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## CONGRESSIONAL RECORD — SENATE

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speakers took issue with the Council for its overly optimistic view. The report was criticized for citing the small gold loss in 1964 as evidence of an improvement in the position of the dollar while failing to note the contribution of the unusually large Russian gold sales. Mention was also made in the Conference of the growing reluctance of many foreign bankers to hold more dollars and the fairly large sales of the special non-marketable Roosa bonds, resort to which some viewed as evidence of the dollar's weakness, rather than strength.

There was some difference of opinion as to the likely future trend in capital outflows. One of the Conference members noted that the fourth quarter outflows were primarily a result of expectations, and hence could not be considered a permanent "bulge." Thus, one would get an overly pessimistic picture by looking solely at the short-run trend. Others held that investors may come to expect the replacement of voluntary by mandatory controls at some future date, in which case there might well be a new bulge.

Most Conference members felt that a solution to the payments problem must involve an increase in the current account as well as a cutback on capital outflows. To accomplish the latter, we must seek an "adjustment" between the fiscal and monetary policies pursued by the United States and those of the West European countries. In the past, this adjustment has not been satisfactory, as illustrated by the raising of the Federal Reserve discount rate in 1963 which resulted in offsetting increases around the world. Moreover, European countries have insisted on restraining demand and stabilizing their domestic economies through restrictive monetary rather than fiscal policies. This has pushed up interest rates and has made it difficult for the United States to pursue an expansionary domestic policy while restraining capital outflow.

There was considerable support for the Council's view that Europe should cooperate with the United States, and place greater reliance on fiscal as against monetary restraints. As long as this solution is not adopted, unilateral action by the United States will have a difficult task in solving the payments deficits problem. Several Conference members stressed the importance of improving international consultation and the "adjustment" process, and criticized the Council for omitting any discussion of it.

Since the traditional measures have not as yet resulted in a balance, the United States must rely on some form of restrictions to cut the outflow of capital. The Conference recognized the need for such measures in the present situation, but some criticized the recent program as resulting in worldwide misallocation of resources.<sup>1</sup> In certain respects, and particularly so far as the banks are concerned, the present "voluntary" restrictions were found to differ little from mandatory restrictions since, as one member put it, few bankers plan to challenge the Federal Reserve.<sup>2</sup> But by and large, the conferees preferred voluntary restrictions to mandatory ones since they permit greater flexibility and, hopefully, induce better compliance.

VARIOUS PLANS FOR INTERNATIONAL MONETARY REFORM ARE REVIEWED SYMPATHETICALLY, BUT NO FIRM POSITION IS TAKEN

The Council's report devotes considerable attention to the possibility of improving the international monetary system, but its treatment of this topic was criticized on several grounds by Conference members: some objected to what they considered a bland and complacent tone of the Council in extolling

the strength of the present system, while failing adequately to assess its weaknesses.<sup>3</sup> Others made the opposite criticism—that the Council failed to realize that the present system is probably as good as we can hope for, and that probably no alternative system would have provided us with as much credit over the past 15 years.<sup>4</sup> The conferees appeared to agree in general that the Council should have taken a more definite stand on this subject, and that no monetary system based upon fixed exchanges will have much change of continuing success without prior improvement of the "adjustment" process. Also, some insisted that the European nations would refuse to approve improvements and modifications until the U.S. balance-of-payments problem had been solved.

#### THE CONSULAR CONVENTION WITH THE SOVIET UNION

Mr. COTTON. Mr. President, I had prepared a brief speech setting forth my carefully considered conclusions regarding the proposed Consular Convention. Though it now seems unlikely that this measure will be acted on by the Senate before the opening of the second session next January, I shall deliver it at this time for the benefit of the many constituents and others who have written me regarding this question.

There is no Member of this body who desires world peace more earnestly than I. There is no Member who is more willing than I to endorse any measure that reveals a promise of taking positive steps toward insuring such a peace. The Consular Convention with the Soviet Union, Executive D, is not such a measure. I shall vote against it.

There are imposing arguments advanced in favor of the Convention that cannot be set aside easily. Proponents of this Convention tell us that it is a modest but necessary step toward easing East-West tensions. They tell us that the consulates that will be established under this Convention will not only perform vital services for Americans touring the Soviet Union—and 12,000 Americans visited the U.S.S.R. last year—but that they will ameliorate our commercial, economic, cultural, and scientific relations with the Russians as well. Secretary Rusk has said that the potentially explosive incidents that occasionally arise because of the arbitrary arrest and detention policies of the Soviet police would become, under the terms of the Convention, mere administrative matters governed by its notification and access provisions. These problems would be routinely cleared, he says, through "normal consular channels," and the chances of a major confrontation between our countries arising from such an incident would thereby be reduced. Had the Convention been in effect in 1963, when Prof. Frederick Barghoorn was arrested and interrogated by the Soviet police, its proponents argue, it would not have been 12 days before the American Embassy was informed of his arrest.

These are powerful and appealing arguments, Mr. President, and ought not

to be overruled by any other consideration without careful study. There is too much strife and tension, and too much warmaking machinery on the earth for us to turn our backs on any attempt to make incidents of this nature, with all their potential for driving our countries further apart, less likely to occur. The suspicions and tension that those incidents provoke can only serve as obstacles in our search for new avenues to world peace and understanding. If I could believe that the net effect of Executive D, the proposed Convention, would be to create a more cordial atmosphere in which to conduct this search, I would vote for it without hesitation.

I do not relish voting against a convention whose ostensible objectives are the protection of Americans abroad and better Russian-American relations. There are, however, grave dangers inherent in this Consular Convention which compel me to oppose it. I wish to emphasize these because the American people should be made aware of them.

The Consular Convention provides the legal groundwork for the establishment, on a one-for-one basis, of consulates in this country and in the Soviet Union. Prior to 1948, the Soviets had three consulates in this country—in New York, San Francisco, and Los Angeles—and we operated one in Vladivostok and were preparing to open another in Leningrad. The Russians closed their consulates here in 1948, and we closed ours in the U.S.S.R. Though we are a party to similar bilateral consular conventions with many other nations, we have never had such a convention with the Soviet Union. This Convention before us codifies the procedures that would be followed in the opening of consular establishments and in the appointment of their officers and employees, and sets forth their functions. It also lists the rights, privileges, and immunities that would be enjoyed by the consular establishment. It is the last section regarding rights, privileges, and immunities that differs markedly from previous consular conventions between us and any other nation in the world.

It is this last section that is inimical with the best interests of the United States. It is the last section that clearly indicates that this convention was negotiated by the Soviets, not as a bilateral pact for improving Soviet-American relations, but as a cold war maneuver to enhance and expand the intelligence gathering network of the U.S.S.R. It is the provisions of this final section that are repugnant to anyone concerned for the security of the United States, and are inconsistent with our present extensive activities directed at controlling and restricting Russian espionage in this country.

What are these provisions, that have convinced me that this Convention ought not to be ratified?

My principal objection is to paragraph 2 of article 19, which states:

Consular officers and employees of the consular establishment who are nationals of the sending state shall enjoy immunity from

<sup>1</sup> See p. 44.

<sup>2</sup> See p. 22.

<sup>3</sup> See p. 48.

<sup>4</sup> See p. 24.

the criminal jurisdiction of the receiving state.

Simply put, this means that the maximum penalty that we would be able to impose upon these people for all crimes—misdemeanors and felonies, including espionage—would be expulsion.

The real danger in extending this immunity becomes clear when the extent to which the U.S.S.R. employs its diplomatic corps for espionage purposes is realized. According to J. Edgar Hoover, Director of the Federal Bureau of Investigation:

Historically, the Soviet intelligence services have appropriated the great bulk of official representation and diplomatic establishment in other countries as bases from which to carry on their espionage operations. Over the years, the number of such official personnel assigned to the United States has steadily increased.

In a later statement Mr. Hoover said:

The methods used to collect the data sought by the Communist bloc intelligence services are almost as varied as the types of data which they endeavor to collect. One of the mainstays is the collection of information—classified and otherwise—through espionage operations involving personnel legally assigned to official Soviet and satellite establishments in the United States. The focal points of these operations continue to be the United Nations and the Communist embassies, legations, consulates, and news or commercial agencies in our country. Such gathering of information is conducted by the Communist representatives using the legal cover of their diplomatic or other official status to cloak their spying activities.

Mr. President, the Consular Convention before us would extend the legal cover of these diplomats, exempting them entirely from the criminal jurisdiction of our country. But this immunity would not be extended just to Soviet officials in this country. Under the most-favored-nation clauses in consular conventions that we have previously negotiated with 27 other nations, more than 400 nationals of other countries assigned to the United States could claim full immunity from criminal jurisdiction. Two of these 27 nations, Rumania and Yugoslavia, are Communist countries. By virtue of the fact that we are an open society and because we are host nation for the United Nations, we are already particularly vulnerable to the espionage activities of other countries. I might add that 21 Soviet nationals have used their positions at the United Nations for espionage purposes, and 12 more Soviet nationals attached to the Soviet Embassy in Washington have been exposed as intelligence agents and expelled from the country. This Convention would further disadvantage us in this respect by rendering impotent the legal machinery with which we can now prosecute spies working out of foreign consulates.

This Convention would force us to relinquish criminal jurisdiction over Russian consular officials that might be assigned to this country and over more than 400 other such officials already here in the consulates of other nations. But what of others—including Communist-block nations—with whom we might find it necessary or desirable to establish consular relations at some future date? Are we to exempt them today, without a

thought to the fact that future conditions may demand this protection? This Convention may open a door that we cannot close.

Speaking to the question of new Soviet consulates in this country, Mr. Hoover reported that:

One Soviet intelligence officer, in commenting on the agreement, spoke of the wonderful opportunity this presented his service and that it would enable the Soviets to enhance their intelligence operations.

Confronted with evidence of this clarity and urgency, Mr. President, I cannot in good conscience vote for the Convention. But I would not expect, at the same time, that we would stop searching and negotiating for more satisfactory ways in which to overcome the problems that affects us in this area, particularly, the protection of our people visiting the Soviet Union. Under present Soviet law, the investigation of an arrested person can take as long as 9 months. It is the practice of the Soviets to refuse access to arrested persons until after the completion of the investigation. This Convention, if ratified, would reduce to 3 and 4 days, respectively, the amount of time allowed for a receiving state to first, inform the sending state of the detention of one of its nationals; and second, permit a consular officer to visit and communicate with the detained person.

Mr. President, Secretary Rusk has emphasized the importance of these access and notification provisions to the protection of American citizens visiting U.S.S.R. I recognize the importance and desirability of these protections, but I must urge that they be secured through other means. We do not have such unreasonable detention laws as the Soviets. If their intentions are just, and if this pact was negotiated in good faith, why should it be necessary for us to imperil our national security in order for our people abroad to receive the same courtesy and respect and protection that we have always accorded Russian visitors to the United States? Why must we complicate the work of our own counter-intelligence people by permitting foreign espionage agents to operate in this country under the aegis of complete diplomatic immunity in order that American tourists may be guaranteed the treatment that they have a right to expect?

Mr. President, it is with great reluctance that I urge the Senate not to give its advice and consent to the ratification of this document. I wholeheartedly support the various athletic, cultural, and academic exchange programs now conducted with the Soviet Union. I would hope that more of these might be instituted, and that the number of Americans visiting the Soviet Union might also increase. Each group represents the possibility for people-to-people relations that may gradually, ultimately, improve relations between our countries. I am reminded of a line in Shakespeare's "Henry VI":

Alas! how should you govern any kingdom,  
That know not how to use ambassadors.

Mr. President, we are a democracy—a nation of people. I strongly urge that

other means be explored for encouraging our best and most numerous ambassadors—the American people—to exchange visits with the Russian people. I hope and believe that this can be done without compromising the demands of national security.

#### POSTHUMOUS AWARD TO HERBERT HOOVER BY AMERICAN LEGION NATIONAL CONVENTION

Mr. MURPHY. Mr. President, in late days there has been much in the public press about the unfortunate condition that existed last weekend in Los Angeles and great words of wisdom and expression as to how a solution of these problems should be discovered.

I had the good fortune to attend the American Legion National Convention last Tuesday in Portland, Oreg. On that occasion two sets of remarks were made. One was an acceptance of a posthumous award to former President Herbert Hoover, in which his son, Herbert Hoover, Jr., quoted his father's remarks made 35 years ago. Former President Hoover's remarks are completely applicable to the present instance. The wisdom of the remarks of former President Hoover would be of great value to the Members of the Senate.

I ask unanimous consent that the address of Herbert Hoover, Jr., be made a part of the RECORD.

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

ACCEPTANCE OF POSTHUMOUS AWARD TO HERBERT HOOVER, AMERICAN LEGION NATIONAL CONVENTION, HERBERT HOOVER, JR., PORTLAND, OREG., AUGUST 24, 1965

Commander Johnson, distinguished guests, and members of the American Legion; on behalf of my brother Allan, and our families, I wish to express our very great appreciation for this posthumous award to my father of the Legion's Distinguished Service Medal. It is indeed a most generous tribute to his memory, and I am highly honored to be invited to be with you on this occasion.

During his lifetime my father had the honor of addressing your conventions on several occasions. His high regard for the Legion can perhaps best be summed up in his own words, when he spoke to your national convention in Boston, some 35 years ago.

If you will permit me, I would like to quote from the introduction to his speech:

"My fellow countrymen: It is with a great deal of pleasure that I am able to meet here with the American Legion.

"I hope I may venture to claim, from some years of service during the great war, a measure of comradeship with the men who fought in that war. I understand your variety of French perfectly. I know from intimate experience, and I intend to hold in confidence, the first reaction you had from a passing shell; and the homelike appearance of shell holes under certain circumstances. I shall maintain secret your opinion of those who profess indifference to or the glory in passing bullets, or insects or the mud and filth of the trenches, or days and weeks in the wet and cold.

"The glories of war are not in the heart-breaks of passing buddies and the thousand tragedies of the battlefield. Its glories do not lie in its surroundings—they lie rather in the spirit, the sacrifices, the devotion of those who go cheerfully and courageously into the trenches, and the ultimate triumph of those lofty ideals for which they gave their all.

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"It was inevitable that men who had lived through that great common experience, who had engaged in supreme adventure with death, should combine into associations of lifelong comradeship. Yet it was not alone the comradeship of high adventure that instinctively called your organization into being. It was the common understanding which war called forth, the common experience from which sprang the highest emotions of patriotism—that shoulder-to-shoulder companionship in an idealism which transfigured men's lives.

"The millions who shared in that experience came home from it rededicated to the further service of their country. But great as was that service, performed under impulse of the high emotions of war, the service to the great ideals of peace is oftentimes even more difficult and oftentimes requires more sustained courage. It was, therefore, with deep sympathy that I witnessed the birth of the American Legion in France in 1919.

"At that memorable meeting you sensed this high purpose and expressed these lofty ideals of your peacetime service in the preamble to your constitution, which reads in part:

"To uphold and defend the Constitution of the United States of America; to maintain law and order; to inculcate a sense of individual obligation to the community, State, and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

"That, indeed, is the real preface to American citizenship."

In a later passage in this speech he said—and it sounds almost like a prophesy, today:

"During these years your thousands of posts have concerned themselves with these ideals of citizenship. My purpose today is to urge you to renewed efforts—that you, as the American Legion, as a group of men who, inspired by the ideals of our country, went to battle to preserve those ideals—that you should renew and expand your mission of citizenship.

"We need the teaching that the foundation of government is respect for law. A quickened interest on the part of the community can insist upon proper enforcement of law, can arouse public opinion, while any condition of lawlessness remains unchecked in that community. You can impress upon the citizens that the road of self-government is through the discharge of our obligations at the ballot box; to understand that the basis of defense is a willingness to serve in our citizen soldiery; actively to participate in these and in a multitude of duties of citizens—all are an inseparable part of the safety and progress of the Nation."

Commander Johnson, I again wish to express the gratefulness of our family for this award to my father. It will, of course, find a place of honor in the Presidential Library in West Branch, Iowa.

And it is doubly fitting that it should be there, for West Branch is also the place where you make your own home. I know I speak for the people of that community, too, in thanking you for your years of public spirited service to them, as well as to the State of Iowa—and to our country.

Thank you.

Mr. MURPHY. At the same time, an address was made by William H. Parker, chief of police of the city of Los Angeles, on the subject of the application of law and order in these conditions. I ask unanimous consent that his remarks be made a part of the RECORD.

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

## MAINTAIN LAW AND ORDER

(Presented to the National Security Commission, the American Legion National Convention, Portland, Oreg., August 20-24, 1965, by W. H. Parker, chief of police, Los Angeles, Calif.)

The consummate wisdom of those who shaped the character of the American Legion is exemplified in the preamble of its constitution. It is this document that gives us direction and combines a dedication to the principles we sought to preserve through battle, and the responsibility we assume for the welfare of our less fortunate comrades.

Historically, a government of the people, by the people, and for the people, is not noted for its longevity. This fact becomes more apparent when we consider that our form of government is the oldest of its kind in the world today even though it is less than 200 years old. If this democratic Republic is to have any degree of permanency it must base its existence upon respect for the rule of law. In the true sense, a self-governing society will only continue so long as the great majority of its members respect and obey its regulations. Widespread disregard of, and disrespect for, its laws can only lead to its destruction. It is this incontrovertible fact that prompted the founders of the American Legion to prominently include in its principles a dedication to the maintenance of law and order.

The history of the United States has been a turbulent one. Eleven of its first 40 years of existence were spent in armed conflict with England. Thirty-one years later we were involved in a territorial war with Mexico. Our internal division over the question of slavery precipitated one of the most bloody of all civil wars in which the casualties (646,392) were more than double the total casualties (320,518) this country suffered during World War I. Thirty-three years later we engaged in a war with Spain that in retrospect seems somewhat futile when you consider the present fate of Cuba.

Then came our participation in the European conflict known as World War I. Our entry into this war was considered essential if we were to survive as a free people. Almost 5 million Americans participated in our military forces as we fought to preserve democracy. We were on the winning side, and thus we believed we had permanently put down the threat of foreign aggression to our way of life.

While the bulk of our military personnel was still overseas we amended our Constitution to prohibit the manufacture, sale, or transportation of intoxicating liquors for beverage purposes. This noble experiment called prohibition was honored far more in the breach than in the observance. The flaunting of this law by the Nation as a whole served to substantially deteriorate respect for law and law enforcement. Local police were expected to close their eyes to liquor violations and were, at the same time, condemned for their duplicity.

The entire machinery of the administration of criminal justice was tainted by this category of lawlessness. We have long since learned that disrespect for one law leads to disrespect for all laws. Prohibition produced this very result and led to the creation of a criminal underworld with political alliances in our large population centers. Thus the rule of law was dangerously eroded and the very foundation of our form of Government imperiled. In 1933, with the repeal of prohibition, this threat to our national character abated as we began the long and painful process of attempting to restore respect for, and confidence in, our law enforcement agencies.

While we were struggling out of a great economic depression, two new forces inimical

to our political philosophy were gaining international strength and prominence. The Communists were in complete control of Russia and Hitler was beginning to reawaken the German dream of conquest and military might. Progressively our dream of continued peace in the world was shattered as Japan began to train for enforced territorial expansion. After Hitler's invasion of the lowlands, it became increasingly evident that, while we had gained military victory in World War I, we had lost the peace, and any hope we had of remaining militarily aloof from the armed conflict called World War II was destroyed when the Japanese perpetrated their infamous attack upon Pearl Harbor. Once again we were at war; a war in which we were to commit over 16 million men and women to military service and in which our casualties totaled 1,076,245 of which 405,399 were fatalities. In passing, I am compelled to remind you of three factors that are either little known or have been forgotten:

1. Russia and Germany attempted to negotiate a nonaggression pact which failed only because Germany would not concede to Russia's control over the Dardanelles.

2. If Rommel had not been stopped in Africa and had been able to join hands with Japan through the Suez Canal, we would have lost the war.

3. The margin of victory at the Siegfried line was a narrow one and our success hung in the balance there.

With the arrival of V-E Day, our ultimate and total victory became assured. Then the world was given a preview of the unleashed power of the atom, causing Japan to abandon all dreams of conquest and submit to the allied might. Thus with the celebration of V-J Day, we stood at the pinnacle of military success crowned with the greatest victory in arms the world had ever seen. Once again our Nation had sacrificed the blood of its youth and much of its natural resources to preserve human freedom. Surely these great sacrifices we were called upon to make would register indelibly in the memory of America and dissuade us from repeating the postwar errors of World War I.

Yet, examining our position in today's world, it is difficult to realize that we are only 20 years away from the position of world power that was ours at the close of 1945.

The Korean stalemate, the establishment of a Communist stronghold in Cuba, the involvement of our military forces in southeast Asia, where the enemy chooses the battlefield and the time of the conflict. The anti-American demonstrations around the world that caused Bop Hope to quip that an American tourist seeking the location of the U.S. Embassy need merely to ask to be directed to the ruins. The growth of the communistic world which even though divisive is agreed in its opposition to our form of government. The possession of the Chinese of nuclear capability and its 700 million inhabitants that suggests a review of the history of Genghis Khan.

One of the unanticipated products of World War II was a worldwide social revolution that continues unabated. One of the international products of the revolution has been the emergence of 60 new nations during this postwar period. Old alliances have been destroyed; colonialism has almost disappeared from the world scene, and political instability dots the globe. Those who believed our military success in World War II would insure a continuation of this Nation's internal status quo were doomed to disappointment. The social revolution has had, and continues to have, marked effect upon life in America.

Unfortunately, revolutions are generally directed against existing institutions and governments. Even in this country the emotional effect of the revolutionary spirit constitutes a challenge to the rule of law.

In evaluating the comparative positions in the bloodless conflict between the Communist bloc of nations and the United States, President John F. Kennedy once said, "If we are to prevail in the cold war, the self-discipline of the free mind must match the iron discipline of the mailed fist." If there is merit in this appraisal, we must be gravely concerned about the increasing evidence of the widespread deterioration of discipline in America. As I write this the news media are reporting that 30,000 college students in 6 States are engaged in destructive riots during this year's celebration of the Declaration of Independence. Coupled with a skyrocketing crime rate and a growing attachment to the philosophy of civil disobedience, these trends seriously threaten the internal security of the United States. Progressive deterioration of a sense of personal responsibility and an increasing lack of respect for law and order constitute a dangerous erosion of the rule of law and threatens the very foundation of our Republic.

In a recent pamphlet entitled "Respect for Law and Order," directed to both pupils and their parents, the superintendent of the Los Angeles city schools warned, "Only as pupils grow up with respect for law and order can this Nation realize the great promise that is manifest in the Declaration of Independence and in the Constitution and Bill of Rights." In a direct message to the parents, he observed, "There are many challenges facing our society today. But there is no challenge that deserves our attention more than the need to instill a continuing respect for law and order in our young people. All of us have noted with alarm the marked increase in antisocial behavior by some of the world's youth. We have seen increases in youthful violence, vandalism, and physical attacks upon those who are charged with the responsibility of maintaining order. This disregard for law is not limited to the youth of our country, but rather it is an attitude that has infested many segments of our society. The causes of this apparent breakdown in respect for law are many, but its presence is warning enough that something must be done."

"The crime threat to America's freedom is fully recognized in a message from the President of the United States entitled "Crime, Its Prevalence, and Measures of Prevention," and directed to the Congress on March 8, 1965. Among other things, the President said, "Crime has become a malignant enemy in America's midst. Since 1940, the crime rate in this country has doubled. It has increased five times as fast as our population since 1968. In dollars the cost of crime runs to tens of billions annually. The human costs are simply not measurable. The problems run deep and will not yield to easy answers. We must identify and eliminate the causes of criminal activity whether they lie in the environment around us or in the nature of individual men. We must arrest and reverse the trend toward lawlessness."

"This active combat against crime calls for a fair and efficient system of law enforcement to deal with those who break our laws. It means giving new priority to the methods and institutions of law enforcement—to our police, who are our frontline, both offensive and defensive, in the fight against crime. There is great need not only for improved training of policemen, but for all people to learn about, to understand, and to assist the policeman in his work."

In his message, the President also said, "As the first step, I am establishing the President's Commission on Law Enforcement and Administration of Justice." This Commission was appointed on July 26, 1965.

In an address delivered in the U.S. Senate on June 24, 1965, labeled "Unprecedented Lawlessness in the United States," Senator McCLELLAN charged that the wave of unprecedented lawlessness in this country is

imperiling the goals of the Great Society. He pointed out that 7,000 major crimes are committed in the United States every day. In commenting on the future of crime he said, "All of us—every citizen—has a duty and a responsibility to see that our laws are enforced; a duty to support and assist our law enforcement officers in their efforts to protect society. \* \* \* The crime rate increase is more than distressing—it is alarming. From 1958 to 1964, the total major crimes in this country jumped from 1,645,200 to 2,604,400—an increase of 959,200 in that 7-year period. In 1964, there was an increase of 13 percent over 1963. By 1975, it is estimated that our population will reach 225 million. A projection of the crime rate increase at 10-percent annually and not at the 13-percent increase that occurred in 1964, indicates that 10 years hence our citizens will have more than 7 million major crimes inflicted upon them. That would be one major crime for each 32 people in the United States. Projected at the same rate of 10 percent until 1985, it is indicated that more than 18 million major crimes will be committed in that year, and with an estimated population 266 million, that will be one major crime for each 15 people."

Commenting on police casualties and the factor of recidivism in connection with these fatal assaults, the Senator said, "In the last 5 years there have been 225 police officers killed by criminal action according to data collected by the Federal Bureau of Investigation. Of the 293 criminals responsible for these police murders, 78 percent had prior records of arrest. Over half had previously committed crimes of violence such as rape, robbery, and assault with a deadly weapon. Six of the officers were killed by paroled murderers. Almost a third of the killers were on parole or probation at the time of the murder. More than 25 percent had been paroled on two or more occasions after conviction for serious crimes."

It seems rather paradoxical that, at a time when we are losing the war against crime, our high courts would afford greater protection to the criminal offender by placing new and crippling restrictions upon police activity. In defending this "judicial revolution," a California Supreme Court justice recently stated, "The recent far-reaching decisions of the U.S. Supreme Court highlight a principle that is so deeply ingrained in our society and so universally accepted that its very statement seems to be a truism. This country has been founded upon the principle that government should afford to the individual the opportunity for self-realization and self-expression, and that the law should serve as a means to that end. It is the application of the concept of individualism to a mass society, however, that is anything but simple. In the field of criminal law the current sensitivity of the courts to the offender as an individual has led to new legal definitions. A host of cases of the U.S. Supreme Court, followed by many State courts, attest to a present-day insistence upon the full protection to the individual of due process in the criminal trial."

On the other hand, there are many authorities who believe the courts have gone too far in protecting the criminal against the application of law enforcement. A U.S. district judge in Tennessee declared that the U.S. Supreme Court is protecting the accused at the expense of society. He stated that the Court has been creating fundamental rights for accused and hardened criminals where none existed before. He said, "The conviction of the guilty is surely a matter of some concern. Otherwise, the millennium of criminal justice will have arrived when our trial processes make it impossible to convict anyone."

In a speech this summer the president of the American Bar Association said that while "the safeguards of fair trial must

be preserved; the right of society and of each individual to be protected from crime must never be subordinated to other rights. When we talk of individual rights it is well to remember that the right of citizens to be free from criminal molestation is perhaps the most basic individual right." The ABA president emphasized: "Unless this right is adequately safeguarded, society itself may become so disordered that in the end all rights will be endangered."

Some of us believe that, in their zeal to control police conduct, the courts have violated the historical balance among the three branches of government. The police are part of the executive branch of government and we derive our authority from acts of the legislative branch. Yet, the new rules imposed upon us by the courts determine our effectiveness. At the same time, the courts reject any sense of responsibility for the rising crime rate. In this connection, a law professor at the University of Chicago stated, " \* \* \* The courts' powers are very limited ones. But certainly the judicial branch has made inroads on the power of the executive and legislative branches. \* \* \* Quite often the majority of the Court feels perfectly free to decide what is best for the Nation, and then to say that this is historically a constitutional mandate that has just come to light."

It seems to me that, while stressing the intentions of our Founding Fathers as a basis for these new rules in the criminal law, it might be well for our judiciary to review a section of Washington's Farewell Address which reads as follows:

"It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to continue to confine themselves within their respective constitutional spheres, avoiding in the exercise of the power of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the Departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and the proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of the position."

It is interesting to note that the social revolution has brought with it crime problems in other nations such as England. In a recent article, Lord Shawcross, Britain's former Attorney General, declares that crime does pay and that the law is too heavily loaded in favor of criminals. He calls attention to a 250-percent increase in burglaries and a 500-percent increase in crimes of violence in England since World War II. He estimates that only 15 percent of the crimes actually committed are known to the police, and he cites the London experience of solving one out of every four crimes reported. This clearance rate is about the same as in the United States. Here again the odds favor the criminal as the perpetrators of three out of four of the major criminal offenses reported to the police remaining unidentified.

Another factor of the social revolution that has an eroding effect upon the rule of law is the practice and philosophy of so-called civil disobedience. This is a revolutionary tool utilized to overthrow existing governments. Mahatma Gandhi used it to overthrow the British rule of India. Those who glibly compare the civil disobedience of today with such acts as the Boston Tea Party must realize that this historical event was one of a series that led to a full revolutionary war and the dissolution of British Colonial rule.

The justification for acts of civil disobedience is that a man should not obey a law he believes to be unjust if he is prepared to suffer the consequences of the violation he commits. The great danger underlying this theory is that every man becomes his own

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supreme court, and the number of laws that he may rationalize subjectively as unjust is unlimited. Recently retired Supreme Court Justice Charles E. Whittaker delivered an address on this subject. Justice Whittaker believes that, "A large part of the current rash and rapid spread of lawlessness in our land has been, at least, fostered and influenced by the preachments of self-appointed leaders of minority groups to 'obey the good laws, but to violate the bad ones'—which, of course, simply advocates violation of the laws they do not like, or, in other words, the taking of the law into their own hands." He decries the applauding of these unlawful acts in high places, and the general appeasement and lack of punishment that follows them. The Justice points out that the trespasses involved in many of the demonstrations constituted criminal conduct and thus could not properly be labeled either peaceable or acts of civil disobedience, but rather constituted criminal disobedience. He quotes Justice Black joined by two other Justices, in a statement written in June, 1964, as stating, "Force leads to violence, violence to mob conflicts, and these to rule by the strongest groups with control of the most deadly weapons"

It is but a short step from minor infractions to mob violence and widespread disorder. Those who advocate the violation of laws that have neither been repealed nor declared unconstitutional advocate anarchy. The countenanced flaunting of the law in emotional situations involving large numbers of people can result in epidemic disorder beyond the capabilities of our law enforcement agencies.

May I suggest the time has come for the American Legion to concentrate its efforts upon the maintenance of law and order. In our efforts to understand and support the appropriate measures involved in our national defense it is sometimes difficult to perceive the truth. The magnitude of the problem and the technology involved tends to overwhelm the most of us.

This is not the case, however, in supporting the rule of law. This is a community situation where the arena of conflict is on the local level. This is a field in which the Legion can have impact in every community where a Legion post exists. I would suggest that the national commander elected at this convention could render this Nation a service by exhorting every American Legion post in the United States to adopt as its major program for the ensuing Legion year a local emphasis upon respect for the rule of law and the maintenance of law and order.

I believe that the great majority of the people of this Nation eagerly await the leadership that will demand that our laws be respected and obeyed. The Legion can furnish this leadership and their help to restore the internal security of the United States of America.

#### REQUEST FOR COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, reserving the right to object, let the RECORD show that a member of the minority requested the minority leadership to object to the request. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

#### MOB VIOLENCE AND RIOTING

Mr. MANSFIELD. Mr. President, in these closing days of the summer the

Nation is passing through still another cosmic storm of mob violence and rioting. Regrettably, this onerous phenomenon appears to be becoming a regular part of American life. Last year it was New York, Philadelphia, Hampton Beach, Seaside, and other places which witnessed these brutal and massive flare-ups and total disregard of law and order. This year the storm has already spread to bring about a shameful situation in more of our cities. Before the course is run, there is no telling what other communities may be enveloped by it.

Specialists in these matters ascribe this mobism to a complex of factors. But whatever the factors may be, hair trigger situations build up in which some minor incident sets hundreds and often thousands of Americans on a law-defying rampage in which lives are destroyed and countless millions of dollars of property is damaged or looted.

Whatever the causes, one factor is frequently cited or bandied about as a principal factor and it is, in my judgment, most invalid. I refer to the loose charge of "police brutality." The police of this Nation have their faults as do any other comparable group. On occasion they make errors of judgment; they do or say the wrong thing. Who does not? But taken as a whole the quality and professional dedication of the Nation's police is outstanding. Their job is neither to make the laws nor to administer justice under them. Their job is to enforce the laws; all the laws, Federal, State, and local, and to safeguard the lives and property of all the inhabitants in their respective jurisdictions. Of course, some people will regard some laws as unjust and other people will regard other laws as unjust, and mobs have no regard for any law. The police are not privileged to take sides or to discriminate as among laws. Their job is to uphold all laws and, on the whole, they do an excellent job of it.

Further, the police are not responsible for the complex of social, economic, or whatever other causes may bring situations to the hair-trigger point. But they are there when the storm breaks. It is they who are called to quell it. And it is they who are exposed to the brunt of the fists, the feet, the bricks and bats, the Molotov cocktails, the bullets, and whatever, which are let loose.

It is they who risk their lives in an effort to restore some semblance of public order and safety. It is all very easy to talk of police brutality from a secure place and after the storm has passed. But mob violence is not a picnic; it is, as I noted, more like a cosmic storm and it is the police who are exposed to its furious core.

Police work is a dangerous occupation at all times, even when on the surface the community on the whole is calm. The individual criminal or the gangsters or the reckless drivers are always present and active. It is the work of the police, continuous and indefatigable, on which the security and safety of the inhabitants of every community in the Nation depends. But this vital work does not pay a princely wage; there are no bonuses; there is no extra pay for risk or hazardous duty. On the contrary, the general rule is low pay and little or no pay for

overtime and appearances in court and whatnot on the policeman's own time. In this great metropolis of Washington, the Capital of the Nation, a policeman begins his service at a salary of \$5,000 or \$6,000 a year. Even with a sterling record, his salary increments are neither great nor rapid. It is no wonder that there is no great rush of qualified applicants for these jobs and active recruitment beyond the metropolitan area is necessary.

At the prevailing wage for policemen, it appears to me somewhat excessive, to say the least, to expect them to be not only defenders of the peace and upholders of the law, but lawyers, sociologists, ministers, social psychologists, judges, first-aid men, and obstetricians. Yet, they are not only expected to be but, in fact, often do perform one or more of these functions in an emergency.

So I should think that the communities throughout the Nation would be well advised to give their police forces the support they deserve and to do all they can to see to it that they are paid a respectable salary and encouraged in every way with the wherewithal to improve the quality and efficiency of their service. And it is certainly time to stop dismissing the problems of mob violence and mass defiance of law in the Nation by means of the blanket and glib charge of police brutality. On the contrary, the generally outstanding work of the police forces of the Nation has acted as an essential control over these problems, pending their deeper solution. The men and women who compose these forces deserve the thanks of all of us. And they require a lot more support—financial and otherwise—if these problems are not to go entirely out of control before they begin to be solved.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I commend the majority leader for the statement which he has just made in defense of the policemen of our country.

It is rather shocking to receive the report that in Los Angeles they are trying now to ascribe what happened to the brutality of the police. Only the most brazen mind would contemplate making a statement of that kind.

I join with the Senator from Montana in what he has just stated.

#### SHIP REPAIR, ALTERATION, AND CONVERSION—CORRECTION OF THE RECORD

Mr. COTTON. Mr. President, during the entire session yesterday, I was detained in the Appropriations Subcommittee dealing with the supplemental appropriation bill, with only an opportunity to rush over here and vote, and then return. Because of that fact, I sent over for insertion as a statement in the RECORD remarks involving the so-called 65-35 formula for shipbuilding as between public and private yards, which is vital to the people of New Hampshire, because of our Portsmouth Navy Yard.

The statement was not inserted in the RECORD despite the fact that other Senators, including my distinguished colleague from New Hampshire, debated

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that point and discussed it at some length.

I suppose it is the price a Senator pays for serving on a committee that is constantly in session while the Senate is in session, endeavoring to get appropriation bills to the Senate to expedite adjournment. But it is a price to pay, particularly when the people of my State fail to find my voice raised in their behalf when other voices are being raised.

For that reason, I ask unanimous permission to read that statement, which is only 2 pages long, at this time. I ask unanimous consent that it may be inserted in the permanent Record at the point in the discussion yesterday involving this point.

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

Mr. COTTON. Mr. President, the Portsmouth Naval Shipyard in Portsmouth, N.H., is fighting for its life. The Secretary of Defense has ordered that this yard be phased out over a period of 10 years, a decision which I cannot accept as wise and expedient. This action presumably was based, in part at least, on the determination that the Portsmouth yard is not economically competitive. The management at the yard and the workers at the yard have jointly extended every effort to disprove this conclusion over the past few months, and remarkable progress in efficiency and productivity has been achieved. But we can only prove our mettle by having full opportunity in the construction, conversion, alteration, and repair of Polaris and attack submarines.

It is for that reason that I express my concern about the restrictive language recommended by the Senate committee, which would limit the use of funds for ship repair, alteration, and conversion, so as to provide that at least 35 percent of such work shall be performed by privately owned shipyards. I cannot concede, as the language in the report suggests, that this is a reasonable, equitable, or desirable distribution of work between private and public yards. If there is one area where the public yards admittedly excel, it is in the field of alteration and repair. On this point, I invite the attention of the Senate to a statement contained in the summary of "Study of Naval Requirements for Shipyard Capacity," issued by the Department of Defense on November 17, 1964, in support of the decision to close some of our public yards.

In respect to conversion, alteration, and repair (CAR) work, the studies show that in many cases it is cheaper for DOD to perform such work in-house. This results from the fact that the naval shipyards which must be maintained for strategic and operational reasons have a high fixed overhead cost which continues regardless of workload assigned. Hence, if the volume of CAR work performed in the naval shipyards were increased from the present level of 65 percent to the former level of about 80 percent, it is believed the overall savings to DOD, at least in the short run, would be \$10 to \$15 million annually.

Mr. President, it is clear from this statement that military authorities themselves would prefer to return to the former distribution, which resulted in 80 percent of the repair work being done

in public shipyards. And it is interesting to note that during 1965, the Secretary of Defense found it necessary to authorize several exceptions to the 65-35 formula in order that the necessary work might be performed where it could be handled most satisfactorily, and that was in our public facilities.

I realize that due to the parliamentary situation it is virtually impossible to revise their formula in the bill now before the Senate. However I feel strongly that we should not further starve our already hungry public yards and that, moreover, we should not tighten this already restrictive language, by making it even more difficult for the Department of the Navy to obtain its repair work on our fighting ships when and where it needs it.

#### FORTY-FIFTH ANNIVERSARY OF SERVICE OF MARK TRICE IN THE SENATE

Mr. CURTIS. Mr. President, I regret it was impossible for me to be present last week when Mark Trice observed his 45th anniversary of service with the U.S. Senate. It was necessary for me to be absent; otherwise I would have joined my colleagues in paying well-earned tribute to a man who, day in and day out, serves with such quiet efficiency.

Mark Trice personally has been very helpful to me throughout the decade I have been a Member of this body. When I moved from the House side of the Capitol to the Senate side, it was Mark Trice who gave me valuable guidance and counsel. I am grateful to him for that early assistance and for his continuing efforts to anticipate and meet the multitude of requirements his office entails.

I wish to associate myself with all the commendatory remarks made about Mark Trice on August 19 and since. I especially wish to join the distinguished lady from Maine (Mrs. SMITH) who said that Mark Trice must have been born in the Senate Chamber to have been with the Senate for 45 years. Mark indeed does appear to have escaped the ravages that one might expect to be suffered by a man who has been at the very center of hectic Senate activity for so many years.

I salute you, Mark, and congratulate you upon having compiled such a distinguished record of service to the Senate of the United States. I wish you well, too, for many more years of association with this body.

#### DANGER SIGNS IN INTERNATIONAL MONETARY SCENE

Mr. HARTKE. Mr. President, troublesome developments on the international monetary scene continue to cloud the future of the unprecedented prosperity which the United States has now been enjoying for 54 months. One sure sign of deflationary pressure in any economy—domestic or international—is a reduction in the available supply of money. In the first half of 1965, for the first time in many years, the world money supply declined. According to the August edition of the International Monetary Fund's International Finan-

cial Statistics, total world holdings of gold, reserve currencies, and IMF drawing rights fell \$320 million in the 6 months ending in June.

As Edwin L. Dale, Jr., reported in the New York Times of August 9, 1965:

There are two main reasons why liquidity declined in the first 6 months of this year. One factor was the cashing in of U.S. dollars for gold by a number of countries led by France \* \* \*. The second reason was the heavy speculative demand for gold by private hoarders. This demand absorbed all new-mined gold and, in addition, several hundred million dollars of official reserves.

I ask unanimous consent to have the New York Times article, "Supply of Money in World Drops," inserted in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HARTKE. Mr. President, foreigners have not been drawing dollars out of the United States simply out of fear for the stability of the dollar. On the contrary, the dramatic success of the Federal Reserve and Commerce Department programs to restrain private exports of dollars has had a deflationary impact, as well, that is already evident. Thus, Ed Tyng, writing in the Journal of Commerce of August 2, 1965, reported:

As the United States has succeeded in ending the balance of payments dollar flow to Europe, chiefly by curtailment of bank lending and corporate investing under the foreign lending restraint program, Europe has replaced the dollars it failed to gain by drawing upon accumulated dollars here and by some moderate sales of Treasury securities held mainly for foreign central bank account.

The current issue of the Federal Reserve Bulletin, cited by Mr. Tyng, states that at the end of May U.S. short-term liabilities to foreigners had declined \$1,438 million below the December 1964 level. These withdrawals of funds from U.S. banks act directly to reduce the availability of credit to finance our continuing prosperity.

I ask unanimous consent to have the Journal of Commerce article, "Foreigners Cut Deposits in U.S. Banks," inserted in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HARTKE. Mr. President, the first half of 1965, then, there were two prime deflationary forces at work in the world—official foreign reduction of dollar holdings and private speculative purchases of gold. Both forces were, in essence, speculations against the dollar and against the entire postwar monetary system based upon the dollar. The administration has now moved powerfully to halt speculation against the dollar. But, by ending the U.S. payments deficit, it has added a new deflationary force for the second half of the year and longer. In a national economy, any externally caused reduction in the money supply can be offset by the central bank. But in the international economy, under the presently constituted international