The newspaper's answer: "The father is right and the law is on his side."

FEDERAL AIRPORT AID PROGRAM

Mr. KEATING. Mr. President, on August 5 a local government agency—the bistate Port of New York Authority—declined to accept a $4,300,000 grant of Federal aid. The circumstances which impelled this extraordinary action, in my judgment, should give the Senate cause for grave concern—concern for the protection of local government from unauthorized interference in local government affairs as well as for the proper interpretation of Federal law in accordance with the intent of Congress.

The facts are simple enough. The air transportation requirements of the New York metropolitan area are served by a regional air terminal system of public airports financed, developed, and operated by the Port of New York Authority under agreement between the States of New York and New Jersey to which Congress has consented. These are John F. Kennedy International Airport and La Guardia Airport in New York; Newark and Teterboro in New Jersey; and two commercial heliports in downtown Manhattan.

These airports provide terminal facilities not only for scheduled airline operation but also to meet the general aviation needs of private and corporate aircraft. Teterboro, which is almost exclusively devoted to general aviation use, is operating at an annual deficit of $400,000.

The port authority is a self-supporting agency. It does not have the power to tax. On its own credit, the port authority has raised and invested over $475 million in our region's air terminal system. The $21 million of Federal aid which has been granted over the past 17 years under the Federal aid airport program amounts to less than 4½ percent of the local government agency's investment.

In 1962, the port authority applied to the Administrator of the Federal aid airport program for a grant toward the cost of runway extensions at La Guardia Airport. The Administrator of the Federal Aviation Agency apparently agreed with the port authority on the critical importance of these improvements so that La Guardia Airport could keep pace with the Nation's air transport needs in this age of jet flight. Federal aid funds were allocated in due course for 1962 and again for fiscal year 1963.

During this period another public agency—the Tri-State Transportation Committee—established by the Governors of Connecticut, New Jersey, and New York undertook an immediate action study of the need for providing airport facilities primarily to serve general aviation within the tristate region. This study is going forward with the aid of urban planning assistance from the Federal Housing and Home Finance Agency. The FAA, the aeronautical agencies of the three States, and the port authority are cooperating in this general aviation requirement study and it is expected to be completed in about a year.

It would seem obvious that the needs of general aviation in the great New York metropolitan area are not being neglected by responsible local government. It is equally obvious that the runway extensions at La Guardia Airport will serve both commercial and general aviation in the overall public interest.

Nevertheless, since August of last year, the FAA has refused to allocate any funds to the La Guardia improvement without a blanket commitment from the port authority that it will finance and construct a ring of satellite airports throughout the New York metropolitan area for private and corporate aircraft—for general aviation.

The port authority promptly pointed out and patiently provided proof that it had neither the authority nor the financial ability to make such a commitment, that the general aviation problem was in fact receiving due consideration, and that the completion of the La Guardia improvement project was of immediate national importance. The Administrator replied with a demand, as the price of Federal aid funds for La Guardia Airport, that the port authority commit itself not only to implement whatever recommendations the Tri-State Transportation Committee might make a year from now with respect to additional satellite facilities for general aviation, but also to continue to operate Teterboro Airport for private and corporate aircraft forever, regardless of cost. The port authority simply advised the Administrator in reply that such an open-end commitment was impossible for its Commissioners, as responsible public officers, to make.

As far as I know, the FAA has not sought to impose the same or similar conditions upon any other airport operator in the United States. But certainly the fact that this situation has arisen only with respect to the Port of New York Authority does not make it any less of a national concern. At stake are facilities which serve the national interest, and the Congress must always be assured that its acts are being administered in line with its intent.

The attempt by the Administrator of a Federal agency to impose impossible demands upon local government as a condition to the grant of Federal funds, in my judgment, Mr. President, is arbitrary and unreasonable.

In one of his communications to the port authority the Administrator of the FAA has insisted that "despite major challenge, the authority of the Administrator to prescribe conditions to grants has been repeatedly reaffirmed." It does not appear, therefore, that the Administrator is going to back down from his position.

To the contrary, as a portent of what is perhaps to come, I am told that last week, in an address to the American Bar Association convention on the subject of supersonic planes, the Administrator said it is up to the States and cities and port authorities to provide general aviation airports according to the needs of aviation rather than according to the pocketbook.

If this doctrine is going to receive broader application, so that States and cities around the Nation will be hounded to provide facilities that they cannot finance soundly, at the risk of being denied Federal aid funds for which they are otherwise clearly eligible, Congress ought to step in and, in my judgment, take a closer look at the current administration of the Federal Airport Aid Act.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, the distinguished historian, Irving Brant, in discussing the reapportionment problem in 1785, which was analogous to the present one, said that one of the great difficulties in reapportionment was, as he called it, the rotten borough system. Not only the Senator from Pennsylvania [Mr. CLARK], but the historian Irving Brant argued with considerable conviction, that malapportionment is always sure to happen because legislatures will not reapportion themselves.

Why has not this ridiculous situation been corrected by the States themselves? The answer, of course, is no mystery. Reapportionment means the transfer of political power. And those who possess political power are extremely reluctant to transfer it from themselves.

Mr. President, I previously referred before to the Advisory Committee on Intergovernmental Relations. This is a committee which included the Secretary of Health, Education, and Welfare, Mr. Celebrezze; the Secretary of the Treasury, Mr. Dillon; Governor DiSalle, Senator Ervin, Senator Mundt, Senator Muskie, Governor Smylie, and a number of other very distinguished Americans, including Representative Dwyer, Governor Hollings, of South Carolina, and others. This commission, which secured the services of outstanding experts, had this to say:

> The major problem facing legislators in this matter, is that apportionment of legislative seats is a function of political power—political power in the most personal sense. Certainly apportionment is of major concern to political parties, the many interest groups in our society, the political subdivisions of the State, and the people generally, but to the State legislator, apportionment often represents a challenge to the interests of his constitutents, to his tenure in office, and to his power to influence the policy decisions of the State. In a study of the problem in Illinois it was said that:
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> "Redistricting legislation is of basic concern to legislators because it is a kind of job specification which can be drawn to the special advantage or disadvantage of any member. Redistricting can insure continuity in office or can insure retirement, depending on the terms of the bill. No other legislation has quite the same direct effect on a legislative career, and with no other legislation do the demands, the proposals, the maneuvering, and the compromises emanate within the legislative body to the same extent."

That statement is from a study by Gilbert Steiner and Samuel Gove made in 1956. Steiner and Gove observed that:

Redistricting proposals that dislodge a minimum number of sitting members, irrespective of party, will be favored over proposals that do not take into account sitting members.

This conclusion is supported by numerous other studies.

They disregarded of course, the fundamental principle that all people should have an equal vote in their legislature. The ball game should be played by giving everyone their three strikes and not some two strikes and others five strikes.

I continue to read from this definitive study of apportionment:

While personal factors may play a primary or the primary role in legislative apportionment when the legislature itself is called upon to act, numerous other factors are involved. Second only to the personal factor is the problem of the so-called urban-rural conflict.

It is interesting that Steiner and Gould pointed out—and they are right—that the main problem is the personal problem. Almost all the debate here is centered on the so-called urban-rural controversy, but the big problem in getting legislatures to apportion is that legislators themselves are affected. Their own careers are at stake. If they are not affected their close friends are. Politics being what it is and legislators being the kind of people they are—as we are—they do their best to accommodate their friends and to be helpful to them. They have an immediate and urgent problem of assisting friends versus a general principle, and we know on the basis of experience what happens.

I continue to read from the study:

In this context the issue is not one of determining the basis of representation, but of which "group" shall control the legislature of a State. The history of apportionment has shown that the States considered population to be the basic factor in the apportionment of legislative seats when their first constitutions were adopted.

I should like to repeat that statement:

The history of apportionment has shown that the States considered population to be the basic factor in the apportionment of legislative seats when the first constitutions were adopted.

That statement means not only the Federal Constitution, adopted by the thirteen States, but also the constitutions of the various States.

I continue to read from the study:

Around the turn of the present century, it became evident that significant shifts in legislative districts would be required in most States if population continued to be the primary or sole basis of representation. The possibility of shift coincided with the beginning of the real growth of big cities and urban areas. Up until that time most of the legislatures had been apportioned in accordance with constitutional mandates. For example, the last apportionment in Illinois, before its 1955 constitutional amendment, occurred in 1901. In 1901 Cook County contained 38.1 percent of the State's population and the county received 37 percent of the seats in each house of the legislature.

The distinguished senior Senator from Illinois [Mr. DOUGLAS] has pointed out how badly malapportioned Illinois has been since then. What I am trying to say is that historically apportionment within the States has been in accordance with their constitutions until the turn of the century. We found that in Oklahoma apportionment was made according to the Oklahoma constitution until 1921. Since 1921 there has been a constant denial of the citizens of Oklahoma of the right of equal votes in their State legislature. The State Supreme Court of Oklahoma has said that they could not step in and would not step in to assist. So American citizens residing in Oklahoma had only one recourse, and that was the Supreme Court of the United States.

I continue to read from the study:

That the start of the 20th century marked a turning point in apportionment, is attested to by numerous studies.

Therefore, Mr. President, in order to preserve rural domination of the legislature, at the beginning of the 20th century States began to abandon population as a standard of representation. Basically three methods were used in order to maintain rural control. Since the responsibility for reapportionment is usually delegated by the State constition to the legislature, the majority group in the legislature could simply do nothing.

A second strategy was to secure constitutional standards for apportionment that would insure the preservation of rural control in one or both branches of the government. For example it might be written into the constitution that each county have at least one representative no matter what its population.

Yet a third method was to pass redistricting bills from time to time that gave proportionately greater representation to rural than to urban areas and perhaps favored a particular party. Sometimes a combination of these techniques was used. Jewel cites the case of Illinois as an example of this combination-of-technique method.

No reapportionment at all took place in Illinois from 1901 to 1955. When it did occur, rural downstate groups were able to exact a high price for it: A new constitutional provision guaranteed periodic reapportionment of the House on a population basis but established a Senate apportionment that assured a numerical majority to the downstate area.

In view of all this evidence, how is it possible to think that the States would ever solve the problem at all if left to themselves? Indeed, it may not be humanly possible. The only way this problem can possibly be solved is by the action which the Supreme Court has so correctly taken. States will reapportion because they are under court order to do so, and for no other reason. Can anyone dispute this? The reapportionment activity which has occurred since Baker against Carr certainly stands as testimony to this fact. The Court has now ruled that legislatures must now be reapportioned, as the 14th amendment demands, on a one man, one vote basis. The situation the Court is attempting to rectify has persisted long enough. Only in highly unusual cases, as my amendment specifies, should States be allowed to delay in carrying out their constitutional requirements. I, therefore, strongly urge adoption of my amendment and strongly oppose adoption of the Dirksen amendment.

Mr. President, I ask unanimous consent that I may yield to the senior Senator from New York [Mr. JAVITS] without losing my right to the floor.

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

MOBILIZATION FOR YOUTH

Mr. JAVITS. Mr. President, I wish to acquaint the Senate with a situation which has developed in New York City, regarding an agency which has an important part in an effort to deal with problems of juvenile delinquency and the problems of those who are living in slums and in very badly underprivileged areas. We have been making this effort in New York, and it has received substantial support from the Federal Government.

I am referring to the affairs of an organization known as Mobilization for Youth, which has been much discussed in the New York press in recent days.

One of our local newspapers, the New York Daily News, disclosed the basis of a study by its reporters, that it believed there had been infiltration by what it called leftwingers and Communists in the staff of over 300 persons of this particular voluntary agency. Incidentally, this is not a governmental but a private voluntary agency.

Those charges have come under very close investigation by the FBI, the Department of Justice, and by the New York City Police Department. In New York, Mr. Screvane, who for all practical purposes is the deputy mayor, has been in charge of that particular activity on the part of the city. The Federal interest relates to the fact that in the last 22 months during which it has been operating Mobilization for Youth received 58 percent of its support from Federal agencies, 28 percent from municipal agencies in the city of New York, and 14 percent from the Ford Foundation.

Generally speaking, those expenditures have been about $5.5 million in that time. MFY has confined its work to the Lower East Side of New York, a 67-block area in the slum ridden Lower East Side of New York City. I have some modest feeling of expertise in that regard, as that is the area in which I was born. I have lived in New York City all my life, and I believe I know something about my hometown, particularly the area in which the agency has been operating.

It has operated in three major divisions of work: First, in training young people for jobs. In that activity it has been extraordinarily successful. In MFY had done nothing else, I think we could say that it was well worthy of the support which it has received for that reason alone.

Second, MFY has been active in youth activities, in youth clubs, in youth rallies, and in youth orientation of a kind which is traditional in the social welfare field.

Third—and this point has involved some consideration and discussion—it