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seen it accepted in conference. However, I recognize that sometimes if we wish to have any bill, we must make some undesirable concessions.

It could be argued that it would be better to have no bill. However, my feeling is that in the future it may be shown to be necessary to amend the law in order to make provision for full time public defenders in some districts. At least it is a great step forward to have a law on the books, even though it is inadequate and not entirely what we would like to have. The matter has been pressed by several Attorneys General in the past. This will at least be a step in the right direction. Many forward-looking people believe that defense counsel should be provided for an accused who is not able to pay for his own defense.

I congratulate the distinguished Senator from Nebraska and the distinguished Senator from North Carolina [Mr. ERVIN] on their great achievement in bringing the bill to this point.

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

Mr. HRUSKA. I yield.

Mr. ERVIN. Mr. President, I am delighted that this legislation is about to be enacted into law. In company with the able and distinguished Senator from Nebraska and the able and distinguished junior Senator from New York, I have been very much interested in the legislation. The stage at which we find the legislation at the present time is due in large measure to the distinguished junior Senator from New York [Mr. KEATING] and the distinguished Senator from Nebraska. The able and distinguished Senator from Nebraska is more responsible than any other man for the completion of the work on the bill. The legislation represents not only a fine forward step in the administration of criminal justice, but it represents also a willingness on the part of Congress to implement the ruling of the U.S. Supreme Court with reference to the furnishing of counsel to those who cannot engage counsel of their choosing.

The Senator from Nebraska has the thanks of all who believe in the administration of criminal justice in a fair way for what he has done in this connection.

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

Mr. HRUSKA. I yield.

Mr. JAVITS. Mr. President, for a long time I, too, have been interested in providing adequate legal counsel to indigent defendants charged with Federal crimes. I have worked with bar associations and have introduced bills to bring about what was contemplated by the Senate-passed bill.

I appreciate very much the desire of my colleagues to make the bill as good as it could humanly be made. The Senator from Nebraska is quite right in his concern about the omission from the bill of the so-called public defender provision, which would have authorized a full-time public defender where needed.

I feel that the Senator from Nebraska, my colleague, the Senator from New

York, and the Senator from North Carolina are entitled to the thanks of the whole country, especially the thanks of the families of accused persons, who, wandering around in a labyrinth of law, feel that the law is blind or unjust. This law is a milestone and a landmark in the solicitude and care of lawyers for the accused under our system of justice, and a blessing to the families of the accused who must confront the whole majesty of the law and in doing so are absolutely lost and confused and bewildered. Our colleagues have rendered a signal service, and I congratulate them from the bottom of my heart. I know that thousands of families will bless them.

This bill is a beginning. We hope that all the bar associations and legal aid societies who provide these services will measure up to what is expected of them, because what will happen in connection with this law, and how well the law will be administered will in a large measure be up to the organized bar, at whose door it is laid. We hope they will take this mandate from Congress and treat it as a sacred trust and see to it that every dollar that is spent will produce the devotion that is contemplated. Thousands of families will be grateful to them.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of Calendar No. 1123, H.R. 11380.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and 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. CARLSON. Mr. President, I call up my amendment No. 1124 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 13, beginning with line 24, strike out all through line 2 on page 15.

On page 15, line 3, strike out "(4)" and "(k)" and insert in lieu thereof "(2)" and "(j)", respectively.

On page 15, line 4, strike out "(k)" and insert in lieu thereof "(j)".

Mr. MANSFIELD. Mr. President, will the Senator from Kansas yield, without losing his right to the floor?

Mr. CARLSON. I yield.

Mr. MANSFIELD. Mr. President, I had hoped it would be possible to reach a vote on this amendment shortly. The Senator from Kansas has said he would ask for the yeas and nays on the amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARLSON. Mr. President, on my amendment I ask for the yeas and nays. The yeas and nays were ordered.

Mr. CARLSON. Mr. President, the amendment I am offering, which is co-sponsored by the chairman of the Committee on Post Office and Civil Service, the distinguished Senator from South Carolina [Mr. JOHNSTON], and the distinguished Senator from Maryland [Mr. BEALL], would strike from the bill subsection 302(a) (2) and (3).

I ask unanimous consent that the language we proposed to strike be printed at this point in the Record. It appears on page 13, lines 24 and 25, all of page 14, and through line 2, page 15.

There being no objection, the language was ordered to be printed in the Record, as follows:

(2) Subsection (e) is amended to read as follows:

"(e) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel employed or assigned to perform duties pursuant to this Act and may, notwithstanding any other provision of this or any other law, but subject to an appropriate administrative appeal, separate personnel who fail to meet such standards or other criteria, other than personnel employed under section 624(d), 625(b), 625(k), 626(a) or 631 of this Act, and also may grant personnel separated hereunder severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel."

(3) Add the following new subsection (j):

"(j) The President is authorized, at any time during the two-year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act. The authority contained in this subsection shall not apply to persons with General Schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, or Foreign Service Staff appointments of class 3 or below, or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed one hundred in any twelve-month period."

Mr. CARLSON. Mr. President, these sections would extend to the head of the Agency for International Development—AID—authority, not limited by the present law, to fire certain employees and also to eliminate others, apparently in any grade level, through a process popularly referred to as "selection out."

Mr. President, here is another attempt by a Federal agency to bypass the Veterans Preference Act and the civil service merit system, which were successfully merged in 1883. This to me is purely a political move and must be resisted by every friend of the civil service system.

I realize there are administrative and personnel problems in the AID program. It occurs to me that management may

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be partly responsible for this. The record is not good.

Since 1956 AID and its predecessor agencies have had, according to my information, five administrators, six directors of personnel—five of these since 1961—and eight directors of management. Would it not be reasonable to suggest that the problem is fluctuating policies rather than incompetence of employees.

It is indeed paradoxical that AID now seeks to dismiss 200 employees during the next 2 years, as well as to dispose of an unknown number of others through a selection-out process over an indefinite period of time.

This request for summary firing authority and selection-out authority must be viewed in the total context of the Agency's personnel situation. It has been stressed that these new authorities are necessary to enable the Administrator to improve the quality of his staff, and at the same time reduce its total size by a net 1,200 employees by the end of fiscal year 1965.

These two authorities will not improve the quality of the AID staff, but will in fact do just the opposite, and if approved will eventually downgrade the entire Federal personnel system. The AID Administrator has testified to the Congress that these two authorities are not expected to reduce the total size of the AID staff by more than an estimated 300 employees by June of 1965. How then will the necessary reduction of 1,200 be accomplished and how can the quality of the AID staff be improved?

Once the authority is granted to AID to select-out its civil service employees, how long do you think it will be before State, USTA, and then other agency managements demand the same easy out from their supervisory responsibilities?

I invite attention to the fact that these are civil service employees. For years, there has been in the Foreign Service a process of selection-out of Foreign Service personnel; but they are not civil service personnel. It seems to me that the question then is, Is the career civil servant thus to be denied his rights to written charges, to appeal to the CSC, to job retention based on seniority and veterans' preference, and a "satisfactory" performance standard by the Congress which developed these career features over the years by passage of the Lloyd-La Follette, Veterans' Preference, and Civil Service Acts? Is this injustice to be done so an inept bureaucracy, victim of its own internal politics as well as outside pressures for continuing change, can remain faceless when stigmatizing a man and separating him from his livelihood?

These two authorizations deny to the employees of AID the due process of the laws passed in behalf of all Federal workers; namely, Lloyd-La Follette, Veterans' Preference, Civil Service, and Foreign Service Acts—involving the right to written charges, appeals to the CSC, seniority and veterans' retention rights, and career job protection.

These unwarranted innovations to the civil service and Foreign Service merit systems constitute a precedent dangerous to the integrity of the career govern-

mental service and opens the door to discrimination by voiding the laws protecting the competitive service employee from arbitrary and capricious dismissal.

Our American tradition of checks and balances is superior in the long run to a system where all power is vested in one man. Our personnel system is basically one of laws. Willfully abusing these laws is an inexcusable breach of faith with the career employees employed by AID with the understanding that their status was protected.

The executive branch has expediently confused this issue by burying these two personnel authorities in a \$3½ billion foreign aid authorization bill and Congress has avoided an informal review by the committees who usually have jurisdiction over such basic innovations to our Federal personnel system.

This proposal should have been considered and studied, and hearings should have been held by the Civil Service Committee of which the distinguished chairman is the Senator from South Carolina [Mr. JOHNSTON].

Mr. President, I hold in my hand a statement by the Senator from South Carolina [Mr. JOHNSTON] who is absent today on official business and a cosponsor of this amendment.

I ask unanimous consent to have the statement printed in the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CARLSON. Mr. President, whatever reduction in staff is necessary can be effectively handled by attrition, voluntary retirements and existing reduction-in-force procedures. Whatever upgrading of staff is required can be achieved by selective recruitment, and probationary dismissals.

In my opinion, these amendments should be deleted.

I hold in my hand a letter from the American Legion stating their great concern about the proposal in the bill. They state that they cannot stand by and let this amendment be approved without expressing their complete opposition to it in total disregard of the civil service and veterans' preference procedures.

I ask unanimous consent to have this letter be printed in the RECORD.

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

THE AMERICAN LEGION,
WASHINGTON OFFICE OF THE
NATIONAL COMMANDER,
Washington, D.C., July 16, 1964.

HON. FRANK CARLSON,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR CARLSON: Consonant with long-established policy of the American Legion concerning veterans' preference, I must express complete disapproval of the action taken by the Senate Foreign Relations Committee in restoring certain personnel administrative provisions to H.R. 11380, the Foreign Assistance Act of 1964. Specifically, I refer to subsections 302(a) (2) and (3) which had previously been rejected by the House Foreign Affairs Committee by a 16-to-6 vote. These provisions would authorize the Administrator to separate Agency for In-

ternational Development (AID) employees without regard to civil service and veterans' preference laws and regulations.

Representatives of the American Legion appeared before both the House and Senate committees concerned and vigorously protested inclusion of the above provisions.

As you know, AID and its predecessor agencies have previously had and exercised similar special authority to that now requested. It is interesting to note that in the past year all but 1 of 1,400 classified AID employees were awarded in-grade pay increases for satisfactory service which is no longer automatic and must be earned. This demonstrates rather clearly that civil service and veterans' preference in no sense impede the work of this agency.

The American Legion cannot stand by and permit the proposed disregard of civil service and veterans' preference procedures. Present law provides for the separation of incompetent or otherwise undesirable employees.

I sincerely urge that you support proposals to strike subsections 302(a) (2) and (3) from H.R. 11380 that will be offered when the legislation is considered by the Senate.

With personal regards and good wishes, I am

Sincerely yours,

DANIEL F. FOLEY,
National Commander.

Mr. CARLSON. I also have a letter from the Veterans of Foreign Wars, who are also greatly concerned about the action being taken, and they ask that this section be stricken and deleted.

I ask unanimous consent to have this letter printed in the RECORD.

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

NATIONAL HEADQUARTERS,
VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Kansas City, Mo., July 20, 1964.

HON. FRANK CARLSON,
Member, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR CARLSON: It has been a considerable shock to the Veterans of Foreign Wars to learn that the Foreign Relations Committee, in reporting the Foreign Assistance Act of 1964, has reinserted a provision in the bill which in effect would eliminate veterans' preference for many veterans employed in AID.

This provision was thoroughly considered in open hearings by the House Committee on Foreign Affairs and after hearing all sides of the question the committee voted to strike this provision from the bill. One of the objections raised by members of the Foreign Affairs Committee was that such a sweeping provision should be referred to the Committee on Post Office and Civil Service, which committee deals with civil service legislation on a day-to-day basis.

May I suggest, therefore, that before the drastic and final action of repealing a veterans' right, a thorough hearing with an opportunity for veterans' organizations and other interested parties to present our side of the question would have been a minimum consideration. It seems unfortunate that this issue which is almost totally unrelated to the controversial program of foreign assistance should be made a part of this legislation.

This is to request, therefore, that section (j) of section 302, chapter 2, of this bill, H.R. 11380, as found on page 14 starting at line 14 be struck or deleted. It is further requested that the allegations made in the report of this bill on page 26 that "AID labors under unique difficulties and needs this type of authority," be thoroughly reviewed before the

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Civil Service and Post Office Committee with an opportunity for the Veterans of Foreign Wars and other interested organizations to present the views of veterans who will be adversely affected thereby.

Hoping that favorable consideration will be given to these views and recommendations and with best wishes, I am,

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

Mr. CARLSON. Mr. President, I also have a telegram I received from George Meany, president of the AFL-CIO, and I wish to read it into the RECORD:

Since the Senate will soon consider H.R. 11380, the Foreign Assistance Act of 1964, I should like to call your attention to sections 302(a)(2) and 302(a)(3). These sections provide "selection-out" procedures for separation of personnel of AID who fail to maintain "adequate performance levels" and further authorize the President to separate up to 100 employees above grade 12 without regard to the civil service laws. These provisions would seriously undermine employee rights and tenure acquired over many years and existing standards and procedures under the civil service laws insofar as AID employees are concerned. They would also set a dangerous precedent which could spread rapidly to other departments and agencies. In my view existing civil service procedures are fully adequate to deal with any serious deficiencies in employee performance which may exist. I strongly urge that sections 302(a)(2) and 302(a)(3) be stricken from H.R. 11380 before this bill is passed by the Senate.

GEORGE MEANY,
President, AFL-CIO.

Mr. President, I sincerely hope that this provision will be deleted.

EXHIBIT 1

STATEMENT BY SENATOR JOHNSTON

As chairman of the Post Office and Civil Service Committee, I urge the approval of this amendment of which I am a sponsor to delete from the Foreign Assistance Act the two provisions exempting the Agency for International Development from certain provisions of law in its firing procedures.

In my opinion, these two provisions strike at the very heart of the merit system and seriously threaten some of the basic concepts of the career Federal service.

The first provision would extend to the AID Administration authority to "select out" employees of the Agency who have not, in the opinion of the Agency, maintained a high level of performance. The Agency proposes to institute a performance-evaluation system by which employees to be selected out would be earmarked for removal. Surely such a procedure would be ruinous to employee morale and obviously unfair, since the counterparts of these employees in other departments and agencies would be subjected to no such extraordinary scrutiny. All Federal employees under current law are given performance ratings, followed by an orderly process by which improvement is sought in the case of the low percentage of marginal employees. Furthermore, all Federal employees must perform at an acceptable level of competence if they are to be awarded their periodic within-grade salary step increases. This means that current law already provides for close monitoring of the efficiency of Federal employees on every level. AID employees who do not meet the requirements of the performance-rating system can be fired, as can any other Federal employee, for unsatisfactory work. As for the acceptable-level-of-competence requirement, I am advised that only one AID employee within the last year out of its 1,400 classified Federal employees in Washington was denied a within-grade increase.

It is my strong views that any process of selecting out career civil service employees breaks faith with the employees involved and does violence to agreed-upon civil service procedures. In the Foreign Service and the military services, officers begin their careers with the clear understanding that they must move up the ladder of promotion or be selected out of the service. They are trained to deal with increasing degrees of responsibility so that they can meet the standards expected of them. No such system, however, exists in the career service. Promotion to positions of increasing responsibility naturally occurs in the case of many employees, but no agreement is made with the employee that unless he progresses up the ladder of promotion, he will be fired. It is manifestly unjust to change the rules of the game by imposing the military and Foreign Service selection-out procedures upon employees who entered the Federal service with the understanding that their positions would be reasonably secure.

Furthermore, the selection-out authority sought overrides the Lloyd-La Follette Act, the Civil Service Act, and the Veterans Preference Act, all bulwarks of the merit system. Thus, under the requested authority, the employee would have no recourse of appeal outside of the agency. Established would be a situation which many of us concerned with Federal civil service legislation have long vigorously opposed—the situation in which the employing agency is both judge and jury, obviously an inequitable arrangement.

The second proposal would permit the Administrator of AID to fire summarily, notwithstanding any other provision of law, a maximum of 200 employees, 100 a year, for a period of 2 years.

It would apply to employees in grade 13 and above, FSR-4 and above, and FSS-2 and above. The Agency states that this authority would permit the reduction of staff in a manner which will enable retention of the best qualified. They are requesting a blank check from the Congress so that they can set up an arrangement which they say is "more suitable to its purposes than the standard reduction-in-force procedure because the reduction-in-force procedure does not permit retention of the best qualified persons."

It is my view that the Agency in this assertion ignores the fact that reduction-in-force procedures have been worked out over a long period of time to take into account the employee's years of service and his veterans' preference rights. I do not maintain that the reduction-in-force process is perfect, but I do know that it represents a time-tested procedure designed to serve the needs of the Federal service and to protect the rights of the career employee at the same time.

The Agency for International Development and its predecessor agencies have twice in the recent past requested and received extraordinary firing authority, with the result that that Agency's reputation as a fair and equitable employer is certainly not among the best. Employee morale is low; out of fear, employees tend to seek the safe pathway of timid conformity; and promising young recruits seek employment elsewhere. Perhaps the ineffectiveness of AID's massive giveaway program can be traced to its personnel policies and practices.

If this Agency is to take its place among the other departments and agencies of the Federal Government, let it follow the personnel procedures to which its sister agencies adhere. I see no reason whatever for making exceptions every few years in the case of this Agency, which seems to have developed the habit of dumping its personnel problems in the lap of the Congress when the going gets rough.

I strongly urge the deletion of these two provisions and I recommend to AID that it try harder to live by the rules.

Mr. FULBRIGHT. Mr. President (Mr. SALINGER in the chair), I sympathize with some of the things the Senator from Kansas has said but I do not believe they are applicable to this particular Agency. It is no secret that this Agency has been subjected to more criticism than almost any other agency in government that I have ever been acquainted with.

I believe everyone feels that the Administrator is trying to do a good job. He asks for some authority to improve the quality of his administration. Much criticism has been leveled at the quality of the administration. It is directed to that, so that this is not some devious political scheme to operate capriciously.

I was particularly impressed with the letter from the Civil Service Commission itself. The Civil Service Commission certainly is not intended to destroy the civil service.

In reply to my routine inquiry as to the attitude of the Civil Service Commission, I received a letter dated July 27, 1964, written by Chairman Macy of the Civil Service Commission. I shall not read it all, but I ask unanimous consent that a copy of this letter be printed in the RECORD.

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

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., July 27, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of July 25, 1964, for the views of the Civil Service Commission on H.R. 11380, a bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Commission endorses section 302(a)(2) of the bill. It does not object to section 302(a)(3) of the bill. It also endorses section 302(b)(1). The Commission has no views to offer with respect to the other provisions of this bill.

Section 302(a)(2) establishes permanent authority to separate personnel whose performance does not meet adequate standards. The authority sought is that commonly referred to as "selection-out" authority. Its exercise will require some performance evaluation method and a systematic plan to identify marginal employees. The proposed authority would have two purposes:

1. Weeding out on a continuing basis those who "just get by."
2. Eliminating the least competent as the agency carries out a necessary shrinkage in its staff.

The Civil Service Commission feels that the Agency for International Development is completely unique among Government agencies. The long history of changes in name and organization of the agencies to which it is the successor is well known. Through the whole period there has been an atmosphere of emergency, temporary programs, hasty staffing plans for the purposes of the moment and sudden and drastic separation programs. There has been a reluctance on the part of all concerned to regard foreign assistance undertakings as a permanent part of our Federal responsibility. Consequently, it has been difficult at times to recruit and retain an adequate number of ideally qualified people. The problem, we believe, has

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been particularly acute with respect to the higher grade positions.

The oversea aid programs are peculiarly complex, each one tends to be highly specialized so that readily interchangeable staff members would not be expected as a regular thing. The programs are also changeable and uncertain. It is difficult to find people equipped to handle them at any stage and even more difficult to find people who can adapt to continually changing program requirements. The Commission is persuaded that the difficulties of these oversea program operations carry over to central office administration. Thus, it seems appropriate to put the Agency's oversea and domestic employees on a comparable tenure basis. This is not a matter of geography, organization, domestic or foreign assignment. It is peculiar to the program and mission of the Agency.

Thus, it is possible to distinguish between selection-out as applied to the departmental office of such an Agency and the balance of the competitive service. Selection-out here would not necessarily be a precedent, therefore, for wholesale application to domestic employees.

It is our understanding that it is the present plan of the Agency for International Development to limit selection-out of departmental employees to those in the higher grades. It is in these positions that the policies are formulated and the major programs administered. It is among these people that the problems of skills and specialization becoming outmoded because of changing programs are especially concentrated. The inescapable hardship would be alleviated to some degree by up to a full year's severance pay. We think this is a helpful and important provision.

Finally, with respect to selection out, we are persuaded that continuing authority of this type would eliminate the need for future special separation programs such as would be authorized by section 302(a)(3).

Section 302(a)(3) authorizes a special program to separate a maximum of 100 people in each of the next 2 years. It permits avoidance of civil service reduction-in-force procedures. The authority would be exercised without regard to the Veterans' Preference Act or the Lloyd-LaFollette Act. No appeal would be provided by the law but it is our understanding that the Agency for International Development plans to set up a system of administrative checks and an administrative appeal. We are sure the committee will be given details about this by Agency representatives.

There are several other reasons why the Commission does not object to one more exercise by a foreign assistance organization of the broad removal authority contained in this provision. The authority is strictly limited to the higher level policymaking and policy-controlling positions mentioned in connection with the need for selection out.

It is not a scheme for wholesale arbitrary removals. Procedures are being established at the same time which should avoid a recurrence of need for this authority. The spacing provided for the exercise of this authority and the 2-year limitation on it strike a good balance between the need for some prompt action and for deliberate prudent use of the power. Some of the difficulties attendant upon the use of somewhat comparable authority when the Agency for International Development was founded might be attributed to the fact that all actions had to be completed within 60 days of the grant of the authority.

All of the circumstances of the bill give us confidence that the Agency for International Development will exercise the authorities it seeks in careful accordance with its intention to treat its people fairly.

Finally, the Commission endorses section 302(b)(1) which would authorize a maximum payment of \$100 a day for experts and consultants rather than the present \$75. This is consistent with the authority now held by a large number of other agencies.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

Mr. FULBRIGHT. Mr. President, I should like to quote some significant passages.

He writes:

The Civil Service Commission feels that the Agency for International Development is completely unique among Government agencies. The long history of changes in name and organization of the agencies to which it is the successor is well known. . . .

There has been a reluctance on the part of all concerned to regard foreign assistance undertakings as a permanent part of our Federal responsibility. Consequently, it has been difficult at times to recruit and retain an adequate number of ideally qualified people. The problem, we believe, has been particularly acute with respect to the higher grade positions.

The record cited by the Senator from Kansas about the great turnover, not only in the administrators but also in the directors of personnel, reinforces the point that they have been confronted with an impossible task, not only because of the mission given to the Agency, but also because of its inability to improve the quality of its administration.

This is really a very modest request so far as separation of only a hundred a year for 2 years is concerned. This is an effort to improve the quality of the managerial staff.

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Am I correct in interpreting this section to mean that this provision applies to employees above grade 12 and below grade 15? As I recall, the appointments in grades 15 to 18 are political appointments—subject to removal.

Mr. FULBRIGHT. Grades 16 to 18.

Mr. AIKEN. Grades 16 to 18.

Mr. FULBRIGHT. I believe that is correct.

Mr. AIKEN. The provision which was written into the bill by the committee does not apply to persons in grade 12 or below?

Mr. FULBRIGHT. The Senator is correct.

On page 14—

Mr. AIKEN. It would apply only to grades 13, 14, and 15—three grades—is that correct?

Mr. FULBRIGHT. That is the way I read it. I believe that is correct.

Mr. AIKEN. What type of employees would we be likely to find in grades 13, 14, and 15?

Mr. FULBRIGHT. I am not sufficiently acquainted with the facts to know the type of persons in those particular grades. I confess that I am not

an expert on personnel practices of the agency. That is why I place a great deal of credence in the recommendations of the Civil Service Commission itself.

Mr. AIKEN. Perhaps the Senator from Kansas could tell us what type of employees would be likely to be found in grades 13, 14, and 15?

Mr. CARLSON. It is a difficult problem. The aid program has for some years been given to "selection-out," if we wish to use those words—that is, as applied to Foreign Service employees. There has never been any question about Foreign Service employees.

Mr. FULBRIGHT. The Senator means those serving abroad?

Mr. CARLSON. They work in the Foreign Service. They are political appointees. They are selected. They are not career employees. They can be educators or people we send overseas in the various types of aid programs. The question is, Are we going to go so far as to make the same provisions with respect to typists, communication clerks, motor pool service supervisors, and many other types? Another question might be: How far do we wish to go in dealing with the civil service? A Foreign Service officer is one thing, but this would be the first time we have given the agency authority to "selection-out" without question, without veterans' preference, without all these protections to which civil service employees are entitled.

Mr. FULBRIGHT. The Senator will admit that they perform the same type of work as Foreign Service people. What the Agency is asking for is precisely what it now has with regard to "selection-out" applicable to Foreign Service officers.

Mr. AIKEN. I do not understand that employees in grades 13, 14, and 15 are political appointees. In grades 16, 17, and 18 they certainly are.

Mr. CARLSON. They would be Foreign Service officers. To get back to grade 12—

Mr. AIKEN. Grades 13, 14, and 15 would not be political appointees.

Mr. CARLSON. They are civil service employees that the AID people have moved from one agency to another agency, and they have been requested to come from one agency of Government into the AID program.

Now they want to have authority to throw those people out. I think it would be a mistake to do it. I am opposed to it for that very reason. When we are dealing with civil service, we must be very careful and cautious about protecting our civil service employees and protecting their rights. If we do it for this program, why do we not do it for other agencies?

Mr. FULBRIGHT. For the reason that Mr. Macy gives. The program administered by AID is unlike any other program. That is the main reason. This Agency is of such a type that I believe it justifies a procedure which is different from the usual agency.

Mr. AIKEN. Mr. President, I can understand the fears of those who feel that if this provision is approved it might be used in an election year to eliminate Republicans from holding jobs in AID. But

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when the Senator from Kansas read George Meany's letter protesting this provision in the bill, I could not reconcile his protest with the fears of those who would protect the good Republicans. I could not conceive of George Meany going to that length to keep jobs for Republicans.

If the Senator from Kansas [Mr. CARLSON] had not read that letter, I would have understood the situation a little better. I am supposed to understand it, as a member of the committee. There is a severe contradiction somewhere.

Mr. FULBRIGHT. As a general proposition, it seems to me that this Agency has conditions quite different from those of the ordinary Government agency, operating domestically.

Mr. AIKEN. Why should there be a difference of three grades?

Mr. FULBRIGHT. The staff calls my attention to the fact that this is the separation authority which is mentioned on page 14:

The authority contained in this subsection shall not apply to persons with general schedule appointments of grade 12 or below, Foreign Service reserve appointments of class 5 or below, or Foreign Service staff appointments of class 3 or below.

This is the separation authority. It is for merely 2 years, at the rate of 100 persons a year. It is a very limited time and amount.

The testimony, as I recall, is that they are interested primarily in improving, or upgrading, the caliber of employees in what we call the managerial grades. They are interested in trying to improve the administration of the Service. The separation authority is for only 2 years.

Mr. AIKEN. They have been subjected to rather severe criticism for having incompetent employees.

Mr. FULBRIGHT. They have been subjected to severe criticism every time the bill has come up. I know of no Agency that has received such severe criticism for maladministration. Then, when they say, "Give us the tools to improve management," we say, "No, you must operate just as the other agencies."

The morale in the Agency has been very bad because of the criticism by Congress. The criticism usually takes the form of saying that they are no good as administrators, and that the Agency has been poorly administered.

Therefore, I believe that the employees do not want to stay there. We have had great difficulty in employing the Administrator. The present one, for whom I have great respect, was drafted out of the Budget Bureau. President Kennedy drafted him to go over there.

The record will show that when asked: "Did you apply for this job?" he stated, "By no means. I did not apply for it. I was told to go over there. And, as a good soldier, I went."

We have had every indication that there is something wrong with the Agency's personnel system. They suggest that they be given some limited authority on separation. There is a great outcry about it. The Civil Service Commission itself said this is not necessarily a precedent for any other domestic

agency. It is consistent only with the practices in the Foreign Service.

I must confess, with all due respect for the concern expressed, that we ought to allow the Agency to improve itself and, in some way, defend itself against the unrestricted severe criticism to which it is subjected every year. There has been more investigation and more complaint about this Agency than any other six agencies in the whole Government. I believe the Senator from Kansas [Mr. CARLSON] will agree to that.

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

Mr. FULBRIGHT. I yield.

Mr. CARLSON. I am not insensitive to the problems of AID employees. Dealing with the program and its personnel, I wonder who these people are. I well remember when the Kennedy administration first came into power.

Mr. FULBRIGHT. According to my understanding, they were inherited from the old ECA and other predecessor agencies. They have gone on and on. I do not know who hired them. I do not know the individuals concerned.

Mr. CARLSON. The Senator does know this. In our committee, the Senator will remember how we discussed the presence in this Agency of a man who was recognized as one of the outstanding personnel experts in the country, Roger Jones. The RECORD will show the speeches made on the floor of the Senate about Roger Jones. He was a good personnel man. He did not last long. What did he do? He went over to the Justice Department.

Mr. FULBRIGHT. He was in the State Department. He was not in AID.

Mr. CARLSON. He came to the State Department. But he went into AID. I know of the program. I discussed it with him. They went to the Justice Department and got a personnel man there, and sent him over to AID. He was not a good personnel man. Then one wonders where they get some of these people, when they discharge some of them who are under civil service, who have been requested from other agencies. He went over there to help them. I cannot agree to going along with this proposal.

Mr. FULBRIGHT. The Senator is in error about the personnel director. He was in the State Department. AID has its own personnel director. It is not under the State Department personnel director. This is a big agency.

Mr. CARLSON. I will let the RECORD stand on that matter. I will let anyone go back to the CONGRESSIONAL RECORD of 1960 and read the statements by the Senator from Kansas and others about what a great improvement there would be in the AID program. I know Roger Jones. I have visited with him.

Mr. FULBRIGHT. Is it not true that he was in the State Department?

Mr. CARLSON. But he had charge of personnel—or he thought he did—in AID. He went over there with that thought.

Mr. FULBRIGHT. Does not AID have its own personnel department?

Mr. CARLSON. They do now.

Mr. FULBRIGHT. That is what I meant.

With regard to the 1,200 that the Senator mentioned in the reduction in force, is it not true that half of those are not Americans? They are chauffeurs and other personnel of that sort. They are foreigners, and they account for half of the proposed decrease in personnel.

What the Agency is trying to do is to adopt itself first to the reduction in its size which has been brought about by Congress and the administration. They must shrink. Naturally, in this process, they would like to have authority to keep their best people. Under the provisions of civil service, they would have to get rid of their better ones, in many cases, and keep those who are senior, who are barely able to qualify, but are not quality people. This is limited to the separation of 100 people a year for 2 years. That does not seem like a very drastic measure.

Mr. CARLSON. The Senator has stated that it is desired to eliminate 100 people.

Mr. FULBRIGHT. One hundred employees a year for 2 years.

Mr. CARLSON. So does every other agency. There is no agency in the Government that would not like to move out a few employees. But the civil service protects the employees. It cannot be done in this way.

Mr. FULBRIGHT. I do not know of any other agency that has been subjected to the criticism that this Agency has received, particularly on administration.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, for a good many years, and perhaps even still, the employees of AID have seldom if ever seen the United States. They make a profession of working for AID, the ECA, the Marshall plan, or whatever agency is involved. I recall that on trips to Europe, year after year, I would see some of the same people. I asked some of them when they had been back to the United States. Some of them had not been back for 10 years.

I recall when Fowler Hamilton came into the organization. He was supposed to be given some authority to clean out the deadwood at the top. The first I knew people were coming around to practically every Senator asking us to intercede for them. I admit that one or two persons from Montana came to see me. I do not know what happened in respect to the intercession. But I believe that there is an opportunity to clean out a great deal of deadwood which has been with this agency for too many years.

Mr. FULBRIGHT. That is all the agency is trying to do. I think it is quite inconsistent of us to criticize the AID administration as severely as we do every year. The request that has been made is the first such request that I recall seeing in recent years. Then we say, "No, you cannot do it. You must abide by the rigid civil service laws."

Above all, the Civil Service Commission itself has said very positively that the proposal is a good thing and that it approves. If anyone should be con-

cerned about the integrity of the civil service, it is the Commission.

The Commissioner approves of it. He recognizes the problem. AID is a unique agency. It would not be a precedent for other similar agencies. AID ought to be given this limited authority.

Mr. President, I hope that the Senate will allow the provision to go to conference at least. It is not in the House bill. We can put it in the bill and let it go to conference. It may be that some further limitation by way of administrative procedure, such as a panel for evaluation, which has been discussed, can be worked out. It would be much better that the provision go to conference, and that we try to work it out in conference. I have an open mind about a panel which would include a public member for the evaluation of the people involved, if that is of interest. But the principle of allowing the agency to have the right seems to me to be very much deserved by Mr. Bell. I believe everyone agrees that he is trying to do a good job in the struggle which he has. It is a difficult and thankless job.

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

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. The Senator will recall that when the subject was first brought up in the hearings, I raised some question about it.

Mr. FULBRIGHT. I remember.

Mr. SPARKMAN. The Senator from Kansas did also. The Senator will recall that when Mr. Bell and his associates testified before the committee—unfortunately the Senator from Kansas [Mr. CARLSON] could not be present at that time—I went quite thoroughly into the question as to protections to be thrown around employees, in order to make certain that they would not be railroaded. The Senator will recall that we were assured that employees would be given notice, the right to appeal, and pretty much the same procedures as are followed under the civil service. Veterans' rights were to be respected as they are in other agencies. I am not sure that I told the Senator from Kansas about that after he came back, but I felt quite reassured by the testimony that we had from Mr. Bell regarding the protection of the employees, to make certain that there would not be a severe and ruthless cutting off of personnel.

I believe there is a great deal of merit in what the chairman has suggested. Perhaps we have not arrived at perfection in language, but in the conference committee that could be worked out, as the chairman points out. There is no such provision in the House bill, so it would be a wide-open provision.

Mr. FULBRIGHT. Yes; it would be a wide-open conference on that point. I would be openminded, if the House wished written into the bill some language along the line proposed by the Senator. Mr. Bell stated to us what they proposed to do.

Mr. SPARKMAN. Yes.

Mr. FULBRIGHT. I think it is proper to bring the provision before the Senate and for the Senate to decide whether or not on principle it is willing

to adopt the provision. Undoubtedly we shall have to make some compromise with the House anyway.

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

Mr. FULBRIGHT. I yield.

Mr. CARLSON. With regard to the question of how much authority we would be giving the President, I point out that what we are discussing is what may happen in the future. The bill provides:

(j) The President is authorized, at any time during the two-year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act.

Mr. FULBRIGHT. That is not all of it. There are qualifications.

Mr. CARLSON. I shall read the remainder of the provision:

The authority contained in this subsection shall not apply to persons with General Schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, or Foreign Service Staff appointments of class 3 or below, or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed one hundred in any twelve-month period.

Mr. FULBRIGHT. That is the language I wished the Senator to read. The President would not be called upon to fire everyone. The provision is limited, and it is intended to allow him to upgrade the quality of his top people. It is as simple as that. I do not know what more I can say. The principle involved is clear. I am ready to vote.

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

Mr. FULBRIGHT. I yield.

Mr. MORSE. Mr. President, I have a few questions that I should like to ask the Senator from Kansas. I do not think the provision should go to conference, if I correctly understand it. There are some pretty basic principles that ought to be taken under very careful study on a much broader plane between now and next year, and we should continue the procedure that presently prevails. But so that I may be absolutely sure in my understanding of the amendment of the Senator from Kansas, I should like to ask him the following questions: Am I correct in my understanding that the Director of AID seeks authority to separate over a 2-year period a total number of 200 Federal employees now working for AID?

Mr. CARLSON. That is correct.

Mr. MORSE. Am I correct in my understanding that if the bill in its present form in the Senate passes, he would have that authority to separate such employees, even though some or all of them might be civil service employees?

Mr. CARLSON. He would have authority to separate any of the 200 employees without regard to any existing laws. The language that my amendment seeks to strike is plain.

Mr. MORSE. It includes the civil service laws.

Mr. CARLSON. And veterans preference laws.

Mr. MORSE. That means that the Director would have the authority to separate employees appointed in the first place in part on the basis of their veterans preference qualifications?

Mr. CARLSON. That is absolutely correct.

Mr. MORSE. Fourth, he is seeking to have authority to separate employees who, if they were civil service employees would have certain rights without being required to follow the procedures that the civil service employees are entitled to have followed before separation, and irrespective of their civil service rights.

Mr. CARLSON. These two authorizations, if approved, would deny to the employees of the AID program the due process of laws provisions or rights possessed by all Federal workers; namely the Lloyd-La Follette Act, the Veterans Preference Act, and the Civil Service and Foreign Service Acts, which would involve also the right to written charges appeals to the CSC, seniority or veterans retention rights and for career job protection. That is how far this proposal goes.

Mr. MORSE. The language which the Senator from Kansas has read means that the Director of AID, in respect to up to 200 employees, wants authority to ignore the legal procedural protections that civil service employees are now entitled to?

Mr. CARLSON. That is one of the reasons I am concerned about it. That is the reason I am opposing it. That is the reason I offered my amendment.

Mr. MORSE. Does the Senator from Kansas agree with the Senator from Oregon, in reply to the argument that we have heard expressed on the floor of the Senate that only a maximum of 200 employees would be involved, that if A happens to be one of the 200, that is pretty vital to A?

Mr. CARLSON. Of course. I think it goes further than merely the authority to discharge employees in the AID program. It would set a pattern for the first time which would permit the head of an agency, the employer, to make application again for the same privileges in the agency.

It is a dangerous thing for the civil service system of the Nation.

Mr. MORSE. I shall come to that point in a moment.

It involves only 200. Will the Senator agree with me that that is a very unacceptable argument to give consideration to if we are looking to do justice to each individual we have taken into the civil service? Each one was told, when he was taken into the civil service, that we would give him certain procedural protections with regard to separation from the service; and that the separation would be based on cause as shown through applicable procedures of separation.

Mr. CARLSON. Every one of our Federal workers feels that he has such protection. They do have it. I hope it will always be preserved.

Mr. MORSE. Was not a commitment of the Federal Government made to those employees when the Government hired them?

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Mr. CARLSON. There is no question about it.

Mr. MORSE. And we seek to take that guarantee and commitment away from them now by the proposed legislation?

Mr. CARLSON. If we approve this section, we do.

Mr. MORSE. Am I correct in my understanding that Mr. Bell seeks to soften the blow by saying, in effect, that the procedures of separation that will be followed if this provision of the bill which the Senator from Kansas is seeking to amend is allowed to remain in the bill, are procedures that prevail with regard to the separation of Foreign Service officers?

Mr. CARLSON. We gave such authority in years gone by. But these are civil service employees. The others are Foreign Service officers. There is a distinction between the two. Now the same authority is asked with respect to civil service employees.

Mr. MORSE. Let me see if I understand. In effect, Mr. Bell is seeking to apply the same procedures for separation to the present civil service employees that now prevail in regard to the separation of Foreign Service officers.

Mr. CARLSON. That is correct.

Mr. MORSE. My next question is, Is it true that the Foreign Service officer separation procedures are not considered by Federal employees on civil service to be as protective of their interests and rights as the procedures with respect to civil service employees?

Mr. CARLSON. We have been working for years to write civil service procedures, with regard to civil service employees, that will give them the right of hearing and appeal, and other procedures that would protect them.

Mr. MORSE. Next, in order to emphasize in the Record the position of the Senator from Kansas, as I understand it—and I wholeheartedly agree with him—if Congress approves of the language in the bill and permits this precedent to be established, it will, in effect, be undermining the whole civil service structure as it now exists.

Mr. CARLSON. I think it would have grave effect on the morale of Federal employees if we should approve this bill as written.

Mr. MORSE. If we do it in this case, in the next bill which comes before us we can do it for another segment of civil service employees, and another and another. That will be the hue and cry, will it not?

Mr. CARLSON. That is my contention, as I pointed out in my presentation. This is the first step in giving the departments the right to remove civil service employees without regard to all the provisions we have written to protect them.

Mr. MORSE. Is it the opinion of the Senator from Kansas, as it is mine, that the major reason for the strenuous objections on the part of Mr. Meany, representing labor, and on the part of civil service organizations, and other defenders of the civil service system, is that they fear the very point the Senator from Kansas makes—that it is the beginning

of the undermining of the civil service system?

Mr. CARLSON. Not only have the organizations the Senator has mentioned so expressed themselves, but so have the American Legion and the Veterans of Foreign Wars. I placed their letters in the Record.

Mr. MORSE. Lastly, does the Senator from Kansas agree with the Senator from Oregon that the raising of this issue has been beneficial at least to the extent that it shows the desirability, in the next session of Congress, not only of having Congress deal with this problem, in connection with foreign aid, but perhaps emphasizes the need to look at the civil service law and the problems involved from the standpoint of its totality, and not merely from the standpoint of giving the director of this agency discretionary power that is not available to any other agency that has civil service employees on its payroll?

Mr. CARLSON. That is correct.

Mr. MORSE. The question ought to be postponed until next year and be considered, not in connection with foreign aid, but in connection with general legislation.

Mr. CARLSON. Mr. President, this is a matter that should have been before the Committee on Post Office and Civil Service. It is a problem that belongs in that committee, instead of in the Foreign Relations Committee.

I have every reason to believe that had it been presented to the distinguished chairman of the Committee on Post Office and Civil Service, the Senator from South Carolina [Mr. JOHNSTON], some changes and recommendations would have been proposed. I have before me his statement supporting the elimination of this amendment. I received permission to put the statement of the Senator in the Record.

Mr. SPARKMAN. Mr. President, I shall take a very few moments. I made reference to my questioning of Mr. Bell with reference to this proposal, a proposal I frowned upon or had my doubts about. I call attention to the questioning of Mr. Bell, beginning on page 360 of the hearings. It was on page 363 that I asked him particularly about these procedures.

We were given assurance that every aspect of the Veterans Preference Act would be protected and observed and that the same thing was true with reference to procedures and notice and rights of persons to know of the reports that were given to them in their efficiency reports—whatever one might call them—and also to appear and be heard.

That testimony is all set out in these few pages.

Then Mr. Bell, at our request, submitted the proposed regulations. They are the regulations that affect the Foreign Service Reserve officers. As the Senator from Kansas pointed out, the bulk of the employees come from that category. There are regulations covering procedures for the Foreign Service Reserve officers. These regulations are found commencing at page 364. They

are the same regulations that will cover these employees.

With reference to this question being referred to the Committee on Post Office and Civil Service, the Senator from Kansas knows that in the past we have dealt with problems of this kind in connection with foreign aid. We have dealt with it in the Foreign Relations Committee. I recall that several years ago we had a rather knotty problem, and we referred it specifically to the Committee on Post Office and Civil Service. We asked the committee's advice on that particular procedure. In this instance the committee was quite well pleased with the testimony given by Mr. Bell that every protection would be thrown around the employees. Therefore the provision was left in the bill. We would be perfectly safe in taking it to conference. Perhaps the Senator from Kansas, along with some of his colleagues on the Committee on Post Office and Civil Service, would be able to deal with the question after he has studied the hearings.

Mr. McNAMARA. Mr. President, it seems to me that we have been going up and down the hill. We receive assurances from the distinguished Senator from Alabama that all possible protections will be thrown around these people. If that is the case, why do we need it? It seems to me, there is no indication as to who is to be discharged. I understand that under the civil service law the Government can get rid of employees who are not performing satisfactorily in their jobs, who are violating their orders, or neglecting their work, or who are repeatedly doing what they are not supposed to do. The Civil Service Commission does not keep such persons. I do not know why the Civil Service Commission needs any more authority.

Perhaps these people are trying to get rid of some employees who are not in the category of employees who are discharged for the reasons that they are discharged.

We have assurances from the Committee on Foreign Relations that all civil service protections will be thrown around these people.

We are back where we started. The Government can get rid of incompetent people, and people who are not able to do the job to which they have been assigned. If they are not qualified to do the work, they can be discharged.

It seems to me we are going up and down the hill. I might say that I am just as much confused as I was before the debate started, if not more so.

Mr. CHURCH. Mr. President, it is not often that I find myself in disagreement with the distinguished Senator from Michigan. However, I wish to state briefly why I oppose the amendment.

Two years ago I was in Seoul, South Korea, where the administration of the foreign aid program had become something of a scandal. So large was the number of personnel involved, so inefficient had the operation become, that it was pointed out as a horrible example of administrative incompetence, to the degree that the AID people sent their prin-

cial trouble shooter to Korea to try to correct the situation.

I met that man. He was being lauded to the skies when I was there, because he had had the courage to cut the personnel 50 percent. Everyone was applauding his action. The comment was general that efficiency had increased significantly with this drastic cut-back in personnel.

I came back to this country and sang the praises of this trouble shooter, who had the gumption to cut the staff in Korea in half.

I remember telling that story in Washington to some of the administrators of the AID program. When I was finished, they replied, "Yes, it is true he cut the staff 50 percent. It is true that the program in Korea is better handled than it had ever been before. However, all the personnel that we cut from the rolls over there are in Washington today, and we are trying to find a pigeon hole for them, trying to find make-work for them in the AID in Washington."

That is an example of why the present system is not working. We have cut back the AID program from \$4.5 billion to \$3.4 billion. It is obvious that there must be a curtailment in personnel if we are to realize full economy. We must use the funds remaining for the most expeditious purpose. I believe that the AID administration is greatly in need of the selecting-out procedure. Such a procedure obtains in the Foreign Service. Such a procedure has worked well there. I believe that we only contribute to the padding of personnel in AID if we fail to adopt the provision the committee has found warranted for this bill.

The AID itself has given fine justification for including this particular provision.

I ask unanimous consent that a memorandum in justification for the selecting-out provision in the bill be included in the Record at this point in my remarks.

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

FACTS ON SELECTION OUT

The Agency for International Development is essentially a foreign operations agency with a wide variety of programs underway in some 75 countries around the world. By its very nature, its operations are diverse and its requirements for skilled personnel both in Washington and the field vary greatly over relatively short time periods. If AID is to meet its needs for skilled and specialized staff to carry out its foreign operations, it is essential that the management of AID be given the same flexible authority for selecting out less qualified personnel on its Washington headquarters staff as it now has for its foreign service personnel.

Selection out has been in the Foreign Assistance Act since its inception. A similar system has been in effect for many years with respect to career Foreign Service officers of the State Department.

Authority to select out employees whose performance is marginal would thus permit AID to apply the same high standards of performance to its career-classified employees as it now does with respect to its Foreign Service employees.

NORMAL PROCEDURES INADEQUATE TO MEET PROBLEM

Present procedures are not adequate to accomplish the selection out process needed by the Agency, because they do not apply to marginal employees. A marginal employee is one whose performance does not measure up to the high standards which the complexities and sensitivities of the foreign aid program demand. His performance is considered inadequate but is not at such a level that he could be rated as unsatisfactory under normal procedures prescribed by civil service regulations.

Similarly, reduction in force regulations also are inadequate to accomplish the desired objective, because they frequently do not permit retention of the best qualified personnel. Normal RIF procedures operate for the most part on a seniority basis, i.e., employees with the least service, despite their level of performance, are the first to be separated. Because of the changing needs of the AID program, there are situations in which some employees with little or no seniority are actually better suited than others with greater seniority. Because of the bumping rights of the latter group, many desirable employees of the former group would have to be separated, unless AID is permitted selection out authority.

SELECTION OUT IS NO NEW AUTHORITY

The selection out process is no innovation. AID has had this authority with respect to its Foreign Service personnel since November 3, 1961. It has been used by the military services and the State Department's Foreign Service for many years. Within AID it has been administered cautiously and to the satisfaction of the Agency and employees alike. It has provided a means for separating employees whose performance is marginal but is not so deficient as to warrant their separation for cause.

What is now being requested is simply an extension of the present selection out authority to all departmental employees of the Agency. Such authority will thus place both departmental service and Foreign Service employees of AID on a comparable basis with respect to maintenance of high standards of performance. Departmental service employees who are selected out will be entitled to the same severance benefits to which Foreign Service employees are entitled, and essentially the same procedures to safeguard the interest of AID and the employees affected will apply, including provisions for administrative appeals.

WHAT SAFEGUARDS WILL EMPLOYEES HAVE UNDER SELECTION OUT?

The selection out program will be administered with great care and equity, utilizing essentially the same procedures as presently apply to selection out of Foreign Service personnel. All separations under it will be fully documented. Regulations which will be issued for administering the authority will include provisions for:

1. Recommendations by key administrative officials as to which employees under their direction should be separated, together with specific reasons in support of their recommendations.
2. Central agency review of each proposal to separate, to assure that it is adequately documented and is appropriate under the special separation authority.
3. Notification to the employee of the proposal to separate him and the reasons why the action is proposed.
4. An opportunity for the employee to respond to the proposed separation and to obtain a review of his response.
5. A central-independent agency review of the employee's response and a final agency decision regarding the proposed separation based on this review.

WILL SELECTION OUT ESTABLISH A PRECEDENT FOR OTHER AGENCIES?

The authority requested will not constitute a precedent for application to other civil service agencies. This is so because AID is a unique agency whose employees are concerned with a program that for any one country or program is basically temporary and in a constant state of transition.

Mr. John W. Macy, Jr., Chairman, U.S. Civil Service Commission, in a letter of April 14, 1964, to Chairman THOMAS E. MORGAN, House Committee on Foreign Affairs, indicating Commission approval of selection out for AID, stated:

"The Civil Service Commission feels that the Agency for International Development is completely unique among Government agencies * * *. The overseas aid programs are peculiarly complex, each one tends to be highly specialized so that readily interchangeable staff members would not be expected as a regular thing. The programs are also changeable and uncertain. It is difficult to find people equipped to handle them at any stage and even more difficult to find people who can adapt to continually changing program requirements. The Commission is persuaded that the difficulties of these overseas program operations carry over to central office administration. Thus, it seems appropriate to put the Agency's overseas and domestic employees on a comparable tenure basis. This is not a matter of geography, organization, domestic or foreign assignment. It is peculiar to the program and mission of the Agency.

"Thus, it is possible to distinguish between selection-out as applied to the departmental office of such an agency and the balance of the competitive service. Selection-out here would not necessarily be a precedent, therefore, for wholesale application to domestic employees.

"There are several other reasons why the Commission does not object * * * to the broad removal authority contained in this provision. The authority is strictly limited to the higher level policymaking and policy-controlling positions mentioned in connection with the need for selection-out. It is not a scheme for wholesale arbitrary removals."

Assurance that selection-out authority will not be used arbitrarily has also repeatedly been given by AID Administrator David Bell. In discussing his request for this authority before the Senate Committee on Foreign Relations on June 19, 1964, Mr. Bell stated:

"Careful consideration will be given at the highest levels of the Agency to the circumstances in which these authorities are used. All actions will be fully documented and justified and employees affected will have appropriate Agency appeal rights. We expect it could affect but two percent of our American employees.

"This is a small number and reflects my strong feeling that the vast majority of AID employees are capable, devoted, and hard working."

Mr. MORSE. Mr. President, I believe the Senator from Idaho has given a convincing argument as to why the whole matter ought to be gone into by the committee headed by the Senator from South Carolina [Mr. JOHNSTON], instead of having the Committee on Foreign Relations seeking to trespass upon the jurisdiction of the Committee on Post Office and Civil Service. If what the Senator from Idaho says is true, we had better examine into the whole matter through the Committee on Post Office and Civil Service, and not through the Committee on Foreign Relations.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CARLSON]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREWSTER (when his name was called). On this vote I have a live pair with the Senator from Georgia [Mr. RUSSELL]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. METCALF (after having voted in the negative). On this vote I have a pair with the Senator from South Carolina [Mr. JOHNSTON]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Ohio [Mr. LAUSCHEL], the Senator from Louisiana [Mr. LONG], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], the Senator from Tennessee [Mr. WALTERS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New Mexico [Mr. ANDERSON] are absent because of illness.

I further announce that the Senator from Virginia [Mr. BYRD] is absent because of illness in the family.

I further announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Missouri [Mr. SYMINGTON], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Nevada [Mr. CANNON] are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from

Pennsylvania would vote "yea" and the Senator from Virginia would vote "nay."

I further announce that, if present and voting, the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Colorado [Mr. DOMINICK] is detained on official business.

If present and voting, the Senator from Kansas [Mr. PEARSON] and the Senator from Texas [Mr. TOWER] would each vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Virginia would vote "nay."

The result was announced—yeas 27, nays 44, as follows:

[No. 522 Leg.]

YEAS—27

Allott
Beall
Bennett
Boggs
Carlson
Cotton
Curtis
Dirksen
Fong

Hart
Hruska
Javits
Keating
Kuchel
McCarthy
McGee
McNamara
Miller

Monroney
Morse
Mundt
Pell
Prouty
Proxmire
Saltonstall
Smith
Williams, Del.

NAYS—44

Aiken
Bartlett
Bayh
Bible
Burdick
Byrd, W. Va.
Case
Church
Cooper
Dodd
Douglas
Eastland
Ellender
Ervin
Fulbright

Gore
Gruning
Hartke
Hickenlooper
Holland
Humphrey
Inouye
Jordan, N.C.
Jordan, Idaho
Long, Mo.
Magnuson
Mansfield
McClellan
McGovern
McIntyre

Mechem
Morton
Nelson
Neuberger
Pastore
Ribicoff
Robertson
Sallinger
Simpson
Sparkman
Stennis
Thurmond
Williams, N.J.
Young, N. Dak.

NOT VOTING—29

Anderson
Brewster
Byrd, Va.
Cannon
Clark

Dominick
Edmondson
Goldwater
Hayden
Hill

Jackson
Johnston
Kennedy
Lausche
Long, La.

Metcalf
Moss
Muskie
Pearson
Randolph

Russell
Scott
Smathers
Symington
Talmadge

Tower
Walters
Yarborough
Young, Ohio

So Mr. CARLSON's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USE OF ALLIANCE FOR PROGRESS

Mr. PELL. Mr. President, for the past 2 years, I have taken the occasion of the debate over foreign aid authorization to call attention to the manner in which our foreign aid funds are spent, particularly under the Alliance for Progress.

Specifically, I have sought each year to report on the degree to which foreign aid moneys have been used for the long range developmental purposes which lie at the heart of the Alliance for Progress program—as opposed to what I regard as the misuse of such funds for every day, stopgap purposes such as direct budget support and balance-of-payments assistance.

Last year, I was able to report encouraging progress. Balance-of-payments assistance, which had risen to a level of 33 percent of all Alliance aid in fiscal 1962, dropped to 12 percent in fiscal 1963. And direct budget support dropped from 4 percent to 2 during the same period.

I am happy to report today that the trend continues. Balance of payments assistance under the Alliance program dropped from \$70.8 million in fiscal 1963 to \$50.3 million in fiscal 1964. In percentage terms, this represents a drop of 4 points from 12 percent of the total Alliance program in fiscal 1963 to 8 percent in fiscal 1964. Direct budget support dropped from \$17.4 million, or 3 percent of the total program in fiscal 1963, to \$10.1 million, or 2 percent of the total program in fiscal 1964.

I ask unanimous consent that a chart prepared by AID, which reflects this encouraging progress, be inserted in the CONGRESSIONAL RECORD.

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

AID assistance to Latin America by function, fiscal year 1959 to fiscal year 1964

[Dollars in millions]

	Fiscal year 1959		Fiscal year 1960		Fiscal year 1961		Fiscal year 1962		Fiscal year 1963		Fiscal year 1964	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Development project assistance.....	\$103.5	84	\$87.2	83	\$210.6	83	\$300.0	63	\$383.0	68	\$465.8	72
Development program assistance—Loans under long-range plans.....	7.2	6	8.4	8	11.6	5	164.7	33	95.0	17	115.0	18
Balance of payments assistance.....	12.2	10	9.5	9	31.5	12	19.5	4	70.8	12	50.3	8
Direct budget support.....									17.4	3	10.1	2
Total.....	123.0	100	105.1	100	253.7	100	474.2	100	566.2	100	661.2	100

¹ Includes Alliance for Progress funds for nonregional projects directly benefiting Latin American countries.

² \$60 million to Colombia and \$35 million to Chile.

³ \$60 million to Colombia and \$55 million to Chile.

⁴ Including \$23.75 million grant to Dominican Republic.

Mr. PELL. Mr. President, my comment on these figures would not be complete without acknowledgement of the fact that the continued progress during the last fiscal year was made in spite of very special circumstances which demanded a temporary departure from the preferred emphasis on long-term developmental projects.

The special circumstances, as we all know, occurred in Brazil, after the new government of President Castelo Branco came to power in April. The accession of power by this new government, favorably disposed toward the goals of the Alliance, called for fast action. The Goulart government had left the nation in a state of fiscal distress and the new government needed immediate assistance if it was to survive and succeed.

Because of these special circumstances, the United States on June 23 extended a \$50 million contingency fund loan for balance-of-payments financing to the new Brazilian Government. The AID assures me that this loan satisfied criteria for supporting assistance in view of the stabilization and reform efforts of the Castelo Branco government during its first weeks in power. The loan will enable the government to formulate a comprehensive development program, and its local currency counterpart can be used to finance such purposes as low-cost housing, working capital for industries and expanded agricultural credit.

Mr. President, I believe our AID program should be flexible enough so that we can step in on short notice with the kind of assistance which was offered in Brazil. For a short-term, one-shot loan, it was perfectly justifiable and acceptable. I would only emphasize that we can be free to have this flexibility only as long as our basic program is in order and not unduly weighted toward nondevelopmental support.

I congratulate the Alliance for Progress for holding the line during the past fiscal year and keeping budget support and balance-of-payments financing to a minimum so that, even with the special short-notice loan which had to be extended to Brazil, the overall record of expenditures for the year shows continued progress toward predominately long-range development spending. I trust this good trend continues.

Mr. SPARKMAN. Mr. President, I call up my amendment No. 1151 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 24, immediately after "enterprises" insert the following: ", or acquired through normal channels of trade."

Mr. DIRKSEN. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader, "What gives" for the rest of the day?

Mr. MANSFIELD. There will be no further yea-and-nay votes tonight on amendments. I understand that the amendment offered by the Senator from Alabama may be acceptable to the chairman of the committee and to the committee.

If any other amendments are offered, I assure Senators that there will be no yea-and-nay votes on them tonight. If record votes are demanded, I am sure Senators would agree that they ought to go over until tomorrow.

Mr. DIRKSEN. Mr. President, I wish to report to the distinguished majority leader that my prayerful exploration in the field of limitation of debate on amendments to the foreign aid bill has been anything but fruitful.

Mr. MANSFIELD. May I say I am not in the least surprised.

Mr. THURMOND. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. THURMOND. Earlier in the day, I understood the majority leader to say that my amendment would follow the amendment of the distinguished Senator from Kansas; so I planned to call it up. It would require only 12 minutes.

Mr. MANSFIELD. The Senator from South Carolina indicated that he was willing to offer his amendment, but I do not believe the majority leader gave assurance that there would be action on the amendment tonight.

He can call it up and can talk about it, but I am quite sure that his amendment will not be disposed of in 12 minutes. If, however, a rollcall is demanded, the request will not be granted tonight.

Mr. THURMOND. I do not expect to ask for a rollcall, and I shall not need 12 minutes.

Am I to understand that there will be no more rollcalls tonight definitely?

Mr. MANSFIELD. The Senator is correct.

Mr. THURMOND. In view of that, I shall wait until tomorrow to call up my amendment.

Mr. MANSFIELD. Perhaps some other Senator will offer an amendment. I hope so because I should like to see an amendment at the desk.

Mr. THURMOND. I should like to expedite the matter. I understood that was what the Senator from Montana wished to do.

Mr. MORSE. Mr. President, I will offer an amendment but if the Senator from South Carolina [Mr. THURMOND] will offer his amendment and have it made the pending question that will be all right with me. I shall do my best to persuade the Senate, if I offer an amendment, that I should have a rollcall.

Mr. MANSFIELD. The Senators can settle this issue between themselves.

Mr. SPARKMAN. Mr. President, I assure Senators that I shall take only a minute or so.

My amendment has to do with section 101(e) of the bill as reported by the Senate Foreign Relations Committee. This section authorizes the President to have made a study to determine the feasibility of establishing programs for furnishing to underdeveloped countries used tools, machinery and equipment.

This section was added to the bill in committee. It was proposed to the committee by the distinguished senior Senator from Connecticut [Mr. DODD].

As presently written, the section limits the scope of the study which it proposes

to programs utilizing only such used tools, machinery and equipment as may be donated by private enterprise. The purpose of my amendment is to broaden the scope of this study so that it will include consideration of programs utilizing used tools, machinery and equipment which may be acquired through normal channels of trade.

I believe that my amendment is desirable for several reasons. First of all, the allegation has been made to the Senate Small Business Committee that a program of the kind contemplated by this section of the bill will greatly diminish the supply of these articles in the United States. The effect of this shortage would be to force up the prices of used tools, machinery and equipment. Small businesses, which traditionally purchase used equipment, may not be able to afford these higher prices. It is further contended that such a shortage would adversely affect those small machinery dealers engaged in the business of purchasing, rebuilding and reselling used machinery.

If my amendment is adopted, the scope of the proposed study will be broad enough so that, should it be determined that a program utilizing donated equipment is not feasible—whether because of its adverse effect upon existing businesses or for other reasons—then programs utilizing used equipment purchased through normal trade channels can be considered and studied.

Mr. President, I want to commend the senior Senator from Connecticut [Mr. DODD] for his sponsorship of this section of the bill. The possible utilization of used machinery and equipment in our aid programs should be explored by the type of study which his amendment authorizes. If the scope of the study is broadened, as I have suggested, I know that it will be useful to those charged with the responsibility of administering our aid programs in the years to come.

Mr. FULBRIGHT. Mr. President, I see no objection to the amendment. It authorizes a study of the feasibility and utilization of this machinery, and I am perfectly willing to accept it.

Mr. MILLER. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I yield.

Mr. MILLER. I believe that the main thrust of the provision in the bill, as it was pointed out, would be to develop areas of utilization of our used machinery, the idea being that many people in the developing nations cannot afford new items. The fact that these are used items would, nonetheless, give them a stakehold with the tools to work with, and the disposal of usable machinery to these people would provide a better market price for our new machinery in this country.

I wonder whether the fact that the amendment provides for a study of the feasibility of distributing or giving away new items of machinery might not clash with the objectives of this amendment.

Mr. SPARKMAN. These are not new items to which I referred in my brief statement. I made reference to numerous companies in this country that pur-

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 nase old machinery and used equipment, rebuild it and then resell it. It is that kind of material we are talking about.

Mr. MILLER. In other words, the amendment relates to the distribution of these items of used machinery.

Mr. SPARKMAN. The Senator is correct.

Mr. MILLER. Not only through private eleemosynary institutions but also through normal channels of trade.

Mr. FULBRIGHT. This is only a study.

Mr. MILLER. I understand that. Second, it relates only to used items.

Mr. SPARKMAN. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

AUTHORIZATION FOR THE PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO SIGN BILLS DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President pro tempore or the Acting President pro tempore be authorized to sign bills during the adjournment of the Senate.

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

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. THURMOND. Mr. President, I call up my amendment No. 1164 and ask that it be made the pending question.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated for the information of the Senate.

Mr. THURMOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment (No. 1164) submitted by Mr. THURMOND, is as follows:

TITLE V—NONDISCRIMINATION IN UNITED STATES ASSISTED COUNTRIES AND PROGRAMS

SEC. 501. No person in any recipient country shall, on the ground of race, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving any form of the United States financial assistance.

SEC. 502. The Agency for International Development and any other department or agency which is empowered, or may in the future be empowered, to extend United States financial assistance to any program or activity in any country, by way of grant, loan, contract, or other, is directed to effectuate the provisions of section 501 with respect to such program or activity by issuing rules, regulations, or orders of general appli-

cability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the department or agency shall file with the Foreign Affairs Committee of the House of Representatives and the Foreign Relations Committee of the Senate, a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Mr. THURMOND. Mr. President, as I understand, this amendment is now the pending business.

The PRESIDING OFFICER. The Senator is correct. The pending business is the amendment of the Senator from South Carolina, amendment No. 1164.

Mr. THURMOND. Mr. President, I thank the Chair.

THE PROBLEM OF THE NONVOTER

Mr. KEATING. Mr. President, in the coming months, more than 100 million Americans will be asked to cast their ballots for the future leaders of this Nation. These elections will determine the future policies and development of our country. I find it particularly distressing that a nation which has sacrificed thousands of its men to preserve the democratic system can bring only 64 percent of its voters to the polls.

The right to vote is denied to three-quarters of the world's adults. It is not only a privilege but also an obligation upon which rests the future direction of this country at home and abroad. I am hopeful that 1964 will mark a decided increase in the percentage of Americans who will fulfill this responsibility of citizenship.

I heartily commend the efforts of the American Legion in their present "Get-Out-the-Vote" drive. I ask unanimous consent that the forthright statement of their national commander, Daniel Foley, which is published in the current issue of the American Legion magazine, be printed in the RECORD.

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

FOR YOUR INFORMATION: THE PROBLEM OF THE NONVOTER

(By National Commander Daniel L. Foley)

Beneath the noise and color and excitement of current political campaigning, consider this:

In the next 3 months more than 100 million Americans will be asked to decide with their ballots the future course and leadership of the Nation.

If the 1960 pattern is repeated, more than one-third of the electorate will take no part in the decision.

Recent national elections have produced voter turnouts of 90 percent in Italy, 85 percent in West Germany, and about 80 percent in Great Britain, France, Israel, and the Scandinavian countries. The U.S. score in 1960 was 64 percent, the highest in our history.

A comparable showing in 1964 won't be nearly good enough. To insure a sound base for responsible government at home and strong leadership abroad, we need an overwhelming turnout at the polls on November 3. I urge every American Legionnaire to join now in a sustained drive, through education and persuasion and personal example, to impress upon all our citizens the responsibility to vote.

As a first step, each of us should make certain that our own path to the polls is clear. Responsible exercise of the right to vote requires that we (1) qualify as voters by registering under the laws of our State, (2) size up the issues and candidates in the light of the best information we can get, and (3) vote on election day.

The right to vote, like the other fundamental rights, is not self-perpetuating. To keep it, we must use it—intelligently and faithfully. Either we vote and thereby support our free, representative system; or we fail to vote and thereby weaken the system.

Any American Legionnaire who might be inclined to forego voting on November 3 ought to consider these facts:

Three-fourths of the world's adults today are denied the privilege of expressing their preference at the polls. They live under systems where freedom of choice is outlawed or where educational and economic levels are too low to sustain popular government.

Thousands of young Americans who fought at our sides to preserve the right of suffrage never got a chance to exercise it. They gave their lives before reaching voting age.

Does one vote count? Every vote counts, yours just as much as any other. To believe otherwise is to disbelieve the doctrines which undergird our free society. Your vote counts whether you cast it or not; for when you don't vote, you double the influence of a voter who disagrees with your view of what is good and necessary for the country.

In the 1960 presidential election, a switch of less than 1 percent of the ballots in eight States would have changed the election's result. The 1962 gubernatorial election in Minnesota was decided by a margin of 91 votes out of a million and a quarter cast.

But it isn't a question of voting your choice. Public indifference at the polls breeds government indifference. He who shirks his vote is poorly equipped to protest if those elected shirk theirs thereafter.

A 64-percent sampling of American voters in 1964 doesn't meet America's needs in the 1960's. Nations around the globe, many of them new and groping for a political philosophy, look to the United States for lessons in the functioning of a free society. Rightly or wrongly, they will question an elective process in which four people out of ten do not vote, and only 1 in 10 involves himself in political combat.