

ment, would be the single most effective move Congress could make to effectuate greater economy and efficiency in government.

Sixth. Finally, I suggest that serious consideration be given to the possibility of arranging a regular special session of Congress to focus on appropriations and related economic decisions. Such a session would be held for approximately 1 month following the adjournment of the regular session. At that session, we should have a much better opportunity to ascertain where we can and should decrease or defer certain expenditures in the interests of the overall fiscal position of the Federal Government.

Mr. President, I am happy to have had this opportunity to reiterate my six points and to relate the proposed program to the pressure of the Berlin crisis, which I believe makes it more important than ever that we act to keep our free economic system strong and vibrant. While there certainly are other steps which can be taken to curb price erosion, the essential point is that we must act decisively and promptly to prevent the now enlarged 1962 budgetary deficit from creating a wild inflationary spiral in the months ahead.

APPLICATION OF FEDERAL CRIMINAL LAW TO CERTAIN EVENTS OCCURRING ON BOARD AIRCRAFT

The Senate resumed the consideration of the bill (S. 2268) to amend the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce.

Mr. MONRONEY. Mr. President, I wish to express my appreciation to the leadership for providing time out of the program which was previously scheduled to enable the Senate to consider the bill originally introduced by the distinguished junior Senator from California [Mr. ENGLE] and many cosponsors (S. 2268).

Perhaps because of the worry and anxiety that was occasioned by the hijacking of the Pan American DC-8 plane yesterday, the Members of the Senate and the public, should again be assured that the bill is not the product of hasty action or brought to the Senate as a result of an emergency without proper consideration.

More than 4 weeks ago, the Senator from California discovered the lack of proper laws to deal with crimes committed in the air, and began a careful study of the problem. He conferred with the officials and attorneys in the Federal Aviation Agency and the Department of Justice, and made a study of the history of the Maritime Acts and of how they might be applied to the new threat due to crimes committed in the air.

In order that the Senate may understand the scope of the bill, I think it would be proper to explain that the main body of the proposed legislation, spelled out in paragraph (1) of the new subsection proposed in the committee amendments applies the various sections of existing law governing crimes committed in the special maritime and ter-

ritorial jurisdiction of the United States to crimes committed in the air.

Thus the bill applies to section 113 of title 18 dealing with assaults, and section 114, dealing with maiming, to similar conduct on aircraft in flight in air commerce.

Sections 1111 and 1112, relating to murder, murder in the second degree, manslaughter, and other crimes of that nature; section 1113 relating to the attempt to commit murder or manslaughter; section 1363 dealing with willful or malicious damage to or destruction of property; section 2111 dealing with robbery—all are similarly made applicable to crimes aboard aircraft in flight.

Thus the bill applies to crimes in air commerce this very important body of law. There has been no criticism of the existing acts as they apply to the high seas. By applying them to crimes committed on aircraft in flight, the bill follows this well-recognized body of law.

Under the law of nations, and by international treaties, piracy is a well-recognized crime, and statutes pertaining to it are made applicable to aircraft in this bill.

The important new item in the bill relates to the crime of hijacking. In addition to the law of piracy, the bill makes an attempt to obtain control of an aircraft by unlawful force or violence or by threats of violence, or intimidation or threat, a crime punishable by imprisonment for life or not less than 20 years.

Amendments which will be offered propose the addition of the death penalty. One such amendment, offered by the Senator from Washington [Mr. MAGNUSON], is now, I believe, the pending order of business.

Another amendment will be offered by the distinguished Senator from Texas [Mr. YARBOROUGH].

Paragraph 4 makes it a crime to furnish false information, in the nature of a hoax by a person who knows it is false information, regarding an attempt to hijack a plane. This provision is almost identical to the language of the provisions of previous legislation which makes it a crime to supply false information concerning a threat of bombing a plane. Anyone who knowingly imparts false information concerning the hijacking of a plane would be guilty under this section.

The bill provides that the new laws, including the maritime provisions which would be made applicable to crimes in the air as well as on the high seas, will be enforceable by the Federal Bureau of Investigation.

The section dealing with the carrying of weapons aboard an aircraft is a very important provision of the bill. I believe that when an amendment to be offered by the Senator from Iowa [Mr. MILLER] is offered, the bill will be further clarified.

An additional section of the bill, written by the subcommittee, provides that an air carrier, under rules and regulations prescribed by the Administrator, may refuse transportation to any person when, in the opinion of the air carrier, such transportation would or may be inimical to safety in flight. This pro-

vision would give greater authority of surveillance, but without impinging upon a citizen's right against search and seizure.

Mr. COTTON. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I am happy to yield.

Mr. COTTON. As the ranking minority member of the Aviation Subcommittee, I wish to associate myself with the explanation which has just been made of the bill by the chairman of the subcommittee, the distinguished Senator from Oklahoma.

It has already been said, but I think it should be emphasized, that the Senate and the country should know that the bill now before the Senate is not a hastily prepared bill.

It is not in any sense "shooting from the hip." It is not in any sense the result of an emotional climax because of repeated so-called hijacking incidents. The distinguished Senator from Oklahoma [Mr. MONRONEY] and his subcommittee and its staff, and also the distinguished Senator from California [Mr. ENGLE], who many weeks ago introduced the first bill, which resulted in the beginning of the consideration which has led to the present bill, are to be commended for the care, the diligence, and the foresight which have characterized the entire preparation of the bill. The subcommittee worked several days considering similar bills by Senator BRIGGS, of New Hampshire, and others. Both the majority members and the minority members of the staff worked long and diligently.

Curiously enough, it was by coincidence that a hearing which had been arranged and advertised several days in advance, came the day after the hijacking incident in El Paso, Tex.

I mention these things because I think we cannot emphasize too strongly that this is not in any sense a crash program. Instead, this bill has been long and carefully prepared.

The amendment submitted by the Senator from Iowa [Mr. MILLER] is a technical one which is very necessary; and its omission was an oversight, even though we were carefully preparing the bill. The amendment offered by the distinguished Senator from Texas [Mr. YARBOROUGH], a member of the subcommittee, is one which was considered carefully, and it is a good amendment and is necessary.

Again I should like to compliment the Senator from Oklahoma [Mr. MONRONEY], on the care with which this bill has been prepared; and again I wish to emphasize that the measure is a carefully prepared one, and is not in any sense a hurried measure brought to the floor with haste, because of any recent occurrences.

Mr. MONRONEY. Mr. President, I thank my distinguished colleague, the ranking minority member of the Aviation Subcommittee, for his statement.

Certainly, among all the bills which he has so ably participated in preparing, this bill has received, for its size and content, as much line-by-line consideration and discussion as any other, and not—as sometimes occurs—with

only one or two members of the subcommittee present, but with the full subcommittee meeting early in the morning several times, to consider, examine, and reexamine the various provisions, and consider whether the language proposed was correct.

The reporting and consideration of the bill at a time of high tension over a recent hijacking were merely coincidental, for the fact is that the Senator from California [Mr. ENGLE] had started working on the bill 4½ weeks ago; and both the subcommittee and the Government agencies particularly concerned and the Department of Justice were deeply involved since then in trying to find the proper remedy.

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

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Oklahoma yield to the Senator from New York?

Mr. MONRONEY. I yield.

Mr. JAVITS. I thank the Senator from Oklahoma for yielding to me.

I should like to point out that overnight we took a further look at the legal point of view; and we believe that the bill is all inclusive, under one heading; and certainly it does the job intended, and buttons up what obviously was an interstice in the law.

I may say that the atmosphere in this Chamber this morning is in quite sharp contrast to the atmosphere of yesterday; and those of us who yesterday counseled a little calm deliberation and obtaining of the facts before we jumped into some war attitude turned out to be correct. Of course, we might have turned out to be wrong; but this only emphasizes the fact that in the present dangerous world situation, we should let the two hotheads be Khrushchev and Castro; and let us be calm as we proceed to tighten up our laws and make our purposes clear and keep our wits sharp. Let us not panic.

Mr. MONRONEY. I thank the Senator from New York.

Certainly we were working with due diligence. The report was ready to be filed yesterday; and it was merely a coincidence that the filing of the report came at the time of the hijacking.

At this time I should like to yield to the one whose foresight and study led him to offer the bill, and who had already introduced one version of the bill prior, I believe, to any of the more recent hijackings.

Therefore, Mr. President, I now yield the floor to my distinguished colleague, the author of the bill, the Senator from California [Mr. ENGLE].

Mr. ENGLE. Mr. President, I thank my able friend, the Senator from Oklahoma, who has done an excellent job in describing and defining the remaining provisions of the bill on which I did not comment last night.

There is one section to which I wish particularly to refer; it is the section which defines a flight crew member. I call attention to the language on page 4 of the report, which reads as follows:

An act of violence directed against a flight crew member endangers not only such crew member but seriously jeopardizes the safety

of every other person aboard the aircraft, as well as persons on the ground. Similar acts directed against passengers and members of the crew not directly involved in the safe operation of the aircraft are adequately covered under section 113 of title 18 of the United States Code, and incorporated by reference in this bill. The penalties imposed by section 113 are fully commensurate with the magnitude of the offenses.

I mention that because the Air Line Pilots Association asked to have included in the definition of "flight crew member" a stewardess. In other words, they wanted to strike out the word "flight," so as to have the phrase read "crew member."

The reason we did not do that was that we felt that the penalties provided for jeopardizing the actual safe flight of an airplane ought to be very much heavier than those provided for interfering with a stewardess, however important that may be; and section 1 of the bill, as drafted, would take care of any assaults or attempted assaults or any other action involving a steward or a stewardess, just as it would if the assault or attempted assault involved a passenger—as I indicated yesterday, in colloquy with the Senator from Massachusetts.

With reference to the section on piracy, this section, as indicated by the distinguished Senator from Oklahoma, was lifted out of the U.S. maritime law. In doing that and in applying the maritime law of piracy to air commerce, we have taken over an established body of law. It must be remembered that we have not had any law of this type dealing with air commerce and in picking up the maritime law provisions with reference to piracy, we have included an established body of law for which adequate penalties are provided.

I may state in passing that this is not unprecedented, in that under the present maritime law of the United States there is jurisdiction over airplanes flying over the high seas. That is included in title 18, United States Code.

I submit at this time, for printing in the RECORD, an excerpt from the code which defines the term "special maritime and territorial jurisdiction of the United States," as used and as incorporated in this bill.

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

TITLE 18, UNITED STATES CODE

Section 7:

SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES DEFINED

The term "special maritime and territorial jurisdiction of the United States," as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States,

and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the international boundary line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the direction of the President, be considered as appertaining to the United States.

(5) Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, district, or possession thereof, while such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State. (As amended July 12, 1952, c. 695, 66 Stat. 589.)

Mr. ENGLE. Mr. President, there are pending at the present time amendments to increase the severity of the penalty for piracy of an airplane—to change it from life imprisonment to death. The reason the bill is written as it is is that traditionally the penalty for piracy has been life imprisonment, with no alternative. That is the provision of the maritime law. So when we picked up the provisions of the maritime law and applied them to air commerce, we included the penalty just as it was provided in that law.

The distinguished Senator from Texas [Mr. YARBOROUGH] wanted to have provision for imposition of the death penalty included as an alternative. Personally, I would have no objection to doing that, provided imposition of the death penalty was not made mandatory. In fact, I would prefer a system of penalties more flexible than that included in the bill.

Life imprisonment is the traditional penalty for piracy on the high seas. That is the way the maritime law now stands, and it is also the subject of international agreements to which the United States is a signatory. But it would be much more sensible, in my opinion, to have a penalty provision of greater flexibility, such as the one proposed by the Senator from Texas, so that the penalty would range from imprisonment for 5 years to life or the death penalty; and I would say the penalty for piracy of an airplane should be much more severe than the penalty for piracy of a ship. That is for the reason that if a ship is hijacked, it still floats. On the other hand, if an airplane is hijacked, the situation is much more dangerous, because interference with crew members could very seriously impair the safety of the airplane. If a ship that has been pirated runs out of fuel, it still floats. But if an airplane runs out of fuel—particularly a jet, and especially the 707's or the DC-8's or those which have been involved in the recent occurrences—the airplane would be in very serious danger if it were not in a place where it could land.

A ship can be contacted by other ships, and aid can get to it when there has

been piracy on the high seas. But when a plane is pirated, there is no way to get to it except by radio communication.

The consequent dangers of piracy and hijacking of an airplane while in flight are very much greater than the piracy and hijacking of a ship at sea, and therefore more stringent penalties, in my opinion, ought to be imposed. But they ought not to be mandatory; they ought to be subject to the discretion of the jury.

That is all I have to say regarding this measure. I think it has been adequately explained. I think it has been carefully studied and gone over by the Aviation Subcommittee and the full Committee on Commerce. I think it is a good bill, and, with minor amendments, I hope it will pass.

Mr. YARBOROUGH. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The Chair is advised that there is a pending amendment offered by the Senator from Washington. Disposition must be made of that amendment prior to further action on amendments.

Mr. ENGLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ENGLE. Has the committee amendment been adopted?

The PRESIDING OFFICER. The committee amendment has not been adopted.

Mr. ENGLE. Mr. President, I ask that the committee amendment be adopted.

The PRESIDING OFFICER. If the Senator will pause for a moment, the Chair wishes to state that he is advised the committee amendment is in the nature of a substitute and will be treated as a bill, and amendments can be offered to the committee amendment. One such amendment has been offered by the Senator from Washington, and is now pending. The question is on agreeing to that amendment.

Mr. ENGLE. Mr. President, I withdraw my request.

I have been informed the Senator from Washington [Mr. MAGNUSON] is willing to withdraw his amendment, and I ask unanimous consent that his amendment may be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. ENGLE. I now yield to the Senator from Texas [Mr. YARBOROUGH].

Mr. YARBOROUGH. Mr. President, I call up my amendment to the committee amendment—which is offered on my behalf and on behalf of the distinguished senior Senator from Washington [Mr. MAGNUSON]—identified as 8-9-61-G.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas will be stated.

The LEGISLATIVE CLERK. It is proposed in paragraph 2 of subsection 902(i) as proposed in the committee bill, to strike out the last sentence and insert:

Whoever in the commission of any such acts uses a firearm or other deadly or dangerous weapon, shall be punished by death, or by imprisonment for life, or for such term

of years not less than twenty, as the jury may direct.

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

Mr. YARBOROUGH. Mr. President, I commend the distinguished majority leader for his statement this morning about the prompt consideration of this bill, the distinguished Senator from Oklahoma [Mr. MONRONEY], who is chairman of the Aviation Subcommittee of the Commerce Committee, and has been considering this matter for weeks, and the distinguished Senator from California [Mr. ENGLE], who has been working on legislation on this subject for weeks, and perhaps months.

As has been pointed out, this was no sudden, erratic legislation introduced because of the hijacking of the plane over Mexico yesterday. The distinguished Senator from California has had his bill in preparation for weeks. Hearings have been held on it by the Aviation Subcommittee, and the hearings have been printed. There is before the Senate a hearing of some 60 pages, and a printed report.

My original bill provided for the death penalty for only a limited type of crime hijacking, while this comprehensive bill of the Senator from California, covers many types of crimes against aircraft or its operators.

Mine was a limited bill (S. 2373), introduced on August 3, providing certain punishments for the seizure of aircraft by force. Hearings were held by the Subcommittee on Aviation, and the testimony was reported, and the subcommittee reported my bill (S. 2373), providing for an alternate death penalty for the hijacking of planes, to the full committee.

I would point out that my measure has never provided for a mandatory death penalty. In my experience as a trial judge for 5 years, one-third of which time was spent in the trial of criminal cases, I observed that too drastic a penalty defeated justice. If too drastic a mandatory penalty were provided, which the average jury considered too high, it would sometimes find the defendant not guilty, rather than find him guilty and have imposed on him a punishment they considered excessive. So my bill (S. 2373) provided for punishment by death, or life imprisonment, or a lesser term of imprisonment as the jury might direct, but not less than 5 years.

The amendment I have offered provides for a term of not less than 20 years.

The minimum punishment term was raised from 5 years to 20 years to fit into the body of the rest of the bill, which had been carefully worked out by the distinguished Senator from California, and also to fit in with the recommendations of the Department of Justice, and also fit in with existing laws pertaining to piracy on the high seas.

As a result of my experience as trial judge, where I saw criminal laws enforced by district attorneys, and saw their efforts fail sometimes, I think this

amendment provides a sound, logical penalty, and is in conformity with the body of law applying in other situations.

The national bank robbery law now provides, in the event of robbery of a national bank, an optional death penalty if the robber takes hostages either during the robbery or in his getaway or in the disposal of the property. There is also a proviso for an optional death penalty in the Federal kidnaping laws, if the persons kidnaped are not released unharmed.

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

Mr. YARBOROUGH. I yield.

Mr. MONRONEY. Do I correctly understand that the amendment offered by the distinguished Senator from Texas, and which is now before the Senate, amends the committee substitute language on page 3, at the top of the page, and follows the general provisions of the bill, and has been drafted with the assistance of the committee staff to fit into the context of this rather complicated bill?

Mr. YARBOROUGH. Yes; my amendment was drafted yesterday afternoon, patterned on the original bill I introduced on August 3, but it was redrafted yesterday afternoon in cooperation with the committee staff, the staff of the subcommittee chairman, to make it fit into the body of the rest of the law. I raised the minimum penalty from 5 to 20 years so it would fit in better with the body of the longer committee bill. I really thought the 5-year minimum I had originally provided was on a sounder basis, in view of my experience as a judge in criminal law cases.

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

Mr. YARBOROUGH. I yield.

Mr. JAVITS. Is the 20-year sentence mandatory?

Mr. YARBOROUGH. No; it is 20 years to death.

Mr. JAVITS. But the 20-year sentence is mandatory; is it not?

Mr. YARBOROUGH. No. If the defendant is found guilty, that is the minimum penalty. That is in the existing bill without my amendment. My amendment merely raises the maximum penalty that might be inflicted from life imprisonment to a maximum punishment of death.

Mr. MONRONEY. The penalty, under the amendment, will be changed by adding the provision for the death penalty, which is not mandatory, to the provision for imprisonment for life or for a term of years not less than 20.

As chairman of the subcommittee, it is my understanding that this amendment is acceptable to the committee, and we are prepared to accept it.

Mr. JAVITS. Mr. President, I wish to be recognized. I shall not intrude very long.

Mr. MONRONEY. May the Senator yield to the Senator from Kansas [Mr. SCHOEPFEL], who is a member of the subcommittee and who has worked very diligently on this measure? I think he would like to express himself on the amendment before the Senate.

Mr. SCHOEPEL. I thank the distinguished Senator from Oklahoma.

Mr. President, I wish to say, quite frankly and positively, I concur in the proposed legislation, especially with reference to the amendments and including the amendments which have been considered or will be considered by the Senate. Much work and effort has gone into preparing the measure. I know of no objection on our side on the Commerce Committee with reference to the proposed legislation or to the amendments.

Mr. JAVITS. Mr. President, I wish to address myself to some other matters very briefly, but first I should like to ask the proponent of the amendment to make clear for the RECORD the intent of the amendment, so that there may be no question about it in the future.

In view of the provisions which are in the Senator's amendment, separated by commas, is it the intention of the Senator, as the amendment is drafted, that the jury shall specify the term of years for which there shall be imprisonment, or is it the intention that the jury specify the punishment as among the three categories: death, imprisonment for life, or imprisonment for a minimum term of 20 years, or whatever other term the judge may see fit to specify?

Mr. YARBOROUGH. That would be left up to the jury.

Mr. JAVITS. It is intended that the jury is to make a specification by categories, and not to fix the exact penalty?

Mr. YARBOROUGH. The jury is to fix the category and also the number of years.

Mr. JAVITS. Would the jury determine the number of years more than 20? Is that the Senator's intention?

Mr. YARBOROUGH. Yes.

Mr. JAVITS. The jury would determine the punishment?

Mr. YARBOROUGH. Yes.

Mr. JAVITS. I should not think that would work out in practice in many States which do not give the juries that power. The juries have no probation reports or anything else.

Mr. YARBOROUGH. The jury fixes the penalty in my State.

I say to the distinguished Senator from New York, the bill as originally introduced on August 3 had a similar provision. That was drafted by the legislative drafting service, under the request that the bill be drafted in conformity with the existing Federal criminal law. The staff of the drafting service, along with the staff of the committee and the assistance of the staff of the subcommittee, drafted the amendment. Each of the provisions was drafted to conform to existing Federal practice.

Mr. JAVITS. I would doubt that any of us would take the position that the legislative drafting service, excellent as it is, is omniscient.

I simply say to the Senator that I obviously have not made a digest of the law, but I certainly hope that in the conference between the Senate and the House this question can be resolved in accordance with the settled practice of most States. That may be the practice in the Senator's State. It is not the practice in my State, and I do not think it is

the practice in many other States for a jury to fix the exact punishment in terms of years.

I can understand a situation in which the jury would determine whether the punishment should be death, life imprisonment, or less than life imprisonment, and then the judge would fix the precise penalty within the limitations of law. I can hardly understand a jury saying the penalty shall be 22 years, 23 years, 21 years, or 30 years. I doubt very much that that would fit in with the practice of the courts in many States.

As I say, I am not prepared, because I have not researched the law on the subject, to argue the question with the Senator. I only state the expectation that in the conference this language may be refined so that the provision will be in accord with the practice of most States.

Mr. YARBOROUGH. It is my recollection that in most States the juries fix the sentences. That is a matter which we can ascertain by a telephone call. I would not want to guess, based simply on memory. I feel certain that was the condition before World War II, at the time I was serving as a judge in court.

Mr. JAVITS. Would not the Senator join me, as the proponent of the amendment, in stating the expectation that whatever is the situation in the bulk of the States will be squared with the provision we shall adopt when it finally goes through the congressional mill?

Mr. YARBOROUGH. Only if that is a provision which fits the situation under the current Federal law. I think the bill should fit in with the body of Federal law, the Code of Criminal Procedure.

Mr. JAVITS. We would both agree.

Mr. YARBOROUGH. I do not think we should introduce an innovation into Federal law. The amendment was drawn in an effort to make it conform only to existing Federal criminal statutes generally. The penalty provision conforms. The death penalty fits in with kidnaping and bank-robbing penalties.

Mr. JAVITS. We are not arguing about that at all. I am not raising that question. I raise the single, simple question as to whether the jury, under the established Federal practice, should fix the precise term of years, if it is a term of less than life and more than 20 years. I hope very much that question may be resolved.

Mr. YARBOROUGH. I will say to the Senator from New York—

Mr. JAVITS. If the Senator will permit me to finish, I do not wish to have this confused with some other idea about being soft on a penalty. I am speaking only about a single, clear, legal question. I hope that question can be clarified before we permit the legislation to get out of the hands of the Congress.

Mr. YARBOROUGH. I agreed with the distinguished Senator that it ought to be settled, and settled not in accordance with what the States have done in one State or in many States but with what is done in the body of Federal criminal law. We had the benefit of the services of legislative counsel and of counsel for the committee and of the subcommittee. I shall check it further.

We have had different groups of counsel check, and to make sure it is in conformance with existing law, I shall check it personally.

Mr. JAVITS. I thank my colleague.

Mr. YARBOROUGH. I shall read the code. I think the provision should be in conformity with the body of the Federal criminal statutes.

Mr. JAVITS. I thank my colleague. I simply wish to have our intention made clear. I think it will be carried out.

EIGHTY-SEVENTH BIRTHDAY ANNIVERSARY OF HERBERT HOOVER

Mr. JAVITS. Mr. President, this is the 87th birthday of former President Herbert Hoover, now a resident of my town in New York. Many Senators will certainly wish to have noted for the RECORD that we congratulate him upon good health and long life, we pay tribute to his services to the Nation, and we signalize his birthday with a warm and very happy birthday greeting.

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

Mr. JAVITS. I yield to my colleague.

Mr. KUCHEL. Mr. President, as a Californian and as an American I wish to join my colleague from New York on the occasion of the 87th birthday of that great and imposing world statesman and former President, Herbert Hoover, beloved by all humankind for a lifetime of devotion to the cause of free peoples.

Mr. Hoover was born in the State represented so ably by my colleagues from Iowa [Mr. HICKENLOOPER and Mr. MILLER]. As a young man he came to my State of California. There he attended and graduated from Stanford University. Shortly thereafter, he began a career which led to the greatest of success as an engineer, with worldwide experience, and which also led to a unique and splendid career of public service to the people of our Nation, culminating with his election as our Chief Executive.

Through the years since leaving public office Mr. Hoover has come to be recognized by the American people as one of our most distinguished and articulate exponents of the free way of life, which all of us revere and which all of us are prepared to maintain.

On the occasion of the birthday of this distinguished American I am sure I speak for all Senators, and indeed for all the people of our country, and in a very real sense for all people who enjoy freedom on this globe today, when I say to my colleague that I am quite honored to associate myself with his remarks. Happy birthday to President Hoover.

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

Mr. JAVITS. I thank my colleague from California. I yield to my colleague.

Mr. MILLER. Mr. President, I certainly wish to associate myself with the remarks of the distinguished Senator from New York and of the distinguished Senator from California. As pointed out by my colleague from California, former President Hoover was born in Iowa, in the town of West Branch, where there will be a library dedicated to his honor sometime this fall.

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