne Morse (D., Ore.).

"The Congress continues to be the one branch of the federal government where public confidence in honesty and ethical practices has never been firmly earned and probably not deserved," Mr. Morse declared. "It is the fault of the Congress itself."

"We have written statutes to codify ethical practices in the executive civil service, and among the judiciary. But we have neither statutes nor codes for standards of Congress in which the public can have any confidence.

"It would be impractical to apply the same statutes to Congress as apply to the civil service, since there is no tenure in Congress . . . but there is one protection which we continue to deny the public. It is the knowledge upon which to pass the judgment of public opinion."

Countering these arguments was the observation by Senator Karl E. Mundt (R., S.D.) that not even presidential appointees have to disclose their financial position publicly. They merely have to file confidential memoranda with the Civil Service Commission and the Senate committees dealing with their confirmation.

Senator Everett M. Dirksen (R., Ill.) frequently told newsmen during that period that he did not favor public disclosure because he had not sought public office "in order to become a second-class citizen."

One reason for the obvious Senate embarrassment over "conflict of interest" lies perhaps in the phrase itself.

CONFLICTS OF ATTITUDE

It literally evokes an image of a senator casting a vote or using his office for his personal financial gain, but in actual political use, it has been applied rather carelessly to much less reprehensible conduct.

For in addition to literal conflicts of interest, government by its very nature provokes conflicts of obligation and conflicts of attitude.

The conflict of obligation can be seen when senators promote projects that are helpful to their constitutents (or some of their constituents) but may be contrary to the national interest.

The conflict of attitude deals with the inclinations or training of public officials. If a man is a liberal or a conservative, a businessman or a farmer, a conservationist or a cold warrior, his attitudes may be regarded in hostile quarters as contrary to public interest.

The last conflict was very much in evidence during Senate consideration of three controversial Nixon appointees—Walter J. Hickel, the Secretary of the Interior; David Packard, the Deputy Secretary of Defense, and David M. Kennedy, the Secretary of the Treasury.

Mr. Hickel quickly eliminated personal financial conflict of interest in his case by promising to divest of certain holdings—particularly a $1 million investment in natural gas pipelines—in whatever way the Senate Interior Committee might direct.

But he aroused controversy in his attitude toward conservation.

"I am afraid that Governor Hickel as Secretary of the Interior, would be tempted to remove the reins from unlimited private exploitation of our natural resources," declared Senator Alan Cranston, (D., Calif.).

"I do not suggest that he would do so in order to further his own interests. . . . Rather, I fear he would tend to favor freer commercial exploitation in the belief that doing so would further the national interest."

Similarly in the David Kennedy case, most personal financial questions were removed when the Treasury Secretary agreed to get rid of most of his holdings in the Continental Illinois National Bank.

This, however, failed to relieve misgivings in some Senate quarters that Mr. Kennedy, because of his background, would be overly concerned with the banking industry itself.

Senator Albert Gore's lone vote against David Packard was based on his belief that there was a financial conflict of interest in the decision to permit the deputy defense secretary to retain—in a trust he will not control—a $300 million investment in the electronic company he founded.

Yet the Tennessee Senator publicly, and other senators privately, questioned whether a man whose whole life had been spent in the "military-industrial complex" could bring a broad, dispassionate attitude to the Pentagon.

In dealing with other Nixon appointees, Senate committees continued to apply stringent rules.

LITTLE MENTION

William P. Rogers, the Secretary of State, was told to sell his shares in Flying Tigers Airlines, an overseas freight-hauling company. John A. Volpe, the Secretary of Transportation, sold his interest in the construction company he founded. Maurice H. Stans, the Secretary of Commerce, placed his investment portfolio in the hands of a "blind trust." George Romney, the Secretary of Housing and Urban Development, continued the trust arrangements he set up as Governor of Michigan.

And so it went, with hardly a senator mentioning the double to be their own judge in handling their own financial affairs.

Senator Charles H. Percy (R. Ill.) said he had lost "many hours of sleep" wondering if he should vote on the Packard nomination since Mr. Packard headed a firm competitive to Mr. Percy's old company, Bell & Howell.

But Senator Percy never raised the question of whether he should divest himself of his Bell & Howell holdings before voting on defense appropriations that are at least of indirect benefit to that company.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII

The VICE PRESIDENT. The Chair lays before the Senate the pending business, which will be stated.

The BILL CLERK. A motion to proceed to consider Senate Resolution 11, to amend rule XXII of the Standing Rules of the Senate.

The VICE PRESIDENT. without objection, the Senate will resume the consideration of the motion to proceed to the consideration of the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without losing my right to the floor.

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

Mr. President, the winds of change are blowing throughout the world, throughout the Nation, and throughout this Senate. We will face up to this fact, recognize it, or be blown away by it.

Change is in the air, and we cannot avoid it much less ignore it. New voices are being heard and they will and should be listened to. If they are not then I warn the Senate that in time—in my opinion, a short time—the principle of majority rule to invoke cloture—which I do not favor—will become a fact and the basic character of the Senate as a deliberative body, and I stress the word "deliberative," will be a thing of the past. If that happens, and it can and will happen unless some of us change our rigid positions, this institution, unique among all the parliamentary bodies of the world, protected to a degree from the public pressures of the moment, will be changed fundamentally and in a way detrimental to the best interests of the Republic and the Senate.

Last week the vote was 45 to 53 on the appeal from the cloture ruling which was made by the former President of the Senate, Mr. Humphrey. On the basis of 100 Members voting, it would seem that the Senate was not more than five votes away from sustaining the chair. As compared with the last test on this issue, the vote represents a probable increase of eight in favor of a rules change by majority vote at the outset of the session. When a similar maneuver was attempted in 1967, the vote was 37 to 61.

In my judgment, a majority procedure to bring the issue of rule XXII to a vote has gained favor because of a certain rigidity of attitude which still exists in the Senate on the question of cloture. It exists notwithstanding the fact that two-thirds cloture has been invoked four times in the past 8 years and without calamity in the Senate. On the contrary, these four actions have helped to keep the Senate attuned to national needs.

It seems to me that if Senators would view cloture for what it is, a sensible procedural method for bringing discussion to an orderly close in 100 hours at a reasonable point in a prolonged debate, then the present rule XXII would not have to be changed at all. The two-thirds requirement for cloture would then perform the legitimate function of delaying a vote until—not a bare majority—but a substantial part of the

Senate's membership was satisfied that the issue was fully understood and was prepared to vote one way or the other. At the same time the two-thirds requirement would be sufficient to prevent a determined minority from interposing for years on end a Senate rule between a Senate majority and the Constitutional duty of the Senate to make its contribution to the resolution of the issues which confront the Nation.

In my judgment, legislative questions which generate great emotion throughout the country and which affect the fundamental structure of our society should be resolved only after a widespread and prolonged educational campaign. Extensive consideration serves not only to test the rightness of a proposed change but also to provide to those who feel most strongly about the status quo a full airing of their viewpoint. In that sense, extended debate in the Senate contributes usefully to stopping ill-advised and precipitous action even as it educates and cushions adjustments of attitudes to essential change.

Regrettably, some have not always seen cloture as a rational procedural device of this kind. Senators have been known to become emotional about this procedure, to castigate it as something evil and to refuse under almost any circumstances and on any issue to consider voting affirmatively for what has been termed by some great stretch of imagination "a gag rule." Even on such issues as repeal of the one-man, one-vote decision and the prayer amendment, wherein some Members may have favored the substantive issue, the ingrained resistance to the procedure has been such as to inhibit them from voting for cloture in order to bring about a vote. This position may be consistent but consistency is not necessarily a virtue if it denies the functional use of about the only orderly means of moving legitimate business in the Senate, long, long after an exhaustive debate has assured that the issue is fully understood. Carried to the extreme, a refusal by a substantial body of Members to vote for cloture even when such a vote would accord with their position on the substantive issue tends to reduce the Senate to a debating society and it might well precipitate in time a drastic reordering of the constitutional structure of the Government.

The present cloture rule, in theory, permits one-third of the Senate to delay action of the whole Senate. In my judgment that is not an inappropriate procedure. A concerned minority of such size on profound issues should be given great latitude so that the matter at stake may be clarified through exhaustive discussion—in some instances, even from one session to the next. However, the practical effect of a rigidity of attitude which regards cloture—even two-thirds cloture—as some sort of inadmissible evil, often makes it possible for far fewer than one-third of the Senate's membership to prevent a vote on substance. Indeed, a score of determined Members or even fewer can tie up the Senate, not for weeks, not for months, but indefinitely. And I will say, as I have said for years, there is no remedy for this situation in around-the-clock sessions or any other kind of parliamentary buffoonery or quackery. The only rational remedy under the present rules remains the procedure of cloture.

In my judgment, it is the factor of rigid opposition to cloture in all forms which has done much to bring the requirement of a two-thirds vote greatly into question. It has led many Members to consider, as a remedy, a three-fifths cloture or even a majority cloture. As one who has favored modification to three-fifths, it seems to me that unless the present rigidity gives way it is only a matter of time until rule XXII will be changed. Unless the stereotyped view of cloture as some form of "gag" is replaced by its acceptance as a rational procedure, a drastic action such as "moving the previous question" on a basic rule change may well be the response of a Presiding Officer of the Senate and a majority of the Members. If rule XXII is changed in this fashion—in desperation, one might say—the consequence could ultimately be to reduce the requirement for cloture, not to three-fifths but to a simple majority which would appear to me to be ill-advised. The alternative, as I see it, is to recognize promptly the trend of increasing discomfort in the Senate with rule XXII as it now stands. At this time, a compromise might well be worked out which would permit the adoption of a three-fifths rule in this session. That, I would suggest, might be a sensible way out of the present dilemma in which a majority of the Senate apparently desires a three-fifths cloture rule, but is reluctant, as I have been, to take the route of a presidential ruling and a simple majority at the outset of the session to achieve it.

I must add that I have discussed a possible compromise along these lines with various Senators on both sides of the aisle and I regret to say that the results to date have been negligible. Therefore, in the light of the practical situation which confronts the Senate at this time, it is, as it should be, the responsibility of each Senator to make his own decision and to express it in the vote which will occur tomorrow on cloture.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made on cloture on January 18, 1967, at the time the distinguished Senator from South Dakota (Mr. McGOVERN) had a motion pending.

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

STATEMENT OF SENATOR MIKE MANSFIELD, JANUARY 18, 1967

Mr. President, the motion of the Senator from South Dakota (Mr. McGovern) demands cloture by a simple majority; it thereby denies the continuing nature of this body. It is imperative that all of us clearly understand the full implications of this issue. It has much more significance than a direct and easy way to extricate the Senate from the parliamentary maze in which it finds itself now and at the beginning of each new Congress. The questions posed by this motion reach to the very heart of the Senate as an institution.

The underlying question is the motion to proceed to the consideration of S. Res. 6, a resolution to change rule XXII to require three-fifths of those present and voting, instead of the present two-thirds, to close debate. I have always favored this proposition—not because I believe that there is anything magical about the choice of three-fifths but because I feel it draws an equitable balance while still protecting the rights of a minority position in the Senate.

I very strongly urged this change in the past. I must admit, however, that with the achievement of the Civil Rights Acts of 1964 and 1965 a great deal of the urgency for this change has been removed. Nevertheless, I still feel that a three-fifths rule would strike a proper balance between the present two-thirds requirement and a more far-reaching proposal. The present three-fifths resolution would preserve the essential nature of the Senate as an institution and its adoption should put to rest the biennial parliamentary parlor games which open each new Congress.

But the urgency or even wisdom of adopting the three-fifths resolution does not justify a path of destruction to the Senate as an institution and its vital importance in our scheme of government. And this, in my opinion, is what the present motion to invoke cloture by simple majority would do. The proponents would disregard the Rules which have governed the Senate over the years simply by stating that the rules do not exist; that until the rules are changed to their liking and in the manner they choose, the Senate is confined to oblivion. They insist that their position is right and any means used is therefore proper. I cannot agree!

This biennial dispute for a change in the Rules has brought to issue the question of the Senate as a continuing body. The consent is really symbolic of the notion of the Senate in our scheme of government.

Numerous reasons are given to support the continuity of the Senate: the fact that two-thirds of its members carry forward from one Congress to the next; the fact that committees of the Senate meet even after sine die adjournment of a Congress; the fact that States themselves by their own laws require the filling of vacancies in this chamber even after sine die adjournment; the fact that the Senate itself by an overwhelming vote in 1959 attested to the continuation of the rules from one Congress to the next—and 47 members who voted for that proposal are still serving in this chamber. But these reasons, though compelling, have not resolved the issue. They do demonstrate, however, that the Senate as an institution is very different from the House, that its function in our scheme of government is distinct and unique. What should be considered is whether the motion at hand—the motion for simple majority cloture—would destroy the character of the Senate as a parliamentary body.

Our consideration should be directed therefore to the destructive effect the pending procedure would have upon these distinct and historical features which distinguish the Senate as an institution.

First of all, the motion to cut off debate immediately has never been used in the Senate. This fact does not in itself make the motion improper, but it does justify questioning why the Senate has never before chosen to cut off debate in this manner. If a simple majority votes to sustain the availability of this motion at this time, it necessarily means that henceforth *on any issue, at any time,* and during any *future session* of *any Congress* a simple majority, with a cooperative presiding officer, can accomplish any end they desire without regard to existing rules of process and without consideration or regard to the viewpoint of any minority position.

Unquestionably, majority rule is basic and vital to our democracy. And a simple majority should and does decide the merits of virtually every issue raised in this body—including a change in our rules. But that is not the question here; the question is whether the simple majority can cut off debate in the United States Senate. And be-

cause of the earnest zeal of the advocates for a change—and their frustration in facing a prolonged debate, they insist that in this case debate must be shut off by a simple majority so that a majority rightfully can accomplish a proper change.

I think the issues are distinct. I simply feel the protection of the minority transcends any rule change, however desirable, if attempted in this manner.

The issue of limiting debate in this body is one of such monumental importance that it reaches, in my opinion, to the very essence of the Senate as an institution. I believe it compels a decision by more than a majority. I believe it ranks with other fundamental issues which by their very nature are elevated to a level above the dictates of a majority. This is not a novel concept. This is not heresy! Our Constitution itself specifies that nine distinct issues shall require more than a majority for adoption. The Constitution of the United States is not undemocratic!

In other words, I consider the issue of whether a Senator representing his State has spoken long enough to be of such transcendent scope that it should be decided by more than a bare majority vote. I believe this is vital for the protection of any and every minority—for the protection of every State large or small—it should not be taken from either.

It has been suggested in this debate that the majority should decide the relative importance of this issue and the sufficiency of the debate—not the minority. But giving this choice to the minority has one redeeming feature—the minority can never impose its changes on the majority. The minority can but say to the majority—you are going about it in the wrong way—the need for a change may exist but your solution is defective. This negative power of a minority plays a critical role in our scheme of government.

As a practical matter, our everyday experience in this chamber shows how the last minute shift of two or three votes changes a majority. Far be it from any of us to admit these last minute changes are not proper and in response to valid and sincere argument on the merits. But when the issue itself concerns each member's right to continue to urge in debate valid and sincere arguments for or against the merits of a proposal, I feel the issue so vital as to warrant a Senate endorsement based on a less tenuous foundation than a single vote margin.

In 1964 a great majority of the present members debated and resolved one of the most comprehensive pieces of legislation enacted in this century, on an issue which generated deep emotion and conflicting conviction. The distinguished occupant of the Chair, the Vice President, played an essential and leading role in that great debate on the Civil Rights Act of 1964. You will recall that the debate proceeded on this Senate floor 83 days. I cannot help but wonder what would have been the result if a majority could have imposed cloture on that debate. I know it could have been accomplished in a month or less. I doubt very much if the bill would have been nearly as comprehensive. I do not believe that this law's observance today would be nearly as uniform, nearly as great a source of pride for all Americans without that debate. The Senate then demonstrated its unique and distinct character. The conflicting convictions were expressed in an atmosphere of open and free debate where the result was not a foregone conclusion.

Attention was focused on this body as the safety valve for an emotionally charged issue in our scheme of government. The country as a whole regarded the Senate as the one institution that would test for all, the urgency and propriety of that measure. The fact that the law is now fully observed in all parts of our country attests abundantly to the vital service performed in this chamber. After all, any law is only as good as its observance. I think the Senate as an institution should continue to play this critical role on issues of this nature, when emotions are so highly charged. It provides the only forum where calmness, coolness and reflection may be demanded of even a majority. The experience of 1964 and 1965 removes, in my opinion, a great deal of the sting for the urgency of a change in Rule XXII. I do not mean to say that a change to three-fifths would not strike a more equitable balance and still preserve the institution of the Senate in our governmental system. At the same time, there is basis for belief that such a limited proposal would assuage the demands for further change. However, I do not agree that the basic nature of the Senate should be destroyed in reaching the end. I urge each member to consider carefully the implications of his vote. I urge you strongly to vote against the anticipated motion to table the point of order.

Mr. HART. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HART. I want to express my appreciation to the distinguished majority leader for the thoughtful comments he has just made.

The Senator from Montana is not given to extreme remarks, nor does he paint scare pictures. The counsel he has voiced is sound. Our colleagues should—as I know they will—give thoughtful consideration to his recommendation.

With him, I hope that we will be permitted tomorrow, as a result of the cloture vote, to take up consideration of modification to three-fifths of rule XXII.

Constant denial of the majority's efforts even to take up for debate a moderate rules-change proposal could result in and be the reason ultimately that this Chamber adopt a much sharper, a lower formula.

The suggestion the Senator from Montana has just made should appeal to a very great majority of Senators on both sides of the aisle. I only wish that he had been able to report more optimistically on his efforts to achieve the compromise.

I thank him very much for his efforts and for the concern and leadership he has demonstrated.

Mr. MANSFIELD. I thank the Senator. I too, wish that I had been more successful; but I was being quite conservative when I used the word "negligible" in trying to tell the Senate the results of my efforts among various Senators and with various groups.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I appreciate the moderate tone which has been employed by the distinguished majority leader. There is one little correction I should like to make in the last paragraph of his remarks. The 37-to-61 vote of last year was not upon a change from two-thirds to three-fifths, but upon a motion made by the distinguished Senator from South Dakota (Mr. McGOVERN) to apply the previous question to the debates then going on, which is a very different matter.

Second, I should like to remind the distinguished Senator from Montana that the last time we made a substantial change and liberalization of rule XXII—which, after all, is a rule of limitation and not a filibuster rule as some term it—it was done upon a meeting of the minds of the leadership on both sides of the aisle, of which the distinguished Senator from Montana was a part at that time.

The Senator will recall that the final effort which was successful at that time, not following a cloture vote but by agreement of 72 Members of the Senate, when led by their leadership, was based upon a negotiation which the RECORD shows was led on the Democratic side at that time by the majority leader, Mr. Johnson of Texas; by the then majority whip, Mr. MANSFIELD of Montana; by the then President pro tempore, Mr. Hayden of Arizona; and which was led on the minority side by the then minority leader, Mr. DIRKSEN; and by the two other Republican leaders in the Senate at that time, Mr. Saltonstall of Massachusetts and Mr. Bridges of New Hampshire.

Having made that statement, again I remind the Senator that it was after long and careful negotiations, first as to the substance of what should be in that rewritten rule, and second upon long polishing of the wording of that rewritten rule, that the action was taken which I have just described.

I had hoped that we would find a tendency toward leadership on both sides which would lead to some such course this time.

I invite the attention of the distinguished majority leader to the fact that already, even though we have not taken up Senate Resolution 11, there is one amendment to that resolution which has been offered by the distinguished Senator from Iowa (Mr. MILLER), calling for a certain percentage vote as a minimum in both parties, on both sides of the aisle.

I ask unanimous consent to have the amendment printed in the RECORD at this point.

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

Strike out the third paragraph of section 2 and substitute in place thereof the following: "And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting and also by a majority of the Senators affiliated with each of the two major political parties present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of."

Mr. HOLLAND. I should also like to remind the majority leader that the Senator from Florida has suggested and strongly recommended for some 20 years now, amendments which would take the important matter of national defense out from under the present provisions of the cloture rule and permit a much speedier reaching of such a question, in the event there came a long discussion on any such matter of great importance to the national defense.

I think other amendments will be offered. I have reason to think so, because I have heard of them. It seems to me, then, quite clearly, that this is a matter which ought to go to committee and follow the regular procedure of the Senate,

and which ought to be given a chance to be worked out by the leadership on both sides.

I personally have been grateful for the attitude of the Senator from Montana, who has not only stated his desire to bow to the winds of change, so he called them, from time to time, but also, as he has stated his feeling, that it would be a real tragedy—I do not think he used that word—for us to get around to the matter of closing debate by a mere majority vote. I have so understood the Senator's view in many remarks, both on the floor and off the floor.

I think he would be the ideal person to head up such a matter of negotiation while this measure was pending in the appropriate committee.

I simply suggest to him that there may not be as great a change in the feeling of the Senate as he may think, because the vote he referred to as taking place in 1967 was on the motion to invoke the previous question. Insofar as the Senator from Florida has knowledge, there has never been such a motion made before, in modern times, and it certainly was not a motion to adopt a three-fifths vote instead of a two-thirds vote.

I thank the Senator for yielding.

Mr. MANSFIELD. Well, the distinguished senior Senator from Florida is basically correct in what he says, but the substance of the vote 2 years ago was, I think, the same as it was earlier this year. To me, the trend has been toward a majority vote to invoke cloture; and I do not favor, and will not favor, a majority vote on that basis. I do think three-fifths of those present and voting is a reasonable safeguard. I think it allows a reasonable amount of flexibility. I am encouraged by the remarks made by the distinguished Senator that, if the leadership would get together, it might be possible to work out something along those lines. I hope I am not putting words in the Senator's mouth, but I am referring to the general trend which I think he indicated in his remarks.

So I am indebted to him for his fairness, his understanding, and his statesmanlike approach to this particular question, a question which I know he feels very strongly about, and a feeling which I can understand thoroughly.

Mr. HOLLAND. I thank the Senator; and if he will allow me to make one more statement very briefly, the Senator knows that during many years of his membership in the Senate and of the membership of the Senator from Florida, the membership in one party, on one side of the aisle, has been approximately two-thirds of the entire membership—for long years, as I recall it, over three-fifths. I would never want to see any cloture by which one party could, by the exertion of the brutal force of its membership, whether that party were on the other side or on this side, by compulsion force legislation into enactment, because I think that would bring about partisanship here in a way that has never been brought in; and I am afraid that a three-fifths rule would permit just such action. I thank the Senator for yielding.

Mr. MANSFIELD. The Senator has a valid point; but while we may have had a large majority, I point out that it was only a majority on paper, and we never had the unity which a party is expected to have.

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

Mr. MANSFIELD. I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, first of all, I want to thank the distinguished majority leader for his statement and the leadership he brings to this question.

A few days ago the Senate voted, by a vote of 51 to 47, to limit debate on a motion to take up consideration of Senate Resolution 11. I think a fair interpretation of that vote is that it indicates a majority of Senators favor adoption of the three-fifths rule. Indeed, because of the habit of some Senators always to vote against cloture, regardless of the issue, the probabilities are that a very substantial majority of the Senate favors a three-fifths rule. Yet we are unable to get a vote on the merits of that question. We are now entering the third week of debate on the motion to take up for consideration the three-fifths rule so that we can then proceed to debate it on its merits. This is extremely frustrating to the majority who feel that the best interests of the Senate would be served by a modification of rule XXII.

I understand how deeply the majority leader and others feel, who oppose the constitutional proposition that it lies within the power of a majority, at the commencement of a new Congress, to alter the rules; but for 10 years we have been trying to modify rule XXII by going the regular route, and every time we end up right back where we are now, in a situation where a filibuster is itself employed to prevent any modification of the filibuster rule.

It does not matter whether the proposal goes first to committee or whether it comes directly to the Senate at the beginning of a session. Ten years demonstrate that, in the end, we have a filibuster to face. That is why those who believe the rule should be modified have been forced to raise the constitutional proposition.

I concur wholeheartedly in what the distinguished majority leader has said. The trend indicates that a frustrated majority, growing in numbers, and repeatedly denied the opportunity to work its will, is moving in the direction of adopting the constitutional proposition that it lies within the power of the majority to act at the commencement of a new Congress.

As I have said before in this debate, I would prefer that we not go through that constitutional door, but those who presently defend rule XXII by resort to filibuster give us no alternative.

So, Mr. President, I would hope that the appeal of our distinguished majority leader is given thoughtful and deliberate consideration. Perhaps it could lead to a negotiated settlement of this question. I hope so. But under the existing circumstances we can do no other but try to invoke cloture within the rule, try to secure a two-thirds vote tomorrow, so we can then proceed to debate the merits of the proposed change. That is the purpose of our filing the cloture petition, and I hope that two-thirds of the present membership will join to close debate on this preliminary motion so we can then proceed, within the rules, to consider the proposition before us.

Again I commend the distinguished majority leader for his leadership and initiative in trying to cut the Gordian knot. No one has the interests of the Senate more at heart than Senator MANSFIELD, and I think all Members of the Senate should take heed of what he has said today.

Mr. MANSFIELD. I thank the Senator.

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

Mr. MANSFIELD. I yield to the Senator from Kansas.

Mr. PEARSON. On behalf of the minority who hold a common view with the statement the distinguished majority leader has made today, I want to say that I think he offers wise counsel to the Senate. He is speaking really of the trend of tomorrow. I appreciate his leadership in this issue, as in all others, and commend the statement which he has made today.

Mr. MANSFIELD. I thank the Senator.

THE NIXON RECORD

Mr. AIKEN. Mr. President, I had intended to speak this morning on the failures of the Nixon administration; of how, after a week in office, we still have crime in the streets; of how the war in Asia is still continuing, in spite of the fact that many people expected that it would have stopped before now; of how there are lots of people who are still poverty stricken in this country; and of how the housing program is nowhere near completed.

After a week in office, he has had plenty of time to do all these things, according to some folks' advice.

I found, on getting the paper yesterday morning, that Mr. Art Buchwald had in some way found out about my contemplated speech and incorporated it in his column. So wanting to show the President up, the least I can do is ask to have the article printed in the RECORD. Therefore, I ask unanimous consent to have printed in the RECORD the article entitled "The First 5½ Days: Nixon Fails To Solve Problems During His First Week in Office," written by Art Buchwald, and published in the Washington Post of Sunday, January 26, 1969.

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

THE FIRST 5½ DAYS: NIXON FAILS TO SOLVE PROBLEMS DURING HIS FIRST WEEK

(By Art Buchwald)

Richard Nixon has now been President of the United States for 5½ days, and so it is not too early for historians to judge what kind of President he has been.

So far, the Nixon Administration has failed to make any gains in the fight against crime. If anything, the crime rate has gone up since he has been in the White House, and when historians write about his first 5½ days, they will have to say that Mr. Nixon was unable to solve law and order, the No. 1 problem in the country.

As far as the economy goes, President Nixon has not been able to bring about any great tax reforms during his first week in

office. But here he cannot be held solely to blame. A recalcitrant Democratic Congress has been sitting on its hands since Tuesday and has refused to take up any of Mr. Nixon's legislation.

The peace talks have been moving at a snail's pace in Paris and many Americans are disappointed that they may go on another week. It was hoped that when Mr. Nixon moved into the White House we'd have a peace treaty with the North Vietnamese by Friday.

Also, President Nixon's promise to improve relations with the Soviet Union has yet to bear fruit. Critics of the Nixon Administration feel something should have been started by now, and the big question they are asking is: "How much time does he need to get the ball rolling?"

We are no nearer the moon today than we were when Mr. Nixon was sworn in on Monday.

This has many people concerned, as it was hoped that we would have an American on the moon as soon as a Republican President took office.

When historians write their books about President Nixon's first week in office, they will also point out that he was unable to resolve the Middle East crisis by Sunday. People close to President Nixon say this was one of his biggest disappointments, because he wanted to get that part of the world settled so he could go on to other things.

Other areas where the Nixon Administration has failed are Latin America, Biafra and San Francisco State. Defenders of the Administration said that Mr. Nixon would turn his attention to these problems in his second week. But opponents of the Nixon policies say he's had enough time to get them resolved already.

On the plus side, Mr. Nixon's relations with the press have been excellent, and no President has been treated as well during his first 5½ days in office.

While his legislative record, so far, leaves much to be desired, when the history of these first 5½ days is written, no one will say that Mr. Nixon didn't try.

Mysterious, pragmatic, a loner, devoted to his family, a man who came back from the ashes of defeat, Richard Nixon will go down during his first week as a strong President seeking to heal the wounds of a nation wracked with fear and despair.

With only 1455½ days to go in his term, the President can do little more now than tidy up the things he started in his first 5½ days.

The question people are now asking is whether Richard Nixon will run again, or whether he is fed up with the job that has made so many demands on him. Those who know him well say that he believes he has a mission and despite the disappointment of the first 5½ days, he likes the job and is thriving in it.

"Perhaps," said an aide, "after a couple of weeks he may think otherwise. But I can assure you that if he had his first 5½ days to do all over again, Dick Nixon wouldn't have done anything differently."

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes, notwithstanding the relevancy rule.

The VICE PRESIDENT. Morning business has been concluded.

Mr. PROXMIRE. I understand that morning business has been concluded. I ask unanimous consent to be permitted to proceed for 5 minutes.

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

SENATOR ELLENDER—A MAN WITH THE COURAGE TO DOUBT

Mr. PROXMIRE. Mr. President, too often men accept without question—without even a doubt—the half truths and stereotyped characterizations of people and places that enjoy the widest vogue. It is a very rare man indeed—even within the Congress of the United States—who has the honesty and the courage to question the "common wisdom" and to do the hard work required to formulate his own answers.

Senator ALLEN ELLENDER, of Louisiana, is such a man. For years he has questioned the blind judgment accepted by most of his fellow citizens and impassionately—even hysterically—defended by some that Russia and the United States must forever be deadly enemies and that, therefore, all the accoutrements of cold war—such as NATO, Europe's latter day maginot line, and our own enormous defense establishment—must be lavishly nourished no matter what the cost to other more peaceful objectives.

Senator ELLENDER, since 1955, has visited the Soviet Union five times. Though he is 78, he has done the grueling work during those visits that he felt he needed to do to thoroughly educate himself about the Soviets—and he has arrived at his own tough-minded conclusions, as an excellent article, written by Stephen S. Rosenfeld, in today's Washington Post makes clear. As a result, he has become one of the Senate's most determined exponents of Soviet-American detente. To adhere to that position takes courage.

Already some demands for his (Ellender's) recall have come from Louisiana—

The Post article says. Nevertheless, true to his convictions, Senator ELLENDER persists.

His current program—

The Post article states—

is to publicize his new gospel as widely as he can, to work over the Defense Department budget from his Appropriations outpost, and to return to Russia after he is 80 years old.

I truly wish him well.

I commend the Post article to the attention of other Senators, and ask unanimous consent that it be printed in the RECORD at this point.

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

WOULD YOU BELIEVE AN EXPERT ON RUSSIA?

(By Stephen S. Rosenfeld)

You arrive at Sen. Allen Ellender's door, or most people do, knowing only that he is a little eccentric even by the standards of the United States Senate, that he is a Louisiana Democrat and something of a gourmet, and that he is a very big figure in agriculture matters as Chairman of the Senate Agriculture Committee. Would you believe that this bantam of a man, with the flamboyant gestures and insistent voice, is also a very serious, self-made authority on Soviet affairs? That he has been a regular visitor to the Soviet Union? And that in the process of this self-education, he has abandoned his old, familiar cold war reflexes and has become one of the Senate's most earnest exponents of Soviet-American *detente*?

It's true, all of it, and whether you agree with the Ellender view of the Soviet Union, you cannot be other than impressed by the effort he has put into his rather lonely and largely unnoticed exploration of a subject that seems, on its face, to have very little connection with parity or acreage allotments or all the other things that Agriculture Committee Chairmen are supposed to be thinking about.

Five times since 1955 the 78-year-old Senator has visited the Soviet Union, most recently for 53 days last fall. Equipped with his expertise in agriculture and, he says, with objectivity, unencumbered by any escorts save an American Embassy interpreter, he has found his Russian sojourns truly broadening and productive of insights unavailable to men who stay at home.

Ellender is disappointed that up to now his foreign-policy views—documented in reports to the Senate and in books—have not been taken seriously. He shrugs at the suggestion that his reports may be too long and unfocused, or too naive. He sees nothing funny in remarks that others have found funny ("the canals in Venice are filled with water"). "I can't command the attention of the press," he says. "I've been in public life 53 years but I'm kind of timid about getting up every day and saying the same thing, the way some do."

No matter. Ellender declares he'll go "all out" this year, from his position on the Appropriations subcommittee that handles defense (he's not on Foreign Relations or Armed Services) to "prevent us from spending one dime to further strengthen NATO." He counts on support from as many as two thirds of his fellow Senators in pursuit of that goal.

Through Russia's Stalin years, says Ellender, he voted obediently for whatever funds the Pentagon sought, accepting its rationale that the funds were essential for defense. "I always thought Defense was honest and sincere and knew what it was talking about," he says. "I don't want to be misunderstood. Stalin did much to make our people fearful. We felt in danger."

But, he says, "I often wondered, why in hell don't we get together with the Russians. I found it strange there was so much trouble and friction in coming together." He dates the start of his awakening from his first trip to Russia, in 1955. "I went to Minsk, Orel, Odessa, Volgograd. The damage there from the Germans was (here Ellender thrashes his fists helplessly) useless, wanton. If only you were to *see* it. I don't blame the Russian people at all for fearing the Germans."

"So help me God, if I had understood at the time that the Administration had decided after the war to embrace Germany and Japan, then I would not have consented. With the knowledge I gained visiting Russia, I found those people are just like we are, especially in Siberia, where the people reminded me of our own pioneers in the West, identical. They told me how much they liked Americans. They asked, why do you surround us with a ring of steel, Japan, Okinawa, Philippines, North Africa, West Europe, air bases all around. My answer was: to defend. I didn't know any better. Congress blindly follows the military. That's why I voted as I did."

He used to believe—as he fears Defense Secretary Melvin Laird still does—that "the United States had to speak from strength, all that stuff. I didn't know any better. But we have spent *110 billion dollars* to isolate Russia and today Russia is stronger than ever, she's mighty. Anything that widens differences between us and the Russians, I'm

against. That is why I have opposed the extension of NATO. I'm telling you right now, the biggest mistake we ever made was not to take de Gaulle's advice and move out of Europe. We say we want peace but we rearm. We ought to be honest. We have got to be, to dispel the fear of the Russian people."

If there was one moment of truth for Ellender, it came one time at Yalta when he emerged from a building into a waiting crowd of a thousand Russians. "They looked at my clothing, stroked my suit, they were amazed. They asked if anybody in America could buy such a suit. I said, of course, as long as you had the money. I saw the time was ripe for a realistic exchange program so that the Russian people could learn about us—to get them excited, make them envious."

"Look what happened after Khrushchev came here (in 1959). He went back and started the incentive system. It was first applied to wearing apparel. The shelves were full of unsold stuff, nobody wanted it, but that's been changed. The leaders do it because the people demand it. Khrushchev was the only leader who tried to respond to the will of the people. What he started is what's now giving the current leaders so much trouble."

Ellender doesn't dwell much on Czechoslovakia. He views the Czech striving for liberalization as an extension of similar and ongoing efforts in Russia. And he treats the Soviet invasion as a serious but not disabling embarrassment to the cause of East-West detente.

He is really more concerned to get Americans to judge the Russians by no harsher terms than those they apply to themselves. For instance, of the 1962 Cuban missile crisis, he says, "I'm surprised the Soviets didn't do it earlier. We'd surrounded *them* for 15 years. It looked as though the only place there are angels outside heaven is the U.S." In Russia's moves to put a fleet into the Mediterranean, Ellender sees merely an initiative balancing our own.

A man of fine rages, Ellender has got one for the State Department as well as the Pentagon, and this episode—related here only from his point of view—perhaps sums it up. One needs to know only that the Department generally feels fatigued by Ellender's requests for services on his travels.

Arriving in Moscow in 1955, Ellender found that none of his customary requests ("that thick") for appointments had been made. The then-Ambassador, Charles E. Bohlen, told him he was on "strict instructions not to help," the Senator recalls. So Ellender requested and received, by cable, State Department permission to make his own appointments. Old Moscow hand Bohlen warned him he was wasting his time.

At one point Ellender asked Bohlen if he could use the ambassador's phone to call the Foreign Ministry for appointments. Bohlen declined. Ellender went to a pay station and phoned himself. The answerer spoke only Russian but soon an English-speaking voice came on. Ellender asked for Politburo appointments and was informed that, of the top men, only Anastas Mikoyan was available. Fine, said Ellender. The voice told him to wait in the booth for a callback and, in less than half an hour of waiting, the voice did call back with a Mikoyan appointment the next day.

Ellender spent the intervening time visiting farms. The next day, with American diplomat John Guthrie in tow, he visited the Kremlin and passed on to Mikoyan the complaints he had heard on the farms. Mikoyan didn't know too much about farming, Ellender recalls. They talked for two hours and Mikoyan said he could see anything he wanted the next time he came.

In the car, Guthrie said he'd learned more in those two hours than in his whole tour to that point. Ellender said: "The trouble with you goddam diplomats is, you have a chip on your shoulder. You see something good in Russia and you pass it over, you see something bad and you criticize. My approach was objective and that's why Mikoyan helped me."

And at the Embassy, Ellender says, he told the Ambassador: "Mr. Bohlen, you've been here a long time and in your book the only good Russian is a dead Russian. Goodbye."

Guthrie's and Bohlen's reactions are not a part of Ellender's record. But his own judgments very much are. The Senator is quite aware that, as a peace advocate, he is casting himself in what is—for a senior Senator and member of the Senate "club"—a strange role. Already some demands for his recall have come from Louisiana. Ellender is undeterred. His current program is to publicize his new gospel as widely as he can, to work over the Defense Department budget from his Appropriations outpost, and to return to Russia after he is 80 years old.

"I talked to an engineer at a big aluminum plant outside Irkutsk," he says, positively vibrating with admiration for a technical achievement he discovered there, "and do you know . . . *That* opened my eyes."

HUMAN RIGHTS: TO UNITE THE PRACTICAL AND THE IDEAL

Mr. PROXMIRE. Mr. President, once again I rise to urge the Senate to begin serious consideration of the human rights conventions, which for so long have been pending ratification by this body.

Not long ago, I ran across a statement made by Theodore Roosevelt. I was struck by the application it has to our present situation regarding human rights. His statement was this:

> From the very beginning, our people have markedly combined practical capacity for affairs with power of devotion to an ideal. The lack of either quality would have rendered the possession of the other of small value.

Mr. President, we would do well to consider seriously this thought, not just because it was said by a great American leader, but because the history of nations proves that it is true. Where practical capacity for affairs alone has been the guiding principle, men have usually been very busy, but they often have been running without vision or direction. On the other hand, the power of devotion to an ideal has proved to be surprisingly powerless wherever it has been separated from human affairs.

I submit, Mr. President, that in the case of human rights, we should prove that we can unite the practical with the ideal. We hear a great deal in this Chamber about our humane interests and concerns as a nation, and these are not empty phrases. I think we as a people really do know something of compassion and real concern, but there comes the time when a nation—as is the case of an individual—must act on its beliefs. The time for our action, Mr. President, has been with us for some time now in the area of human rights, but there is still time.

In terms of the three major conventions, we should be acting to officially condemn genocide and forced labor and to support full and equal political rights for women. There is principle involved in these three areas which we have supported since the founding of this country. We must now act in accordance with our words if our integrity is to warrant continued trust at home and throughout the world.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. HRUSKA. Mr. President, I ask unanimous consent that I be permitted to proceed without reference to the rule of germaneness.

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

S. 650—INTRODUCTION OF BILL RELATING TO AMENDMENTS TO THE CRIMINAL JUSTICE ACT OF 1964

Mr. HRUSKA. Mr. President, in October of last year, I introduced a bill, S. 4182, entitled, Amendments to the Criminal Justice Act of 1964, which embodied the recommendations of the Judicial Conference of the United States. Since the bill was introduced late in the second session, the 90th Congress was unable to act upon it. Therefore, today I introduce for the consideration of the 91st Congress the same bill, S. 650, similarly entitled.

The purpose of the Criminal Justice Act was to make more effective the constitutional guarantee of right to counsel in criminal cases arising in the Federal courts. Three years have now passed since the bill was enacted, and the experience gained in implementing and using the act has demonstrated the need for refinements and changes.

I am most pleased to announce that this bill is being cosponsored by the distinguished and capable Senator from North Carolina (Mr. ERVIN). As early as 1961, Mr. ERVIN, the chairman of the Constitutional Rights Subcommittee of the Committee on the Judiciary, joined me as a cosponsor of legislation that eventually became the Criminal Justice Act of 1964.

At the time the Senate accepted the final conference version of this landmark legislation, I observed:

> The case for this legislation is easy to state: we are a nation dedicated to the precept of equal justice for all. Experience has abundantly demonstrated that, if this rule of law will hold out more than an illusion of justice for the indigent, we must have the means to insure adequate representation than the bill before us provides.

The road leading to Federal financial assistance for indigent defendants was a long and arduous one. Its beginnings can be traced to a 1937 report of the Judicial Conference of the United States which recommended public defense assistance for indigent defendants in some districts with a high volume of criminal cases. The debate over a public defender system raged for years in the House and the Senate. In 1949, the Senate Judici-

ary Committee reported a defense bill without the public defender provision.

Beginning in 1961, I introduced a total of four bills concerned with providing counsel to indigents. Utilizing recommendations of the Allen Committee approved by the Attorney General, in 1963, I introduced S. 1057, which became the Criminal Justice Act of 1964. I was most fortunate to be joined in my efforts by the Senator from New Hampshire (Mr. COTTON), the Senator from North Carolina (Mr. ERVIN), and the then junior Senator from New York, Mr. Keating. The assistance of these distinguished Senators was invaluable in achieving the ultimate passage of the legislation.

However difficult the legislative progress of advances such as the Criminal Justice Act of 1964, passage was only the beginning. The practical problems of implementation and supervision determine the success or failure of any legislation.

Mr. President, the sixth amendment of the Federal Constitution assures the right of assistance of counsel in criminal cases. Whatever its antecedents, the language now protects anyone standing before the bar of criminal justice from being proceeded against without the appointment of counsel, when counsel is requested and the defendant himself is not able to retain counsel because of insufficient means. Unquestionably, an enormous number of individuals accused of crime have in the past found themselves in that position. The Criminal Justice Act was a serious attempt to remedy any inadequacies of representation which may have developed through the court-appointed, noncompensated system of defense counsel which grew up because of the high rate of indigency among defendants in Federal criminal courts.

The right of counsel, however, is an area of constitutional law that has gone through profound change in recent years. Some of the need for amending the basic act arises from interpretations of the sixth amendment by the Supreme Court of the United States.

Since the enactment of the Criminal Justice Act, the Supreme Court has held that the similarities between probation revocation and criminal trials require extending the right of counsel to probation proceedings—*Mempa* v. *Rhay*, 389 U.S. 128 (1967). Also, the Supreme Court has decided the cases of *Miranda* v. *Arizona*, 384 U.S. 436 (1966), and *United States* v. *Wade*, 338 U.S. 218 (1967), in which the right to counsel was defined as beginning shortly after a suspect is taken into custody but before his first appearance before the court or commissioner.

The amendments which are proposed today provide for the extension of the compensation provisions of the act to fill these serious gaps between right of counsel and availability of the resources and assistance under the existing act.

Mr. President, at this point I wish to compliment the Federal judiciary for its response to the challenge posed by the initial passage of this legislation. Our judiciary is characterized by intelligence, dedication, and hard work. Anticipating the passage of the bill, an Ad Hoc Committee To Develop Rules, Procedures, and Guidelines for Assigned Counsel System of the Judicial Conference was organized in March 1964. A permanent committee to implement the Criminal Justice Act of 1964 went to work in October 1964.

The efforts of the committee and the experience of the courts, predictably, have shown areas where improvements in the law are needed. A report entitled "The Criminal Justice Act in the Federal District Courts" was prepared for the committee by Dallin H. Oaks, professor of law, University of Chicago Law School. It is a survey representing 6 months of research and provides an excellent basis for review of the operations of the Criminal Justice Act.

After receiving numerous requests for improvement and after studying the Oaks report, the Committee To Implement the Criminal Justice Act made a number of recommendations to the judicial conference for changes in the law. The recommendations were approved by the conference during its September meeting last year. It is these recommendations that I am introducing as S. 650.

Briefly, the bill would bring within the purview of the act probation revocation proceedings; they would provide for the possibility of compensation to counsel appointed from the approved panel who may have represented a defendant after arrest but prior to arraignment; they would specifically include defender organizations as well as legal aid agencies and would provide for compensation to counsel for representation in ancillary matters appropriate to the proceedings. Furthermore, these amendments would increase the rate of compensation in the light of present price structure without altering the basic principle of the act that the rates should not be compensatory in the normal sense. They would also increase the maximum amount which may be paid for representation by assigned counsel; they would include the cost of transcripts authorized by the court as a reimbursable expense; and they would provide a different standard for excessive payments approved by the chief judge of a circuit. They propose the extension of the excess-payment provision to appellate proceedings and the use of expert services, and they would provide compensation to assigned counsel when a full-scale evidentiary hearing is required in connection with representation in habeas corpus and section 2255 matters which are technically civil proceedings and thus not covered at the present time by the statute.

I have attempted to play an active role in the war on crime—a war which will be intensified under the leadership of President Nixon and his Attorney General. Effective law enforcement is a priority need of our Nation. And under our Constitution it is to be fair law enforcement. The amendments proposed by the Senator from North Carolina (Mr. ERVIN) and me are a necessary part of efficient and fair law enforcement.

We can say this in good conscience because of the processing that has been done by the Committee of the Judicial Conference and also because the official approval of the proposals by the Judicial Conference itself.

Mr. President, to aid in the understanding and analysis of the bill, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

DISCUSSION OF THE PROPOSED AMENDMENTS

Mr. HRUSKA. At this time, Mr. President, I should like to discuss the proposed amendments to the Criminal Justice Act of 1964. This analysis was prepared by the Judicial Conference Committee To Implement the Criminal Justice Act.

The Criminal Justice Act was signed by the President on August 20, 1964, and became effective 1 year later. In the year prior to the effective date, each district court and each circuit court was required to devise a plan for furnishing and compensating attorneys to represent defendants financially unable to obtain an adequate defense in criminal cases. Thus, at present, a little more than 3 years of experience in the operation of the Criminal Justice Act have been gained. The proposed amendments are the results of suggestions received from judges and lawyers, from the Office of Criminal Justice of the Department of Justice, and as a result of a study made by Prof. Dallin Oaks of the University of Chicago School of Law under the auspices of the National Defender project of the National Legal Aid and Defender Association and the Center for Studies in Criminal Justice of the University of Chicago Law School.

Many of these same organizations and persons, had attacked this problem in the years preceding the passage of the parent act, and because of their efforts it became a well-balanced and a well-considered piece of legislation.

The Oaks' report praised the administration of the act but took note of several shortcomings and variations of practice in the working of the Criminal Justice Act. To remedy the problems identified in his report, Professor Oaks suggested a number of administrative changes and several statutory amendments, all of which have been carefully considered by the Judicial Conference Committee To Implement the Criminal Justice Act and by the subcommittee specifically appointed for this purpose. Each of the proposed changes is discussed herein in the sequence in which the change occurs in the act. The text of the Oaks' report and pertinent parts of the Judicial Conference recommendation will be published soon by the Committee on the Judiciary.

1. PROBATION REVOCATION PROCEEDINGS

The committee recommends that the plans for representation of defendants financially unable to obtain an adequate defense be authorized to cover probation revocation proceedings. When the act became effective, there was a divergence of opinion among some Federal judges as to whether the act could be considered to cover representation at such proceedings. The matter was submitted to the Comp-

troller General, who on June 13, 1966, ruled that the "inherent differences between probation revocation proceedings and criminal trials militated against permitting Criminal Justice Act payments for the former"—45 Decisions of the Comptroller General 780, No. B–156932. Since that time, the Supreme Court has held unanimously that the similarities between probation revocation and criminal trials require extending the right to counsel to probation proceedings—*Mempa* v. *Rhay*, 389 U.S. 128 (1967). This opinion vitiates the rationale of the Comptroller General's decision, and the committee believes that amending the act expressly to include compensation for representation at probation revocation proceedings would serve a salutary purpose by encouraging quality representation at such proceedings.

2. REPRESENTATION PRIOR TO ARRAIGNMENT

Since the enactment of the Criminal Justice Act, the Supreme Court has decided the cases of *Miranda* v. *Arizona*, 384 U.S. 436 (1966), and *United States* v. *Wade*, 388 U.S. 218 (1967), in which the constitutional right to counsel was defined as beginning shortly after a suspect is taken into custody but before his first appearance before the court or commissioner. Thus, there is now a gap between the point at which the defendant is now entitled to counsel and the point at which counsel may receive a fee under the act. It is now proposed to amend the act to provide that representation furnished by a member of the attorney panel prior to the defendant's first appearance before the court or commissioner may be compensated under the Criminal Justice Act if the attorney is subsequently appointed. Compensation for this early representation would be within the discretion of the court, and in no event would an attorney be paid who was not subsequently appointed by a judicial officer. Only attorneys whose names are on the panel provided for by the plan of the district would, of course, be eligible for appointment. The extension of the plan to cover appointments under subsection (g) will be discussed herein in connection with a consideration of the proposed subsection (g).

3. REPRESENTATION BY ATTORNEYS FURNISHED BY A DEFENDER ORGANIZATION

Instances have arisen in which private defender organizations have been appointed pursuant to plans adopted in some of the districts. The rationale behind this authorization has been that the act as originally drafted used the words "legal aid agency" and that a defender organization can be considered to come within this category. The committee is of the view that it would be wiser in amending the act specifically to include a provision for representation by attorneys furnished by a defender organization. In so doing, however, the committee recommends that all plans require some representation by private attorneys but that the plans may, in addition, include representation by attorneys furnished by a bar association, a legal aid agency, or a defender organization. In certain judicial districts, defender organizations have been established and are working successfully. In many instances, these have been funded by the National Legal Aid and Defender Association, but it is expected that the funds will run out in the course of the next year. In some instances, bar associations are endeavoring to secure the necessary funds to keep these organizations in operation, and the committee believes it important to encourage this trend. Amendment of the statute expressly to include representation by defender organizations might serve as an encouragement and stimulus in this direction.

4. AMENDMENT OF SUBSECTION (b)

The amendment proposed in subsection (b) under caption "Appointment of Counsel" is to provide that the appointment may be retroactive as to any representation furnished pursuant to the plan prior to the appointment of counsel. This is in implementation of, and designed to carry out, the proposal for amendment of subsection (a) discussed in (2) above.

5. DURATION OF APPOINTMENT

The committee recommends that subsection (c) be amended so as to provide not only that a defendant should be represented at every stage of the proceedings from his initial appearance before the U.S. commissioner or court through appeal but also that he be represented in ancillary matters appropriate to the proceedings. This recommendation is based on experience during the past 3 years in which appointed counsel have sought through mandamus or other proceedings which are technically civil in nature to further the interests of the defendant. In some instances district judges have even written opinions authorizing payment to appointed counsel when they were of the view that such proceedings were appropriate and in the best interests of the defendant. The administrative office has, however, had to refuse payment in such instances.

Professor Oaks in his report recommends that the act be expanded to include ancillary proceedings "such as mandamus or habeas corpus undertaken in the course of obtaining discovery or other advantages needed in the defense of the criminal case." It should be noted that the recommendation of the committee to include ancillary matters also contains the phrase "appropriate to the proceedings." This leaves in the trial judge the necessary discretion to prevent any abuse of the use of ancillary proceedings by appointed counsel.

6. INCREASED PAYMENTS TO COUNSEL

The committee recommends that the act be amended to permit the payment of assigned counsel at a rate not exceeding $20 per hour for the time expended in court or before a U.S. commissioner and $15 an hour for time reasonably expended out of court. This is in place of the present rate of $15 per hour for court time and $10 per hour for out of court time. This proposed change is in conformity with all recommendations which have been made to the committee. It is believed to provide a more realistic compensation rate in light of the current price structure without altering the basic principle of the act, that the rates should not be compensatory in the normal sense.

At the same time the committee recommends that the maximum which may be paid for representation in a felony case be raised from $500 to $1,000 and in a misdemeanor from $300 to $400 for trial in the district court. The committee points out that there is little likelihood of abuse in raising these maximum fees inasmuch as the average payment per case in 1967 was only $126. On the other hand, the increased maximum is believed necessary, both because of the proposed change in the hourly rates and to avoid a large number of submissions to the chief judge of the circuit for protracted representation in cases in which a fee in the range of $500 to $1,000 has seemed just and equitable.

The committee at the same time recommends that in appellate proceedings the ceiling be raised from $500 to $750 in a felony case and from $300 to $400 in a case involving only a misdemeanor on appeal. The committee recommends further that in connection with representation on a post-trial motion made after the entry of judgment in the district court or in a probation revocation proceeding or for representation under proposed subsection (g)—"Discretionary Appointments"—discussed below, the compensation in either the district court or in an appellate court should not exceed $250.

Mr. President, I think it should be obvious from the pay scales that have been provided in the act that they are very minimum, indeed, and inadequate in terms of fees which would be charged normally in practice. It was the theory of the parent act disclosed in the reports and in the debate prior to passage of that act in 1964 that legal services for indigent defendants is in the nature of public service, and that it falls within the duty of various attorneys called upon to serve to make that contribution to our system of criminal justice.

The committee also recommends that the costs of transcripts authorized by the court be included as a reimbursable expense on the part of assigned counsel. This recommendation is made in the interests of administration of the act in situations, for example, in which counsel appointed after a commissioner's hearing wishes a transcript of the commissioner's hearing. In such a situation, it is far simpler, administratively, to have the court direct the preparation of the transcript and to have counsel make the necessary expenditure for the transcript as a reimbursable cost. It is recommended that the courts be given the authority to authorize such expenditures.

The committee points out further that changing the present rate structure is particularly important to legal aid and defender organizations who devote full time to appointed cases. The National Defender project's experience, for example, indicates that an office relying solely on Criminal Justice Act fees is bound to run in the red. Raising the hourly rates, as recommended, would add stability to the financial structure of a defender organization and reduce the need for supplemental grants.

Mr. President, this is highly necessary in my opinion. Certainly such a basic right as proper legal representation to indigent defendants should not be de-

pendent upon the suffrance of private organizations for supplemental funds for defender organizations. We should have an assurance of payment of these necessary court costs and the cost of transcripts.

7. EXCESS PAYMENT

The statute, at present, provides that payment in excess of the limits stipulated in the statute may be made if the district court certifies that such payment is necessary to provide "fair compensation for protracted representation." The amount of the excess payment must be approved by the chief judge of the circuit. This provision has given rise to opinions by the chief judges of several of the circuits concerning the standard of "fair compensation for protracted representation." The Oaks report, for example, describes it as "by far the most litigated provision of the act." Courts have generally interpreted the term "protracted representation" as allowing additional compensation only in cases involving many extra days of courtroom representation.

The amendment now proposed would establish alternative bases for awarding excess compensation. It could be granted if either "extended" or "complex" representation were rendered. The amount of time spent out of court could be taken into account. Furthermore, it is proposed that this clause be extended both to appellate representation which is not now covered and to payment for services other than counsel. Such services would cover testimony of medical experts, psychiatric experts, ballistic experts, handwriting experts, or other witnesses of that nature. In each instance judicial discretion would govern the awards and in the case of district court representation excess compensation could not be awarded without the certification of the district court judge and the approval of the chief judge of the circuit. In this connection, it is noted that chief judges of the circuits have normally in the past, and they would be expected to continue, required a memorandum of explanation by the district judge as to why, in his opinion, excess compensation is warranted in a given case.

8. NEW TRIAL

Because there has been some confusion among the district courts on the question as to whether an order granting a new trial should be deemed to initiate a new case, the Committee believes that the statute should be explicit on this point and provide that for purposes of compensation and other payments authorized by the Criminal Justice Act, an order by a court granting a new trial shall be deemed to initiate a new case. This would be true whether new counsel were appointed or whether the same counsel were retained by the court for the purposes of a new trial. This amendment would be applicable whether the second trial resulted from a hung jury, a successful motion for a new trial, or a remand from an appellate court.

9. APPELLATE FILING FEE

At present, counsel appointed under the Criminal Justice Act must obtain a judicial determination of in forma pauperis status for his client in order to avoid paying appellate filing fees. This is unnecessary work in view of the fact that the defendant has already been found to be financially unable to afford counsel under the Criminal Justice Act standard. Accordingly, the committee recommends that if a defendant for whom counsel is appointed under the Criminal Justice Act appeals or petitions the Supreme Court for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without the filing of the in forma pauperis affidavit now required by section 1915(a) of title 28, United States Code.

10. EXPERT SERVICES

Subsection (e) of the Criminal Justice Act provides for investigative, expert or other services deemed necessary to an adequate defense of a defendant financially unable to obtain such services. The Oaks' report recommends increased maximum payment under this subsection, modification of the prior authorization requirement and extension of the excess compensation provision to payments made under this subsection.

The committee recommends that subsection (e) be amended so that counsel appointed under the Act may obtain services which do not exceed $150 and expenses reasonably incurred without prior authorization of the court. As stated earlier, the Committee also favors the extension of the excess payment provision to services rendered under the provisions of this subsection. The committee notes that the courts have been extremely judicious in permitting utilization of subsection (e), and, accordingly, permitting excess payments with the approval of the chief judge of the circuit not only is believed to to be equitable, but is expected not to result in any undue burden upon the Government.

11. DISCRETIONARY APPOINTMENTS

Proposed subsection (g) captioned "Discretionary Appointments" is an entirely new proposal. Although there is neither a constitutional nor a statutory right to counsel in a proceeding filed under 28 U.S.C., sections 2241, 2254, or 2255, the practice in most districts is to appoint counsel if the prisoner demonstrates a prima facie case. The decision to appoint counsel is entirely discretionary but once an appointment is made, the court has no way of compensating counsel. Professor Oaks in his survey found overwhelming sentiment on the part of the Federal judiciary in favor of compensation in collateral attack proceedings. Nearly two-thirds of U.S. attorneys shared this view as to Federal prisoners. It is recognized that these prisoners frequently present difficult issues of law and fact. Your committee believes that in situations where a full-scale evidentiary hearing is required by a Federal judge and counsel is appointed to represent the defendant in such a hearing, the interests of fairness require that some payment should be made to counsel within the discretion of the court. The committee believes that the maximum payment in such a situation should be $250. This is in conformance with its recommendation of a $250 maximum for representation in connection with post-trial motions made after the entry of judgment in the district court or in probation revocation proceedings. In order to prevent any abuse of discretionary authority, the committee believes that the statute should provide for payment to assigned counsel in such situations only if the court makes a determination that the interests of justice require that appointed counsel should be compensated.

Mr. President, that covers each of the amendments contained in the proposed measure which was introduced earlier today. They are presented in chronological order. There undoubtedly will be more discussion on each of the amendments. Furthermore, I am considering additional amendments to the proposed act which will involve the use of public defenders as such. Such amendments would authorize full-time public defenders where the volume of business warrants it, and there are several heavily backlogged districts in the country which need full-time public defenders. Also part-time public defenders could be authorized, where the volume is not great enough for full-time men. Additional proposals should go into the problem of furnishing such a public defender with assistants and a suitable staff.

Legislation of this kind has had great difficulty in passing the Congress in the past. For years, the measure made little, in fact sometimes no progress, because of antipathy on the part of many Members of Congress to the concept of a public defender. It was feared that it might grow into a vast bureaucracy which would not be warranted by the volume of criminal litigation and that there would be a tendency to award full-time public defender position in every district regardless of volume. Therefore, the act as passed in 1964 and enacted into law discarded entirely that concept and went to the idea of attorney panels.

It is the belief of some who have observed this approach in the present law that it is not doing justice to the ultimate objectives of the legislation and that there are many instances in which the quality of the representation for indigent dependents is not the highest order, or even of an acceptably high order. They feel the need of public defenders to fulfill the purpose of the 1964 act.

I believe that, if care is taken in the drawing of the bill there would be sufficient protection against abuse; that there would not be any too much "harness for the horse." It would, on the other hand, serve to alleviate the situation in those districts where the criminal caseload and the backlog is so great. One of the great shortcomings of the present system is the delay in the trial.

Mr. President, this approach is under the study of this Senator, and his staff, and of other Senators. Prior to hearings on the bill introduced today, such a proposal may also be introduced, so that it can be considered during the course of those hearings.

It is my hope that the Judiciary Committee will undertake hearings on this bill soon. Certainly, with the recommendations of the committee appointed by the Judicial Conference and by the official approval of these amendments by

the Judicial Conference, there is sufficient foundation for such early and serious consideration by both Houses of Congress.

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

The bill (S. 650) to amend section 3006A of title 18, United States Code, relating to representation of indigent defendants, introduced by Mr. HRUSKA (for himself and Mr. ERVIN), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 3006A of title 18, United States Code, is amended to read as follows:

"(a) Choice of Plan.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for defendants financially unable to obtain an adequate defense charged with felonies, misdemeanors other than petty offenses as defined in section 1 of this title, or violations of probation. Each plan shall also contain a provision for furnishing representation where necessary for persons under arrest, and as provided under subsection (g). Representation under each plan shall include counsel and investigative, expert, and other services necessary to an adequate defense. The provision for counsel under each plan shall include representation by private attorneys, and in addition may include one or both of the following:

"(1) representation by attorneys furnished by a bar association, or a legal aid agency; or

"(2) representation by attorneys furnished by a defender organization.

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. Consistent with the provisions of this section, the district court may modify a plan at any time with the approval of the judicial council of the circuit; it shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of modifications in its plans.".

(b) Subsection (b) of such section is amended by inserting immediately before the third sentence the following new sentence: "Such appointment may be retroactive as to any representation furnished pursuant to the plan prior to the appointment.".

Subsection (c) of such section is amended—

(1) by inserting, immediately before the period at the end of the first sentence, a comma and the following "including ancillary matters appropriate to the proceedings"; and

(2) by striking out in the second sentence the phrase "he may terminate" and insert in lieu thereof "the court may terminate".

(d) Subsection (d) of such section is amended to read as follows:

"(d) PAYMENT FOR REPRESENTATION.—Any attorney appointed pursuant to this section, or a bar association, legal aid agency, or defender organization which made the attorney available for appointment, shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $20 per hour for time expended in court or before a United States commissioner, and $15 per hour for time reasonably expended out of court, and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the court. A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States commissioner or that court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States commissioner or court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall, in each instance, fix the compensation and reimbursement to be paid to the attorney, bar association, legal aid agency, or defender organization. For representation of a defendant before the United States commissioner and the district court, the compensation to be paid to an attorney, a bar association, legal aid agency, or defender organization for the services of an attorney, shall not exceed $1,000 in a case in which one or more felonies are charged, and $400 in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney, a bar association, legal aid agency, or defender organization, for the services of an attorney, shall not exceed $750 in a felony case and $400 in a case involving only misdemeanors. For representation in connection with a posttrial motion made after the entry of judgment in the district court or in a probation revocation proceeding or for representation provided under subsection (g) the compensation to be paid either in the district court or an appellate court to an appointed attorney shall not exceed $250. Payment in excess of any limit, except the hourly rate, stated in this subsection may be made for extended or complex representation but only if the court in which the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation, and if, in the case of district court certification, the payment is approved by the chief judge of the circuit. For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case. If a defendant for whom counsel is appointed under this section, appeals or petitions the Supreme Court for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

(e) Subsection (e) of such section is amended—

(1) by striking out the third sentence and inserting in lieu thereof the following: "Counsel appointed under this section may, however, obtain investigative, expert, or other services without prior authorization but subject to later review by the court. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred."; and

(2) by inserting before the period at the end of the last sentence a comma and the following: "unless payment in excess of that limit is certified by the district court as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit".

(f) The first sentence of subsection (f) of such section is amended to read as follows:

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the court finds that funds are available for payment from or on behalf of a defendant or other person for whom counsel may be appointed under subsection (g), the court may authorize or direct that such funds be paid to the appointed attorney, to the bar association, legal aid agency, or defender organization, which made the attorney available for appointment, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section.".

(g) Subsections (g), (h), and (i) of such section are redesignated as subsections (h), (i), and (j), respectively, and the following new subsection (g) is inserted before subsection (h) as redesignated by this subsection:

"(g) DISCRETIONARY APPOINTMENTS.—An attorney may, in the discretion of the court, be appointed pursuant to the district or circuit plan to represent a material witness in custody or a person who has filed for relief under sections 2241, 2254, or 2255 of title 28, but only if the court determines that the interests of justice so require and that the witness or person is financially unable to obtain adequate representation. An attorney appointed pursuant to this subsection may be compensated as specified in subsection (d) and may obtain services under the provisions of subsection (e).".

Mr. HRUSKA. Mr. President, I yield the floor, and 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. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATOR RANDOLPH RECEIVES CONSENT TO BE ABSENT FROM THE SESSION OF THE SENATE TOMORROW

Mr. RANDOLPH. Mr. President, a very cherished friend of Mrs. Randolph and I, will be buried tomorrow in Richmond, Va. I wish to attend the services for our dear friend. I, therefore, ask unanimous consent to be absent from the session of the Senate tomorrow.

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

LEAVE OF ABSENCE

Mr. BAKER. Mr. President, the junior Senator from Tennessee respectfully asks leave of the Senate and of the Chair to be excused on tomorrow, to attend the funeral of our late colleague in the House of Representatives, ROBERT A. EVERETT.

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

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. TALMADGE. Mr. President, it has become virtually ritualistic for the Senate, every 2 years with the opening of each new session of Congress, to be compelled to defend its rules.

These are rules that have served the Senate long and well—in fact, for 180 years, since the first session of the Senate.

These are rules that preserve and protect the identity and the integrity of the Senate as a forum of the States.

These are rules that give meaning to our Constitution and our Government as intended by our Founding Fathers.

These are rules that distinguish the U.S. Senate as the greatest deliberative body in the world.

The Senate is in fact a unique legislative body. The great barrister Gladstone once called the Senate "the most remarkable of all the inventions of modern politics." It is the only legislative body in the world composed of representatives from sovereign governments which cannot be deprived of equal representation without their own consent.

It is inscribed on the New Senate Office Building that—

> The Senate is the living symbol of the union of the States.

The Senate actually and literally was created as a council of States, almost 200 years ago, and it sits today as a council of the individual, sovereign States.

Because of rules under which the Senate has operated—and particularly that rule that provides for freedom of debate, this body is recognized as the guardian of the rights of the minority. In our Government with its intricate system of checks and balances, the U.S. Senate stands alone as the principal champion for the protection of the minority against the unbridled power of an unrestrained majority.

Chaos would reign in any government or society where the potential tyranny of the majority is not strongly circumscribed. We were told by Alexander Hamilton that a state of anarchy exists, even in nature, where the weak is not secure against the strong.

Such security was intended by our Founding Fathers. They were well aware, as we should be today, that the excesses of democracy can be as offensive as totalitarianism itself.

They were also well aware that the strong are not always strong, and that the weak are not always weak. One of the great truths that we would do well to always keep in mind is the fact that majorities and minorities are not permanent. Today's majority may be tomorrow's minority, and vice versa.

The rules of this Senate act as a safeguard against the power of a simple majority of one to trample mercilessly over the minority.

Standing rule XXII of the Senate gives force and substance to the guarantee that the minority has a right to be heard, and that it need not fear being summarily run down and gagged, or made the whipping boy for abuse by a majority of one.

The fact that we have extended debate and freedom of discussion in the U.S. Senate gives assurance to all of the people of this great country, and to every State however large or small, that the voice of reason will be heard and not rendered mute by rampant emotionalism that may happen to sweep the country at any given time.

Rule XXII gives strength and meaning to the concept, as intended by our Founding Fathers, that the U.S. Senate is not just an appendage of the House of Representatives. The Senate is of course only one part of one of the three branches of our Government. It is nonetheless unique in its role as a forum of the States and as a protector of minority rights.

There are many characteristics of the Senate, and the Senate has many duties that distinguish it from the House of Representatives.

The Senate sits as a judicial body in impeachment proceedings.

It exercises quasi-executive functions in regard to the treatymaking power.

The Senate must give its advice and consent to all appointments of the executive. The Senate is a repository of the States in the Central Government.

Perhaps no one can better describe the role of the U.S. Senate in our federal form of government than the distinguished columnist, William S. White, in his famous book, "Citadel, the Story of the U.S. Senate." Said White:

> The Senate, therefore, may be seen as a uniquely Constitutional place in that it is here and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.
>
> This is a large part of the whole meaning of the institution. Deliberately it puts Rhode Island, in terms of power, on equal footing with Illinois. Deliberately by its tradition and practices of substantially unlimited debate, it rarely closes the door to any idea, however wrong, until all that can possibly be said has been said, and said again. The price, sometimes, is high. The time killing, sometimes, seems intolerable and dangerous. The license, sometimes, seems endless: but he who silences the cruel and irresponsible men today may in the same way be silenced tomorrow.

Mr. President, I recall, several years ago, reading William L. Shirer's famous book, "The Rise and Fall of the Third Reich." The thing that impressed me most about that book was his relation concerning the so-called Enabling Act, by which Adolf Hitler became dictator of Germany.

Hitler was appointed Prime Minister of Germany in a perfectly legal and lawful way by the President of Germany, who happened to be, at that time, Von Hindenburg. Hitler had a substantial majority in the German Parliament, though he was not completely unopposed. The parliament convened, and Hitler sent the delegates the so-called Enabling Act. The act gave Hitler the power to amend the German Constitution at will by executive decree.

The Enabling Act gave Hitler the power to levy and spend revenues at will by decree. The Enabling Act gave Hitler the power to make such treaties with such foreign countries as he saw fit. All that was encompassed in an act that was pending before the German Parliament. There was a substantial number of opponents of that particular Enabling Act, but there was no rule of free speech in the German Reichstag. So the Enabling Act was passed. Adolf Hitler that day became the dictator of Germany, and it took countless lives to stamp out the tyranny of his dictatorship.

So I say, Mr. President, that any Senator who has a desire to quench free speech in the U.S. Senate should remember that lesson quite well.

Also, we have seen examples in our own Senate. As I recall, it was during the Korean war that the railway labor unions had a nationwide strike. President Truman was in office at the time. Naturally, he was indignant to be confronted with a nationwide rail strike at a time when war was in progress in Korea. President Truman lost his good judgment and sent to the House of Representatives a bill authorizing him to draft into the U.S. Army all the striking members of the railroad unions. The other body did not even have hearings. The bill was railroaded through the House by an overwhelming majority, with only a handful of dissenting votes.

The bill came to the Senate the same day. In this body at the time was a Senator named Robert Taft. He was not considered to be a friend of organized labor. But he did not want to see an injustice done. Under the rules of the Senate, he blocked the passage of that bill until reason could assert itself. The bill was not passed.

Countless instances like that could be recited. I hope the Members of this body will give deep consideration to situations of that kind before they tamper with the rules of the Senate.

I do not believe that any reasonable or responsible Member of the Senate would alter or weaken or dilute the important part played by the Senate in our Government. I do not believe that any Member of the Senate would so destroy and render impotent the Senate of the United States.

The Senate has demonstrated, time and time again, that it has no such intention. The Senate has repeatedly turned aside ill-advised, unwarranted attempts to destroy freedom of debate that would render this body an ineffective, useless arm of Congress.

It ought to be exceedingly clear by now that Members of the Senate intend to keep faith with posterity, and will not surrender their prerogatives or relinquish their responsibilities as meant by the Founding Fathers, as defined in the Constitution, and as embodied in the rules which govern the operations of the Senate.

I would hope that by now we would have had an end to these assaults upon the rules of the Senate. I am of the opinion that such attacks constitute more than mere efforts to abolish free debate in the Senate, although this in itself is deplorable enough. I contend that this matter goes to the very heart of our Government. It strikes the very vitals of representative government. It aims a body blow to the States as political entities. It would, in effect, literally change our form of government and undermine our system of checks and balances.

I am confident that the Senate will once again measure up to its responsibilities and will reject this attempt to destroy the Senate as a guardian of liberty and a champion of the States and minority rights and will continue to be a body that gives continuity and stability to our Government.

Alexander Hamilton, writing in the Federalist papers, pointed to "the necessity of some stable institution in the Government." He cautioned that no government would long be respected without possessing a portion of order and stability. Such is the purpose of the Senate. Such is the responsibility of the Senate that we are being asked today to surrender. Hamilton also made this appraisal, as progress was being made toward forming a new government:

We are now forming a republican government. Real liberty is neither found in despotism nor in the extremes of democracy, but in moderate government.

Such moderate influence on the excessiveness of democracy and a potential tyranny of a majority of one is found in the Senate.

This is what we are being asked to do here, in the alleged name of permitting a majority to work its will.

Mr. President, I submit that it was never intended—not by our Founding Fathers, and not by the Constitution—that a majority of one should run roughshod over the minority. All of us here today, and all who follow, will sorely regret it if the time ever comes when an arrogant majority can work its will in this Senate by crushing all opposition in its path.

I have been very impressed by the warning issued by the late Honorable Eugene Millikin, the able and eloquent Senator from Colorado, whom I know the Senate has heard on many occasions. It bears repeating today:

If my country were confronted with the possible choice of surrendering all of the individual rights of its citizens under our Constitution save one to be selected by it, I would unhesitatingly counsel the preservation of the right of free speech, for so long as this right remains unimpaired all other rights, if lost, may be regained.

I am well aware of the age-old proposition of what happens when the will of the majority collides with the right of the minority. To my way of thinking, which shall prevail is not the most important consideration. I hold that of overriding importance is that truth and justice shall always prevail.

Let me again invoke the wisdom of the late Senator from Colorado, who went straight to the heart of the issue:

It should never be forgotten, I respectfully suggest, that the rules of a legislative body in a country which understands, appreciates, and desires to conserve the principles of human freedom are adopted not to enhance or render unshakable the power of the majority of its members, but rather to protect those in the minority . . . The rights of the minority have not been imposed by a minority; they have been freely granted by majorities which realize the fact that majorities are not always right, that there is an inherent tendency in majorities to oppress minorities.

Mr. President (Mr. CANNON in the chair), there are those who would have us believe that the Senate is powerless to act in the face of its rules, and particularly rule XXII. The history of the Senate and its great record clearly refutes any such contention.

I wonder if the advocates of gag rule in the Senate really subscribe to the doctrine that the Senate, as presently constituted and governed by its rules, is useless and impotent or incapable of action? Do they really believe that a minority can truly hamstring a Senate that is determined to enact legislation in the best interests of the Nation?

The Senator from Georgia does not believe these things. He has faith in the strength, the courage, and the integrity of every man and woman who sits in this Chamber.

When the Senate wants to act, and when enough Members of this body so desire, it will act. It has been proven beyond any doubt that when the Senate sincerely and conscientiously wants to do something, neither rule XXII nor any other rule stands in its way.

The present cloture provisions in no way paralyze the legislative functions of the Senate. We have more than ample demonstration of the fact that the Senate can act and will act when it so determines.

On four occasions since just 1962, the Senate has shown its determination to act under the cloture provisions of rule XXII.

In 1962, the Senate invoked cloture on the communications satellite bill by a vote of 63 to 27.

In 1964, the Senate invoked cloture on the Civil Rights Act by a vote of 71 to 29.

In 1965, the Senate invoked cloture on the Voting Rights Act by a vote of 70 to 30.

And again just last year, the Senate invoked cloture on the Open Housing Act by a vote of 65 to 32.

One of the most used and overworked arguments of proponents of destroying time-honored rules of the Senate is that the rules stand in the way of the enactment of civil rights legislation. This argument is totally without substance, as we have seen on three major occasions in just the past 4 years.

But aside from this fact, it is my judgment that the rules of the Senate which allow free and open debate and intensive, lengthy study of major issues, far transcend the mere enactment of a bill, whether it be in the area of so-called civil rights legislation or in any other area.

Freedom of debate is an integral part of the Senate's assigned constitutional role, and it is in no way a party or sectional device.

It has been employed by Senators on both sides of the ideological and political fence, both conservative and liberal.

Legislative matters that have run through the whole thread of American life, that relate to virtually every conceivable facet of human endeavor, have been exposed to full debate in the Senate.

No one can rightly say that the results have been evil or that the country has suffered. In fact, the benefits of freedom of debate have far outweighed whatever instances there may have been in which the privilege may have been abused.

Free debate in the Senate is the greatest safeguard we have against hidden defects—either calculated or unintentional—that might result in unfairness, discrimination, or special privileges for a favored few.

Many, many outstanding examples could be cited of the benefits of freedom of debate in the Senate. History is replete with occasions when extended debate in the Senate served our Nation well.

For 83 days the Senate debated the 1964 Civil Rights Act. Many significant and considerable objections were raised to this far-reaching legislation on constitutional grounds.

There were those who thought this bill should have been passed by the Senate with little more than a token examination of its merits and demerits.

But there was extended debate, and for a period of some 7 to 8 weeks, this bill was carefully scrutinized by Members of the Senate—on both sides of the issue.

As a result, many of the flaws were exposed, and some of them were corrected.

In one major amendment to the bill, the Senate approved provisions to entitle defendants in criminal contempt cases arising under the act to trial by jury.

As unconscionable as it may appear to Senators today, now that the heat of the battle has subsided, trial by jury—one of the dearest rights of all Americans—was omitted from the punitive provisions of this legislation. But, because of the extended debate, and to the everlasting credit of the Senate, this grievous shortcoming was rectified.

The distinguished columnist Arthur Krock, now retired, had an excellent analysis of this action by the Senate in the June 11, 1964, edition of the New York Times. Wrote Mr. Krock:

The Senate filibuster, now emphatically terminated by the first invocation in history of closure of debate on equal rights legislation, made possible the exposure and limitation of some of the sumptuary powers granted to the Federal Government in the text approved by the House. The most important check was the requirement of jury trials in the Federal courts for citizens cited in criminal contempt on a judge's finding that they committed acts of discrimination forbidden in the pending measure. (Since this no where defines the general offense, the definition is left to the Federal judiciary.)

Had it not been for the Senate filibuster the American people would have remained unaware that the very judges who made findings of criminal contempt in enforcing compulsions for a revolutionary change in the social and economic structure of the nation could unilaterally deny to defendants the hard won Anglo-Saxon privilege of trial by jury.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. I am delighted to yield to my distinguished friend, the senior Senator from Florida.

Mr. HOLLAND. Does not the Senator recall in the very matter he just referred to—the striking from that particular bill then pending of the requirement that the judges try the criminal contempt cases, and requiring that those cases be tried by a jury instead—that effort was led by the distinguished Senator from Wyoming, Mr. O'Mahoney, a great constitutional lawyer, who stood in this Chamber and argued with tremendous force and successfully that one of the inherent rights of American citizens would be lost if it were not required

that there be a jury trial held in such cases?

Mr. TALMADGE. I do, indeed. The distinguished Senator from Wyoming made a brilliant speech.

I now return to Mr. Krock's analysis:

And the grave issue presented would not have been effectively projected into the public consciousness if the House measure had been rammed through the Senate without change.

In bringing forth the jury trial amendment, the lengthy debate over the 1964 bill was in keeping with one of the finest traditions of the Senate as guardian of minority rights—in this particular case, the ultimate minority, the minority of one.

Nonetheless, though he be only a minority of one, the right of a defendant in a criminal proceeding to have a trial by a jury of his peers is a cornerstone of a just society and it is fundamental to Anglo-Saxon jurisprudence.

Mr. President, I hope those who so vehemently advocate majority rule in the Senate will never come to the conclusion that there should be majority rule in connection with juries. Most jurisdictions in the United States require unanimous vote by a jury before a defendant can be convicted. If the time ever comes when these same proponents of majority rule want to have majority rule in jury cases, whereby a person could be executed or imprisoned by a vote of 7 to 5 of a jury, we will see the jails and penitentiaries of this country filled with innocent people.

Mr. President, I desire now to deal with, and dismiss the outrageous proposal that the Senate is not a continuing body.

Again, let us turn to the Federalist Papers which shed important historical light on that subject.

For instance, Hamilton in letter 62 stressed that the Senate is more than just an appendage of the House. He alluded to the qualifications required of Senators and the nature of the senatorial trust as distinguished from membership in the lower branch. He wrote of the Senate with great wisdom:

The mutability in the public councils, arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government.

The internal effects of a mutable policy are calamitous. It poisons the blessings of liberty itself . . .

The want of confidence in the public councils, damps every useful undertaking; the success and profit of which may depend on a continuance of existing arrangements. . . .

No government, any more than an individual, will long be respected, without possessing a portion of law and stability.

Commenting further along that same line in letter 63 on the permanence of the Senate as a continuing institution, Hamilton said:

The objects of government may be divided into two general classes; the one depending on measures which have singly an immediate and sensible operation; the other depending on a succession of well chosen and well connected measures, which have gradual and perhaps unobserved operation. The importance of the latter description to the collective and permanent welfare of every country, needs no explanation. . . .

An assembly (the House of Representatives) elected for so short a term (two years) as to be unable to provide more than one to two links in a chain of measures, on which the general welfare may essentially depend, ought not to be answerable for the final result, any more than a steward or tenant, engaged for one year, could be justly made to answer for plans or improvements, which could not be accomplished in less than half a dozen years.

The proper remedy for this defect, must be an additional body in the legislative department, which, having sufficient permanency to provide for such objects as require a continued attention, and a train of measures, may be justly and effectually answerable for the attainment of those objects.

Now, Mr. President, those words adequately describe the role of the Senate and prove beyond all doubt that the deliberate intent of the framers of our Government to create it as a continuing body.

Let us listen further to Hamilton's words from the same letter:

As the cool and deliberate sense of the community ought in all governments, and actually will in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs, when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice and truth, can regain their authority over the public mind?

We do not have to wonder, Mr. President, of what time he spoke. This is that hour.

I read further from letter 62 which emphasizes that the Senate is more than an "Upper House":

I am not unaware of the circumstances which distinguish the American from other popular governments, ancient as well as modern. . . . Many of the defects, as we have seen, which can only be supplied by a senatorial institution, are common to a numerous assembly frequently elected by the people, and to the people themselves. . . . The people can never wilfully betray their own interests; but they may possibly be betrayed in the hands of one body of men that where the concurrence of separate and dissimilar bodies is required in every public act.

We must not forget, Mr. President, that our Constitution might very likely have been rejected had it not been for the explanations of its true meanings as set forth in the Federalist.

And to completely nail down the permanency of the Senate as an institution, here is the incontrovertible answer of John Jay in letter 64 of the Federalist:

It was wise, therefore, in the convention to provide, not only that the power of making treaties should be committed to able and honest men, but also that they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them. The duration prescribed, is such as will give them an opportunity of greatly extending their political information, and of rendering their accumulating experience more and more beneficial to their country.

Nor has the convention discovered less prudence in providing for the frequent elections of senators in such a way, as to obviate the inconvenience of periodically transferring these great affairs entirely to new men—for, by leaving a considerable residue of the old ones in place, uniformity and order, as well as a constant succession of official information will be preserved.

Mr. President, the system "formed and introduced" in the Senate to manage and resolve grave issues of national concern has served the country well.

The tragic inconvenience of periodic upheaval in this institution of the government has been prevented and "uniformity and order" have been insured.

How has this been done?

There can be only one answer in the light of history.

That is that the Senate has functioned through wise and just rules which have withstood the tortuous test of time. And the guarantee of free debate for all its Members is the most important of them.

We have seen from the quotations I have read from the Federalist that the Senate is not just an "Upper House" of Congress.

Mr. President, the issue of whether the Senate is a continuing body was laid to rest in 1959, 10 years ago. At that time, the Senate voted overwhelmingly—72 to 22—to affirm the continuity of this body. In so voting, the Senate added the following language to rule XXXII:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

Senators felt at that time that this body had acted decisively—once and for all—to end biennial agitations at the beginning of each Congress. Members of the Senate at that time had every reason to fully understand the full significance of that vote. In his final summation on the amendment to rule XXXII, the distinguished majority leader of the 86th Congress made it infinitely clear. That majority leader went on to preside over the Senate as Vice President of the United States and now occupies the White House as President of the United States.

A decade ago Majority Leader Lyndon B. Johnson explained the importance of the rule XXXII provision in the following language:

This resolution would write into the rules a simple statement affirming what seems no longer to be at issue. Namely, that the rules of the Senate shall continue in force, at all times, except as amended by the Senate.

This preserves, indisputably, the character of the Senate as the one continuing body in our policy-making process.

It precludes the involvement of the Senate in the obstruction that would occur—or could occur—if, at the beginning of each Congress, a minority might attempt to force protracted debate on the adoption of each Senate rule individually.

Mr. President, those who argue that the Senate is not a continuing body go against the spirit and the clear intent of the Founding Fathers. They fly in the face of irrefutable arguments pro-

pounded by Alexander Hamilton, James Madison, and John Jay and their eloquent Federalist Papers dissertations on the new Constitution and the assigned roles of the three branches of Government.

We cannot so lightly dismiss historical precedent. The Senate, as viewed by Hamilton, is a body possessing great firmness. It should "hold its authority by a tenure of considerable duration," in order to safeguard the Government from "the impulse of sudden and violent passion."

This then is the mission of the Senate of the United States. It has been so since its organization April 4, 1789. Never since then has there been a time when the Senate as an organized body has not been available to the President's call or in accordance with the terms of its adjournment, for the transaction of public business.

The Senate has been recognized as a continuing body by the Supreme Court of the United States. In 1926, in the case of *McGrain* v. *Daugherty*, (273 U.S. 135), the Court held:

> The rule may be the same with the House of Representatives whose members are all elected for the period of a single Congress; but it cannot well be the same with the Senate, which is a continuing body whose members are elected for a term of six years and so divided into classes that the seats of one-third only become vacant at the end of each Congress, two-thirds always continuing into the next Congress, save as vacancies may occur through death or resignation.

Mr. President, we have historical precedent after precedent. We have determinations by the Supreme Court. We have actions by the Senate itself over many years that have reinforced the nature of this body as a continuing legislative organization. It is inconceivable to me how, for session after session of Congress, there are unrelenting attempts to put the Senate in a straitjacket of gag rule and banish forever free and open debate from this Chamber. I submit that if legislative history means anything, if our checks-and-balances system of government is to remain in full force, if we are to preserve the integrity of the Senate, I suggest that we are confronted here with more than just a mere modification of the rules of the Senate.

This goes to the very heart of our Government.

It would destroy the best aspects of the federal-national system and substitute therefore the worst aspects of a national system, making big government bigger and even less responsive to the will of the people. This is not just a constructive evolution of our governmental processes.

It is nothing less than revolution.

When the day comes that gag rule prevails in the Senate, it will mark the beginning of the end of our republican form of government, as we know it today.

So I hope that the Senate will vote down the motion for cloture, and that we will lay at rest once and for all the issue as to whether or not a group of men can change the rules of the Senate at will at the beginning of each Congress, when we have had decisions of the Supreme Court, we have had precedents of 180 years, we have had the ruling of every Presiding Officer of the Senate for the last 180 years, save one.

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

Mr. TALMADGE. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the Senator. I rose simply to congratulate the Senator from Georgia upon his scholarly speech. I think he has made it very clear, from legal citations, from historic precedents, that the Senate is a continuing body; that the Senate is the custodian of stability in our national structure; that our Senate has itself again and again stated that such is the case; that the Supreme Court of the United States has upheld our continuing character and quality. I think the Senator has made a very material contribution to this debate, for which I thank him.

May I ask him one question?

Mr. TALMADGE. First let me thank my distinguished friend and neighbor, who, by his long service in this body, has distinguished himself, this body, his State, and the Nation. He is one of the outstanding historians and constitutional lawyers in the Senate, and one of the more able Members in this body on the Senate rules, and a compliment of the type he has made is deeply appreciated by the Senator from Georgia.

Mr. HOLLAND. After the Senator has floored me with such a warm compliment, I have almost forgotten what I wanted to ask him, but I think I can recall it; but I thank him for his compliment, which is wholly unmerited.

My question was this: If it were determined that, at the beginning of each Congress, the Senate, by a mere majority vote—and that was attempted at the beginning of this very debate a few days ago—rule XXII can be changed or modified or repealed or substituted, is not that same conclusion correct as to every other rule of the Senate?

Mr. TALMADGE. Certainly, not only in the beginning of the Congress, but any day of the Congress.

Mr. HOLLAND. Simply speaking now of the beginning of a Congress, can the Senator imagine anything that would make the Senate more unstable rather than stable, and more impermanent rather than continuing, than to have a mere majority of the moment clothed with the authority, at the beginning of every Congress, to completely rewrite the rules of the Senate? Would not that be inviting chaos instead of stability?

Mr. TALMADGE. Of course it would. It would destroy the Senate as a continuing and stabilizing influence on the Government of the United States. In fact, I think if a majority can change the rules at the beginning of a Congress, which they allege is a constitutional right, and I hasten to point out that the Constitution is in effect not only in the beginning of the Congress; the Constitution is in effect today, tomorrow, or forever, until we change it; and if a majority of the Senate can change the rules of the Senate by a mere majority of one, it can change the rules any day, whenever the majority thought it had the advantage of a majority of one at that time. I think it would transform the Senate into a situation similar to that which exists on some of our more disorderly college campuses at the present time.

Mr. HOLLAND. I certainly agree with the Senator. I repeat that I think he has made a fine contribution to this question and thank him for it.

Mr. TALMADGE. I am grateful to my colleague.

Mr. President, I yield the floor.

Mr. COTTON. Mr. President, I am not going to detain the Senate but a few moments, but each time that the Senate has—usually at the beginning of a new Congress—grappled with the question of amending rule XXII, I have briefly stated my views and the reasons for them. As a matter of record and without undue repetition, I want to state them briefly and informally today, because, of course, tomorrow we shall be voting on the motion for cloture.

I have never been able to comprehend the anxiety of so many Members of the Senate to constantly want to dilute rule XXII, to move from a two-thirds of a constitutional majority to a two-thirds of a quorum present and voting, and then, as is suggested now, to move to three-fifths, which is obviously just a step along the line, because the windup is inevitably that the path leads to cloture by a bare majority of Senators present and voting.

Mr. President, it was my privilege, as a young man, to serve on the staff of Senator George H. Moses, of New Hampshire, who was President pro tempore for some 8 years, and who was, in my opinion, one of the greatest parliamentarians who ever served in this body. I think he was in a class with the present distinguished President pro tempore, than which no higher compliment can be paid to any man.

It was my job as a young man to review and prepare material, under Senator Moses' direction, for a speech that he made then—and that was back in the 1920's—in defense of rule XXII.

At that time it was my duty, and part of my work as a research worker in his office, to go back over the years. That was before civil rights had become as pressing a matter as it has become in recent years, before it commanded the attention and caused the controversy it has in recent years.

Research revealed that between 1841, when, I believe, Henry Clay made the first attempt to change the rules, and 1924, shortly after World War I, there had been some 19 filibusters, so-called prolonged debates which were rather clearly filibusters, in the Senate. I believe with one exception, the Force bill, every one of them had to do with preserving the resources of the Republic. It was a time when Senators were exceedingly careful and jealous about public expenditures and public taxation. I think such a time is coming again, very shortly.

We faced then, as we do now, in certain degree, the necessity of preventing the overriding of minorities in the Senate as a necessary protection both to the great, large States of the Union, and to the very small States of the Union, and the comparatively small ones, such as I represent.

It is apparent without saying that a State the size of New Hampshire, or of the State represented by my distinguished friend the Senator from Rhode Island, or of Wyoming or Delaware or West Virginia, has no protection in the House of Representatives from a measure which might be, unintentionally perhaps, unjust, and work a hardship on the smaller States; because my State has two Members in the House of Representatives, and the State of New York has more than two score, of course.

So it is not very difficult to call attention to the fact—and this is not a matter of States' rights as such; it is a matter of a time that may arrive for any man in the Senate who represents a State of small population: the hour may come when, in defense of the vital welfare of his own people, a Senator needs to be able to stay the hand of rapid and headlong legislation long enough to make his cause known, and to secure a sound and fairminded Senate—and I have never served in any other kind of a Senate than those that were fairminded, if the issues were clearly laid down—to secure protection for his small State.

But by the same token, Mr. President, Senators who represent the great States of New York, California, Illinois, and the other huge States of the Union might think twice before they take steps to weaken rule XXII, because I believe it was less than 4 years ago that it was revealed by the Tax Foundation—and I think it has been corroborated since—that at that time, six States in the Union paid more than half of all the Federal taxes in this great country. Six great States; and those six States obviously had but 12 Senators in this body.

In an hour such as this, when all thoughtful people are concerned with public expenditures, with inflation, with the rising debt, with the obligations that are being laid upon us, and with the inevitable increase of taxes, even beyond the heavy burden that we now face, the time well might come when the six most powerful and richest States in this Union could suffer as grave an injustice as any small State, because of their stake in the financing of the United States of America, with only 12 Senators, if you please, to represent them.

This no one can foresee. Senators will note that I am now discussing subjects that have no relation whatsoever to the question of civil rights. It has come to a point where, almost universally, if you talk about cloture or talk about debate in the Senate, or use the word "filibuster," in speaking with any citizen, he instantly begins to talk about racial relations and the question of civil rights. But a decade from now—and we pray that this will happen—we may find that the problem of racial relations and the problem of civil rights have gone into history, as crises that have been met and reasonably resolved and solved by our Republic. But, a decade from now, Mr. President, we may find some other menace, some other highly sensitive and controversial issue, upon which it will be necessary to have a deliberative Senate, so that hasty and thoughtless action may not take place, to the detriment of the security, the safety, and the solvency of the American Republic.

I have only a few more words to say. In the years that I have served in the Senate, I have voted consistently against undue dilution of rule XXII. I intend to continue to vote that way. But by the same token, it has been my feeling that it was my duty, after any controversial matter had been debated and thrashed out a sufficient length of time—and I mean when the debate goes into days and days and weeks, and has been thoroughly aired, and the issues have been thoroughly advertised to all the people of this country—to vote for cloture. One reason that I have done so is this: It has been my opinion that those who consistently, blindly say, "No, there shall be no cloture voted" are at the same time hastening the day and aiding those who seek to dilute and weaken rule XXII; because if cloture is never invoked, after a prolonged period of debate, then we are demonstrating that there is merit in the arguments of those who wish to weaken rule XXII.

Mr. President, there is the exception of a debate that has been started in the closing days or hours of a Congress. I well recall one that concerned the pollution of one of the Great Lakes. I recall some other measures that were not laid before the Senate or did not become the business of the Senate until only a few days, sometimes only a few hours, before adjournment. In those cases, by what is known by some as a filibuster, by others as prolonged debate, depending on one's point of view on the particular question, legislation has been held up—held up until the next session of Congress.

I do not know of any irreparable damage that was done to the country by holding up those measures.

As regards lengthy debates or so-called filibusters that have taken place in the 14 years I have served as a Member of this body, I do not know of a single measure that was ever stopped in those 14 years. I have known of measures that were amended before the Senate voted upon them. I have known of some second thoughts, some modifying, some softening, or, as our great friend and great Senator, the recent President of the United States, Lyndon Johnson, would say, a reasoning together, that took place because of the prolonged debate.

But I have voted for cloture. I voted for cloture in the case of one bill that I was opposed to and that I voted against on the rollcall. But I voted for cloture, knowing that there were enough votes to pass it. I did so after many weeks and when I felt that it was time that the Senate had the opportunity to work its will on the measure. But I have not known of any important measure, or any measure, in the years I have been here that did not finally reach a vote, if the debate took place at any reasonable time during the session. I think that that will continue to be the case.

Therefore, I would feel, frankly, that if rule XXII were diluted, I would be more reluctant to vote for cloture on individual measures. I feel a sense of duty to vote for cloture at the proper time on measures, so long as rule XXII is left intact.

One more point. When we talk about rule XXII, we talk about prolonged debate. We talk about the need for cloture. But there is one thing that we tend to forget. If rule XXII is to be revised, it should be revised in more than just the situation that is contained in the present proposal. The first time I ever voted for cloture, and we began the procedure in the period after cloture had been invoked, I felt very keenly that one title of the omnibus civil rights bill worked a grave injustice and authorized such a naked use of Federal power that I felt it was extremely dangerous. I could not vote for a bill that contained that particular title. I had before the Senate an amendment to delete the title.

When cloture is voted, every Senator knows that only those amendments that are at the desk, and in the exact form in which they are at the desk, can be voted upon and that no other amendment can be offered in the absence of unanimous consent.

What happened? I had earlier offered my amendment. The amendment was narrowly defeated. Two Senators said to me, "If you will revise your amendment so that it does not go quite so far in the matter of this title, those who have said they are opposed to it, will vote for it."

I sought to offer the same amendment, slightly revised, after cloture had been voted, and the majority leader, as it was perfectly proper for him to do, objected. It could not even be considered.

So only those amendments that are at the desk, and in the exact form in which they are at the desk, can possibly be considered after cloture has been invoked.

This does not refer to the rule that each Senator may have only 1 hour after cloture has been invoked. That is a good rule. The rule that he may not assign his 1 hour to another Senator is a good rule. But the rule that he may not offer an amendment to an amendment within that hour, or use the time within that hour, or even offer an amendment when his time has expired, and there can be no debate, is, in my opinion, an oppressive rule. It means that cloture, when it has been invoked, has the effect of freezing, in a sense, the measure before the Senate, and makes it impossible to consider amendments that would earlier have been considered in the absence of prolonged debate.

There are many other reasons. Many masterly arguments against cloture have been advanced on the floor of the Senate.

The Senator from New Hampshire served in the House and has a vivid recollection of the handling of appropriation measures in that body. When I was a member of the House Committee on Appropriations, bills providing literally billions of dollars came before the House under a rule that allowed 40 minutes to each side. I trust I do not violate the rules, because I do not criticize the House, but the House, because of its size, does have to have a rule of unanimous consent. Under unanimous consent, we have committeed the same sin in the Senate, but it can be blocked by one Member.

However, the day has come for us to consider the need to make certain that this Republic is strong in its military protection.

The time has come when we must weigh with care the huge bills that come to the Senate as a matter of course, providing billions and billions of dollars in appropriations. As a member of the Committee on Appropriations—and I have been as remiss, I fear, as any other Senator—I do not want to see the situation arise in which we can spend this country into bankruptcy or into insolvency or into galloping inflation that takes the bread out of the mouths of our people, until the Senate has had an opportunity to weigh the details.

The time has gone by—and I hope that the Appropriations Committee and every other Senator will feel the time has gone by—when we can deal with these huge lump appropriations without bringing out on the floor many of the details that often have been overlooked.

I have seen the Senate argue all day over a few thousand dollars or $1 or $2 million, and then the next day pass a bill providing for $7, $8, $15, or $20 billion, without any real knowledge of its details.

These are things we must think of, and these are the reasons why this Senator will vote against the modification of rule XXII.

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

Mr. COTTON. I yield.

Mr. HOLLAND. Mr. President, I thank the Senator warmly for his exceedingly constructive, exceedingly cautious, and exceedingly commonsense approach to this subject. I believe he has made a very great contribution to this debate, and I thank him for it.

Mr. COTTON. I thank the Senator from Florida.

PRESIDENT NIXON'S INAUGURAL ADDRESS

Mr. BAKER. Mr. President, a few days ago this Nation witnessed the inauguration of its 37th President. In his inaugural address, Richard Nixon promised no neatly defined solutions. He offered only realism and avoidance of quick or easy answers.

Two recurring themes emerged from the inaugural address of President Nixon—peace abroad and unity at home. He spoke of the crisis in America:

> We have found ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon but falling into raucus discord on earth.
>
> We are caught in war, wanting peace. We are torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them.
>
> To a crisis of the spirit, we need an answer of the spirit.
>
> And to find that answer, we need only look within ourselves.

President Nixon also expressed his hope for a united Nation, one in which every man can share fully in the shaping of his destiny. He said:

> No man can be fully free while his neighbor is not. To go forward at all is to go forward together.

He has asked that we learn to speak quietly enough so that our words can be heard as well as our voices. And he has promised that the Government will listen in new ways to the anguish and despair of the people who have not been heard before.

He noted that our greatest need now is to reach beyond Government to enlist the help of committed and concerned citizens across this continent.

Mr. President, President Nixon has on many occasions spoken of politics being the art of the possible and of seeking through intelligent effort to expand the bounds of that which is possible. In these aims every American should stand behind him and the pledges he made in his inaugural address.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. ROBERT A. EVERETT, late a Representative from the State of Tennessee, and transmitted the resolutions of the House thereon.

DEATH OF REPRESENTATIVE ROBERT A. EVERETT, OF TENNESSEE

Mr. BAKER. Mr. President, on behalf of myself and my colleague (Mr. GORE), I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 62

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Robert A. Everett, late a Representative from the State of Tennessee.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

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

There being no objection, the resolution (S. Res. 62) was considered and unanimously agreed to.

The PRESIDING OFFICER. The Chair appoints the Senators from Tennessee (Mr. GORE and Mr. BAKER) to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Mr. BAKER. Mr. President, ROBERT A. "FATS" EVERETT was first elected to the U.S. House of Representatives in 1958 to fill the unexpired term of Congressman Jere Cooper. Prior to that time, he had been an administrative assistant to Senator Tom Stewart and later to Gov. Gordon Browning. He had also served as executive secretary of the Tennessee County Services Association.

After his election, he served in the Congress with my father, Howard H. Baker. Following my election to this body, I came to know well and to admire "FATS" EVERETT, and I had a profound respect for him.

No one served more ably or had a keener knowledge of that which was best for his people than did "FATS" EVERETT. No one enjoyed more the business of the representation of people. This Congress and the citizens of the Eighth District will miss him.

RECESS

Mr. KENNEDY. Mr. President, in accordance with the order of Thursday, January 23, 1969, pursuant to the last resolving clause of Senate Resolution 62, and as a further mark of respect to the memory of the late Representative EVERETT, I move that the Senate now stand in recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 3 o'clock and 7 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, January 28, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 27 (legislative day of January 10), 1969:

HOUSING AND URBAN DEVELOPMENT

Richard C. Van Dusen, of Michigan, to be Under Secretary of Housing and Urban Development.

Floyd H. Hyde, of California, to be an Assistant Secretary of Housing and Urban Development.

Samuel C. Jackson, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Samuel J. Simmons, of Michigan, to be an Assistant Secretary of Housing and Urban Development.

Sherman Unger, of Ohio, to be General Counsel of the Department of Housing and Urban Development.

REA

David A. Hamil, of Colorado, to be Administrator of the Rural Electrification Administration for a term of 10 years.

IN THE AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be brigadier generals

Col. Fred A. Heimstra, [redacted] Regular Air Force, medical.

Col. Paul P. Douglas, Jr., [redacted] Regular Air Force.

Col. James O. Prankosky, [redacted] Regular Air Force.

Col. Victor N. Cabas, [redacted] Regular Air Force.

Col. Kendall S. Young, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. William A. Jack, [redacted] Regular Air Force.

Col. Ernest F. John, [redacted] Regular Air Force.

Col. Ralph J. Hallenbeck, [redacted] Regular Air Force.

Col. Quintino J. Serenati, [redacted] Regular Air Force, medical.

Col. Harold L. Price, [redacted] Regular Air Force.

Col. Woodard E. Davis, Jr., [redacted] Regular Air Force.

Col. Ray M. Cole, [redacted], Regular Air Force.
Col. Michael C. McCarthy, [redacted], Regular Air Force.
Col. Jessup D. Lowe, [redacted], Regular Air Force.
Col. Donald A. Gaylord, [redacted], Regular Air Force.
Col. Vernon R. Turner, [redacted], Regular Air Force.
Col. Edgar H. Underwood, Jr., [redacted], Regular Air Force, Medical.
Col. Coleman O. Williams, Jr., [redacted], Regular Air Force.
Col. Leslie J. Westberg, [redacted], Regular Air Force.
Col. George K. Sykes, [redacted], Regular Air Force.
Col. Wendell L. Bevan, Jr., [redacted], Regular Air Force.
Col. William P. Comstock, [redacted] (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Richard C. Catledge, [redacted], Regular Air Force.
Col. Madison M. McBrayer, [redacted], Regular Air Force.
Col. William H. Holt, [redacted], Regular Air Force.
Col. James H. Watkins, [redacted], Regular Air Force.
Col. Warren D. Johnson, [redacted], Regular Air Force.
Col. Paul C. Watson, [redacted], Regular Air Force.
Col. Maxwell W. Steel, Jr., [redacted], Regular Air Force, Medical.
Col. Jack K. Gamble, [redacted], Regular Air Force.
Col. William C. Fullilove, [redacted], Regular Air Force.
Col. Charles E. Yeager, [redacted], Regular Air Force.
Col. Harold R. Vague, [redacted], Regular Air Force.
Col. Paul G. Galentine, Jr., [redacted], Regular Air Force.
Col. Foster L. Smith, [redacted], Regular Air Force.
Col. Thomas P. Coleman, [redacted], Regular Air Force.
Col. Homer K. Hansen, [redacted], Regular Air Force.
Col. Peter R. DeLonga, [redacted], Regular Air Force.
Col. Clifford W. Hargrove, [redacted], Regular Air Force.
Col. Samuel M. Thomasson, [redacted], Regular Air Force.
Col. Robert E. Huyser, [redacted], Regular Air Force.
Col. William J. Evans, [redacted] (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Thomas W. Morgan, [redacted], Regular Air Force.
Col. William R. Goade, [redacted], Regular Air Force.
Col. Charles I. Bennett, Jr., [redacted], Regular Air Force.
Col. Otis E. Winn, [redacted], Regular Air Force.
Col. Woodrow A. Abbott, [redacted], Regular Air Force.
Col. James R. Pugh, Jr., [redacted], Regular Air Force.
Col. Robert P. Lukeman, [redacted], Regular Air Force.
Col. James L. Price, [redacted], Regular Air Force.
Col. John W. Roberts, [redacted] Regular Air Force.
Col. Brian S. Gunderson, [redacted] Regular Air Force.
Col. Geoffrey Cheadle, [redacted], Regular Air Force.
Col. Floyd H. Trogdon, [redacted], Regular Air Force.
Col. Devol Brett, [redacted] Regular Air Force.
Col. Paul F. Patch, [redacted] Regular Air Force.
Col. Harold E. Collins, [redacted], Regular Air Force.
Col. Benjamin N. Bellis, [redacted] (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Salvador E. Felices, [redacted] (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Richard G. Cross, Jr., [redacted], Regular Air Force.
Col. Lew Allen, Jr., [redacted] (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Martin G. Colladay, [redacted] (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Charles C. Pattillo, [redacted] (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Billie J. McGarvey, [redacted] Regular Air Force.
Col. James D. Hughes, [redacted] (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. James R. Allen, [redacted] (major, Regular Air Force) U.S. Air Force.
Col. Robert E. Pursley, [redacted] (major, Regular Air Force) U.S. Air Force.

EXTENSIONS OF REMARKS

MAN OF THE SOUTH

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, January 27, 1969

Mr. TALMADGE. Mr. President, each year a "Man of the South" is honored by Col. Hubert F. Lee in his Dixie Business magazine, published in Atlanta, Ga. Colonel Lee has just celebrated his 40th anniversary as editor and founder of this fine publication.

The award this year goes to Solon Brinton Turman, Man of the South for 1968, for his outstanding accomplishments in the shipping industry, and for his many contributions to the South and the entire Nation.

I wish to bring to the attention of the Senate an announcement of Mr. Turman's selection for this honor, as well as a biographical article by Colonel Lee, and I ask unanimous consent that this material be printed in the RECORD.

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

SOLON B. TURMAN, NEW ORLEANS SHIPPING EXECUTIVE, IS MAN OF THE SOUTH FOR 1968

Solon Brinton Turman, of New Orleans, a leader of the United States Shipping industry, has been named Man of the South for 1968, it was announced today by Colonel Hubert F. Lee, Editor and Publisher of Dixie Business, of Atlanta, which has sponsored the selection since 1946.

Colonel Lee pointed out that the award is made to the man selected from the 200 American business leaders who have been named to the South's Hall of Fame, and the decision is based on an annual poll.

Letters, ballots, petitions and resolutions urging Mr. Turman's selection were received, Colonel Lee said, from throughout the United States and from countries around the world. The flood of votes in Mr. Turman's behalf started pouring in shortly after the nominees were announced.

Mr. Turman, a Director and Chairman of the Executive Committee of Lykes Corporation and Lykes Bros. Steamship Co., Inc., is the senior ranking member of the Lykes family which founded the vast Lykes enterprises that have contributed greatly to the development of the south.

Mr. Turman this year observes his 50th anniversary with the Lykes organization. In addition to his active role in the Lykes world-wide shipping operation, he is also active in the many other Lykes interests which include cattle ranches in Florida and Texas; meat packing plants in Florida and Georgia, citrus groves and citrus concentrate plants in Florida; insurance companies in Florida, Georgia and North Carolina, banking in Florida and electronic firms in Louisiana, Florida and Georgia.

In addition to his active role in the many Lykes businesses, Mr. Turman also serves as a Director of the Hibernia National Bank in New Orleans; Chairman of the Board of Gulf and South American Steamship Co., Inc., member of The Business Ccuncil, and only recently concluded a 24-year term as Director of the Illinois Central Railroad.

A native of Florida and a resident of New Orleans since 1930, Mr. Turman is the son of the late Solon B. Turman and the late Miss Tillie Lykes. He attended Virginia Military Institute and the University of Virginia and his career with the Lykes enterprises dates back to 1919.

He became a Director of Lykes in 1925; a Vice President in 1930; Executive Vice President in 1943, and served as President from 1951 until 1962 when he was elected Chairman and Chief Executive Officer, a post he held until 1967 when he elected to step down.

In world business circles he is recognized as one of the foremost authorities on shipping and he has served his company, his southland and his nation with distinction, making major contributions to all three.

In 1949, he received the French Medal of Commercial Merit and in 1952 was made an honorary member of the Louisiana Chapter of Beta Gamma Sigma, the nation's leading national honorary scholastic fraternity. In 1957 he was named Louisiana's Maritime Man of the Year, and in 1961 he won twin-honors as the recipient of the American Legion's American Merchant Marine Achievement Award, presented to him by the late President John F. Kennedy, and the same year was given the Vice Admiral Jerry Land Medal, the highest honor paid to a non-technical person by the American Society of Naval Architects and Marine Engineers.

The individual's responsible for Mr. Turman winning the Man of the South honor, and Colonel Lee, "reads like a 'Who's Who' in American and international business. All of them had one thing in common—Solon Turman earned the honor for his distinguished service to the South over a lifetime."

SOUTH'S HALL OF FAME FOR THE LIVING

(By Hubert F. Lee)

With the publication of this issue of Dixie Business, another Southerner joins the ranks of the "Hall of Fame for the Living," the honor group from which the "Man of the South" is named each year.

He is Solon Turman, of New Orleans, a member of the Internationally-known Lykes

family of Florida and truly one of the outstanding leaders of international commerce during a period of many years.

Mr. Turman is Chairman of the Executive Committee of the Board of Directors of Lykes Bros. Steamship Co., Inc., perhaps the best known of all the vast Lykes holdings in shipping, cattle, citrus, meat packing, insurance, banking and electronics.

Solon Turman is the son of the late Miss Tillie Lykes, whose seven brothers founded the Lykes shipping empire at the turn of the century. Turman joined the venturesome Lykes brothers just as soon as he left school in 1919, and he has devoted a lifetime to the South and particularly to one of the most aggressive roles in behalf of the American Merchant Marine.

His uncle, the late Joseph T. Lykes, Sr., was honored as the "Man of the South" for 1960 at a dinner in Tampa, Florida, December 7, 1960. Mr. Lykes was named to the South's "Hall of Fame for the Living" honor group in 1952.

In keeping with Lykes family and Lykes company policy, Mr. Turman underwent an extensive training program and learned shipping from the bottom up, and he earned every promotion he ever received. Greater responsibility became his with the passing of each year and he assumed the presidency of the world-wide Lykes organization in 1951.

He played a major role in steering the Lykes shipping team through World War II, when it contributed a principal share to the allied success.

He was again in a major role putting together a tough-to-beat postwar organization that saw the Lykes colors rise to the top of the industry.

He was at the helm as the company plunged into the nation's greatest single shipbuilding venture—complete replacement of the Lykes fleet at a cost in excess of a half billion dollars—now reaching another important phase with 33 new ships contributing a major share to the U.S. balance of payments, to the nation's efforts in Southeast Asia and to the strength of the great American Merchant Marine.

In 1967, Solon Turman elected to step down as Chairman and Chief Executive Officer of Lykes. He continues to play a vital role in the Lykes operations and holds numerous other top level positions with other Lykes companies. He is also a director of the Illinois Central Railroad and the Hibernia National Bank of New Orleans.

In 1957 he was Lousiana's "Maritime Man of the Year."

In 1961 the American Legion gave him their "American Merchant Marine Achievement Award."

In the same year he was given the Admiral Jerry Land Medal, the highest honor bestowed on a non-technical person by the Society of Naval Architects and Marine Engineers.

I see a marked difference in the careers of men who own a company and build it into greatness and "management men" who are responsible to a board of directors.

None of the Horatio Alger figures I have known have worked harder and burned the midnight oil longer than the Solon Turmans during the half century I have been a writer.

Solon Turman and his late uncles, the seven Lykes brothers, are in the same class with James B. "Buck" Duke, Robert Dollar, Thomas A. Edison, Alexander Graham Bell, John H. Patterson, Cyrus H. McCormick, Henry Ford, Daniel Guggenheim, J. P. Morgan, John D. Rockefeller and stalwarts of the old school.

This honor by Dixie Business—modest though it may be—is given only to those who have earned it. Great men like Solon Turman.

THOMASITE TEACHER HONORED BY PRESIDENT OF THE PHILIPPINES

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. JONES of Alabama. Mr. Speaker, this House last year approved H.R. 970 to extend our greetings to the Congress of the Philippines in commemoration of the arrival of the Thomasite teachers.

More than 66 years ago these volunteer American teachers are credited with establishing public education in the Philippines.

The last known survivor of this original group of 508 teachers is Mr. Henry H. Balch, who later distinguished himself in the Foreign Service of our Nation.

Mr. Balch, a 91-year-old resident of Huntsville in the Eighth Congressional District of Alabama came to Washington recently to receive honors from the Philippine Government for his service to the young people of the Philippines.

He was presented the Sikatuna Award—the highest civilian decoration the Philippine Government can give—for his work among the people of these islands.

So that all of my colleagues can know of the high regard which these Thomasite teachers are held by the people of the Philippines, I wish to include as part of my remarks the remarks by Ambassador Salvador P. Lopez on the presentation of the Order of Sikatuna to Mr. Henry Balch and the citation of the President of the Philippines.

The remarks follow:

TRIBUTE TO THE THOMASITES

(Remarks by Ambassador Salvador P. Lopez on the presentation of the Order of Sikatuna to Mr. Henry Balch)

In the Sikatuna Award, the highest civilian decoration that the Philippine Government can give, on Mr. Henry H. Balch, we honor him for his years of service to the youth of the Philippines at a critical time in our history. In particular, we honor him for what he did for the young people of Tayabas and the love he bore them.

Through him, we honor the Thomasites—that hardy band of pioneers who dared to venture into strange land, to live and work among a people whom their nation had just subdued in war.

And in honoring them, we pay tribute to America, to the American record of education in the Philippines. It is a record unsurpassed in the annuals of colonialism, a shining record which we consider to be the most valuable legacy bequested to us by American rule.

For the work of Henry Balch and the Thomasites represented the best side of the American character—its altruism, its dedication, its humanity. And the public school system which they established throughout the country was the most beneficent and the most effective expression of American colonial policy in the Philippines. It is to the work of Henry Balch and the Thomasites and of those who followed them that we largely owe that part of our culture which is distinctively American, those qualities which, for good or ill, will remain stamped on the Filipino soul for a long time to come. It is these elements which constitute to this day the strongest bond between our two nations.

It is for this, no less than for the many personal ties which they established during their years of service in the Philippines, that Henry Balch and the rest of the Thomasites will always be remembered in our country. As for the Americans of today, they too owe a debt of gratitude to the Thomasites, who were in truth the first Peace Corps volunteers in American history.

The citation reads as follows:

CITATION

The President of the Philippines hereby confers the Order of Sikatuna (Rank of Datu) upon Mr. Henry Balch of Huntsville, Alabama, U.S.A., for his wholehearted response to the call of service as evidenced by his voluntary enlistment in the group of teachers who came to the Philippines from America to bring for the first time to this country the beneficences of popular education;

For his generosity of spirit, open mind, and compassionate approach to the work at hand, which characterized the adventure-in-teaching that the Thomasites found in the Philippines;

For the genuine gift of knowledge he has brought to his students which laid the basis for the wider education of the generations of Filipinos who came after;

For his own quick and deep acceptance of the Filipinos and the Philippines, to this day a people and country that enjoy a special place in his memories and in his heart;

This award is given to Henry Balch, teacher, benefactor, friend and brother to the Filipinos.

Done in the City of Manila on this 18th day of July in the year of our Lord nineteen hundred and sixty-eight.

By the President:

F. E. MARCOS.

PHILADELPHIA SHOWS WAY TO EASE NEGROES' PLIGHT

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, January 27, 1969

Mr. SCOTT. Mr. President, last week, Bruce Biossat wrote a commentary on the persistent though not always glamorous efforts of Philadelphia toward lessening its urban problems. As he implies, many of the steps taken are not giant steps, but the march goes forward and is headed in the right direction.

I ask unanimous consent that Mr. Biossat's article, "Philadelphia Shows Way To Ease Negroes' Plight," which appeared in the Hazleton Standard Speaker of January 22, be printed in the RECORD.

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

PHILADELPHIA SHOWS WAY TO EASE NEGROES' PLIGHT

WASHINGTON.—Cracks of hopeful daylight can be found here and there in a troubled urban racial situation which many observers of the nation's black community insist on painting in hopelessly gloomy tones.

These small bits of optimism appear at a fortuitous moment, for investigative disclosures of fraud and inefficiency in the massive New York City poverty-welfare complex are seen as having struck a hard blow against such programs—despite the argument that they ease tensions in the seething ghetto communities.

Fortunately for the nation, through all the tumult and the shouting from black militants on the one hand and rightist whites who would repress blacks on the other, a hardy band of both whites and blacks keeps

hacking away pragmatically at real problems and helping to produce at least partial answers.

Typical of this band is Andrew Freeman of Philadelphia's Urban League, a soft-spoken but highly determined man who for years has been fighting for practical gains for the black community and getting some of them, while his more militant brethren have been shouting for the millennium tomorrow and achieving virtually nothing.

Measured on the scale of practical advances, Freeman saw 1968 in Philadelphia as a year of more promise than a quick tour of the black ghetto might suggest. And he says he is "very optimistic" that 1969 will be a good deal better.

In the employment field, it may shake some of those who believe that federally sponsored programs are inevitably doomed to failure to hear that on-the-job training efforts under U.S. Department of Labor guidance have been the most successful in Philadelphia.

Figures for 1968 are not yet complete, but may well exceed 1967. Nearly 3,000 blacks trained under this program were at work—and the so-called "job retention" rate ranged impressively between 85 and 93 per cent.

Most disappointing in 1968 was the failure to arouse a proper sense of urgency among the potential employers of black trainees. The phenomenon is curious, since several years ago this reporter, examining the Philadelphia economic scene, found hopeful stirrings among many top industrialists.

Another extremely difficult problem is the often crushing indifference of hard core unemployed blacks to the job appeals made. The discipline of regular work is painfully foreign to men with a long history of idleness and its freedom—empty though that may be.

Nevertheless, men like Freeman never give up fighting for the small victories on the job, school and housing fronts which, when pieced together over the years, mark real advances.

Notwithstanding earlier discouragements, he is confident more business employers are going to get the message in 1969 and hire black trainees or help train them as they work. The National Alliance of Businessmen has made job pledges which may be fulfilled better this year than last. The Urban Coalition, not too productive in Philadelphia so far, is still eyed hopefully.

Pragmatic black leaders are impressed by Mark Shedd, city school superintendent, whom they put down as a concerned man. This does not mean the city has made huge strides toward solving its racial school problems. As in other urban centers, tensions erupt in violence from time to time: busing is protested by irate whites, and integration on a big scale is still heavily opposed by them.

The school system needs more money, more community support. It is still judged poor overall, and worse rather than better in black sectors. Yet a note of hope is being struck.

Even housing prospects look more promising. A 1968 U.S. law providing subsidies that will allow one per cent mortgage charges for low-income buyers opens up a market for blighted but basically sound dwellings which can be reconditioned. Poor blacks may be buying.

BROCKTON ART CENTER-FULLER MEMORIAL

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I am very proud to bring to the attention of the Members of the House of Representatives the formal opening of the magnificent new Brockton Art Center-Fuller Memorial, which took place on January 15, 1969. This art center was made possible through the generosity of the late Myron L. Fuller, who established trust funds for the museum and by the donations of land, funds, and effort to interested Brockton and South Shore persons.

Among the distinguished guests at the opening of the Brockton Art Center were: Mr. and Mrs. Charles A. Fuller, Mr. and Mrs. Myron F. Fuller, Miss Alice Aksarlian of Buenos Aires, Argentina, Mr. and Mrs. James S. Ames III of North Easton, Mr. and Mrs. Edward Bernat, Dr. and Mrs. Gerard Burke of Brockton, who represented Congressman James A. BURKE, Mr. and Mrs. Nicholas Campanelli, Mr. and Mrs. Walter C. Dunbar Jr., of South Easton, Mr. Kevin P. Gillette, Mrs. Mason Dix Harris, Mr. Robert W. Higgens, Mr. and Mrs. E. Bradford Keith, Mr. and Mrs. Bernard S. Lazarus, Mr. and Mrs. Paul N. Lampos, Mr. and Mrs. Edward E. Lyons of Hanover, Mrs. Daniel J. McEachern, Mr. and Mrs. John Merian, Mr. and Mrs. Richard J. O'Connell, Mr. and Mrs. Ralph E. Trower, and Attorney John Clark Wheatley.

I include the enclosed news items which cover the art center opening:

[From the Brockton (Mass.) Enterprise, Jan. 16, 1969]

THE BROCKTON ART CENTER-FULLER MEMORIAL

An important and historic event has been taking place this week in the history of this city and area—the opening of the Brockton Art Center-Fuller Memorial.

We are living in an age where culture is playing more and more of a part in our lives, as it should.

Now, with this handsome and splendidly equipped art center ready for use, this area is fortunate to be able to share in its many and varied programs.

When plans were first made for building the art center, those involved in the project knew they had a task on their hands.

But they were, and are, a dedicated group and their dedication paid off.

We congratulate them.

This city and area can be proud that it has the only art museum on the South Shore, made possible by a bequest in the will of the late Myron Fuller and others who contributed financially and with generous measures of their time and talents.

PRESS CORPS PREVIEWS BROCKTON ART CENTER

The beautiful and spacious Brockton Art Center-Fuller Memorial was unveiled for the first time Tuesday night at a press preview for local and Boston newspaper writers and radio and television broadcasters. The opening exhibition, entitled "Three Centuries of New England Art," of rare and priceless loan items from New England museums was warmly received by the group.

Out-of-town guests were brought to this city in a colorful London double-decker bus which provided rush hour drivers on the Southeast Expressway with a novel sight.

The spacious galleries of the new center, adjacent to Upper Porter Pond on Oak St., were acclaimed by all of the visitors. The center, in addition to three galleries, includes three studios for art classes, a library-lounge, tearoom, two administrative areas, three storage rooms, a carpenter shop and a receiving area.

The main gallery will serve alternately as a lecture hall and an exhibition gallery.

The center was made possible under the trust funds established by the late Myron L. Fuller, internationally known geologist and hydrologist, and son of Albert H. Fuller, founder of the Enterprise-Times.

Land for the center was donated by Paul Lampos, president of Wood-Hu Kitchens; Edward Bernat, vice president of Garland Knitting Mills; Campanelli Brothers of Braintree and the Enterprise Publishing Co., while a generous gift from Isaac S. Kibrick was used for site development and the lagoon was donated by Max Coffman, president of Mammoth Mart.

Land for the center was exchanged with the D. W. Field Park through the co-operation of city and state officials.

Members of the Board of Trustees were on hand to greet the visitors, including Kenneth E. Sampson, chairman; Merton B. Tarlow, treasurer; Charles A. Fuller and Edwin A. Nelson, with the fifth member, Isaac S. Kibrick, being on vacation. Also present were committee chairmen: Bernard S. Lazarus, charter membership, finance and personnel; Ann G. McEachern, school planning; Dorothy H. Trower, Ladies' Committee, and Ralph E. Trower, publicity.

Pointing out the features of the museum was Edouard DuBuron, director, and Marlene A. Thayer, secretary, along with Paul L. Bacon, business manager. Music during the evening was provided in the main gallery-auditorium by Miss Doris H. Tirrell at the organ and Walter R. Lendh at the concert grand. Both instruments are being loaned to the art center by the Baldwin Piano and Organ Studios of Brockton.

Guests were treated to cocktails and a light buffet served in the ground-level foyer, adjacent to the gallery-auditorium. Assisting with guide and hostess duties were members of the Ladies' Committee including:

Mrs. Frank Cross and Mrs. Robert Earle, both of Sharon, co-chairmen; Miss Edith Sprague, Randolph; Mrs. Norman Smith, Holbrook; Mrs. John Farmer, Pembroke; Mrs. John A. Colocousis and Mrs. George Tasho, Brockton; Mrs. Achor B. Campbell, Jr., and Mrs. John Blomstrom, both of Stoughton; Mrs. Thomas Strange Whitman; Mrs. Lawrence Huller, Brockton.

The museum was designed by J. Timothy Anderson and Associates, Inc., and constructed by Eaton and Associates, Inc. A brochure on the pictures being displayed and on the museum was presented to each guest.

The museum will open its doors to the public on Friday from 10 A.M. to 10 P.M. The building will be open weekdays from 10 A.M. to 5 P.M. and Sundays from 1:30 to 5:30 P.M. after the opening day.

A series of special events has been planned, the first of which will be a lecture Feb. 5.

PLANS FINALIZED BY TRUSTEES FOR OPENING OF ART CENTER

Meeting this week at the new Brockton Art Center—Fuller Memorial, members of the Board of Trustees put the finishing touches to plans for the long-awaited formal opening of the South Shore's only art museum on Tuesday, Wednesday, Thursday and Friday.

The meeting was held in the museum library, where a bright, cheery fire burned in the fireplace. Outside, visible through the large glass windows, children skated on Upper Porter's Pond, which borders the museum on the east.

Chairman of the trustees, Kenneth E. Sampson, presided, and members were delighted with the museum's handsome new publication, the creation of Ralph E. Trower, publicity director. The book is, in fact, a catelog of all paintings and art pieces to be part of the first exhibit, with commentaries by Charles Morgan of Amherst and Bartlett Hayes of Andover, both distinguished art authorities.

The magnificent exhibit which the museum will house for the opening consists of New England art from New England museums from the 18th, 19th and 20th Centuries. Collections are now being hung in the sev-

eral galleries where guests will be greeted at the openings next week.

On Tuesday evening, from 5 to 7, there will be a press preview, to which members of the communications media from the South Shore and Boston are invited. Boston guests will make the trip to Brockton aboard a London bus which has been chartered for the occasion.

The museum's formal black tie opening is planned for Wednesday evening from 8 to 11 for charter members, heads of museums and state and city officials.

Then, on Thursday evening, a special opening will be held for those holding regular museum membership, as well as many of the living artists whose works are presented in the exhibit. This evening, from 8 to 11, is informal.

On Friday evening, the museum will be open to the general public with visitors to be asked for a non-member admission fee of $1.

On all evenings champagne will be served along with finger delicacies. Background music will be provided on Baldwin organ and concert grand piano by Miss Doris Tirrell and Walter Lendh.

Tentative hours during which the museum will be open are Tuesdays through Fridays, 10 A.M. to 5 P.M.; Sundays, 1 to 6 P.M. The museum will be closed on Mondays.

ART CENTER OPENING IS HELD

(By Bettina Kyper)

The formal opening Wednesday evening of the magnificent new Brockton Art Center-Fuller Memorial was a glittering affair with an assembly of charter members from the South Shore enjoying the exhibit of priceless New England Art from the 18th, 19th and 20th centuries in the four galleries and in the spacious foyers.

Situated on a picturesque 18-acre site on Oak St., adjacent to Upper Porter Pond, the two-level museum complex is of traditional New England design on the outside, while the interior is one of the most functionally modern museums creating a subtle blending of the old and the new.

It is through the generosity of the late Myron L. Fuller who established Trust Funds for the museum, and by the donations of lands, funds and effort of interested Brockton and South Shore persons that the museum was made possible.

Mr. Fuller was brother of the late Charles L. Fuller, Daily Enterprise publisher, and uncle of the present co-publishers. Albert W. Fuller and Charles A. Fuller, Mr. and Mrs. Albert W. Fuller were unable to attend the museum opening because of Mr. Fuller's illness.

The first art exhibit consists mainly of regional canvases and sculpture loaned by the Addison Gallery of American Art, Phillips Academy; Amherst College, Bowdoin College Museum of Art, Chrysler Art Museum, Colby College Art Museum, DeCordova Museum, Fitchburg Art Museum, Fogg Art Museum, Harvard University, Massachusetts Historical Society.

Museum of Art, Rhode Island School of Design; Museum of Fine Arts, Boston; Museum of Fine Arts, Springfield; New Britain Museum of American Art; Portland Museum of Art; Rhode Island Historical Society, Rose Art Museum, Brandeis University; Saint-Gaudens National Historic Site, Windsor, Vt.; Smith College Museum of Art, Sterling and Francine Clark Art Institute, Williamstown; University of New Hampshire, Scudder Gallery; Wadsworth Antheneum, Hartford, Conn.; Worcester Art Museum and Yale University Art Gallery.

Artists represented are: Albert Alcalay, Washington Allston, David Aronson, Milton Avery, Joseph Badger, Edward Mitchell Bannister, Herbert Barnett, Harris Barron, Ros Barron, Leonard Baskin, George Bellows, Joseph Blackburn, Hyman Bloom, Varujan Boghosian, Horace Bundy, Joseph Goodhue Chandler, Frederick Edwin Church, James Goodwyn Clonney, George H. Cohen, Charles Octavious Cole, John Singleton Copley, Gardner Cox, Jan Cox, Joseph DeMartini, Alfred Duca, Asher B. Durand.

Also, Ralph Earl, Robert Engman, Robert Eshoo, Robert Feke, Erastus Salisbury Field, Howard Gibbs, Kahlil Gibran, Sante Graziani, John Greenwood, Ernst Halberstadt, Robert Hamilton, Chester Harding, William Hart, Marsden Hartley, Childe Hassam, Martin Johnson Heade, Fanny Hillsmith, Winslow Homer.

Edward Hopper, William Morris Hunt, Jim Huntington, Eastman Johnson, Rockwell Kent, Gyorgy Kepes, Karl Knaths, Lawrence Kupferman, John La Farge, Fitz Hugh Lane, John Laurent, Jack Levine, William Manning, John Marin, George Marinko, Michael Mazur, Richard Merkin, Basaldella Mirko, Robert S. Neuman, Kenneth Noland, Maxfield Parrish, Gabor Peterdi, Marianna Pineda.

Also, Arthur Polonsky, Maurice Prendergast, William M. Prior, John Quidor, Augustus Saint-Gaudens, John Singer Sargent, Edward Savage, Henry Schnakenberg, William Sharp, Mitchell Siporin, John Smibert, Maurice Sterne, Donald Stoltenberg, Gilbert Stuart, Jane Stuart, Edmund C. Tarbell, Abbott Handerson Thayer, Harold Tovish, Hugh Townley, John Trumbull, Dwight W. Tryon, Jack Wolfe and Karl Zerbe.

Arrangements for the selections of three centuries of New England art were made by Edouard Du Buron, director of the Brockton Art Center.

A red carpet provided a touch of warm welcome for the guests as they entered the museum crossing over the entry bridge.

The lovely gowns of the ladies in a melange of color became more vivid against the stark white of the gallery walls. The ladies showed varying preferences in evening clothes from the long formals, the short semiformals, mini-skirt formals, theater suits, coat and dress ensembles and the very fashionable formal pants suits.

Background music created a pleasant atmosphere in the main gallery-auditorium played by Miss Doris H. Tirrell at the organ and Walter R. Lendh at the piano. Both instruments were loaned to the museum by the Baldwin Piano and Organ Studies of Brockton.

In this main gallery were the contemporary art works which seemed to pique the curiosity of many guests as they viewed the collection with both interest and challenge.

This gallery, which will serve both as a lecture ball and exhibition area, has a functional stage platform draped with black and gold curtains.

As guests moved through the museum's spacious areas—main galleries, art class studios, library-lounge, tearoom, where a fire burned cheerfully in the fireplace; the completely equipped kitchen, the administration areas, and the several connecting foyer passages—they sipped champagne served from buffet tables set with fresh flowers and lighted candles.

Mrs. Ralph E. Trower, general chairman of the museum's Ladies' Committee, was hostess for Wednesday evening's opening. Her assistants included Mrs. John R. Wheatley, Mrs. Merton B. Tarlow, Mrs. Manuel Alter, Mrs. E. Bradford Keith, Mrs. George O. Jenkins, Mrs. Wayne E. Clark, Mrs. John S. Chase, Mrs. Simon Gellich, Mrs. Alfred L. Duncombe, Mrs. A. Sladen Reynolds, Mrs. Edward E. Lyons, Mrs. Myron F. Fuller, Mrs. Charles N. Fuller, Mrs. Daniel J. McEachern, Mrs. Edward Kirby and Mrs. Fred Armor.

Also assisting the guests during the evening were members of Stonehill College's Key Club, who volunteered their services for the first time for an affair off the college campus.

Tonight the museum will be open to an invitation affair for those holding regular memberships. On Friday, there will be a public opening from 10 in the morning until 10 in the evening.

The museum, at the present time, has a membership of approximately 1,600 members, to whom all facilities and programs are available. The first post-opening event at the museum is planned for Feb. 5 when Bartlett H. Hayes, Jr., director of the Addison Gallery of American Art at Phillips-Andover Academy, will lecture on "The Cow and the Electronic Eye—Three Centuries of Artistic Symbols in New England."

There is much more to come, including the opening of the art class school, for which arrangements are now nearly completed.

Thus Brockton's new art center, a cultural contribution to the community and the South Shore's only art museum, becomes a reality, to serve and inform and to encourage and develop knowledge and appreciation of the fine arts.

BLACK BRAIN DRAIN

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following article from the winter 1968 issue of Columbia Forum:

BLACK BRAIN DRAIN

(By Vincent Harding)[1]

A basic component of the malaise now experienced in the black urban north is the conviction in the ghettos that they are scheduled for increasingly traumatic visits from the white economic, political, and academic establishments. Many black community organizers, intellectuals, and revolutionaries share the conviction that these intrusions may (whatever their possibly benign intentions) have the effect of robbing the black communities of those painfully developed strengths which grew there in spite of—sometimes because of—America's shameful treatment. Indeed these incursions have already begun, in a form frighteningly reminiscent of some of the most questionable actions on the overseas "development" scene.

The political forces are competing with both business and academe for the most vigorous, creative black leaders, resulting in a "brain drain" no less significant than the one we see internationally, and causing many sober black persons to believe that the same institutions that helped for more than a century to create, maintain, and degrade the northern black urban world are now turning to rape it of all that is distinctive, all that holds potential power for the realization of new black humanity. That this is done in the name of liberalism does not lessen the shock or blunt the bitter edge.

The view from the south is distressingly similar. For when we look at the world of the southern Negro campuses (a fascinating variant of the black northern ghetto) it is starkly evident that the basic elements of our black suspicion and fear are no different. It appears that the same white academic institutions that helped to create the often tragic shortcomings of the black colleges have entered into and are speedily intensifying what may be a deadly relationship to us. We have already gone through—and generally rejected—the stage of being "adopted" by patronizing, white, northern "big brothers." Now, the most evident manifestations of the

[1] Vincent Harding, who received an M.A. degree from the Graduate School of Journalism of Columbia University and a Ph.D. degree in history from the University of Chicago, is chairman of the department of history at Spelman College in Atlanta, Georgia.

struggle and suspicion appear to be in the realm of competition for students and faculty personnel. Here, a process which has been developing since 1954, was heightened by the urban explosions of 1964–67, and finally brought to some kind of apogee by the death of Martin Luther King Jr.

Now, every black Ph.D. who has had his name mentioned twice, or who has published in the slightest review is beseiged by northern, as well as southern, white institutions—most often in response to the militant, urgent, and often threatening demands of their black students. So black faculty members, especially those in the arts and social sciences (and this is where I am centering my concern) are being mercilessly tempted by offers of greatly increased salaries, prestige, and opportunities for research and publication. Many of the faculty persons who appear most attractive to the white schools are the very ones whose strengths are most urgently needed here at "home" in the southern black institutions.

In the realm of student recruiting, the same general situation prevails. Northern white schools in search of black types visit not only Harlem, Chicago, Detroit, St. Louis, Los Angeles, and many other northern communties; they now move relentlessly through Raleigh, Charleston, Atlanta, Birmingham, and New Orleans as well. Their goal, of course, is to get the best black students they can find (this is not meant to deny the existence of those few so-called "high-risk" experiments, of course). In essence, this means that they enter the heartland of the black schools' potential resources, and are able to offer excellent students more money, more prestige of a certain kind, and promises of better graduate school and placement opportunities. So the process of cultural deracination continues apace, and its cloak is "integration."

What shall we do at such an impasse? I should like to suggest four rather concrete, if modest, proposals which may offer some first steps beyond the destructiveness that appears to be the present tendency in the relations between black and white institutions of higher learning:

1. Where faculty recruitment is concerned, we simply do not have now a sufficient supply of black faculty persons at the minimum level of competence to supply the demands of black and white institutions. (To speak of "minimum level" is, of course, to say nothing of the black-conscious, articulate, militant, scholar-teachers demanded by the various Afro-American student groups on white campuses!)

Therefore, all purposes might be served in a more logical and less internecine manner if in this strange interregnum white institutions established more visiting professorships in Afro-American studies and attempted less outright recruitment of black faculty from the black schools. Such professorships might require the faculty person to be present for a semester or a year. He would be asked to teach no more than one course and to deliver a number of public lectures. He could do whatever consulting he was gifted and inclined to do on subjects of curriculum or other matters.

In this way, the black faculty presence could be made available. Until there are more such persons, it would surely be token, but at the same time it would provide the visitor a greater opportunity for research and writing than is usually available on black campuses. Depending, of course, on his personality, he could—even in a limited way—render invaluable service to the black students as well as to the larger campus. Perhaps of greatest importance is the fact that the black professor's services could be secured without forcing his own institution to suffer a permanent loss.

2. On undergraduate student recruitment policy it should be possible to work out an arrangement between a black and a white institution to this effect: With funds obtained by the white school for financial aid, black students anywhere could be approached by individuals or a team that represented the two schools. They would be told that the money could be used for their expenses to attend—for instance—Carleton or Clark. Moreover, the agreement could include the stipulation that they spend a year as exchange students at the partner institution of the one chosen.

Here again, black-conscious students—like their faculty counterparts—would be relieved of some of the pressure presented by substantial sums of money appearing in white hands. Besides, both institutions would gain (if only to a limited degree in the second school's case) from the presence of the attractive prospects on their campuses.

3. To alleviate the financial poverty of black schools, a percentage of all moneys raised for work with black students on white campuses might be given to the United Negro College Fund. Probably more helpful, however, would be to contribute to the creation of an autonomous black educational foundation, one substantially funded for creative work on the black campuses.

4. Finally, as it is apparent that one of the basic problems all schools face is the shortage of persons trained at the graduate level in the area of greatest demand by black students—Afro-American studies—it is imperative that we work cooperatively to fill that gap. In spite of the attempts now being made to do this in a variety of most unlikely places, much logic seems to reside in the thought that black institutions, if properly funded and organized, could probably do this best, especially where traditions, libraries, and faculties seem at least adequate.

In the Atlanta University Center, for example, there are six black institutions with more than two dozen scholars among their faculties whose training, experience, and teaching in the field of Afro-American life and culture are significant. The Slaughter Collection of Negro Literature, the outstanding Georgia State Archives, and the recently inaugurated Martin Luther King Jr. Memorial Library combine to present unusual library and archival resources. Nor is one properly able to estimate the importance of the tradition and legacy left by such scholars as W. E. B. DuBois, E. Franklin Frazier, Rayford Logan, E. S. Braithwaithe, and Ira Reid.

It is against this background of past and present resources (to say nothing of current student concern) that we in Atlanta are now in the process of creating an Institute for Advanced Afro-American Studies. This center would train scores of new persons in the field within the next decade and would make serious programs and curriculum resources available for the retooling of persons already teaching—from nursery school to the graduate level. The Institute will need financial support in the millions of dollars, and some of that should come from the northern institutions, which have been so long discovering the academic reality (and respectability) of Afro-American studies, and which are now demanding instant experts—with publications to match—largely to save their own lives.

The Institute proposes to help produce the authorities, not instantaneously, but with passionate and responsible care. Cooperative alliances of various kinds should therefore be possible—on terms which must, of course, assure our integrity. Here is a signal opportunity. Many Afro-Americans are plagued by serious doubts concerning the capacity of American higher education to escape the contempt of history. They wonder whether it is needed too deeply imitative of the larger society to find new paths. There are doubts about whether the current rage for things black will last—even beyond the next inauguration. Often, on a more personal level, we speculate on how much the pressures toward capitulation, co-optation, and cynicism will mount among those of us who share the black heritage. Sometimes in the midst of these doubts we are afraid.

These brief proposals are made as a movement against the stream of fear, not as a blind act of faith in American educational institutions, but as an expression of that critical hope and ultimate commitment to a new humanity which alone make life bearable—at least for me—in this strange and threatening land.

INTERPOL

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. POFF. Mr. Speaker, I am concerned that the people of this country have a misimpression of the structure, goals, and functions of IPCO-Interpol. Recently Mr. James Pomeroy Hendrick, Special Assistant to the Secretary of the Treasury—for enforcement—and Vice President of Interpol, addressed the 631st graduating class of the Treasury Law Enforcement School. Mr. Hendrick's speech corrects the public misimpression and puts into proper focus a subject which should be one of continuing concern to every thoughtful person. Under leave to extend my remarks, I quote herewith the text of Mr. Hendrick's speech:

REMARKS OF JAMES POMEROY HENDRICK BEFORE THE 631ST GRADUATION CLASS OF THE TREASURY LAW ENFORCEMENT SCHOOL

The other night I saw the beginning of a movie replayed on TV. Scene: A mountain high up in the Alps. Down the steep slope speed a skier, performing his traverses and parallel turns with unusual verve and grace. One heard in the distance a crack, as if a small branch of a tree had been broken. Then suddenly the skier fell. How could so expert a man be so clumsy? But no—it was not a fall, something had hit him. He was lying inert. Now the camera zooms back up the mountain. We see a heavy-jowled man in military uniform caressing his telescopic sight rifle. "One more Interpol agent dead!" he growls in a thick foreign accent. "Decadent capitalistic stooges! My country will get rid of them all!"

So starts the movie and so go the impressions of many people in regard to this extraordinary organization, the International Criminal Police Organization, familiarly known as Interpol (a name which, by the way, has been registered as a trademark by the Organization in the United States and a number of other member countries).

A FALSE IMPRESSION

Actually the movie gave a completely false impression of what Interpol is about. Interpol deals with law enforcement when it involves crossing international borders—a robber, a counterfeiter, a rapist, or what have you, who after committing his crime flees from one country to another. But Interpol never involves itself in political, military, religious or racial matters. These activities are forbidden by its constitution.

INTERPOL'S MISSION

Interpol concerns itself only with normal, every-day crime, and it is pledged to action always in conformity with the Universal Declaration of Human Rights, whose twentieth anniversary we have recently celebrated. It is concerned with apprehension of criminals, exchange of information, identification, arrest, extradition. In addition, it also works in the field of crime prevention. It puts out literature on counterfeits, automobile thefts, and any number of other subjects designed to facilitate the law enforcement

officer in his task of dissuading potential criminals from breaking the law before they actually do so. It also holds symposiums on these and other subjects.

There is such a symposium going on right now on technical methods of tracking down criminals. Treasury's Dr. Maynard Pro, from the Alcohol and Tobacco Tax Laboratory, is in Paris at this moment advising other member country experts of the extraordinary progress made by the United States in neutron activation. This technique makes possible conviction of a safecracker by proving that dust on the floor by the safe in question is the same as that on his trouser knees, gathered there when he knelt to do his work. And by proving further that such dust could not have come from any other place in the world.

HISTORY

A word about the Organization's history.

The idea of Interpol arose in 1914 when a number of police officers, magistrates and lawyers met in Monaco to lay the foundations for international police cooperation. Here was established an International Criminal Police Congress. A few months later World War I broke out and the plan was shelved.

In 1923 the International Criminal Police Congress met again, this time in Vienna. Delegates from some 20 countries approved creation of an International Criminal Police Commission. Its headquarters was established in Vienna and a satisfactory start made with operations limited to Europe. But again hostilities brought a stop to the activity with the advent of World War II.

In 1946 high ranking enforcement officers met in Brussels to breathe new life into the temporarily discontinued Commission. At this meeting the Organization's constitution was revised and headquarters set up in Paris. This time there were only 19 member countries represented, but in contrast to the past they came from all parts of the world.

By 1956 the membership had increased to 55 countries. A meeting was held in Vienna; here significant regulatory changes were agreed to which have remained for the most part unchanged.

ORGANIZATION—THE GENERAL ASSEMBLY

Since grown to more than 100 members, from Algeria to Zambia, Interpol is directed by a General Assembly, meeting once a year to discuss matters of crime and of organization.

The 1968 Assembly recently held in Iran took up, among other substantive matters: Recent developments in juvenile delinquency, disaster victim identification, international currency counterfeiting, forged bills of lading, police planning, international drug traffic, and protection of works of art.

Among organizational subjects considered, in addition to budget, elections and appointments, was a United States plan, which was unanimously approved, for better auditing procedures.

Held each year in a different country (the last Washington meeting was in 1960), the Assembly provides an unrivaled opportunity for top echelon enforcement officers throughout the world to exchange views and to become well acquainted so that when problems arise involving two countries the officer in each will know just whom he is dealing with.

RESOLUTIONS—MARIHUANA

General Assembly resolutions are passed which often carry great weight in the international enforcement community and with the public at large

The year before, for example, a strong resolution on the dangers of marihuana was drafted by then United States Commissioner of Narcotics Henry L. Giordano. Passed at a time when public debate raged over the question whether marihuana was not safer for one's daughter than drinking a cocktail, the resolution, which expressed law enforcement men's unanimous opposition to this permissive idea, did much to bring sanity to popular understanding of the subject.

EXECUTIVE COMMITTEE

Handling problems which must be treated in greater detail or greater depth than may be possible in the General Assembly is an Executive Committee presently formed of three members each from Africa, the Americas, Asia and Europe, together with a President, at this time a European. Ordinarily the Committee meets twice a year. The newly elected President, Mr. Paul Dickopf, is the head of the German Federal Criminal Police Office. I had the opportunity recently to visit Mr. Dickopf's headquarters in Wiesbaden and can attest to the efficiency and sympathetic intelligence with which Mr. Dickopf's operation is conducted.

THE EXECUTIVE SECRETARIAT

While the governing policies of Interpol are established by the General Assembly and the Executive Committee, the day-to-day operations are handled by an Executive Secretariat. This consists of a Secretary General together with officers who exercise various functions, including the operation of a worldwide communications system dealing with international police work (126,000 cables in 1967), a central record of international criminals, 1,000,000 cards, 40,000 criminals), a research center, a section dealing with reports to General Assemblies, major international organizations and scientific bodies, and one which produces an International Criminal Police Review. Many documents are published by the Secretariat dealing with criminals who have left home base, recidivists, or those most sought after, and dealing with the subject of international crime. In addition, a publication or counterfeit currency is widely circulated to banks and financial institutions, surely the most helpful publication of its kind that exists today.

HEADQUARTERS

The headquarters of the Organization was recently moved from an ancient building in Paris to a relatively small American-style office building in the environs of Paris at St. Cloud. Any of you who have been to Paris will know how rare indeed are new buildings in that beautiful city. The Interpol building is an extraordinary exception—extraordinary not only because it is new but also because the architecture, completely modern, nonetheless fits in with the surrounding countryside in a manner entirely pleasing to the eye.

One feature of the new building which is of interest to visitors is the Crime Museum on the ground floor. Here are typical exhibits of smugglers' tricks—the false bottomed suitcase, the hollow heel of a shoe; and of ordinary and extraordinary weapons, jimmys and tools of all sorts used in robberies, hold-ups and murders.

THE "CARBINE" WILLIAMS SINGLE ACTION COLT

Most impressive of all from our standpoint is a beautifully carved Colt single-action revolver which was given to Interpol a year ago by Mr. Samuel Pryor, one of our General Assembly delegates. The revolver had been owned by one of America's great criminals, "Carbine" Williams. The adjective "great" is used advisedly.

While serving a 20-year term in prison for—and this is ironic—the killing of one of our Treasury agents during the Prohibition era, Williams had the imagination, energy and courage to draw up plans for an unusual rifle adopting the hitherto unknown principle of a floating chamber. Pardoned after his plans became known to a sympathetic warden, Williams explained the working of the weapon to the United States Army Chief of Ordnance, and this became the M–1 carbine used throughout World War II by our armed forces. Though he would accept no compensation for this extremely significant invention, he later worked up for commercial firms many new developments in the art. Independently wealthy as a result, Williams today is a leading and respected citizen of North Carolina.

FINANCES

From the financial standpoint Interpol represents something to which all international organizations, and indeed all domestic corporations and all house-holders, aspire, most of them in vain.

It has a modest budget which it does not exceed.

Moreover, its new building was completed on schedule and cost less than the amount budgeted.

Due credit for these accomplishments must be given to the extremely efficient and effective Secretary General, Jean Népote.

The over-all budget for the coming year is some 2.3 million Swiss francs, roughly $530,000. The United States share of this is $28,500 or approximately 5.4 percent. We, together with other developed countries such as the United Kingdom, France, Germany and Italy, pay a larger share than do the developing countries. Nonetheless the United States percentage for Interpol is almost the lowest percentage figure for its contribution to any international organization. We pay 30 percent or over of the dues for the United Nations, FAO, ICAO, UNESCO and WHO. For many inter-American organizations our contribution is over 60 percent.

A considerable number of the employees of the Organization are borrowed from the French police force, with the Organization paying only a relatively small amount for the work they do. The over-all annual expense for 102 employees, including those loaned from the French police, is 1,142,500 Swiss francs, which works out at an average of some 11,000 Swiss francs or approximately $2,500 per employee. No one can say that this is not an economically run organization!

THE NATIONAL CENTRAL BUREAUS

The recipients of the day-to-day inquiries and releases put out by the Organization, and the transmitters of information back to the Organization or to other members, are the National Central Bureaus. Each country has one. They function in conjunction with the Executive Secretariat as a permanent and truly worldwide network of international cooperation. The United States National Central Bureau, established in 1958, when our Congress voted adherence to Interpol, is in the Office of the Secretary of the Treasury.

COOPERATION WITH SCOTLAND YARD

On a recent trip to London, I was able to talk with the Scotland Yard men who form the United Kingdom National Central Bureau. They were delighted that only a few days before my arrival they asked our office in Washington if arrangements could be made for a particular United States citizen to come to London to testify as a witness in a case which was unexpectedly being called for trial within only two days' time. To their delight, our telegraphed reply advised that the potential witness would be on a plane going to London that very night, and the reply went out within two hours.

SOME SPECIFIC CASES

I would like to conclude by giving a few examples of what Interpol actually accomplishes in specific cases. Of necessity, names and certain details have been fictionalized because certain aspects of the cases are still pending.

A BRONX MURDER

A hoodlum named "Mickey the Mite" Mannheimer had been observed on the scene of a killing in the Bronx with a smoking revolver in his hand. Before the police could arrest him he got away, but not before he had been identified by Joey Angulo, a known and trusted informant in narcotic cases.

Weeks had elapsed with no sign of Mickey the Mite. The only lead police could develop was a Bronx girl named Gretchen who lived

in the apartment above Mickey. Mickey and Gretchen had been known to have been what is called "very good friends"—although this had not interfered with Gretchen's carrying on her profession, which was the world's oldest.

Gretchen was German and her parents lived in the old country. Acting on a hunch, the Assistant District Attorney in charge of the investigation called our Treasury man. We sent a cable at once to Paul Dickopf, head of the Bundeskriminalamt (Federal Criminal Police Office) in Weisbaden. Dickopf's men started asking questions in Hamburg where it was believed the parents could be found. It didn't take long. Mickey the Mite was found with the parents. He is now back in New York. He is awaiting trial on a charge of first degree murder.

BANKS DEFRAUDED

Another case: Three months ago a rather thin man with aquiline nose and heavy eyeglasses walked into the main American office of Banco di Roma e Ferrara. He presented a draft drawn on its Rome office for $60,000 together with a letter from a senior officer of the Bank of America and a passport purporting to establish that his name was Giovanni Semplice of 4001 Deep Valley Avenue. Relying on the letter and the passport, the draft was cashed. The next day the same man repeated the performance at the Farmers and Mechanics Bank—another $60,000. Later on the same day, he tried it out on the Citizens First National Union Bank, again with success. In due course the banks discovered the Rome office had no funds on deposit to support the drafts and the Bank of America officer's letter was a forgery. Fingerprints were lifted from one of the papers presented, but FBI latent print files were negative on them. Once more our Treasury man was called on. Over to the INTERPOL Bureau in Rome went the prints and a description; back came the identification and not long after Semplice (whose name turned out to be Durante, well known to the Caribinieri with a criminal record long as his arm) was apprehended in Ferrara. The man is now awaiting trial.

SENIOR CITIZENS DEFRAUDED

One more: For eight years the police in Los Angeles had been on the lookout for a man known to them under the names of Johnson, Henderson, Smithson, Jackson, and Williamson. The name always varied, except for a "son" at the end. The reason the police wanted this man was always the same. In each case, a personalized form letter was widely circulated through the mails to persons in the retirement age bracket offering each lucky recipient an exclusive franchise for the sale of Coty perfumes within a large and carefully designated territory for a mere $6,000, only $100 down. It was surprising how many innocents accepted and surprising how Mr. ——— son could never be found after the checks had been sent and cashed.

Notice of the fraud was sent to us by the Los Angeles police and we gave a description to Interpol Paris which in turn circularized it to the member countries. Scotland Yard reported a Wrightson recently and hurriedly departed from Manchester after a franchise offer. This news also was circularized to the Interpol membership. Two months later, the New Zealand police noted an advertisement in a small local paper inviting inquiries on a franchise for Ivor Johnson bicycles. It was signed by a Mr. Bankson. The new Zealand police had read the Interpol notices. Mr. Bankson was traced. He is now safe behind bars in Wellington. He would rather be there than in Los Angeles but who knows whether he'll always be able to stay away.

WEAPON TO COMBAT INTERNATIONAL CRIME

Soon we are going to see introduction of the new jumbo-sized planes, carrying over double the number of passengers, and at reduced rates. More and more the criminal elements will use them. More and more crime will become international. In seeking to control it, the enforcement officer must use every legal weapon in his arsenal. Among these weapons few if any can be more useful than ICPO-Interpol.

TESTIMONY OF PAUL J. KREBS, EXECUTIVE DIRECTOR, NEW JERSEY STATE OFFICE OF CONSUMER PROTECTION, BEFORE THE FEDERAL TRADE COMMISSION, THURSDAY, JANUARY 9, 1969, ON THE SUBJECT OF NEW CAR WARRANTIES

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. HOWARD. Mr. Speaker, in our country today, one of the strongest voices for consumer protection is that of former Representative Paul J. Krebs who now serves with great distinction as executive director of the New Jersey State Office of Consumer Protection.

On January 9, 1969, Mr. Krebs continued to show his concern for the consumer and his determination to leave no stone unturned in his quest for more and better consumer protection legislation. Mr. Krebs testified before the Federal Trade Commission on the subject of new car warranties.

Because of the high interest in consumer protection I am including Mr. Krebs' testimony in the RECORD and urge all of my colleagues in the House to review this thought-provoking presentation:

TESTIMONY OF PAUL J. KREBS

Gentlemen, I thank you for the opportunity to appear before you today on behalf of the consumers of New Jersey. As the Director of a functional State Agency concerned with the problems and protection of the consumer, I frequently appear before State and Federal bodies in order to document the consumer's problems. I usually use case histories in order to do so.

In preparation for my testimony here today, I asked my staff to select new car warranty cases that would clearly picture our experience in this area. Our staff members each had at least a dozen cases to cite. We discussed these almost 200 current cases. We also reviewed the reports of your own and other staffs as well as recent articles in the newspapers and magazines and testimony gathered at other hearings in this field.

It soon became evident that the problems were all too well known. Every car buyer, every organization concerned with the industry and every portion of the news media had its horror stories to tell. To come here and tell our own would still provide no answers to the two basic questions: Should the government do something to end the situation? What should and could be done?

Our own case histories document the Federal Trade Commission's Staff Report. We will, of course, be happy to make them available to you. In our testimony today, however, we would prefer to briefly state some of the problems and then offer our suggestions for what the Federal Government should and could do about them. First, the problems:

THE PROBLEMS

The express warranty of the new car manufacturer is designed to limit his liability—not to protect the buyer. It is the manufacturer's advertising that has made it seem otherwise to the consumer. So-called liberalization of the warranty has been a coverup for increased production schedules which render careful assembly and close inspection impossible. It has also been the fodder for a propaganda battle between manufacturers designed to convince the buyer that one product is superior to another.

What must be remembered is that while warranty competition between manufacturers may cause a consumer to choose one automobile over another, the fact remains that the need of the average American for a car forces him to make that choice. What the consumer needs is not merely a more understandable warranty but protection against an industry-wide system that gives him no recourse against giant manufacturers whose product is frequently defective and unsafe.

What we will propose therefore is a government enforced transmutation of the express warranty from a limitation of the manufacturers' liability to the safeguard of the consumer that the manufacturers' advertising has made it seem.

Other warranty problems are all corollaries of this central problem. The complaints heard most frequently are:

1. The language of the manufacturers' express warranty is so vague and legalistic that the consumer has no understanding of what is actually covered by the warranty.

2. The manufacturer issuing the express warranty is also the sole judge and jury of whether or not his warranty should apply. It seems to the average consumer that the manufacturer almost always resolves the matter in his own favor. The manufacturer is, of course, in a greatly superior position to that of the consumer and is more able to deal with such problems than he.

3. The consumers' only recourse when the manufacturer fails to make needed repairs is to start a long and expensive court battle. Such a court battle not only involves time and expense but places the individual consumer in the position of having to do battle with his greatly more resourceful superior.

4. Defects are not corrected after repeated returns to the dealer; or the car is so defective many, many repairs of differing kinds must be made.

5. The manufacturer only has to replace parts even when the defect has caused the entire automobile to become useless or dangerous.

The consumer appears not to be alone in his problems with the giant manufacturers of the automobile industry. The franchised dealer, too, has his problems. Most common amongst dealer complaints are (1) that they cannot get the parts needed for repair; (2) that the manufacturer allows little time or money for making an automobile ready for delivery and (3) that they are inadequately compensated for warranty repairs.

A SUGGESTED SOLUTION

The solution that we propose hinges on two main points. The first is the concept of implied warranty of merchantability and fitness for use. The second is that the consumer needs and deserves the aid of a government agency in dealing with his problems with the automobile manufacturer. In this testimony, we suggest that the Federal Trade Commission be that government agency. We do so in order to be consistent with our previous testimony. If you will recall, we appeared before you in December to recommend the establishment of a Federal Department of Consumer Affairs. We recommended further that the Federal Trade Commission be incorporated into that Federal Department of Consumer Affairs. Since at this time, there has not yet been established such a department, we are suggesting that the powers which would ordinarily be delegated to the Secretary of such a department be delegated instead to the Federal Trade Commission.

As I am sure you are all well aware, the Uniform Commercial Code which has been adopted by many of the states contains the concept of the implied warranty of merchantability. Unfortunately, this concept as embodied in state law has been of relatively little aid to the consumer in his dealings with the automobile manufacturers. The major problem has been the need to undergo lengthy and costly legal proceedings in order to establish your position under this law. Too, some states have held that the manufacturers' express warranty may be used in lieu of the implied warranty of merchantability. It is this first problem that we would address ourselves to. The purpose of the implied warranty of merchantability is the protection of the buyer from unsafe and defective products. The purpose of a manufacturer's express warranty, on the other hand, is the limitation of the manufacturer's liability for defects. It is our understanding that the implied warranty and the express warranty are actually mutually exclusive. We are happy to note that several court decisions, most notably in Florida and Tennessee, have ruled that the manufacturers' express warranty may not be in lieu of the implied warranty.

The heart of our proposed solution is a Federal statute imposing and enforcing a broadened concept of the implied warranty of merchantability on new automobiles sold in interstate commerce. This statute should provide that the manufacturer may not exclude himself from this implied warranty either through his express warranty or by using the words "as is." We propose that it be left to the Federal Trade Commission to establish regulations for the administration of this provision.

We recommend further that the act contain language such as the following: "The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission, in connection with the sale or advertisement of any automobile sold in interstate commerce or with the subsequent performance of such person as aforesaid is declared to be an unlawful practice."

Similar language in the New Jersey statutes has been interpreted as pertaining to a warranty or guarantee. It is held that a warranty is a promise of performance that is relied upon by the purchaser when determining whether or not to buy. If such promise is not fulfilled (subsequent performance), the seller is found to be in violation of the statute. We recommend that the Federal Trade Commission be given the authority to enforce this statute administratively and to impose penalties for violation of the statute. We would suggest a penalty of $1,000 for a first offense and $5,000 for subsequent offenses.

We recommend further that the Federal Trade Commission be empowered to establish regional bodies for compulsory arbitration of warranty disputes. This will prevent the present situation wherein the manufacturer issuing the warranty is the sole judge and jury of whether that warranty shall apply. The purpose of this recommendation is to provide the American automobile purchaser with a federal administrative agency to which he can bring his new car warranty problems and to enable him to deal with the automobile manufacturer as if he were an equal and not an inferior. The regional bodies should be empowered to hear any case in which the consumer believes the manufacturer is unlawfully denying liability. Specifically excluded, however, should be those cases where the consumer is seeking compensation for injuries or other loss sustained by reason of defective or unsafe products.

At the present time, the manufacturers limit their liability to the replacement of defective parts. We would recommend that this limitation be circumvented by the regional arbitration bodies in those cases where the product appears to have been in such unsafe or defective condition as to prevent satisfactory repair. It should be left to the discretion of the arbitration agency to set standards for the number of repeated attempts at repair which may be reasonably and conscionably required by the manufacturer before such replacement is granted to the consumer.

We wish at this time to address ourselves to some of the problems which we described as corollary to the central problem of providing the consumer with protection against this system. Number one in our discussion of those problems was the language and wording of the manufacturers' express warranty. We have carefully studied the provisions of a bill introduced by Senators Carl Hayden and Warren Magnuson on December 6, 1967, under bill No. S. 2727. We should like to recommend to you Section 4 of that bill which prescribes warranty standards. You will note that the Hayden-Magnuson Bill leaves much to the discretion of the regulatory agency, which was in that case the Commerce Department. We, of course, are recommending that the administration of these warranty standards be placed in the hands of the Federal Trade Commission. I am sure that it is not necessary for me to read the language of this section of S. 2727 but I should like to call your special attention to that portion which includes provision for the adjustment and settlement of warranty cases by arbitration.

The second and third problems delineated in our listing of corollary situations are the manufacturers' judgment of his own warranty and the consumers' limited recourse to lengthy legal proceedings. We believe that these two corollary problems will be answered by the establishment of the regional arbitration bodies.

Numbers four and five in our list were the problems of defects not being corrected after repeated returns to the dealer and manufacturer liability limited to replacement of defective parts. This too we would feel is answered by the powers given to the regional arbitration agencies.

The last section of the act must deal with the problems of the franchised dealers who frequently are as powerless as the consumer in their dealings with the automobile manufacturer. We would recommend that the dealer be considered a consumer in two specified limited situations: to wit: (1) the situation wherein the dealer is unable to serve his customer by obtaining adequate materials and compensation for labor in preparing an automobile for initial delivery, (2) the situation wherein the dealer cannot obtain the proper materials or receive adequate compensation for labor required in warranty repairs. In these limited factual patterns, the dealer will have the same recourse as that afforded to the consumer through the regional arbitration bodies.

What we have attempted to do in our proposal is to consider the new car warranty problem in its broadest possible aspect. The express new car warranty of the automobile manufacturers is an industry-wide system which affects not only the consumer but the franchised dealer as well. To base recommendations for new legislation on the premise and philosophy of the express warranty would be to render limited aid to the consumer himself. The entire concept of new car warranties is what needs correction. We feel this correction can be accomplished only through the imposition and enforcement of a broadened implied warranty of merchantability concept. We have not denied to the manufacturer his option for specific, express warranties. We have only prevented him from limiting his liability in such a manner as to render harm to the public good. The manufacturers may continue their advertising battle to attract the attention of the prospective buyer; but with the safeguards of this legislation, each buyer would have the comforting knowledge that at least a minimum of protection against unsafe and defective automobiles will be afforded to him through the aid of government agencies.

Not only have we changed the concept of warranty but, in certain specific situations, we have changed the concept of dealer from one of agent to that of consumer. No longer will the dealer have to be the man in the middle, refused aid from the manufacturer who granted him his franchise and besieged by the consumer who considers him to be at fault for automobiles not prepared for delivery or not repaired properly.

Under this proposal, the Federal Trade Commission will be given many new and important responsibilities. It will become the consumers' watchdog with power to administer sanctions for failure of the manufacturer to comply with federal law. In the establishment of the regional arbitration agencies a section of the Federal Trade Commission will become the vehicle for settlement of legitimate consumer complaints against the automobile manufacturer.

We recognize that this proposal, although with adequate precedent, is a radical departure from present law. We will therefore not burden you with any extraneous remarks and will close our testimony by urging that the Federal Trade Commission support the adoption of this proposed legislation by the Congress of the United States.

Thank you gentlemen.

LET'S ACT NOW

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. HARVEY. Mr. Speaker, a few days ago, I reintroduced legislation which I first sponsored in 1967 concerning bargaining and strikes. This joint resolution calls for the establishment of a joint congressional committee to review and recommend revisions in the laws relating to industrywide collective bargaining and industrywide strikes and lockouts. I truly hope that this year we can move this legislation through the House. If there is any question as to the need for such legislation, may I recommend a review of recent statistics released by the Department of Labor. Quite briefly, the statistics established last year—1968—was the biggest strike year since 1953. They listed 4,950 labor stoppages. In all, 47 million man-days of work were lost as a result of strikes last year. What a ghastly and costly blow to our Nation.

But, look ahead; 1969 could be the worst ever.

I truly hope Congress will act now rather than be forced into hasty reaction later. Permit me also to insert two extremely timely newspaper editorials which appeared in the Port Huron Times Herald, Port Huron, Mich., on January 9 and 10 commenting on this subject:

GOVERNMENT MUST MEET LABOR CRISIS

The slow strangulation of a big chunk of the oil distribution industry deserves the immediate attention of State and Federal officials.

In Detroit, Teamsters have added their muscle to a strike of oil workers against seven suppliers of gasoline and fuel oil—part of a nationwide strike of 60,000 Oil-

Chemical and Atomic Workers in a wage dispute.

It is only a matter of time—and not much time, at that—before severe shortages will cut vital transportation and, worse, will bring thousands of householders face-to-face with how to combat a Michigan winter with no fuel in the furnace.

Another facet to the labor disruption of people's lives was added today by a strike of the Wire Service Guild against the Associated Press, the Nation's largest newsgathering organization, threatening a dimout of news to people throughout the entire United States.

It is high time that State and Federal officials come to grips with the power that unions have to threaten the health, welfare and safety of citizens. It is high time that government, concerned for the rights of individuals in every other sphere of life, attack the blind spot it has for the right of individuals against the ruthless squeeze that labor unions remain free to impose on a hapless citizenry.

We say to President-Elect Nixon, Senator Philip Hart, Senator Robert Griffin and Rep. James Harvey—we say to Lieut. Gov. Milliken. Senator Alvin DeGrow and Rep. William S. Jowett that no other crisis today is as urgent as that posed by unchecked union power to deprive citizens of commodities and services essential to their health and well-being.

For government to continue to close its eyes to such power—and its abusive use—is to approve of an anarchy that can destroy our society.

We do not, by any means, blame unions for every strike. Nor do we welcome government intervention in yet another area of American life.

Nevertheless, the conclusion is inescapable that only government can right the wrongs being suffered by citizens. Only legislation can restore people's rights to the "life, liberty and pursuit of happiness" they once enjoyed. If labor unions will not recognize any responsibility to citizens, then government—however reluctantly—must step in to insure that our economy and our society continues to function.

The matter is that serious. The crisis is here. Government must act now!

THE DANGERS—AND NEEDS—ARE CLEAR

The Times Herald editorial on page one Thursday urged prompt and effective action on the part of government to resist the misuse of power by organized labor.

It charged State and federal officials with the clear responsibility to prevent the nationwide hardship and peril which must follow serious interference with essential goods and services.

That stand was not lightly taken. We recognize the real danger inherent in government control in the sensitive relationship between union and management.

We have consistently urged de-emphasizing government control where there is will and ability to find acceptable solutions within the private domain by nongovernment agencies.

But government obviously must move when there is an unresolved threat to the health, welfare or safety of the American people.

We recognize very clearly that government interference in union-management affairs is close to the heart and core of our economic system. Such interference can only be justified by a major tampering with the rights and well-being of uncounted millions who have no direct involvement in the disputes at issue.

Yet we believe that current strike activities, direct and sympathetic, constitute such a major tampering. The forces of labor have gone overboard in the exercise of their rights.

They are using their legitimate strike weapon unjustly against a multitude of innocent people. The fact that their own membership may be suffering along with everybody else is no justification for an attack on the public at large.

Continuation of these policies without some effective element of control, whether that be new legislation or realistic application of existing laws, could lead to a major disaster in this country.

It is no exaggeration to say it could even result in an upheaval of our political system.

Carried to extremes, it could resolve itself into a stalemated crisis which nothing short of forced socialism or dictatorship could break.

These are not faint-hearted anxieties. They are distinct possibilities when vital elements of the American society are threatened.

And vital elements ARE threatened when fuel supplies could be cut off, or transportation of essential goods could be halted, or necessary public services could be withheld.

That is why we say again, most emphatically, that government must step in to protect the American people. Power tactics which would use the health, happiness and safety of innocent people as an instrument of negotiation can only be countered by the greater power of government.

Cold weather, hunger and disease will not wait for a politic time.

The time is now for legislators on the State and federal level to recognize the immensity and urgency of this problem and to start doing something about it.

TO BE A NATION UNDER GOD

HON. CLARENCE J. BROWN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BROWN of Ohio. Mr. Speaker, at this time when we have just inaugurated a new President of the United States, I feel it is appropriate to insert in the RECORD a sermon prepared and delivered on Sunday, January 19, 1969, by the Reverend Edward L. R. Elson, S.T.D., Litt. D., LL. D., pastor of the National Presbyterian Church of Washington, D. C., from the pulpit of that church. His sermon is most meaningful and inspiring to me, and its delivery right before the official inauguration helped set the tone of that event for many of us who heard the sermon, which follows:

TO BE A NATION UNDER GOD

(By Dr. Edward L. R. Elson, the National Presbyterian Church pulpit)

"Blessed is the nation whose God is the Lord." Psalm 33:12.

"Do not throw away your faith now, for it carries with it great reward." Hebrews 10:35.

In ancient Sparta it was the custom of mothers to present shields to their sons before going into battle, with the statement, "Either bring this back or be brought back upon it." Many young men were given courage when they were presented with their father's shield.

This Lacedaemonian ceremony was in the mind of the author of this verse in the Letter to the Hebrews. It was declared, "Cast not away your confession of faith. This is your shield. Keep it and it will be your defense. This faith, thy father, by the grace of God, has always kept. Keep it also or thou must expect to perish."

These are unforgettable words which are applicable to America in this hour. "Do not throw away your faith, for it carries with it great reward."

What is it then that makes America utterly unique among the nations of the world? This is an apt question for today.

"In the beginning God." On these, the first words of the Bible, early America staked down its life.

This central tenet of our life was explicit in our Declaration of Independence. It is implicit in our instruments of government. It permeates our institutions. And it is manifest in our common days. The virtues of our people and the values in our culture are derived from the premise that this is "a nation under God."

This basic truth has been mediated to our people through many religious traditions and by many denominations. All espouse in common a faith in a transcendent God in history and beyond history. In some this faith in God has been intimate and personal; in others an attitude of life derived from the social climate and the cultural atmosphere produced by religious faith, principally evangelical Christian faith.

To be sure, America has as a principle the complete separation of the institutions of the Church from the institution of government. In our pluralistic religious structure this separation has been a source of virility to both Church and state. But, while we cling tenaciously to this principle of separation, no doctrine of American life has ever minimized the presence, the power, or the influence of religion in our national affairs. Our national life begins and continues its whole structure on the premise of the first words of the Bible, "In the beginning God."

To be "under God" is to acknowledge that this is God's world—that He is the sovereign Lord and Ruler of all life. He is the God of Creation, Man, created in His image, bears some of God's characteristics. Man is a person as God is a person; and the only reason for treating human beings with dignity and respect is that they are persons created in God's image, with immortal souls and an eternal destiny. Thus created by God in God's own image, man is free under God's rulership. His freedom is God-bestowed, not an attainment but an obtainment. Man is born free and the chief end of this free man, as the catechism long ago said, is "to glorify God and enjoy Him forever." God Himself is the Lord of Creation and He will have no other gods before Him. Therefore, that nation which deifies itself or absolutizes some reality in its life, as did Nazi Germany, cannot be a nation "under God." Such is idolatry, for that nation has usurped God's place. Americans have always rejected this temptation. Americans believe God is above the nation.

To be "under God" is also to be under His providence. There is a destiny for that nation whose "God is the Lord"—a destiny shaped and determined by the Almighty Himself. Our spiritual forebears covenanted with God, not as a tribal or a racial deity but as the universal God who, while being the God of all people, becomes in a special sense the God of those who accept His purpose for human life.

Our history has meaning only in these terms. We are a people under God's providence.

To be "under God" is to be guided by Him. That nation which seeks to understand and obey His laws, that nation which seeks to discern and do His will—only that nation becomes an effective instrument of God's purpose on the earth. Above all, over all, guiding all, empowering all is the transcendent God. To the degree we possess His mind and spirit which is at the center of the universe, and which we Christians believe to be revealed by Jesus Christ, we are and we shall remain a "nation under God."

This concept of freedom under God cannot survive as a mere intellectual expression.

Apart from its source, it will wither and die. But enriched by prayer, strengthened by worship, maintained by a variety of spiritual disciplines, our great nation can successfully confront all forces which would corrupt its life or destroy its freedom. A dynamic and witnessing faith is not an option for our time; it is an imperative for all ages.

But deeper than these truths, a nation "under God" is a nation under God's judgment. God is sovereign Ruler of a moral universe. Man is not the final source of values. Nor is the nation the highest tribunal of judgment. The values by which both men and nations are judged are eternal. They rest with God. They inhere in His character. Man and his institutions are under God's final judgment. There is a divine order above all and beyond all, in time and beyond time, where love and justice are righteousness and truth are absolute the perfect order of God's Kingdom where God rules the heart and conscience of all beings. There is a higher court of Judgment above all persons, above all nations, above all cultures, even above all universes—the Court of God's eternal perfection. A nation "under God" is always under His judgment.

Here in this Capital city this truth was legislated into our Pledge of Allegiance, is printed on our postage stamps, and impressed on our coins. Now we have put it in our new Church.

Now let us each impress it deep within our own hearts and manifest it in our lives and national conduct. Such testimony, to be sure, will sharpen the irreconcilable differences between the two great poles of power in our world today. But it will also give us the strength to live in these times and play our God-appointed role in history.

Our dominating concern in Washington on January 20, 1969, is not what we know, not the skills we possess, not the wealth we have accumulated, but rather the spirit we convey to the world. To whom are we committed? By Whom are we led? These are the commanding questions.

Freedom under God is not permanently secured, nor safely installed anywhere without personal responsibility and unceasing vigilance. Freedom is always only one generation away from extinction. Freedom must be won, understood, guarded, and enriched in each age.

Not out of fear or insecurity, or as a substitute for solid thinking, not as an escape to an easy and comfortable way do we seek to reclaim our ancient heritage. But rather we worship and pray, we trust and obey, because it is the very life-spring of our national being.

If we are to lead in this hour of life, America must become a citadel of man's true freedom and a vast bastion of spiritual power, the light of which shines in American lives so brightly at home it will illuminate the dark places of all mankind.

Rightly do we sing:

"Our Father's God, to Thee,
Author of Liberty,
To Thee we sing;
Long may our land be bright,
With freedom's holy light;
Protect us by Thy might,
Great God, our King."

PRAYER

O God, Our Heavenly Father, we beseech Thee to remember each of us and all of us that we may make the days ahead a time of personal and national renewal. Grant that Thy word may take deep root in our hearts and produce in us the fruits of the Spirit.

Alarm the careless, humble the self-righteous, kindle the lukewarm, soften the hardened, relieve the doubting, and renew Thy people with grace and strength enough for our times.

Of the abundance of Thy love, give us more than we desire or deserve, for the sake of Thy Son Jesus Christ Our Lord. Amen.

NEW CHALLENGES TO THE VALUE OF SEPARATISM AND BLACK STUDIES

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following article from the New York Times of January 19, 1969:

NEW CHALLENGES TO THE VALUE OF SEPARATISM AND BLACK STUDIES

(By Fred M. Hechinger)

"We have suffered too many heartaches and shed too many tears and too much blood in fighting the evil of racial segregation to return in 1969 to the lonely and dispiriting confines of its demeaning prison."

These words were spoken last week by Roy Wilkins, the executive director of the National Association for the Advancement of Colored People, in confronting one of the most controversial education issues of the day: the demands by militant black students for separate courses, faculties and "autonomous racial schools" within universities. His appeal was also directed at white administrators who give in to the demands and, he said, illegally create "Jim Crow schools."

Within two days Mr. Wilkins was challenged by Dr. Nathan Hare, the young, black director of the black studies program at San Francisco State College, where classes have been disrupted by a student strike over "separatism questions. "People like Wilkins should be given a scroll and retired . . . like old race horses or prize fighters," Dr. Hare, a Chicago Ph. D. and former prize fighter, said.

The contrasting views reflected the growing controversy that is threatening the peace of higher education across the country. The specific issues vary—from the call for independent "black study" institutes with all-black enrollment and with the independent right to hire and fire teachers and administrators, to the successful veto of a play to which some Negro students object.

The rash of conflicts raises the question: What are the probable consequences of black separatism in academia?

Most important, most observers feel, the school within the school is likely to create inferior institutions. Many Negro students still come from educationally limited backgrounds, and there is a severe shortage of black college teachers. This would turn separatist enclaves into second-rate annexes and would feed the myth of Negro inferiority.

At the same time, black separatism will bring about white separatism, thus reinforcing the alienation of the races. Admittedly, black students still have many justified complaints about life on the white campus. A black student at Brandeis University, for example, said he resented such questions as, "How does a Negro feel when there is a report of black riots?"

At Yale last year, Negro students asked to be separated from their white roommates. When told by a dean that their presence was important to the whites, a black student said: "We're tired of being textbooks for whites."

ARTIFICIAL CAMPUS INTEGRATION

Moreover, whites and blacks tend to go off in their own direction on weekends, thus making the integration of the campus community incomplete and somewhat artificial.

Yet, the campus offers perhaps the best opportunity to change American racial patterns and to create a new fabric of cohesion.

Last week, Stephen J. Wright, president of the United Negro College Fund, warned that such separatism "isn't going anywhere," adding: "It will only lead to an intensification of the kind of hatred that will help destroy the nation and the myriad opportunities for Negroes."

But Dr. Hare refused to "assimilate" into the present campus. "The Bible says there is a time for everything," he said. "I think this is a time for hate."

Dr. Hare left no doubt that he saw separatism as a way of revolutionizing youth—and the support of black students' uprisings at Brandeis, San Francisco and elsewhere by the predominantly white, revolutionary Students for a Democratic Society illustrates the pulling power of this theory.

There are similar dangers in separatism for black studies a subject. In confining these studies to an all-black ghetto, the risk is that they turn into ritual rather than an exercise of academic rigor and intellectual honesty. Some observers rationalize that even this approach has therapeutic value in the search for identity, but others fear that it is only patent medicine.

When black studies are offered regularly within the whole institution, their value is probably greatest when they lead to integration with what has until now been largely all-white history, economics, art history and even sociology.

The need for a reorientation can be gauged from recurring complaints that American history, even on the elementary school level, often begins with stories of the red, i.e. colored, man who lacked the skills and drive to build a country and who therefore had to be replaced by the civilized white man.

The drive toward separatism in black studies is a reaction to the all-white history that has often been academia's standard fare. The "black is beautiful" approach in history as elsewhere, is an absurdity comparable to, say, the "white man's burden" concept. It is of little help in the task of weaving an honest, nonracist pattern of history, research and teaching.

Last week, after he made his appeal, Dr. Wilkins received a letter from a black college student in New York denouncing the content of what he said was being dished out under the black studies label—such as an African Dance course given by the physical education department and a Negro history course so separate that it never seems to make contact with American history which, said the student, "was the problem to begin with."

Finally, academic separatism has an erosive effect on civil liberties. It leads to censorship of plays (reminiscent of the days when equally defensive Jews wanted to ban "The Merchant of Venice"); it results in exclusion of whites from black students' meetings as well as the barring of the white press, or even all press coverage, from closed sessions on campus.

Yet, free speech, freedom of the press and academic freedom are virtually inseparable from civil rights, and this is what Mr. Wilkins tried to say last week to "some white Americans, torn and confused by today's clamor of some black students" for self-created apartheid.

A SOLDIER'S MEANING OF SERVICE TO AMERICA

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BARING. Mr. Speaker, I want to bring to the attention of my colleagues and the American public the honorable thoughts put down in writing by a good American shortly before he died in Vietnam war action while serving the United States.

Before I enter his letter in the CONGRESSIONAL RECORD, I want to say that what Sgt. Jeffrey A. Davis, of Brownsburg, Ind., wrote, which was reprinted in one of my State's newspapers, the Reese River Reveille in Austin, Nev., especially is noteworthy to me because of my personal feelings against what I term the loud and violent protest-for-protest-sake movement in this country by misguided people who are a continuing social menace to our American way of life. If only these agitated persons would read the U.S. Constitution, they would discover they have the right to peaceful protest, not violent. And, if they will just read Sergeant Davis' letter, they will find what their moral duty to America is.

I ask, Mr. Speaker, that we, in the House of Representatives, and Americans everywhere search for an answer for these people who I would hope really can be productive and law-abiding citizens helping to protect the freedom of America and of all people. In the same light, though, I ask, Mr. Speaker, that these unthinking youths and adults involved in this protest-for-protest-sake movement, search their own minds about what is right and wrong. Those engrossed in the movement should have the dignity by being Americans and should feel it their duty by being Americans to take up this searching responsibility before they ruin their own lives, the lives of others, or further damage the principles of America.

There are so many good things about our free country and so many good things which still can be done to even greater improve this Nation that it is for this reason it is despairing to me to hear of a good American's death, while he fights for freedom and a better way of life; but at the same time as he performs his duty and eventually gives up his life, we at home continue to be besieged by raucous and what I also term the violent "anti-U.S. demonstrations" by thankless agitators.

Mr. Speaker, I insert in the RECORD today Sergeant Davis' personal words with the prayer that his letter can be heeded by all American citizens. I believe he says in an excellent manner what a person's duty and service to his country means.

I DIED FOR GUYS WITH PROTEST SIGNS

Sgt. Jeffrey A. Davis of Brownsburg, Ind., killed recently in battle in Vietnam, knew whom and what he was fighting for. A letter to his wife, with instructions to open it only in event of his death, told the story. Here are excerpts, as published by "The Indianapolis Star" on September 20—

"It is too bad I had to die in another country. The United States is so wonderful, but at least I died for a reason, and a good one.

"I may not understand this war, or like it, or want to fight it, but nevertheless I had to do it and I did.

"I died for the people of the United States. I died really for you; you were my one real happiness. I died also for your mom and dad so that they could go on working . . . For your brothers that they could play sports in freedom without Communist rule.

"I died for my parents that they could enjoy my dad's retirement in freedom, go on vacations and have fun . . . For others also who enjoy this wonderful country and who appreciate what they have and thank God every day for it.

"* * * * *

"I died for the guys with the long hair and protest signs. The draft-card burners, the hippies, the anti-everything people who have nothing better to do. The college kids who think they shouldn't have to serve because they are too good—I died so these people could have a little longer time to try to get straightened out in life.

"God knows they need it. I died for the so-called "younger generation" of which I was a part but for some unknown reason I never became an active member. I guess I was a "square" or something with short hair, no police record, didn't drink or smoke (pot included) and volunteered for the service.

"I died for the parents of these kids also, God forgive them. I died so these members, active members, of the "young generation" could have the right to do what they do. To protest, have long hair, go to college of their choice, wear weird clothes, and run around mixed up, with no direction at all.

"I died so they could protest the war I fought and died in. Without it, what would they protest? But I also died for the many thousands who died in this war and other wars before for these same reasons. For the men who fought gallantly on the many battlefields of many wars to keep this country free. I guess that in order to gain freedom there must be war. I died for the United States."

THE OFFICE OF SHERIFF—FROM BIBLE TIMES TO TODAY

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. CEDERBERG. Mr. Speaker, from the days of Nebuchadnezzar to our present generation the office of sheriff has been an important arm of government. Thomas Jefferson once called it the most important executive office of the county.

An extremely interesting article on the history and the work of the office of the sheriff was recently written by Truman Walrod, managing editor of the National Sheriff, in which the treatise appeared. The magazine is the official publication of the National Sheriffs' Association, the national headquarters of which is located in Washington. In charge of the national office is Ferris E. Lucas, executive director, a long-time sheriff in the State of Michigan. The president of the association is William J. Spurrier, of Iowa county, Marengo, Iowa.

Because the article not only is of historic value but because it is so interestingly written I commend its reading to my colleagues and readers of the RECORD. It follows:

THE ROLE OF SHERIFF—PAST-PRESENT-FUTURE

(By Truman Walrod)

A history of the office of sheriff is a chronicle of western civilization . . . a biography of democracy . . . a word-picture of man's quest for equity and self-determination in matters pertaining to his government.

This narrative begins in the Old Testament and continues through the annals of the Judeo-Christian tradition. Wherever we look as we scan the documents of Anglo-Americana, we find the sheriff entrusted with the maintenance of law and order and the preservation of domestic tranquility.

It is not possible to state with exactitude the date when the first sheriff swore to protect the lives and property of his constituents or fellow citizens. Some historians date the office, or rather its prototype, to the ancient Roman pro-consul. Some express a belief that the office may have been derived from Saxon Germany. Others assume that the word sheriff is an anglicization of the Arabic word sharif which literally translates illustrious or noble and signifies an Arab chief or prince who is a descendant of Mohammed through his daughter Fatima.

SHERIFF MENTIONED IN HOLY BIBLE

The Book of Daniel recounts the presence of the sheriff at the setting up of the golden image (ca. 600 B.C.) by the Chaldean king of Babylon, Nebuchadnezzar:

"Nebuchadnezzar the king made an image of gold, whose height was threescore cubits, and the breadth thereof six cubits: he set it up in the plain of Dura, in the province of Babylon.

"Then Nebuchadnezzar the king sent to gather together the princes, the governors, and the captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, to come to the dedication of the image which Nebuchadnezzar the king had set up.

"Then the princes, the governors, and captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, were gathered together unto the dedication of the image that Nebuchadnezzar the king had set up; and they stood before the image that Nebuchadnezzar had set up."

Historian W. A. Morris in his book on the Medieval English Sheriff to 1300 makes these observations:

"The office of sheriff is one of the most familiar and most useful to be found in the history of English institutions. With the single exception of kingship, no secular dignity now known to English-speaking people is older. The functions, status and powers of the office, like those of kingship itself, have undergone change, but for over nine centuries it has maintained a continuous existence and preserved its distinguishing features."

Walter H. Anderson, in his Sheriffs, Coroners and Constables, states:

"The office of sheriff is one of antiquity. It is the oldest law enforcement office known within the common-law system and it has always been accorded great dignity and high trust."

JEFFERSON ON SHERIFFS

Thomas Jefferson wrote in his The Value of Constitutions:

"[T]he office of sheriff [is] the most important of all the executive offices of the county."

Joseph J. Casper, Assistant Director of the Federal Bureau of Investigation, spoke to the 28th Annual Informative Conference of the National Sheriffs' Association in Louisville, Kentucky, in June, 1968. He said:

"There is no honorable law enforcement authority in Anglo-American law so ancient as that of the county sheriff whose role as a peace officer goes back at least to the time of Alfred the Great.

"If there is one who seeks the remarkable characteristics of the office of sheriff, he will not find it solely in antiquity. The benefits of the sheriff and the job of sheriff—the deeds and the activities of the sheriff—will not be found in the renowned medieval sagas or in the tales of the American western sheriff. They are to be found, I think, instead in the aspects of this important public office such as the vital jobs they perform in the area of our changing social, political, and economic lives . . . the competent discharge by men of dedication, who hold a job that has a host of functions—both civil and criminal.

"There are some citizens who have no knowledge of nor appreciation for them [sheriffs]."

It is for these people, i.e., those with no knowledge of, or appreciation for, the ancient and honorable office of sheriff, that the following paragraphs are offered.

LAWS REQUIRE ENFORCING

Were it not for laws which required enforcing, there would have been no necessity for the sheriff. There would have been no need for the development of police administration, criminology, criminalistics, etc. This is not the case however. Man learned quite early that all is not orderly in the universe. All times and all places have generated those who covet the property of their neighbors and who are willing to expropriate this property by any means.

Among the very first to set forth a comprehensive code of laws was Lipit-Istar, King of Isin (2207 B.C.), whose Sumerian subjects had indicated by their behavior that some legally binding guidelines were advisable.

The Babylonian king, Hammurabi (ca. 2100 B.C.), devised a codification which is still studied today.

King Thutmose III (ca. 1500 B.C.) delivered a speech on justice when he appointed Justice Rekhmire in ancient Egypt.

The Jews were ordered to follow and obey the first five books of the Old Testament, the Pentateuch.

The Assyrians and the Chinese attempted to codify their laws. The Code of Manu was used by the rulers of India. The Romans, always conscious of the relationship between government and its citizens, established a digest of Roman law in 450 A.D. Justinian improved and expanded this codification in 550 A.D.

Students of political science and the humanities continued their studies. Contemplated were various ways of trying to determine and establish the best of all possible governments . . . the most equitable of all societies.

THE MAGNA CARTA AND THE SHERIFFS

The major breakthrough came in 1215 A.D. when King John, third English king of the line of Plantagenet, signed the Magna Carta or Great Charter in a meadow near London and thereby granted certain freedoms to the barons of his realm. The sheriffs were there. They were already recognized as the chief law enforcement officers of their respective "counties." As in the Biblical account above narrated, the sheriffs were recognized as principal participants in the drama of government . . . the tragi-comedy of human existence.

The fabric of American society was cut from the pattern fashioned in the Mother Country: England. English customs derived in turn from the Anglos, the Saxons, and the Normans. (Granted there were other influences which moulded traditions in the British Isles, e.g., the Celts, the Romans, etc., but the Anglo-Saxon/Norman influence seemingly contributed the most to Anglo-American governmental concepts.)

ANGLO-SAXONS AND HOME RULE

Early Anglo-Saxon communities in England were very much in favor of home rule and home control. They were fiercely independent people who did not want or trust any form of centralized government. They lived in small rural tuns, or towns. Prior to 700 A.D., these early Anglo-Saxons began to arrange themselves in squads of tens and hundreds when they engaged in their countless wars. It has been said that these early inhabitants of England preferred war to peace. Be that as it may, their decimal system of wartime deployment of warriors proved similarly to be a practical one during occasional periods of peace.

Ten families living together in a tun comprised a tithing. Each tithing elected a tithingman who served as leader. Ten tithings totalled one hundred and this latter group was headed by a gerefa or chief (Gerefa subsequently became reeve in the Saxon tongue.) Both the tithingman and the gerefa/reeve were elected officials. Both possessed judicial as well as police authority.

Although there were tribal authorities as cited above, there was no real attempt at governmental centralization until Egbert, King of Wessex, endeavored to win the allegiance of all "Englishmen" in 827 A.D.

Alfred the Great (871–901 A.D.) saw the establishment of a system whereby every freeman pledged the good behavior of his neighbor within the same group or community. Under this system, the groupings of freemen into tithings and hundreds were continued. The reeve was required to assume the responsibility for giving the alarm, also called the hue and cry, when a criminal or escaped suspect was at large.

THE SCYRE-GEREFA DEVELOPS

At this time there was a further expansion and the familiar hundreds were combined to form a shire which was the forerunner of the county. Each shire had a form of super chief who was also known as a reeve. To differentiate this latter official from the reeve of a mere hundred, he became known as a shire-reeve, which came to present day English as sheriff. (Shire derived from the earlier Saxon scyre or scir.) Quite literally then, the sheriff—then as now—is the "keeper or chief of his county."

During this same period, the office of alderman or earl also existed. It is possible that a power "struggle" between these officials may have resulted in more than one instance. Apparently each thought of himself as supreme and did not welcome any challenges from the other.

In any event, the sheriff was clearly the chief law enforcement officer of his county and was responsible for the maintenance of law and order. He did not shoulder this responsibility alone however. Each tithingman and every citizen shared in this duty. If a member of a tithing disobeyed a law, the tithingman must take the accused before the shire-reeve for trial. Although the prisoner might be physically in the custody of the tithingman, every member of the tithing was equally responsible for seeing that he be brought to justice.

This direct citizen participation was known as the *hue and cry* and was the direct lineal ancestor of the procedure known in the U.S.A. as the "citizen's arrest." While this form of arrest is not too common in America today, citizen involvement in Great Britain has been and is greater. This has been credited by some students of criminology, etc., as contributing to the measurably lower crime rate in England than in the United States.

Another innovation which must be credited to the Anglo-Saxons is the "watch and ward." Initially, the tithingmen were responsible for maintaining the watch (night guard) and the ward (day guard). Those who performed these services did so without pay. It was a duty of citizenship. Anyone sixteen years or older was subject to call.

Eventually, sheriffs were allowed to assign four to six men in each tun for night watch. The men as they patrolled their "beats" carried a lantern and staff.

Between 700 and 800 A.D., sheriffs were appointed usually by noblemen who had been granted large estates by various kings. The sheriffs were to rule and to protect the interest of the noblemen. In areas reserved to the crown, the king appointed his own sheriffs.

It was a kingly responsibility to maintain the peace. Naturally enough, therefore, the king appointed a "deputy king," an authority to care for the details of peacekeeping. As in modernday America, it was the sheriff who was charged with this function.

HASTINGS FALLS TO WILLIAM

We have so far concentrated primarily on the period prior to the Norman invasion and conquest which dates from the fall of Hastings in 1066. It was in that year that William the Conqueror defeated Harold II, the last Saxon king, and established the House of Normandy upon the throne of England.

With the fall of Hastings, also ended was the Saxon form of local government and local control. While the Saxons thought highly of "home rule," the Normans consolidated their power in a highly centralized bureaucracy.

Big government, as we all know, usually brings with it big spending which necessitates big taxation. The Norman regime followed this general pattern. By 1085, King William ordered the compilation of all taxable property owned by each individual. This census of taxation was called the *Domesday Book*. The sheriff is mentioned no fewer than five times therein. It was incidentally at this period that the sheriff became also official tax collector for the king.

Seldom does an increase in taxation promote satisfaction among those taxed. King William was already faced with possible insurrectionists among the remains of the Anglo-Saxon forces which had earlier been defeated. In the interests of national harmony he required all subjects to take an oath or pledge of allegiance to him. The pledge was administered upon the plains of Salisbury; so, it became known as the Salisbury Oath. Some historians feel that this oath was the forebear of the American pledge of allegiance to the flag.

The strong, centralized government continued to grow, William died after twenty-one years of rule. His third son, Rufus, ascended to the throne but was slain by an arrow after thirteen years of relatively uneventful reign. Rufus was succeeded by his youngest brother, Henry I.

HENRY I ESTABLISHED PENAL CODE

Henry in 1116 established a penal code of sorts in which he enumerated murder, arson, counterfeiting, and robbery as felonies. Unlike the Anglo-Saxon practice of dispensing justice locally, Henry reserved unto himself the right to punish. It was he was maintained the first right of civil suit and of damages. Selectmen (the forerunners of our grand jury) were chosen to hear the evidence and arrive at the facts in criminal cases.

Nearly a century passed. The sheriff remained as the chief law enforcement officer, the extension of the authority of the king. The powers of the sheriff increased steadily during the Norman rule.

The House of Normandy departed from the scene with the death of Henry in 1135. The House of Blois produced one ruler, Stephen. Then the House of Plantagenet became the ruling family. Henry II and his son, Richard the Lionhearted, ruled with a fair degree of success.

After Richard's death in 1199, he was succeeded by his younger brother, John. John's rule was absolute. The barons rebelled at his despotism and, in 1215, forced him to sign the now famous document that was to prove the cornerstone upon which the British and American governments were to be built.

THE MAGNA CARTA IS SIGNED

This instrument is known as the *Magna Carta* or Great Charter. It was in effect a treaty between John and the barons, signed upon a site named Runnymede, not far from London, which amplified an earlier such document signed by Henry I. It enumerated rights and prerogatives reserved to the barons and guaranteed certain freedoms. The *Magna Carta* was without doubt one of the most significant secular manuscripts ever signed. It is considered to be of so much import to democratic government that in 1965, in honor of the late President John F.

Kennedy, the British government set aside one acre of this Thames-side site to be thenceforth known as Runnymede, U.S.A.

By this unprecedented move, one acre of English soil became the property of the United States, to be so owned so long as both nations continue to exist.

While discussing the *Magna Carta*, it is only fitting that mention should be made of the fact that there were, at the very least, nine mentions of the sheriff therein.

The period from 1275 to 1500 in England is known as the Westminster Period because of the Statutes of Westminster, the first of which was enacted in 1275 and which contains no fewer than sixteen allusions to sheriffs. The provisions of the statute have been described as intending to "make everyday life easier for all kinds of freemen by protecting them in their free tenements and defining the limits of interference with their freedom."

Government reforms were begun. The offices of bailiff and of sergeant developed. The sheriff remained the representative of the king within each county. The sheriff was appointed by the King and was an extension of royal authority.

The House of Plantagenet gave way to the House of Lancaster which in turn was to be replaced by the House of York, the House of Tudor, and the House of Stuart.

The Commonwealth Period extended from 1653 to 1712 and saw Oliver Cromwell, later Richard Cromwell, as the heads of government. The duties of the sheriff had changed but little during this period, although his authority was perhaps better defined.

County government remained for the larger part in the hands of the sheriff. He was definitely considered the leading officer and was commonly referred to as the *great man* in his county.

Let us meet a few of these great men of ages past.

We are all familiar with the legendary Sheriff of Nottingham who pursued Robin Hood persistently, albeit futilely, for many years. There are other names which come to us too as we search the pages of law enforcement history.

THE UNITED STATES OF AMERYCKE?

One, little known, stands out from the rest. That name is Richard Amerycke, High Sheriff of Bristol, England in 1503. It seems possible . . . even probable . . . that it was through this sheriff that America derived its name.

Although historians have generally supposed that the continents of the New World were named for the obscure Florentine navigator, Alberico or Americo Vespucci, they have been at a loss to explain why the given name of the "godfather" was bequeathed to the Americas. It is practically unheard of to name a city, state, or nation, except for the surname of its discoverer, ruler, etc. The only exceptions to this rule are in the cases where an entity is named for a king or queen who goes only by the one name, e.g., Prince Edward Island, Georgia, Elizabethtown, Victoria, etc.

Were it common to do otherwise, we might well have the state of George rather than that of Washington. Our nation's seat of government would possibly be known as the District of Christopheria. Residents of Houston would by now have become accustomed to living in Sam (or would it have been Samuel), Texas. They might even have taken to entering their favorite restaurant and ordering Julius, instead of Caesar, Salad.

This is not the case, however. It appears that crediting Signore Vespucci with fathering the name of the Americas was a mistake, fostered by a lack of communications between nations, and perpetuated by a complacency or reluctance to "tamper" with history.

Why Amerycke? Let's look at the facts as they are available to us today. Let us meet the High Sheriff of Bristol and discover his role in the founding of the English colonies in the western hemisphere.

Henry VII, king of England, authorized John Cabot's voyage from Bristol, May 2, 1497, in a ship named the Mathew. On June 24th of that year, Cabot landed near the northern end of Cape Breton Island. He claimed the region on behalf of Henry VII and returned to Bristol, there to claim a pension of twenty pounds sterling and the title of "great Admiral" which had been promised to "him that found the new Isle." The name of the man who paid John Cabot his pension was recorded in the Customs Roll at Bristol as one Richard Ameryck, Collector of Customs of the Port of Bristol. The name has been written and recorded in several ways. Amerycke, Ameryck, and Ap Meryke are found throughout the records of that English port city. Amerycke was a leading citizen of Bristol. He became sheriff in 1503.

Now to examine the conundrum of where first was the name America ascribed to the continents of North and South America.

Martin Waldseemüller or Waltzemüller published a large map of the world in 1507 and with it a small treatise titled Cosmographico Introductio. The southern continent of the New World was therein identified as South America.

In 1607, Jodocus Hondius of Amsterdam who was successor to Gerardus Mercator, most famed of the Renaissance cartographers, published a map identifying the western continents of North and South America.

It is Wadseemüller who is generally credited with having accorded Vespucci the honor of being namesake to the newly discovered continent of South America. Let us remember that the date was 1507.

Meanwhile during the mayoral year 1496–97, the Bristol Calendar (a diary of important local events) is said to have contained the entry: "This year [1497] on St. John the Baptist's Day [June 24th], the land of America was found by the merchants of Bristow, in a ship of Bristowe called the 'Mathew,' the which said ship departed from the port of Bristowe the 2nd of May and came home again the 6th of August following."

The citizens of Bristol then were apparently already referring to the newly discovered continent as America. This was in 1497. The earliest confirmed voyage made by Vespucci was in 1501.

Cabot, after his return, gave one island to a companion and another to his barber. Some Italian friars had Cabot's promise to be made bishops. It is only probably therefore that some honor would be bestowed upon the man who paid Cabot his pension. At that time, the explorer didn't know he'd discovered a new continent. He doubtlessly thought it only an island somewhere off the coast of India or China.

While it is generally agreed that the U.S.A. inherited its form of government, its customs, and its language from England, it appears probable as well that the nation was named for an Englishman, the High Sheriff of Bristol, one Richard Amerycke. That name must stand out from the rest as of particular significance to the United States of America.

Let us turn our attention to other, less significant, but equally interesting sheriffs of the past. Throughout history there have been "hawks" and "doves." This has been true in external (international) and in internal (law enforcement) affairs.

THE WICKED SHERIFF

One sheriff who was a hawk, i.e., he pursued his suspects wherever they might go, is known to historians as the "wicked sheriff." It was custom that those who fled into a church were immune from arrest. Sheriff Loefstan gave chase to a criminal who fled into the sanctuary of St. Edmunds Abbey. The zealous lawman followed his quarry into that place of refuge and dragged him out and back to jail.

While this was doubtlessly the mark of a good peace officer, it did not endear Sheriff Leofstan to the clergy who felt he was trespassing against their sacrosanct domain.

Later during the same period, some prisoners reportedly also took refuge inside a church. An unnamed sheriff, perhaps remembering the uproar over the Sheriff Leofstan affair, decided it wasn't worth it. Knowing however that allowing prisoners to escape could cost him dearly, he (the sheriff) took his family and together they sought refuge inside the same church. How long they remained there and the disposition of the case if and when they ever emerged is not recorded.

Then as now, there were cost "squeezes." The men chosen to fill the office of sheriff were honored greatly through their position as chief law enforcement officer. The honor was not a profitable one, however. Conversely, it was a costly one. No one but the affluent members of English society could afford to serve as sheriff.

There was always the problem of "making good" on revenues not collected in full. But even beyond this expense, the sheriff was expected to be a gracious host when judges or other dignitaries came from London to hold court in the various shires (counties). It was expected that lavish entertainment would be furnished by the chief officer of the county on these occasions.

In 1624 one Englishman wrote: "On Tuesday, July the 6th, our High Sheriff going from Kedington to Bury St. Edmunds in the morning, I accompanied him thither, many other of the gentry of the shire meeting him on the way and attending him also. After we had dined with him, we likewise accompanied him in the afternoon, going out to meet the judges that were coming to hold the assizes at Bury."

One sheriff was reportedly fired for not riding out to meet the judges who expected an escort into the county seat.

One sheriff's son wrote his father set forth to meet the judges with "116 servants in liverys, every one in green sattin doublets, white divers gentlemen and persons of quality waited on him in the same garb."

A TRY FOR ECONOMY

Another sheriff, William Pfarington, tried to keep down the cost of entertaining visiting dignitaries. Even with this economy in mind, Sheriff Pfarington had fifty-six helpers including a steward, clerk of the kitchen, two yeomen of the plate cupboard, a yeoman of the wine cellar, two attendants in the sheriff's chamber, an usher of the hall, two chamberlains, four butchers and their assistants, eight cooks, five scullions, a caterer, porter, poulterer, slaughterman, two watchmen for the horses, two to attend the docket door, and twenty to take turns watching the prisoners.

These court sessions took place on an average of four times annually.

Because of this extraordinary expense, the office of sheriff was not sought after. Many well-qualified persons took steps to try to avoid being chosen. When a man was appointed, he naturally had to serve.

County government remained primarily in the hands of the sheriff. He was aided by the justices of the peace. The sheriff was however definitely the leading officer and was as mentioned earlier referred to as the great man in the county.

When settlers left England bound for the New World, it was only natural that they would take with them their culture and their Anglo-Saxon heritage. In New England where towns and villages were the principal governmental unit, the watch and ward proved most effective. In the Middle Atlantic states and in the south where plantation life became established, the county system was preferred.

THE SHERIFF COMES TO THE NEW WORLD

Apparently when the first counties were established in Virginia in 1634, the office of sheriff was officially transplanted to the North American Continent. There is a record of a sheriff being chosen by popular vote as early as 1651; but, appointment was at that time apparently the rule.

Although the sheriffs of colonial times were among the more affluent citizens, the position was not a costly one. In fact, it was generally profitable. There was not the entertaining to do and there was not the pomp and ceremony that there was in England.

What with the position being both honorable and profitable, it was greatly sought after by virtually all men of means. The sheriff was definitely the great man whether in England or colonial America although the colonists who had a decided propensity for abbreviating did frequently refer to him as the high sherr.

Maryland and Virginia were apparently the first colonies to bring the office to the shores of the New World. It was therein specifically set forth that the sheriff should have as nearly as possible the same duties in these new states as he had had in England.

As mentioned earlier, there was not the costly entertaining or lavish pomp and pageantry in this country as there was in England. There was however one very important ceremonial duty . . . that of proclaiming a new king or queen of England.

When William and Mary assumed the throne in 1689, the sheriff of each county officially announced: "That tomorrow their most sacred Majesties, by Eleven of the Clock in the Morning, before the Court house Doore in James Citty, be Proclaimed King and Queene of England, France and Ireland & of the Territories and Dominions thereunto appertaining . . . and that the Sheriffs Sumons the best appearance that can be had at that time, for the Testifying the due Honour and Obedience, and acclamations of Joy, by fireing Great Guns, Sounding of Trumpets and beating of Drums."

Even in this case it was the county rather than the sheriff who had to stand the expense of the celebration. In the instance just recounted, the county (James City, Virginia) paid for 7300 pounds of tobacco, as well as one barrel of powder, trumpeters, cannons, and 211 gallons of cider.

It is still the duty of the High Sheriff at Providence, Rhode Island, to make an official proclamation notifying the citizenry of the election of a governor.

SECULAR AND ECCLESIASTICAL DISAGREEMENTS

As in England, there was cause for some discord between the secular and ecclesiastical arms. Travel was difficult in early America. Most folk did go to church, however. Sheriffs soon formed the habit of serving their papers at the church doors . . . This did not promote church attendance. Quite the contrary, it acted as a deterrent. The pastors became provoked and at in at least one state proved to be a formidable lobbying group. Sheriffs were forbidden thenceforth from serving their papers so as to interfere with the parishioners thereof.

The "high sherr" was not to be so easily defeated however and was able to prevail upon the legislature to pass a law requiring that ministers must read any proclamation from higher authorities to their congregations on two successive Sundays.

As in England, respect for the authority of the sheriff was strictly enforced by law. A certain Benjamin Cartwright was sentenced to receive two lashes on his bare shoulders for "opprobious language uttered agst the sherr in contempet of his office & consequently of the authority whence it derives."

A special seat was reserved for the sheriff in most churches. It was recorded in one instance that a Richard Price crowded into the seat reserved for the sheriff. A scuffle ensued "to the dishonour of God Almighty & contempt of his Majestie." The trespasser was bound over to the General Court for his offense.

VALUE OF EXPERIENCE PRAISED

There is much discussion nowadays concerning the value of experience. This is nothing new. Some 250 years ago, the same question was raised in colonial Maryland when a Sheriff Edward Sweatnam was removed from office by a legislative body which stated that after four years, someone else should get a turn at serving as sheriff. There was no discussion nor suspicion of incompetence, misfeasance, or malfeasance. The consensus was that Sheriff Sweatnam was well qualified for the position but that change was desirable solely for the sake of change.

The council chose as sheriff an Allan Smith who was without experience in law enforcement. Lord Baltimore severely reprimanded the group for its choice, saying he felt it extremely poor practice to remove an experienced man from office in favor of one without experience. Lord Baltimore went on that he "ever took care to continue good men in their places an as encouragement to continue just and faithful."

The sheriff was charged too with the execution of punishment. Some sentences which were ordered to be carried out by the sheriff including putting "Thomas Norcombe in the pillory for his second offense of hog stealing for the full time & space of 4 hours." A Hamball and Elizabeth Spicer were to be given "five lashes apiece for slandering John Courts." A sheriff was ordered to "nail John Goneere by both ears to the pillory, with three nails in each ear, and afterwards to whip him with twenty good lashes for perjuring himself."

Among his other duties, the sheriff was charged with dealing with religious non-conformists. In at least one instance, a sheriff was critized quite severely for "not stopping yee frequent meetings of this most pestilent Sect of ye quakers."

THE SHERIFF AND THE WILD WEST

As the frontier moved westward, so moved the sheriff. Perhaps in the long and colorful history of the office, there is none quite so picturesque as that of the sheriff of the late Nineteenth Century.

Gold and silver, cattle and oil . . . any one alone was enough to lure men westward in the hopes of striking it rich. Many went west to work. Many others also followed the trek toward the cow-towns, the mining settlements, the railroad construction sites, and the territory beyond the restraints of civilization. They went, not to work, but to prey upon those who did.

A code of sorts grew out of this frontier atmosphere. Shooting an unarmed man was wrong as was shooting a man in the back. Two men shooting it out was considered perfectly acceptable. It was the established way to settle disputes. The loser was not able to appeal his case in most instances . . . at least not to any earthly judge. His remains were planted in a six-by-three grave in some boothill.

The sheriff had his work cut out for him. Sheriffs of the old west could be divided into two basic categories . . . the quick and the dead.

This is not to imply that all sheriffs of the wild and wooly west were of a "shoot first" frame of mind. There were some who felt the best justice was administered by their trusty six-shooters. There were others who seldom if ever drew their guns, and even less frequently ever shot anyone.

LAW AND ORDER BROUGHT TO DEADWOOD GULCH

When one hears of Deadwood Gulch, he thinks usually of "Wild Bill" Hickok. Hickok went to Deadwood after spending some time in Dodge City, Kansas, where he built up a reputation as a fearless frontier marshal. Legend has it that while in Kansas he shot somewhere between fifty and seventy-five badmen.

"Wild Bill" drifted into Deadwood early in 1876, shortly after gold was discovered in the Black Hills of Dakota Territory. Within a few months of his arrival he was shot in the back by Jack McCall while playing cards in Saloon No. 10. Movies and television notwithstanding, "Wild Bill" Hickok did nothing to "clean up" the violent gold-mining gulch. He died too soon. Someone had to step in, and as usual throughout recorded history, this duty fell to the sheriff.

After Hickok's assassination, the citizens elected a sheriff. His name was Seth Bullock, a kindly but determined man. There is no record of his ever having killed anybody but he did enforce the laws. He did make Deadwood a relatively safe place in which to live. He did it by reason rather than by violence.

AN ARIZONA SHERIFF DIDN'T BELIEVE IN JAILS

Not all frontier sheriffs were so peacefully inclined. Sheriff John Slaughter of Cochise County, Arizona, didn't even believe in jails. His technique, and it was an effective one, was to advise an outlaw that he had a certain number of hours to get out of Cochise County. At the end of that time limit, if the badman was still in the county, Sheriff Slaughter gunned him down.

When the citizens of the county seat town of Tombstone offered to build a bigger jail, Sheriff Slaughter is quoted as saying, "I don't expect to fill the jail. I see no advantage in going to the great expense of tracking down an outlaw, arresting him at the risk of your own neck, and bringing him back to Tombstone with the possibility of a gang rescue en route. When I get through the only outlaws remaining in Cochise County will be dead ones."

CONTINUITY AMIDST CHANGES

The sheriffs of ages past have adapted to many situations. Virtually all have proved themselves equal to the tasks assigned to them. The role of the sheriff today is as great as it ever has been. He is still the great man in his county.

Professor Edward A. Farris of New Mexico State University phrases it succinctly when he states:

"[T]he sheriff is the only viable officer remaining of the ancient offices, and his contemporary responsibility as 'conservator of the peace' has been influenced greatly by modern society.

"While changes have been brought by technological and social advances, the framework of government within which the sheriff functions has not changed drastically. His duties and powers may be altered by the existing social and political climate, but his basic responsibility—to protect life and property—has not been diminished."

What about the sheriff of today? Professor John L. Sullivan of Pasadena City College makes these observations:

"With roots stemming primarily from Great Britain, the sheriff of today in the United States has become an integral part of American law enforcement. The past has proven that the American people like to elect their top law enforcement officers in their counties. Since the formative years of our country, this office of sheriff has been coveted. Even persons outside law enforcement often campaign for the office of sheriff. In the past, unqualified and questionable political hacks sometimes were elected to office; however, with the great professional advancement of law enforcement, many high-caliber men now seek the sheriff's office. Previously, political connections, popularity, and an easy conscience were the strongest factors in a successful election to the office of sheriff. Today, however, college graduates, ex-FBI agents, and dedicated law enforcement veterans who have worked their way up the ladder of success in police administration are seeking and winning the office of sheriff."

After more than a millennium of existence, the sheriff continues to function as the great man in his county. Wherever he may be, he is functioning today much as he did one thousand years ago but with one very important difference.

TODAY'S SHERIFF PREPARES FOR TOMORROW

Where the sheriff of yesterday placed little emphasis on training, the sheriff of today appears practically a fetishist when it comes to education.

As the crossbow gave way to the primitive flintlock which in turn gave way to the six-gun, et cetera, ad infinitum, the sheriff is not unaccustomed to change. But now perhaps more than ever before in history, law enforcement is faced with complex, moving, and rapid changes in methodology, technology, and social attitudes.

The path from Anglo-Saxon England in the early centuries of the Christian era to modernday America has been a long and difficult one. The expressway leading to the future may offer even more challenges. Through education, training, and perhaps most important self-determination and dedication, the tithings . . . the hundreds . . . the free men and women of America . . . with their sheriff at their head . . . will lead the way to tomorrow and all the tomorrows yet to come . . . unafraid and ready for whatever each new day may bring to challenge the domestic tranquility of each county and parish in America.

DEVELOPING HUMAN RESOURCES—A GREAT NATIONAL NEED

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. O'HARA. Mr. Speaker, regardless of the approaches we take to meet the very real problem of hard-core unemployment, the ultimate goal and solution must be decent jobs at decent wages. Union manpower expert Julius Rothman, president of the Human Resources Development Institute, made that clear as he was questioned recently on the AFL–CIO's public service interview, Labor News Conference. That, Mr. Rothman said, is the projected course of the institute's program. The work of this nonprofit corporation, established by the AFL–CIO Executive Council, has relevance and importance to both industry and government, as well as to citizens everywhere. I now offer the transcript of that broadcast, January 7, on the Mutual Radio Network, and include it in the RECORD, as follows:

LABOR NEWS CONFERENCE

Subject: Developing Human Resources—a Great National Need.

Guest: Julius Rothman, president of the Human Resources Development Institute.

Reporters: Neil Gilbride, labor correspondent for the Associated Press; Harry Conn, editor of Press Associates, Inc.

Moderator: Frank Harden.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Julius Rothman, president of the Human Resources Development Institute, a non-profit corporation established by the AFL–CIO Executive Council.

In cooperation with the U.S. Department of Labor, the Human Resources Development Institute is formulating a nationwide program to recruit, train, employ and upgrade the unemployed and the under-employed. Here to question Mr. Rothman about the specific objectives of the Institute and how it will work toward achieving them are Neil Gilbride, labor correspondent for the Associated Press, and Harry Conn, editor of Press Associates, Incorporated. Your moderator, Frank Harden.

And now, Mr. Conn, I believe you have the first question?

CONN. Yes, thank you, Mr. Harden.

Mr. Rothman, how does the Institute actually operate? Do you train workers or what?

ROTHMAN. Well, we may train workers, but chances are, we probably will be operating more or less as a catalytic agent in the 50 communities that we are set up to work in.

We intend to work with existing manpower programs, seeing to it that they do the jobs that they set out to do, and at the same time, move organized labor—our local unions—in the direction to promoting manpower programs on their own.

So, we will be doing several things—working, for instance, with the National Alliance of Businessmen, working with on-the-job training programs, helping them to become productive programs. At the same time, we may very well develop programs of our own, through the local unions in the communities that we are working in.

CONN. I take it that at the present time, your role is primarily that of liaison with the workers, and the business sector, and the labor movement generally, to encourage programs on their part.

ROTHMAN. To a large extent, that's true. And we have to recognize that our impact will be in what we can do to make sure that existing manpower programs are really training the hard-core unemployed for meaningful employment at decent wages.

This is our goal. And the impact we make on the local community will measure the success of our program.

GILBRIDE. Mr. Rothman, can you give us any figures on how many such programs you are currently involved in, and how many people are covered by these programs, in terms of training?

ROTHMAN. Well, it is hard to really enumerate the number of programs we are currently involved in, because they are so diffuse and run in so many directions.

For instance, about a dozen national and international unions today have on-the-job training programs. About half a dozen unions and some state building trades councils have Job Corps training programs, in which journeymen are training kids to go into the apprenticeship program. We have 50 outreach programs today, in which the building trades unions are reaching out into the community for hard-core unemployed youngsters and preparing them for apprenticeship training in the building trades.

Now, the exact numbers involved, we don't know—somewhere around half a million, perhaps, is what we would consider the hard-core. There may be more.

But, we are now dealing largely with that group which has little education, almost no motivation, no job experience—the kind of person with whom you have to start from scratch in propelling him toward a job.

GILBRIDE. Can you tell us, Mr. Rothman, some of the lessons you have learned so far, in trying to motivate such people and training them for jobs?

ROTHMAN. Well, one of the things we know is that you can't deal with this group in terms of dead-end employment. That is, they know pretty quickly whether or not they are going to continue at some kind of menial task all of their lives. So what we have to do is begin to develop job ladders for them, so that they can move on up.

Secondly, you can't employ them at wages so low that they offer no real hope for this particular kind of group. They have to feel that they are not only going to be getting minimum wages, but as they move up the ladder they are going to be getting wages that will enable them to move out of poverty. This is the second lesson.

The third lesson, I think, is that we have to recognize that every group emerging from the poverty area is concerned, to some degree, with this thing we call status. That is, they want jobs that have some real meaning, and jobs that have some dignity, jobs they can do with pride. I think this is the third lesson we have learned.

CONN. Mr. Rothman, how do you actually go about reaching the hard-core unemployed? What are the steps that you take—the local people?

ROTHMAN. One of the things that we have done, Mr. Conn, in working so far, is employ for local staff, many people from the minority groups, so that they can use their contacts within the minority group to reach in and find the hard-core unemployed.

We also work with the Urban League in the outreach program. They have contact in the ghettos and in the slum areas.

We also work with the Workers Defense League, which is primarily lead by minority people, and therefore has contacts within the minority group.

In other words, we actually go into the slums and into the ghettos, looking for these youngsters, to give them some perspective of what they might be able to do with their lives.

CONN. You mentioned motivation as a very important factor. Among the hard-core unemployed that you have recruited to date—do you find that you can instill this motivation in them? Do they see the prospect of permanent jobs as something they want?

ROTHMAN. Oh, sure, they want permanent jobs. But, they want decent jobs at decent wages. That's the key.

You can't motivate them by giving them some perspective on car washing or jobs as domestics. You have to be able to give them some perspective on work that would give them the feeling that they are accomplishing something—that they are part of the mainstream. That is part of the whole thing.

They have to feel that they are part of the mainstream of American economic life.

GILBRIDE. Mr. Rothman, do you find a difference dealing with youngsters of minority groups as opposed to youngsters who are not in minority groups—youngsters who both have the same unemployment problems?

ROTHMAN. Well, there has been some difference. I think it is a lot easier to deal with groups that are in the majority, because I think that they feel they can make it out of the role that they have been sort of cast into somewhat easier. By and large, they have been easier to propel into the mainstream.

GILBRIDE. In other words, perhaps, racial discrimination is one strike they may not have had against them, and this makes it a little bit easier?

ROTHMAN. Precisely, Mr. Gilbride. That's exactly right.

They haven't been given all these promises over the years—promises that have not been fulfilled. They don't find themselves cast back into a second-class citizen role. They know that if they develop skills, they can move into the job market and begin to earn at a level that makes sense to them, in terms of economic status.

CONN. Mr. Rothman, this program operates largely on the basis of government funds. What are the prospects for continuing the program under the Republican administration?

ROTHMAN. Well, we feel the prospects are pretty good. We feel that the Republican administration will recognize that the skills, the background, the contacts and relationships of organized labor are extremely important in making any manpower program work.

For instance, when President Lyndon B. Johnson—almost a year ago—set up the National Alliance of Businessmen, it was just that—it was an alliance of businessmen, headed by Henry Ford II. They found pretty quickly that if they were going to be successful, they needed organized labor's participation. So they came to the AFL–CIO Executive Council meeting last February and asked for it. AFL–CIO President George Meany responded, first, by assigning John Livingston as the full-time coordinator at the National Alliance of Businessmen, and then, by encouraging the AFL–CIO central labor bodies in each of the 50 metropolitan areas to assign a coordinator to work with the National Alliance of Businessmen's program.

We are continuing this. The Human Resources Development Institute is going to be working, to a very large extent, with the National Alliance of Businessmen.

For instance, we have already developed one program at their request—the "buddy system"—a program designed to help the newly-hired hard-core worker adapt to the shop he has been hired to work in. A worker from the shop works with him—buddies with him—and helps him over the rocky points of that first few weeks, or the first month, of employment. This is one of the things—specific things—that we are doing with the National Alliance of Businessmen.

We think that any program in the manpower field, in order to be successful, has to have the backing of organized labor.

And, we think that the new Administration is going to recognize that, too.

GILBRIDE. Mr. Rothman, unless I am mistaken, I seem to detect quite a bit of thinking of late, that this whole problem of the hard-core unemployed can be better handled by private industry, even to the extent, I believe, that in some quarters, it is believed that eventually, the private sector of the economy can take the whole thing over and the government can get out of it. What do you think, along these lines?

ROTHMAN. I think that in the final analysis, the private sector cannot handle the whole thing.

I think that there is always going to be a need for a very large measure of government involvement in any manpower training program. For instance, the National Alliance of Businessmen is a businessmen's program. But, it is financed by funds that come from the Labor Department, and without these funds, there would be no program.

Employers are receiving up to $3,000 per man for the training—out-of-pocket training expenses—necessary to equip this hard-core worker for employment in the shop.

GILBRIDE. In other words, it is a losing business—financially—in the beginning, and somebody has to pick up that initial cost?

ROTHMAN. Exactly. It is a costly thing to train a worker and to adequately equip him with motivation and job skills. There aren't too many employers who are willing to put this out, without some way of being reimbursed.

GILBRIDE. I wonder if you could tell us this, Mr. Rothman: for some years now, I believe—four or five years, at least—there have been quite a few government programs along this line—largely experimental, perhaps. How does your set-up—the Human Resources Development Institute—differ from all these previous programs?

ROTHMAN. It differs, only in the sense that now we begin to propel organized labor—the local unions in the local communities—toward more direct involvement in manpower programs at both the operational level and the policy level.

GILBRIDE. Have unions been dragging their feet, in effect?

ROTHMAN. It is not that they have been dragging their feet.

It is that in effect, they have sort of felt that manpower programs were business' responsibility, and, that while they have been consulted, it's been a sort of second cousin type thing—at arms length.

From now on, we are going to be involved directly, and immediately, and closely in the manpower programs at the local community level.

It is not enough for us to be concerned, as we have always been concerned, about passage of manpower development and training legislation and all that goes with it. This we have done at the Washington level. We have been exceedingly interested and deeply involved in the passage of this kind of legislation.

But, we have to get involved in the operations of manpower programs, and they operate at the community level. Our local people—our local leadership—are burdened people—many, many things are asked of them and they get involved in all sorts of programs. Now, we are telling the 50 metropolitan area cities involved in the HRDI program that there is going to be a full-time person on the staff of the local central labor council who will be working with this local central labor council and its affiliated unions—working with management, working with government officials in the manpower field—so that we can have maximum and complete involvement in manpower programs.

CONN. Mr. Rothman, as you noted, you have a goal of programs in 50 cities, by the end of 1969. Do you have functioning programs in many of these cities at the present time.

ROTHMAN. Yes, our arrangement, Mr. Conn, with the government is that we would have 10 cities going by the first of December, 1968, and we do have 10 cities—Boston, Atlanta, Cincinnati, Pittsburgh, St. Louis, New Orleans, Los Angeles, New York, Houston and Minneapolis-St. Paul.

CONN. Mostly the larger cities in the country.

ROTHMAN. The larger cities, yes—this is where we are going to be working—the 50 largest metropolitan areas.

By the middle of February, we will have 25 more of these large metropolitan areas going—staffed with people on the payroll of the Human Resources Development Institute. We hope that by the middle of March, and no later than the first of April, we will have the remaining 15 cities on the way.

CONN. These operations that are set up are working in various phases of your program—pre-apprenticeship training, on-the-job skills, and so one? Have you found that you get good cooperation from the unions, as well as business, in these endeavors?

ROTHMAN. We are getting excellent cooperation from the unions. It is something that they needed and wanted. Our affiliated unions are particularly happy to be able to get more deeply involved in manpower operations.

CONN. What are some of the real problems that you have in the pre-apprenticeship training program? The hard-core unemployed—you mentioned that they are undereducated, and so on. Do you have to provide courses in basic education to enable them to eventually become apprentices?

ROTHMAN. In some cases, yes. As a matter of fact, there are many instances in which you have to provide remedial education—reading, mathematics, and so on, so that you can bring these youngsters up to the level at which they can be adequately prepared to take and pass the apprenticeship training programs.

In some instances, however, you can get dropouts with three years of high school, who are adequately equipped to take these examinations. What they do need, though, is the specific material related to the examinations, whether it is for an electrician's apprenticeship exam, or plumber's, or sheet metal worker's, and so on. Then, you train them for that specific program.

CONN. Do you require examinations to even qualify for pre-apprenticeship?

ROTHMAN. No.

CONN. In other words, someone with only an extremely limited grammar school education—elementary school education—could probably qualify and then go on from there.

ROTHMAN. Many youngsers with limited backgrounds have the native ability to go on, and certainly, this is encouraged.

GILBRIDE. Mr. Rothman, you mentioned your payroll a moment ago. Could you tell us something about the size of your staff and your costs of operation? Also, if you wouldn't mind, could you tell us something of your background, how you got involved in this, and what you are paid?

ROTHMAN. Yes, sure, I would be glad to, Mr. Gilbride.

We are going to have 50 men in 50 cities—men and women, I should say—we don't discriminate against women. We have a national staff of five. So altogether, we will have 55 professionals in the field. Our payroll amounts to the total sum, really, of what we got from the Department of Labor, which is a million and a half dollars. This will be spent over a 15-month period.

My own background has been here with the AFL–CIO. For the last couple of years, I have been the coordinator of the AFL–CIO's poverty program, which also has spread into the manpower field. It was natural when we set up this program, perhaps, that I would come over and work in it.

I am paid, incidentally, by the AFL–CIO, and I'd like to say that the AFL–CIO and the local central bodies are contributing almost a quarter of a million dollars to this program. We don't have to, but in order to give us more leeway in making this program a success, we are doing this voluntarily.

CONN. Do you have any goals, manpower-wise, that you have set for the end of 1969?

ROTHMAN. Not really. We don't have any goals, except that we hope to continue to push for full employment. It is on the basis of a full employment economy that we can continue to train workers from the hard-core unemployed group to take their places in the mainstream of the American economy.

Unless we have full employment, we can't do this.

HARDEN. Thank you, gentlemen. Today's guest on Labor News Conference was Julius Rothman, president of the Human Resources Development Institute, a non-profit corporation established by the AFL–CIO Executive Council. Representing the press were Harry Conn, editor of Press Associates, Incorporated, and Neil Gilbride, labor correspondent for the Associated Press. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

MEMPHIS EDITORS LAUD INAUGURAL ADDRESS OF PRESIDENT NIXON

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD I would like to include the following editorials which give very fitting tribute to the great and inspiring inaugural address of our new President,

Richard Nixon. The first, from the Memphis Commercial Appeal, "A Crisis of the Spirit," takes note of the spiritual aspects of the President's message. The second, from the Memphis Press-Scimitar, "Message To Lift People," points up the challenge President Nixon has given to all Americans.

The editorials referred to follow:

[From the Memphis (Tenn.) Commercial Appeal, Jan. 21, 1969]

A CRISIS OF THE SPIRIT

Richard M. Nixon has begun his presidency of the United States with an appeal for the two things the people of a restless nation and war-torn world desire most—peace and understanding.

His message was effective. He indicated to the people of our nation and to the nations abroad that he understood that the crux of their problems is not found in material things as it was 35 years ago but in the fact that we face "a crisis of the spirit" which calls for an answer of the spirit.

"To find that answer, we need only to look within ourselves," he said.

It was clear President Nixon was seeking to gather behind him all those who have been critical of the Vietnam War on the ground that it has prevented the nation doing at home the things that need to be done, those critics of what has come to be known as the "establishment" who want the nation to go forward in social and economic matters in a fashion that will benefit the lowly as well as the lofty.

But he warns, as President John F. Kennedy did in a somewhat different fashion eight years ago, that government cannot do all that needs to be done by itself; as Mr. Nixon said, "each of us shares in the shaping of his own destiny."

Even as protestors marched in the crowds around the nation's Capitol where the inaugural ceremonies were taking place, President Nixon asked that the nation begin to take up its many tasks by lowering its voices.

"We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices," was his fitting admonition at this time.

His words were not specific. There were no promises to do what heretofore has proved impossible. But Mr. Nixon offered himself and his administration to all men on Earth as instruments for shaping a world of brotherhood.

No more can be asked of any man at this juncture. He said it, and he said it well.

Now begins the difficult task of implementing the hopes and dreams of a new administration.

President Nixon comes into office after a bitter presidential campaign which saw the nation torn into segments perhaps farther to the left and right than at any time in recent history. Because of those divisions, it became impossible for any man to win the presidency with a majority of the electorate. Mr. Nixon comes into office, therefore, as a compromise candidate for many citizens.

In his inaugural address, President Nixon indicated he understands that and seeks to truly bring the nation together again. The depth of his statement makes it clear that "together again" will be more than a slogan. It foretells a period of calm and careful working for the desires of all to the degree that the people will make it possible.

Let those who agreed with Franklin Roosevelt that "we have nothing to fear but fear itself" and those who were inspired by John F. Kennedy's "ask not what your country can do for you; rather ask what you can do for your country" come forward now and join President Nixon in the realization that "until he has been part of a cause larger than himself, no man is truly whole."

The things of which President Nixon spoke yesterday are truly the things of which the American dream is made. In the Nixon inaugural words, "The American dream does not come to those who fall asleep."

[From the Memphis (Tenn.) Press-Scimitar, Jan. 21, 1969]

MESSAGE TO LIFT PEOPLE

In his seasoned political career, Richard Nixon has earned a reputation for making himself understood, for precision in language.

But his inaugural address was more. There was a lift in his message—phrases of eloquence, phrases to raise the spirit, to enlarge hope. In this sense, it was a new Nixon as well as a new leader to whom we listened.

The specifics will come later, but noon yesterday was the time to set a pattern as befit the occasion: Recognition of the problems which face us, and the agony of them; the philosophy and the attitudes which must set the course in treating the problems.

In his first official words the President surely measured the mood of the people, of this land and every land:

"We are caught in war, wanting peace. We are torn by dissension, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them."

That is Mr. Nixon's monumental opportunity: To strive for the peace, to inspire the unity, to lead in the tasks.

And, to begin, he called for an end to the shrillness, the bombast, the aimless clatter that impair and defeat our most useful tools in crucial times: Understanding, negotiation, common sense.

"To lower our voices would be a simple thing," he said.

Let that be a maxim to live by!

Let it be minded at the Paris peace table. Let it be tested and nurtured in our legislative halls, on our campuses, in our streets, in our diplomatic dealings, in our treatment of each other.

"We cannot learn from one another," said Mr. Nixon, "until we stop shouting at one another—until we speak quietly enough so our words can be heard as well as our voices."

Another President, now retired to Texas, had offered a similar predicate.

"Let us reason together," he had said softly.

But his plea was lost in the shouting.

Yet, until such an attitude is adopted, we cannot well gain the peace, or acquire the unity, or assure the goal Mr. Nixon set for his presidency: "The decent order that makes progress possible and our lives secure."

"The greatest honor history can bestow is the title of peacemaker," said the president.

The world needs a legion of peacemakers.

Mr. Nixon promised to do his share, to work to make peace welcome where it is unknown, to make it strong where it is fragile, to make it permanent where it is temporary. And to seek an "open world" in which no people live in "angry isolation."

A historic undertaking, calling for the best that is in the new administration, the best that is in the American people, the best that is in all mankind.

"For the first time," the President said, "because the people of the world want peace and the leaders of the world are afraid of war, the times are on the side of peace."

But the people of the world have always wanted peace. Only the leaders, fearless beyond their comprehension, have blundered into history's disastrous conflicts—leaders who shouted to bolster their out-size ambitions, whose bluster negated the learning which surely might have led to a world of satisfaction and amity, rather than frustration and strife.

God grant that it be true, as Mr. Nixon hopefully said, that these leaders, however motivated or however come to power, may now indeed be afraid of war. May they remain eternally so. And to that end let them be warned by Richard Nixon's companion promise: To keep the United States "so strong as need be for as long as need be."

In the message there also were promises to be applied within the nation: To press ahead in meeting urgent problems, to enlist the national energies not only in "grand" enterprises but more especially in the "small, splendid" efforts which are so important in resolving problems, as contrasted to proclaiming solutions.

Instead of exclusive government programs, Mr. Nixon promised to spread the work, to bring all people into common endeavor for national goals.

"The American dream does not come to those who fall asleep."

Goals are not charted, or usefully measured, amidst shouting and rock-throwing. They are not achieved in anger or by postures which deny persuasion. They are achieved by the decent order, by the talk which comes from thought and ideas, by toil and spirit.

"To lower our voices would be a simple thing."

The President has made a good beginning. Now it is up to the rest of us as well as he.

A REALISTIC TRADE POLICY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I should like to include in the RECORD a statement recently made by Merrill A. Watson entitled, "A Plea for a Realistic Trade Policy." This statement calls attention to the problem faced by the footwear industry in the United States. The footwear industry supports the orderly marketing approach to the import problem under which both domestic and foreign producers would share in the growth of the domestic market.

The statement follows:

A PLEA FOR A REALISTIC TRADE POLICY

(By Merrill A. Watson)

(NOTE.—The Secretary of State says it has been United States policy to lower barriers to international trade on a basis of reciprocity while Secretaries of Interior and Agriculture explain the need for quotas on textiles, oil, meat and dairy products, and another government agency denounces all quotas as placing a heavy burden on the little man. This is not a game of shuttlecock, merely the daily routine in the muddled import situation.

(In this exhaustive paper on Trade Policy, Merrill Watson follows the twisting road of the free traders in their efforts to implement their theories regardless of consequences to many industries.

(Watson resents the implication of free traders that concern over organized foreign competition is the mark of greed and anti-social tendencies. In this article he backs his argument with 126 quotations from men in business, government and the press. Nobody in the shoe, leather or allied trades should miss this enlightening analysis of the import problem.)

INTRODUCTION

In the year that has passed since the Kennedy Round was completed, trade policy has been aired at great length in legislative halls, in various committee hearings, and in the news media. A number of excellent papers on the direction of future trade policy expressing personalized points of view have been presented at hearings. With the deteriorating trade balance, the introduction of a

number of quota bills for industries most affected by imports, and more agricultural quotas, the alarm has been sounded in free-trade quarters that the "protectionists" are threatening to dismantle the entire trade liberalization achievement of the past 35 years. Extravagant generalizations on both sides of the debate raise a serious question as to whether it is possible to have a rational discussion of trade policy at the present time. Charges of "free trader" and "protectionist" are hurled back and forth, and "free trader" editors write on "The Protection Racket." [1] It is doubtful if the discussion on trade policy takes place in any other country in the world on such a naive level.

The freetraders, by using "protectionist" and "beggar-my-neighbor" slogans, have apparently done a better job in sticking pins into the opposition from a publicity point of view. "Protectionist" has a curious twist. It all depends on what kind of protection you are talking about. When news media announce that "major elements of President Johnson's consumer-protection program gained ground in Congress," [2] and Governor Rockefeller of New York announces a broad program of local, state and federal action to provide greater "protection" for consumers,[3] this kind of "protection" is heartily endorsed by many "free traders" who are all for automobile safety, fair packaging, truth in lending, and so on. But most consumers are workers and interested in jobs, and job protection may be important to workers who see their livelihood threatened by a flood of imported products.

Former Secretary of Commerce John T. Connor has suggested an armistice in the "free trader" and "protectionist" battle. He has said: "The terms free trader and protectionist don't tell the full story any more. They leave a gap in the philosophical spectrum of those engaged in international trade relations, far too complex and polarized today not to require at least one bridge between them. Furthermore, by now the terms are used so emotionally that it's difficult to be rational about them. The free trader extremists have made 'protectionist' into a dirty word, akin to 'profits.' It's so easy for critics of one side or another to take the easy way out, to hurl epithets and labels at those with whom they disagree, and to generalize in situations where facts differ widely. What about calling some of us who occupy a middle position by the name, 'conservationist'? A conservationist, as I see it, wants to conserve for the American people the wage levels to which they are accustomed. And the profit levels. And the high standards of investment and research and general working conditions.

"Today a conservationist doesn't want to *bar* imports, but wants to see them enter this country on an orderly, reasonable basis. He wants to avoid unreasonable disruption and hardship among domestic producers. In fact, a conservationist wants to see a continued liberalization of international trade, but on a truly reciprocal, orderly and fair basis." [4]

There are no signs at present that the "free traders" are willing to lay down their arms and abide by such a truce. With the competitive ammunition provided by practically all the economic textbooks and 35 years of trade liberalization under their belts, they apparently feel invincible. It is extremely doubtful if they will give the opposition the satisfaction of being called "conservationists."

EXAGGERATION BEGINS AT THE TOP

Administration officials have unquestionably led the way in castigating "protectionism" and "protectionists" and exaggerating the importance of foreign trade in the economy. Denouncing any appeal for help from imports as a return to Smoot-Hawley, warning about the dangers of retaliation from abroad if any protective action is taken, and inflating the probable results of the long, drawn-out Kennedy Round negotiations have not been conducive to rational discussion and understanding of the problem. Whether it is before the Joint Economic Committee, the Senate Finance Committee, the House Ways and Means Committee or the hearing of the Office of Special Representative for Trade Negotiations, Administration spokesmen tread wearily up to the Hill to repeat the same cliches. And other officials repeat them in public speeches. Secretary of State Rusk told the Senate Finance Committee: "For 33 years it has been the policy of the United States to lower, on the basis of reciprocity, barriers to international trade. This policy has served our nation well. It has contributed, I believe, especially since the Second World War, to the remarkable rise in our national prosperity and in the standard of living of our people." [5] He has been followed by the Secretaries of Commerce, Labor, Interior and Agriculture, who echo the same statements while, incidentally, explaining the need for textile, oil, meat and dairy quotas. It was unfortunate for Secretary of Agriculture Freeman that his protest against "protectionism" was followed by a press announcement the same day that President Johnson had ordered temporary quotas on imports of condensed and evaporated milk and cream on the recommendation of the Secretary of Agriculture.[6] And Special Trade Representative Roth performs his duty in denouncing all quotas as placing "a heavy burden upon households and upon all Americans whose incomes are low and fixed—notably our senior citizens." [7]

Later the distinguished Under Secretary of State Nicholas Katzenbach warned in a speech that "protectionist legislation now before the Congress would undo four years of hard negotiations for lower tariffs and reverse, in large part, 30 years of success in the nation's foreign trade policy." [8] And Mr. Roth continues his plea for the poor: "The cost of living would go up particularly for the poorest of our citizens." [9]

Is it any wonder, in the light of this hyperbole, that some businessmen spokesmen take the same line in arguing against import controls? Carl J. Gilbert, chairman of the executive committee of Gillette Company and chairman of the Committee for a National Trade Policy, testifying on the future of U.S. foreign trade policy, said: "Pointing the way to the long-range goal (freedom of international trade) in this vital area of both foreign and domestic policy is of great importance to all sectors of our highly productive economy and not just in terms of their stake in export expansion." [10]

In the light of this leadership in extravagant statements, it is hardly surprising that a group of prominent businessmen take full-page ads headed "The $30-billion Question" in New York and Washington newspapers implying that "protectionists" are at work in legislative halls to cut off all our exports. Probably the all-time high for exaggeration, however, appeared in a statement by the president of one of the nation's leading department stores that a protectionist policy could "seriously inhibit the economic growth and even the stability of the entire world." [11]

What is the importance of our foreign trade to the economy? What are the facts? Actually, the contribution of exports to our economy has changed little in the last 35 years. Exports have grown from $2 billion in 1934 when they were 3.2 percent of our gross national product to $30.9 billion in 1967, or 3.9 percent of GNP.[12] Of this total, $3.2 billion were exports on government account, leaving a total of $27.7 billion of commercial exports, or 3.5 percent of GNP. Imports have shown greater growth from $1.7 billion in 1934 when they were 2.6 percent of GNP to $26.8 billion in 1967, or 3.4 percent of GNP.[13]

In the last 10 years U.S. exports have expanded at the rate of $1.1 billion a year compared with an average expansion of $34.4 billion in GNP. There has been a slight upward trend in the relation of imports to GNP particularly in the last decade. At 3.4 percent of GNP, imports in 1967 reflected the highest ratio since 1934.

What has been the influence of tariff reductions on imports? Duties have been reduced by negotiation (and partly by rising prices) from an average of 47 percent in 1934 to about 11 percent at present and approximately 7.8 percent by 1972 when the reductions of the Kennedy Round will be complete. The percentage of imports entering free of duty to total imports declined from 61 percent in 1934 to 38 percent in 1967, while dollar volume increased about 10 times. The percentage of dutiable imports increased from 39 percent of total in 1934 to 62 percent in 1967, while dollar volume increased approximately 25 times. Dutiable imports increased $9.2 billion, or less than $1 billion a year, over the past decade, while GNP has increased $337.7 billion, or $33.7 billion a year. The dollar volume of dutiable imports exceeded duty-free imports for the first time in 1956 and increased over two and a half times since that year.[14]

There are many reasons for international trade. As Joan Robinson points out: "Nations, in various shapes and sizes, are formed by history and geography without any regard to economic conveniences. As population grows and tastes and technology change, the pattern of demand and supply of various goods and services in the trading world is constantly shifting; at any moment the inhabitants of one patch of the earth's surface find that their resources, natural or accumulated, their skills and inventiveness, their market connections and business acumen, make it easy to sell more to the rest than they need to buy from the while another is finding it very hard." [15]

Along with the many variables involved in calculating demand for the world's products, this adds up to the fact that no meaningful conclusion can be reached as to the influence of duty cuts on imports.[16] While dutiable imports almost doubled between 1960 and 1967, it is not inconceivable that they might have increased 50 percent or about the same amount as duty-free imports, and perhaps more if there had been no change in duties.

It has been estimated that an increase of one percent in the annual U.S. growth rate would add approximately $50 billion a year to GNP. It would seem that some of the energy devoted to inflating the importance of the trade problem could better be devoted to discussions of policies for growth.

With all the emphasis and exaggeration in Administration circles on an average gain of a billion dollars a year in trade, it is surprising indeed to see the lack of concern, except among monetary specialists and America's international companies, over investment controls which may have a substantially greater impact on trade.

Sales of American-owned manufacturing affiliates were in the neighborhood of $50 billion in 1967 or about two and a half times U.S. exports of manufactured goods.[17] At the Senate hearings on gold cover removal, discussion indicates sales from all U.S. activities abroad might reach $165 billion a year with an annual return of possibly 10 percent, possibly two thirds of which is reinvested abroad and one third returned here.[18] It was recognized there was a possibility of substantial error in these estimates. And sales to these American corporations abroad account for about 25 percent of our U.S. exports.

In the light of this huge and growing stake in other countries, is it any wonder that Professor Haberler used such terms as "absolutely shocking" and "simply horrible" in

Footnotes at end of article.

describing U.S. investment controls? And he concludes, "So, in the medium run the program will reduce some of our exports and in the long run it will cut into investment income. Hence, the program will be counterproductive in the long run even in narrow balance of payments terms." [19]

Over half of the 166 senior international executives involved managing international business who participated in the National Industrial Conference Board's survey of corporate practices identified this program as a major problem for their companies. The majority of those so reporting were highly critical of the control program not only because of its burdens on them but also because they believed it would harm rather than help the balance of payments.[20]

And yet little has been said about this phase of our trade problem as compared with the volumes accumulating on trade as the exchange of goods.

WHO SHOULD RETALIATE?

Accompanying the crescendo of exaggeration on the importance of trade in our economy have been dire warnings of the consequences of any attempt to protect our markets against low wage competition from abroad. Even mild protection, we are told, would be met by retaliation abroad on a massive scale. Secretary of State Rusk said: "This means, purely and simply, that foreign countries will retaliate against quota restrictions in the United States. . . . World trade would shrink to insignificant levels if each country were free to go back on its word with impunity. This, too, is not theoretical. We know what happened in the 1930's when each country tried to export unemployment by insulating itself from the world economy behind high tariffs.[21] The direction of the retaliation to which our own exports would be subjected is, moreover, something over which we have no control. Other countries could pick and choose the section of American exports to restrict." [22] Under Secretary of State Katzenbach warns that "any such legislation (on our part—protectionist) would result in a spiral of retaliation by others. . . . The United States has already been formally put on notice by some 40 countries that they strongly oppose the proposed legislation." [23]

And Ambassador Roth told the House Ways and Means Committee: "The imposition of protectionist quotas, or increased tariffs in breach of our commitments, would be met by heavy retaliation against our exports. In 1962 when the United States, by escape-clause action, impaired the value of its tariff concessions on carpets and glass, the European Common Market immediately withdrew concessions of value to us. They didn't negotiate—they acted. And they acted on items designed to hurt our trade. . . . Later, when the Common Market denied access to our chickens we acted in the same way—with a sharp increase in our tariffs against Volkswagen trucks, starches, and French cognac. If any of the more important quota bills before you should pass, there isn't the slightest doubt that the retaliation that will follow will, of a necessity, be massive." [24]

And the *Wall Street Journal* joins the chorus: "Among nations, as among little boys, there is a tendency to strike back when someone hits you. If history is any guide, then new U.S. imports curbs will quickly bring retaliation abroad, further crimping America's foreign sales." [25]

It is true that raising tariffs on carpets and rugs some time ago brought certain restrictions against what was reported to be an equivalent volume of U.S. exports. This, however, was little more than shadowboxing as far as the effects on total trade are concerned.

Now, if there is any justification for retaliation it lies with the United States which has, in many cases, ignored reciprocity and led the parade toward trade liberalization. As Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, has said, "The other path (freeing trade) is the one we are committed to follow—by our own example—not to compound what other nations have done to restrict trade." [26]

What have these nations done as the United States has turned the other cheek? The president of Mexico visits the United States and warns a joint session of Congress against American "protectionism." While Mexico has some of the highest duties in the world on certain products, embargos others and licenses still others, she enjoys the benefits of GATT without the responsibilities of membership.

Japan sent a delegation to protest the rise of protectionism in the United States.[27] Yet, the Japanese philosophy in trade is summarized very well by Japanese industrialist Yosomatsu Natsuabara, who said: "Chaos would reign in Japan if U.S. industries are allowed to enter our country unhampered by tariffs. Our smaller businesses would be ruined by the thousands." [28]

In Japan all products are subject to licensing. There may be several lists of products, one of which may consist of articles subject to open general licensing with no specific prior import license required. Another may be of restricted products with importation subject to specific license. The government may at any time transfer products from the general license to specific license category without consultation with other countries that might be concerned. Japan continues to exclude many U.S. products through these licensing and import quota arrangements.[28a]

Ken O'Kubo, president of Mitsubishi industries, gives the reason why extensive negotiations have been necessary to persuade the Japanese to ease quotas and restrictions to give the American automobile industry a foothold in Japan which exported 362,245 motor vehicles in 1967 while importing a minuscule 14,886. He said: "The Japanese distribution system would be plunged into serious confusion by an invasion of American capital goods if we did not limit American investment in Japan." [28b] While agreeing to remove restrictions on imports of engines and parts in 1972 and expanding quotas somewhat on vehicles, U.S. ownership will be permitted only up to 50 percent of total, and that will be considered on a case-by-case basis. And the Japanese government must give prior approval to any joint venture and maintain some control over it.[29] No wonder the Japanese Economic Planning Agency forecast Japan export trade in 1985 would reach eight percent of the world market as compared with a current 5.5 percent.

While many quotas on industrial goods have been removed by our Western trading partners, there still are import quotas, exchange restrictions, import licenses, excessive or unreasonable documentation requirements, labeling, packaging regulations, and arbitrary technical standards—all barriers to trade. "Among the less developed countries, such restrictions are almost a standard part of their development programs." [30] Here are a few examples of items under restriction. Belgium imposes a quota on coal, and the United Kingdom virtually prohibits all coal imports. France maintains licensing restrictions on certain electronic equipment. In Italy, licenses are required for imports of citric acid, crude calcium citrate and essential lemon oil; quotas apply to tetraethyl lead and anti-knock preparations; and imports of elemental sulphur are prohibited. Austria limits imports of penicillin and other antibiotics. Canada prohibits the importation of used aircraft and used automobiles.[31]

Agricultural protectionism in Europe is extensive and covers virtually all major commodities in all countries. It consists of a large variety of trade controls, including internal price supports, traditional import restrictions, customs duties, quantitative restrictions, as well as newer devices such as minimum prices, variable levies, import calendars, conditional imports, mixing regulation, state trading, equalization taxes on imports, and preferential trading systems, all dedicated to the goal of self-sufficiency and raising farm income which in Europe is about one half of nonfarm income.[32] Moreover, countries with export surpluses have adopted numerous measures to facilitate sales, including direct export subsidies, transport subsidies, special tax exemptions, price equalization arrangements, and other measures. Export rebates of the American market countries may amount to 15 percent to 16 percent.[33]

The United Kingdom (the home of free trade prior to 1932) restricts imports of orange and grapefruit juices and canned grapefruit from the United States through dollar quotas even though these restrictions are not sanctioned by GATT. We continue to ask that they be removed. Sweden and Denmark restrict imports of apples and pears; Finland, dried peas and soy beans; Norway, honey, apples and pears and canned fruit; Austria, poultry; Sweden, meat and edible offal. Then there is the state trading found in both agriculture and industrial products. Japan, France and Italy have state trading in cigarettes; France also in coal, petroleum, paper and newsprint; Norway, Sweden, and Finland in alcoholic beverages; and so on.[34]

The European Economic Community has concentrated on domestic price supports, protection against competitive imports, and, where the necessary, export subsidies. These apply to 85 percent or more of the EEC production.[35] The variable levy system creates a major problem for U.S. agricultural exports, a third of which go to the EEC. This system permits imports only when domestic producers cannot supply all the domestic needs at a predetermined price and insulates much of the Common Market agriculture from competition.[36]

In August, 1962, the EEC imposed variable levies on poultry which almost tripled the previous level of protection. This brought about a sharp reduction in the shipments of U.S. poultry to the Common Market, and today they are less than half what they were at that time. Poultry production in the EEC has increased and has brought about pressures to export. Subsidized sales of poultry from EEC to other European countries has cut the United States market even further.[37]

Even before the Kennedy Round could be analyzed the EEC established an export subsidy on canned hams amounting to about 25 cents per pound in the face of an agreement with the United States not to increase the minimal import duty of three cents a pound.[38]

Assistant trade representative Harold Malmgren pointed out what we are up against in working with the EEC in a recent speech: "In Europe, for example, the Common Market has increasingly focused its energies on the situation of internal problems, while foreign interests have been pushed lower down in the order of political and economic priorities. The consequence has been sharply increasing protection against foreign agricultural products. . . . The system has become a bureaucratic nightmare, with regulation piled upon regulation. Amendments follow one another with such rapidity that few policy people can follow these controls. . . . The Common Market Commission has recently proposed new regulations for the importation of canned fruit and vegetables. . . . If adopted, these regulations would further restrict our access to the EEC Market and would impair rights we obtained in past negotiations." [39]

And the report of the Subcommittee on Foreign Economic Policy of the Joint Economic Committee comments: "The European

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Common Market practices of rebating their own indirect taxes on their exports and buoying these same taxes on imports—a practice sanctioned, incidentally, by the rules of GATT—constitutes a conspicuous form of discrimination against U.S. exports." [42]

Professor Baldwin of the University of Wisconson told the same subcommittee that while the United States has certain barriers in textiles, oil, and certain agricultural products "most of our barriers are represented by clear-cut laws and well-known public regulations. In many foreign countries, on the other hand, informal administrative devices are used to thwart the attempts of U.S. businessmen to sell abroad." [43]

And speaking of restrictions on U.S. exports, it is worth noting that many European countries, while granting trade concessions to the United States by various devices such as import licenses or informal quotas, do not accord other nations, principally Japan, the full benefit of these concessions. Our concessions go automatically to all nations, including Japan; theirs do not. Thus, our industries are subject to increased import competition from Japan. Those interested in the detailed restrictions around the world on U.S. exports should examine the "Preliminary Inventory of Nontariff Trade Barriers by Country" placed in the Congressional Record by Senator Muskie (D., Maine) on March 7, 1968, and a similar report placed in the records of the Ways and Means Committee hearings on trade on June 26, 1968, by Congressman John Dent (D., Pa.).

It is clear that other nations give little thought to retaliation by the United States when taking steps in the interest of their own domestic industries and agriculture. All these expressions of fear of retaliation made by U.S. officials must convince other nations we are a paper tiger, afraid of our own shadow. In the final analysis, trade is determined by economics not politics. In most cases, except for the EEC where it could come from the bloc, retaliation must come from an individual country on a country-by-country basis, and each country, as well as the EEC, has something to gain from maintaining trading relations with the United States. We see other countries provide an effective degree of protection for their domestic agriculture and industry. There are a few cases which bear out the retaliation warnings, but the total effect on our trade has been insignificant compared to the effect of the action by other nations on our export trade. Furthermore, there was no action taken by them with the passage of the 1964 meat import law, nor after the curtailment of dairy imports.

In the light of all the hypocrisy that has attended the discussions of trade and the threats of retaliation, it was like a breath of fresh air when the French representative at the New Delhi conference, after listening to a number of Western European nations brag about their outstanding records in liberalizing trade and implying that criticism from the poorer countries could not possibly be leveled at them, said: "I have heard such speeches for the last 20 years until I know them by heart. In the post-war days it was the contrast between the economies of Western Europe and the United States. Today it is the developing nation and developed countries. The fact of the matter is that where there is a clear difference in economic levels between countries, exchanges between these countries cannot be governed by the principles of economic liberalization. Force of conviction among the developing countries is robbing them of their reality." [43] The French have always been known as realists.

EXAGGERATION ON THE KENNEDY ROUND

Similar exaggeration works its way through propaganda on the accomplishments of the Kennedy Round. In his message to Congress on the proposed Trade Expansion Act of 1968, President Johnson said: "When I reported to the Congress last November on the Kennedy Round, I said it would mean new factories, more jobs, lower prices to families, and higher incomes for American workers and for our trading partners throughout the world." [43a]

An official Commerce statement on the "historic Kennedy Round" without further information would lead to a very inflated idea of its importance to the United States: "Tariff concessions were granted on an estimated $40-billion worth of free world trade—concessions greater than those made in the five previous negotiating rounds combined." [43]

Senator Jacob Javits (R., N.Y.) at a hearing on the future of U.S. foreign trade policy congratulated Ambassador Roth and his staff for his "extraordinarily gifted service which was shown in this case (the Kennedy Round) which is so critically important to the security and prosperity of our nation." [44] And commenting on this and other things: "I especially regret that the report ('The Future of U.S. Foreign Trade Policy') fails to give adequate recognition to the brilliant success of the Kennedy Round of trade negotiation." [45] Acting Secretary of Commerce McQuade said: "I think given the aggressive and imaginative character of U.S. businessmen that it will open up great new opportunities for them in the international market." [46] A leading businessman pointed out: "Great accomplishment has come from these five years of tough negotiations (the Kennedy Round) in freeing up large parts of the international trade of the world's most important industrial trading nation." [47] Secretary Rusk indicates the Kennedy Round was our most successful tariff-cutting venture: "In Western Europe the economic miracle of recovery from World War II in less than a decade and the unprecedented levels of prosperity which have followed would not have occurred—at least not so rapidly—had it not been for two decisions: first, the decision at our urging to break down intra-European barriers; then the agreement to join with us in successive multilateral, reciprocal reductions of trade barriers. The most successful phase of this cooperative venture was the conclusion of the Kennedy Round negotiations last year." [48]

Are these statements reasonable? Dr. Howard Piquet, senior specialist in the Library of Congress, has estimated that the tariff reductions granted by the United States in the Kennedy Round might result in increasing U.S. imports by anywhere from 350 million to 700 million. The average percentage point reduction authorized was calculated at six points or less than half that of the 1945 act and less than a third of that from the 1934 act.[49]

This is not far from the estimate by David Rockefeller, president of the Chase Manhattan Bank, that "A good guess might be that as a direct result of the Kennedy Round U.S. exports and imports will rise by around five percent, with the gain spread over a period of five years or more. This relatively modest percentage translates into an increase of close to $3 billion in total U.S. foreign trade. So you can readily see what it could bring in terms of export opportunities as well as somewhat stiffer import competition." [50]

Surely a rise of one percent, or approximately $300 million, a year in exports (and present indications are it may not be this much) and the same rise or, as it seems at present, more in imports is a small return on the investment in the Trade Expansion Act and five years of struggle. As noted economist Oscar Gass in a brilliant article in the *New Republic* asked in 1962, "Is the economic gain to the American economy, from the further lowering of customs duties, likely to be large? This may be questioned." [51]

It is not surprising that Professor Cooper of Yale commented on this point at the Congressional hearing on the future of U.S. foreign trade policy: "It is true that tariff cuts amounted to something like 30 percent on $15-$16 billion of U.S. trade (taking imports, and exports together and agricultural as well as industrial goods). But these tariff cuts are to be spread over four years, and they stem from negotiations which took nearly five years. If allowance is made for the very long time over which these cuts should be averaged, the Kennedy Round was only about 45 percent better than the Dillon Round, which was widely regarded as amounting to next to nothing. Moreover, some of the cuts in the Kennedy Round do much less in the way of reducing protection than they appear to, since, at least in the textile and metals industries, tariffs on raw materials were often reduced substantially more than tariffs on fabricated products." [52] Searching for something to which to attach praise, Professor Cooper said: "To focus on these blemishes, however, would be to do the Kennedy Round an injustice. The number of commodities covered was far greater than in the Dillon Round. Moreover, the Kennedy Round preserved the forward momentum of trade liberalization." [53] This same thought—that the United States was lucky to complete the Round—was echoed by Ambassador Roth when he said: "I think many of us who worked in this have felt that one of the great advantages of a successful Kennedy Round was that we averted some thing quite terrible—that is, of a failure. If there had been a failure, I feel—and I think all of us who worked in this felt—that it would have set back the growth of a liberal world trade policy many years . . . and therefore we are grateful that it was, in the final analysis, possible to put such an agreement together." [54] In other words, completion of the Round, regardless of concessions, was in itself a victory.

WHY ALL THE ALARMS?

Have we completely lost perspective on this trade question? Is this exaggeration of the importance of trade, the threats of retaliation, and the inflated estimates of Kennedy Round results necessary or even justified? As Gass said six years ago, "Nobody is suggesting that international trade be reduced in any drastic way." [55] As we have seen, our exports and dutiable imports have grown by a billion dollars a year, more or less, over the last decade. If exports had increased 50 percent more, would this gain of even a half billion dollars a year in trade, or about one fifteenth of one percent of GNP, justify all of this hyperbole? Would it add moderately to our standard of living, reduce inflation, or help the old folks to any important degree? It seems doubtful. At present it seems more likely that the protectionist policies of other countries and the increasing cost of American merchandise will hold the gain to something less than this amount. As Gass asked, "Is this the bold new road to the future of the American economy?" [56]

And what about imports? How much more would they have grown if all imports were duty free? The Piquet estimates given earlier would seem to bear out the prophetic comments of Gass in his analysis of the Trade Expansion Act of 1962: "The potential economic gain to the United States from further trade liberalization is the smaller because we already admit either duty-free or with very low duties many items in which foreign production costs are greatly lower than ours." [56a]

It is necessary to sound all these alarms to scare away the "protectionist" threat. The "protectionist" movement has been blown up out of all proportions by the "free traders." As Edwin L. Dale, economic writer for the New York Times, points out: "The supposed rise in protectionist sentiment in Congress is not quite what it seems. . . . It does not mean a complete turning back on

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the merits of freer international trade. . . . American industry and agriculture along with Congress have discovered the device of the quotas as a means of keeping import competition within limits. The quota as now used is a device to limit imports to a share—often a fairly generous share—of the growing internal market." And again: "The bills in Congress almost all involving quotas reflect a little-realized fact that some important industries which have managed to raise the loudest protest have already won protection through quotas without any collapse of American trade policy. . . . Technically it is true that the bills would affect $6.4 billion of imports and subject U.S. exports to retaliation in the same amount. But most of the bills would reduce imports little, if at all. Primarily they would control future import growth in the affected products." [57]

NATIONAL GOALS AND TRADE POLICY

One of the oldest and most responsible groups propagandizing for free trade is the Committee for a National Trade Policy. In testimony before the House Ways and Means Committee June 11, 1968, the chairman dealt in sweeping generalizations on how free-trade policy serves the national interest and, using the domino theory, how any deviation from it could easily bring us to a controlled economy and even undermine American prosperity. The chairman said: "The committee's goal has always been a national trade policy best suited to serve the total national interest of the United States. We believe that the trade policy essential to this objective is one that fosters the consistent, gradual elimination of artificial barriers to international trade on a reciprocal, multilateral basis. . . . Our committee has always opposed import control legislation, because such statutes would impair the national interest. Once the United States starts a pattern of import quotas, allocating a fixed percentage of the U.S. market to American producers and the balance to foreign suppliers, we will find ourselves opening a Pandora's box of governmental controls. A protected market inevitably leads to a spiral of price increases, and this in turn will certainly lead to a popular clamor—and a justifiable one—for price controls. We could expect to see a wide range of government intervention in the U.S. economy such as we have never experienced except in war time, and one which could totally distort the competitive economy which has made America prosperous." [58]

This reminds one of the story of the man on the train who refused to tell his seat companion the time of day on the theory it might lead to conversation, which might lead to an invitation to dinner, to marriage with his daughter, divorce, and all sorts of dire consequences!

The committee raises an important question: What is a national trade policy best suited to the "total national interest" of the country? Is it a free trade policy? Perhaps and perhaps not. Our "total national interest" may well be somewhat different from what it was 35 years ago when it was expressed in the 1934 reciprocal trade program.

In 1946 Congress passed the Employment Act, which charged the Federal Government with the responsibility to promote "maximum employment, production and purchasing power." [59] Does the national trade policy of the committee (a free-trade policy) serve the national interest of the Employment Act? Officials have been emphasizing, or perhaps overemphasizing, for a long time, and particularly since the struggle over the TEA of 1962, the amount of employment provided by export trade. The same exaggeration persists with the present Administration: "Our exports are benefiting a lot of people in export-related industries. I'm thinking now about the thousands of workers and businessmen in such enterprises as handling, transporting, warehousing, processing, packaging, freight forwarding, insuring, financing, and many others. For these people, expanding exports bring assurance of continued jobs and profits." [60]

Oscar Gass commented in his *New Republic* article on the tendency to inflate the employment demand from exports: "During the Eisenhower Administration, it was common for official statements to say that exports were responsible for four million American jobs. On exuberant days, the figure was five million." [61] He asked, "Will it be easier for the United States to maintain full employment in an economy in which international trade is more important? The contrary seems likely." [62]

Gass pointed out that emphasis on the employment contribution of foreign trade is to "let a very small tail wag a very big dog. . . . In the United States we have *every year* far greater cumulative additions to our labor supply than we could conceivably get *even once* from Trade Liberalization. . . . We have done a poor job of employing this growing labor power. There is no reason to believe we would do much better with the relatively small net increment of unemployed hands earned from more international trade. Indeed, because of the probable concentration of the unemployment profit from more international trading in some industries and regions, we might do worse than generally." [63]

Even if the enthusiasm and hyperbole of all the special interests appearing at the hearings before the General Subcommittee on Labor of the Committee on Education and Labor of the House on the impact of imports on American industry and employment is wrung out, the statements of members of Congress and dozens of industry representatives suggest that there is a serious question as to whether the full-employment policy is being bolstered by present trade policy or is being further burdened." [64]

What about the national interest as expressed in our agricultural policies? Whether one agrees with or condemns them, these policies represent the will of Congress, and certainly congressional "national interest" in improving farm income and the economic welfare of farmers. Price supports, reserve stocks, acreage controls, soil bank, the agricultural trade and development and assistance act of 1954, farm subsidies, and parity concepts are part of our national agricultural interest. [65]

The basic conflict between the goal of the Committee for a National Trade Policy and our agricultural policy becomes clear when Secretary Freeman testified that "we had to invoke Section 22 (Agricultural Adjustment Act of 1933) action last year to protect our dairymen from imports that would undermine price support or other Department of Agriculture programs." Freeman also said: "The meat import law of 1964 . . . sets a target which imports cannot exceed in any year without 'triggering' quotas. If quotas are ever imposed—and they haven't been yet—they will hold imports to a level based on average imports in the 1959–63 period, adjusted to take account of the change in U.S. production. . . . We are sympathetic with the problem of the beef-exporting countries, but they must look for help, not to us, but to the countries that created the problem." [66]

Just recently State Department officials saved the Administration the embarrassment of establishing meat quotas under this act by working out voluntary arrangements with several countries to control meat exports to the United States.

The Secretary also pointed out that quotas on evaporated milk and cream were invoked to protect U.S. agricultural support prices and tariff investigations were underway to determine if quotas should be placed on other dairy products. [67] On September 25, 1968, it was announced that Secretary Freeman had requested and the President had acted to place temporary quotas on most low-priced foreign cheeses which come chiefly from Denmark, Finland, West Germany and Austria. Imports had surged since the President had requested the Tariff Commission to investigate the need for such quotas. The story quoted Agriculture Department officials as saying "You can't tell the importers from the exporters any more. . . . Some (former importer nations) are subsidizing domestic butter production at 85 cents a pound and selling it for 10 cents." Low-price imports place heavy burdens on the dairy-support programs, and these quotas will undoubtedly be made permanent when the tariff investigations are completed. [67a]

Secretary Freeman summarizes the situation in agricultural trade as follows: "Export subsidies as used by some foreign countries have given us serious problems recently, both in our own market and in markets abroad. The United States took selective action this spring when subsidized canned tomato products began to come into our market from the European community. The U.S. Treasury Department, after investigation, announced that beginning June 1, 1968, it would apply countervailing duties against such imports. The countervailing duty, of course, protects our producers by offsetting the artificially low prices of the subsidized products. We are also concerned about the way subsidized products are taking away traditional foreign markets for farmers. The EEC is using subsidies, or contemplating their use, for just about every product the area exports: grain, flour, dairy products, meat, poultry, lard and others. But the Community isn't alone. Denmark, for example, subsidizes exports of poultry and dairy products. Australia subsidizes shipments of canned fruit, and so it goes." [68]

Many, of course, will contend that our present farm policies do not promote the "national interest" in agriculture. And it may be, as one expert has suggested, that the protectionist features of our farm programs have stimulated protection features in other countries, although it is doubtful if the governments of the mixed economics of Western European countries need instruction from us on how to control their economics. [69] In any event, the point here is that in the light of agricultural programs abroad and our own extensive farm programs, it seems doubtful if further liberalization of U.S. markets for agricultural products as advocated by the Committee for a National Trade Policy is in the "national interest" at the present time.

The oil industry offers another example of where the committee's philosophy may not coincide with national interest: "Because the free competitive market has been unable to perform its primary function of husbanding existing oil reserves, public policy has agreed on the desirability of a conservation policy and the domestic crude oil industry operates under both federal and state control. Some of the strongest advocates of free competitive markets agree that some policy of conservation is desirable." [70]

As J. P. Young has said: "Nations, moreover, are at times more interested in maintaining their 'way of life' and accomplishing certain domestic objectives, such as protection against the spiral of a depression originating abroad, or developing national industries, than in extending trade. International trade in such cases may be sacrificed to national ends." [71] And our "national interest," as expressed by congressmen in industrial and agriculture legislation, calls for greater emphasis on the promotion of domestic growth, employment and farm income than on action to increase our foreign trade by a few hundred million dollars a year. There is serious doubt in certain quarters than the "free-trade" goal of the Committee for a National Trade Policy, at least

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without some important modifications, is in the "national interest" today.

THE ECONOMIC BACKGROUND FOR FREE TRADE

There is little doubt that the views of the Committee for a National Trade Policy on a proper trade policy are supported by every economic textbook in the country. All of them espouse the doctrine of free trade and the principle of comparative advantage. While we are admiring this glittering edifice and the list of distinguished economists that built it, we should remind ourselves it has concealed architectural flaws and the roof leaks frequently in a storm.

Professor Clare Griffin states the theory in modern fashion: "If a country is blessed with advantages, it always has greater advantage in some lines than in others. It will, therefore, gain most if it devotes its efforts to the things it can do best and exchanges the products of their efforts for things in which its advantage is least." [72]

At the outset, it is important to remember Keynes's comment on economic theory. He points out: "Our criticism of the accepted classical theory of economics has consisted not so much in finding logical flaws in its analysis as in pointing out that the tacit assumptions are seldom or never satisfied, with the result that it cannot solve the economic problems of the actual world." [73]

It is well to recall the development of the theory of free trade and the many assumptions involved in its construction. Disregarding the work of the physiocrats, Adam Smith provided the foundation for free-trade theory. Smith was revolting against the restrictions of mercantilism. He saw free competition as the great force which would increase the output of goods and extend the division of labor to free trade throughout the world. Smith abhorred mercantilistic controls. To him, the least government was the best government. This was the broad political overtone to trade policy.

As Joan Robinson points out: "Free trade had all along been the central doctrine of political economy—for the neoclassicals a belief in free trade became the very hallmark of an economist: protectionsts belonged to the lesser breed without the law. The case for free trade was basically the same as the general case for the individualistic pursuit of profit, though, starting from Ricardo's theory of comparative cost, it was dressed up in a different form. It exhibited an equilibrium position in which competition leads to the maximum utility in the world as a whole being produced from given resources." [74]

But the laissez-faire economists had something other than trade theory in mind. Joan Robinson summarizes it very well: "The hard-headed classicals made no bones about it. They were arguing against the narrow nationalism of mercantilists in favor of the more far-sighted policy, but they were in favor of free trade because it was good for Great Britain, not because it was good for the world." [75] And again: In "the pre-1941 world, Great Britain had everything to gain from other nations adopting free trade and very little to lose from maintaining it herself." [76] The concept of free trade "as Marshall shrewdly observed, was really a projection of British national interests." [77] Perhaps the 1934 reversal of U.S. trade policy was to some extent dictated by the belief that freer trade would be good for a younger and more virile U.S. economy.

In order to prove that what was good for Great Britain—a manufacturing economy—was also good for other nations, the early economists set up a model with assumptions of perfect competition, full employment and the resources of each country in static condition—all of this, as Keynes has pointed out, with little relation to actual conditions. The scope of these assumptions has been set forth by a group of distinguished economists. While endorsing the ideal of universal free trade, they point out: "Free trade was never supposed to operate in a vacuum, but only within the context of certain conditions. These are, first, that there will be no quantitative restrictions of trade. . . . Secondly . . . that full and complete convertibility of currencies prevail, i.e., that the free trade area in question constitutes, in effect, one homogeneous payment community. . . . Thirdly . . . that no special advantages are reserved to one country in virtue of its tax structure, the subsidies it pays to its domestic producers, or the domestic monopolies and cartels its laws may permit to exist. . . . Fourth . . . that the ratio of money wage increases to productivity increases be approximately uniform in the free trade area. . . . Fifth . . . that the participating countries are all following roughly parallel fiscal and monetary policies. . . . Other characteristics . . . would be the absence of barriers to the free flow of labor and capital across national borders and security for capital investments against nationalization without just compensation." [78]

By the early thirties the impact of the Great Depression on Great Britain, as well as on other countries, was bringing about a serious examination of laissez-faire economic principles. As Joan Robinson points out: "The doctrine that, at least from a patriotic point of view, it was desirable to preach when England was the greatest exporting nation made precious little sense at any level in the 1930's. . . ." [79] The hangover from pre-war confidence in the doctrine only gave way when unemployment and the chronic weakness of the British balance of trade were so much exaggerated by the world slump as to force even economists to notice that something had changed." [80] The result was a commitment by this home of free-trade doctrine to a program of modest protection.[81]

Another shock to "free traders" came in 1936 when Keynes, in "The General Theory of Employment, Interest and Money," agreed that the mercantilists were not completely wrong and that protection which curtails imports may be necessary to build employment at home.[82]

In all fairness, it must be pointed out that Keynes warned against overdoing it on protection: "It does not follow from this that the maximum degree of restriction of imports will promote the maximum favorable balance of trade. . . . There are strong presumptions of a general character against trade restrictions unless they can be justified on special grounds (presumably these mean employment). The advantages of the international division of labour are real and substantial, even though the classical school greatly overstressed them." He goes on to caution a policy of great moderation on trade restriction: "The fact that the advantage which our own country gains from a favorable balance is liable to evolve an equal disadvantage to save other countries (a point to which the mercantilists were fully alive) means not only that great moderation is necessary . . . but also that an immoderate policy may lead to senseless international competition for a favorable balance which injures all alike." [83]

Keynesian thinking was responsible for a few holes in the roof of the GATT structure. Joan Robinson concludes: "The Keynesian revolution broke through the pretended internationalism of free trade doctrine and helped to introduce a genuine internationalism into our thinking. The post-war international agreements, though strongly influenced by free trade ideals, left escape clauses for countries suffering from balance of payments difficulties, and for underdeveloped countries; and they permitted home employment policy to take precedence over international obligation. In principle, though very little has been done about it, regulation of trade in primary commodities is accepted as an objective of policy (though the free trade fanatics still decry it) and when our own balance of payments improves by impoverishing primary producers, at least we recognize that it is nothing to be proud of. This awareness of the variety of problems that face other nations, and the abandonment of the pseudo-universalist free-trade doctrine, is a great advance in enlightment." [84]

And as Joan Robinson points out, things have now come to the point in Great Britain where "Lancashire now has to be defended against cheap textiles from countries whose indigenous industries she was once encouraged to ruin in the name of free trade." [85] And more trade restrictions may be ahead. Following the last devaluation, the National Institute for Economic and Social Research in Great Britain urged that the government "plan now for possible import restrictions in case improvements in the balance of payments take longer than expected." [86]

The conflicts of the doctrine of comparative advantages in today's "dynamic mixed economies" have rarely been better stated than by Robert Schwenger:

"Competition within a modern industrial country, while a driving force, does not do all aspects of the job it is traditionally supposed to: it is not relied on as a general equilibrating mechanism for the national economy as a whole. It is supplemented by direct government action in many sectors of the market economy such as those determining form prices, oligopoly prices, investment, savings and wages. The theory of international trade has not found a way to live with this fact. . . .

"But the free flow of trade among national economies can do only part of the job. Alone, it is not adequate, in the modern industrial world, for pursuing even the economic objective of maximizing the community's total income by allocating productive resources to the most efficient use.

"There would also have to be enough free competition within the several national economies to bring about a strong tendency toward general economic equilibrium. Such equilibrating domestic competition is part of the model from which economists reasoned out the neoclassical theory of international trade, including the doctrine of comparative advantage which is so frequently mentioned as a guide in the conduct of United States trade policy. The theory has advanced greatly in sophistication over the years, but the main policy conclusions drawn from it have not yet been demonstrated to be valid except for a relatively simple, static model where competition free of government intervention does the economic determining within the individual countries.

"The theory conveyed highly relevant and practical insight for members of the vigorous, competitive commercial-financial community of early nineteenth century England with its small, technologically, relatively simple industries, its mercantilist-protectionist foreign trade barriers, and its unchallenged economic nationalism. The theory again gave valuable insight for the industrial world in the throwback of the inter-war depression with disintegration of internal economic organization and suicidal, isolationist trade intervention by every government. At that time, the genius of the trade agreements program for the reciprocal reduction of trade barriers lay in its blending of this theory-of-international-trade approach with an international peace objective. As a result, many leaders of opinion came to associate the freeing of trade with emergency from the traumatic experience of the depression; this association, taken together with the traditional success of free trade during the rise of Victorian England to wealth and power,

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has surrounded free-trade theory with an aura of proven validity and even, for some, of moral imperative.

"Meanwhile, the economic world has changed and the theory has become archaic. The model whose main elements were selected for relevance to the intuitively perceived need of early nineteenth-century England yields many conclusions and insights that are irrelevant and backward looking in today's industrial world." [87]

As Professor Samuelson, one of the high priests of free trade, said, while warning against disregarding the doctrine of comparative cost: "If theories, like girls, could win beauty contests, comparative advantage would certainly rate high in that it is an elegantly logical structure. An oversimplified one, as far as our rushing out to make immediate applications to real life is concerned." [88] We can agree with him on both counts.

A good way to summarize this discussion of free-trade theory was suggested by Hans-Gunther Sohl, president of August Thyssen-Hutte, A.G., of Germany, in a speech to the American steel industry. He said: "To set free trade as a goal by no means suggests that we should ride the principle to death. There will always be special situations in particular countries when internal economic difficulties conflict with the target of free trade. I think it would be unfair and, I think, also unwise to leave a country in that situation unaided in the search for a solution of its problems." [89]

A NEW DIALOG NEEDED

All this adds up to the fact that we are desperately in need of a new dialog on trade. Senator McCarthy's comment on Administration statements on other matters is appropriate to the trade discussion: "It is time to have done with the language of excess, of exaggeration." [90] We have had enough hyperbole on the importance of foreign trade in our economy, on the success of the Kennedy Round, and enough warnings about retaliations if we make the slightest move in the direction of protecting domestic industry. And we have had sufficient exaggeration from industry on the impact of imports while enjoying good production and profits. With the trade policy hearings of the Joint Economic Committee, the Senate Finance Committee, the House Ways and Means Committee, and the President's special representative on trade, we have had enough airing of the "free trade" and "protectionist' points of view. The hearings have amassed a wealth of data on industry competitive relationships here and abroad and have produced some excellent theory papers which paint with a broad brush the goals to be sought on trade policy. It is time now to get down to specific cases on an industry-by-industry basis and decide what shall be done.

Dale points out one of the reasons why this is so difficult: "There is also a view that the State Department is so free-trade minded that it will not even listen to reasonable arguments on import problems. [91]

And Senator Long has pointed out another: "If the Executive branch would stop bombarding us with scarecrows and sit down with us to discuss particular industry problems and their solutions, then we could have a fruitful legislative year. At the moment, they are even quoting from Sacred Scripture to justify their views. If this continues, we will have to invoke the help of the Lord to guard us against his overzealous children." [92]

Let us agree there are basic elements of truth on both sides of the trade question. Let us agree that trade liberalization begun in 1934 was a good thing, both economically and politically, for this country and for the world. With our relatively young and vigorous industrial economy, it was to our own interest, as it was to Britain's, to encourage freer trade; furthermore, that it is a long-run ideal toward which we may work our way on the theory that "in a generally prosperous world, we are likely to do better than in a miserable one." [93] We can find a general area of agreement on this in spite of the fact that we may have to make some detours and stopovers while on this journey. After all, we don't know how much the "free-world" trade, which in 1967 amounted to around $190 billion (exports measured f.o.b.), would have been without the past 35 years of trade liberalization. And we don't know whether or not the United States would be as well off today or even better off as far as employment potential goes if we were selling $20-billion worth of exports annually instead of $30 billion and importing $18 billion instead of $27 billion.

The 1934 Reciprocal Trade Agreement Act was passed as the country was moving out of a recession. In his message to Congress in January, 1962, President Kennedy called this act a "landmark measure" which "brought growth and order to the free world trading system." [94] Although in some respects influenced by the Great Depression, it reflected a basic change in U.S. commercial policy. Following World War II, in 1947 the General Agreement on Tariffs and Trade was signed during a period when the rebuilding of economies that had been destroyed by war was just getting underway. The Trade Agreement Act of 1962 was called by President Kennedy a "wholly new instrument" to meet the "challenges and opoprtunities of a rapidly changing world." [95] Time has proven it was not "wholly new," and events have shown it was not an instrument capable of meeting the trade challenges of a changing world; rising economic nationalism, trading blocs, rising communist world trade, international corporations, and U.S. balance-of-payments deficits.

We need rational discussion of the trade question because great changes have taken place in the world since 1934. As former Undersecretary of State George Ball has said: "Our modern world is different in almost every respect from that of 1934. The handful of European metropolitan nations dominated one-third of the world's population through colonial structures that were at the same time closed trading systems, while American industry concentrated on our domestic market. It was a very wide world—producing and even selling abroad was still thought of as something exotic and quite outside the scope of most American enterprises. . . . But the modern world is marked by air transport and telephones and teletypes, computers and automation, it is a world in which thousands of American companies no longer make much operation distinction between domestic and international trade. They no longer see their markets or their production limited by national boundaries but do business in every corner of the globe, utilizing raw materials and components, plant facilities and capital, labor and managerial talent wherever they may find them so as to produce the highest yield with the least cost to serve markets wherever they can be developed." [96]

Since World War II the Western economies as well as that of Japan have been rebuilt; these modern factories and resources offer a far greater competitive challenge to American industry now than in 1934. In addition, we have supported and encouraged the formation of Common Market trade blocs and free-trade areas in various parts of the world, which foster preferential trading for members. At the same time, we are striving for a policy to assist the less-developed countries speed up their industrialization to provide more competition for U.S. industry. [97]

There are other fundamental changes which affect trade between nations. Close to half the population of the world is organized under communism with collectivized industries. Costs in these countries are not calculated as in Western countries, and central planning dictates the products to be exported and imported, usually based on the need for dollars.

The changing character of U.S. trade since 1960 suggests that the framers of the Trade Expansion Act of 1962 did not anticipate the rising competitive problems of American industry and agriculture in foreign markets. [98] Up until a few years ago, the trade balance of the United States was the pride and joy of our balance of payments. Trade balances of $4 to $6 billion a year were sufficient to offset the cost of military adventures, investment abroad, give-aways, and foreign aid. In the last few years, the situation has been changing at an alarming rate. Our commercial trade balance (the difference between exports and imports minus exports on government account) fell from $3.9 billion in 1964 to $2 billion in 1965. In 1967 the commercial balance had fallen to $255 million. One experienced observer estimates the 1968 commercial trade deficit at anywhere from $1.5 to $2.5 billion. [99]

There is little doubt that the economic boom and creeping inflation are responsible in part for rising imports and the slowing of exports. An examination of the U.S. trade position, however, indicates that other factors are involved and raises serious questions as to future trends in our commercial trade balance.

Since 1960, world exports have increased from $113.4 billion to $190 billion in 1967, or 67.5 percent, while U.S. exports have gone up from $20.6 billion to $31.6 billion for the same period, or 53.4 percent. Exports of industrial Europe, excluding Great Britain, have moved up from $37.7 billion in 1960 to $70.2 billion in 1967, or 86.2 percent. The U.S. share of world exports has fallen from 18.2 percent in 1960 to 16.6 percent in 1967, while industrial Europe's share has risen from 33.2 percent to 36.9 percent. The Japanese share has risen from 3.6 percent in 1960 to 5.5 percent in 1967. [100]

While U.S. exports of semi-manufactures and finished manufactures together showed a modest rise from 67.4 percent of total exports in the period 1946–1950 to 73.8 percent in 1960 and 76 percent in 1967, U.S. imports of the same products rose from 40.2 percent in the 1946–1950 period to 58 percent in 1960 and 69.5 percent in 1967. The steady climb in imports of finished manufactures from 17.9 percent in the 1946–1950 period to 48.8 percent in 1967 reflects the growing competition from Europe and Japan. [101] A detailed examination of these figures reveals the changing character of our foreign trade. "We have become primarily suppliers of agricultural raw materials, chemicals, raw and semi-finished products, and machinery. We have become importers of end-use consumer products. . . . This results from two factors. First, other countries exclude, by tariffs, quotas, variable levies, internal taxes, and other devices, many of those products which we can produce economically; and, second, other countries are, in many products, lower cost producers than we are." [102]

Fortune magazines in its June, 1968, issue points out the crumbling of the U.S. export surplus and suggests that we may have reached the end of the era in which we could count on industrial superiority to counterbalance lower wage costs abroad. The trade figures "seem to be indicating some important shifts in competitive power." *Fortune* mentions that while it was expected that industry in other industrial countries would catch up with the United States or at least come close to it in mass production efficiencies and technology at some time. "What is surprising is the extent and force of the competition. The startling rise in imports suggests that the catching up has gone faster and spread further than seemed possible just a short time ago." *Fortune* concludes: "These trends may reflect basic changes that require examination of longstanding assumption; that U.S.

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capital, technology and large-scale production could more than offset the disadvantage of higher wages and costs." [103] The April 1968, bulletin of the Federal Reserve Bank raises the same basic question.[104]

The American correspondent of the London *Economist* in the May 18, 1968, issue points out: "There is nothing fuddy-duddy about the American economy, but there are matters of high and rising wages of growing acceptance of imports by consumers, of increasingly aggressive marketing by foreigners, of continuously lower tariffs—in general, what may turn out to be a 'structural' change that will outlast a moderation of domestic demands through higher taxes." [105]

A continued deterioration in our commercial trade position will, in spite of increased earnings from international investment, add to our balance-of-payments burdens and focus wide attention on the seriousness of our competitive position internationally.

IS THE PROPOSED TRADE EXPANSION ACT OF 1968 THE ANSWER?

Any down-to-earth dialogue on trade policy will require some discussion of the adjustment assistance provisions of the proposed Trade Expansion Act of 1968. This proposal, incidentally, shows no evidence of having been influenced by the several extensive hearings on trade policy and could have been written (and, in fact, probably was) before the hearings. And these hearings, while turning up a wealth of information, appear to have changed few minds on either side of the dialogue. The proposed 1968 Act contains three sections. The first would give the President authority to "adjust tariff rates as future developments might require." [106] Spokesmen say "the authority will not be used in any major bilateral or multilateral trade negotiation—but used largely to offer compensatory tariff concession in cases where the United States finds it necessary to increase a rate of duty." [107] According to Ambassador Roth, the request for tariff negotiation authority was limited because a "thorough review of our trade policy is required." [108]

The second calls for a repeal of the American Selling Price (ASP) system of customs evaluation which has long been a bone in European throats. A deal was worked out at Geneva to get rid of it by giving reductions in certain nontariff barriers abroad. Congress will probably ignore this request, as strong opposition to dropping ASP exists in certain sections of the chemical industry.

The third, modifying the adjustment assistance provisions incorporated in the 1962 TEA, is the only section of real interest to industry generally. The revised adjustment assistance provisions are patterned after those in the United States-Canadian auto agreement of January, 1965. All parties—government, labor and industry—regardless of trade policy leanings, now recognize the complete failure of the adjustment assistance provisions of the 1962 TEA.[109] At that time, Oscar Gass, with rare foresight, said: "In the circumstances, this 'adjustment assistance' seems unlikely to be expeditious or of substantial value. To my mind the whole idea of adjustment assistance is a blind alley—at best the unemployment compensation provisions contain useful suggestions for general unemployment legislation.[110] In fact, the 1962 provisions were not even an alley. Practically all, or over twenty, appeals for help from industry and labor were turned down by the Tariff Commission, which probably interpreted correctly the tests for eligibility under the stringent provisions of the 1962 TEA. In recognition of the increasing number of protests against rising imports and the ineffectiveness of the original 1962 Act, even free-trade groups called for modification of the adjustment assistance provisions.[111]

This in itself is indirect recognition, however reluctant, that rising imports are posing a problem for an increasing number of industries and may well pose a serious problem for the country in the years ahead. The President now says "relief should be available whenever increased imports are a substantial cause of injury" and that administration (of the 1968 adjustment assistance provisions) will be patterned on the automotive trade act of 1965, with determination by the Secretaries of Commerce, Labor and Treasury instead of by the Tariff Commission.[112]

What is the history of the automobile adjustment assistance? The United States-Canadian auto agreement was signed January 16, 1965. Workers eligible for assistance may receive weekly payments of 65 percent of their average weekly wage but not exceeding 65 percent of the national average wage in manufacture. In 1967 the maximum received was $73 a week. Workers may receive these payments for a maximum of 52 weeks. If they are in a training program, they can receive it for an extra 26 weeks.

Workers over 60 are allowed an additional 13 weeks. The average worker under the auto agreement has collected pay 26 to 27 weeks. Adjustment assistance is paid through the states in a manner similar to the regular unemployment compensation. Other benefits are training opportunities, including travel and subsistence payments and relocation allowances. Most workers have been absorbed before the allowance period has expired.

Through June, 1968, 21 petitions for worker adjustment assistance have been acted on with 14 certifications covering 2,493 workers eligible for certification and 1,853 found eligible for assistance. Approximately $3.6 million has been paid to workers over the three and a half years of the agreement, and $56,000 paid for living allowances during worker retraining. No petition for adjustment assistance has been submitted by firms. Firms certified may obtain loans for land, plants, equipment and, in some cases, working capital, technical assistance, and a certain form of tax relief.[113]

Is adjustment assistance the answer to the challenge of increasing imports? Is it a workable solution to the displacement of workers and factories? Philosophically, it is designed to lubricate and eliminate the creaking wheels of the competitive system while the doctrine of comparative advantage does its work. It contains no restraining elements to the raw threat of international competition but is supposed to salve the wounds of those who suffer thereby.

It is difficult to draw any conclusion as to how the proposed adjustment assistance provision would work with industry, as there has been no experience in the auto agreement. The operation could raise difficult administrative problems. If a manufacturer finds he cannot compete with low-priced imports and is on the road to bankruptcy, how will this be handled? In most cases, labor differentials are so great it is not a question of new plants and equipment. Is he to be given loans to build a new factory to produce an entirely different product? And what assurance is there that this project will be a success? If it is a matter of loans, aren't there enough agencies existing without setting up additional administrative machinery?

If he decides to simply liquidate his business and quit in the face of what seems to be impossible competition, must he wait for bankruptcy? And how much is he to be paid? In other words, who establishes the liquidation value of the business? The complications involved in working out procedures for such firms would appear to be enormous. If there are subsidies for not producing cotton, are there to be subsidies for not producing shoes?

Unquestionably, adjustment assistance as a last resort would be better than nothing on the theory that any help to a drowning man is welcome.

For the workers it would appear to be, calculated as in Western countries, and cen- insurance. The experience in the automobile agreement would indicate that in justified situations it may provide a bridge to move from one job to another. The question may be asked, Can it not be handled through the regular unemployment compensation channels? The question may also be asked by those who are in training. Will the jobs be there when the training is completed? But this shades into a broader question of national policy.

The adjustment assistance procedure may pose even more serious problems for the economy. If shoes can be made cheaper abroad, the United States will then make something else where it has an advantage and assist workers and industry to move into these fields. That might not be too disturbing to the economy if only a few industries are involved. What happens when an increasing number of industries are affected? When woolens, steel, man-made textiles, shoes, glass, candy, agricultural products, find imports absorbing an increasingly share of the market? In addition to the costs that could be involved with expanding adjustment assistance, we should consider the comment of Senator Edward Brooke (R., Mass.): "We must, therefore, take into account the possible consequences for this nation if we were to become excessively dependent upon foreign suppliers (in times of war) for such items as oil, steel, textiles, and electronic components." [114] Who decides what proportions of such products should be made in the United States and what share should come from abroad? And in the normal peacetime economy with a rate of employment of four percent or better, how do we reconcile a growing dependence on imported products and a reduction in employment and production in these products in the United States with a full-employment policy?

Finally, under the best of circumstances, if it were to take care of the shifts of labor brought about by imports and compensate manufacturers driven out of business by low-priced imports, it still does not get to the root of the problem from the industry standpoint: the loss of market share and market growth for domestic manufacturers. American industry has a strong feeling of proprietorship in a market that has grown, in part, through its own promotion efforts.

Manufacturers of baseball gloves and ski boots, who have lost the bulk of their market to imports, are not particularly interested in adjustment assistance. It will not save them from drowning in a flood of imports. Manufacturers of footwear, where essentially all the market growth of the last decade has gone to imports, are not asking financial help to convert factories which are not suitable for the manufacture of anything other than footwear. In steel and textiles, formidable market penetration has been made by imports which promise to take a steadily increasing share. In practically every case this is the result of higher labor costs in the United States which, in turn, are in great part the result of national economic policies over which industry has little control. Industry has come a long way in its thinking on trade liberalization since the thirties. It is not asking to turn back the clock and shut off imports. It does believe it is reasonable to ask for an orderly sharing of the market.

THE NEED FOR RATIONAL DISCUSSION OF THE TRADE PROBLEM

It is imperative, in the light of vast changes in world conditions since our trade liberalization policy began 35 years ago, that in our discussion of trade policy we come to grips with the specific problems of industry and agriculture in foreign competition. Significant developments over the past decade point to dangers ahead. These include growing signs of aims for self-sufficiency abroad and the building of new capacity which will provide even stiffer competition for Ameri-

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can industry; early signs of a decline in our competitive posture in world trade; a still formidable array of barriers to our trade abroad, and a continuing lack of reciprocity in trade negotiations in spite of complete economic recovery of our trading partners for the effects of World War II.

The recent study by the National Industrial Conference Board, mentioned earlier, commented as follows on current trends abroad: "'Rampant misguided nationalism' abroad and increased government controls in the United States are posing major problems for American companies with foreign operations." The report identified "'economic protectionism, punitive taxes, regulations, quotas and increased interference by foreign governments.'" One panelist said: "'The increase in nationalism in Europe and Latin America will continue to generate obstacles to trade and investment abroad by U.S. international companies. The trend in this direction seems to be increasing in almost every sector of the world market.'" [112]

And finally, according to Secretary of Commerce Smith: "our competitive position in the world is being seriously damaged by the wage-price spiral in which we are engaged. . . . We are pricing ourselves out of many world markets." While Mr. Smith argues the heart of the problem of sharply rising imports and sluggish exports is the more rapid rise in wages than in labor productivity, more than this is wrong in the trade picture, as this paper has attempted to show.[113]

In the light of these developments, the changing trends in world trade, and our commercial trade deficit, we have had enough philosophical debate and high-sounding expression of idealistic goals on both sides of the trade debate. We can agree with the general aims and objectives that look toward increasing world trade. What is needed now is an intensive examination of those industrial and agricultural areas where important changes are taking place. Professor Robert Baldwin has suggested that "the Congress provide a small amount of funds annually for the purpose of undertaking economic studies designed to determine the ability of workers and employers in various industries to adjust to increased import competition. These studies should be undertaken by economists both within and outside of the Government." [117] While his suggestion was aimed at improving the economic analysis used for tariff negotiations, it could be equally useful in determining the factors responsible for changes in foreign and domestic competitive relationship in specific industries, projecting future trends of imports and exports and calculating the impact on individual industries as well as the economy as a whole.

Former Under Secretary of State George Ball has said: "Many of our post-war policies have mixed a vague and irrelevant universalism (an outgrowth of America's evangelical vision of itself as a pristine land in a corrupt world" with new and transitional pragmaticism; improvising crusades and crusading improvisations." [118] And Ball argues that the goal of a mature foreign policy will require not only "toughmindedness and the avoidance of moralistic mush" but a careful definition of the limits of our world interests and responsibilities. It is not known how much of this comment, if any, Ball intended to apply to trade policy. In any event, it seems appropriate in this area.

It is important that government representatives and industry begin rational discussion of industry's import problems. Failure to do so could result in legislative action not in the best interest of either party. The economic forces at work here and abroad are bound to bring about, eventually, some changes in our present trade policy. It is far better to recognize frankly the problems of a growing number of industries and thrash out a reasonable solution than to remain aloof from a realistic consideration of the facts until a major challenge to present trade policy is presented.

Fortunately, there are a few signs that the time may be approaching for such discussion. Assistant Secretary of Commerce Lawrence McQuade was quoted recently as believing there "may be a cause" for liberalizing the Trade Act's "escape-clause" provision which authorizes the President to protect industries damaged by imports, and suggested that the trade law's national security clause might be more widely used as a basis for import quotas. Mr. McQuade indicated that, on the one hand, with the technological gap shrinking and, on the other, significant wage disparities here and abroad, the United States will have more difficulty in expanding its share of world trade.[119]

A significant comment, indicating Washington is awakening to the import problem, was made recently by Assistant Secretary of Commerce for Economic Affairs William Chartener in referring to the activities of our multinational corporations in switching output to countries with the "slowest rates of inflation." He asked whether it is "in our national interest to encourage the rapid transfer of our new technology to foreign countries through branch plants and subsidiaries abroad or by licensing arrangements—particularly when this means the bestowing of the most advanced technology on economies that enjoy a considerable advantage in labor costs?" He continued, "Planners for some of our international companies may have to prepare a defense." [120]

And even Mr. Roth, the President's Special Representative for Trade Negotiations, seems to be recognizing the need for more realistic discussion of the trade question. He said recently, "If this drive for market sharing does succeed . . . we must begin to explore what type of governmental agency may be needed to review price and investment decisions and protect the interests of consumers and unprotected producers." [121]

Whether or not Mr. Roth's purpose was to create the bogy of an expanded bureaucracy, his statement suggests that international agreements such as the Long-term Cotton Arrangement means vast new administrative structures. It must be admitted that the administration of market shares between various countries will require staff, supervision, and more paperwork. There will be many frustrating experiences and innumerable details. But past experience with the LTCA does not indicate any insuperable problems or the need for a great new bureaucracy to manage the operation. The industry divisions of the Commerce Department with some expansion are perfectly competent to handle the problem. The President's Council of Economic Advisers is certainly competent to review price and investment trends, and the President's consumer advisor will watch out for consumer interests. Finally, if the results are similar to the LTCA where imports have grown at a rate double that provided by the agreement, there would be little basis for importers to object to unfair treatment.[122]

What is not likely to be particularly helpful to rational discussion of the trade problem if the President's recent appointment of a thirty-four member public advisory committee on trade policy composed, with but few exceptions, of dedicated free traders. This committee is expected to advise Mr. Roth, who probably selected the members, on "legislative and other measures as may be required" for long-term trade policy.[123] It is not surprising that several congressmen on the floor of the House have taken strong exception to the composition of this committee as reflecting "a total disregard of the principle of fair representation and cannot be allowed to go unchallenged." And, "The posture of our trade policy involves far more than a dedication to free trade—it is my judgment that such a balanced view of this import program is most unlikely to come from the President's new advisory committee on trade policy." [124]

Footnotes at end of article.

FOOTNOTES

[1] *Barron's*, October 16, 1967, page. 4.

[2] *New York Times*, July 12, 1968.

[3] *New York Times*, July 5, 1968.

[4] John T. Connor before New York Board of Trade, New York, New York, November 9, 1967.

[5] Statement of Secretary of State Dean Rusk, "The Price of Protectionism," before Senate Finance Committee Hearing, October 18, 1967.

[6] *New York Times*, July 11, 1968.

[7] Statement of Special Representative for Trade Negotiations William M. Roth before Senate Finance Committee Hearing, October 18, 1967.

[8] *New York Times*, October 31, 1967.

[9] Address by Ambassador William M. Roth, Special Representative for Trade Negotiations, prepared for the 23rd Annual Cleveland World Trade Conference, Cleveland, Ohio, March 28, 1968.

[10] Statement of Carl J. Gilbert, Chairman of the Executive Committee, The Gillette Co., *The Future of U.S. Foreign Trade Policy*, Hearings before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, July 11–20, 1967, Volume I, page 186.

[11] Remarks of David L. Yunich, President, Macy's, before British-American Chamber of Commerce, November 8, 1967, *New York Times*, November 9, 1967.

[12] Note: In fact, in 1929 with a tariff of 40.1 per cent, exports were 4.2 per cent of gross national product.

[13] Note: The United States records both exports and imports on an approximate f.o.b. (point-of-shipment) basis. Most countries record imports on a c.i.f. (cost-insurance-freight) basis. If our exports in 1967 have been recorded on a c.i.f. basis, they would have totalled $29 billion, for a surplus of $1.9 billion compared with the official figures of $4.1 billion. If commercial exports are compared with imports, c.i.f., then a trade deficit of $1.3 billion would have been recorded. Economists and U.S. officials, in spite of the practice of other nations, believe the f.o.b. basis is most consistent for measuring the volume of imports and exports, although some economists admit that for comparisons of imports with domestic prodution cost, freight, insurance, duties, clearance charges, brokerage fees, and all other costs of making import available in this country should be included and added to the f.o.b. import data.

[14] And will fall to approximately 7.8 per cent when Kennedy Round reductions are completed. See Table 23, "Trends in International Trade of the United States," by Dr. Howard S. Piquet and Dr. Merrill A. Watson, CONGRESSIONAL RECORD, vol. 114, pt. 14, p. 18277.

[15] Joan Robinson, *Economics: An Awkward Corner*, Pantheon Books, New York, 1967, page 16.

[16] J. W. Culliton, "Foreign Trade Revisited," *Compendium of Papers on Legislative Oversight Review of U.S. Trade Policies*, Committee on Finance, United States, February 7, 1968, Volume 2, page 637.

[17] Dr. Howard S. Piquet and Dr. Merrill A. Watson, "Trends in International Trade of the United States," *Congressional Record*, June 21, 1968.

[18] Ibid.

[19] Professor Gottfried Haberler, CONGRESSIONAL RECORD, vol. 114, pt. 2, p. 2137.

[20] *New York Times*, September 3, 1968

[21] Note: The implication is met again and again that tariffs were responsible for the Great Depression. GNP fell from $103.1 billion in 1929 to $55.6 billion in 1933, a decline of 47.5 billion. U.S. exports fell from $4.39 billion in 1929 to $1.675 billion in 1933, or a decline of $2.72 billion ($2.17 billion in 1929 dollars). It is doubtful if the $2.7 billion

decline in exports produced the $47.5 billion decline in GNP.

[22] Statement of Secretary of State Dean Rusk before House Ways and Means Committee, June 10, 1968.

[23] *New York Times*, October 31, 1967.

[24] Statement of Special Representative for Trade Negotiations William M. Roth before House Ways and Means Committee, June 4, 1968.

[25] *Wall Street Journal*, October 5, 1967.

[26] Address by Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, before Apparel Research Foundation, November 30, 1967.

[27] *New York Times*, August 29, 1968.

[28] John Dent, CONGRESSIONAL RECORD, vol. 114, pt. 21, pp. 27209–27210.

[28a] *Journal of Commerce*, July 15, 1968.

[28b] John Dent, CONGRESSIONAL RECORD, vol. 114, pt. 21, pp. 27209–27210.

[29] *Journal of Commerce*, July 15, 1968.

[30] Executive Branch Statement, *Compendium of Papers on Legislative Oversight Review of U.S. Trade Policies*, Volume 1, page 338.

[31] *Ibid.*, page 332.

[32] *Ibid.*, page 334.

[33] *Can We Muddle Through?* National Association of Manufacturers, Chicago, Illinois, April 18, 1968.

[34] Executive Branch Statement, *Compendium of Papers on Legislative Oversight Review of U.S. Trade Policies*, Volume 1, page 333.

[35] Lawrence Witt and Vernon Sorenson, "Problems of Agricultural Products," *Issues and Objectives of U.S. Foreign Trade Policy*, A Compendium of Statements submitted to the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, September, 1967, page 172.

[36] Executive Branch Statement, *Compendium of Papers on Legislative Oversight Review of U. S. Trade Policies*, Committee on Finance, United States Senate, February 7, 1968. Volume 1, page 334; Address by Harald B. Malmgren, Assistant Special Representative for Trade Negotiations, before the Canners League of California, April 1, 1968; Statement of John A. Schnittker, Under Secretary of Agriculture, *The Future of U.S. Foreign Trade Policy*. Hearings before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, July 11–20, 1967. Volume I, pages 29–33.

[37] *New York Times*, May 10, 1968, and June 10, 1968. Note: United States now resorts to subsidy route to meet poultry competition and win back markets.

[38] *Journal of Commerce*, November 22, 1967.

[39] Address by Harald B. Malmgren, Assistant Special Representative for Trade Negotiations, before the Canners League of California, April 1, 1968.

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THE BIG WHEEL

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. MILLER of California. Mr. Speaker, City Councilman Mario Polvorosa of San Leandro, Calif., is the type of friendly, energetic person who dignifies public service and through his willingness to continuously help, makes community life in San Leandro a better place in which to live.

Mario is known as "the big wheel" and his energy is ceaseless. Above all, he is never too busy or too tired to help a friend.

I sincerely hope that the San Leandro Chamber of Commerce will continue to recognize his value and award him its "El Supremo" trophy.

The following article appeared in the January 13 issue of the San Leandro Morning News, and I am pleased to make it a part of my remarks:

As the San Leandro Chamber of Commerce installation nears, it's virtually assured that City Councilman Mario Polvorosa will receive the Chamber's "El Supremo" trophy for his outstanding work in obtaining Chamber members, reported F. A. Lou Meyer, membership relations chairman. Councilman Polcorosa received the Chamber's "Numero Uno" trophy in January 1968 with the recruitment of 39 Chamber members during 1967, an all-time high. In accepting the trophy, Councilman Polvorosa promised to top that record this year. As of January 7, the city councilman has signed 42 new members to the Chamber of Commerce. In addition to his devotion and willingness to assist in the Chamber's membership program, Councilman Polvorosa served as co-chairman with the Honorable Judge Gerald Connitt on the Cerebral Palsy drive and is currently devoting his time towards the March of Dimes campaign in San Leandro. With all of this Polvorosa finds time to serve as a city councilman, operate a well-established shoe shine parlor, serve the San Leandro Chamber of Commerce in its membership drives as well as serving other organizations and yet he's always willing to help everyone in the community.

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

MEMO

NEW START.—A new government is now installed in Washington. Our political system—much criticized—has demonstrated its basic virtues by again meeting the test of workability. The peaceful transition of power from one President to another of different political persuasion has been completed. A new Congress is now in operation. The ceremony and the pageantry are over. The nation can now make a new start in trying to solve the great problems which confront it.

JOB AHEAD—It was fitting that five clergymen representing five different faiths invoked the blessings of Divine Providence upon the work of the new Administration during the Inaugural Ceremony. No new Administration in history, perhaps, has faced at its outset so many problems of such magnitude. The war in Viet Nam, the Middle East, Soviet relations, China, Europe, Africa, crime at home, urban decay, the black revolution, inflation, violence, national disunity—the list is almost endless. Certainly, the new government must provide the leadership to help the nation meet and solve these and the other great problems, but we must not forget that government cannot do it all. As President Nixon said in his Inaugural Address, "What has to be done, has to be done by government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything."

UNITY—The President has also, and rightly so, laid great stress upon the need for national unity in dealing with problems of the magnitude of those confronting us now. Unity does not mean that we must all agree on every issue or the solution to every problem; that would be impossible. What it must surely mean instead is that we must be united in our determination not to let disunity destroy us, and in our mutual interest in preserving and advancing basic precepts—the primacy of law, the necessity for order, the goal of justice for all. It does not mean there must be no dissent; dissent is a crucial ingredient in a free society. It must mean, however, that dissent cannot be allowed to degenerate into actions which subvert the national will and our free institutions. It means, as the President said, learning from one another, speaking quitely enough "so that our words can be heard as well as our voices" and it means listening to each other courteously enough so we can try to understand the meaning of the words. In view of the nature of our problems, the words of Ben Franklin in 1776 have special significance for us now. "We must all hang together," he said at the signing of the Declaration of Independence, "or assuredly we shall hang separately."

REMINDER—Your views on current issues, problems and legislation are of vital importance to me in representing our district in Congress. Please send them to me, during the session ahead, at the address shown above. In this connection, you will want to follow my votes in Congress and I make available at the end of each session a complete record of every vote I cast on your behalf. The record for the last session of the 90th Congress is now available and will be sent to you on request.

NEWSLETTER—*Memo* resumes publication with this issue and it will be sent regularly to you unless you request your name be dropped from the list. Please let me know if there is any error in the mailing address shown on the envelope.

TRIBUTE TO FORMER CONGRESSMAN PAUL SCHENCK

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. SIKES. Mr. Speaker, I am honored to join my colleagues in paying special tribute to our esteemed friend and distinguished colleague, the late Paul F. Schenck, who passed away on November 31, 1968. He was a warm and genuine human being who spent much of his life in the service of his fellow man and his country. I was proud to claim him as my good friend.

Congressman Schenck ably represented the Third Congressional District of Ohio for 13 years during the period 1951 to 1964. Those of us who served with him recall with pleasure and with appreciation his many outstanding accomplishments. He served as a member of the House Committee on Interstate and Foreign Commerce and was credited with development of an important antipollution law which forced safeguards on automobile exhausts. Previously, he served as a member of the Dayton Board of Education for 10 years, and as president of the Dayton Real Estate Board for 3 years, as well as in many other capacities in numerous civic activities.

It is highly appropriate that we now honor his memory and I join my colleagues in extending deepest sympathy to Congressman Schenck's family and in assuring them he will long remain in our thoughts and prayers.

THE PARIS PEACE TALKS AND LAOS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. ASHBROOK. Mr. Speaker, with the Paris peace talks now in session, it might be well to consider an agreement made by the North Vietnamese and Soviets in 1962 concerning Laos. Columnist Joseph Alsop stated it briefly but to the point in his column appearing in the Washington Post on January 24:

It is a plain fact that the war in Vietnam would be over in weeks, if the Laos accords of 1962 were now being enforced. Both Hanoi and Moscow signed these accords. Under these accords, Hanoi solemnly undertook to withdraw all North Vietnamese troops from Laos and never thereafter to use Laos as a corridor to South Vietnam.

The column further states:

At present, there are at least 40,000 North Vietnamese troops in Laos. The December-January rate of the Northern troop movement through Laos has also been above 30,000 per month. The Laos accords of 1962 are therefore an uncomfortable topic for Hanoi's negotiators in Paris.

If the subject of Laos is not an issue at the peace talks, the United States might well repeat the costly error it has made before of signing a new agreement while the Communists flagrantly violate agreements made in the past.

I insert the column, "A Nonevent at Paris Talks Cries Out for an Explanation," by Joseph Alsop in the RECORD at this point:

A NONEVENT AT PARIS TALKS CRIES OUT FOR AN EXPLANATION

(By Joseph Alsop)

William of Occam, known as "the invincible doctor," was a contentious early 14th Century theologian who made the unique English contribution to the science of logic. His rule is still called "Occam's Razor," and in non technical language, it runs as follows:

"Always believe the simplest explanation unless you have iron-clad proof of a more complicated explanation."

Occam's Razor is important at the moment, because of the urgent need for a persuasive explanation of a non-event. Until a few days ago in Paris, no serious negotiations with the Communists had ever opened without a long preliminary dispute about the correct agenda and other "procedural" matters. But in Paris, there was no such dispute.

The long argument about the table-shape was supposed to be a mere hors d'oeuvre. As soon as the table was favorably reached, the real hassle about procedure was universally expected to begin. Instead, agreement on procedure, including a completely open agenda, was reached within hardly more than an hour. This was the non-event that now cries out for explanation.

The non-event has already had considerable impact, precisely because President Nixon's new foreign policy-makers were just as convinced of the inevitability of a prolonged procedural hassle as were President Johnson's Paris negotiators. The new team had in fact counted on the procedural hassle to give them time to work out their real negotiating position and strategy.

Instead, the members of the Nixon team were left with no time at all. Hence the first Paris meeting "on substance" was gingerly put off until Saturday. And in the interval, this town has been a comic scene of barely occupied offices, with telephone system all awry and new desks hardly installed, full of important persons desperately conferring about the instructions to be given to Ambassador Henry Cabot Lodge.

What, then, is the simplest explanation of this non-event that caught everyone by surprise? The obvious answer is that the Hanoi war-planners were in a devil of a hurry, and could not spare the time for the customary procedural debate. And if they were in such a hurry, the simplest, explanation is that they have begun to run out of breath.

If Hanoi has in fact begun to run out of breath militarily, this is obviously a matter of cardinal importance. Yet it is hard to think of other possible reasons for the abrupt departure from the customary Communist negotiating system. For it was a huge sacrifice for Hanoi to omit the procedural hassle.

On the one hand, these hassles always seem meaningless to American public opinion, so that our negotiators are always under pressure. On the other hand, the Communists, who have no public opinion, have always used these hassles to test our strength of will, and to feel out our real negotiating position before getting down to business. And they have always used these hassles, in addition, to keep really objectionable items off the agenda, or at least to push such items to the agenda's very end.

To illustrate the agenda's real importance, it is a plain fact that the war in Vietnam would be over in weeks, if the Laos accords of 1962 were now being enforced. Both Hanoi and Moscow signed those accords. Under these accords, Hanoi solemnly undertook to withdraw all North Vietnamese troops from Laos and never thereafter to use Laos as a corridor to South Vietnam. At present, there are at least 40,000 North Vietnamese in Laos. The December–January rate of the Northern troop movement through Laos has also been above 30,000 per month. The Laos accords of 1962 are therefore an uncomfortable topic for Hanoi's negotiators in Paris.

It probably will not happen. But because the procedural hassle was cmitted, nothing now prevents Ambassador Lodge from opening with the statement that full enforcement of the Laos accords is the first item on the American-South Vietnamese agenda. Lodge can even say, with reason, that while one solemnly signed agreement with Hanoi is being daily broken in the most flagrant manner, there is very little point in seeking another agreement which is just as likely to be broken.

It can be seen, then, why the above-mentioned nonevent is of great significance. As stated, it seems to point to a loss of breath. In contrast, the troop movement, proportionally equivalent to an American movement of about 700,000 men, points to another Communist attempt to resume the offensive. But this should be the last attempt of this sort, unless Occam's Razor is misleading in this case.

THE LATE HONORABLE PAUL F. SCHENCK

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. CLEVELAND. Mr. Speaker, I rise with great regret to note the passing of our former colleague, the late Congressman Paul F. Schenck, of Dayton, Ohio.

He was a gentleman and public servant of the highest quality with whom it was an honor to serve.

I remember him particularly well because his last term coincided with my first term. He was one of those Members who take special pains to recognize and assist freshmen Members. Paul Schenck was cordial and warm to me and very helpful in getting me started on my new job as Congressman.

An experienced and careful legislator, Paul Schenck's information and judgments were clearly set forth and always worth having.

The Nation has lost a valuable citizen by his death. I salute his memory and extend my condolences to his family.

ECUMENICAL SERVICES IN OBSERVANCE OF PATRIARCH ATHENAGORAS' ANNIVERSARY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BRADEMAS. Mr. Speaker, I want to draw the attention of all Members of Congress to a most significant spiritual and religious event which took place yesterday, January 26.

Mr. Speaker, on that day Greek Orthodox Churches throughout the Western Hemisphere held special ecumenical services to mark the 20th anniversary of the enthronement of His Holiness Athenagoras I as the Ecumenical Patriarch of Constantinople in Istanbul.

In New York City, Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America, presided during the Ecumenical Doxology at which religious leaders of the Roman Catholic and Protestant faiths participated and representatives of the Jewish faith were present. This special ecumenical service was unique in that it was the first time that nonorthodox clergy have participated in a service offered in a Greek Orthodox Church.

Participants included the Most Reverend Terence J. Cooke, Roman Catholic Archbishop of New York; the Right Reverend Stephen F. Bayne, vice president of the Executive Council of the Episcopal Church; the Reverend Dr. Robert J. Marshall, president of the Lutheran Church in America; the Reverend Dr. Samuel McRae Cavert, who represented the U.S. Conference of the World Council of Churches; and the Reverend Dr. R. H. Edwin Espy, general secretary of the National Council of Churches, who preached the sermon.

Mr. Speaker, this special service and others held in Greek Orthodox churches of the Americas did honor one of the great spiritual leaders of the world.

Athenagoras I, 82, was elected Ecumenical Patriarch by the Holy Synod of the Ecumenical Patriarchate of Constantinople in 1948 while Archbishop of the Americas, a capacity in which he had served since 1931.

His tenure as archbishop of the America's was marked by the consolidation of the Greek Orthodox communities under the jurisdiction of the Archdiocese of North and South America, a task accomplished by unusual administrative

ability, personal magnetism, and great energy. In addition, he founded the Academy of St. Basil in Garrison, N.Y., in 1931 and the Holy Cross School of Theology in Pamfret, Conn.—presently located in Brookline, Mass.—in 1937.

On January 26, 1949, Athenagoras I, was enthroned as the 262d Ecumenical Patriarch of Constantinople at the Patriarchial Church of St. George in Istanbul in traditional and ancient ceremonies dating back to the sixth century. President Harry S. Truman had provided a special plane for the flight to Istanbul by the newly elected Patriarch.

During his 20 years on the patriarchal throne, Athenagoras has been universally acknowledged as a leading proponent of the ecumenical movement.

It was Patriarch Athenagoras who proposed the historic meeting with Pope Paul VI which took place on the Mount of Olives in the Holy Land on January 5 and 6, 1964. This meeting, enthusiastically acclaimed throughout the world, resulted in the nullification of the "anathema" between Rome and Constantinople, creating a warmer relationship and better understanding between the two venerable Sees of Christendom.

Mr. Speaker, I myself had the very great honor some months ago to call upon the Ecumenical Patriarch in Istanbul and I realized on talking with him that he was a most extraordinary and saintly man. The meeting with Athenagoras I, was one of the most memorable moments of my life.

In conclusion, Mr. Speaker, the special ecumenical services held in Greek Orthodox churches yesterday constitute both a tribute to this great spiritual leader, Athenagoras I, and an important symbol of the growing ecumenism within Christianity.

TRIBUTE TO HON. PAUL F. SCHENCK

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HARSHA. Mr. Speaker, I wish to join my many colleagues in paying tribute to the memory of a distinguished former Member of this House, and of the Ohio delegation, the Honorable Paul F. Schenck.

Paul Schenck was a most able and conscientious Representative for over 13 years, and although I had the privilege of serving with him for only a few years, he quickly earned my respect and admiration, and I valued his friendship.

In addition to his competent and tireless service to the people of Ohio's Third Congressional District, he proved to be an able and foresighted member of the Committee on Interstate and Foreign Commerce. During the years in which he rose to be the second ranking minority member of that committee he made significant contributions to the important problem of air pollution. He also compiled an admirable record of community service to the Dayton area as a private citizen, contributing his time and energies to a broad range of civic activities including the public school system where he served as a teacher, recreation manager and as a member of the board of education, the Dayton Real Estate Board, and the Boy Scout movement.

His community interests and his work with education and young people are indicative of the warmth and compassion which characterized his work and friendships in the House.

It is with great sorrow that I pay a final tribute to Paul Schenck and extend my deepest sympathies to his wife and family.

CZECHOSLOVAKIA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. CONTE. Mr. Speaker, the continued Soviet occupation of Czechoslovakia, recently protested so dramatically by the immolation of Jan Palach, must continue to disturb any world citizen committed to the cause of freedom.

F. Stephen Larrabee, a resident of Deerfield, Mass., and a student at Columbia Unversity, visited Czechoslovakia last summer, during the aftermath of the Russian invasion. His impression of the Czech situation, compiled in a series of four articles for the Greenfield Recorder, are both interesting and enlightening.

Under the leave to extend my remarks in the RECORD, I include the first two articles of this series:

[From the Greenfield (Mass.) Recorder, Sept. 27, 1968]

THROUGH YOUNG EYES: CZECHOSLOVAKIA—I

(EDITOR'S NOTE.—The author, a Deerfield resident who is a student at Columbia University, was in Czechoslovakia last week. This is the first of four articles he has written about life inside that torn country, all parts of a longer series he is doing on his month-long tour of Europe.)

(By F. Stephen Larrabee)

At present the official policy of the Czech government is to bar tourists and foreign journalists from Czechoslovakia. Despite this, there are ways to get in. One way is, to apply to attend the International Fair at Brno. By buying a special identity card and then doing some fast talking to prove you have a good reason for going there, it is possible to get in. This requires a great deal of patience as well, for in order to obtain a visa you must be at the Czech Embassy before nine AM and be prepared to stand in a line that looks like the last hundred seats at the World Series are for sale.

I personally sent an entire day at the Embassy fighting and shoving and being shoved as I attempted to reach the front of the line for a visa only to be turned back four or five times, each time for a different reason. I tried to obtain entrance as a student, then a regular tourist, then a journalist and finally, after much probing and questioning, as a visitor to the Brno Fair.

All other avenues were closed to me. I could not get a visa to Prague. When I eventually obtained the needed forms to allow me into the visa section for the Fair the Embassy had closed for the day. In desperation I decided to drive directly to the border with an English journalist friend and try to obtain a visa there, although I had been told this was impossible.

At the Czech border I was immediately stopped by a Czech guard. I did not see any Russians. The guard told me what I expected—I couldn't get in, "obtain a visa at the Embassy." I argued with him in German and finally he took me to another official. The second repeated the statements made by the first. I persisted. After a rather heated debate the second took me to a third official. He listened, disappeared with my passport, and just as I was ready to concede, nodded to me.

In a matter of minutes I had paid my fee and had my passport back. The Czechs quickly ushered me through, without even making me exchange any money. Normally, a person is required to cash three dollars for every day he intends to stay in Czechoslovakia. So in those matter of minutes the entire situation had reversed itself and I suddenly found myself driving through Czechoslovakia when it dawned on me that I not only had no notion of where Brno was, but no money. Eventually Brno was located on a map, halfway between Bratislava, the capital of Slovakia, and Prague. I decided to drive directly to Prague and just go straight through Brno—without stopping.

When I arrived in Bratislava, the second largest city in Czechoslovakia, about 8 p.m., it was already quiet. An eerie stillness lurked about, only a few people strolled along the streets—most of them young people. Grim reminders of recent events were quite noticeable. Tank treads were firmly pressed into the soft tar of the main street. I walked along until I came to a church. A shiny white plague was fixed to the side of the church. Two young girls stood placing flowers underneath it. The plaque said simply: "Peter Lenger August 22, 1968." It was enough.

Walking along further, the stillness of the night was broken abruptly by music from the window above me. Ironically, a phonograph was playing the Beattles' latest hit record. Approaching the main square, I was surprised to notice a group of "Beatniks"—complete with guitar, blue jeans and shoulder length hair.

This, I felt, was an indication of the high degree of western civilization in Czechoslovakia for the Soviet Union tries to discourage any such dress or hair styles. The rationale has been that Beatniks are a product of a capitalistic society and are an alienation from society. Alienation occurs only in exploitive, capitalistic societies, so therefore there can be no Beatniks in communist societies.

Many of the girls also had on mini skirts which were as short as anything I have ever seen in London.

When I stopped to ask directions from one young boy who spoke no English or German he began cursing and yelling, "Hitler, Breshnev occupation, Nein, nicht gut; Svoboda, Dubcek, Ya, gut, ya." The next boy I met spoke some English. After giving me the directions, he said, "We hate the Russians, hate them. They are nothing but animals. We shall never forget what they have done."

Later that night I visited the home of an old friend. Her husband, a former television director, was now in Switzerland. She had not heard from him in weeks. And so it went. . . .

In the soft light of the early morning dawn, Czechoslovakia looked like a pastoral land awakening from quiet slumber rather than an occupied country. The Russian troops were well hidden and kept off the main roads. People walked to the fields or rode their bicycles along the road. All along the way, in every village, however, the names of Dubcek and Svoboda were scrawled in windows and on walls. Suddenly 25 miles outside of Prague, a tank battalion bivouacked in a field. Russian soldiers trudged through the town. Tanks, their guns pointed toward Prague, stood poised and ready. As

the stark reality began to impress its meaning and dimension upon me, I was overwhelmed with sadness, and admiration for the Czech people, and a longing for peace—peace for the world.

[From the Greenfield (Mass.) Recorder, Sept. 28, 1968]

THROUGH YOUNG EYES: CZECHOSLOVAKIA—II

(EDITOR'S NOTE: The author, a Deerfield resident who is a student at Columbia University, was in Czechoslovakia last week. This is the second of four articles he has written about life inside that torn country, all part of a longer series he is doing on his month-long tour of Europe.)

(By T. Stephen Larrabee)

Czechoslovakia is a surprisingly prosperous and modern country. The countryside consists of rolling hills and neat, orderly fields of grain and corn. In many respects the landscape is similar to that of West Germany. Indeed, if I had not known where I was, my first inclination would have been to say Germany.

The architecture in the small towns is German—large imposing towers, small garrets and lead laced windows with shutters, heavy arches under which run cobblestone streets. In the villages one can see the heavy, Slavic women going out to the fields or riding their bicycles to the town, but basically it is difficult to distinguish when one has left the west.

But if the Germanic character of the architecture, so reminiscent of Munich and Vienna seems surprisingly western, it is because Czechoslovakia is by history, custom and tradition, a western country. (Prague, the capital is the home of the writer Franz Kafka and the site of the oldest University in Middle Europe, as well as the oldest Synagogue.)

It was only after the "liberation" of Czechoslovakia by the Russian Troops after World War II that the country came to be associated with the Eastern bloc. Before World War II Czechoslovakia had been a prosperous land whose living standard was about the same as Switzerland's. The Communist coup d'etat in 1948 reduced the country to a satellite of the Soviet Union and signalled a further intensification of the Cold War.

The Czechs, however, have never wholeheartedly accepted Communism because many of the more rigid communistic dogmas were unsuited to a country in a highly advanced stage. Czechoslovakia, unlike the Soviet Union, which was largely illiterate, agricultural and underdeveloped at the time of the Bolshevik seizure of power, was an advanced industrial country whose economy was flourishing when the Russians sought to impose their system upon the Czechs by force.

The Czechs have long argued that there are "many roads to Socialism" and that the Soviet model is only one of them. They have tried to convince the Russians that what worked for them at one stage in history is not completely transferable to another country in a different stage of development. In trying to strike the best balance, the Czechs have had to discard some elements of the Russian form to try and adapt Communism to their own needs.

This has often caused the ideologists in the Kremlin to cry that Czechoslovakia was attempting to "restore capitalism" and the recent invasion partly stems from what the Russians see as too much experimentation and deviation from the principals—valid or invalid—of Marxism-Leninism.

Similarly, the Czechs have always had a history of freedom of speech and individual liberties, that has never existed in Russia. In many ways the totalitarian nature of Soviet society merely reinforced authoritarian institutions and practices that existed under the Tsarist autocracy prior to 1917. Thus many Russians were totally unaware of certain institutions that were an accepted part of pre-World War II Czech life.

All this is to say that the Czechs are a very different people from the Russians or other communist people and that the recent attempt by the Dubcek government must be viewed with this in mind. Whatever the Russians may say or think, the Dubcek regime did not intend to restore capitalism, nor would most Czechoslovaks want to.

Especially not as it exists in the United States, as they feel exploitive and ignores many serious social problems. They prefer their system because they feel it reflects a greater social conscience.

What they do want is an end to repressive practices of censorship, abridgement of freedom of speech and other attempts to curtail individual freedoms. They want, as one Czechoslovak described it, "Socialism and Humanism." They are proud that the Czech student may go to the University for free, that he pays only about two dollars a month for a dormitory room. They speak with pride when they mention social and medical services provided by the state. They like to ask if in the West a student can go to his university dining room and eat for about 15 cents. These services do not reflect just a lower standard of living but a real attempt by the State to open up avenues of education.

They are equally insistant, particularly the young students, that freedom of expression be permitted. It is here that they run headlong into problems with the Russians. For once dissent is allowed, and Pandora's box opened, the Soviet Union feels that other Eastern European countries will be tempted to experiment and then Communism, as it has been known, will erode into some from of Democratic Socialism.

The Communist Party must remain the sole repository of Truth and Power; dissent will only serve to question its authority and undermine the peoples' allegiance to the Party. The Party sees itself as the sole interpreter of history and it is for this reason that Kosygin can say that the "national interest" of the Soviet Union was threatened. The Communist Party in Russia was at the crossroads. If it had allowed the Dubcek government to proceed, other satellites would have desired to find their own paths to Socialism, as Tito has already done in Yugoslavia, and the unity of the Communist world, already shattered by the Sino-Soviet split, would have been irrevocably fragmented.

The irony of the invasion is that it has killed any remaining belief in Czechoslovak Communist Party. Before Dubcek came to power in February of this year, very few people looked with favor upon the Communist Party in Czechoslovakia. Most students wanted nothing to do with it. Now, with Dubcek and Svoboda leading it, it has the confidence and the admiration of the people.

Here in the United States we tend to forget that Dubcek and Svoboda are Communists, still are Communists, though the word Communist has almost become meaningless in the 1960's. Both men have tried to adapt Communism to the nature and character of the Czechoslovak society. For the moment, at least, that attempt appears to have run aground. It has become not only "the tragedy of my life," as Dubcek said, "but the tragedy of the Czechoslovak people as well".

PAUL F. SCHENCK

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HAYS. Mr. Speaker, I was deeply saddened to learn of the death of our former colleague and my friend, Paul F. Schenck. He served the Third Congressional District of Ohio with diligence and dedication and made many significant contributions to the civic life of Dayton.

I served with Paul Schenck on the House Administration Committee where he was the ranking Republican member and on the Joint Committee on Printing. His good humor, kindness, and devotion to his duties will be remembered by all of us who had the privilege of working with him.

I extend my deep sympathy to his wife and family.

NOT ALL BUREAUCRATS ARE BAD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. PICKLE. Mr. Speaker, criticism so often seems to be the grist of public office that it is indeed extraordinary and refreshing when one hears that a "bureaucrat" has been publicly praised.

Luther Holcomb is a man who deserves and gets that praise. Vice Chairman of the Equal Employment Opportunity Commission, Dr. Holcomb was one of the first appointments to the Commission. During his service there, he has made a reputation as being fairminded and practical.

In a position that requires solving some of the toughest policy issues of the day, he maintains the poise and balance necessary to keeping our businesses and our society moving on an even footing.

I have been honored to know Dr. Holcomb personally for some years. Even when he presided over the congregation of the Lakewood Baptist Church in Dallas, he took an active interest in public affairs.

Mr. Speaker, it is heartening to know that the Government has the services of a man of the caliber of Dr. Holcomb, and at this point, I would like to reprint an article which appeared recently in the Augusta Chronicle:

NOT ALL BUREAUCRATS ARE BAD

(By Louis C. Harris)

We have a regrettable tendency, those of us who do not always subscribe to the nostrums concocted in Washington as cures for what supposedly ails us, to regard all bureaucrats as impractical meddlers striving to extract sunbeams from cucumbers.

But such is not the case. In fact, I can now say that one of my very good friends is a bureaucrat!

The gentleman to whom I refer is Dr. Luther Holcomb, the vice chairman of the Equal Employment Opportunity Commission whom I came to know for the first time in Athens last year when he spoke on a program of the Georgia Press Institute.

An ordained minister who originally hailed from Texas, Luther Holcomb is one man for sure who has not permitted his role in national affairs to warp one whit his ideals, principles, his sense of humor, nor his concept of fair play.

But because the mark of Washington was upon him, I recall how surprised some of us were when, hearing Dr. Holcomb for the first time, we received an altogether rational and unemotional approach toward achieving equal employment opportunitities for men everywhere.

It was with a large measure of delight—and with no surprise at all—that I read another of Luther Holcomb's speeches the other day after receiving a copy from Stan Smith, the general manager of the American Newspaper Publishers Association and, coincidentally, a former Chronicle staffer.

Stan sent along the speech to various newspaper editors around the country because it had to do, primarily, with the EEOC's ruling in connection with the use of sex labels in classified ads. To eliminate any semblance of "discrimination" in advertising, EEOC said newspapers must no longer list ads under "male" and "female" classifications. Luther Holcomb dissented.

He contended that in such advertising the newspaper is not doing the hiring, but is simply providing a service to the advertiser. Thus, he said, EEOC has no jurisdiction, in the first place. By the same token, he argued, the classification of ads under the heading of male and female is a time-saver for those seeking jobs, as well as for those seeking employes. Havoc will result, he pointed out, if personnel departments are besieged with male applicants unwittingly applying for jobs modeling feminine apparel, or with female applicants for the position of locker room attendant at a men's gymnasium.

As thoroughly in accord as one might expect me to be with Dr. Holcomb's premises, I found far more impressive what he had to say, later on in his talk, as he offered his audience "some observations on issues pertinent to the times."

"Despite America's seemingly infinite capacity for growth and flexibility," he said, "the truth is that our society as now organized has been stretched taut . . . America is 'supercharged.' 'Hyperemotionalism' is on the rise. As a nation, as a people we are capable of creating the greatest good for the greatest number, but we are also capable through self-deception of bringing chaos upon our society." Then he said:

"The time of divisiveness is over. It is now our solemn obligation to stand united and occupy ourselves with the fundamentals and imperatives of the transition to a new administration . . .

"Our new President-elect is aware of the gravity of our social cleavages, but he alone cannot restore unity. Although he has been chosen to lead our nation, the people must cooperate by following. We must learn to respect each other despite our diversities and to trust each other despite our differences. . . . I believe every American should commit himself to unite in spirit with the President."

As for the job he holds, Dr. Holcomb explained that the original concept of Title VII of the Civil Rights Act, which created EEOC, "was to acknowledge the existence of job discrimination, to make the public aware of it, and by elimination of job discrimination to give minority groups the 'opportunity to achieve' that is uniquely American. It was never intended," he added, "that Title VII become a permanent part of the functions of the federal system. . . .

Said Dr. Holcomb: "The private enterprise system is the backbone of America. American business is known for its creative and progressive techniques, and those innovative methods must be put to use in eradicating discrimination in employment opportunity.

"Likewise," said he, "government must seek a common-sense, down-to-earth approach to problem-solving at every level. Past bureaucratic methods must be alleviated. Government and business, working together, must develop an equitable way to include minorities in every aspect of American opportunity. A revolution of responsibility on the part of all Americans—including minorities—must occur.

Just as I said, Luther Holcomb is an unusual bureaucrat. We need more like him.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1969

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, I am proud to be among the cosponsors of H.R. 3809—the Occupational Safety and Health Act of 1969—and I want to express my most earnest hope for its early enactment by this Congress.

As a member of the Select Subcommittee on Labor of the Education and Labor Committee, I sat through 4 weeks of hearings last year on the problem of occupational health and safety. My original support for this legislation was strengthened and reaffirmed during these hearings, as I listened to testimony from those who are close to the problem.

Organized labor has long been a leader in demanding that Congress give recognition to the long-ignored problem of worker health and safety. Spokesmen for the AFL-CIO pointed out that American workers comprise 40 percent of the Nation's population, and pay 60 percent of the taxes, but that 80 percent of them are employed in industries where there is little conventional safety and virtually no occupational health protection.

A grim and constant reminder of this neglect is presented in the annual death and injury toll from occupational accidents. Each year, some 14,500 workers are killed on their jobs, and another 2,200,000 are injured. In addition to this tragic and unnecessary human suffering, the Nation experiences an annual loss of 250,000,000 man-days of work, some $1.5 billion in lost wages, and more than $5 billion in lost production.

It is almost unbelievable that Congress has virtually ignored the occupational safety problem for 56 years—since the passage of legislation in 1913 to help protect workers employed in the manufacture of sulphurous matches. Industry has expanded many times over in the intervening years, but little has been done in the way of accompanying legislation to protect the workers who have made this expansion possible.

These long years of neglect have created a void that has been only partially filled through a scattering of State laws and regulations. States which have adopted successful worker-safety laws have proved that the goal is both feasible and possible.

The Occupational Safety and Health Act of 1969 takes full advantage of existing State laws, and combines them with the force and prestige of the Federal Government.

The success of these progressive State programs is shown in the death rate from on-job accidents, which range from 19 per 100,000 in States with effective programs, to 110 per 100,000 in States with no safety, or less effective ones.

I have also cosponsored two other bills aimed at protecting worker health and safety in two specific fields—mining and construction.

One is H.R. 2567 which would amend the Contract Work Hours Standards Act to provide new health and safety controls on Federal, federally financed or federally assisted construction projects.

The other is H.R. 4047, the Federal Coal Mine Health and Safety Act of 1969. This legislation would establish mandatory health standards for miners, principally by requiring controls in dust concentration which causes widespread lung disease among miners. It would also provide more flexibility in the present Federal Coal Mine Safety Act, and would establish some interim standards in the areas of inspections, gas concentrations and escape passages.

Recent mine disasters have highlighted the need for immediate action on this long-neglected problem.

Mr. Speaker, I feel very strongly that this Congress has an overwhelming obligation to act quickly and decisively on this legislation. I think we owe it to the American people to rectify this long negligence that has brought death, pain, suffering and financial loss to so many Americans for so many years.

EXPEL THE DELIBERATE LAWBREAKERS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. WYMAN. Mr. Speaker, as with many of my colleagues it disturbs me that a willful few should continue to disrupt the learning facilities of this great country. I cannot understand why those who are proven to have been activists in illegality, violence, and anarchy on campus are not expelled forthwith. And I might add it is long past time when the Association of American Universities ought to establish in liaison, a policy that expelled from one is expelled from all.

In this connection I commend the reading of "Violence and the Student Movement," by Allan C. Brownfeld, appearing in Modern Age, volume 13, No. 1, winter, 1968–69. Next to ending the war in Vietnam this subject is of genuine urgency to America.

The article follows:

VIOLENCE AND THE STUDENT MOVEMENT

(By Alan C. Brownfeld)

The violence which has occurred on many American campuses, and at the Democratic convention in Chicago, has not been accidental. It has not been the result of brutality by the police, although in a number of instances the police have been brutal.

It has, instead, been carefully planned by the most radical elements of the youthful protest movement. This is, of course, something which the student militants do not hesitate to state frankly for all to understand.

Violence is an intrinsic part of the politics of revolt which threatens to erupt on campuses and in cities throughout the country. Only by appreciating the perspective within which the advocates of such violence operate can society prepare itself for the confrontations which lie ahead.

A leaflet prepared in Toronto, Canada, and reported to have been distributed to Students for a Democratic Society chapters throughout

the country contains instructions on how to make Molotov cocktails and incendiary time bombs.

Urging sabotage as "the next logical step toward obstruction and disruption of the U.S. war machine," the leaflet says that it is ludicrous to think that demonstrations closing down an induction center for a few hours will really hurt Selective Service.

"On the other hand," the leaflet says, "is there anyone who doubts that a small homemade incendiary device with a timing mechanism planted in a broom closet at the Oakland induction center could result in fire and smoke damage to the entire building, thus making it unusable for weeks or months? One person with a fair knowledge of chemistry could build such a device easily and cheaply and could plant it with almost no chance of being detected." [1]

Joel R. Kramer, President of the *Harvard Crimson*, stated that "Students have learned from history that blood must be shed on the way to the voting booth. They have learned from experience that rocking the boat and making headlines accomplish what could not have been done peacefully." [2]

Discussing the goals of many student activists, Kramer explained the place that force and violence occupy in their tactical strategy:

"The 'new university' that students from Berkeley to Paris seek is a university in which students have real power . . . 'student power' does not mean total student control of the university. It does not mean the elimination of university administration, or the elimination of faculty power. Students seek a shift in the balance of power. At most universities, the administration and trustees have most of the power and the faculty has what is left. Students would like to see most of the power divided between themselves and the faculty. . . . If students are to have any of the real power, they know they must take it forcibly, or at least use force to focus public attention on their claims. . . . Force is becoming a popular student tactic because students are learning that it works. . . ."

Steve Weissman, a student leader at Stanford University, expresses the view that the time for rational discourse has ended and the time for violence has arrived:

"What the University has done is to get us to think for a number of years that social problems can be solved by rational discussion. . . . There's no conversation between us and the CIA. We're on different sides. I hope people will now see that force is a part of the world—it's not a very pleasant fact, but it's true."

A similar view was echoed by Steve Kindred, a member of the Students for a Democratic Society at the University of Chicago. He said that "This university owes quite a lot of reparations. This whole society owes quite a lot of reparations. With what the university's done, and the way it's followed in the footsteps of the other major institutions of this society, it may burn some day. It doesn't deserve not to burn."

Not only do student militants show no hesitation in defining and defending their use of violence, but they also do not hesitate to criticize such concepts as tolerance for differing points of view.

University of California Professor Herbert Marcuse, called the "foremost literary symbol of the New Left" by the *New York Times*, has highlighted the intolerance of the student movement. In his book, *A Critique of Pure Tolerance*, Marcuse tells why the New Left is so strenuous about claiming liberty for itself but unwilling to grant liberty to others. People confused about politics, he says, don't really know how to use freedom of speech correctly—turning such freedom into "an instrument for absolving servitude," so that "that which is radically evil now appears as good." They employ their freedom for improper purposes.

Having established this premise, Marcuse recommends "the withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies, armaments, chauvinism, racial and religious discrimination, or which oppose the extension of public services." He says that the correct political attitude is one of "intolerance against movements from the right and toleration of movements from the left." He proposes, in effect, a dictatorship.

This philosophy was put into action by the rebels at Columbia University. In the violence at Columbia, private papers representing ten years of research were taken from the files of Orest A. Ranum, an assistant professor of modern history, and burned.

Supporters of the student strike are said to have been antagonistic toward Mr. Ranum since he issued a paper opposing the student position early in the crisis when five buildings were occupied by student demonstrators.

Leaders of Students for a Democratic Society disavowed the destruction of Mr. Ranum's research. "We deplore the burning of the professor's papers," one S.D.S. leader said, "but we deplore the provocation of the University even more." Of the burned papers, Mr. Ranum said: "All of this is personally irreplaceable." [6]

The New Left's assault against the American university is less an effort to reform it than to, in effect, destroy it. This point was made in an editorial in the *Berkeley Barb*, a leading underground newspaper:

"The universities cannot be reformed. They must be abandoned or closed down. They should be used as bases for actions against society, but never taken seriously. The professors have nothing to teach. . . . We can learn more from any jail than we can from any university." [7]

The fact that student strikes and campus take-overs are less related to particular campus issues than to the general desire by militant student leaders to effect a revolution, not only in the university, but in the society at large, was reaffirmed by Mark Rudd, the leader of the turbulent Columbia University rebellion in the Spring of 1968. In a letter addressed to Columbia University President Grayson Kirk, Rudd did not hesitate to name "revolution" as the real issue at Columbia:

"You are quite right in feeling that the situation is 'potentially dangerous.' For if we win, we will take control of your world, your corporation, your university and attempt to mold a world in which we and other people can live as human beings. Your power is directly threatened, since we will have to destroy that power before we take over. We begin by fighting you about your support of the war in Vietnam and American imperialism—IDA and the School for International Affairs. We will fight you about your control of black people in Morningside Heights, Harlem, and the campus itself. And we will fight you about the type of mis-education you are trying to channel us through. We will have to destroy at times, even violently, in order to end your power and your system. . . . We, the young people whom you rightly fear, say that society is sick and you and your capitalism are the sickness. You call for order and respect for authority; we call for justice, freedom and socialism. There is only one thing left to say. It may sound nihilistic to you, since it is the opening shot in a war of liberation. I'll use the words of Leroi Jones, whom I'm sure you don't like a lot: 'Up against the wall, ——— this is a stick up.'" [8]

There were two major demands presented by the Columbia student rebels: (1) A halt in the construction of a gymnasium in Morningside Park. The project had become highly controversial. It was opposed by many Harlem groups as well as a growing segment of the Columbia faculty. At issue were both the use of public park land and the architectural design which provided for separate facilities and entrances for community users and university personnel, inviting the charge that the structure which was actually intended as a service to the community might be turned into a symbol of segregation; (2) termination of contracts with the Institute for Defense Analysis which, Students for a Democratic Society charged, "works on military projects aimed at the oppression of the people of Vietnam" and "develops riot equipment to commit mass genocide against black people" in the United States.

There is much evidence leading to the conclusion that the take-over of Columbia had nothing whatever to do with the construction of a gymnasium or the University's connection with the Institute for Defense Analysis. These, it appears, were simply pretexts for a long-planned exercise of power.

Two graduate students, Dotson Rader and Craig Anderson, presented this information:

"Months before, at an S.D.S. conference in Maryland, the decision had been reached to take physical control of a major American university this spring. Columbia was chosen because of its liberal reputation, its situation in New York and the fact that it was an Ivy League school. S.D.S. felt it was important at this time to disrupt a private, prestige, tactically vulnerable university. Columbia's relations with the West Harlem community, which borders it on two sides, had steadily deteriorated over the years. The decision to begin construction of a gymnasium in Harlem's Morningside Park had united the community against the university. It had evicted hundreds of people from buildings around the university in order to allow for expansion of the campus." [9]

According to this analysis, the issues which were presented by the student rebels were simply pretexts, "the point of the game was power." To members of the S.D.S. steering committee, Columbia itself was not the issue: "It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days by a well organized group of students then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The alleged "success" of the take-over of Columbia University has added to the militancy of the New Left movement. Phillip Abbot Luce, himself a former leader of the pro-Peking Progressive Labor Party, discussed the plans of New Left leaders to stimulate Columbia-like confrontations across the country:

"The Columbia experience is being touted by various S.D.S. leaders as an example for other student revolutionaries to emulate in the coming school year. Stealing Che Guevara's call for the creation of many 'Viet Nams' throughout this hemisphere, the S.D.S.ers now claim as their goal the 'creating of two, three, many Columbias.' According to one S.D.S. leader this means that they will expand the violence 'so that the U.S. must either change or send its troops to occupy American campuses.'" [10]

Tom Hayden, one of the founders of S.D.S. who was blamed by Newark, New Jersey, police officials for helping to instigate the riots in the Negro areas of that city, candidly stated the S.D.S. political approach. Writing in *Ramparts Magazine*, he declared:

"Columbia opened a new tactical stage in the resistance movement which began last fall: from the overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricaded resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics.

"In the future it is believed that students will threaten destruction of buildings as a

Footnotes at end of article.

last deterrent to police attacks. Many of the tactics learned can also be applied in smaller hit-and-run operations between strikes; raids on the offices of professors doing weapons research could win substantial support among students while making the university more blatantly repressive."[11]

The fact that many in the New Left do not believe in the democratic process was further shown in the May–June, 1968 issue of *Dissent* magazine. This magazine contains a letter from a Columbia University student member of S.D.S. According to the writer "S.D.S. asserts that resistance to Dow Chemical Co. by communities of people is both justified and democratic—even if 51 per cent of the community believes otherwise." The S.D.S. communication goes on to assert that "if the New Left possessed the powers to blow up with impunity all Dow Chemical plants making napalm (along with the plants of Lockheed, Boeing, etc. which make weapons) it would do so. . . ."

The revolutionary strategy is to gain student appeal by raising broadly supported issues and then forcing the college administration into refusing to accept student demands. Thus is created a direct "confrontation" between the revolutionaries and the administration. According to Columbia's Vice President, the S.D.S. had sought throughout the year to provoke such a "confrontation" with the college administration.

Roger Taus, a member of the pro-Peking Progressive Labor Party, an S.D.S. member, and an alternate member of the Columbia Strike Steering Committee, has stated that:

"The Columbia sit-in confronted tens of thousands of students with a question they must answer: Which side are you on? The side of racist exploitation and imperialism? Or the side of the liberation movement? Carefully planned confrontations like this can sharply expose to thousands the real imperialist and racist nature of this system and win them to fighting on our side against it."[12]

Confrontation as a revolutionary tactic works like this: Manipulate people into a posture in which they are in direct conflict with a power source. Violence can then be created. The first element is to enlist broad support for the stated cause through the raising of false issues. Secondly, the power source must be asked to make concessions which they cannot, or will not, accept. The claim is then made that the student will has been thwarted and the only answer is peaceful but extra-legal measures to gain the demanded change.

While declaring their non-violence and their desire to make only reasonable changes in campus policy, the revolutionaries attempt to gain strength from outside forces. Unless the school administration has taken a strong stand against the revolutionaries from the beginning, they will soon be forced to call in outside help. According to Phillip Luce, "this call for the police is exactly what the revolutionaries want at this point in their program. . . . Suddenly from somewhere, a policeman is hit and he, in turn, retaliates and hits a demonstrator. This has a chain reaction and soon there is a near riot."

As the violence increases, spectators, who have no idea how the violence started, are pulled into the riot by their emotional reaction to seeing the police employ defensive strength to restrain the now-fighting students. Once violence develops, the police become rough. Often they are guilty of brutal excesses of their own. This, Luce notes, "is a classic example of how to create a riot condition and then utilize the shock reaction of onlookers to perpetuate it . . . this is exactly the successful strategy utilized by S.D.S. and various . . . instigators at Columbia."

One end product of a successful confrontation theory is the apparent acceptability of violence. The revolutionaries claim that police brutality forced them to prevent further violence by employing the counter-violence of self-defense. Ultimately, the theory leads to the revolutionary proclamation that violence must now be accepted by the previously passive students.

In fact, New Left philosopher Herbert Marcuse has made a case for what he terms "socially useful destructiveness." It is his thesis, expressed in the book *The One Dimensional Man*, that by providing man with an abundance of food, clothing, and material comforts, this society robbed the individual of his desire for intellectual growth and self-expression. Since it is obvious that a Socialist revolution will not be brought about by the now docile masses, Marcuse abandons the proletariat as the medium for the desired social upheaval. Instead, he finds much promise in students and the "oppressed" minorities. Using "socially useful destructiveness," they will apply the pressure necessary to obliterate our bourgeois-industrial state. What would come after the Revolution? It would be rule by an elite, for Marcuse would replace democracy with a dictatorship controlled by those who rigidly adhere to his Marxist views. According to the professor, majority rule would be replaced by the "morality" of a presumably infallible minority.

The tactic of violence and disruption erupted in a manner to shock the nation and the world at the Democratic National Convention held in Chicago in August, 1968. The available evidence leads to the conclusion that such violence was planned long in advance, that "confrontation" with the police was sought, and that such confrontation was achieved.

As far back as November 16, 1967, the *Village Voice* reported the leader of the Youth International Party, Jerry Rubin, as saying: "See you next August in Chicago at the Democratic National Convention. Bring pot, fake delegates' cards, smoke bombs, costumes, blood to throw and all kinds of interesting props. Also football helmets."

Early in 1968 the National Mobilization Committee Against the War in Vietnam, headed by David Dellinger, organized a Chicago project committee and placed Rennie Davis in charge with instructions to work closely with Tom Hayden, leader of Students for a Democratic Society, and Jerry Rubin, of the Progressive Labor Party and also of the Youth International Party, more commonly known as Yippies.

Dellinger and Hayden held a press conference in New York on June 29 and were quoted by the *National Guardian* as saying: "We are planning tactics of prolonged direct action to put heat on the government and its political party. We realize that it will be no picnic but responsibility for any violence that develops lies with the authorities, not the demonstrators."

Early in August, Rennie Davis appeared before a meeting of the Chicago Peace Council held at the Lawson Y.M.C.A. He displayed two large 3' by 3' maps of the area surrounding the International Amphitheatre, noting locations where police, National Guard, F.B.I., and other security forces would be situated during the proceedings. He stated that if trouble starts at the Convention, among other things, "the Loop will fall," implying demolition of the downtown Chicago area.[13]

The violence which occurred in Chicago was predicted almost precisely by the August 9th Intelligence Division Report of the Chicago Police Department. That report concluded with this statement:

"Due to the talk around the office of the National Mobilization Committee and the general attitude of Rennie Davis and Tom Hayden, the reporting investigator feels that the night of 28 August 1968 there will be wide-spread trouble through efforts of Davis and Hayden. It is felt that there will be trouble in the Loop Area and possibly on the South and West sides. This would be done in an effort to draw the Police away from the Amphitheatre."

The issue of the police conduct, the fairness of the communications media, and the role of Chicago's Mayor Richard Daley will remain subject to much discussion. That the police force did over-react in many instances is clear. That this is exactly the response which extremist leaders sought to produce is also clear.

Perhaps the most important lesson to emerge from Chicago was the fact that the violence which occurred in that city was long planned by the most militant members of the New Left. It was carried out under the leadership of men such as David Dellinger, Tom Hayden, and Jerry Rubin, the same people who led the march on the Pentagon. This was no idle political demonstration to its leaders, although it was surely viewed in those terms by many of the innocent and idealistic young people who were its participants. Writing in *The New Republic*, James Ridgeway, an eye-witness observer of events in Chicago, stated the following:

"The clashes between police and demonstrators began as calculated maneuvers by the National Mobilization Committee to End the War in Vietnam, and the Youth International Party. The strategy was to confront the police, and thereby demonstrate that America was a police state. . . . Following out their scheme to promote a continuing confrontation between growing numbers of people and the police—they figured that the Chicago officials would respond by bringing in more police and troops, and so make clear to all those looking on that Chicago was an armed camp and America was a police state—the radicals talked enthusiastically about little acts of violence, like a stink bomb in the hotel, or dirty words on some walls, to provoke the police and manipulate the liberal McCarthy youths into their own ranks. In effect, the idea was to stimulate a little guerrilla war. . . ."[14]

Tom Hayden, a leader of the Mobilization Committee To End The War In Vietnam, was not satisfied with the violence he and his group had managed to provoke in Chicago. Addressing a rally in Grant Park, he urged youths to go home and create "One, two, three hundred Chicagos," Hayden cried:

"If they want blood to flow from our heads, the blood will flow from a lot of other heads around this city and around this country. We must take to the streets, for the streets belong to the people. . . . It may well be that the era of organized, peaceful and orderly demonstrations is coming to an end and that other methods will be needed."[15]

While the New Left militant seek violence, and the overthrow of the established order of society, it is important to place the movement in a proper and balanced perspective. What the militant leaders want is one thing; what the alienated young people who follow them want is something else entirely.

The fact remains, however, that the movement has turned more and more toward the acceptance of violence as a proper and legitimate tactic. It is a tactic which they openly proclaim, and which society must learn to cope with if anarchy and disorder are to be prevented.

Footnotes at end of article.

FOOTNOTES

[1] *U.S. News and World Report*, May 20, 1968.
[2] *New York Times Magazine*, May 26, 1968, p. 90.
[3] *Ibid.*
[4] *Washington Post*, June 30, 1968.
[5] *Ibid.*
[6] *New York Times*, May 27, 1968.
[7] Quoted in *The New York Times Magazine*, May 19, 1968, p. 104.
[8] *National Guardian*, May 11, 1968, p. 4.
[9] *The New Republic*, May 11, 1968, p. 9.

[10] *Human Events*, June 15, 1968.
[11] *Ramparts*, June 15, 1968.
[12] *Human Events*, June 15, 1968.
[13] *Intelligence Division Report, Chicago Police Department*, August 2, 1968.
[14] *The New Republic*, Sept. 7, 1968.
[15] *U.S. News and World Report*, Sept. 9, 1968.

ONE MAN, ONE VOTE: NOT FOR SOVIETS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, the Soviet Union at the U.N. has three votes.

Poor Ukraine and Byelorussia each have one vote, but the voice of their vote is stolen by the Russian Bolsheviks.

This is one reason why self-determination must be extended to the citizens of Ukraine, Byelorussia, Georgia, and other minority countries occupied by the Russians.

If the people are permitted to hold free elections then, and only then, will their representatives speak for their people.

Until then, Russia controls three votes to our one, but there are none for Ukraine and Byelorussia.

I include a U.N. report for January 25, 1969, as part of my remarks:

SOVIET SATELLITES ECHO MOTHER RUSSIA

(By Tom Hoge)

UNITED NATIONS, N.Y.—A diplomat once described the Ukraine and Byelorussia as being like the Soviet Union only more so.

The members of the Soviet bloc all echo the Moscow theme and vote down the line with the Russians. But other members of the Russian symphony have shown a recent tendency to take off on an occasional unscheduled solo.

No such alien note has been heard from Byelorussia or the Ukraine; at least not in recent years.

The speeches made by representatives of the two satellites sound so similar to those of the Soviet Union that there has been suspicion that they are not only cleared by the Soviet mission, but probably composed by Russian speech writers.

If the two countries ape Moscow, it is ununderstandable. Although admitted to the United Nations as independent nations because of their World War II role against Germany, the two are actually political divisions of Russia like the 13 other Soviet Socialist republics.

When Henry Cabot Lodge was chief United States delegate to the United Nations, he made it a practice to listen closely whenever the Russians spoke. But he usually walked out of the assembly hall as soon as either of the two lesser republics took the floor. Lodge sometimes walked out on other bloc members, if it became apparent they were merely parroting the main Communist line.

When Nikolai T. Fedorenko was chief Soviet delegate, he used to stroll into the delegates' lounge every morning during the assembly session, followed by envoys of Byelorussia and the Ukraine, and sometime other bloc members. The group would sit at a long table in the coffee bar silently, taking notes while Fedorenko made what seemed to be an impromptu speech from the head of the table.

After about 20 minutes, someone apparently gave a signal and the group stood up with military precision and waited respectfully while Fedorenko collected his papers and brief case. Then the group silently filed out of the lounge with Fedorenko in front, usually flanked by the two senior members of the satellite group.

The Ukraine and Byelorussia have never played much more than a shadow role in debate, but in the early days they were represented by more colorful personalities, perhaps to maintain a semblance of independent identity.

In 1946, Ukrainian Foreign Minister Dmitri Manuilsky, an oldline Bolshevik, headed his delegation and was named chairman of the General Assembly's main Political Committee. Kuzma V. Kiselev, veteran Foreign minister of Byelorussia, attended a number of Assembly sessions.

Occasionally one of the two republics has put in a resolution, but it has plainly been done at the dictate of the Kremlin.

Although they play a minor role, neither republic is a microstate in any sense. The Ukraine with 45 million people, is bigger than most of the UN members. Byelorussia has a population of 8½ million.

The arrangement actually gives the Soviet Union three votes, to one for every other member, but no one has ever registered any objection.

"After all, we have our faithful followers, too," commented one Western source.

UKRAINIAN INDEPENDENCE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. GIAIMO. Mr. Speaker, January 22 marked the 51st anniversary of the proclamation of the free and independent Ukrainian Republic. I am proud to join with my colleagues on this occasion, in honoring the courageous people of the Ukraine.

Culturally an independent people, the Ukrainians have their own language, their own customs, their own traditions, and their own history. Yet, they have been subjugated by Russia for centuries. The rulers of that empire have changed from czar to commissar, but its oppressive policies remain unaltered. Equally as unalterable as Russian domination has been the Ukrainian people's continued desire for independence and self-determination.

The 51st anniversary of their period of independence that we salute today was short lived. Since 1920 the Ukraine has remained under the totalitarian regime of Russian communism.

However, almost 50 years of domination has failed to break the spirit of the Ukrainian people. For, they are a people who while subjugated continue to maintain human dignity; they are a people who while tyrannized continue to maintain a sense of pride and a measure of human decency; and, they are people who while oppressed continue to maintain the ideals of freedom and justice for all men.

Mr. Speaker, we recognize the deep-rooted spirit of freedom inherent in the Ukrainian people and their continuing hope for national independence. And so, through the observance of this anniversary, we pay tribute to the Ukrainian people who, despite their oppression, have contributed so greatly to the traditions of free men the world over.

REPORT TO THE CONGRESS ON POSTAL OPERATIONS—NO. 1

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. NIX. Mr. Speaker, the Postal Operations Subcommittee of the House, which I had the honor to be the chairman of during the last session of Congress, conducted extensive hearings from coast to coast across the United States. I will be making, from time to time, a series of reports to the Congress by insertions in the CONGRESSIONAL RECORD covering the activity of the subcommittee and what appear to me to be the problems facing the postal service, among which is an abundance of bad publicity.

An eastern newspaper, in discussing the appointment of Mr. Blount, stated that the Post Office Department was the "sick man" of the Federal Government and that "nothing was done right" in the postal service. Mr. Blount, according to the article, was going to set all of this straight. This type of article is neither helpful to the postal service nor to Mr. Blount, and it most assuredly is a crushing blow to postal morale. The article mentioned one problem; it skipped almost all others. It stated that postal supervisors were unable to transfer from post office to post office. This is a problem for some individuals and the Post Office Department. But the postal service, under the leadership of Richard Murphy, Assistant Postmaster General for the Bureau of Personnel, has initiated an experimental program in the Seattle region, made up of the States of Washington, Oreon, Alaska, Idaho, and Montana, in effect which requests that supervisors eligible for promotion agree to serve in any promotion vacancy in the Seattle region. This is about as far as you can get from the Congress of the United States. I became interested in this program and directed my staff counsel to study it. Preliminary hearings were held in Boise, Idaho, chaired by the Honorable JAMES A. MCCLURE, and in Missoula, Mont., chaired by the Honorable ARNOLD OLSEN, as well as a round-table discussion meeting with union leaders in Seattle, Wash.

This project, called the Seattle project or the career development program, attempted to meet this problem of transferability headon. It set up a system in the Seattle region whereby supervisors eligible for promotion would be asked to waive residence voluntarily prior to consideration for promotion. Up until now, supervisors have only been considered for openings in their home office or the mailing area in which they are stationed.

The Seattle project sounds like a good program; but as well intended as it seems to be, it starts reform at the wrong end of the scale. It reminds me of the economy campaigns periodically conducted by the Defense Department. They always start by taking light bulbs out of the barracks. This program starts by placing the burden for change on the

shoulders of employees. Some men were promoted even though they refused to waive residence. In a few cases, supervisors were promoted after they signed the waiver and transferred to other post offices in the Seattle region. There has been a storm of protest from postal workers. I understand further that these individuals who have been transferred and promoted, in one case from Anchorage, Alaska, to Portland, Oreg., at a multiple-grade increase, are themselves unhappy, according to officials of the Postal Supervisors Union. Why, I asked, could something that sounded so sensible cause such an uproar?

The reasons are simple enough.

First. The raise in pay on promotion to the next postal supervisory level in the vast majority of cases only amounts to about $600 a year. When an individual transfers from a smaller city like Boise, Idaho, to Seattle, he is losing pay—not gaining in pay—because of the higher cost of real estate and other items. Let us suppose that this program was, in fact, a nationwide program and a postal supervisor was transferred from Missoula, Mont., to New York City. New York policemen and firemen have been asking for an average salary of $12,000 a year to meet the costs of living in that city. The average postal employee in that city, regardless of seniority, makes about $8,000 a year. This transfer would be a tremendous loss.

Second. Postal supervisors are men either in middle age or approaching middle age. This is true because 85 percent of the people in the postal service, regardless of years of service, whether 20 or 30 years of service, are never promoted to a supervisory level. Those who are promoted have generally almost 20 years of service. The transfer to accept a new promotion will, in any case, probably mean the end of promotions because a man will probably not have enough time in service left to wait the length of time necessary for another promotion. What is more, he moves into a strange situation and the natural resentment of employees who have been waiting many years for promotion in the gaining post office. In return for one promotion, a man must uproot his family, sell the home he has been paying for, perhaps at loss, and very probably move to a community where the cost of living is higher.

Third. What is more, the program, as it turns out, works in a discriminatory fashion. In small post offices where supervisors and employees know each other very well, the job ratings of supervisors is very high. In larger post offices, like Seattle, in an impersonal setting, supervisors never receive a perfect rating. Yet the supervisors in large offices must compete on a point system with employees who receive better scores in smaller offices. These point scores are compared in an impersonal matter by a complicated system and the total score is reviewed by a board on which officials from regional office sit and have a controlling voice.

Fourth. This program has been compared to the promotion procedures of private industry. It is not a good comparison, because the programs in private industry do not reach down to the foreman level. Only individuals at an executive level are forced to move. They are promised even greater advancement and their pay on transfer is adequate to the area in which they are assigned.

Fifth. The Seattle project has unintentionally raised the prospect of political manipulation of promotions in that the influence of the regional office dominate the program. Employees of regional offices are chosen in many cases on the basis of the personal discretion of regional office officials. The regional offices justly or unjustly have the reputation among postal employees of being dominated by politics. Because of the domination of this program, under the name Career Development Program or Seattle project by regional offices, it is regarded by employees as a clash between seniority in local post offices and regional office political considerations. Although seniority is not the most important consideration under the present local promotion plan, it does receive some consideration today as a matter of tradition.

WHAT NEEDS TO BE DONE?

I believe that the present ratio of supervisors to employees of one supervisor to 35 employees is too low, and should be a ratio of at least one supervisor to 25 employees, and probably a ratio of one supervisor to 20 employees. If this were done, restrictive practices on job promotion would wither away. If budgetary problems prevent this, let us put the blame where it belongs, principally in the Bureau of the Budget where the biggest cuts in postal appropriation requests come. The Committee on Appropriations and the Congress has had to take the blame for budget cuts for too long.

I believe that the pay gap between supervisors and employees is too low, and asking a man to transfer long distances for a $600 a year increase is ridiculous.

I believe that future promotion and transfer programs should be limited to top management positions in local post offices, rather than disrupting the hope of all employees for local promotion. There is no reason to suppose that in lower supervisory grades that men capable of filling supervisory positions are not available. They have been available up to now. They are also available in industry which restricts transfer promotions to persons at the executive level.

As chairman of the Postal Operations Subcommittee, I will do all in my power to see that realistic and beneficial programs are instituted within this session of Congress. I want to thank Congressman ARNOLD OLSEN and Congressman JAMES MCCLURE for their great work in bringing these facts to light. They are hard working and dedicated men. I am proud to serve with them. I hope that together we can improve the postal service, and work in the great nonpartisan tradition of our committee during this next Congress.

I will, in the next few weeks, make a series of reports on the postal service in the CONGRESSIONAL RECORD based on our investigations during the 90th Congress.

A NEW LOOK IS NEEDED AT USIA SETUP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DERWINSKI. Mr. Speaker, one of the major assignments in the new administration which has been generally unnoticed is that of Frank Shakespeare, Jr., to head the U.S. Information Agency.

One man who has made an extensive study of the agency is the noted international columnist of the Copley Press, Dumitru Danielopol, who in an article in the January 20 Joliet-Herald News reviews the valedictory comments of former agency head, Leonard H. Marks:

A NEW LOOK IS NEEDED AT USIA SETUP

(By Dumitru Danielopol)

WASHINGTON.—"I can report proudly that the exhibits, broadcasts, telecasts, films, books, pamphlets and periodicals produced by the U.S. Information Agency are now regarded as models by professionals engaged in the arts and crafts of persuasion," said Leonard H. Marks, director of the agency in his valedictory report to Congress.

It sounds great. It sounds as if America was winning the global propaganda war.

The only trouble is, it isn't so.

To Americans who have traveled abroad in the last few years, the Marks report will read like the "Tales of the Brothers Grimm." Too much of it is nothing but a clumsy attempt to whitewash a USIA operation that too often is inept, incompetent and inefficient.

How can Marks call his operation a "model" when the American image abroad has sagged to its lowest ebb in history?

In his report Marks chose to disregard criticism at home and abroad against his agency.

"The image of the U.S. abroad has obviously worsened in recent years," Lloyd S. Free, director of the Institute for International Social Research, told a congressional subcommittee last summer. "We are on the verge of a public relations debacle . . ."

The presidential directives to USIA are "to help achieve U.S. foreign policy objectives by . . . influencing public attitudes of other nations," Marks wrote.

Anyone traveling through Europe knows that we are far from attaining this goal. On the contrary, while the United States was losing friends and prestige, the Soviet Union has been gaining strength even among our allies. Moscow has even begun to recover from its black eye.

In Paris, the French elder statesman, Ambassador Andre Francois Poncet, said: "Your propaganda . . . is zero."

"We are just not selling America," I wrote on Sept. 17, 1966, after an extended tour of Europe. "USIA officials themselves admit failures in Western Europe . . . It is about time President Johnson awoke to the fact that his points are just not getting across . . ."

What kind of man or woman goes to work for USIA?

"A very special kind of individual," says Marks. "In his makeup are elements of missionary, teacher, publicist, diplomat . . . rugged individualist and loyal organization man."

Not everyone would agree. USIA has many highly competent people, but is also plagued with low caliber workers who fail to comprehend their mission, or simply ignore it.

Many of them have been outspoken in their opposition to our Vietnam policy—a policy they are paid to explain and defend.

One high official who came to the agency from a highly successful business career inspected USIA posts overseas and returned in disgust. He told friends that he would only retain less than half if USIA was a profit-making organization.

Despite Marks' self-serving essay, the new Nixon administration should make a thorough review of the USIA and similar operations like Radio Free Europe. It would be interesting, for example, to find out why competent writers and editors from Eastern European desks have been set aside—because of their anti-Communist opinions—while Communists from those countries have been hired to broadcast from American stations.

A CALL TO COMMITMENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. JACOBS. Mr. Speaker, at this point in the CONGRESSIONAL RECORD, I would like to bring to the attention of my colleagues the address made by the Honorable Jed Johnson, Jr., to the American Gas Association on January 22, 1969:

A CALL TO COMMITMENT

The Scriptures tell us a house divided against itself cannot stand.

The Kerner Commission has warned us that we are moving toward two separate and distinct societies.

The greatness of America has been its *capacity to change* to meet changing conditions.

The real question today is whether we have the will, the capacity, the determination, the faith to meet and solve the problems of our society.

I believe we do.

I believe that Government cannot do it alone. Without the effective and serious cooperation of business, our social crisis cannot and will not be solved. With serious and sincere commitment of business, labor and government, we cannot fail.

What is the crisis and why is it there?

We all know of the discrimination in education. We know that until fairly recently, a black man, if he wanted to be a journalist, could not enroll in many of the journalism schools. We know if a black man wanted to be a lawyer he could not enroll in many law schools. My own state of Oklahoma did not permit a black man in the University of Oklahoma Law School until 1948. We know that until 1954 "separate, but equal" was the law of the land. We know that until 1964 public accommodations were not public to the black man. We know also that it took the death of Dr. Martin Luther King by an assassin's bullet to prod Congress into enacting an open housing law.

We also know that until the voting rights bill of 1965, there had been widespread disfranchisement. The most basic right in a democracy, the right to vote, a right guaranteed one hundred years ago by the 15th Amendment, the very essence of a democracy, was systematically denied. Yet the call of the American Revolution was "no taxation without representation." We know that there has been and still is gerrymanding to keep black representation to a minimum. There are still three states with substantial black population, Alabama, South Carolina and Arkansas without a single black member of their state legislatures.

As a former member of Congress and as one who appreciates the importance of political power, I looked up the record of black membership in the U.S. Congress. I found an incredible thing.

If you start with the election of 1900 you have to go from 1901 to 1931, thirty years without a single black representative in either House of the U.S. Congress.

Then in 1931, in the 72nd Congress, Oscar DePriest was elected from Illinois.

There was only one black member of Congress from 1931 to '45.

From 1945 to 1955 there were only two.

In 1955, there were only three.

In 1965, in the 89th Congress, when I served there were six out of a total of 535 representatives and senators.

Today there are 10 out of 535, including one U.S. Senator.

Now what do these facts tell us?

A great deal, I think.

For one thing, the black man has been caught in a syndrome of discrimination. Denial of educational opportunities helped prevent advance in employment. Denial of voting rights helped prevent protection of Constitutional rights by lack of political representation. Denial of political representation prevented the black man from influencing his own destiny in education, housing, health, employment, etc. So there has been a vicious cycle.

The cycle is now being broken, and broken it must be.

What I am saying is that this is where we have been. The question now is where are we going and how are we going to get there.

A hundred years ago it was a daring thing for Abraham Lincoln to sign the Emancipation Proclamation. But it was right and today no one in our society would advocate slavery.

In the 1930s the Anti-Lynching Law was controversial, yet today no one would tolerate lynching.

Today, there may be those of you who would hold back on taking affirmative action programs, because of criticism or the fear of change, but by tomorrow no one will seriously take such a position.

What I am asking is that we simply be true to ourselves, to our country and the values that we profess to hold—equality of opportunity, human dignity and freedom.

America has to solve her problem of race or she cannot survive. And the only lasting solution can be a just one: to right the wrongs of the past. The purpose of society is not to perpetuate injustices. It is to provide lasting remedies to correct those injustices.

Let us turn our backs on the discrimination of the past and face the future, and make sure that future is a decent and just one for all Americans.

Now how do we go about doing that, specifically as it relates to ending patterns of discrimination in employment within one's own industry or company.

The first requirement is a personal commitment, or the will to do this and seek ways of fulfilling the spirit of the law, rather than ways to avoid it.

Now why an affirmative action program? Why should you go to them? Listen to the words of the late John F. Kennedy. This is what he said on January 17, 1963:

"It will require some effort on your part. I don't think it is just a question of signing the certificates and indicating a willingness to accept people if they have the talent. I think we probably have to do more than that. You really have to go out and look for them because they won't be able in sufficient cases to find you. I think you have to find them . . . I hope . . . you will make a deliberate effort, that you will assign people in your company to really see if in a period of six months or a year we can really statistically improve the situation in every company."

The second ingredient is to find the tools of an effective affirmative action program.

These include:

One, a clear-cut policy statement on equal employment opportunity from the President of the company,

Two, the appointment of a high-level company person responsible for the implementation of an affirmative action program,

Three, an active recruitment program at educational institutions with large minority populations,

Four, a quarterly feed-back system from each department measuring the improvement over the previous quarter

Five, review selection, testing and promotion procedures. These are among the things you can do. There are many others. They are as varied as your initiative, imagination and situation.

The fact is that many blacks and other minorities will not apply for a job because they believe they are not wanted based on past experience.

Let me tell you two stories to illustrate this point.

In a pharmaceutical plant in New Jersey they had never had any Negro employees. They undertook an affirmative action program, hired three blacks and within weeks were inundated with applications. They found that people in the ghetto thought the building had been painted white as a symbol to stay away.

A second story will suffice, in a utility company in an eastern inter-city which had employed blacks in substantial numbers since during World War II, they undertook an affirmative action program aimed at the Spanish Americans. They found out that the reason the Puerto Ricans had never applied for jobs in the company was that they thought they were "not allowed in the building."

This is not to say that all problems are merely one of communication, but it is to say that without meaningful communication to the minority community, there can be no successful affirmative action program.

In closing, I wish to bring to your attention a couple of quotations. On June 19, 1963 the late John F. Kennedy said:

"I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud and priceless quality that unites us all as Americans: a sense of justice. In this year of the Emancipation Centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy and domestic tranquility—but above all, because it is right."

Because it is right. Because if you get involved, really get committed, you'll never regret it. I have seen the twinkle in the eye of some of the businessmen who have really become concerned, who have really become involved, who really do care. Who know that they are doing something not only big for their company, but something big for their country. And they are doing something for themselves.

I tell you this, you will know that you have got hold of something important, that you are helping to be a part of the solution, rather than to be a part of the problem.

As President Richard Nixon said in his Inaugural Address: "To go forward at all is to go forward together."

PAUL FORNSHELL SCHENCK

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. AYRES. Mr. Speaker, it was with a deep sense of sorrow that I learned of

the passing of my former colleague in this body, Paul Fornshell Schenck.

We Ohioans were proud of the fine record that Paul Schenck made as an educator, businessman, and U.S. Representative. Born in Miamisburg, Ohio, some 60 years ago, his family moved to Dayton, Ohio.

He served that city well as an educator, president of the board of education, and president of the Dayton Safety Council. He also was a most successful realtor and was elected president of Dayton Real Estate Board.

He served in this body in the House of Representatives, beginning with the 82d Congress. A man of great integrity and ability, we who served with him remember well the fine measures that he supported here. He brought with him a great background of knowledge in the field of education and his contributions to legislation in that field were many.

Paul Schenck was dedicated to his work and we who had the good fortune to work with him benefited greatly from his guiding spirit.

ROBBING THE POOR—PART I

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. ASHBROOK. Mr. Speaker, it is understandable why public confidence in the antipoverty program, heralded with such fanfare several years ago, has steadily dwindled. Either through outright fraud or mismanagement, funds allotted for the alleviation of the disadvantaged are diverted from intended recipients. The New York Times of Sunday, January 12, featured a comprehensive treatment of the New York City antipoverty and welfare program under the heading, "Millions in City Poverty Funds Lost by Fraud and Inefficiency," compiled by Richard Reeves, Barnard L. Collier, Richard Phalon, and Richard Severo. Their findings illustrate that more than a meritorious purpose and the allocation of money are required in coping with our social ills.

The Human Resources Administration, created in August 1966, sought to merge the antipoverty and welfare programs, along with their related agencies, under a single administrative agency to centralize the programs. Unfortunately, this administrative overhaul could not prevent the diversion of funds, and at the present time the situation in the HRA is serious in the extreme, if the Times article is any indication:

Multiple investigations of the city's $122-million-a-year anti-poverty program are disclosing chronic corruption and administrative chaos that have already cheated New York's poor of uncounted millions of dollars.

In addition to the offices of the district attorneys of New York County, the Bronx, and Brooklyn, investigations of HRA have been conducted by the OEO, the Department of Labor, and the GAO on the Federal level. The Times authors estimate that—

At least 100 representatives from these offices have been involved.

The above-mentioned article is quite lengthy, and for this reason I ask that it be inserted in the RECORD in two parts on succeeding days.

Part I of the article follows:

MILLIONS IN CITY POVERTY FUNDS LOST BY FRAUD AND INEFFICIENCY

Multiple investigations of the city's $122-million-a-year antipoverty program are disclosing chronic corruption and administrative chaos that have already cheated New York's poor of uncounted millions of dollars.

"It's so bad that it will take 10 years to find out what's really been going on inside the Human Resources Administration," said an assistant district attorney who has spent the last four months studying the superagency. It was formed 27 months ago to run the city's antipoverty and welfare programs.

District Attorney Frank S. Hogan of New York County, the city's Department of Investigation and Federal agencies have discovered that the mismanagement and internal dishonesty still exist—that while auditors and detectives were studying the H.R.A. last month some persons were carrying out a $1-million embezzlement plot.

Alleged wrongdoing in the superagency has also been investigated by the District Attorneys of the Bronx and Brooklyn, the Office of Economic Opportunity, the Department of Labor and the Federal Government's General Accounting Office. At least 100 representatives from these offices have been involved.

As late as last Dec. 19 a confidential survey by the United States Department of Labor—which largely finances H.R.A.'s Neighborhood Youth Corps—reported:

"Unless vast changes are made, it is the opinion of this office that H.R.A. cannot possibly cope with the many additional problems that will be brought about by the substantial increase in enrollees under the summer programs."

An inside evaluation—a staff memorandum last May to Mitchell I. Ginsberg, the superagency's administrator—warned that in some cases management failures had "more than negated the impact of the antipoverty program in local communities."

The outsiders—from Washington and Mr. Hogan's office—have charged that some city officials are destroying important H.R.A. records and are reluctant to cooperate. The city has informed the outsiders that less than $1.5 million has been stolen from H.R.A., but independent investigators say the actual figure will be much higher.

For the last three months reporters of The New York Times have interviewed dozens of former and present city officials, investigators and some of the men and women under investigation.

Those interviews have disclosed cases of apparent corruption either compounded or encouraged by chaotic administrative practices.

The cases, which follow, appear at this time to be unrelated, except that they indicate problems in the H.R.A.

A complex plot, discovered three weeks ago by suspicious bankers, to transfer four checks totaling more than $1-million from H.R.A. accounts to a secret bank account in Zurich, Switzerland.

Two former officials of the agency and a high-ranking official still on the job are being investigated on suspicion that they embezzled funds and took kickbacks.

The alleged theft of at least $1.75-million in nine months by a group of young H. R. A. employes from Durham, N.C. who call themselves "the Durham Mob"—suspected of rigging city computers to produce fraudulent paychecks.

The District Attorney and Department of Investigation are looking into the disappearance of Social Security payments withheld from thousands of Neighborhood Youth Corps paychecks, but never forwarded to the Federal Government.

One city fiscal officer "intercepted" Federal checks intended for the City Comptroller and, without authorization, deposited more than $6-million in an H. R. A. account. The officer then made cash withdrawals to pay overtime salaries, records of which never appeared on the payroll records or in the records of the Internal Revenue Service.

A bizarre scheme, hatched five weeks ago, to steal $52,000 in H. R. A. funds by the purchase of a Los Angeles house with a check made out to an apparently fictitious man who "identified" himself by writing a false license plate number and the unlisted phone number of a movie star on the back of a stolen H. R. A. check.

A plan submitted to the Labor Department to "safeguard" Neighborhood Youth Corps Funds was developed last August by two H. R. A. officials who were arrested a month later and charged with Youth Corps thefts.

JUST A SAMPLING

These situations are only a sampling of the problems of the Human Resources Administration—problems that could multiply as more Federal investigators come into the city and produce reports such as the April 24, 1968, document produced by Labor Department auditors. That was titled "Absence of Fiscal Responsibility in the Human Resources Administration, City of New York."

And the problems of New York are in many ways those of the nation, not only because internal corruption is now being investigated in the anti-poverty programs of other cities, including Los Angeles and Detroit, but because that corruption could influence the attitude of the new Nixon Administration toward all programs to aid poor people.

Mr. Ginsberg, former associate dean of the School of Social Work at Columbia University, is aware of that danger.

"Even with all the inefficiencies and mistakes coming to light—and they are serious—the [Youth Corps] and other programs like it have made an important difference to the poor and they must not be destroyed," he said recently.

"We are a fantastically big business," he said yesterday during an interview in his office at 40 Worth Street, in which he was asked about information turned up by The Times's investigation. "We improvise and hope we will get through," he said.

ORDERS COOPERATION

In the interview he said: "I'm not suggesting there was no dishonesty. But I don't think it is a massive problem."

He said he had ordered full cooperation with investigators, but conceded there might have been occasions when lower-ranking officials at first resisted supplying information and records.

H.R.A., in fact, has problems—gigantic size, explosive growth and inexperience.

The superagency was established by Mayor Lindsay on Aug. 15, 1966, to combine the old Department of Welfare and the two antipoverty agencies: the Manpower and Career Development Agency, which manages job training programs and the Youth Corps, and the Community Development Agency, which coordinates the varied programs of * * *.

Both confusion and corruption were a problem in city antipoverty agencies before the Lindsay administration took office.

Mr. Ginsberg made it clear yesterday that his major interest was in getting programs moving, not in building rigid financial controls.

"If we had better controls," he said, "we wouldn't have had the programs."

That point of view got the city in trouble with the United States Department of Labor, which reported that Youth Corps irregulari-

ties in New York were made possible "because all payroll safeguards used in the past were disregarded."

The Labor Department added that high city officials had given instructions to payroll and fiscal personnel to disregard all controls "to get the enrollees paid."

The city's reason for paying quickly, according to members of Mayor Lindsay's staff, was that there appeared to be danger of race riots if slum-area teen-agers were not put to work and paid.

The Labor Department, on the other hand, was worried about the $19.9-million it had provided for the Youth Corps, and other Federal agencies are worried about the money flowing from Washington to 100 Church Street, the H.R.A. headquarters.

Last September the Labor Department threatened to cancel the city's sponsorship of the program because of fiscal irregularities that led to the intensive scrutiny of the Manpower and Career Development Agency.

Most of the disclosures to date have concerned the Youth Corps, according to one Federal investigator, "simply because that's where we're looking at the moment."

SPONSORSHIP CONTINUED

A Federal decision last week to extend city sponsorship of the corps for five more months was interpreted by Mr. Ginsberg as a "vote of confidence" in the Human Resources Administration.

But Labor Department memorandums on the decision reveal that city sponsorship was continued because "of the inherent difficulties in securing new sponsorship."

In fact, the Federal investigators studying city sponsorship, concluded last Dec. 18:

"The present staffs of the H.R.A. fiscal office, Manpower Career Development Agency and Neighborhood Youth Corps Fiscal Office do not possess the qualifications to implement a management system, however well designed."

Federal investigators had concluded three months earlier that:

"There is substantial evidence to indicate that employes of New York, staff employes of delegate agencies and even NYC [Neighborhood Youth Corps] enrollees have either conspired or engaged in wholesale larceny, theft through fraud or embezzlement of funds advanced to New York City by the United States Department of Labor."

IN NEIGHBORHOODS, TOO

Those reports are evidence of the cloud of corruption that plagues the Human Resources Administration. Whether they are well-informed or not, employes of the agency tend to say such things as "Oh, yes, he's stealing too."

Dishonesty in neighborhood antipoverty offices also taints the entire agency. Bronx District Attorney Burton B. Roberts found "ghosts" on the payroll of the Hunts Point Community Corporation in 1966.

A Federal auditor in a written report has said that when he informed Robert Shrank, who was Youth Corps director in 1967, of irregularities, "Mr. Shrank informed this auditor that he was a liar and destroyed the report."

"STOP-PAYMENT" ORDER

Mr. Shrank, who is now an urban-affairs consultant to the Ford Foundation, said yesterday that he did not destroy any report and had only accused the auditor of "exaggerations."

A confidential report by Federal auditors to United States Attorney Robert M. Morgenthau asserts that Mr. Shrank reacted to information that stop-payment orders would be issued on a batch of stolen checks by calling his staff together "to tell them that if any of them had the stolen checks they should not cash them since a 'stop-payment' had been issued."

"I did warn anybody who attempted to cash the checks," Mr. Shrank said yesterday when informed about the report. "After all, we were paying $42,000 a week in checks. I'm not saying it's forgivable, but I don't know how you can ever stop the stolen-check problem."

In another area of investigators, the charge of destroying records was heard often in the last three months. But a more common complaint by Federal and District Attorney investigators was that city officials refused to volunteer information or were tardy in providing requested material.

The one official who generally escaped that kind of criticism was Mr. Ginsberg, who was praised by both Federal and local investigators for his sincerity and cooperation.

One aspect of corruption in H.R.A. that has not been mentioned in any report but is often discussed by employes is that the persons arrested to date have all been black. Most employes of the poverty program are Negroes who have been brought into the mainstream of city government.

And the mainstream, in the words of a man who has been at City Hall for 30 years, "has always included taking a little now and then."

"Tweed was a WASP [white Anglo-Saxon Protestant] and the Irish and the Jews followed him," he said, "Now the Negroes are getting their chance and everyone thinks it's a new thing."

"Yes," agreed a Negro who has been arrested, "it looks like some of us have moved up to the white man's thing."

ROBERT F. WILLIAMS, OF RAM—BLACK PANTHERS—NEW AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, from Communist Tanzania comes the report that fugitive-from-justice Robert Williams has returned from Africa to Red China to continue his "hate America" programs.

The interesting aspect is why and on whose orders did the U.S. Embassy office in Dar-es-Salaam rendezvous with Williams to give him a new and valid passport?

Under unanimous consent I submit the report by a Richard Gibson of Dar-es-Salaam which appeared in the January 18, 1969, Herald Dispatch of Los Angeles for inclusion in the CONGRESSIONAL RECORD, as follows:

ROB WILLIAMS RETURNS TO CHINA AFTER AFRICA VISIT

(By Richard Gibson)

DAR ES SALAAM.—Afro-American exile leader Robert F. Williams recently wound up a three-month visit to Tanzania and sailed back to China, bearing a valid U.S. passport for the first time in years.

Mr. Williams had not been able to obtain a valid passport since he fled from his Monroe, N.C. home in 1961 to avoid kidnapping charges arising from violent racial clashes in that Southern city.

He first sought refuge with Fidel Castro's government in Cuba, but left there for China in 1966, charging that some of Cuba's white leaders were themselves racist bigots.

Mr. Williams, who traveled to Tanzania from his exile headquarters in Peking on a Chinese Aliens Travel Document, was accompanied on part of his tour by his wife Mabel.

Shortly after Mr. Williams boarded a ship in Dar es Salaam to return to China, an official of the U.S. Embassy presented him with a new American passport.

Mr. Williams' Tanzania visit was the first trip he has made outside China since he moved there and his first visit to any part of Africa.

Recently, he was denied the right to visit Sweden and France. Although both countries profess to support the civil rights struggle in the United States and both had welcomed Stokely Carmichael earlier this year, neither has given any explanation of the ban on Robert F. Williams.

In Sweden, student groups at the universities of Uppsala and Lund are still appealing the ban in the hope that Mr. Williams may speak at their schools.

But some Swedish leftist organizations have refused to pay more than lip-service to the appeal, because they strongly disapprove of Mr. Williams' criticism of the lingering racism in Cuba and his support of Communist China's Chairman Mao Tse-tung.

Mr. Williams conferred in Dar es Salaam with attorney Milton R. Henry of Detroit, Brother Imari (whose "slave name" was Richard B. Henry) and Mrs. Mae Mallory, a militant black mother from New York, who is still under indictment on the same kidnapping charges as Mr. Williams.

In conjunction with Mr. Henry and Brother Imari—in his capacity as Minister of Information of the black separatist "Republic of New Africa," Mr. Williams held a press conference in Dar es Salaam at the beginning of June to publicize the group's demands for an all-black independent and sovereign republic to be carved out of the present Southern United States.

Earlier this year, Mr. Williams had been elected in absentia at a Detroit meeting, the first President of New Africa, and Mr. Henry was chosen as First Vice President.

Denying that he planned to remain in exile permanently, Mr. Williams confirmed reports that he hoped to return to the United States to clear himself of the charges against him, which he vehemently maintained were a complete fabrication.

But he set no date for his return, which he said would take place only "when the time was ripe."

Before his departure from the East African country, Mr. Williams expressed gratitude to the government of President Julius K. Nyerere and the people of Tanzania for the hospitality and kindness shown him and Mrs. Williams.

While in Dar es Salaam, which is also headquarters of the African Liberation Committee of the Organization of African Unity, Mr. Williams met privately with many African freedom fighters, including top ranking leaders of the militant Pan-Africanist Congress of Azania (South Africa).

A FORWARD MARITIME POLICY FOR THE UNITED STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. GARMATZ. Mr. Speaker, at a luncheon sponsored by the AFL–CIO Maritime Trades Department at the Statler-Hilton Hotel last Wednesday, a very timely and thought provoking address was delivered by Dr. James D. Atkinson, professor of government, Georgetown University.

There has been too much delay in giving to our almost nonexistent merchant marine, the very serious consideration it should have.

Dr. Atkinson's remarks bring out the need for taking immediate action to

remedy this neglect while there is still time. I strongly urge their careful reading by all of the Members:

A FORWARD MARITIME POLICY FOR THE UNITED STATES

THE STRATEGIC NAVAL BALANCE

The naval balance study

In early December 1968, the House Committee on Armed Services published a study entitled "The Changing Strategic Naval Balance: U.S.S.R. vs. U.S.A." This study was prepared for House Armed Services by a special committee of the American Security Council on which I served. This carefully researched paper pointed out that the burgeoning Soviet merchant marine served to enhance Soviet attainment of strategic objectives on the oceans of the world and that this constituted one of the significant developments of our times. The study emphasized that the Soviet effort was both qualitative and quantitative and noted that "four out of five Russian merchant ships are less than 10 years old, whereas four out of five of the U.S.-flag vessels are of World War II vintage or older!"

Continued Soviet momentum

Since the publication of this report, the trend has been for continued upward movement of the Soviets on the high seas. There are many examples of this continuing Soviet thrust at sea, but these are especially interesting:

(1) On 26 December 1968 the official Soviet news agency Tass stated that "the Soviet Merchant Marine has firmly taken the world's sixth place this year" and that one more line had been added "to the score of regular services. It links the ports of the Baltic with Australia."

(2) On 6 January 1969 Tass stated that meetings had begun that day between the Soviet Union and East Germany in order to coordinate their maritime policy including that "on the international freight market." With the recent example of Soviet rate cutting on Australian cargoes, this report is highly suggestive for future Soviet and bloc policy.

(3) On 9 January 1969 Moscow Radio announced that ten ships of the Soviet merchant navy had arrived in Havana, Cuba, and that a record number of Russian ships would be plying the sea route to Cuba this month.[1]

(4) On 14 January 1969 press reports revealed an historic first for the Soviet merchant marine. It was stated that the first regular shipping service by the USSR to North America's Pacific Coast had begun with the over 14,000 ton *Ostrogozhsk* (built only 4 years ago), one of three Soviet ships to be in service from British Columbia to Japan. Significantly, this is a third country service, not a Soviet home port operation.

PROJECTIONS FROM THE NAVAL BALANCE STUDY

There are, of course, a number of projections which could be made from "The Changing Strategic Naval Balance." The following, however, appear to have special relevance to the fields of merchant marine, oceanography, and fisheries:

General projections

(1) The Maritime Psychological Gap: Of prime importance is the closing of the maritime psychological gap. For too long the American people have been told—by the prophets of gloom and doom—that it is useless for the United States to make a maritime effort, because other countries can build and operate more efficiently. A logical examination of this claim leads, of course, to a *reductio ad absurdum*. For, if we accept this kind of defeatism, it follows that, very shortly, we cannot make an effort in the fields of electronics, in steel, or in textiles. All of these fields are challenged from overseas as is our maritime enterprise.

Furthermore, a recent example indicates that American labor and management in the maritime field are performing far more efficiently than the critics would have us believe. I cite the sad case of the *Queen Elizabeth II*, not as a criticism of the grand maritime tradition of Britain, but, rather, as, by contrast, emphasizing what America is doing and can do at sea.

The London Daily Telegraph stated (1 January 1969) of the *Queen Elizabeth II* that there were "minor defects, mainly electrical, in 900 of the 1,000 cabins." Their correspondent went on to say that "plumbing is bad in several cabins and one can wade in inches of water. Shower attachments are missing. The taps on baths are also missing. In some cases attachments in bathrooms have come away in people's hands." Far more serious were the faults in two turbines. The Daily Telegraph of 8 January 1969 reported these were even more serious than it was first believed and that the chairman of Upper Clyde Shipbuilders "refused to give a completion date for the ship."[2]

(2) National Need vs. Cost-effectiveness: Closely associated with the maritime psychological gap is the myth of maritime cost-effectiveness. A myth, because the U.S. maritime posture should, in truth, be related to national need, not to cost-effectiveness alone. The U.S. merchant marine has been steadily deteriorating. And the British merchant marine—upon which many of our exporters and importers have placed reliance—now appears to be headed towards a sharp decline. Can we believe that the Soviet Union will be so conscientious that, in future, it will refrain from taking advantage of what will be a geopolitical fact of life? If this should come to pass, would the American voter ask whether the policy had been cost effective? Or would he ask why was not something done?

Specific projections

(1) Merchant Marine: In the "Changing Strategic Naval Balance" we point out that "a vital factor in the Russian merchant marine expansion is the total of national resources devoted to this oceanic enterprise. In 1965, the Soviet government devoted more than $600 million to the construction of merchant vessels. The United States spent only $150 million in the same year. These figures make clear the different priorities that the Soviet Union and the United States assign to a vital segment of sea power."

It would appear, therefore, that a minimum program by the United States to restore the merchant marine balance would be the building of 50 ships per year for the four-year period fiscal 1970 (calendar year beginning 1 July 1969)—fiscal 1973. This is a minimum program; indeed, in view of the growing magnitude of the Soviet effort, it may be necessary to review this number and project a total of 250 instead of 200 U.S. built merchant ships, that is, 50 in each of the first two years and 75 each in the latter two years. Based on national need, 50 per year for the four-year period would certainly appear to be a minimum number.

(2) Oceanographic: The arrival in Leningrad last October of the new oceanographic research ship *Akademik Vernadskiy* is in many ways symbolic of what needs to be done to redress this part of the maritime balance. This ship, built in East Germany for the U.S.S.R. was reported to have made its first voyage (and where it may still be operating) not in seas adjacent to Russia, but in the Atlantic Ocean. The *Akademik Vernadskiy* becomes one of an increasingly large fleet of oceanographic ships given the task of both basic and applied research on the seas of this great globe. For the Russians realize that while outer space is, of course, very important, the liquid space of the world's oceans is in the long run of equal importance and, in the short run, may be—at various times—of even greater importance.

A modest program in oceanography, therefore, would be the tripling of the present approximately 3700 people in the field of ocean studies and the building of four oceanographic ships—exclusive of undersea research ships for here we should, perhaps, have a crash program—per year over a four-year period from fiscal 1970 onward.

(3) Fisheries: The magnitude of the task facing us here is too well known to require more than brief comment. A comparison with Soviet priorities is relevant. In the past fourteen years the U.S.S.R. put $4 billion into its fishing fleet-shoreside plant complex. In the same period, a goodly part of the U.S. fishing fleet became museum pieces. It would hardly be imprudent to suggest that we either directly spend or indirectly use tax incentives to provide, over a four year period, at the very least, one-half the average yearly amount of the Soviet expenditure.

SUMMARY

In short, what is at stake is not only a significant industry—and important the maritime industry certainly is—but, much more, a vast sector of the U.S. national security. This sector embraces the interrelated mix of naval, merchant marine, oceanography-marine resources, and fishing fleet-shoreside plant complexes. If the American people can be shown the overriding importance of this maritime complex, the evidence indicates that they will ask, indeed, may even demand, that their country adopt and implement a forward maritime policy.

[1] In another part of the world, the Mediterranean, the Soviet capability—greatly assisted by merchant shipping—for exploiting troube spots was indicated by the statement in Pravda on 11 January 1969 that "the USSR has always taken a firm position of supporting Arab peoples."

[2] The British are not alone. The Daily Telegraph of 17 January 1969 reported that "a faulty turbine in the West German passenger ship *Hamburg*, 23,500 tons, has delayed its test run and speed trials for two weeks . . ."

REPORT TO THE CONGRESS ON POSTAL OPERATIONS—NO. 2

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. NIX. Mr. Speaker, this is a second of a series of reports based on staff studies of the Postal Operations Subcommittee. Our subcommittee held hearings during the 90th Congress in Philadelphia; Camden, N.J.; Washington, D.C.; Boise, Idaho; and Missoula, Mont. Special studies were made on the Pittsburgh, Pa., Post Office; the Nantucket, Mass., Post Office, and the Seattle, Wash., Post Office. In short, our subcommittee studied postal problems from lands end on the Atlantic side at Nantucket, Mass., to lands end on the Pacific side at Seattle, Wash. Once again I would like to thank all the members of the subcommittee for their work and Congressman JAMES MCCLURE, who did such a brilliant job during the Boise, Idaho, hearing.

There have been a rash of newspaper stories during the past several years as to how badly the Post Office Department, which delivers over 80 billion pieces of mail a year to the American people, has served the United States.

I have been curious about the decrepitude of an organization of 700,000 people who have rendered such service and con-

tinue to render that service. For instance, letters and correspondence on the Seattle project was mailed from Missoula, Mont., by regular mail during our fall hearings and arrived at our subcommittee offices the next day after a 2,400 mile trip.

I asked that a study be completed by the subcommittee staff in cooperation with the Post Office Department as to progress in the postal service from 1961 until now. It is a record that is enviable. A new administration very often starts out in a swashbuckling manner, with statements as to great improvements that can be expected. In fact, an eastern newspaper that is very close to the new administration printed an article praising Mr. Blount in glowing terms, but in doing so stated that there was nothing good about the Post Office.

I include at this point a résumé of postal progress from January 21, 1961, to the present in the RECORD:

POSTAL PROGRESS SINCE JANUARY 21, 1961

SERVICE IMPROVEMENT

City mail delivery service extended to about 10.1 million additional families and businesses.

Rural delivery extended to serve an additional 1,366,156 families.

Free postage to servicemen in combat zones established along with the greatest air-lift of mail to military personnel in history with special lower rates.

Liberalized size and weight restrictions on parcel post packages mailed between first-class post offices.

Restored six-day window and parcel service upon receipt of funds from Congress.

Authorized some 914,862 households to receive mail delivery at the door rather than the curbline service formerly provided.

Pledged significant improvement in mail service for New York City (Manhattan) with construction of new Franklin Delano Roosevelt Postal Station, Murray Hill Station, and the central truck and terminal and bulk mail processing plant. The latter to be the largest postal building in world history, constructed at a cost of $100 million. This new Annex will supplement the present Morgan Station, which was badly damaged in a fire during Christmas 1967.

Proceeded on a working optical scanner, capable of reading ZIP Codes and sorting mail at the rate of 36,000 letters an hour. Ten machines are now installed, two each in Detroit and Houston, and one each in Boston, San Francisco, Chicago, Philadelphia, Los Angeles, and the Church Street Station in New York City.

553 mailing massing Sectional Centers established to speed mail flow.

Post Office vending machines installed as a test in several locations, including public buildings, selling stamps at face value.

At the behest of the Postmaster General, President Johnson directed all government agencies to adopt machine-compatible envelopes and mailing pieces, so as not to jam the high-speed mail processing equipment.

Issued new rules to provide more convenient mail delivery service in local post offices where lock boxes are in short supply, insuring unifromity of handling for volume business mail which is customarily called for at the local post office.

Announced that the Department would continue to service postal savings accounts beyond June 30, 1968, the date originally set for transfer of all accounts to the Treasury Department.

Installed 24-hour self-service postal units in shopping centers, college campuses, and in the lobbies of larger post offices: 167 now operated in 122 cities, serving about 13 million customers.

Tested new approaches for delivering mail to suburban communities. For example, at Columbia, Maryland, kiosks containing lock box clusters serve patrons in residential areas and in the town house areas mail service centers contain locked boxes, parcel post compartments and self service stamp vending equipment.

Formulated plans for installing 251 integrated mail systems—that code letters at first handling for sorting machine to carrier sequence—for mail in the 75 largest post offices handling 56% of our mail at a cost of $529 million.

In April 1968 began a system of programmed distribution aimed at reducing congestion of over-crowded facilities at the selected points of origin, and minimizing payment of overtime at offices handling excessive volumes with inadequate complements. The system allows accomplishment of secondary distribution at the state of destination in offices not faced with a recruitment problem and which realize a higher rate of productivity than that experienced at the office of origin. It also affords the opportunity to obtain increased utilization of mechanization during off-peak hours at stated distribution centers, and provides better make-up of mail into more direct packages at or near destination points by concentrating volumes for the destination state at the office performing secondary distribution. To date, this system has been implemented for originating mails at Chicago and New York, and when fully effected would be on a selective basis at 20–30 of our largest offices.

A fully-automated mail testing program augmented by random sampling techniques as a part of the National Service Index. Statistics on the postal service efficiency nationwide are now available through the new improved program.

Established the Customer Complaint Analysis Program in all post offices and the regional offices to provide management with a barometer on the opinion of our customers on the efficiency of their postal service and to assure that customer complaints are given maximum attention and corrective procedures taken when necessary on contributing causes to service irregularities.

ZIP Code system was created and implemented as an integral part of the address.

The Customer Relations program was established at Headquarters, the Regions and in the field.

Established NIMS program.

EMPLOYEES

Salaries increased in 1964, 65, 66 and 67 to bring full comparability with private industry by 1969.

Five-day work week provided for postmasters.

Moving and storage expenses provided for employees.

Retirement benefits increased and lump sum payments granted for retirement.

Positive program of Equal Employment Opportunity set up, including EEO for women.

Discrimination of employment on the basis of age prohibited.

Career appointments permitted for certain employees of the Postal Field Service.

Employment of the handicapped rose by 174.5 per cent.

Employment of mentally retarded in jobs they are competent to handle increased by more than 1,729.3 per cent.

Employment of women in the postal service jumped by 181 per cent and in the upper grades (level 12 and above) by 287 per cent.

Employment of Negroes rose by 48.7 per cent since 1965.

Employment of minorities in supervisory and executive positions (level 11 and above) increased by 406 per cent.

After an unprecedented use of mediation to resolve impasses arising out of three months of collective bargaining, the Postmaster General and heads of postal unions with exclusive recognition over 620,000 workers signed the fourth National Agreement since 1963, to run for two years from March 19, 1968.

Enunciated a new Equal Employment Opportunity Plan of Action, emphasizing equality in promotions, reaffirming EEO in hiring, and encouraging postmasters to participate in local non-postal activities aimed at the elimination of bias from education, housing, and any other aspect of American life.

Employees instructed to "dress appropriately, from the standpoints of appearance and safety, for the position held and duties performed."

Regulations reaffirmed prohibition of possession or use of alcoholic beverages by employees on official duty.

Announced that more than 300,000 postal employees will be eligible to take supervisory examinations in the fall of 1968, after having self-instructional material made available to them for the first time. In addition, tests have been revised in an attempt to eliminate difficult language and other factors that would work to the disadvantage of those persons with limited education.

Up to 3 days of excused absence granted to members of the National Guard called to service during times of civil disorder. Previously, postal employee-Guard members were required to use vacation time or leave without pay to answer a Governor's call during an emergency.

A streamlined new system announced to measure work productivity in major post offices, involving less paperwork and eliminating immediately measurement of individual employees.

Resolved all key differences between POD and its employee organization involving negotiability which had held up signing of more than 1,200 post office labor contracts, thirty-three major issues being settled after a conference in which Postmaster General Watson met personally with chief spokesmen for 7 exclusive employee organizations representing more than 600,000 postal workers throughout the nation.

MECHANIZATION AND MODERNIZATION

A Bureau of Research and Engineering established and a new subcabinet position of Assistant Postmaster General created.

More funds were granted for Research and Engineering activities than ever before in the Department's history.

Biggest modernization and mechanization program ever undertaken by the postal system launched, to provide better mail service for all Americans at a cost of $437 million in 1967, 1968, and 1969.

The first major segment of a $33.5 million new postal source data complex, began operating August 1, 1967, and is now serving 22 Eastern cities through the Teleconcentrator Switching Centers at Paramus, NJ and Washington, DC and through the Automatic Data Processing Center, at Paramus, NJ. Construction on the Western sector centers—the Teleconcentrator Centers at Chicago, IL, and San Francisco, CA, and the ADP Center at St. Louis, MO—is completed and will be functioning by January 1969. The Department's 75 largest post offices will be served eventually under the postal source data system.

Installed a new management information center, hooked into the Postal Source Data System, to provide the Department with an immediate grasp of all the problems in the major post offices. The Center can be used for telecon to all regional directors for conferences and will display an up-to-minute chart of major post offices, as well as a large map which will electrically light-up problem areas for discussions at top level.

Opened the Worldway Postal Center at Los Angeles International Airport, the largest of the nation's airport mail facilities.

Exceeded the Department's vertical Improved Mail goal for 1968. 335 Office buildings already using or being committed to use this faster business mail service to make a firm's mail available right in its own build-

ing as soon as it opens for business instead of waiting for carrier service.

Readied for the drawing boards a concept for a test post office where new machinery and new techniques can be employed under actual working conditions prior to their use in post offices.

Ordered more than 24,000 vehicles in 1969 for use by city letter carriers. 10,000 of the new vehicles will replace presently owned government vehicles, and the other 14,000 will be used for new routes, conversion of foot routes to mobile, and for replacement of leased vehicles.

POSTAL QUARTERS

Increased postal space to approximately 135 million square feet. 25 million square feet over the less than 110 million square feet of space occupied in 1961. Also, a comprehensive plan to complete the modernization of the postal service has been developed. It recommends the acquisition of 45 million square feet of new space and replacement of more than 40 million square feet of space presently occupied in antiquated quarters.

STANDARD BUILDINGS

Developed standard buildings suitable for an estimated 10,000 of 12,976 third class post offices. Preliminary designs are now available and under consideration for 20,000 of the approximately 25,000 presidential post offices.

REGIONAL CONSTRUCTION PROGRAMS

Increased Regional responsibility for construction programs to cover all building improvements and construction for postal quarters up to 50,000 square feet. Previously projects of 25,000 square feet of space or more were handled at Headquarters. This action permits greater concentration at Headquarters on the large mechanized Postal Plants.

PREVENTION OF DAMAGE TO MAIL PROGRAM

Implemented a Prevention of Damage to Mail Program which has minimized mail damage in the hundreds of mechanized Postal Plants.

HEALTH UNITS

Provided 80 health units in 69 cities which serve an estimated 268,000 postal workers.

MAIL HANDLED BY MECHANIZATION

The percentage of mail handled by mechanization increased from almost zero to nearly 50% over the last eight years. In the program to modernize and mechanize the postal service, the Department has of necessity developed all but a few items of mechanization through Research and Development contracts and the development of suggestions of its employees.

MAJOR MECHANIZED FACILITIES PHASED IN SINCE JANUARY 1961

Philadelphia, Pa., November 1963.
Harrisburg, Pa., June 1963.
Omaha, Nebraska, January 1964.
Buffalo, New York, January 1965.
Cincinnati, Ohio, October 1965.
Toledo, Ohio, January 1966.
San Francisco AMF, November 1967.
Chicago O'Hare, July 1967.
St. Paul, Minnesota, March 1964.
Oklahoma City, June 1966.
Tulsa, Oklahoma, 1966.
Greensboro, N.C., August 1966.
Houston, Texas, 1963.
Portland, Oregon, 1963.
Sioux Falls, S. D., 1966.
Sioux City, Iowa, 1965.
Phoenix, Arizona, May 1968.
Columbus, Ohio, August 1968.
Binghampton, New York, July 1968.
Milwaukee, Wis., October 1968. Phase I.
FDR Station, New York, October 1968, Phase I.
Lehigh Valley, Pa., 1963.
Los Angeles World Way, July 1968.
*Los Angeles Term Annex, October 1968.
Sacramento, Calif., 1966.
San Bernardino, Calif., September 1968.
*South Suburban Chicago, October 1964.
*Memphis, Tennessee, October 1965.
*New York Yale, October 1967.
*Pittsburgh, Pa., June 1968.
*Honolulu, Hawaii, July 1968.

AIRLIFT

Began an entirely new transportation network of small aircraft, known as air-taxis, to connect the smaller cities and towns of the nation with major postal centers through flights from 9 p.m. to 5 a.m. The goal is to expand areas of overnight delivery of mail to whole states and groups of states and to provide no later than second-day delivery for a maximum volume of letter mail nationwide. The Department's airlift on a space available basis is now approaching 100 per cent for all first class mail capable of being moved more rapidly by air.

Announced plans for a new service offering air transportation on a space available basis for second-class mail.

Began an international "airlift" at regular postage rates for first-class letters from the United States to Canada and Mexico. This international airlift is for letters paid at ordinary domestic postage rates, on a space available basis.

TRAINING

Inaugurated the Postal Service Institute, the Department's first school in its 192-year history. The Institute teaches a wide variety of courses from maintenance and mechanization to social problems affecting the Department. The Institute began operations in January 1967 at its temporary headquarters in Bethesda.

Completed training for approximately 30,000 employees under Postal Service Institute auspices at the national training center in Bethesda, Md., the University of Oklahoma, and the larger post offices throughout the nation.

Since the inception at Fort Knox in June 1965 of "Project Transition", the President's program to provide servicemen with a path to productive careers, the Department has trained approximately 10,000 employees in up to 40 hour postal courses and has increased the number of participating bases to over 100. 1,052 veterans have been hired by the Department.

In consultation with craft unions, developed a new standard orientation and craft training system. For the first time in its history the Post Office has uniform, national training procedures to equalize opportunities for all postal employees instead of the uneven locally originated training programs of the past. Implemented in the 100 largest post offices, with favorable evaluation the system will be extended to other post offices in the months to come.

Inaugurated a $1.5 million pre-promotion supervisory training program for an estimated 5,000 supervisory candidates of all races and both sexes. Those eligible for the 80-hour, on-the-clock course are persons who have passed supervisory examinations and stand high on the register for promotion, usually within the top 15 percent.

Under the President's Youth Opportunity Campaign, hired an estimated 17,300 young people from low income families for summer postal jobs in 1968.

Held special training classes for deaf mutes in Washington, Baltimore, Pittsburgh, and Detroit. 255 persons without speech or hearing took the examinations and 115 qualified for postal employment.

SAFETY

Asked Labor Department experts to make safety surveys of the nation's 100 largest post offices in a move to reduce accidents and costs in the postal service. Safety professionals will make detailed studies of major postal facilities and give evaluations of accident prevention techniques, working conditions, and safety supervision.

In an extension of the Postal Service Institute, a management safety training program will be launched. More than 37,000 postal supervisors are scheduled ultimately to attend 16 hour courses in the technology of fire prevention and industrial and vehicular accident reduction in more than 1000 classes held in 82 cities throughout the United States.

Began one of the nation's swiftest and most comprehensive programs for electronic analysis of accident and injury data. The ADP system will return statistics within 30 days on an accident, instead of the five months previously required under manual processing.

Created a special labor-management committee on safety, related to the letter carriers' craft—one of the first permanent committees of its type in the Federal Government.

GENERAL

Created an Office of Planning and Systems Analysis to provide the postal service with an overall view of operations from the present and future standpoints.

Examined the structure and organization of the Post Office Department in light of President's study by the Postal Organization Committee and made plans for the future.

Required presorting by ZIP Code by bulk mailers and increased usage of ZIP Code on all categories of domestic mail to over 80 percent, thus saving millions of dollars and increasing efficiency of the postal service.

Eliminated the need to prove intent in cases involving use of the mails to defraud.

Prohibited pandering advertisements in the mail.

Regulated mailing of master keys for motor vehicle ignition switches and authorized postal inspectors to serve warrants and subpoenas and make arrests for certain offenses.

Permitted postage stamp color reproductions.

Stepped up the drive against consumer frauds resulting in a 67.8 per cent increase in arrests, while overall arrests for postal law violations rose by 23.7 per cent.

Enhanced the Department's active cooperation with businessmen, especially large mailers.

The first National Postal Forum, following a series of 15 Regional Forums in 1967, drew 2,300 persons to Washington for two days of discussions on postal matters. The forums added to the continuing dialogue between business mailers and postal officials carried on through Mail Users Councils with a membership of 55,000 serving on 690 Councils.

National Postal Forum II in 1968 brought 2,400 top business and civic leaders, as well as postal authorities, together for two days of creative dialogue on mutual problems.

A comprehensive upward adjustment of postal rates, effective January 7, 1968, will shift almost $1 billion of the annual cost of running the postal service from the taxpayers to the users of the mails.

Proposed legislation to revise the laws relating to transportation of mail to give the Postmaster General greater flexibility and authority in this area and enable the Department to handle its mail more expeditiously and at a lower unit cost.

Received independent authority to construct postal buildings.

Revised postal regulations to prohibit delivery by postmasters of any firearms without prior notification to law enforcement officers, and issued regulations that all firearms shipped through the mails be clearly labeled with the word FIREARMS before being accepted in the mails.

Sent a four-man team headed by Deputy Postmaster General to Southeast Asia to plan for the speedy delivery of Christmas mail to U.S. Troops.

Instituted a massive campaign to improve

*Mechanization placed in existing facilities.

appearance and housekeeping standards in the nation's first and second-class post offices.

Issued regulations requiring the presorting of articles mailed at the special fourth-class rate and at the library rate as follows:

Effective October 1, 1968: Mailings of identical pieces in quantities of 1,000 or more in a single day must be presorted and sacked by three-digit ZIP Code areas. Effective January 15, 1969: In addition to the presort above, nonidentical pieces must be presorted and sacked by States of destination.

Announced proposed regulations to establish requirements for use of a detached label mailing procedure for merchandise samples mailed in quantity for distribution on carrier routes.

Made changes in the handling of registered mail that has provided greater security.

Eliminated unnecessary steps in indemnity claims processing and consolidated payments in one Data Center so as to speed up payment.

Conducted a campaign for improved packaging that has diminished damage to parcels.

Arranged with next of kin to send Christmas gift parcels to members of the crew of the USS Pueblo held in Pyongyang, Korea, and to U.S. pilots captured in North Vietnam.

Eliminated 21 inland Customs Mail Bureaus and gave Customs treatment to a larger percentage of inbound mail imports at first point of arrival in the United States.

STATISTICAL BACKUP FOR ACCOMPLISHMENTS

	Jan. 20, 1961	January 1969	Net change	Percent change
City mail deliveries	44,318,542	54,420,460	10,101,918	22.8
Rural mail deliveries	9,198,848	10,565,004	1,366,156	14.9
ZIP code usage (percent)	10	81.6	71.6	716.0
Self-service postal units (people served)	0	13,800,000	13,800,000	(1)
Employment of handicapped persons	5,285	[2] 14,508	9,223	174.5
Employment of mentally retarded	58	[3] 1,061	1,003	1,729.3
Employment of women	44,000	[4] 123,692	79,692	181.1
Employment of women (level 12 and above)	31	[4] 120	89	287.1
Employment of Negroes	92,275	[4] 132,353	40,078	43.7
Employment of minorities (level 11 and above)	65	[4] 329	264	406.2
Airlift (by certificated carrier) (1st-class pieces per year)	1,919,000,000	17,000,000,000	15,081,000,000	785.9
Postal Service Institute (inservice training)	0	29,346	29,346	(1)
Project transition:				
Veteran training	0	9,942	9,942	(1)
Veteran hires	0	1,052	1,052	(1)
Mail users councils' membership	15,500	54,700	39,200	252.9

	Calendar year 1963	Fiscal year 1968	Net change	Percent change
Consumer fraud arrests	600	1,087	407	67.8
Arrests, postal law violations	11,593	14,339	2,746	23.7

[1] Not available.
[2] Latest figures available, September 1968.
[3] Latest figures available, June 1968.
[4] Latest figures available, December 1967.

CHRONOLOGY: 1962

January 17—E.O. 10987, E.O. 10988.

March 25-April 12—Seven Workshop Orientation Sessions staged for 600 Postmasters from major cities which employ 80% of Department's postal workers (See Press Release #30).

April 24—Federal Personnel Manual #700, "Implementation of E.O. 10988."

April 30—Area Conference material—sent to 600 largest offices. Contains Postmaster General's statement, background, public policy and labor-management relations; forms of recognition, mail ballot procedure.

May 5—E.E.O. Conference (also includes notes on Civil Service Commission Conference on EEO of Feb. 15, 1962).

June 16-July 1—Mail Ballot Election (Press Releases #54 and #82).

August 10—Briefing for Departmental Officials on E.O. 10988.

August—"Employee-Management Cooperation in the Federal Service"—Basic Training Materials, Civil Service Commission.

September 5—Six organizations attain national exclusive recognition and results are certified.

October—Negotiations with Six Employee Organizations began (continued into March 1963).

CHRONOLOGY: 1963

January 6-February 2—E.E.O. Training Conference at Norman, Oklahoma.

January 13-19—Oklahoma Postmasters Conference.

February—"Progress in Employee-Management Cooperation in the Federal Service" (Report to President and Background Information on First Year of Operation, Civil Service Commission).

February—Organization of Regional Labor Relations Councils completed.

March 20—First National Agreement signed.

April—Post Oklahoma Headquarters Briefing—Summary of Labor-Relations Activities to date.

April 15—Negotiations began on local level at 311 largest offices.

May—First monthly Labor-Management Meeting held.

June 14—Negotiations with the remaining 12,655 locals began—negotiations to be completed and agreements signed within 90-day period.

July 20-22—Skyline Conference (Bureau of Personnel Staff Reorientation).

August 30—Federal Personnel Manual #711, Employee-Management Relations.

September 11-October 11—Three-Day Management Seminars for Promotion Advisory Boards in 12 Regional office cities for 360 top-management personnel from 112 postal installations.

October—Headquarters Task Force Report—Preparations for National Negotiations "Review and Analysis of Local Agreements."

October—National and Regional Reports on Impasses.

October—National Reports—Local Employee Organizations—Management Agreements.

October—National Reports—Invalidations.

December 13—Agreement signed with 14 employee organizations for voluntary payroll withholding of dues.

CHRONOLOGY: 1964

February—First Meeting to Establish Ground Rules for Negotiations.

March 15—National Negotiations Begin.

April 1—Determination and redetermination of recognition in 1,203 post offices.

May 4—Civil Service Commission #711-6 "Guidance and Advice on Employee-Management Cooperation, Programs and Problems."

June 18—Second National Agreement signed.

June 19-28—Hearing Officer Training Programs (2 work books—E.E.O. and Adverse Action).

June 23-24—Postmasters' Conference—Baltimore, Maryland.

June 25-26—Washington Conference for 15 Special Assistants for Employee Relations to define their role under the new agreement and to prepare postmasters for local negotiations.

July 1—Second National Agreement becomes effective.

July—First monthly Labor-Management Meeting under Second Agreement.

July 9—Prepared and distributed material to regions on "Orientation Prior to Local Negotiations" for use in regional Postmaster training programs.

July 17—Civil Service Commission Bulletin #711-7 "Guidance and Advice on Employee-Management Cooperation Programs and Problems."

July 30—Established Procedures for Interpreting National Agreement.

August—Regional Offices conducts orientation seminars for Postmasters.

September 1—Local Negotiations begin.

September 1—Instructions on Procedures in Handling Impasses at Regional Level.

October 3—Completion of Negotiations at Local Level.

October 20—Instructions for Processing Invalidations in Locally negotiated Labor-Management Agreements.

October 30—Submission of Impasses to Headquarters.

November 5-15—Conducted Mail Handlers Election.

November-December—Staff Field trips to Regions re effectiveness of Labor-management functions.

November 30—Won Sacramento Advisory Arbitration Case on Determination of Appropriate unit for recognition under E.O. 10988.

December 8—National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders (AFL-CIO) were certified National Exclusive Recognition.

December 15—Submission of Invalidations Report to Headquarters.

CHRONOLOGY: 1965

January 1—Procedures for Obtaining Exclusive, Formal and Informal Recognition at local level were put into effect.

February 18—The provisions of the National Agreement were extended to the National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders, AFL-CIO, by their becoming signatory to the National Agreement.

March 31—Signed a new Supplemental Agreement between the Department and the National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders, AFL-CIO.

April 6—Negotiations on promotions began; as provided in Article XXIII of the National Agreement.

June 4—Procedures for Winning Exclusive Recognition (via election) at Local level issued.

June 24—Promotion Agreement signed to become effective July 1, 1965.

July 1—Simultaneous with the effective date of the Promotion Agreement, the Department placed into effect new procedures for "Promotions to Supervisory Positions in the Post Office Branch of the Postal Field Service."

July 7—Instructions and Procedures to Supplement the National Agreement in Phasing out of Gateway Post Offices (Regional Letter 65-111).

Sept. 15—Signed extension of National Agreement from October 31, 1965 to April 15, 1966.

CHRONOLOGY: 1966

February 23—First Ground Rule Meeting for Negotiations to begin May 2.

March 4—An agreement was reached with seven exclusive organizations on the application of seniority on a one-time basis for implementation of Public Law 89–301.

March 17—Negotiated a Supplemental Agreement with clerk craft governing railway post offices and highway post office duty Assignments since the P.L. 89–301 abolished compensatory time for all field service employees in or below PFS–7 salary level.

May 2—A negotiation period was agreed upon for negotiating third National Agreement.

July 25—Last full session of negotiations.

August 31—Signed third National Agreement with 7 organizations with exclusive recognition at national level.

September 24—Effective date of New National Agreement to run until October 31, 1967.

October—Dues Check Off—a projection was made of the annual amount of the total dollars sent to each employee organization which totaled $9,560,498 covering 391,291 employees.

October 10—Negotiations began at the local level and concluded on November 5.

CHRONOLOGY: 1967

January 17—Fifth anniversary of living under Executive Order 10988.

January 19–26—Boston, Massachusetts, clerk craft election (NPU—2,283; UFPC—2,038 votes) UFPC charged misconduct: Department requested advisory arbitration.

Jannary 30–February 21—Staged five area conferences for postmasters to solicit information to aid in negotiation sessions.

June 5–6—SAER Conference, University of Oklahoma.

July 24–26—Boston Arbitration hearing on clerk craft election.

September 12—2-hour seminar held in Atlanta, Georgia to train vehicle maintenance supervisors in labor-management relations.

September 13—Beginning of negotiations for 4th national agreement.

Septemebr 21—2-hour seminar on labor relations conducted for vehicle maintenance supervisors in Lyons, Oklahoma.

September 22—Arbitrator issued advisory opinion that UFPC allegations should be overruled and NPU certified as exclusive representative for clerk craft in Boston, Massachusetts.

October 4—Department certified NPU as exclusive representative for clerk craft in Boston.

October 26—Division Director delivered statement before President's Review Committee on E.O. 10988.

December 5—Last full session of negotiations.

December 5—National Agreement expired. Two Articles (X, XII) sent to mediation.

CHRONOLOGY: 1968

January—Utilized services of mediator.

February 6—Postmaster General O'Brien accepted in full mediator's recommendations regarding impasse items.

February 9—Fourth National Agreement signed by 7 exclusive organizations and the Postmaster General.

January, February, March—University of Oklahoma Training Conference for postmasters and supervisors in the art of negotiating a local contract.

April 1—Local negotiations commenced.

May 17—Local negotiations expired.

May 23—Local agreements extended until July 1.

June 27—Local agreements extended until October 1.

September 19—Non-negotiable items in local negotiations resolved.

October 3—Regions and Department to resolve impasses from local negotiations.

SEX EDUCATION: FOR FAD FOR PROFIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, the sex education fad continues to pick up momentum seemingly because it is profitable.

An informative and analytical comment on the subject, pointing out the dangers of these programs to the normal development of small children and ultimately to the human race, appears in a letter from Rhoda L. Lorand, Ph. D., psychologist, in reply to an inquiry from a concerned parent. The letter is endorsed by Sandor Lorand, M.D., professor emeritus, Department of Psychiatry, State University Medical Center of New York.

Another aspect of the current drive for sex education in the classroom is profit.

Mr. Neil Ulman of the staff of Wall Street Journal has written an enlightening article explaining how this created "need" for teaching material will provide publishers and manufacturers of classroom audio-visual aids with a vast and very lucrative market.

I include the above-mentioned letter from Dr. Lorand and Mr. Ulman's article following my remarks:

JULY 20, 1968.

MRS. A. G. WEINER,
Belmont, Calif.

DEAR MRS. WEINER: I have read the scripts for the Family Life and Health Education Program entitled "Time of Your Life", which was created by Dr. William H. Ayres and Mrs. Marilyn McCurdy, and can well understand why you are so distressed by them.

The entire program is inappropriate for the age groups to which they are being presented. The first part, program 1–10 might be of interest to adolescents because they enjoy being introspective and philosophical. To encourage introspective thinking in children of the 4th, 5th and 6th grades disturbs them because they are still in the period of reinforcing parental standards of rights and wrong, and becoming expert at learning the concrete and the predictable. They need to be allowed to accomplish this, so that in adolescence they have a solid base from which to take off into other realms of thought and theory. It forms a sounding board against which they test new and foreign ideas and beliefs. Without it, they are defenseless against the confusing and conflicting drives of adolescence.

As for program 10–15, the whole thing is tragically mistaken: the timing is wrong (children too young), the setting is bad (presence of the opposite sex), the presentation of material is overwhelmingly disturbing (the magnified graphics). It will overwhelm, embarrass, upset and excite the children, *forcing them in turn to then repress all of these troublesome feelings*, and this may lead to learning difficulties. It very likely will **lead to sexual difficulties later in life. Dr.** Ayres seems to be making the error so many doctors and nurses in the field of sex education make, namely, they attempt to bring about in the young child and the adolescent the detached attitude towards the human body which doctors and nurses *must* acquire in order to treat the sexual parts of the body without emotion.

But this is not a normal, natural or healthy attitude to inculcate in the growing child. In the developing young person, sexuality and emotion should never be divorced. It is not a subject that can be treated like arithmetic or spelling, which have no relationship to the deepest love relationships, and, therefore, can be openly discussed in coeducational classes without emotion.

Further, Dr. Ayres' statement: "Children are best able to learn about sex and development before they are exposed to the anxieties of adolescence" is completely mistaken. Child analysts have, during the past 25 years, accumulated incontrovertible evidence demonstrating that it is a mistake to interfere with the latency period (6 to 10), when the major portion of sexual energy and curiosity is normally redirected into learning academic subjects and physical skills. The body development leaves the young child in peace—nothing special is happening. He is not preoccupied with his body and the temporary repression of sexual curiosity and activity leaves him free to learn in school and behave in a reasonably sedate and controlled manner.

Dr. Ayres has overlooked the well-known fact that when the biological drives of adolescence surge up, a certain amount of anxiety is *unavoidable*. Explanations long in advance only cause the child to worry ahead of time. The period when the sexual drives are worrying the young person is the appropriate time to provide him with information about them. Nature herself is focusing his attention on sex and he is, therefore, ready to listen and learn. Child analysts have learned that cooperation with the specific development phases and respect for the child's feelings bring the best results.

Displaying a Kotex pad to a coeducational class of any grade is an appalling invasion of girls' privacy and can only seriously embarrass everyone. The graphics of the penis spurting semen, and the head-on view of the vagina enlarged for screen viewing will unquestionably excite and frighten many, if not all, the youngsters. This sort of display is much more damaging than the suggestive ads which seem to so upset the SIECUS people.

To violate the child's age needs and need for peace and privacy by forcing him to consider this inappropriate material in the presence of the opposite sex, is appallingly mistaken. Analyzed parents learned this a long time ago through following a similar erroneous course. Existing evidence clearly indicates that the only appropriate sex education in elementary school is for 6th graders in *separate sex groups* to be told the fact of puberty.

It is apparent that the program given in Sweden is the "inspiration" for those of Dr. Ayres. However, in checking the results of the Swedish program as reported in *Sex and Society in Sweden* by Birgitta Linner (Pantheon Press), we find that 35% of all brides are pregnant on their wedding day (page 30); there is an increase in the incidence of venereal disease (page 86), even 13 year olds and 14 year olds are found to have gonorrhea, *with the number of girls exceeding the number of boys* (page 49); approximately 20% of those reaching adult age never marry (10% for U.S.) (page 29), and in summary, "In Sweden . . . a traditionally low marriage rate, a high average age at first marriage, a relatively high divorce rate, and a high incidence of prematurally conceived children [despite sex education in contraception] and births out of wedlock [⅓ of teenagers who have coitus do not bother to use contraceptives] are some characteristics of marriage as an institution within the larger societal context." (page 29)

When to this we add the facts that Sweden has one of the highest suicide rates and one of the highest in alcoholism, do we not have to be insane to regard Sweden as anything but a tragic example of how sick a civilized society can become?

Healthy and responsible sexuality, and the meaning of masculinity and femininity are learned only through the child's sensing love and devotion between his parents, their joy in their sex-defined roles, and experiencing their love for him. To attempt to teach such things in school is a waste of time. They can only be learned wordlessly, through identification and experience.

You and your group are performing a valuable public service. Only the parents, by indignantly demanding an end to these programs, can reverse this disastrous trend.

Sincerely yours,

RHODA L. LORAND,
Ph. D. Psychologist.

THE FACTS OF LIFE: MORE SCHOOLS INTRODUCE SEX EDUCATION, OFTEN AIMING AT VERY YOUNG—OPPOSITION PROVES LIGHTER THAN EXPECTED; PUBLISHERS SEE A MAJOR NEW MARKET—BUT ONE PRINCIPAL BACKS OFF

(By Neil Ulman)

With varying degrees of confidence or trepidation, thousands of teachers across the U.S. are introducing a new classroom subject this fall—sex.

Typical is Montgomery County, Md., which borders Washington, D.C. Twenty of the county's junior and senior high schools started sex education programs last fall; all 39 junior and senior highs will teach the subject this year. "Some of the teachers starting this year are apprehensive," says Mrs. Mabel W. Wedberg, who taught one of the pioneer classes. "The questions that are asked can be embarrassing, especially to the unmarried teachers."

Despite lingering sensitivity over sex, which still discourages many educators from tackling the subject in class, *sex education is coming to the nation's schools at a rapid clip.* Parent-teacher groups at national, state, and local levels have called for it. The *National Education Association* and American Medical Association have endorsed it. *The Government backed a pledge of support last year with over $1 million of Federal funds.* A new privately supported health agency, the New York-based Sex Information and Education Council to the U.S. (*SIECUS*), has been established to promote it. What's more, some *major publishing concerns are laying extensive plans to capitalize on the trend. Many view sex education as an enormous, untapped market for texts, films and teaching aids of all sorts.* Amid all these developments, opposition from parents hasn't been nearly as sharp as had been feared.

WIDESPREAD DEMAND FOR COURSES

Converging concerns over sex ignorance, illegitimate pregnancy, venereal disease and related problems have stirred the widespread demand for schools to teach about sex.

Earlier efforts at sex education dealt primarily with the mechanics of reproduction; such instruction sometimes derisively called "plumbing courses" by educators. Today's programs, however, are designed to give a more *comprehensive view* of how sex affects personality, the family and society. The goal, says Dr. Mary S. Calderone, executive director of SIECUS, isn't just to lower venereal disease and illegitimacy rates but also to produce "adults who will use their sexuality in mature and responsible ways."

New York City's school system, largest in the nation, is scheduled to introduce pilot sex education programs in at least 167 schools this fall once its teacher walkout ends; officials hope to include similar courses in all the system's 900 schools within a few years. Chicago, which started programs in 27 schools last year, will expand sex education to 108 schools this year; last year instruction was limited to fifth graders, but this year Chicago is adding material for kindergarten, sixth, seventh and eighth grade pupils in several schools. In July, Maryland ordered all state schools to develop sex education curriculums.

As further indication of the demand, SIECUS reports 50 to 70 inquiries a week from schools, churches and other organizations seeking guidance on sex education. The American Medical Association says it sells about 600,000 of its sex education pamphlets a year now, 10 times the volume in 1960. Applications flooded in from teachers and school administrators to attend the more than a dozen workshops in sex education held around the country last summer, mostly under university sponsorship.

AIMING AT THE VERY YOUNG

Sex education increasingly is being aimed at the very young. Educators feel that it's easier to get across the basic facts of reproduction before students are old enough to be emotionally involved in the subject. Thus, first graders in Glen Cove, N.Y., this year will learn that the human baby develops inside the mother. Second graders will be taught the role of the father in fertilizing the egg and that some animals are born live through a special opening in the mother's body. In the fifth grade, according to the Glen Cove course guide, students will study the "role of sex glands at puberty and the body and emotional changes they bring," menstruation and seminal emissions.

Youngsters at Sidwell Friends School in Washington, D.C., learn about sex by watching the school's female cat, named Casey (for K.C., which stands for kitty cat). Casey bears kittens regularly every six months or so. Under their teacher's guidance, fascinated Sidwell pupils watch the birth process.

"She purred all the time, but she was working hard, you could see that," said one first grader after observing. "There were four kittens, and each one was in its own little sack. She washed them, and the sacks came off, and their eyes were tight shut, and they went like this: Mew! Mew! Then Casey cuddled them all up, and she rested."

USING SLIDES

A more conventional teaching aid for youngsters, but one that's gaining popularity, is a series of 35 slides dealing with the reproduction of flowers, chickens, dogs and human beings. The anatomy and physiology of reproductive organs are shown in brightly colored representation designed to capture children's attention. *A simple written text labels everything with its proper name as chickens and dogs are shown copulating. An "optional" slide, shows a man and woman in bed, covered, to illustrate human intercourse.*

Educators say they have been pleasantly surprised by the smooth—and sometimes even enthusiastic—reception accorded sex education by large numbers of parents. Things have changed, says Dr. Wallace Ann Wesley of the AMA staff, who delivers several family life education courses at various state 4-H Club "roundups" across the nation. "Now these courses are always requested, but five years ago we wouldn't have dared tackle the subject because of parental objections," she says.

Some schools prepare the community by sending out letters to the parents of children who will be receiving sex education for the first time. Often, parents are invited to preview films and other visual materials so they will be better able to discuss them if the children ask questions at home. Other schools call in representatives from church and other civic groups to explain the program and to seek suggestions.

There hasn't been smooth sailing in every community, though. A recent furor in Abington Township, Pa., a Philadelphia suburb, prompted a school there to back off from plans for sex education for all third graders. The school's principal had previewed slides on reproduction at a Parent-Teacher Association meeting, where the program met a good reception. But when other parents were informed of the school's program, the principal was confronted with a protest petition.

Recalls school district official William R. Hingston: "Parents didn't think it was the school's function to provide sex information. They said that third graders would pass it on to other students incorrectly. Then the local papers ran headlines like 'Controversy over Sex Film'." As a result, the school abandoned its sex education program.

Proponents of sex education, however, argue that providing students with detailed information about sex is essential. This is the only sound basis, they say, for exploration of the *important social problems associated with sexuality.*

This fall, for example, ninth and tenth graders at Anaheim (Calif.) high school will discuss "date behavior," including "petting," as well as premarital pregnancy and teen-age marriage. Other topics listed in the curriculum include "the way boys commonly take advantage of girls by appeals to love and promises to marry" and how "some girls deliberately use pregnancy as a marriage trap."

Many educators believe such material should be presented factually, without preaching. "Any kind of fear campaign is resented," says Mrs. Florence C. Jackson, in charge of health education at Philadelphia's Friends Central School.

Among the publishing concerns hoping to cash in on the demand for sex education material is Harcourt, Brace & World Inc. Through its Guidance-Associates division, the firm plans to invest several million dollars over a number of years to create a sex education curriculum for grades kindergarten through the twelfth grade. "We are prepared to throw everything out and start over again in a new area with no guidelines. It's an extraordinarily expensive publishing program," says Jack Goodman, president of the division. SIECUS is providing consultation on the project.

In June, *Holt, Rinehart & Winston Inc.* plunged into the field with a text called Modern Sex Education. *Minnesota Mining & Manufacturing Co.'s visual products division* and *Science Research Associates,* which is the educational arm of *International Business Machines Corp.* both say they are investing substantial sums in school health programs—texts, visual aids and the like—that will contain considerable sex education material.

Another newcomer to the field, McGraw-Hill Inc.'s Webster division will kick off next year what it calls a "multi-media program" on sex education. It will include texts, audio-visual aides and *laboratory kit models* and will be aimed at both elementary and high school students.

Spurring the publishers' hopes is the success of a 70-page paperback called A Curriculum Guide in Sex Education, which is designed to help school administrators set up programs. The publisher, State Publishing Co. of St. Louis, has sold more than 10,000 copies since the book first came out 18 months ago. So far this year, sales are running 60% ahead of the 1966 pace, says a company official. If a book aimed merely at educators can sell that well, publishers figure, the market for materials for students is immense.

CLEVELAND COUNCIL OF THE JEWISH NATIONAL FUND TO HONOR THE EZRA SHAPIROS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. FEIGHAN. Mr. Speaker, on February 2, the Cleveland Council of the Jewish National Fund will pay tribute

to a most deserving couple, Mr. and Mrs. Ezra Shapiro. Sylvia and Ezra Shapiro have dedicated their lives to the advancement of Jewish culture and education. The Cleveland Press, on January 20, 1969, acknowledged their important contribution to our society in a most timely article which I would like to share with my colleagues. The article follows:

FRIENDS OF ISRAEL

Because of their lifelong devotion to community welfare and dedication to Judaism, Ezra and Sylvia Shapiro will be the first husband-wife team ever honored by the Cleveland Council of the Jewish National Fund.

The setting will be the council's 31st annual dinner at the Sheraton-Cleveland Hotel on Feb. 2. The Shapiros long have had a mutuality of interest in a Jewish homeland and Jewish culture and education. Principal speaker will be Sir Barnett Janner, Labor member of Parliament and a friend of Shapiros for 30 years. Rabbi Arthur J. Lelyveld of Fairmount Temple will be honorary chairman.

In conjunction with the testimonial to the Shapiros, it was announced that 10,000 trees will be planted in Israel in their honor. The Shapiros plan to participate in the planting of the first trees in June.

"The Jewish National Fund, conceived and founded in 1903 by Prof. Herman Schapiro, noted mathematician, owns most of the land in Israel in perpetuity for the state and its people," Shapiro said: "I have visited Palestine and Israel 20 times since 1930, and Sylvia has been there 15 times.

"I see a parallel in the ideals and philosophies of American and Jewish traditions. I hope in these critical days that the American Government and the people will stand with Israel in its fight for survival as the only bastion of democracy in the Middle East."

Shapiro, 65, forthright and perceptive, is a partner in the law firm of Shapiro, Persky & Marken. At 31, in the administration of Mayor Harry L. Davis, he was the youngest law director in the city's history. He is a vice chairman of the Community Relations Board, former chairman of the Judiciary Selection Committee of the Cleveland Bar Assn. and past national vice president of the United Israel Appeal and the American Association for Jewish Education. From 1942 to 1954 he was president of the Jewish Community Council here.

Shapiro served as chairman of the national executive committee of the Zionist Organization of America and has been a member of the general council of the World Zionist Organization since 1951. He was first president of the American Jewish League for Israel.

Born in Poland and brought to America when 3, Shapiro graduated from old Central High School and earned his law degree from Ohio Northern University. His father was a patriarchal rabbi and Ezra became a student of Hebrew language and literature. A Republican, he bolted the party in the presidential races of 1960 and 1968.

Mrs. Shapiro has served as president of Hadassah Central State Region, as national vice president, and is a life associate of the national board. In 1965 she and Mrs. Martin Luther King Jr. received the Cleveland chapter's first Myrtle Wreath awards.

She was chairman of the women's organization and a trustee of the Jewish Welfare Federation and its representative to the Glenville Project. In 1963 she served on the Greater Cleveland Women's Committee for Civil Rights. She is a member of the Bureau of Jewish Education and on the board of the College of Jewish Studies.

The blond, petite Sylvia, a native of New York, graduated from Hunter College and was with the American Economic Committee for Palestine when she was married. The Shapiros live at 13900 Shaker Blvd., Shaker Heights. They are the parents of Daniel, a New York lawyer, and Mrs. Michael Blumberg, and grandparents of four.

"THE NEED FOR PRIORITIES"—THE CASE FOR A DEPARTMENT OF SCIENCE, RESEARCH, AND TECHNOLOGY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker it is a pleasure to place in the CONGRESSIONAL RECORD an excellent article by William D. Carey, Assistant Director, Bureau of the Budget, which appears in the January 3 edition of Science magazine. Entitled "The Need for Priorities," the article presents the case for reorganization of science and technology activities within the executive branch.

This article was brought to my attention by Mr. Frank E. Samuel, Jr., an outstanding young attorney in Washington. As sponsor of H.R. 464 to authorize the establishment of a Cabinet-level Department of Science, Research, and Technology and as ranking minority member of the House Committee on Science and Astronautics, I congratulate Mr. Carey on his thinking and welcome his interest in this important policy discussion.

The article follows:

THE NEED FOR PRIORITIES

If public policies are to be durable and survive the rigors of changing times, they must grow out of the deeply-held beliefs and values of the society. So with public policy toward science. If it is to be strong, it must first be relevant and it must be *shown* to have relevance.

If R and D is necessary to acceptable national security, or to better health care, or to control crime and violence, or to enrich education and learning, and if these are the central concerns of our society, then science and its advocates must learn to shape R and D accordingly and give it relevance. I suggest that here we find the source of today's support gap.

The Federal Government is at the point where very tough policy choices must be made about R and D. Our opportunities are sadly out of phase with our pocketbook, and it would be hard to think of another area of public action where the problems of choice confronting the Government are more baffling. Is it right, in the sense of good social policy, to underfund programs in education, environmental health, and Model Cities so that we can seize our opportunities in science and technology? Should we require that public investments in R and D meet some reasonable test of social return commensurate with the cost of investment and equal to or higher than the return on different uses of the same money and creativity? I am one who thinks we should. It is not good enough in a rational but troubled age to run a country on the double standard of prudence in private investment and simple incrementalism in public investment. This is precisely why we have been working at top speed to change and upgrade the Government's decision-making process and to inject better methods into the way Government works out problems of choice and makes up its mind what to do next. And I see no reason why R and D should have immunity from all this.

For the short run, it is going to be very hard to persuade the country and the Congress that R and D is being maintained at a poverty level. The likelihood of a fiscal miracle to extricate R and D from its present plateau is remote.

But if more money is going to be scarce for R and D, there may be some things that we can do to correct some of the deficiencies in the way Government deals with these matters. I think first of the Government's administrative and policy structure for science and technology. If our policies and strategies for R and D are hard to fathom, perhaps it is because we are not well-organized. R and D is decentralized through the Federal Government. It is managed as a network which is held together loosely by the White House science office. It does not have a prime mover. Its decision-making patterns are pluralistic. As an institutional process it is not responsive to standards of balance, purpose, or priorities. Its component elements serve as mission-related conduits for funding research, development, training, and academic science; but it does not function as a system because it wasn't a system to begin with. It seems to me that we need something better, something capable of shaping science goals and strategies with depth and range and visibility. We need answers; we already know the questions.

BOOK ON CONSERVATION CITES RADICAL CHANGES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. REUSS. Mr. Speaker, Attorney A. D. Sutherland, a distinguished and long-time friend of conservation interests in Wisconsin, has published a book entitled "Sixty Years Afield and Observations on Conservation." I am enclosing a copy of a review of that book which appeared in the Paper, Fond du Lac, Thursday, January 16, 1969:

BOOK ON CONSERVATION CITES RADICAL CHANGES

(By Catherine Lewis)

FOND DU LAC.—"It seemed imperative that something be done to preserve these natural resources," stressed Fond du Lac Attorney A. D. Sutherland as the reason for his writing the book "Sixty Years Afield and Observations on Conservation" published last September.

The book was published by Carlton Press of New York City with a forward by the noted Chicago minister Preston Bradley.

Sutherland, who will mark his 50th year as a Wisconsin attorney in May, indicated how he happened to write the book. "I have a habit of dictating something and filing it away. Last year I took out the file pertaining to conservation.

"It wasn't hard to put it all together in book form. The publisher accepted it without changes.

"The general theme," Sutherland continued, "is that because of outdoor expe-

riences in many parts of the United States and Canada, I had observed radical changes that were affecting our natural resources such as water, soil, air and trees.

"It seemed imperative that something be done to preserve these natural resources, and I joined the efforts of the Izaak Walton League of America in trying to solve some of these problems, because private interests were making a profit by unjustified use of waters, for instance.

"These interests opposed every effort to try to end pollution of our rivers and lakes," he charged.

"By observation, it was apparent that lumber interests had cut every usable tree, covering millions of acres of our northern lands. Branches were left which made fuel for forest fires which destroyed small trees trying to grow," the attorney continued.

"In order to correct these abuses of our resources, it was necessary to have some authority with ample funds to create fire lanes. Equipment to control fires was also necessary and resulted in the establishment of our conservation commission in the 1920 period. This was brought about by the Wisconsin Division of the Isaak Walton League of America," Sutherland pointed out.

He related that in more recent years the conservationists have found that private industries have constructed about 1,200 dams on many of Wisconsin's beautiful streams. The Wisconsin Division of the Izaak Walton League concluded that something must be done to preserve some of the rivers of Wisconsin in their natural state.

"A test case arose when power interests proposed a dam on the Namakagon River," the ardent hunting and fishing enthusiast added: "The Wisconsin Division of the league formally opposed construction of the dam. This led to extended litigation and an opinion of our Wisconsin Supreme Court setting forth public rights to our rivers.

"The case was finally closed when the U.S. Court of Appeals, refused to modify an order of the Federal Power Commission denying a permit to build the dam. This case received national attention as being of utmost importance to the public," he reported.

"Another important phase of conservation is the necessity for the public to have access to forests and lakes. The Wisconsin Division of the League years ago promoted the purchase of lands called the Kettle Moraine area, extending for 50 miles, accessible to people in southeastern Wisconsin. The League has ever since followed the development of this area.

"The League also started the program of purchasing areas for public hunting and fishing," Sutherland reviewed. "It is now recognized as necessary because of the great demand on the part of the public for outdoor sports."

His book deals with these and many other problems affecting natural resources. As a result of his outstanding work in conservation, Sutherland has received both of the highest national conservation awards.

He was one of seven selected by the former Nash Motor Co. to receive its award in 1954 for his outstanding work in conservation. The award was presented in Washington, D.C. In 1956 he was elected honorary president of the Izaak Walton League of America.

"The latter award meant something to me because of some of the other men so honored. They include Herbert Hoover, Laurence Rockefeller, Arthur Godfrey and Preston Bradley. Bradley, a friend of many years, wrote the foreword of my book," he commented.

Sutherland dedicated the book to "My good wife who has packed many a lunch and bid me a cheery 'Good Luck' and has prepared luscious meals of game from jack snipe to bear."

Sutherland, the father of five children, was graduated from Ripon College in 1913 and from Harvard Law School in 1917. He served as a judge advocate with the 10th Army Division in World War I and attended the first officers training school held at Fort Sheridan, Ill.

Sutherland served as a guide on the Yellowstone River in 1912 and frequently would go back into the wooded areas where animals had never before had contact with man.

Listed in both "Who's Who in the Middle West" and "Who's Who in Wisconsin," Sutherland has given talks pertaining to conservation throughout the state and recently spoke to members of the Fond du Lac Writers Workshop and the Fond du Lac Senior Center. His wife, the former Mary Noyes of Maine, studied music and was graduated from Wheaton Seminary and the New England Conservatory of Music, both of Boston.

Sutherland feels the greatest problem facing Wisconsin now is pollution and points out that in his book he shows how it can be ended. The attorney was referring to a federal anti-pollution law enacted in 1899 and which still is in effect.

This law, he cited, makes it unlawful for any industry to throw, discharge or deposit refuse matter of any kind, other than that flowing from streets and sewers, into any navigable water of the United States or into any tributary from which the refuse might wash into navigable waters.

On a national level, Sutherland maintained, there should be no pollution of navigable waters by industry if the public insists on its rights and the Department of Justice enforces the federal law.

Sutherland in his book declares, "Despite all the federal and state laws and the rights of individuals to damages and injunctions, if their rights to public waters have been impaired, the solution to the pollution problem rests with the public."

Treasured along with his plaques honoring his service to conservation and prominently displayed in his law office is a copy of Michelangelo's statue of Moses.

"My father and I saw a sculptor carve this out of a solid block of marble while in St. Peter's Cathedral in Rome," he reminisced. "My father made me very happy when he presented it to me."

One day, Sutherland observed, now that he has his book on conservation and memories of 60 years of hunting and fishing out of the way, he might get down his file on unusual law cases or one of his other files that look back over 50 years of law practice.

"There might be another possible book in those files," Sutherland thought.

WARREN G. HARDING AND HIS NEGRO BLOOD

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following article by Louis Martin:

WARREN G. HARDING AND HIS NEGRO BLOOD

(By Louis Martin)

The story that President Warren G. Harding had Negro blood is treated extensively in a new book, "The Shadow of Blooming Grove," sub-titled "Warren G. Harding in His Times." by Francis Russell.

The author writes of President Harding as follows: "Always in his growing up he would be haunted by this sense of alienation from the world to which he wanted with all his heart to belong—a quite different feeling from being born a Negro among Negroes and identifying himself with the group as such. Since he never felt secure in his group identification, he would demonstrate his right to belong by the strictness of his conformity. 'The Shadow of Blooming Grove' was something that in later years he could scarcely bring himself to talk about. Once he managed to discuss the matter briefly with his old friend James Miller Faulkner, a political reporter on the Cincinnati Enquirer. 'How do I know, Jim?' he remarked finally 'One of my ancestors may have jumped the fence.'"

Reading this reminded me of some of the talks about race that I have had with Dr. Montague Cobb of the Howard University Medical school. Dr. Cobb insists that the Negro American, black American or Afro-American—take your choice—is a new and unique race of mankind, that there is no one like the American brother on the face of the earth.

Dr. Cobb takes the position that the brother has met the test of Darwin's concept of the survival of the fittest with flying colors. The brother met the test during the Middle Passage when the slavers brought him in chains from Africa. He met it during the long night of slavery. According to Dr. Cobb survival in the U.S. required not only physical prowess and animal cunning, but also great intellectual perception and sensitivity.

During this long night of servitude, Dr. Cobb argues that those lusty white boys who robbed the black girls of virtue in the haystacks of Virginia and other colonies were scions of the first families. In short, flowing through the veins of Rap Brown, Adam Powell, LeRoi Jones and most brothers are the genes of the so-called Anglo-Saxon aristocracy.

Most anthropologists seem to agree that every Afro-American, no matter his color or what he looks like, possesses now some admixture of blood and genes that his ancestors did not have when they left Africa. It is the view of Dr. Cobb that the American brother, genetically speaking, represents the best of both worlds, black and white. He comes close to making the brother a superman.

Dr. Cobb's genetic theory may not strike a happy note today when racial hatred seems to be more popular on both sides of the color line than ever before. This theory probably rubs the white extremists and the black extremists the wrong way. It might be disconcerting to dwell on the kinship between the races. The notion might develop that the current widespread violence is, after all, just a family fight.

Dr. Cobb's view that all this genetic mixing has somehow produced a superior race of blacks or Afro-Americans obviously does not apply to some well known brothers. If President Harding had a few drops of African blood in him, the mixture must have misfired. Practically all of the historians seem to agree that Harding was just about the worst President we have had.

Of course, if the literary boys and researchers prove that President Harding was really a brother, Harding's failures and shortcomings will finally be attributed to his ancestry. The popular image of President Harding depicts him as just a good-time Charlie who was lucky enough to win the favors of the famous group of politicians known as the Ohio gang. Perhaps the greatest sin Harding can be blamed for was not his ancestry but his politics. After all, he was a Republican.

THE UNTOUCHABLES PARADE: HENRY A. KISSINGER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, it becomes more and more apparent that regardless of which political party is in leadership the unelected "untouchables" remain in power.

Just new faces, new names, espousing the same old wornout, defunct, anti-American goals.

I include Mr. Capell's January 24 edition of the Herald of Freedom, devoted to Mr. Kissinger, and a column from the January 24, 1969, Wall Street Journal in the RECORD.

[From the Herald of Freedom, Jan. 24, 1969]

HENRY A. KISSINGER

It is becoming distressingly apparent to even his staunch supporters that President Richard Nixon has made some strange appointments to key positions. Even before he officially took office, Henry Kissinger, who will be Mr. Nixon's most important adviser on foreign policy, caused the pro-Nixon Manchester Union Leader to editorially demand that Mr. Nixon "Fire Kissinger!" Kissinger is the personification of all that American conservatives distrust and fear in a political leader. He has been associated with the Council on Foreign Relations, the Bilderbergers and the Pugwash Conferences. All three are highly suspect organizations whose activities are carried on in varying degrees of secrecy. Dr. Kissinger continues the McGeorge Bundy, Walt W. Rostow pattern of individuals with CIA connections occupying the top National Security spot. There is no reason to believe the United States will be any better off with Kissinger doing the planning than it was with Rostow with whom most knowledgeable Americans were most unhappy.

McGeorge Bundy, Kennedy's Special Assistant for National Security Affairs, was a former CIA man and an associate of Kissinger at Harvard. Walt W. Rostow, who took Bundy's place under Johnson, came from the CIA-financed M.I.T. Center for International Studies. Henry Kissinger has been associated with the International Seminar and the Center for International Affairs at Harvard, also CIA-financed.

Henry Alfred Kissinger was born in Fuerth, Germany, May 27, 1923, the son of Louis Kissinger and the former Paula Stern. He and his brother, Walter Bernhardt Kissinger, were brought to the United States in 1938 by their parents who were refugees from the Hitler regime. Louis Kissinger, Henry's father, was reportedly a prominent rabbi and Zionist in Berlin.

Henry Kissinger graduated from George Washington High School (N.Y.C.) in 1941 and served in the U.S. Armed Forces from 1943 to 1946, being discharged with the rank of staff sergeant. He served with the 970th Counter-Intelligence Corps and remained in the Military Intelligence Reserve. While in service, he was reportedly investigated by G-2 which opened a case because of Kissinger's reported attempts to reach Germany and contact important personages there. Upon leaving military service, he entered Harvard where he majored in government and received four scholarships, among them the Rockefeller Foundation Fellowship for Political Theory. Kissinger graduated from Harvard in 1950 and received his M.A. degree in 1952 and Ph.D. in 1954 in the Harvard Graduate School of Arts and Sciences. Kissinger was married on Feb. 6, 1949 to Miss Ann Fleischer and they were divorced in 1964. The couple has two children.

In 1951 Kissinger had become executive director of the Foreign Student Project which had been started that year by Harvard Summer School. In 1952 its title was changed to International Seminar and it began publishing a quarterly journal entitled, "Confluence, An International Forum," of which Kissinger was the editor from its inception. In 1953, when the Council on Foreign Relations launched a project allegedly to "seek the answer to the question of the threat of Soviet action against insufficient American initiatives," three subcommittees were appointed and Kissinger was named study director. Out of this emerged Kissinger's book, "Nuclear Weapons and Foreign Policy," published in 1957 by Harper and Brothers. The book created quite a furore and impressed the then Vice President Nixon. According to the N.Y. Times, the book "brought Mr. Kissinger to the attention of scores of politicians, diplomats and military men and became a source book for American policymakers."

Kissinger began his association with the Rockefellers in 1956 when he worked for the Rockefeller Brothers Fund, Inc. as director of the over-all Special Studies Project (1956-7) "to develop concepts that might be helpful in meeting the challenges America faces today." From 1958 to 1959 he was Research Secretary of a Council on Foreign Relations discussion group.

Under the Kennedy Administration Kissinger was special consultant to President Kennedy on the Berlin Crisis. He has also been consultant to the Operations Research Office; Operations Coordinating Board, Weapons Systems Evaluation Group, Psychological Strategy Board, National Security Council; and Arms Control and Disarmament Agency. In 1962 he became a full Professor at Harvard, on the faculty of the Center for International Affairs which is CIA-financed. For ten years Kissinger has been chief foreign policy adviser to Gov. Nelson A. Rockefeller, who reportedly "recommended him enthusiastically" to Mr. Nixon. Kissinger was definitely a Rockefeller man, having attended both the 1964 and the 1968 Republican conventions as a Rockefeller aide, hoping his man would get the presidential nomination. He is credited with having pushed the Republican platform toward a more "dovish" position on Vietnam.

The importance of the position now held by Dr. Kissinger was described in an article in the N.Y. Times of December 8, 1968:

"For reasons that are as good and logical as they are unsettling, the power of war and peace in the United States resides in the person of one man. Last month, the country elected Richard M. Nixon for the job. Last week, the President-elect chose the one man who day in and day out will guide and guard him in that task: Henry Alfred Kissinger.

"Dr. Kissinger is to be that someone, as McGeorge Bundy was for President Kennedy and Walt W. Rostow has been for President Johnson.

"That all these men should have come from Cambridge is not entirely coincidental. Harvard and the Massachusetts Institute of Technology there helped to propel such policy-oriented academicians onto the national scene where the politicians came to know and need them . . .

"Dr. Kissinger's access and accessibility to the academic community must have been an important consideration in his selection, as also was his ten-year advisory relationship with Mr. Nixon's principal rival, Governor Rockefeller of New York . . . He helped to lead scholars and thus government toward an understanding of the political and psychological problems posed by nuclear technology and toward a re-examination of both diplomatic and military assumption carried forward from the age of American invulnerability."

Kissinger was a member of a group at Harvard which began working fifteen months before the presidential elections on a study for the benefit of the new president, whoever he might be. Kissinger wrote the foreign policy section of the resulting recommendations and Mr. Nixon was reportedly so impressed with it that he immediately asked Kissinger to see him. (The report will not be made public.) Kissinger wrote the concluding essay in the massive Brookings Institution study, "Agenda for the Nation." The central theme of the essay was that the incoming administration of the United States must deal with a a world which is militarily "bi-polarized" but politically "multi-polarized."

Kissinger has written many books and articles and it should be easy to find out where he stands from them, but his writings are difficult to understand, often contradictory. A remark attributed to him recently might explain his attitude. A story in Newsweek of December 30, 1968 concerning an article on Vietnam, written by Kissinger before he was named to be Assistant for National Security Affairs by Mr. Nixon, stated: "It was perhaps significant . . . that after his appointment as a Nixon adviser, Kissinger tried first to persuade the editorial board of Foreign Affairs to drop the article and then, no more successfully, to make some changes in the manuscript." The article stated that when a reporter congratulated him on the "brilliance" of the article, Kissinger replied: "The last thing in the world I want to be at this point is publicly brilliant."

Kissinger's views on ending the war in Vietnam appeared in the January 1969 issue of Foreign Affairs, the quarterly publication of the Council on Foreign Relations. U.S. News and World Report commented on his "formula":

"The Kissinger formula calls for a series of steps to bring about a phased withdrawal of U.S. and North Vietnamese troops from South Vietnam and lay the groundwork for a political settlement between the Saigon Government and the Communist-controlled National Liberation Front . . . Dr. Kissinger did not rule out but called undesirable suggestions that a coalition government with Communist participation be set up to govern South Vietnam."

Newsweek in its article on the Kissinger "formula" commented:

"Like most scenarios for a negotiated settlement, Kissinger's article contained some apparent inconsistencies. Although he stressed that Saigon cannot afford to give even implied recognition to the NLF, his proposal for direct talks between the two adversaries could only—despite his disclaimers—give the Viet Cong added stature . . . And in view of his suggestion that Washington and Saigon maintain the closest possible cooperation, it seemed unrealistic to urge the exclusion of the South Vietnamese from U.S. talks with Hanoi . . . Nixon himself declared through a spokesman . . . that he would neither endorse nor condemn Kissinger's article."

Human events gave the South Vietnamese reaction to the article:

"The South Vietnamese were also known to be perturbed by an article in Foreign Affairs this month by Henry Kissinger, the man who will be Nixon's chief White House adviser on foreign policy.

"While the Kissinger article is complex and warns against imposing any coalition government on Saigon, many diplomatic observers believe his recommendations for ending the war are extremely fuzzy and could be easily manipulated by Hanoi.

"Particularly irksome to some were his proposals for South Viet Nam to deal directly with the National Liberation Front—thus giving the NLF recognition—and to have a coalition commission supervise the political process in the south, including new elections."

It was because of his recommendations on Vietnam that William Loeb, Publisher of the Manchester Union Leader, stated in an editorial: "This first miserable decision by Professor Kissinger should bring about his dismissal from a post to which he should never have been appointed." Mr. Loeb stated:

"There is one man in the Nixon administration who is acting just as this newspaper predicted. Harvard Professor Henry A. Kissinger, Nixon's ill-chosen White House foreign policy adviser, wants to withdraw the troops. He says it will be a signal to Hanoi that the U.S. is ready to begin general withdrawal of U.S. forces if there is reduced fighting.

"This is typical of the Harvard professor type of unrealistic approach that has done so much harm to this nation in the last 30 years. Kissinger doesn't understand that Hanoi, like its Soviet masters, respects only one thing and that is superior force."

Dr. Kissinger's previous posture on Vietnam was described in the N.Y. Times:

"During the Vietnam war he began, at least publicly, as a defender of the American objectives and tactics. But on a series of quiet but energetic government missions, he reached the conclusion much sooner than either Governor Rockefeller or Mr. Nixon that American military prospects were dim, and that Washington's political prescriptions were not working as advertised—he found much fault also with Kennedy and Johnson positions, and especially the running hot-and-cold reactions to Moscow without the planning and strategic purpose that Dr. Kissinger has consistently demanded."

U.S. News and World Report quoted Kissinger as stating: "Ending the war (in Vietnam) honorably is essential for the peace of the world. Any other solution may unloose forces that would complicate prospects of international order." And this is what Kissinger and his intellectual colleagues definitely want: international order, which would consist of world government in a "World of Disarmament." Kissinger recommended a start toward this in "The Troubled Partnership" in 1965 in which he found a need for improved consultation among the allies. He advocated a "united Europe with federal, supernational institutions as the precondition for an Atlantic partnership," or regional world government.

As the N.Y. Times stated, Dr. Kissinger has access to the academic community, both at home and abroad. He participated in at least one Pugwash Conference, being listed as a participant in Part Two of the two part conference held at Smugglers Notch, Stowe, Vt., Sept. 5 to 8, and Sept. 10 to 17, 1961. This was one of a series of meetings which began in 1957 under the auspices of the very pro-Soviet millionaire Cyrus Eaton and which derived their name from his home in Nova Scotia at which the first meeting was held. The name was changed from "Pugwash," however to improve the image of the conferences and an attempt made to disassociate the conferences from Eaton, at least in the eyes of the public.

The Conference attended by Kissinger was the Seventh Conference on Science and World Affairs, part two being on "Disarmament and Arms Control." Among those participating in the conference were Linus Pauling, Paul Doty, Gerard Piel, I. I. Rabi, Louis Sohn, Henry Kissinger and Leo Szilard. At the Sixth Conference, entitled the Conference of International Scientists on World Security and Disarmament, held in Moscow, Nov. 27 to Dec. 5, 1960, Kissinger's predecessor in his present job was present. Walt W. Rostow gave the closing address. Also in attendance at the Moscow conference was Dr. Jerome Wiesner, an important adviser to President Kennedy as was Rostow. The thinking of Rostow, Wiesner and Kissinger seems to be that we must trust the Soviets in order to avoid annihilation in this thermonuclear age.

The general plan is for the U.S. and the U.S.S.R. to join forces to police the world under a supranational authority such as an enlarged and greatly strengthened U.N., armed with a nuclear police force. Some of the papers presented at the Moscow Pugwash Conference in 1960 were most frightening in their content but they were not meant for the eyes and ears of the masses, just for those who are planning our future.

It is interesting to note that in January 1967, Nelson Rockefeller (to whom Kissinger was foreign policy adviser for ten years) and Cyrus Eaton, Jr., son of the sponsor of the Pugwash conferences, joined forces to profit by trading with the Communists. International Basic Economy Corp., controlled by the Rockefeller brothers and organized in 1947 under the principal direction of Nelson Rockefeller, and Tower International, Inc., headed by Cyrus Eaton, Jr., announced plans, as revealed in the N.Y. Times of January 16, 1967, to "spur trade with Reds." The article stated: "An alliance of family banking fortunes linking Wall Street and the Midwest is going to try to build economic bridges between the Free World and Communist Europe. . . . The joint effort contemplated by I.B.E. and Tower is seen as combining the investment skills and resources of the Rockefellers and the special entre to Soviet bloc officialdom that Tower enjoys largely as a result of contacts cultivated over the last 15 years by Cyrus S. Eaton, Sr. The elder Eaton has been an outspoken advocate of closer ties between the U.S. and the Soviet Union. He has backed his convictions by visiting Russia and entertaining high Soviet leaders including former Premier Khrushchev." Kissinger's "foreign policy" advice must have made Rockefeller feel that investments in Communist countries would not be too risky. (Eaton, Sr. observed his 85th birthday in December at Cuba as a guest of Fidel Castro.)

Men of science are not going to have complete control of the new "World of Disarmament," as there are other important people in the world . . . bankers, industrialists, diplomats. These people meet and plan in secret and are called the Bilderbergers. Henry Kissinger has attended at least one of their meetings. His name was on the list of participants at the Williamsburg, Va. Conference, which took place March 20, 21 and 22, 1964. The idea of the Bilderberg meetings originated in the early fifties. The first meeting that brought American and European "leading citizens" together took place under the chairmanship of Prince Bernhard at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Although the Bilderbergers claim that they are not a "policy-making body" and that "no conclusions are reached," they surely do not bring important people from practically the four corners of the earth for nothing.

Another group of "unofficial" policymakers is the Council on Foreign Relations, with which Kissinger has long been affiliated. The CFR is believed by many to be the secret government of the United States. After a thorough investigation this organization was declared subversive by the American Legion of California in 1962.

Among the present or past members of the Council on Foreign Relations we find the following: Alger Hiss, Ralph Bunche, Lauchlin Currie, Harry Dexter White, Herbert Matthews, Joseph Barnes, Cyrus Eaton, J. Robert Oppenheimer, John K. Fairbank and Arthur Goldberg, all of whom have had a record of close affiliation with Communists and some of whom were actually identified as Communists.

During the first week of December 1968 the International Association for Cultural Freedom conducted a five-day closed seminar at Princeton, N.J. Ninety individuals attended, among them Henry Kissinger who told those assembled "The doors to the White House will always be open to your ideas." Present to hear this kind invitation were Charles Hamilton, co-author with Stokely Carmichael of the book, "Black Power;" Andreas Papandreu, left-wing leader of the Panhellenic Liberation Movement, exiled from Greece due to his pro-Communist activities; Arthur Schlesinger, Jr., McGeorge Bundy and George Ball, among others. Some of the participants were from Communist countries at this seminar financed by the Ford Foundation.

Henry Kissinger has been a friend and associate of John Kenneth Galbraith (who called the appointment of his friend "a good one"), Adam Yarmolinsky (expected to step into Kissinger's job at Harvard, who said "I will sleep better with Henry Kissinger in Washington."), Arthur Schlesinger, Jr. ("I think it is an excellent appointment.") and Robert R. Bowie with whom he worked at the Harvard Center for International Affairs.

Kissinger has been described by a colleague as "impatiently arrogant" and his confidence in his own ability is evident from a comment reportedly made when Rockefeller sent one of his "position papers" to other advisers for comment: "Do you ask a housepainter to touch up a Picasso?" In his new position Dr. Kissinger intends to make some long-range plans for the United States as well as to completely reorganize and restructure the entire White House security planning machinery. This is a very important job to entrust to a man as acceptable to the Democratic left-wing Kennedy Administration as he seemingly is to the Republican moderate Nixon Administration. To what ends will he use the "brilliance" he wishes to conceal from the American people?

[From the Wall Street Journal, Jan. 24, 1969]

CHARTING THE COURSE: KISSINGER BULKS LARGE IN SHAPING U.S. FOREIGN POLICY

WASHINGTON.—Henry Kissinger is off and running. He's pulling well out in front of Bill Rogers, Mel Laird and the rest of the pack—in this first lap of the great race to shape foreign policy for the Nixon Administration.

So it looks, anyhow, to the sporting pros in this town whose game is global affairs. Those selected to work for Mr. Kissinger, next door to the White House, seem already too frantically busy to boast. A good many of the others, in such rival power centers as the State and Defense Departments, frankly admit to nervousness—even "shock"—as they wait and watch.

Consider just one facet of this situation:

On Monday, even before Richard Nixon could take his oath of office, the men in Moscow's Kremlin urged that he hurry into negotiations to limit the two superpowers' arsenals of atomic missiles and antimissiles. So the President immediately faces an intricate problem. How fast should he get the U.S. into such dickering? What kind of deal should he seek? How can this jibe with high-priority aims to toughen Western Europe's defenses against the Soviets? How does it tie in with the urgent hope the Russians will cooperate to cool Arab-Israeli hostilities—and with the idea of shoving the Soviets into twisting Hanoi's arm so the Vietnam-

war might come to a quick and acceptable end?

SHORT-HANDED DEPARTMENT

Not much weighty advice on either missiles or Moscow can come from Foggy Bottom, where Secretary of State Rogers is still preoccupied with trying to hire good top officials. He and his No. 2 man, Elliot Richardson, though seasoned lawyers, are as yet raw rookies as diplomats. The department's disarmament director, William Foster, has left, so that office is being run on a standby basis by a Hubert Humphrey supporter, Adrian Fisher.

The department's supply of senior Soviet experts is totally depleted, with the retirement of Deputy Under Secretary Charles Bohlen and Moscow Ambassador Llewellyn Thompson. As for the side issues involved in talks with the Soviet, the three Assistant Secretaries who can advise about West Europe, the Mideast and Vietnam are all LBJ appointees merely sticking around a few weeks while the search goes on for replacements.

Across the Potomac River, ex-Congressman Laird is still struggling to fill top civilian slots in the Pentagon roster; the newly named Deputy Secretary of Defense, businessman David Packard, has been concentrating on convincing Senators he has resolved his conflict-of-interest problems. Perhaps worst of all, a new Assistant Secretary for International Affairs is lacking, reportedly because of a raging dispute over whether to fill that crucial post with a "militant" or a "moderate." The military men on the Joint Chiefs of Staff, having done their homework, favor early negotiations. But, not surprisingly, Secretary Laird is asking for time to study up on weaponry and to ponder, before even considering getting into any missile talks.

RECRUITER KISSINGER

But how different it is with Henry from Harvard! As President Nixon's personal adviser on the wide world, and as new executive manager of a revitalized National Security Council, he has enlarged his sector of the White House staff to include over a score of the sharpest intellects in this city. His rush of recruiting has been accomplished, though not all the names have been publicized.

One Kissinger-captured brain that can be focused on the missile-task problem is that of Robert Osgood, who has spent years probing the interaction between armaments and international politics, most recently as head of the Washington Center of Foreign Policy Research, an affiliate of Johns Hopkins University. Another is Richard Moos, from the Institute for Defense Analyses.

Not only has Mr. Kissinger outdistanced his competitors in recruting, he has actually lifted top talent from the rival power centers. Out of Mr. Laird's department, for instance, he has taken Morton Halperin, who was in charge of the Pentagon's arms control policy planning. Out of Mr. Rogers' department has been lured the soft-voiced Helmut Sonnenfeldt, who would otherwise have become its ranking Soviet authority; this youthful yet veteran Kremlinologist was the department's chief intelligence analyst for all Eastern Europe. To concentrate on the crucial converging issue of Vietnam, he has plucked a brilliant young lawyer, Daniel Davidson, out of a key position on the State Department's peace negotiating team in Paris.

IMPRESSIVE CREDENTIALS

Such talent hunting impresses Washington's diplomatic professionals all the more because Mr. Kissinger and his chief lieutenant, Richard Allen, might easily have decided they needed little help in grappling with such problems as Red missile talks. Mr. Allen was a young professor specializing in Eastern Europe studies at Stanford University's Hoover Institution on Wars, Revolution and Peace; as foreign affairs research director for the Nixon campaign, he probed deeply into the arms race and developed strong opinions.

As for Mr. Kissinger, his 1957 book, Nuclear Weapons and Foreign Policy, written at the age of 34, was the pioneering scholarly work in this field. It influenced many a statesman, including Richard Nixon. During his years at Harvard, he moonlighted as a consultant to the State Department's Disarmament Agency and to the Pentagon's Weapons Systems Evaluation Group. And he has kept on writing, over a widening range—most recently on how to unwind the Vietnam war.

So it is not altogether astounding that Kissinger & Co. have already deposited on the President's desk three major studies, all of which are directly or indirectly relevant to Moscow's missile talk proposal. One is an assessment of the U.S. strategic posture. Another looks at the potential consequences of a future U.S. ratification of the treaty to prevent more countries from acquiring nuclear weapons. And the third canvasses Vietnam "options" open to Mr. Nixon.

On some issues Messrs. Kissinger and Allen profess less personal expertise and are moving more slowly—but arousing nervousness elsewhere in town nonetheless.

A notable example is the field of international finance, where they are suspected of staking out a claim by getting a head start on Treasury Secretary David Kennedy. They've recruited Yale's Prof. Richard Cooper, a former Deputy Assistant Secretary of State for International Monetary Affairs, and Fred Bergsten, another expert lately a visiting fellow at the Council of Foreign Relations in New York. Treasury men say either would have been eminently qualified to become Assistant Secretary for International Affairs in their own department, but in fact that post remains filled by an LBJ holdover, John Petty, and the choice of a replacement is still dangling.

The U.S. still faces balance-of-payments problems despite the 1968 surplus; some fresh currency crisis could pop at any time; long-range monetary reform is a hot issue. And the men Mr. Kissinger has signed up are not just technicians; they have their own ideas. Mr. Cooper thinks the new Administration should quickly consider abandoning tightly pegged relationships between national currencies, arguing these dam up distortions until they produce big—and disruptive—devaluations. He suggests sliding parities"—a kind of crawling changes in values over the years. A Bergsten proposal is that Americans try creating a dollar bloc," persuading as many lands as possible to promise they wouldn't demand gold for their dollars.

Needless to say, just hiring people and writing up reports does not in itself create any new foreign policy. President Nixon has made it clear he'll make all the big decisions himself, as did Presidents Johnson and Kennedy before him. But Washington old-timers insist this practice can not eliminate contests between rival power centers; it only defines the prize: Influence upon the President's mind.

It is far too early to predict who will eventually win the current race, or to what policy end; previous contests have shown surprising results. When Clark Clifford became Lyndon Johnson's Secretary of Defense, he was clearly identified as a powerful Presidential crony and a mighty Vietnam hawk. Then, as he grappled with facts of the war, he found his own mind changing: he became the ardent peace-seeker who swayed the President slowly and partially, while suffering erosion of his intimacy with the President.

A DISTANCE MAN?

The professionals say that Secretary of State Rogers now has that enormous initial advantage of Presidential trust, respect and friendship—and think that as he completes his staff and gains diplomatic experience he may well prove a great long-distance runner. Secretary of Defense Laird, once he's squared away, may well capitalize on his mastery of domestic politics, which often determines the fate of foreign policy.

Yet in the jungles of Washington, considerable value is attached to making the splashy start. The diplomatic set recalls that when President Johnson switched Attorney General Nicholas Katzenbach over to Under Secretary of State he was expected to shake the place up but never really did achieve great impact. One explanation is that he rather sensibly decided to study up and think a bit before acting, and when he was ready to act discovered he had lost most everyone's attention.

Despite their nervousness, it is remarkable how few functionaries in the State and Defense Departments suggest that Henry Kissinger is deliberately driving for foreign-policy control. They remark that he has avoided the limelight and that he has promised to "stay out of the cable room" and avoid daily interference in operational details (a vow likewise taken by his predecessor, Walt Rostow, but rapidly breached under LBJ's prodding).

Above all, Mr. Kissinger has emphasized that he seeks no monopoly on feeding ideas to Mr. Nixon. On the contrary, he considers it his function to assure that the President has easy access to all significant proposals developed within Government and outside—making sure that all the controversial pros and cons are spotlighted, not blurred in a consensus.

DEVASTATING CRITIQUES

Men who have known Mr. Kissinger for years don't doubt his sincerity or his skill at posing the issues sharply. But they cannot conceive that he will suspend his faculty for sharp and even devastating critiques of offered alternatives or that he will forbid his own fertile imagination from conceiving fresh additional options. Granting his good will does not measurably diminish their concern.

Henry Kissinger inevitably enjoys one obvious advantage that was exploited by predecessor Rostow and before that by McGeorge Bundy: Proximity to the President and daily contact.

Still, the sentiment in rival power centers is not so much that Mr. Kissinger should slow his pace as that the Cabinet officers had better hasten theirs. Some of the irritation and impatience expressed in departmental corridors reflects individual ambitions, of course; even career civil servants hate to feel policy power slipping from their fingers. So strong are institutional loyalties, though, that one finds even Democrats who have been held on in the sub-Cabinet fuming because no prestigious Nixonites have been recruited to take their places. Says one of these holdovers: "My office can't get back into the action until it's headed by the new President's own man."

Yet they're not quite sure whom to blame. Some suggest that the current concentration of influence in the White House foreign affairs staff is in part the ironic result of Richard Nixon's desire to shift responsibilities back to the departmental secretaries. For this purpose he chose for most Cabinet posts not specialists but broad-gauge "generalists." Then he granted each the right to pick most of his own subordinates. As nonspecialists, some Cabinet members have had to go slow in evaluating which specialists they want to enlist, and then they may have had some difficulties selling the jobs to their candidates.

"Maybe all these posts would be filled by now if Nixon had just told Henry Kissinger to give him a list, and the President himself had got on the phone," muses a Republican global-thinker. "When the President tells you personally it's your duty to come to Washington, it's almost impossible to say no."