

Mr. President, when one-third of the Members of the Senate cosponsor a bill of this sort, the magnitude of the problem should no longer be ignored.

Yet the employee complaints which continue to pour into the Constitutional Rights Subcommittee and into other congressional offices show that little effort has been made to review some of the problems.

Mr. President, all of us hope that amendments can be drawn to clarify even more precisely the scope of the bill and define better the proper balance between the individual's right to privacy about matters unrelated to his work and the Government's need to know about the employee's fitness for his job. We hope, too, that if other areas of encroachment upon liberties come to our attention during preliminary hearings, they can be included in the bill. For instance, one important area of due process protection escaped inclusion. This is the employee's right of confrontation in adversary proceedings. Although this right to some extent is accorded by judicial decision and by regulations of some agencies in certain matters, our subcommittee studies show that it is not firmly grounded either as an administrative or a statutory protection for Federal employees. Amendment of the bill in this respect will be discussed during hearings.

All 33 cosponsors of S. 3703 are agreed on their unqualified endorsement of the purpose of the bill—to provide additional protection for the privacy of over two and a half million citizens and their families who are associated with the Federal Government on a regular or part-time basis.

I believe the hearings on this bill, in addition to showing any necessary amendments, will also provide for a long overdue examination of some of the problems which have persistently bedeviled the Federal service for the past 15 years. The hearings, furthermore, should allow Congress to consider the issues raised by the excesses of newer management devices now being used zealously, but heedlessly, to invade employee and applicant privacy in the name of efficiency or the Government's right to know intimate details of the individual's life, national origin, his habits, and thoughts.

I want to make it clear that this bill is not indicative of criticism of the entire Federal service. Indeed, the civil service is characterized by the highest competency and integrity. The bill is, rather, a proposed checkmate against the activities of those who, in their zeal to increase efficiency or to further a worthwhile cause, increasingly seize on quickest or most scientific means to their ends, but seldom pause to consider the effects on the individuals involved, or the practical operation of the system they propose. These are not men of malevolence bent on consciously destroying the rights of fellow employees. They are men engaged in compartmentalized planning of programs to prevent conflict of interest, promote equal opportunity, protect national security, insure the national interest, and to achieve other goals.

As I have said before, I believe the Federal Government can achieve these ends in a manner consistent with traditional standards of due process, fairness, and equity which have always been inherent in our system of government. I see no need, no impending crisis, to cause a departure from them at this juncture in our national history. Yet, Congress, by its silence in the face of growing discontent on the part of the public and of civil servants alike seems to have sanctioned such a departure where Federal employees are concerned.

Writers who are experts in Federal civil service matters have recently called attention to a general dissatisfaction among employees and their families, to the high turnover rate, and to personnel recruitment problems of the Federal Government. Among the reasons for these trends, according to Joseph Young and Jerry Klutetz, is the resentment over the "big brother" attitude of the Federal Government toward its employees, and over the invasions of privacy and economic coercions currently practiced.

I ask unanimous consent that articles by Joseph Young from the Evening Star of August 19 and the Sunday Star of August 21; and by Jerry Klutetz, from the Washington Post of August 21; an editorial in the NAIRE 12th District Bulletin for August; and a letter from Philip O'Rourke, 12th district governor for the National Association of Internal Revenue Employees be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Aug. 19, 1966]

FINANCIAL AFFAIRS PROBE GROWS, MAY HIT HUNDREDS OF THOUSANDS

(By Joseph Young)

The specter of "big brother" in government continues to grow.

What started out as a perusal of the financial affairs of a few hundreds top government officials or a few thousand at the most is now developing into financial snooping into the affairs of hundreds of thousands of federal and postal workers.

It's one of the many invasions of federal employees' privacy such as questionnaires they must fill out to list their race and nationality, the pressure to buy saving bonds, orders to participate in outside activities that carry forward the Johnson administration's sociological programs, etc.

One of the things that has government employees angriest at the moment is the financial statements they are required to fill out, not only for themselves but for all blood relations who live under the same roof with them.

When President Johnson issued his code of ethics executive order and the Civil Service Commission subsequently issued regulations to carry it out, the announcement was made that it would apply only to several hundred top executives and perhaps several thousand government officials involved directly in the awarding of contracts it was explained that these financial reports were required to prevent any conflict of interests.

But agencies have gone hog-wild, according to reports gathered by the Senate Constitutional Rights subcommittee headed by Sen. SAM ERVIN, D-N.C., which has directed all departments and agencies to report to the subcommittee how many employees are being required to file financial statements.

✓ COSPONSORS OF S. 3703, A BILL TO PROTECT THE CONSTITUTIONAL RIGHTS OF EMPLOYEES OF THE EXECUTIVE BRANCH OF THE GOVERNMENT AND TO PREVENT UNWARRANTED GOVERNMENTAL INVASIONS OF THEIR PRIVACY

Mr. ERVIN. Mr. President, I ask unanimous consent that the following 33 Senators, listed in the order in which their request to cosponsor was received, be added as sponsors of S. 3703, a bill introduced on August 9 to protect the employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy: Mr. FONG, Mr. BAYH, Mr. HRUSKA, Mr. SMATHERS, Mr. BURDICK, Mr. TYDINGS, Mr. DIRKSEN, Mr. BIBLE, Mr. RUSSELL of South Carolina, Mr. MCCARTHY, Mr. BENNETT, Mr. FANNIN, Mr. YOUNG of Ohio, Mr. YARBOROUGH, Mr. BYRD of Virginia, Mr. BARTLETT, Mr. MUNDT, Mr. THURMOND, Mr. MCINTYRE, Mr. SPARKMAN, Mr. CANNON, Mr. MILLER, Mr. SIMPSON, Mr. JORDAN of North Carolina, Mr. ALLOTT, Mr. MUSKIE, Mr. INOUE, Mr. SALTONSTALL, Mr. WILLIAMS of New Jersey, Mr. TOWER, Mr. PROUTY, Mr. BREWSTER, and Mr. GRIFFIN.

Mr. President, I ask unanimous consent that at the next printing of S. 3703 the names of all sponsors be listed.

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

Mr. ERVIN. In addition to these cosponsors, I have also received letters of support from a number of other Senators.

The broad geographical and political representation reflected in this cosponsorship and support of S. 3703 reveals, in my opinion, the nationwide, bipartisan interest in the protection of the constitutional rights of employees.

Although many of the big departments and agencies have yet to be heard from such as the Defense Department, the reports thus far show that more than 60,000 federal workers are being required to file financial reports.

When the big departments are heard from, Ervin expects the number of employees involved will be at least several hundred thousand, probably more.

For example, Navy is requiring all grade 13 and above employees in many of its bureaus to file financial reports.

Privacy attacked—The scope of the financial report requirements varies from agency to agency, but most are very comprehensive.

Employees are required to list all of their financial holdings, including stocks and bonds, money in the bank, including valuables in safety deposit boxes. This also holds true for their spouses' holdings as well as that of their children and any other relatives living with them such as mothers, fathers, in-laws, etc.

In many cases, employees are asked to list all their debts, the amount of the mortgage on their homes, what they owe on television sets, refrigerators, etc.

Employees in grades as low as GS-3 are required to participate in some cases. Smithsonian Institution requires that GS-3 must disclose their personal finances.

In some instances, agencies are using the information to pressure employees to retire on the grounds that "you are well off financially and don't have to work anymore," Senator ERVIN reports.

The Post Office Department, one of the major departments to report to the Senate committee thus far, requires 10,000 regular employees to disclose their personal finances. How their financial status would result in a conflict of interest is not explained by the department, it has 518 "ethical conduct counselors" to enforce its financial statement requirement.

The State Department requires 1,500 of its employees to bare their financial situation, including interior decorators employed by the department.

The Department of Health, Education and Welfare has 9,420 of its employees disclosing their finances, while 8,030 in Treasury must report.

The effects on employees are humiliation and indignation.

There already are instances of very able employees, whose services are desperately needed by government, resigning and taking private industry jobs because of their resentment of the financial questionnaires.

Some government personnel officials gloomily predict there will be additional losses to the government.

They also predict it will make tougher the government's job of recruiting outstanding college graduates and other top-flight people for government jobs.

[From the Washington (D.C.) Sunday Star, Aug. 21, 1966]

ADMINISTRATION HIGHHANDEDNESS BLAMED FOR EMPLOYEE RESENTMENT (By Joseph Young)

There is an air of discontent and restlessness among government employees these days.

It stems from a number of things, but the general dissatisfaction comes from what is felt to be the high-handedness of the Johnson administration in dealing with government workers.

The unrest and resentment is manifested by the drive by some delegates at the various postal and federal employe union conventions to scrap the no-strike pledges in their constitutions.

Of course, this in itself would be meaningless, since the law specifically prohibits strikes advocating eliminating the no-strike pledge

feel it would serve notice that employees are "fed up" with present conditions.

All these moves were defeated by the national leaderships of the unions, who believe such actions would do more harm than good. The National Postal Union at its convention voted to explore the feasibility of testing the constitutionality of the no-strike law, but retained the no-strike pledge in its constitution.

But the very fact that "strike" in being mentioned shows the present low state of morale in government.

"Economic strait-jacket"—Perhaps the biggest complaint among federal employees is what they feel is the "economic straitjacket," imposed on them by the Johnson administration.

They bitterly resented President Johnson's edict to Congress last year, which was prepared to vote them a raise of 9 to 10 percent over a two-year period or even full comparability which would have been more, that it limit its approval to 3.6 percent or he would veto the bill.

They equally resented the President's action this year in flatly refusing to go along with more than a 2.9 percent raise. Fuel was added to the fire when Johnson, in signing the bill, implied that government workers would be the culprits if any widespread inflation developed.

Employees and their leaders feel strongly that they have fallen considerably behind workers in the private sector where labor-management contracts have exceeded 3.2 percent, sometimes by a considerable margin. Rather than causing inflation, they feel they are the victims of it as their purchasing power continues to shrink.

Big Brother—Government employees are also resentful of what they believe is the "papa-knows-best" attitude of the Johnson administration reflected in working conditions and policies.

They also resent the pressures brought to bear to make them purchase savings bonds, fill out applications in which they are required to list their race and nationality, etc.

Employees are very much angered over having to disclose their complete financial holdings and that of the immediate members of their families. This includes stocks and bonds, money in the bank, property owned, debts, mortgages, etc.

This financial report originally was supposed to apply to only several hundred or several thousand at most who were in top jobs or in positions involving awarding of contracts, but it is being applied on a mass basis.

The employees resent such questions, feeling that it is a reflection on their integrity and honesty.

Other side of coin—On the other hand, employees are sometimes apt to forget quickly.

The Johnson administration has a lot of constructive things to its credit. It has proposed pay raises every year, even though they may have been smaller than employees liked. This makes the Johnson administration the only administration in history—save the Kennedy administration—which on its own has proposed pay raises every year. And in 1964 Johnson put his reputation on the line to successfully resurrect the pay bill that had been killed by the House.

The Johnson administration also initiated the new progressive moving expenses law, the 55-30 and 60-20 full retirement annuity law, greater promotion rights for women and minority groups, etc. The President also has strongly supported the government's labor-management law.

Consequently, the situation isn't one-sided by any means. But the administration of late has taken a cavalier attitude toward its employees and the employees resent it. Some and employee leaders could conceivably re-

thing is done."

Employee unrest and frustration was discussed two weeks ago in three of these columns. It resulted in an outpouring of varied reactions from Federal employees as well as the public they serve.

Among the words used by readers to describe the columns included "nonsense, ridiculous, graye, most serious, prompt action needed, pro-management, anti-management, pro-union, anti-union."

A majority of those who commented pooch-pooched the report. They had seen no evidence of employee unrest and they doubted if it existed anywhere. Events since that time have effectively answered them. Events such as:

The convention here last week of the independent National Postal Union which directed its officers to investigate the feasibility of testing the constitutionality of the law that outlaws strikes in Government. The convention voted down tougher proposals aimed at the no-strike laws.

AFL-CIO's Postal Clerks, like the NPU, voted down proposals to eliminate the no-strike clause from the union constitution. The Clerks did adopt a resolution aimed at creating an "agency shop" in the postal service. Under it, all postal clerks would be required to pay dues to the Clerks, whether or not they were members of it. Some people regard this as the first move toward the closed shop in Government.

AFL-CIO's Letter Carriers rejected a resolution to stage nationwide street demonstrations in front of post offices to get their grievances before the public.

Earlier, Carriers Vice President James H. Rademacher urged members to work by the rules; that is, to do only the amount of work required by the rules. He said carriers frequently produced 40 per cent more than the rules require. If carriers worked by the rules, the effect could be a slowdown in mail deliveries. British postal employes used a similar device to force attention to their problems a couple of years ago.

The National Association of Postal Supervisors has directed its officers to seek exclusive union recognition through either Congress or the Federal courts. It believes full recognition would bring benefits to its members. The Post Office Department has re-

jected their plea. It considers supervisors a part of management and it limits them to consultation privileges.

National Association of Internal Revenue Employees has broken off negotiations with the Internal Revenue Service over operations of the President's 1962 order that recognized Federal employe unions. It is continuing its battle for exclusive recognition to represent all IRS employes.

A scattering of letters from individual employes, not necessarily union members, who work in and out of this city as far away as California, have demanded aggressive actions, including strikes, to make known their grievances to the President and Congress.

What are these grievances and gripes that have inspired the upsurge of employe militancy? Employes and their leaders don't always agree on them, and some of the reasons they do give are vague and general.

The recent 2.9 per cent pay raise is mentioned most frequently. Employes say it was shoved down their throats by the President who has been unable to sell a similar amount to private industry employes who have the right to strike. They also charge inflation over the last year has already eaten up their small increase.

Interestingly enough, professionals and other higher-paid employes are becoming outspoken on the salary question. They point to the flat Federal pay raises of the last two years, and say they can never be paid salaries comparable with those in private industry under such a system. The middle and higher bracket employes are furthest behind comparability.

Among other gripes are the strong-arm methods used recently in Federal agencies to sell savings bonds, to reach the President's goal of 90 per cent employe participation, the slowdown in grade promotions, the pressure to do more with fewer people and dollars, the "Father Knows Best" philosophy often communicated by agency heads to their employes.

Many employe leaders regard the President's 1962 labor-management order, and the way agencies have operated under it, as the principal source of employe frustration and unrest. They are building a case to present to Congress next year in the hope that it will approve a tougher union recognition plan by law.

There already is guarded talk of staging a gigantic rally here by Federal employes in support of the legislation when hearings are held on it next year.

NATIONAL ASSOCIATION OF INTERNAL REVENUE EMPLOYEES, Columbus, Ohio, August 9, 1966.

Hon. SAMUEL ERVIN, Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: I am enclosing a copy of the NAIRE 12th District Bulletin for your perusal. This publication is distributed to Internal Revenue Employees in the Internal Revenue Service offices in the Central Region of the Internal Revenue Service. The Central Region includes the States of Indiana, Kentucky, Michigan, Ohio, and West Virginia.

Since the publication includes a story concerning your position on the requirement that Federal employes file statements of financial interest and outside employment, I feel that you might find it of interest.

My editorial, "Sorry, Chief, We Don't Understand," I believe, reflects the feelings of the great majority of Internal Revenue employes. This program, coupled with some other programs that have been fostered on the employes in one guise or another in the last few years, I am sure, accounts for the high turnover in Federal agencies reported on page 4 of the publication. Needless to say, the reasons given by the personnel man for the turnover account for some of the

turnover. However, since the more attractive benefits offered by private industry have been in effect for many years, I believe that the answer for the current 33% increase in turnover must be found elsewhere. It is my opinion that the morale of the Federal employe has never been lower which accounts for the increase in turnover. I believe you have put your finger on part of the reason for this lowering of morale in your letter to Mr. Macy.

On behalf of the thousands of Internal Revenue Employees in the Central Region of Internal Revenue Service, I wish to commend and thank you for taking the initiative and opposing this program.

Very truly yours,

PHILIP D. O'ROURKE, 12th District Governor.

Enclosure: as stated.

[From the Naire 12th District Bulletin, August 1966]

SORRY, CHIEF, WE DON'T UNDERSTAND!

Can you remember back when you first started to school and Mother would ask as you arrived home, "Were you a good boy (or girl) in school today, dear?" And, of course, we always were! In about a month or so, she stopped asking the question. Maybe it was because she always got the same answer that she stopped asking . . . or maybe she felt that after that period of time, we had learned to behave in school well enough that she could begin to trust our behavior and considered the question unnecessary.

Now that Federal employes are relegated to the status of first graders again, we wonder how long we will have to supply "Mother" with certification of our good behavior. Of course, there is a slight difference between being in the first grade and of being, supposedly, law-abiding, mature, responsible Federal employes (although the distinction is becoming hazy). For some reason or another, we thought somewhere along the line we had proven ourselves. Of course, we could be wrong about that, but we vaguely recall back about May 10, 1965, a certain press release concerning a certain Executive Order (we believe the number was 11222) which carried the following statement:

"The unusually high standards of honesty, integrity, and impartiality of United States Government employes are cause for pride on the part of all Americans, for unquestionably, they are among the highest ever attained by an government—national or local—that ever existed."

Now we ask, how in the world was this ever achieved before somebody put their finger on the problem and came up with certifications of no conflict of interest and, from those who couldn't be trusted merely to certify their honesty, statements of financial interest and outside employment?

What does not seem to follow is that the reward for this exceptional high degree of "honesty, integrity and impartiality" only went as far as it did. For instance, why weren't we also rewarded by being required to certify that we haven't advocated the violent overthrow of the government, or sold information to foreign governments? Or how about certifying that we haven't violated the Sullivan Act, or haven't transported stolen cars across state lines? Or how about the Mann Act? Of course, we could cover the entire field by merely certifying that we haven't violated any Federal or State Laws or Local Ordinances.

The interesting thing about initiating this type of program is "How long will it last?" In other words, if it is necessary that such a program as this be put into effect, considering the current supposedly high degree of "honesty, integrity and impartiality," it must follow that it will be necessary that the program should be kept in effect as long as necessary. Of course, the question is, what, like Mother, our new Mother, will

terminate the program when the same answer comes back case after case, or month after month. On the other hand, as time goes by and we again earn the confidence of every citizen in the integrity of his government and we begin to honor that trust, maybe then the program will be discontinued.

Commissioner Cohen stated in his letter of June 6, 1966, that he "hope(s) everyone will understand that these new requirements are simply part of a total effort to justify the public's absolute confidence in the integrity of every Federal employe and agency."

Well, as a matter of fact, we didn't realize that the public had lost confidence, nor do we understand the need for the program since there are, and have been for some time, rules governing this situation.

Sorry About That Chief!

Mr. ERVIN. Mr. President, I ask unanimous consent, also, to have printed in the Record at the conclusion of my remarks an article by James K. Batten, who cites cases illustrating the necessity for action on S. 3703, entitled "Does Uncle Sam Bully Employees?" from the Charlotte Observer of August 14; an editorial from the Winston-Salem Twin City Sentinel of July 25, entitled "The Right of Privacy"; an editorial from the St. Petersburg, Fla., Times, entitled "Bury the Skeleton"; an editorial from the Charlotte Observer of August 16, entitled "Federal 'Bill of Rights' Needed"; an editorial from the Kinston Daily Free Press of August 16, entitled "Ervin's Bill for Employees is Significant"; an editorial from the Government Employees Exchange of August 24, entitled "Senator Ervin's Omnibus Bill Seen as One More Step To Rid Service of McCarthyism"; and an article by Lloyd Preslar from the Winston-Salem Journal of August 21, entitled "Ervin's Privacy Bill Gains Wide Support Among Senators."

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

[From the Charlotte Observer, Aug. 14, 1966]

DOES UNCLE SAM BULLY EMPLOYEES?

(By James K. Batten)

WASHINGTON.—Last summer an 18-year-old coed from a small college in Virginia applied to the State Department for a job. She thought it would be a pleasant way to spend her vacation.

But because the job required a security clearance, the girl was summoned to an interview with a security investigator. When the interrogator began to probe her relationship with her boy friend, the girl was stunned by questions like these:

"Did he abuse you?" "Did he do anything unnatural with you?" "You didn't get pregnant, did you?"

Bewildered, the girl decided she had no interest in working for the federal government.

In another federal agency recently, a divorcee with two children declined to participate in the President's campaign to have civil servants invest in U.S. savings bonds. She felt she could not afford them.

When it developed that she was the only holdout keeping the agency from "hitting 100 per cent," the woman was called into a staff meeting and severely castigated in front of her fellow workers.

At the Defense Department, a bright young woman entered the federal service under the "management-intern" program, designed to attract unusually capable young people to service and to prepare them for positions of responsibility.

August 25, 1966

As part of her job, this young woman invited a senator to address a group of interns at one of their regular, on-duty seminars.

But when the young woman's supervisor, a GS-15 making about \$17,500 a year, intercepted the senator's routine letter of acceptance, he threw a "terrible tantrum."

Rank-and-file federal employees are not authorized to contact congressmen, he told the nonplused young woman. "I suggest you better not have any more letters coming here from the Hill (Capitol Hill)."

Incidents like these, documented by the Senate subcommittee on constitutional rights, are cited by some members of Congress as symptomatic of a growing sickness in the federal establishment.

"I believe," subcommittee chairman Sen. SAM J. ERVIN, JR., D-N.C., said recently, "there is now being created in the federal service a climate of fear, apprehension and coercion which is detrimental to the health of the service and is corroding the rights of federal employees."

"It should disturb every American citizen who takes pride in his government."

To remedy the situation, ERVIN called a press conference last week to announce that he was introducing a proposed "bill of rights for federal employees" to ban many of the disputed practices. Hearings are planned for early this fall.

No one can really be sure how percussive the problem is. Spokesmen for federal employment unions are egging ERVIN on, declaring that unwarranted invasions of employees' privacy are more prevalent than ever before.

The constitutional rights subcommittee's files are bulging with complaints. And each reported grievance, explained one staff member, probably represents hundreds of unreported grievances on the part of employees reluctant to complain.

"They're so afraid of losing their jobs or getting reprimanded," the staff member said. "This whole atmosphere of fear keeps them from communicating with Congress."

On the other hand, at the Civil Service Commission, the federal government's personnel agency, there is a tendency to suspect the case is being overstated.

Employee complaints to the commission have been scarce. But the commission staff plans to recheck ERVIN's allegations before congressional hearings begin.

"You don't just say, what the heck, he's blowing off," said one civil service spokesman. "You don't dismiss it lightly."

In some instances, the problems seem to arise from poor judgment or over-zealousness by agency supervisors, rather than from official government policy.

This is particularly true of "voluntary" solicitation campaigns within government agencies. One employee in a federal field office wrote to complain about the drive for funds to help build the John F. Kennedy Memorial Library at Harvard.

"The Kennedy library drive was a real arm-twister," the employee said. "One hundred per cent participation was required, with names sent—or threatened to be sent—to Washington."

When President Johnson began his now-famous savings bond drive, he kept tabs on the agencies with large charts in the cabinet room. The heat was felt all the way down to the lowest bureaucrat.

"I was reminded that I had a promotion coming up," confided one Defense Department employee. "My supervisor told me, 'The people in the front office remember things like this.'"

But many times, employee complaints of a "big brother" atmosphere stem from official government policies and programs.

One of ERVIN's favorite targets is a White House-ordered campaign to minimize the dangers of conflict-of-interest in the federal service. Approved For Release 2000/09/01 : CIA-RDP82-00357R000700120001-5
Their financial situation in supposedly confidential questionnaires.

Although it was originally expected that disclosure would be limited to a few thousand top policy-makers, an Ervin survey so far has turned up nearly 50,000 employees who are required to divulge their financial status. Many large agencies are still to be heard from.

Among those being forced to bare their financial souls are \$100-a-week clerks at the Smithsonian Institution and interior decorators at the State Department.

Another of ERVIN's major concerns is the use of lie detectors and psychological tests in employment and promotion of federal employees. The Civil Service Commission contends that earlier abuses have been eliminated and that such practices are now under tight control. ERVIN and others disagree.

One veteran woman employee at the Defense Department, already cleared to handle military secrets, decided to pass up a promotion to a different office because she would be required to take a lie detector test.

The woman was reluctant, she said, because the lie detector operators were notorious for gossiping about their subjects' reactions to intimate questions on sexual matters.

Sometimes agency policies that make sense in theory produce bizarre results when enforced to the hilt. At the Small Business Administration, employees are instructed never to do business with companies that have received or are seeking SBA loans.

In one case, that policy resulted in a reprimand for SBA employees who often ate their lunch-hour hamburgers at a "greasy spoon" restaurant two blocks from SBA headquarters in Washington. The restaurant, it turned out, had an SBA loan.

In taking stiff precautions against conflict-of-interest, the Johnson administration has decided that financial disclosure and other rules are justified to insure the integrity of the federal establishment.

ERVIN's reply is that while concern for complete honesty is laudable, forced financial disclosure by other than top policy officials is an insult to rank-and-file employees and an unwarranted invasion of privacy.

Some academic experts on public administration agree.

Dr. William Beaney of Princeton, a distinguished political scientist and frequent government consultant, said:

"Speaking for myself, I think there's a limit on how far you can go on this thing of knowing everything about an employee to see if he can do some run-of-the-mill job. These aren't security positions."

Dr. Stephen K. Bailey, dean of the Maxwell School of Citizenship and Public Affairs at Syracuse University, agreed that financial disclosure was necessary in the upper echelons of government, but he wondered about the propriety of dipping down into the middle ranks.

"My own instinct," he said, "tells me that the cut-off ought to be with the political executives. I'm primarily concerned with people brought in by presidential appointments. These people are politically accountable."

Beaney, Bailey and other political scientists point out that government personnel practices have an impact throughout private industry, and thus ought to be exemplary.

While the academic people don't endorse ERVIN's wide-ranging bill across the board, they approve of intensified scrutiny of the subject by Congress.

"Personally, I'm very sympathetic," said Beaney. "He (ERVIN) has a lot of fish he's trying to fry at the same time, but I do think on some of these things, there's serious cause for concern."

[From the Winston-Salem Twin City Sentinel, July 25, 1966]

THE RIGHT OF PRIVACY

Senator SAM J. ERVIN, JR., is right in questioning too much into the private lives of its employees. Although federal personnel

practices may not be as outrageous as the Senator suggests, the trend toward invasion of privacy is moving too quickly in this country and should be stubbornly resisted.

Like any private employer, the government is entitled to know certain basic things about the people it hires—about personal and family background, about character and credit ratings and so forth. But, if Senator ERVIN is correct, some government agencies are going well beyond this basic information.

In a recent news release announcing that his Constitutional Rights Subcommittee will hold hearings on this subject soon, the Senator listed these intrusions on public employees:

"* * * Psychological testing, psychiatric interviews, race questionnaires, lie detectors, loyalty oaths, probing personnel forms and background investigations, restrictions on communications with Congress, pressure to support political parties financially, coercion to buy savings bonds, extensive limitations on outside activities, rules for speaking and writing, and even thinking, forms for revealing personal data about finances, creditors, property and other interests."

Some of these things can be justified perhaps as an effort to assure that the government hires only stable, trustworthy employees who have no conceivable conflict of interest with their jobs. But some seem clearly unnecessary.

Senator ERVIN, who is considerably more of a civil libertarian than his views on civil rights would make him appear, will do a service for the country if he can determine in his hearings just how far these intrusions go and, if they are unjustified, what can be done to stop them.

One horrid example of what the Senator wants to investigate is a letter recently circulated among employees at Andrews Air Force Base Hospital. It urged workers to buy savings bonds and asked them to sign one of these three statements:

—"I am now supporting the President by buying U.S. Savings Bonds on an allotment from my pay."

—"I wish to show my support for the President by adding to my allotment or by beginning an allotment * * *"

—"I do not accept my responsibility to support the President in this U.S. Savings Bond campaign."

The sooner such high-handed activity can be investigated and stopped, the better. If it is not, we may indeed live in what Senator ERVIN has predicted will be "the era of the doctored man."

[From the St. Petersburg (Fla.) Times, August 1966]

BURY THE SKELETON

"It is said," just as Sen. SAM ERVIN said, that legislation should be considered to keep the constitutional rights of U.S. government employees from being trampled asunder by their employer.

But, as Sen. ERVIN added, "Such legislation is necessary." And the senator is right.

Witness the recent, clandestine search of the home of a Central Intelligence Agency employee by a couple of CIA sleuths who feigned interest in buying the house.

Examine, if you will, the way lie detector tests are being used to pry into such personal realms as religious beliefs and sexual habits; and the many ways government employees are being pressured and indoctrinated in the management of their off-duty time.

Witness, especially, the apparent increase in these tyrannies in recent years.

To right these wrongs, Sen. ERVIN, a Democrat from North Carolina, has introduced a "civil servants' Bill of Rights."

In introducing this bill, ERVIN isn't acting as an alarmist. That's not ERVIN's way. He is a subcommittee on constitutional rights enjoy one of the finest records of responsibility to be found on Capitol Hill.

The tyrannies he sees invading the privacy and molesting the dignity of our government's employes are all too real.

Sen. Ervin has performed a service to federal employes and all Americans by finally dragging this skeleton from the closet.

Now Congress should bury the skeleton by adopting the legislative solution he's proposed.

[From the Charlotte Observer, Aug. 16, 1966]
FEDERAL BILL OF RIGHTS NEEDED

It is not consistent for the U.S. government to bewail the lack of bright, enthusiastic citizens willing to work for the government while it uses policies that discourage applicants or harass employes.

Numerous reports cite interviews and questionnaires with unneeded and embarrassing questions about religion, sex and personal relationships. Others tell of employes being reprimanded for private actions not bearing on their government work. There is pressure to give to somebody's favorite charity, to buy government bonds or to pay for tickets for some event that benefits politicians.

Not all federal agencies are guilty, but according to Sen. Ervin Jr., there are enough to justify a law setting forth a "bill of rights" for federal employes.

For several years, Ervin's subcommittee on constitutional rights has collected complaints from federal employes. Some were sent to the Civil Service Commission and others prompted the committee to prod the agency or even the President's office directly. Because these pressures brought either no response or too little action, Ervin felt a "bill of rights" was necessary.

His proposal is drawn to protect federal clerks, secretaries, accountants and lower-level civil servants from invasions of their privacy.

The bill would, for example, end a rule that clerks must disclose the financial holdings of their families. This rule was first directed toward policy-makers to prevent conflicts of interest, but it has trickled down to reach those whose work does not expose them to the same temptations.

Political appointees and career officials who make policy decisions often must sacrifice anonymity and privacy to larger interests such as that of national security. But Sen. Ervin's bill is a sensible way to insulate lower-level employes from the over-zealous practices of their superiors.

[From the Kinston Daily Free Press,
Aug. 16, 1966]

ERVIN'S BILL FOR EMPLOYEES IS SIGNIFICANT

A "bill of rights" measure to protect the privacy of federal employes has been advanced by U.S. Senator SAM J. ERVIN, Jr., North Carolina Democrat and chairman of the Senate Constitutional Rights Subcommittee. In offering this significant measure Senator Ervin wrote to President Johnson to emphasize the need for such action as soon as possible.

What it would prohibit are the following "privacy invasions" caused by outright coercion, requirements, requests or intimidation:

(1) Race, religion, national origin questionnaires. (2) Indiscriminate requirements to disclose personal finances, assets, creditors and property interests of employes and their families. (3) Meetings to indoctrinate employes about matters unrelated to their jobs. (4) Requirements that employes take part in activities not directly within the scope of their employment. (5) Requirements to make reports about personal activities and undertakings not related to jobs. (6) Attempts to forbid patronizing any businesses or establishments. (7) Interrogations, examinations or physical tests. (8) Sur-

graph tests aimed at securing data about personal relations with relatives, religious beliefs or attitudes and conduct with respect to sexual matters. (8) Coercion to support political activities personally or financially. (9) Coercion to buy bonds or to make contributions to institutions and causes. (10) Interrogation without the presence of counsel or other person of employee's choice.

Apparently these practices have spread from the need for security checks on top-flight officials in government, but as Senator Ervin points out they are not in keeping with American freedoms. They are more totalitarian than democratic, he said.

The legislation is overdue. Senator ERVIN does well to put the freedoms of civil service and other employes in proper perspective. The bill should have the wholehearted support of the 89th Congress.

[From the Government Employees Exchange,
Aug. 24, 1966]

SENATOR ERVIN'S OMNIBUS BILL SEEN AS ONE MORE STEP TO END SERVICE OF MCCARTHYISM

During the past three years, ever since Senator SAM J. ERVIN, Jr., and Representative CORNELIUS E. GALLAGHER began their respective investigations into the grey areas of Federal employment, particularly those that subjected the employee and the potential member of the Federal operating staff to draw conclusions on matters that pertain to their private lives, readers of the newspaper have had front-row seats as they progressed. One by one, during this period, they witnessed the retreat of McCarthyism in the service, and, bit by bit, the restoration of individual dignity by all those employed in it. The omnibus bill introduced by Senator Ervin on August 9 is the later—and by far the most encompassing—move to elevate the Federal Government as a model employer.

While it is true—and this is more theoretical than practical—that the right to disagree is held aloft in the private sector of the nation, it is nevertheless, also true that the percentage of pronounced criticism is markedly less if a person's livelihood becomes involved with its expression, as is the case of one who is employed by the Federal Government. Their freedom of expression and action is inhibited by their employment in the Federal service. Working and living under glass is the price they have to pay for working for the Federal Government. In spite of the numerous benefits afforded them as Federal employes, they feel like "transients" in their respective jobs because of the implications.

Inuendos to the extent that their expressions and actions off the job "might" affect their employment have imbedded fear and its resulting effect, conformity, in their minds. Senator ERVIN's so-called "Bill of Rights for Federal Employees," while not removing all of the bars that have softened their minds for many years, in the opinion of this newspaper takes a positive step in that direction.

Some of Mr. Ervin's critics in the private sector, apparently unaware how much the "power of suggestion" has on the Federal work-force have indicated that the bill is a swipe at members of the nation's minority groups because of his position on civil rights, while others have charged that it lessens the control of the employer over his employes. While it is true that the Senator does come from a border state, the allegation that the bill is part of a package of bills to destroy the movement is utterly false. As far as the second implication is concerned, it is the newspaper's conviction that the bill removes many of the real and imaginary restraints in Federal employment, thus affording the Federal Government the realistic opportunity

and, likewise, affords it a set of rules that serve as magnets for the attraction of more of them.

This newspaper would recommend that in addition to the ten points covered by the bill that it be amended to specifically state that the grieved employe as well as the potential one be accorded the right to confront his accusers. In other words that the accused be given his day in court, a right today even the nation's most hardened criminal has.

This newspaper has been proud to have been both a witness and a participant in the progress of the Federal merit system in the eyes of Federal Government management as well in those of its employes. The Federal Government is a better competitor with private industry today than it was more than 20 years ago. It offers greater security, greater opportunities for advancement, and greater protections for the grieved than then. To say that it cannot be improved is to admit that its operation today is perfect.

Until Representative GALLAGHER and Senator ERVIN, in that order, began their probes into the invasion by Federal departments and agencies into the private lives of their employes back in the Spring of 1963, the improvements prior to then were concerned more with the system rather than the people who operated the apparatus of the Federal Government. Though far from completing their tasks, and though holding separate hearings, they have done much to improve the environment in the Federal service, while the Civil Service Commission, ever since 1953, has done much to update the rules and regulations governing Federal employment.

One would come to the conclusion that the Executive Branch is working at cross-purposes with the Legislative Branch toward improving the Federal service, but such hasn't been the case as this newspaper has reported. The different Federal agencies, and especially the Civil Service Commission through its Chairman, John W. Macy, Jr., have cooperated with Representative GALLAGHER and the Senator from North Carolina in their investigations. The hearings have been marked by frankness by all who testified, and it was in this way that Senator ERVIN was enabled to introduce his omnibus bill, which is designed to correct more inequities, on the floor of the Senator on August 9.

[From the Winston-Salem Journal, Aug. 21,
1966]

ERVIN'S PRIVACY BILL GAINS WIDE SUPPORT AMONG SENATORS (By Lloyd Preslar)

WASHINGTON.—Sen. SAM ERVIN's proposed legislation to protect the privacy of federal employes has gained broad support in the Senate.

Ervin, from North Carolina, announced Aug. 9 that he would introduce the so-called "Bill of Rights" for government workers. Now the bill has 20 co-sponsors, including some of the Senate's best-known liberals and conservatives.

In addition, four major unions or associations of federal employes have announced support for the Ervin bill, and more organizations are expected to join the campaign.

The bill is designed to prevent federal agencies from prying into the private lives of their employes, and from coercing employes to participate in outside activities.

The bill would also guarantee a government worker the right to legal counsel if the employee should be questioned by his superiors about a matter which could lead to disciplinary action.

The bill is considered by some to be bold in its guarantees because it would make a

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federal official who violated the provisions subject to criminal prosecution. Violators could be fined \$1,000 and sentenced to a year in prison.

The co-sponsors of the bill include 12 Democrats and eight Republicans. The Democrats are Sens. BIBLE of Nevada, RUSSELL of South Carolina, McCARTHY of Minnesota, YOUNG of Ohio, BYRD of Virginia, YARBOROUGH of Texas, BARLETT of Alaska, McINTYRE of New Hampshire, SPARKMAN of Alabama, CANNON of Nevada, INOUYE of Hawaii and JORDAN of North Carolina.

The Republicans are FONG of Hawaii, BENNETT of Utah, FANNIN of Arizona, MUNDT of South Dakota, THURMOND of South Carolina, SIMPSON of Wyoming, HRUSKA of Nebraska and ALLOTT of Colorado.

The unions which have announced their support are the American Federation of Government Employees (AFL-CIO), the National Association of Government Employees, the National Association of Government Engineers and the National Association of Internal Revenue Employees.

Some postal employees organizations are expected to support the bill.

A provision of the bill which has attracted a great deal of attention is one which would prohibit the use of questionnaires which ask employees to list their race or national origin.

The questionnaires ask an employee to indicate whether he is an American Indian, Oriental, Negro, Spanish-American or "none of these." Officials have described the questionnaires as a method for determining whether there is racial discrimination in government employment practices.

ERVIN argues that under the Civil Service System an individual's race or national origin "should have nothing to do with his ability or qualification" for his job.

"In fact," ERVIN has said, "it is nobody's business. Nor is it healthy for our society to divide it up into four minority groups and 'all others.'"

Some civil rights proponents have been uncertain whether they should oppose the questionnaires. ERVIN has received letters from many minority group members who say they resent being asked about their race.

Senator FONG, the first co-sponsor of ERVIN's bill, pointed out in a speech in the Senate that the bill would not prevent agencies from gathering racial statistics on their employees. Supervisors, he said, could simply take their own head counts. The bill would only prohibit asking an individual about his race.

Similarly, the bill would prevent psychological investigations in which an employee or prospective employee is asked questions about his sex life or his religious views.

The bill would also prohibit:

Requirements that rank-and-file employees disclose their financial assets and liabilities.

Requirements that employees take part in community activities unrelated to their jobs.

Coercion by federal officials in an effort to get employees to make contributions or purchase savings bonds.

ERVIN says that an individual employee is often powerless against invasions of his privacy because "he knows he may be discharged or denied employment or a promotion" if he fails to cooperate. Supporters of the bill say it could also affect people not employed by the government since some businesses tend to model their personnel practices after those of the government.

ERVIN is chairman of the Senate Subcommittee on Constitutional Rights. It is planning hearings on the privacy bill.

ADDITIONAL COSPONSOR OF BILL

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the name of the Senator from Indiana [Mr. HARTKE] be added as a cosponsor of the amendment (No. 736) which I submitted to Senate bill 2874, the International Education bill.

lish an annual or biannual national housing goal, the name of the senior Senator from Pennsylvania [Mr. CLARK] be added as a cosponsor.

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

ADDITIONAL COSPONSOR OF AMENDMENT NO. 736

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Indiana [Mr. HARTKE] be added as a cosponsor of the amendment (No. 736) which I submitted to Senate bill 2874, the International Education bill.

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

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Miss Carol C. Laise, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal; Leo G. Cyr, of Maine, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda; and, John M. McSweeney, of Nebraska, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 60 days of their receipt in the Senate.

UNANIMOUS CONSENT TO FILE A REPORT

Mr. MONRONEY. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service may have until midnight tomorrow to file a report on H.R. 14904.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1966—AMENDMENTS

AMENDMENT NO. 774

Mr. SMATHERS. Mr. President, I submit an amendment which I intend to propose to H.R. 13712, the proposed Fair Labor Standards Amendments of 1966. My amendment would prohibit employment discrimination against individuals 45 or over on the basis of age.

I offered a similar amendment when the Civil Rights Act of 1964 was before the Senate. Unfortunately, the parliamentary situation in which we found ourselves was not favorable to the adoption of my amendment, and it was defeated. Nevertheless, I am convinced that many Senators who voted against it wanted to vote for it, and would have had been more favorable. I am offering

this proposal again in the hope that more Senators will be able to go along with me than felt at liberty to do within the narrow confines of the parliamentary situation which obtained at that time.

Since the enactment of the Civil Rights Act of 1964, discrimination on the basis of race, religion, sex, and national origin has been prohibited. As an original proposition, we might well hesitate to interfere with the freedom of employers to choose their own employees. But since Congress passed that act, the Nation has "crossed the Rubicon" on this issue, and it has been made the official policy of our Nation that substantial pressures are to be brought to bear upon employers to prevent their discriminating on various grounds against Americans who fall into certain categories. It is unfair to those over 45 who suffer employment discrimination because of their ages to refuse to accord them the same protection which is now accorded millions of others who face the possibility of discrimination.

While we were unsuccessful in amending the Civil Rights Act as I proposed, it was possible to include in that act a direction to the Secretary of Labor to study age discrimination in employment and to report to Congress on it. The Secretary carried out that mandate and submitted to Congress a comprehensive report on this subject on June 30, 1965.

In connection with his preparation of that report, the Secretary of Labor made a special study of age limitations in hiring. Among the major conclusions drawn by the Secretary from that study were the following, quoted verbatim from the report:

1. The setting of specific age limits beyond which an employer will not consider a worker for a vacant job, regardless of ability, has become a characteristic practice in those States which do not prohibit such action, to the extent and with the result that in these States:

Over half of all employers are presently applying such limitations, using age limits typically set at from 45 to 55;

Approximately half of all job openings which develop in the private economy each year are closed to applicants over 55 years of age, and a quarter of them are closed to applicants over 45.

2. The establishing by employers of stated age limitations (or, on the other hand, of stated policies against any age limitations) has a direct and marked effect upon the actual employment of older workers, with the result that—

The proportion of older workers hired by firms with stated upper age limits is half the proportion of older workers hired by firms with stated policies of ruling out age limits.

The proportion of older workers hired by firms with no stated policy regarding age limitations is significantly smaller than the proportion of older workers hired by firms with stated policies of ruling out age limits, especially with respect to workers 55 and over.

3. An unmeasured but significant proportion of the age limitations presently in effect are arbitrary in the sense that they have been established without any determination of their actual relevance to job requirements, and are defended on grounds apparently different from their actual explanation.

4. The competence and work performance of older workers are, by any general measures, at least equal to those of younger workers.