ena Bilhart; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 18080. A bill for the relief of Dandolo Frati; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 18081. A bill for the relief of Dedrick A. Maanum; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 18082. A bill for the relief of Isobel Rodriguez Berrey; to the Committee on the Judiciary.

H.R. 18083. A bill for the relief of Raul B. Rodriguez Berrey; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 18084. A bill for the relief of Florvante Evangilista; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 18085. A bill to permit certain vessels to be documented for use in the fisheries and coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEILL of Massachusetts:

H.R. 18086. A bill for the relief of Voula Koboti; to the Committee on the Judiciary.

H.R. 18087. A bill for the relief of Orlando J. S. Mendonca; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 18088. A bill for the relief of Miss Zenaida Carreon Alcasid; to the Committee on the Judiciary.

H.R. 18089. A bill for the relief of Demetrio Carinci; to the Committee on the Judiciary.

H.R. 18090. A bill for the relief of Miss Fe Enerlan Galindo; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 18091. A bill for the relief of Aurora Floresca; to the Committee on the Judiciary.

H.R. 18092. A bill for the relief of Jesus Joselito Floresca; to the Committee on the Judiciary.

H.R. 18093. A bill for the relief of Dr. Jesus L. Floresca; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 18094. A bill for the relief of Aurea Casas; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 18095. A bill for the relief of Salvatore Russo; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 18096. A bill for the relief of Amelia Concepcion Cubid; to the Committee on the Judiciary.

H.R. 18097. A bill for the relief of Raja Butros El-Qare; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 18098. A bill for the relief of Joao Pereira; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 18099. A bill for the relief of Mrs. Ivanka Micic; to the Committee on the Judiciary.

SENATE—*Monday, June 24, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, with a faith that will not shrink though pressed by every foe, we would this day climb the altar steps which lead through darkness up to Thee. For our greatest need is of Thee.

O God, in whose almighty hand the future lies, give us understanding minds, patient hearts, and determined wills that through us Thou mayest be able to create among the nations and peoples of the earth Thy charter for freedom and justice.

In the crises of our times join us with those, who across the waste and wilderness of human hate and need, preparing the way of the Lord, throw up a highway for our God—

That we may tell our sons who see the light
High in the heavens, their heritage to take;
I saw the powers of darkness put to flight—
I saw the morning break.

We ask it in the name of that one who is able to keep us from falling and to lead us on from strength to strength. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 21, 1968, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

It is with special satisfaction that I transmit the Annual Report of the Railroad Retirement Board for fiscal year 1967.

During the year, more than one million individuals received $1.3 billion in retirement and survivor benefits, an increase of $65 million over the preceding year.

In the same period, unemployment and sickness benefits were only $71 million. This represented the lowest total paid under the railroad unemployment and sickness insurance system in 15 years, with the decrease reflecting in large part the continued high level of economic activity in the Nation.

Even greater protection for railroad beneficiaries will soon be available, thanks to the recent legislation enacted by the Congress. These amendments to the basic laws administered by the Railroad Retirement Board were jointly recommended by railroad management and railroad labor. They are to be commended for their continued cooperation in improving these laws.

As a result of these amendments, every one of the million retirement and survivor beneficiaries will receive added benefits. In addition, the benefit rates under the unemployment-sickness system will rise by almost 25 percent, and protection will be extended to those with prolonged illnesses.

The latest amendments continue the record of steady improvement in our system of protection for railroad workers and their families against the economic hazards accompanying old age, unemployment, illness and death.

This report shows the fruits of our common and continued efforts to lift the elderly citizens of our country out of the ranks of poverty, and thereby to give more meaning to their years of retirement.

I commend the report to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 24, 1968.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry, the Committee on the District of Columbia, and the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations for the Department of State, the Agency for International Development, and the Environmental Science Services Administration only.

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

DEPARTMENT OF STATE

The bill clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill clerk read the nomination of H. Brooks James, of North Carolina, to be an Assistant Administrator of the Agency for International Development.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The bill clerk read the nomination of John W. Townsend Jr., of Maryland, to be Deputy Administrator, Environmental Science Services Administration.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1257, 1258, 1259, and 1265.

GYORGY SEBOK

The bill (S. 1501) for the relief of Gyorgy Sebok was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Gyorgy Sebok shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 1, 1962.

SEC. 2. The time Gyorgy Sebok has resided and has been physically present in the United States since October 1, 1962, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act, as amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1297), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

JORGE L. MACHADO

The bill (S. 2385) for the relief of Jorge L. Machado was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jorge L. Machado shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 8, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1298), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Jorge L. Machado as of December 8, 1961, thus enabling him to file a petition for naturalization.

JOSÉ ESTRADA

The bill (S. 2675) for the relief of José Estrada was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2675

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That, for the purposes of the Immigration and Nationality Act, José Estrada shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 18, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1260), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. EDUARDO FERNANDEZ-DOMINGUEZ

The Senate proceeded to consider the bill (S. 3012) for the relief of Dr. Eduardo Fernandez-Dominguez which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "of" strike out "September 30, 1928," and insert "September 24, 1928,"; so as to make the bill read:

S. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Eduardo Fernandez-Dominguez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 24, 1928, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1289), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the proper date upon which he entered the United States for permanent residence.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar Nos. 1268 through 1272.

AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT

The Senate proceeded to consider the bill (H.R. 15147) to amend the Immigration and Nationality Act to provide for the naturalization of persons who have served in combatant areas in active-duty service in the Armed Forces of the United States, and for other purposes, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440) is amended by inserting after "July 1, 1955," the following: "or during a period beginning February 28, 1961, and ending on a date designated by the President by Executive order as of the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force,".

SEC. 2. Section 329(b)(4) of the Immigration and Nationality Act is hereby amended by inserting after "July 1, 1955," the following: "or during a period beginning February 28, 1961, and ending on a date designated by the President by Execu-

tive order as the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force,".

SEC. 3. Notwithstanding any other provision of law, no clerk of a United States court shall charge or collect a naturalization fee from an alien who has served in the military, air, or naval forces of the United States during a period beginning February 28, 1961, and ending on the date designated by the President by Executive order as the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, and who is applying for naturalization during such periods under section 329 of the Immigration and Nationality Act, as amended by this Act, for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this section shall be made to the Attorney General as in the case of other reports required of clerks of courts by title III of the Immigration and Nationality Act.

SEC. 4. The third sentence of section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is hereby amended by striking out the language "sections 327 and 328" and substituting in lieu thereof the language "sections 328 and 329".

SEC. 5. Section 328(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1439) is hereby amended by inserting after the word "notwithstanding" the language "section 318 insofar as it relates to deportability and".

SEC. 6. Section 329(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1440) is hereby amended to read as follows:

"(1) he may be naturalized regardless of age, and notwithstanding the provisions of section 318 as they relate to deportability and the provisions of section 331;".

SEC. 7. The section of section 329 of the Immigration and Nationality Act is amended to read as follows:

"NATURALIZATION THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR I, WORLD WAR II, THE KOREAN HOSTILITIES, THE VIETNAM HOSTILITIES, OR IN OTHER PERIODS OF MILITARY HOSTILITIES"

SEC. 8. That portion of the table of contents contained in the first section of the immigration and Nationality Act which appears under the heading "TITLE III—NATIONALITY AND NATURALIZATION" is amended by changing the designation of section 329 to read as follows:

"Sec. 329. Naturalization through active-duty service in the Armed Forces during World War I, World War II, the Korean hostilities, the Vietnam hostilities, or in other periods of military hostilities."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1292), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to provide for the expeditious naturalization of aliens who have served in an active-duty status in the Armed Forces of the United States during the Vietnam hostilities or during any other period in the future which may be designated by the President by Executive order as a period in which our Armed Forces may be involved in armed conflict with foreign hostile forces. As passed by the House of Representatives, the special naturalization benefits were limited to members of the Armed Forces serving in defined combatant areas, but under the amended language, eligibility for the special benefits is determined by the time of service. In addition, under the amended language, the eligible servicemen are exempted from certain naturalization fees.

STATEMENT

Legislation providing for the expeditious naturalization of noncitizens who have rendered honorable service in the Armed Forces of the United States covers a span of more than 100 years of American history. The rewards embodied in these enactments consistently have been in the form of relief from compliance with some of the general requirements for naturalization applicable to civilians. Exemptions granted wartime servicemen and veterans have been more liberal than those given for services rendered during peacetime.

With the passage of the Nationality Act of 1940, effective January 13, 1941, and continuing to the present, our naturalization laws have conferred special benefits upon aliens in the Armed Forces of the United States. The Nationality Act of 1940, as originally enacted, made no distinction between peacetime and wartime service for naturalization purposes. Honorable military service at any time for an aggregate period of 3 years was substituted for the required United States and State residence, and no admission for permanent residence, declaration of intention, certificate of arrival, residence within the jurisdiction of the court, or waiting period was necessary for naturalization. The involvement of the United States in World War II led to the passage of the Second War Powers Act of 1942 which added to the Nationality Act of 1940 provisions for the expeditious naturalization of military personnel engaged in that war. Practically all of the general naturalization requirements were waived and residence in the United States, its territories or possessions, after a lawful admission, not necessarily for permanent residence, qualified the serviceman for naturalization. This prerequisite was later eliminated in the cases of servicemen who served beyond the continental limits of the United States. More than 143,000 members of the U.S. Armed Forces were granted naturalization under this legislation which expired on December 31, 1946.

In 1942 temporary legislation relaxing some of the naturalization requirements was passed for veterans who had served during certain periods of the Spanish-American War, World War I, and on the Mexican border. In 1948 permanent legislation was included in the Nationality Act of 1940 in recognition of the service performed during World War I and World War II. This legislation permitted waiver of the requirement of an admission for permanent residence when induction or enlistment occurred in the United States. It also granted exempted from the United States and State residence, physical presence, residence within the jurisdiction of the naturalization court and any waiting period for naturalization. Relief from some of the general requirements has not, however, included exemption from the establishment of good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States.

The policies reflected in these earlier enactments have been continued in the Immigration and Nationality Act. In that act a distinction has been drawn between naturalization benefits accorded wartime veterans and benefits available to those who served during times of peace. However, the provisions of the Immigration and Nationality Act, relating to service during wartime, were not broad enough to include the Korean hostilities. Temporary legislation to meet this need was passed in 1953 covering the period between June 25, 1950, to July 1, 1955, and granting exemptions similar to those available to World War I and World War II veterans. Eligibility in this enactment was conditioned upon service of no less than 90 days. Admission for permanent residence was also required; otherwise, physical presence in the United States for 1 year following a lawful admission had to be established. In 1961 Korean veterans were extended benefits identical with those of veterans of World War I and World War II under the Immigration and Nationality Act and the requirement of service for 90 days and the physical presence of 1 year were eliminated. A total of 31,000 alien members of the U.S. Armed Forces were granted naturalization under the special legislation.

The general requirements for naturalization are in section 316 of the Immigration and Nationality Act, as amended. In order to qualify for naturalization, an alien must establish that during the 5 years immediately preceding the date of filing a naturalization petition, he has resided continuously within the United States after being lawfully admitted for permanent residence, he has been physically present in the United States for periods totaling at least one-half of the 5-year period, he has resided within the State in which the petition is filed for at least 6 months, and he is at least 18 years of age. In addition, a waiting period of at least 30 days must elapse between the date of filing his petition and his admission to citizenship, and such admission to citizenship cannot be conferred during the 60 days immediately preceding a general election in the State. In the case of an alien married to a U.S. citizen, the above 5-year period is reduced to 3 years if the alien has continuously lived in marital union with the citizen spouse during these 3 years. (Sec. 319 of the Immigration and Nationality Act.)

There are two basic exceptions to the residence and physical presence requirements pertaining to honorable, active-duty service in the Armed Forces of the United States:

Section 328 of the Immigration and Nationality Act deals essentially with peacetime service, and provides that an alien who served honorably at any time in the Armed Forces of the United States for a total of 3 years, may be naturalized without regard to the requirements concerning residence or physical presence in the United States or in the State where the petition is filed, or any waiting periods. If the alien has been separated from the Armed Forces, such separation must have been under honorable conditions and the naturalization petiiton must be filed within 6 months after the termination of such qualifying service.

Section 329 of the Immigration and Nationality Act deals with wartime service, and provides that an alien or noncitizen national who has served honorably in an active-duty status in the U.S. Armed Forces during World War I, World War II, or the Korean hostilities, may be naturalized without regard to the requirements concerning age, residence, physical presence, court jurisdic-

tion, or a waiting period. Furthermore, the wartime serviceman can substitute for the lack of a lawful admission for permanent residence his enlistment or induction while in the United States or its possessions, and he can petition any time after separation if separated under honorable conditions.

There are three basic differences between these two sections. The peacetime serviceman must have a minimum of 3 years' service, the wartime serviceman has no minimum required. The peacetime serviceman must petition while still in the service or within 6 months after its termination, the wartime serviceman has no limitation. The peacetime serviceman needs a lawful admission for permanent residence, while the wartime serviceman can substitute in its stead his induction or enlistment while in the United States. These distinctions between naturalization benefits accorded wartime veterans and benefits available to those who served during times of peace have always been a part of the act.

Section 1 of the bill amends the first sentence of section 329(a) of the Immigration and Nationality Act by adding to the categories of qualifying periods of wartime service a new category of persons to become eligible for special naturalization benefits provided under section 329. This category includes those persons who, after February 28, 1961, served or may thereafter serve during a period of time, designated by Presidential Executive orders as a period in which the Armed Forces of the United States have engaged or may thereafter be engaged in military operations involving armed conflict with a hostile foreign force. This bill has been designed to permit expeditious naturalization based on honorable service during a wartime period whenever proclaimed by the President without the need for the enactment of specific legislation. It further maintains the distinction between the qualifying periods of service during peacetime under section 328, and the greater benefits of section 329 reflecting service during a wartime period. The bill is intended primarily to benefit servicemen who have served in Vietnam. However, it would also be applicable hereafter in any instance where the President, by Executive order designates a period of time as one in which U.S. Armed Forces are engaged in combatant activities with hostile foreign military forces.

Public hearings and executive hearings were held by the Immigration and Nationality Subcommittee of the Committee on the Judiciary of the House of Representatives on the several bills pending designed to confer expeditious naturalization benefits on aliens serving in the Armed Forces during the present conflict in Vietnam.

According to figures presented by the Department of Defense during testimony before Subcommittee No. 1 of the Committee on the Judiciary of the House of Representatives on March 1, 1967, there were 24,416 aliens then serving in the U.S. Armed Forces. This number included 15,316 Philippine nationals, 14,584 of whom were in the Navy and 732 in the Coast Guard and 9,100 other aliens, consisting of 1,400 in the Army, 3,000 in the Air Force, 2,400 in the Marines and 4,300 in the Navy. In view of the fact that other aliens subsequently might serve in the Armed Forces during periods as defined by Presidential Executive orders, no maximum estimate of those who might be eligible can be made.

The Defense Department noted in its testimony before the Immigration and Nationality Subcommittee of the Committee on the Judiciary of the House of Representatives that the number of Philippine nationals in the Armed Forces has remained substantially unchanged over the preceding 5 years. The vast majority of these Philippine nations are recruited and enlisted in the Philippines pursuant to the military bases agreements between the United States and the Republic of the Philippines. Under the terms of these enlistments, no special privileges leading to U.S. citizenship are conferred, nor are the alien's chances of obtaining citizenship enhanced. Accordingly, the Philippine national must fulfill all the requirements of this legislation, including a lawful admission for permanent residence, or in the alternative, an induction or enlistment while in the United States or its possessions. In this context, the Philippine national is usually reenlisted wherever he is when the original enlistment expires, and if in the United States or its possessions, would qualify under this legislation. Recent court decisions have held that the qualifying period of service need not necessarily be connected with the particular induction or enlistment in the United States. In *Villarin* v. *United States*, 307 F. 2d 774 (C.A. 9, 1962) it was held that an enlistment in the United States in 1928 met the requirement of induction in the United States in the case of alien who was not in the United States when recalled to active service during World War II. In *Petition of Convento*, 336 F. 2d 954 (C.A. D.C., 1964), compliance with this requirement was found in the case of an alien who was not in the United States at the time of his enlistment during the Korean hostilities, but who later came to the United States as a member of the Armed Forces and reenlisted.

Section 2 merely conforms section 329 (b) (4) of the Immigration and Nationality Act to the amendatory language of section c29(a).

Section 3 of the bill, as amended, will exempt members of the Armed Forces from the payment of naturalization fees in connection with the filing of a petition or the issuance of a certificate of naturalization when they avail themselves of the special naturalization benefits under this bill during the periods specified in the amendments made by this bill. This is consistent with past policy when special naturalization benefits have been conferred upon aliens serving in the Armed Forces during a war or during an undeclared period of military operations.

Sections 4, 5, and 6 are technical amendments to the Immigration and Nationality Act.

The committee has taken note of the fact that section 318 of the Immigration and Nationality Act, in prohibiting the naturalization of a person against whom there is outstanding a final finding of deportability, has excepted from its operation persons qualified for naturalization under sections 327 and 328, but not under section 329, of the Immigration and Nationality Act.

Section 327 relates to the naturalization of former U.S. citizens who lost their nationality by service in the armed forces of a country allied with the United States during World War II. Section 328 provides for the naturalization of persons with 3 years of service in the Armed Forces of the United States during peacetime.

The reason for the omission of section 329 from the excepting provisions of section 318 is apparent from the legislative history of that section, and of sections 327, 328, and 329. When these sections were under consideration prior to enactment of the Immigration and Nationality Act, differences in several similar bills were referred to the committee of conference for resolution. The conference expressed its intention to remove veterans of the Armed Forces of the United States from the debarring provisions of section 318. In incorporating this intent into section 318, the conference inadvertently referred to sections 327 and 328 in section 318, although intending to benefit veterans under sections 328 and 329.

The committee is of the opinion that the expressed congressional intent to exempt veterans should be made clear by including in section 318 an exception from its debarring provisions on behalf of veterans eligible for naturalization under section 329. Further support for such action is to be found in the act of June 30, 1953 (67 Stat. 108), which extended naturalization benefits to veterans of the Korean hostilities, and specifically excepted such veterans from the operation of section 318 of the act.

The title was amended, so as to read: "An Act to amend the Immigration and Nationality Act to provide for the naturalization of persons who have served in active-duty service in the Armed Forces of the United States during the Vietnam hostilities, or in other periods of military hostilities, and for other purposes."

UNIFORM ANNUAL OBSERVANCES OF HOLIDAYS

The bill (H.R. 15951) to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1293), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to provide for uniform annual observances of certain legal public holidays on Mondays, and to establish a legal public holiday in honor of Christopher Columbus, a holiday which would be observed on the second Monday in October.

STATEMENT

Under present Federal law Washington's birthday is observed as a national holiday on February 22; Memorial Day on May 30; and Veterans' Day on November 11. Present Federal law does not provide, however, for the observance of Columbus Day as a legal public holiday, even though a day honoring Columbus has been established under the laws of 34 of the 50 States.

By calling for the observance of three of the present national holidays on Mondays and by creating an additional holiday to be observed on Monday, the proposed legislation would bring about substantial benefits to both the spiritual and economic life of the Nation. It would afford increased opportunities for families to be together, especially those families of which the various members are separated by great distances. It would enable our citizens to enjoy a wider range of recreational facilities since they would be afforded more time for travel.

In addition, by affording more time to our citizens for travel, the Monday holiday program would increase the opportunities for pilgramages to the historical sites connected with our holidays, thereby increasing participation in the commemoration of historical events. At the same time, the program would afford greater opportunity for leisure at home so that our citizens would be able to enjoy fuller participation in hobbies as well as educational and cultural activities. Finally, the Monday holiday program would stimulate greater industrial and commercial production by reducing employee absenteeism and enabling workweeks to be free from interruptions in the form of midwest holidays.

A bill introduced by the Honorable George Smathers, U.S. Senator from Florida, similar to the instant proposal, was the subject of a public hearing conducted by the standing Subcommittee on Federal Charters, Holidays, and Celebrations on August 1, 1967. At that hearing the subcommittee heard the testimony of 16 public witnesses; 15 of those witnesses testifying in favor of S. 1217.

S. 1217 proposes the present observance dates of five major U.S. holidays so they will regularly fall on Mondays, thus creating five additional 3-day holiday weekends such as are already observed on Labor Day, which in 1894 was set by Congress for the first Monday in September.

A subcommittee of the House Judiciary Committee held public hearings on August 16 and 17, 1967, on a wide variety of similar proposals for Monday holidays. The House hearings made it clear that the Monday holiday proposals were responsive to the needs and desires of a great majority of our population. Support for these proposals was expressed by such major business groups as the Chamber of Commerce of the United States, the National Association of Manufacturers, the National Association of Travel Organizations, and the National Retail Federation. There was likewise substantial support from the labor community, expressed by such organizations as the American Federation of Government Employees, the Government Employees; Council of the AFL–CIO, the International Amalgamated Transit Union, and the National Association of Letter Carriers. In addition, the subcommittee received testimony favoring the legislation from representatives of the Department of Labor, the Bureau of the Budget, the Department of Commerce, and the U.S. Civil Service Commission. During the course of the hearings the subcommittee also took note of a number of public opinion polls which had been conducted in connection with the proposals. The combined effect of these polls indicates that almost 93 percent of the persons polled supported the concept of uniform Monday holiday legislation, while little more than 7 percent were opposed.

A large number of proposals to establish Columbus Day as a national holiday were also introduced in past sessions of Congress, both on the Senate and House sides, and public hearings were held by a subcommittee of the House Judiciary Committee on October 4 and 5, 1967. During the course of those hearings the House subcommittee received testimony and statements from 51 individuals or groups, including 35 Members of Congress, strongly in support of establishing Columbus Day as a national holiday.

On August 12, 1964, the standing Subcommittee on Federal Charters, Holidays, and Celebrations, of the Committee on the Judiciary, held a public hearing on S. 108, making Columbus Day a legal holiday. S. 108 was subsequently reported favorably by the Committee on the Judiciary to the Senate and on August 15, 1964, S. 108 passed the Senate.

The instant bill is the combined outgrowth of both the House Judiciary Committee's deliberations and this committee's with respect to proposals for uniform Monday holidays and proposals for the observance of Columbus Day as a national holiday. With respect to the Monday holiday proposals in particular, H.R. 15951 represents a refinement of both committees' judgment as to the holidays that may be observed on Monday without doing violence to history or tradition. It is the committee's view that each of the holidays affected by H.R. 15951 may be appropriately observed on a Monday rather than on a certain day without in any way detracting from the historical significance of the person or occasion being honored.

In recommending that Washington's birthday be observed on the third Monday in February, the committee took note of the fact that the exact date of Washington's birth is subject to conjecture. He was reported to have been born on February 11 according to the calendar in effect at the time of his birth. However, when the United States adopted the Gregorian Calendar in 1752 all dates were advanced 11 days. Yet, according to Douglas' "American Book of Days," Washington's birthday was first celebrated on February 12 at the direction of Compte de Rochambeau, commander of the French forces during the American Revolution.

In recommending the observance of Memorial Day on a Monday, the committee is cognizant of the fact that in the past Memorial Day has been celebrated on such diverse dates as April 25, April 26, June 9, and May 30. The present May 30 date appears to have originated with Gen. John A. Logan, who, as commander in chief of the Grand Army of the Republic, ordered the initial nationwide observance of a "Decoration Day" on May 30, 1868, to commemorate the fallen of the Civil War. Under these circumstances, since our present Memorial Day commemorates the fallen of all of our wars, it is the committee's judgment that the date of May 30 is of limited importance.

In recommending the observance of Columbus Day, it is the committee's judgment that such a holiday would be, as has been suggested by Representative Rodino, "an annual reaffirmation by the American people of their faith in the future, a declaration of willingness to face with confidence the imponderables of unknown tomorrows." It is also the committee's judgment that the observance of Columbus Day is an appropriate means of recognizing the United States as a "nation of immigrants"—as we were described by the late President Kennedy. By commemorating the voyage of Columbus to the New World, we would be honoring the courage and determination which enabled generation after generation of immigrants from every nation to broaden their horizons in search of new hopes and a renewed affirmation of freedom.

In recommending that Veterans Day be observed on the fourth Monday in October, the committee is cognizant of the fact that the present holiday was formerly known as Armistice Day with its date determined by the cease-fire that was arranged between Germany and the Allied Nations bringing the First World War to a close. The committee feels that inasmuch as Vetearns Day commemorates the veterans of all of the Nation's wars, its observance can appropriately take place on a Monday without in any way detracting from the historical significance of the close of the First World War.

As has always been the case in the past with respect to national holidays, the legal effect of the proposed legislation would be limited to the observance of holidays by employees of the Federal Government and observances in the District of Columbia. However, in view of the widespread support from every quarter of the Nation for the program embodied in the bill, the committee anticipates that the States generally will follow the lead established by H.R. 15951 by enacting consistent legislation. In this regard, it is significant to note that the bill does not go into effect until January 1, 1971. This advanced effective date would afford State legislatures an opportunity to act. In addition, it will permit ample time for labor-management contracts to take the new holidays into account and for calendar manufacturers to make the necessary adjustments in their production. It will also enable countless thousands of public schools and private organizations, as well as individuals, to plan their future progress in accordance with the newly designated Monday holidays.

Accordingly, the committee is of the opinion that this bill has a meritorious purpose, and therefore recommends favorable consideration of H.R. 15951, without amendment.

DEFINITION OF THE TERRITORY OF THE TWO JUDICIAL DISTRICTS OF VIRGINIA

The bill (H.R. 13315) to amend section 127 of title 28, United States Code, to define more precisely the territory included in the two judicial districts of Virginia was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1304), explaining the purposes of the bill.

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

PURPOSE

H.R. 13315 provides technical amendments to section 127 of title 28, United States Code, the section which defines the Federal judicial districts of Virginia. The definition of the districts is improved by making specific reference to independent cities and incorporated towns.

STATEMENT

H.R. 13315 is designed to rectify an inadvertent ambiguity in section 127, title 28, United States Code, which creates the eastern and western judicial districts in Virginia and defines the area of each solely in terms of counties. In Virginia, however, incorporated cities and towns are from a governmental and political standpoint wholly outside of and independent from the counties from which their territory has been taken. See *City of Richmond* v. *Board of Supervisors*, 199 Va. 679, 101 S.E. 2d 641, 644. As a consequence, it could be argued that the cities and towns are not included in any judicial district in Virginia. Similarly, it could be argued that the judges of the district courts of Virginia who reside within these towns are not judges residing in the district or districts for which they are appointed as required by section 134(b), title 28, United States Code. Such a reading of the existing section 127 is obviously not what Congress intended. The enactment of H.R. 13305 will make clear that cities and incorporated towns are included within the appropriate Federal judicial district of Virginia.

As originally drafted, the bill referred only to the inclusion of cities in the judicial districts. The House amended the bill so that it includes both cities and incorporated towns. In this manner the bill will include all parts of Virginia in some Federal districts.

The Judicial Conference of the United States has requested enactment of this bill and the Department of Justice has deferred to the Judicial Conference. The committee believes that H.R. 13315, as amended by the House of Representatives, serves a meritorious purpose and, accordingly, recommends that the bill be considered favorably.

BILL PASSED OVER

The bill (S. 1206) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired), was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS FOR IMPROVEMENT OF CORRECTIONAL SYSTEMS

The bill (H.R. 15216) to authorize the Bureau of Prisons to assist State and local governments in the improvement of their correctional systems was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1285), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to authorize the Federal Bureau of Prisons to provide technical assistance to State and local governments in improving their correctional systems.

STATEMENT

The bill was introduced at the request of the Department of Justice.

A similar Senate bill, S. 3304, has been introduced by Senator Long of Missouri for himself and Senator Burdick, Senator Hruska, and Senator Scott.

The bill as passed by the House of Representatives was amended to conform the style of the bill to the codified title 18, United States Code, and to make clear that technical assistance, not grants or loans of funds, is authorized by this legislation. The Department of Justice has no objections to the amendments made by the House of Representatives.

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"For some years the Federal Bureau of Prisons has, on occasion, responded to requests by State and local correctional agencies by providing limited technical assistance. Such assistance has included consultation and technical advice on a wide range of correctional problems. At present the Bureau cannot provide the assistance requested and needed because there is no statutory authority to render such services as a matter of course.

"The authority granted by H.R. 15216, as amended, will enable the Bureau of Prisons to establish a clearinghouse for information on corrections policies and techniques and enlarge its capacity to respond to requests for consultation and technical assistance. As amended by the committee, the bill expressly authorizes technical assistance only and does not authorize the extension of funds through loans or grants to State or local correctional systems.

"H.R. 15216 was introduced at the request of the Department of Justice. It is supported by the board of directors of the American Correctional Association, a professional organization representing over 8,000 members in all 50 States. The committee is persuaded that the bill will enable the Bureau of Prisons to supply expert technical assistance to correctional administrators and thereby significantly contribute toward the improvement of State and local correctional systems and, accordingly, recommends that the bill receive favorable consideration."

The committee believes that the bill, as recommended by the Department of Justice and passed by the House of Representatives, is meritorious and recommends it favorably.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar beginning with Calendar No. 1280 and the succeeding measures in sequence.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

YOUTH WEEK

The joint resolution (S.J. Res. 153) to proclaim the week beginning May 1 as "Youth Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, That the Congress of the United States do hereby proclaim the week beginning May 1 as Youth Week, and urge all departments of government, civic, fraternal, and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1294), explaining the purposes of the joint resolution.

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

PURPOSE

The purpose of the joint resolution is to provide that the Congress of the United States proclaim the week beginning May 1 of next year as Youth Week, and urge all departments of government, civic, fraternal, and patriotic groups, and citizens generally to participate in its observance.

STATEMENT

The year 1968 marks the centennial anniversary of the Benevolent and Protective Order of Elks, having more than 1½ million members in more than 2,000 lodges in the United States.

These members help to raise more than $8 million annually for charity and community betterment activities, including support of hospital and training centers for young victims of cerebral palsy, and rehabilitation programs for the blind, deaf, and mentally retarded.

To commemorate its centennial, the Elks Youth Activities Committee has chosen to pay a special tribute to American boys and girls. The committee designated May 1 as the beginning of Elks National Youth Week. During this week Elks' lodges will award scholarships and grants to young men and women who have shown outstanding leadership and scholastic abilities.

The Committee on the Judiciary is of the opinion that this resolution has a meritorious purpose and will call to the attention of all of our citizenry the activities of America's junior citizens and their accomplishments, and how they are preparing in every way for the responsibilities and opportunities of citizenship.

Accordingly, the committee recommends favorable consideration of Senate Joint Resolution 153, without amendment.

FAMILY REUNION DAY

The joint resolution (S.J. Res. 165) authorizing the President to proclaim August 11, 1968, as "Family Reunion Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 165

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating August 11, 1968, as "Family Reunion Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1295), explaining the purposes of the joint resolution.

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

PURPOSE

The purpose of the joint resolution is to authorize the President of the United States to proclaim August 11, 1968, as Family Reunion Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 177) to authorize the President to issue a proclamation designating the 30th day of September, 1968, as "Bible Translation Day," was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

WEARING UNIFORM OR BADGE OF LETTER CARRIER BRANCH OF POSTAL SERVICE

The Senate proceeded to consider the bill (H.R. 10773) to amend section 1730 of title 18, United States Code, to permit the uniform or badge of the letter carrier branch of the postal service to be worn in theatrical, television, or motion-picture productions under certain circumstances, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 1, after the word "the" where it appears the second time, strike out "postal service" and insert "Postal Service".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD and excerpt from the report (No. 1286), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation, as amended, is to add a new paragraph to section 1730 of title 18, United States Code, to permit the uniform or badge of the letter carrier branch of the Postal Service to be worn in theatrical, television, or motion picture productions in order to portray a member of that Service when the portrayal does not tend to discredit that Service.

STATEMENT

Section 1730 of title 18 of the United States Code presently prohibits anyone not connected with the letter-carrier branch of the postal service from wearing the uniform or badge prescribed for letter carriers. The penalty for violation of the section is a fine of not more than $100 or imprisonment for not more than 6 months, or both. The all-inclusive nature of this legal prohibition has had the effect of barring the opportunity for presenting a realistic portrayal of letter carriers in theatrical, television, and motion-picture productions of the postal service. The language of the amendment is patterned after existing provisions concerning the use of the uniform of an armed force in similar productions. Section 772(f) of title 10 of the United States Code provides:

"(f) While portraying a member of the Army, Navy, Air Force, or Marine Corps, an actor in a theatrical or motion-picture production may wear the uniform of that armed force if the portrayal does not tend to discredit that armed force."

The committee notes that the experience of the Armed Forces in the application of this language has served to demonstrate the feasibility of the regulation of the use of the uniform in this manner and can serve as a guide to the Post Office in the application and implementation of the language which would be added to section 1730 as provided in this bill.

The bill, H.R. 10773, was the subject of a

House Judiciary subcommittee hearing on August 9, 1967. At that time, Mr. Adam G. Winchell, Assistant General Counsel for Legislation of the Post Office Department, testified in support of the bill. Mr. Winchell pointed out that from time to time permission of the Department has been sought by performers who desired to wear the letter carrier's uniform in theatrical performances. Since existing law permits no exceptions, the Post Office Department was powerless to grant permission for this type of use. This led the Department to the conclusion that there is no public policy which would be served by continuing the prohibition against wearing this uniform in theatrical performances. In view of the demonstrated need and the precedent established as regards Armed Forces uniforms, it was concluded that the recommendation for amendment of the section should be made, as was done in the executive communication.

The amendment proposed in the bill in authorizing the use of the uniform in theatrical productions contains the qualification that it may be so used "if the portrayal does not tend to discredit that service." As has been noted, this is substantially the exception found in subsection (f) of section 772 as regards Armed Forces uniforms except that the term "that service" is substituted for the term "that armed force."

The House committee carefully considered the provisions of the bill in the light of the statements in the executive communication and the testimony presented at the hearing on August 9, 1967, and concluded that this bill contains a meritorious and practical proposal for amendment of section 1730 of title 18. The previous law which dates back a considerable number of years. Section 3867 of the 1873–74 edition of the Revised Statutes of the United States contained similar provisions and these provisions were again reflected in section 187 of the act of March 4, 1909 (35 Stat. 1124). It is obvious that the use of the letter carrier's uniform must be protected in the manner provided in section 1730. This is necessary for the protection of both the postal service and the average citizen. It is equally clear that the exception proposed in this bill does not have the effect of lessening the protection intended by the section since it is distinctly limited to theatrical productions and would not extend the exception beyond that limited use. Accordingly, the committee recommends that the bill, H.R. 10773, as amended, be considered favorably.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the time being.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the calendar pertaining to the Department of Justice and the U.S. Customs Court.

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

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc; and, without objection, they are confirmed.

U.S. CUSTOMS COURT

The bill clerk read the nomination of Bernard Newman, of New York, to be a judge of the U.S. Customs Court.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Vice President:

S. 171. An act for the relief of Timothy Joseph Shea and Elsie Annet Shea; and

S. 1028. An act to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MILLER, from the Committee on Armed Services, without amendment:

H.R. 15789. An act to amend section 2306 of title 10, United States Code, to authorize certain contracts for services and related supplies to extend beyond one year (Rept. No. 1313).

By Mr. McINTYRE, from the Committee on Armed Services, without amendment:

H.R. 5783. An act to amend titles 10, 14, and 37, United States Code, to provide for confinement and treatment of offenders under the Uniform Code of Military Justice (Rept. No. 1314).

By Mr. BYRD of Virginia, from the Committee on Armed Services, without amendment:

H.R. 13050. An act to amend title 10, United States Code, to authorize an increase in the numbers of officers of the Navy designated for engineering duty, aeronautical engineering duty, and special duty (Rept. No. 1315).

By Mrs. SMITH, from the Committee on Armed Services, without amendment:

H.R. 13593. An act to amend title 10, United States Code, to increase the number of congressional alternates authorized to be nominated for each vacancy at the military, naval, and Air Force academies (Rept. No. 1316).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 17024. An act to repeal section 1727 of title 18, United States Code, so as to permit prosecution of postal employees for failure to remit postage due collections, under the postal embezzlement statute, section 1711 of title 18, United States Code (Rept. No. 1317).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. DOMINICK. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 37 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Frank H. Price, Jr., and sundry other captains of the Navy, for promotion to the grade of rear admiral;

Brig. Gen. Reginald M. Cram (colonel, Regular Air Force, retired), Vermont Air National Guard, for appointment as Reserve commissioned officer in the U.S. Air Force, in the grade of major general;

Col. Robert W. Akin, Tennessee Air National Guard, Col. Robert F. King, Washington Air National Guard; and Col. Billy J. Shoulders, Tennessee Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, in the grade of brigadier generals;

Lt. Gen. William K. Martin (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Gordon M. Graham, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. William Raymond Peers, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President; and

Gen. Earle Gilmore Wheeler, Army of the United States (major general, U.S. Army) for reappointment as Chairman, Joint Chiefs of Staff.

Mr. DOMINICK. Mr. President, in addition, I report favorably 429 appointments in the Marine Corps in the grade of colonel and below and 161 appointments in the Army in the grade of major and below. Since these names have already been printed in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Burton G. Hatch, and sundry other persons, for appointment in the Regular Army of the United States;

John N. Bardonner, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Alan J. Johnson, scholarship student, for appointment in the Regular Army of the United States; and

William C. Airheart, and sundry other officers, for promotion in the Marine Corps.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT):

S. 3676. A bill to amend the Act of August 22, 1949 (63 Stat. 623) so as to authorize the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; to the Committee on Rules and Administration.

By Mr. WILLIAMS of New Jersey (for himself, Mr. CHURCH, Mr. RANDOLPH, Mr. YARBOROUGH, Mr. YOUNG of Ohio, Mr. FONG, Mr. MILLER, and Mr. MOSS):

S. 3677. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Labor and Public Welfare.

By Mr. TOWER:

S. 3678. A bill to provide for the continuing surveillance by the Administrative Conference of the United States of administrative determinations made by executive, regulatory, and administrative departments and agencies of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. TOWER when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S.J. Res. 184. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning September 10 and ending September 16 of each year as "National Hispanic Heritage Week"; to the Committee on the Judiciary.

(See the remarks of Mr. TOWER when he introduced the above joint resolution, which appear under a separate heading.)

S. 3678—INTRODUCTION OF BILL TO EXPAND THE FUNCTIONS OF THE ADMINISTRATIVE CONFERENCES OF THE UNITED STATES

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a measure to expand the functions of the Administrative Conference of the United States.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3678) to provide for the continuing surveillance by the Administrative Conference of the United States of administrative determinations made by executive, regulatory, and administrative departments and agencies of the United States, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, back in 1928 one of the greatest liberals ever to sit on the Supreme Court wrote in his dissenting decision in *Olmstead* v. *United States* (277 U.S. 438):

> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evilminded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

There is in these words of Justice Brandeis a measure of universal wisdom—and universal warning. The pursuit of a socially desirable objective, he seems to be telling us, may be frustrated by the means we employ to attain it. Even worse, freedom itself may be threatened, or at least compromised, by men in positions of power who love it not wisely but too well.

Mr. President, I am deeply disturbed, as I know many others in this Chamber are, by the enormous size and vast, pervasive powers of the Federal Government. These powers are administered by men, rarely evil men and, for the most part, men with the best of intentions. But it is often an inherent curse of bigness that those who are a part of it do not always fully comprehend it or see it in all its relationships, or they may even be trapped by it.

My own public record in opposition to unnecessarily big Government is well known, and I do not intend to discuss it at this time beyond saying that I am opposed to it, I have always fought against it, and I intend to continue to fight against it.

This used to be a pretty lonely battle, carried on by a few of us self-acknowledged conservatives who were frequently charged with obstructing progress and blindly resisting the wave of the future. Lately, however, we have begun to draw allies from a most unexpected quarter—the liberal intellectual community. For example, Prof. Hans Morgenthau recently said:

> The general crisis of democracy is the result of three factors; the shift of effective material power from the people to the government, the shift of the effective power of decision from the people to the government, and the ability of the government to destroy its citizens in the process of defending them. . . .
>
> The great national decisions of life and death are rendered by technological elites, and both the Congress and the people at large retain little more than the illusion of making the decisions which the theory of democracy supposes them to make.

I could not have said it better myself.

It is with such thoughts in mind, Mr. President, that I introduce this measure today. My purpose is, first of all, to establish more effective controls over certain of the activities and functions of the Federal Government. A second objective—of equal importance and directly related to the first—is to renew at the State and local levels of government the viability, initiative, and usefulness these governments must demonstrate if the traditional political principle of federalism and the best interests of the American people are to be served.

Let me take a moment to explain this measure. It would require the Administrative Conference of the United States to study and to evaluate on a continuing basis all determinations made by Federal departments, regulatory boards and commissioners, and other administrative agencies which affect private parties, States, or the political subdivisions of States. The purpose of these evaluations would be to see to what extent these Federal determinations might be in excess of, contrary to, or inconsistent with the authorizing legislation enacted by Congress.

Furthermore, the Conference would be authorized to receive and to investigate complaints from private parties, States, and local governments concerning Federal determinations alleged to be without legal basis or contrary to or inconsistent with the law. The Conference would then report to Congress in January of each year, giving a full description of complaints received and conclusions reached on the basis of these studies and investigations.

I should like to remind my colleagues that the Administrative Conference of the United States already is a permanent Federal body; it was established in 1964 by Public Law 88–499. Consequently, no new Federal agency or administrative apparatus would be required to carry out the provisions of my bill.

The Conference as presently constituted has a mission that is fully compatible with the objectives of my proposed legislation. Its purpose, as expressed in the title of the law, is "to provide for continuous improvement of the administrative procedure of Federal agencies." Section 5(a) of the law authorizes the Conference to "study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and make recommendations to the administrative agencies, collectively or individually, and to the President, the Congress, or the Judicial Conference of the United States, in connection therewith, as it deems appropriate." It is further authorized under section 5(c) "to collect information and statistics from administrative agencies and to publish such reports as it deems useful for evaluating and improving administrative procedure."

Admittedly, enactment of my bill would bring about a substantial enlargement of the scope of activities of the Conference and a broadening of its responsibilities, but these changes would be fully consistent with the purposes for which it was created and should not therefore be considered as the addition of entirely new or substantially different duties.

I believe that by expanding its functions as outlined in my bill, the administrative Conference can provide Congress with essential information it now lacks but must have if it is to legislate wisely and to exercise its role of administrative oversight.

All levels of government are now faced with responsibilities far beyond anything ever known in the past. Cooperation among all governments, from Washington down to the smallest municipality, is universally recognized as absolutely necessary if we are to deal successfully with the staggering social, economic, and political problems that confront us.

To meet these challenges Congress has in recent years approved an enormous number and variety of programs designed to help virtually every segment of our society either directly or through grants-in-aid administered by State and local governments. In 1966, there were 162 such programs fed by 399 grant authorizations. It is a safe bet that these numbers are even higher now inasmuch as the President's fiscal 1969 budget calls for an increase of $1.9 billion in grants over fiscal 1968. But I do not wish to dwell on these statistics which, I am sure, are familiar to every Senator.

The point I want to make is that where so many programs and $20 billion in grant funds are involved, effectiveness

can be lost in the confusion and frustration which too often have characterized these programs in the past. Congress may originate the policies and approve the legislation that creates and funds these programs, but it cannot maintain the constant and close surveillance of the details of administration that might forestall this confusion and frustration.

Mr. President, to illustrate my point, permit me to read portions of a resolution passed by the Governors at their National Conference in 1961:

Whereas federal agencies have endeavored to exercise control over the organizational structure of our state departments through the federal-aid programs; and

Whereas recommendations of the various federal agencies with respect to state organizational structure may be established without sufficient consideration of overall state government efficiency, thereby tending to create waste of manpower and impeding progress and innovation in the states to meet the needs of changing times; and

Whereas federal control is exercised by the threat, express or implied, that if any state agency does not conform to the recommendations of the federal agency federal aid and assistance shall be withdrawn and terminated; and

Whereas the strength and vigor of our federal system rises from the ability of the separate state to experiment and break new ground in organization and programs, to provide leadership and to promote efficiency;

Now therefore, be it resolved . . . that

(1) The Conference deplores the tendency of federal agencies to dictate the organizational form and structure through which the states carry out federally supported programs. . . .

This resolution voices a perfectly legitimate complaint against Federal administrative procedures and practices. But it is more than just that. It is a protest against the sort of Federal intrusion and domination of State government that undermines these governments and devitalizes the Federal system at a time when everyone is deeply conscious of the need to strengthen them.

The Federal guidelines that so often accompany grants are a good example of what the States frequently find so offensive. Intended perhaps to clarify and to achieve the most effective use of the taxpayers' dollar, too often these guidelines establish regulations and requirements that have little or no relevance to the local situation. Too often they form an administrative maze of impractical rules or outright contradictions that may not only be costly but also work a real hardship or even create impossible conditions for the State and local government people who must try to live with them.

Writing in Harpers several years ago, John W. Gardner, former Secretary of the Department of Health, Education, and Welfare, declared that if any organization is to prevent dry rot, it "must have some means of combating the process by which men become prisoners of their own procedures. The rule book grows fatter as the ideas grow fewer."

Mr. President, the country is full of State Governors and local administrators who could hear Mr. Gardner loud and clear, and there are undoubtedly a good many million other American citizens who, as a result of contacts at one time or another with the Federal Government, would nod in whole-hearted agreement.

Frankly, I feel that far too many Federal departments and agencies are becoming more and more independent in their administration of the laws that Congress passes—and therefore less and less accountable to the American people.

I believe that this trend must be reversed and that it can be reversed only if Congress takes immediate action to reassert its control over the Federal Establishment.

This is precisely what my legislation will do. It will expand the responsibilities of the Administrative Conference to assure constant surveillance over Federal administrative practices, to serve as a clearinghouse for complaints from State Governors as well as from the man in the street, to see that Washington agencies conform to the spirit as well as to the letter of the law, and to annually report to Congress on its findings.

Mr. President, I am hopeful that this body will give prompt and favorable action to my proposal. I am convinced that its passage would do much to restore a healthy balance to our Federal system and to reaffirm the faith of the American people in the governments they elect to serve them.

SENATE JOINT RESOLUTION 184—INTRODUCTION OF JOINT RESOLUTION RELATING TO "NATIONAL HISPANIC HERITAGE WEEK"

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a joint resolution which, if enacted, would designate the period beginning September 10 and ending September 16 of each year as "National Hispanic Heritage Week."

Our Nation has traditionally recognized, cherished, and considered the many cultural contributions of the many nationalities which have contributed to the greatness of this country. Hemis-Fair in San Antonio is one manifestation of our recognition.

I think it only fitting that the Congress approve this resolution as a tribute to those citizens bearing Latin American surnames. These citizens have demonstrated a continuing determination to build a greater and more productive society in the United States.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 184) to authorize the President to issue annually a proclamation designating the 7-day period beginning September 10 and ending September 16 of each year as "National Hispanic Heritage Week," introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland [Mr. TYDINGS], I ask unanimous consent that, at its next printing, the name of the Senator from Hawaii [Mr. INOUYE] be added as cosponsor of the bill (S. 3634) the Gun Crime prevention Act of 1968.

TEMPORARY INJUNCTIONS OR RESTRAINING ORDERS FOR CERTAIN VIOLATIONS OF FEDERAL TRADE COMMISSION ACT—AMENDMENTS

AMENDMENTS NOS. 865 AND 866

Mr. COTTON submitted two amendments, intended to be proposed by him, to the bill (S. 3065) to amend the Federal Trade Commission Act, as amended, by providing for temporary injunctions or restraining orders for certain violations of that act, which were ordered to lie on the table and to be printed.

INVESTIGATION OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN THE HOME IMPROVEMENT INDUSTRY—AMENDMENTS

AMENDMENTS NOS. 867 AND 868

Mr. COTTON submitted two amendments, intended to be proposed by him, to the joint resolution (S.J. Res. 130) to authorize and direct the Federal Trade Commission to conduct a comprehensive investigation of unfair methods of competition and unfair or deceptive acts or practices in the home improvement industry, to expand its enforcement activities in this area, and for other purposes, which were ordered to lie on the table and to be printed.

SENTINEL ABM PROPOSAL—A BOONDOGGLE

Mr. YOUNG of Ohio. Mr. President, in the Committee on Armed Services, I spoke out and voted to eliminate altogether the appropriation for the Sentinel anti-ballistic-missile system. When this move in committee was defeated, I voted against reporting out this bill to authorize certain construction at military installations and for other purposes. I believe we should stop right now any contemplated appropriations for the deployment of the Sentinel anti-ballistic-missile system. This is a boondoggle. There is no justification whatever for this expenditure of a quarter of a billion dollars, particularly at this time when a majority in the Congress, backed by unanimity on the part of the American people, demand that the executive branch of our Government cut spending for this fiscal year by at least $6 billion.

Billions of dollars have heretofore been wasted in ringing our cities with Nike-Ajax anti-ballistic-missile systems. These were utterly useless and obsolete before being constructed. The same situation will confront us regarding the Sentinel anti-ballistic-missile proposal. My vote will be for the Hart-Cooper amendment. I hope the amendment is adopted, but regardless of the outcome, I intend to call up my amendment (No. 851) to strike out and stop altogether the contemplated Sentinel anti-ballistic-missile boondoggle. The arguments against deployment of the Sentinel ABM system are irrefutable. It would be utterly useless were the Soviet Union to attack this Nation with intercontinental ballistic missiles.

Former Defense Secretary McNamara brought down on his head the wrath of the leaders of the industrial-military complex and the Joint Chiefs of Staff who were calling for a heavy antiballistic shield, so-called, when he stated that such a continuing expenditure would provide no adequate protection whatever against a Soviet nuclear attack. He stated that adding more billions of dollars to the billions already wasted in ringing our cities with antiballistic missiles furnished only a rather strong inducement for the Soviet to vastly increase their own offensive forces. Then we would respond, and an arms race would rush hopelessly on to no sensible purpose for either side. That was the wise conclusion of our then Secretary of Defense. When I listened to Secretary McNamara concede agreement to a thin system as a defense against a possible missile attack from China in 1978, or thereafter, I knew in my own mind he had made this concession and compromise against his better judgment. I attended a conference attended by a number of my associates in the Senate and there was ample basis for my conclusion.

Instead of asking this Congress to consider this initial spending of what will develop into at least a $5-billion boondoggle our President would do well to make an all-out appeal to the leaders of the Soviet Union to extend the limited nuclear test bank into a new and effective treaty seeking to end entirely the nuclear race between the Soviet Union and the United States. There is nothing whatever we have to fear from Red China at any time within the next 10 years, if ever. It has only crude nuclear capacity. All of its nuclear installations could be destroyed almost instantly by our missiles from Polaris submarines and from the continental United States. Communist China has no navy except thousands of junks, and an air force and submarine strength very inferior to our own. Furthermore, at this time, the Soviet Union offers no nuclear threat whatsoever to us. Our defense is in our marked superiority of nuclear offense. Our power for horrendous destruction by instant retaliation is so tremendous and awesome it is almost beyond anyone's conception. The Soviet Union has some ineffective ABM installations around Moscow.

The leaders of the Kremlin know that they have no real defense against our ICBM's. No area within the Soviet Union or Communist China is immune from successful attack by our nuclear submarines firing nuclear warheads from the depths of the ocean close to their shores nor immune from any form of successful attack from our nuclear weapons land based within easy range of Soviet and Chinese nuclear installations. Our capacity is such we can utterly destroy every airbase and every city in the Soviet Union and in Communist China from the depths of the ocean off the shores of those nations and from our land-based ICBM's housed in underground silos in the continental United States and elsewhere.

It is well understood that any large scale Soviet attack against American cities is simply not rational. It is unthinkable that the Soviet Union, now a have nation and veering toward capitalism and going all out to raise the standard of living of its own people, would make a nuclear attack when their leaders know that would be suicide even if our nuclear power was half what it actually is. Furthermore since the time of the limited nuclear test ban treaty was entered into in 1963 any such attack has become increasingly less likely. Leading scientists in our country intimately connected with the air defense of the United States have concluded that this so-called thin anti-ballistic-missile defense is an out and out boondoggle.

Mr. President, I hope that later today the Senate will adopt the Cooper-Hart amendment.

THE ANTI-BALLISTIC-MISSILE SYSTEM

Mr. PERCY. Mr. President, on Sunday, June 23, the New York Times published an excellent letter to the editor from Mr. Jerome Wiesner on the anti-ballistic-missile-system problem, expressing sentiments with which I thoroughly agree.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I have referred.

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

MISSILE SYSTEM TERMED WASTEFUL

(NOTE.—The writer, Provost of Massachusetts Institute of Technology, was science adviser to President Kennedy.)

To the EDITOR:

It is ironic that on June 19, when tens of thousands of Americans were massing at the Lincoln Memorial to focus attention on America's cities and its poor, a determined group of Senators was arguing that it was more important to waste over $900 million as a down payment on a senseless and totally unnecessary antiballistic missile system, the so-called Sentinel defense against China.

I have always been baffled by the logic which acknowledges, on the one hand, that the United States strategic power is adequate to deter a Soviet missile attack, but, on the other hand, that it still makes sense to build a defense against a much weaker China.

I am even more baffled to find that the Senate proponents of Sentinel are now arguing in its favor, not just for its anti-Chinese capabilities but as a first step toward an anti-Soviet defense.

I am puzzled that their views find any support, in view of the clear deficiencies of Sentinel and the generally admitted virtual impossibility of ever achieving a really effective antimissile defense against the Russians. The questionable value of the Sentinel system is implicit in the puzzling Administration offer not to build this anti-Chinese system if the Soviet Union would agree not to build its A.B.M. system.

M'NAMARA'S ARGUMENT

In announcing the Sentinel decision last September, Secretary McNamara made a convincing case against deploying an antimissile system against the U.S.S.R., arguing that they would certainly compensate for our A.B.M. by building countermeasures into their strategic offensive missile force and by adding to their numbers, thereby setting off a costly and wasteful new armaments race.

He noted at the time that four Presidential science advisers, myself included, had recommended against the deployment of an anti-Soviet system for just that reason. He did not add—perhaps because his excellent case against the anti-Soviet A.B.M. was followed by an endorsement of the anti-Chinese Sentinel—that I equally emphatically opposed the Sentinel as well.

I did so then, and do so now, because if it were effective at all it would be only for a very short time, and I believed that it would be only a matter of time before the pressures would develop to expand Sentinel into a very costly and clearly inadequate anti-Soviet system. The current Senate debate shows that those pressures have already begun.

Sentinel itself is already technically obsolete; it is based on a several-year-old design. Many of the components are essentially obsolete in the light of new radar and missile technology.

COUNTERSYSTEM DEVELOPED

Historically, by the time a defensive system is supposedly perfected, the offense has long since developed a means of overcoming it. For this reason we have until now repeatedly deferred the deployment of one antimissile system after another, until political pressures a year ago evidently persuaded the Administration that it would be best to forestall a possible Republican accusation that we were on the short end of a new missile gap by throwing out the sop of Sentinel.

If Sentinel won't work as intended, and if a larger system will be even less effective against Russian missiles, leading only to an expanded arms race at great cost and with no improvement to national security, it is silly to waste a penny on it. We desperately need money to apply to badly neglected and more urgent problems at home.

I very much hope that the Senate will see the folly of such a grievous misallocation of resources as Sentinel represents.

JEROME B. WIESNER,
FALMOUTH, MASS, *June 21, 1968.*

RESURRECTION CITY

Mr. PERCY. Mr. President, I approve of the objectives of those leaders of the Poor People's Campaign who wish to rectify injustice and improve opportunities for all Americans regardless of race or creed. I believe the Poor People's Campaign has performed a useful function by bringing to the attention of Americans, as well as to people abroad, the conditions of poverty in this country and the fact that our resources are not unlimited. Before undertaking massive nation-building abroad, we should attend to nation-building here at home so that the promise and dream of America can be extended to all of our citizens.

I believe that I was the first Member of Congress to visit Resurrection City, and I have returned on numerous occasions to talk with its residents. To the best of my knowledge, I have seen every resident of Illinois who has come to Washington in connection with the Poor People's Campaign and who has asked to see me. I have consulted in addition with leadership members of the PPC. I have been pleased to serve as a member of the ad hoc congressional liaison committee with the Poor People's Campaign that was approved by the leadership of the House and Senate. We have made every possible attempt to see that spokesmen for the PPC had the best possible audience whenever they chose to come to Capitol Hill and we offered to talk further with participants at Resurrection City.

I have stated repeatedly, however, that in my judgment, congressional cooperation would depend upon the campaign

being carried on in a nonviolent manner, within the framework of law.

Mr. President, the permit for Resurrection City expired last night at 8 p.m. In my judgment it will no longer be possible to visit the city or to hold hearings there insomuch as continuing residence is in violation of the law. Publicly and privately I have told the leadership of the PPC that the legitimate goals of the campaign would be senselessly damaged if lawbreaking and violence is allowed to replace peaceful demonstration, logic, and reason.

I therefore now urge once again that they voluntarily and peacefully dismantel Resurrection City in accordance with previous agreements.

CHICAGO CRIME SYNDICATE

Mr. PERCY. Mr. President, last October the Chicago Crime Commission embarked on a program of putting the public spotlight on individuals and businesses in the Chicago area that are connected with known members of the crime syndicate. It is the crime commission view that law enforcement cannot by itself rid Chicago of the syndicate; it will take total community concern and involvement.

One way to accomplish the aim of making Chicago an undesirable place for the syndicate to operate is to inform the public of the identity of those individuals and businesses that are associated with the syndicate. The commission has dedicated itself to this task and will publish today a supplement to last October's "Spotlight on Organized Crime—The Chicago Syndicate." This supplement lists 32 additional businesses that have a connection with known members of the crime syndicate.

A catalog of the businesses the commission has found to be dominated by the mob is a remarkable one: automobile dealers used as fronts for control of syndicate gambling; tailoring establishments; a men's clothing store used as a front for the loan shark or "juice" racket; maternity centers and so-called kiddie corners; construction, contracting, and engineering firms; distribution of industrial uniforms, phonograph record distribution; women's jewelry; restaurant liquor distribution; a bookkeeping firm; cigarette vending machine companies; a brewery; a grocery store; real estate firms; machinery sales; a hotel; and an electronic communications company, used to outfit robbery and burglary gangs and to monitor police radio frequencies.

Mr. President, the Chicago Crime Commission is known throughout the Nation as a preeminent citizens' organization in the fight against organized crime. Its files have been repeatedly utilized by congressional investigating committees. The commission provides a service to the business community of Chicago by answering requests for information with respect to individuals and companies that could have ties with the syndicate.

We have under consideration many gun control bills, which I firmly and strongly support, but I think there are many other ways. One way is to bring the public spotlight to bear upon the syndicate's hold upon businesses. We can undertake that now.

I ask unanimous consent to have the report of the Chicago Crime Commission "Spotlight on Legitimate Businesses and the Hoods—Part II" printed in the RECORD.

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

CHICAGO CRIME COMMISSION: SPOTLIGHT ON LEGITIMATE BUSINESSES AND THE HOODS—PART II

In October 1967, the Chicago Crime Commission published its "Spotlight on Organized Crime—The Chicago Syndicate." In that publication, we listed 42 businesses that have a connection with known members of the crime syndicate.

The Chicago Crime Commission recognizes that, generally speaking, individuals have a right to select their own associates. However, when persons dealing with the public through apparently legitimate business operations openly and constantly associate with known hoodlums on as well as off the premises of their businesses, the Chicago Crime Commission feels that the public is entitled to know this fact.

As we have stated repeatedly, law enforcement by itself cannot rid Chicago of the hoodlums. All of the citizens of our community must join in the task. The crime syndicate and its associates must become aware that they will not be tolerated in the community. One way to accomplish this is to turn the spotlight on those individuals and businesses who choose to give the hoodlums a semblance of respectability through open association.

As a part of this facet of the war on the crime syndicate, the Chicago Crime Commission includes in this report several business establishments which are frequented by the hoodlums and which are owned by persons who, although not themselves established members of the syndicate, openly and constantly associate with persons who are.

Henry Susk Pontiac Company, 520 North Wabash Avenue, Chicago, owned and operated by Henry Susk, is such a business. Henry Susk has for years been a personal friend and associate of Gus Alex, an infamous member of the syndicate, constantly identified as such over the years. Gus Alex and other top hoodlums have been repeteadly observed at Henry Susk Pontiac, meeting with Henry Susk.

In 1967, a car was stopped for questioning by the Los Angeles County Sheriff's Police. In the car were Henry Susk and several well known syndicate hoodlums—Eddie Vogel, John Roselli and Allen Smiley.

Henry Susk has visited Las Vegas in company with Eddie Vogel and Nathan "Butch" Ladon. On that occasion, Vogel and Susk shared a double room. Ladon has for years been a chauffeur and errand boy for Eddie Vogel and Gus Alex.

Henry Susk is a partner of Peter Epsteen in Peter Epsteen Pontiac Co., 7501 Lincoln Avenue, Skokie, Illinois. Peter Epsteen shares Henry Susk's affinity for the hoodlums. The officies of Peter Epsteen Pontiac Co. have been a regular gathering place for mobsters. Leslie E. Kruse, who has been in charge of syndicate gambling activities in Chicago, constantly visits the offices of Peter Epsteen Pontiac Co. and converses with Epsteen.

Epsteen has visited Leslie Kruse at his home, is a familiar face at many hoodlum functions in recent years, and has been seen in private homes and public places in the company of such hoodlums as Gus Alex, the late Rocco Fischetti and Sam Giancana.

Companies having owners or operators who regularly associate and have direct business relations with known hoodlums are as follows:

Celano, Incorporated, 677 North Michigan Avenue, Chicago, Illinois: This custom tailoring firm, operated by James V. Celano, is a meeting place for such crime figures as Gus Alex, Anthony J. Accardo, Jack Cerone, Ralph Pierce and Leslie Kruse, all of whom were identified in 1963 by the United States Senate Permanent Subcommittee on Investigations as members of the Chicago crime syndicate.

Nap-Ro Corporation, 5115 West Chicago Avenue, Chicago, Illinois: The 1967 Illinois Secretary of State's records list Romie J. Nappi as president of this firm.

Romie J. Nappi, also known as Romeo J. Nappi and Jack Knapp, has been an associate of such crime syndicate figures as Pat Manno and Dominic J. Blasi, the latter being a former close associate of abdicated hoodlum leader Sam Giancana.

N. Flyer and Son, Inc., 2034 North Clark Street, Chicago, Illinois: The 1967 Illinois Secretary of State's records list Harry Flyer as president of this firm.

Harry Flyer has been a business associate of Romie J. Nappi, identified above in reference to the Nap-Ro Corporation. Harry Flyer is also an associate of hoodlum gambler Frank "Butch" Loverde.

George's Store for Men, 1550 West 43rd Street, Chicago, Illinois: This retail clothing store is operated by Marvin H. Browning, 1907 South Austin Boulevard, Cicero, Illinois.

Marvin H. Browning has been an associate of Charles English for many years and in hearings before the Illinois Crime Investigating Commission, was described as "a business partner of several crime syndicate hoodlums." In the same hearings, is was reported that juice loans have been made at this location "for nearly 20 years."

Kral's Kiddie Korner, Inc., Kral's Maternity Salon, 4338 West North Avenue, Chicago, Illinois: These retail stores are operated by Marvin H. Browning, who is described above in reference to George's Store for Men.

Marwood Construction Co., 8300 Center Avenue, River Grove, Illinois: The 1967 Illinois Secretary of State's records list Frank V. Pantaleo as president of this firm.

Frank V. Pantaleo has long been associated with individuals high in Chicago crime syndicate circles, including Charles "Cherry Nose" Gioe, a slain Capone hoodlum. His customers include such crime syndicate figures as Anthony J. Accardo, Joseph Glimco, Charles "Chuck" English and John Lardino.

August H. Skoglund Co., 8300 Center Avenue, River Grove, Illinois: This contracting and engineering firm was purchased in 1966 by Frank V. Pantaleo (described above with reference to Marwood Construction Co.) and is located at the same address as Marwood Construction Company.

The 1967 Illinois Secretary of State's records list Frank V. Pantaleo as president of the August H. Skoglund Company.

With respect to the following companies, members of the syndicate are officers or have an ownership interest:

A–1 Industrial Uniforms, Inc., 1221 Oakley Boulevard, Chicago, Illinois: The 1967 Illinois Secretary of State's records list Leonard Yaras as president of this firm. It was incorporated in 1962 with George Bravos as president and Dave Yaras as secretary-treasurer.

Dave Yaras, the father of Leonard Yaras, and George Bravos were identified by the United States Senate Permanent Subcommittee on Investigations as members of the Chicago crime syndicate. Leonard Yaras is also an officer of Unique Import Trading Company, 1644 North Honore Street, Chicago, listed in the Commission's 1967 "Spotlight on Organized Crime—The Chicago Syndicate."

Ajax Phonograph Company, 7730 Milwaukee Avenue, Niles, Illinois: This Company is affiliated with Apex Amusement Corporation, located at the same address, which was listed in the Commission's 1967 "Spotlight on Organized Crime—The Chicago's Syndicate." It is controlled by Gus Alex and Eddie Vogel,

both of whom were identified before the United States Senate Permanent Subcommittee on Investigations as members of the Chicago crime syndicate.

Alice K's Boutique Shop, 915 North State Street, Chicago, Illinois: This retail shop, specializing in women's jewelry and accessories, is operated by Alice Kushnir, wife of Henry "Red" Kushnir.

Henry "Red" Kushnir is an associate of Ross Prio, Joseph Di Varco and the late William "Bill Gold" Goldstein, who were identified before the United States Senate Permanent Subcommittee on Investigations as members of the Chicago crime syndicate.

Austin Liquor Mart, Inc.: This retail liquor chain has stores at the following locations: 228 South Wabash Avenue, Chicago; 187 North Clark Street, Chicago; 3505 Dempster Street, Skokie; 1808 Waukegan Road, Glenview; 155 Skokie Highway, Northbrook.

Anthony Fillichio, president of Austin Liquor Mart, Inc., also is president of Spa Liquors, Inc., 1468 Lee Street, Des Plaines, Illinois.

Ben Fillichio is a gambler and an intimate friend of gang leader Anthony J. Accardo. Ben Fillichio deleted his name from the liquor license for Austin Liquor Mart, Inc. when it was divulged that he had previously been convicted in federal court. This conviction was brought out when Ben Fillichio testified in behalf of Accardo during the latter's 1960 income tax trial.

Ben Fillichio continues to maintain an interest in Austin Liquor Mart, Inc.

Bella Rosa Drive-In Restaurant, 1304 South Cicero Avenue, Cicero, Illinois: This establishment, which was described in a newspaper article as a "$100,000 pizza parlor," is operated by convicted murderer Mario De Stefano, brother of Sam De Stefano. Among the employees of the restaurant is Leo Manfredi, who is an ex-convict and a former associate of Sam "Teetz" Battaglia, the convicted hoodlum extortionist.

Mario De Stefano, Sam De Stefano and Sam Battaglia were identified by the United States Senate Permanent Subcommittee on Investigations as being members of the Chicago crime syndicate.

Chicago Linoleum and Tile Co., 3816 West Chicago Avenue, Chicago, Illinois: This firm is a retailer of floor coverings. The 1967 Secretary of State's records list Joseph C. Fusco as president of the company.

Joseph C. Fusco was identified in 1963 before the United States Senate Permanent Subcommittee on Investigations as a member of the Chicago crime syndicate. In 1965, the Illinois Crime Investigating Commission reported that juice loan payments were made on the premises of the Chicago Linoleum and Tile Co.

D & B Bookkeeping Service, 5115 West Chicago Avenue, Chicago, Illinois: This firm is located at the same address as Nap-Ro Corporation, which is described above.

D & B Bookkeeping Service is operated by Anthony Di Biase, an officer of Nap-Ro Corporation.

Di Biase, who was convicted on a charge of attempted bribery of an Internal Revenue Service agent, has handled tax returns and property rental transactions for Sam "Teetz" Battaglia, the convicted hoodlum extortionist.

Peggy Dee's Apparel Shop, 2601 West Lawrence Avenue, Chicago, Illinois: This retail women's wear shop is owned by Joseph Arnold and Joseph Di Varco. It is operated by Peggy Di Varco, also known as Peggy Pakos, wife of Joseph Di Varco.

Joseph Arnold and Joseph Di Varco were identified before the United States Senate Permanent Subcommittee on Investigations as members of the Chicago crime syndicate.

Deluxe Cigarette Service, Inc.: 7730 Milwaukee Avenue, Niles, Illinois: This firm, which operates vending machines, is a part of the Eddie Vogel vending machine empire. It is located at the same address and has the same telephone number as Apex Amusement Corporation, listed in the Commission's 1967 "Spotlight on Organized Crime—The Chicago Syndicate." Gus Alex for years has been on the payroll of the company and has been frequently observed on the premises.

General Enterprises, Inc., 2634 West Fullerton Avenue, Chicago, Illinois: This firm, of which Kenneth S. Leonard is president, previously was known as Attendant Service Corporation, which was mentioned in the Commission's 1967 "Spotlight on Organized Crime—The Chicago Syndicate." It is one of a group of companies, including several wholesale tobacco distributors, located at the above address. One of the latter firms employed hoodlum Ross Prio and another of the affiliates listed Charles Buffano as president. Buffano was for 20 years manager of a cigarette vending service headed by Ralph Capone.

The following companies were identified in the Commission's 1967 "Spotlight" as being located at the same address as General Enterprises, Inc.: Fullerton Wholesale Tobacco Distributors, Leonard Wholesale Tobacco Distributors, Universal Vending Corporation, Wilco Tobacco Company, Zenith Vending Corporation.

La Joy Food Center, Inc., 1000 South Loomis Street, Chicago, Illinois: This retail grocery store, which is affiliated with a similar establishment at 600 North Central Park Avenue, Chicago, is operated by Charles Nicoletti and Joseph Cantafio. The premises at 1000 South Loomis Street were raided on February 8, 1968 by the Chicago Police Department, acting on a warrant obtained by the Chicago office of the FBI. Nicoletti and Cantafio were arrested on a gambling charge. Weapons and a pamphlet relating to the monitoring of police radio calls were seized during the raid.

Charles Nicoletti was identified before the United States Senate Permament Subcommittee on Investigations as a member of the Chicago crime syndicate.

Life-Time Plastics, 2411 North Clybourn Avenue, Chicago, Illinois: The 1967 Illinois Secretary of State's records list Phillip J. Mesi as president of this firm. Mesi was identified in 1963 by the United States Senate Permanent Subcommittee on Investigations as being a member of the Chicago crime syndicate.

Lormar Distributing Co., 2311 North Western Avenue, Chicago, Illinois: This firm is engaged in the sale, distribution and promotion of phonograph records in the Chicago area.

Charles "Chuck" English, president of the company, was identified in 1963 before the United States Senate Permanent Subcommittee on Investigations as a vending machine racketeer in the Chicago crime syndicate.

Park Avenue Realty, 4907 West Chicago Avenue, Chicago, Illinois: This firm is operated by Dominick "Butch" Blasi, 1138 Park Avenue, River Forest, Illinois. Blasi was identified in 1963 before the United States Senate Permanent Subcommittee on Investigations as a member of the Chicago crime syndicate.

Parkside Motors, 2810 West Madison Street, Chicago, Illinois: This automobile agency is operated by Joseph Colucci, who was identified in 1963 before the United States Permanent Subcommittee on Investigations as a member of the Chicago crime syndicate.

P K Machinery Sales, 2039 West Jackson Boulevard, Chicago, Illinois: This company, which sells new and used machinery utilized in the plastic and metal working industries, is operated by Phil Katz.

Phil Katz, who has been an associate of Chicago hoodlums since the 1930s, was identified in 1963 before the United States Senate Permanent Subcommittee on Investigations as a member of the Chicago crime syndicate.

Rosmar Realty, Inc., 4827 West Cermak Road, Cicero, Illinois: The 1967 Illinois Secretary of State's records list Joseph Aiuppa as president of this firm.

Aiuppa, a member of the top echelon of organized crime for many years, was identified in 1963 by the United States Senate Permanent Subcommittee on Investigations as being a member of the Chicago crime syndicate.

Shak-Ur-Corn, Inc., 7023 North Berry, Rosemont, Illinois: This firm, which distributes food products to taverns and drug stores in the Chicago area, is operated by Sander Caravello.

Caravello, an ex-convict who also has used the names Sandor Caravello, Santo Caravello, Sanders Caravello and Sam Sanders, was named by the Illinois Crime Investigating Commission as a member of a group engaged in an organized "juice" or usury operation. Caravello is known to associate with individuals identified by the United States Senate Permanent Subcommitte on Investigations as members of the Chicago crime syndicate.

In the Commission's 1967 "Spotlight on Organized Crime—The Chicago Syndicate," Sander Caravello was identified as president of B–G Builders, 5420 North Harlem Avenue, Chicago.

Shawnee Underground Contractors Supply Co., 1210 North Laramie Avenue, Chicago, Illinois: The 1967 Illinois Secretary of State's records list Dominick Blasi as president of this firm and identify Patricia Maly, 4909 West Chicago Avenue, Chicago, as secretary of the corporation.

The premises at 1210 North Laramie Avenue are occupied by the registered agent of the corporation. The address listed by the corporate secretary is adjacent to the address of Park Avenue Realty, another firm operated by Dominick Blasi.

As noted previously, Dominick Blasi was identified before the United States Senate Permanent Subcommittee on Investigations as a member of the Chicago crime syndicate.

Towne Hotel, 4827 West Cermak Road, Cicero, Illinois: This hotel is owned by Rosmar Realty, Inc., which is mentioned previously as a firm having hoodlum Jospeh Aiuppa as president.

Van Merritt Brewing Co., 2415–49 West 21st Street, Chicago, Illinois: The 1967 Illinois Secretary of State's records identify Joseph C. Fusco as president of this firm.

Fusco, an associate of Capone era hoodlums, was identified in 1963 by the United States Senate Permament Subcommittee on Investigations as a member of the Chicago crime syndicate.

World Wide Communication, Inc., 1801 North Avenue, Melrose Park, Illinois: Ronald De Angeles, one of the incorporators of this firm, is an ex-convict who, during a 1962 traffic arrest was found to possess a .45 caliber pistol and a hand grenade. During a 1967 raid by Sheriff's Police, an arsenal of guns, bombs and radio equipment was observed on the premises of this firm. The company has been reported as being used to outfit robbery and burglary gangs and to monitor police radio frequencies. Ronald De Angeles has been publicly identified as "the mob's electronic wizard."

In two instances, known hoodlums are employed by companies dealing with the public.

Charles Nicoletti, a convicted gambler and dope peddler, who was identified in 1963 by the United States Senate Permanent Subcommittee on Investigations as being a member of the Chicago crime syndicate, is employed as a salesman by Mars Oldsmobile, Inc., 5027 West Madison Street, Chicago. Charles Nicoletti is mentioned previously in reference to the La Joy Food Center, Inc.

James Kapande, a convicted crime syndicate gambler who is an associate of Chicago hoodlums, is an employee of Fort Construction Co., Inc., 5127 Dempster Street, Skokie, Illinois.

There are other businesses in Chicago which have direct or indirect affiliations with

the syndicate. The Chicago Crime Commission is continuing its investigations in this area and will publicize additional businesses as the facts are developed.

RESURRECTION CITY

Mr. MOSS. Mr. President, today appears to be the day of decision regarding the Poor People's Campaign at Resurrection City here in Washington. I sincerely hope violence and disorder can be avoided and that the campsite can be vacated without the need of force and mass arrests.

I believe that the participants in this campaign have some legitimate complaints, but the first rule in any society must be the orderly conduct of protests. Above all, the law must be obeyed.

The members of the Poor People's Campaign have had a full opportunity during the 6 weeks they have been in Washington to present their grievances to the Congress and various Government departments.

Unusual leniency was shown in granting them permission to camp on public property. Continued leniency was shown when that permit was extended. But now that extension has ended, and the ground must be vacated.

Not only is this the legal thing to do, it is also the best thing to do for the good of the cause they are here to promote. Solidarity Day drew 50,000 persons from throughout the country, and demonstrated that the poor people have obtained widespread support for their cause. This was a peaceful, impressive event, and should have served as the climax for their campaign.

Since that time, crime and violence have increased in Resurrection City and the surrounding area. This has resulted in an escalation of police activity. Now comes the edict that the park must be vacated.

The Poor People's Campaign is at an important crossroads.

If the leadership will accept the Park Service edict and peacefully vacate the park site, they will maintain much of the support they have gained so far. But if they choose to violate the law and cause continued crime and violence, they will destroy the support they need and have sought.

Nevertheless, the law must be obeyed, and whatever force is now necessary must be applied to see that the law is obeyed.

I hope that disorder and violence can be avoided, but not at the expense of failing to enforce the law.

THE ACTIVIST COURT

Mr. BYRD of West Virginia. Mr. President, the Wall Street Journal of June 20 published a significant editorial entitled "The Alternate Legislature," which raises the question of how far the Supreme Court will go in usurping the functions of the legislative branch of the Federal Government.

The article is not an anti-Supreme Court diatribe. But it raises serious constitutional questions about the Court's role in the Federal process.

The activist majority of the court needs to start thinking about the limits of its legislative role—

The editorial concludes, and I fully agree.

I believe Senators and others will wish to read this editorial, and I ask unanimous consent to have it printed in the RECORD.

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

THE ALTERNATE LEGISLATURE

The question to ask about the Supreme Court's sweeping proscription of housing discrimination is not whether the effects of the decision are just and wise, but whether the Court sees any limit to its role as an alternate legislature.

For the Court decision goes far beyond the fair-housing law Congress recently passed. Congress outlawed racial discrimination in housing, but provided some exceptions such as a homeowner selling his house without use of a real estate broker. The Court in effect wiped out such exceptions and also made fair housing effective immediately rather than in the stages Congress had provided.

The effect of the decision is to lend force of law to the clear moral prerogative to treat all men equally regardless of race. A property owner may have perfectly justifiable reasons for refusing to sell to a particular individual of any race; but he will find no valid moral justification for a refusal actually based on racial considerations alone. The moral principle, moreover, applies not only to huge corporations but to the lowly individual.

We doubt, though, that judicial edict is either the proper or most effective method of applying this principle. The law, for that matter, need not express every article of morality; many are beyond its competence. When the law is to express moral decisions on contentious issues, the task of framing the decisions ought to fall not to the judiciary but to the legislature.

There is a certain sense, first of all, in the civics book notion that the legislature writes the laws and the judiciary interprets them. The political process is in fact likely to work better if those lines are kept as clear as possible. Also, the legislature is in position to provide for such all-important details as proper enforcement of a given law. No one quite knows if the Court's fair housing ruling can be meaningfully enforced.

Most important of all, it is the genius of the legislative process to absorb contention. Every citizen, even the bigot, has his right to a hearing. In the long run, the stability of the nation depends on the losing side of a controversy feeling that its views were not ignored, that it participated in the decision-making process and therefore owes at least grudging loyalty to the decision reached.

That the losing side feel some sense of involvement is particularly important in matters like the racial question, which ultimately depends more on change of personal attitudes than on anything the law can prescribe. The legislative process provides an outlet for the losers, and may give them some concessions like the exceptions in Congress' civil rights act. These compromises are a small price to pay for the residual loyalty the process inspires.

Such benefits are lost when a new law is simply promulgated from the Olympian heights of the Supreme Court, which is the effect of the housing decision. The Court majority of course contends it is merely following an obscure Reconstruction Era law, and to give the Justices their due, the specific language of the statute is somewhat persuasive.

Its Constitutional underpinnings, though, rest on the less-than-obvious conclusion that an Amendment outlawing slavery also permits Congress to outlaw housing discrimination. The dissenting opinion questions the assertion that Congress ever intended the statute to apply to private acts, and the long-standing Constitutional doctrine has been that Federal power over state-discrimination does not extend to individuals. The legal cases for the decision is far from compelling; what compelled the majority, it seems, is its own notion about what the law ought to be.

Judicial legislation has been especially popular with the current Court, and in notable instances has proved beneficial. The early school segregation rulings, for instance, overcame the artificial barrier to legislative progress posed by abuse of the filibuster. The decisions on reapportionment, while in our opinion excessive, corrected the persistent refusal of state legislatures to follow their own reapportionment laws.

In these instances aberrations had blocked the legislative process. It was good to have the Court as an alternate means of redress for obvious wrongs. Demonstrably, however, no such consideration can justify the Court's judicial legislation on fair housing. The legislative process had not been blocked; Congress had in fact just acted.

The activist majority on the Court needs to start thinking about the limits of its legislative role. Before the Justices set out to write law on their own, they at least ought to hesitate long enough to give the real legislature first chance.

MINIMIZING INJURY TO FISH AND WILDLIFE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1213, H.R. 15979.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 15979, to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

SEC. 2. In order to carry out the provisions of this Act, there is authorized to be appropriated the sum of $3,500,000 for the fiscal year ending June 30, 1969, and for each of the two fiscal years immediately following such year. Such sums shall remain available until expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to amend section 2 of the act of August 1, 1958, as amended in order to prevent or minimize injury to fish and wildlife from the use of insecticides herbicides, fungicides, and other pesticides."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

the RECORD an excerpt from the report (No. 1236), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to continue the comprehensive continuing study of the effects of pesticides upon fish and wildlife resources, which was authorized in the act of August 1, 1958, as amended, by authorizing annual appropriations under that act not to exceed $3,500,000 in each of fiscal years 1969, 1970, and 1971.

LEGISLATIVE BACKGROUND

Through enactment of the Pesticides Research Act in 1958, Congress directed the Secretary of the Interior through the Fish and Wildlife Service to undertake comprehensive continuing studies of the effects of pesticides upon fish and wildlife resources for the purpose of determining the amounts and formulations of such chemicals that are lethal or injurious to such resources and the amounts or mixtures that can be used safely so as to prevent loss of fish and wildlife from dusting, spraying, or other use of chemicals.

Under that act, the Fish and Wildlife Service has developed a program of pesticides research at five major locations: Patuxent Wildlife Research Center, Laurel, Md.; Fish-Pesticide Laboratory, Columbia, Mo.; Denver Wildlife Research Center, Denver, Colo.; Shellfish-Pesticide Laboratory, Gulf Breeze, Fla.; and Biological Laboratory, Ann Arbor, Mich. Approximately 150 employees are involved in carrying out this reseach program of which 34 are in the Bureau of Sports Fisheries and Wildlife. This highly trained professional staff consists of biologists, chemists, physiologists, and engineers.

The results of these research programs are currently being transmitted to the Department of Agriculture pursuant to a formal memorandum of agreement entered into in 1964 by the Department of the Interior, the Department of Agriculture, and the Department of Health, Education, and Welfare.

Under the terms of that agreement, the Pesticides Registration Division of the Department of the Interior receives applications daily from the Department of Agriculture for registration of pesticidal chemicals required by the Federal Insecticide, Fungicide, and Rodenticide Act administered by the Departemnt of Agriculture. (7 U.S.C. 135–135k).

The Pesticides Registration Division of the Department of the Interior then submits the conclusions of their review of these applications to the Department of Agriculture advising it of any potential hazard to fish and wildlife, and recommending any appropriate modification of label instructions or warning on the particular pesticidal chemical.

The Department of the Interior, through the Fish and Wildlife Service, carries out a number of cooperative studies leading to the discovery and development of more selective and less hazardous pest control methods; and many other extensive research programs designed to evaluate the potentially injurious effects of various pesticides on fish and wildlife.

NEED FOR THE LEGISLATION

The amount of pesticidal chemicals being produced and used increases yearly. In 1964, the U.S. chemical industry produced 783 million pounds of pesticides, of which three-quarters were for domestic use. In 1967, in the United States alone, 10,000 manufacturing firms mixed more than 900 chemical compounds into over 60,000 formulations registered with the Department of Agriculture for use as pesticides. Sales increased an estimated 12 percent in 1967 over 1966, and, by 1985, it is estimated they will increase another sixfold.

It has been reported that about 1 acre in every 10 in the continental United States is treated annually with an average of nearly 4 pounds of pesticides. Most of the pesticides are used on the farm. Fifteen percent of the 460 million acres of farmland in the United States—69 million acres—produces crops requiring insecticides—corn, rice, cotton, vegetables, fruits, and nuts.

Some pesticides have traveled great distances from actual use and persisted for long periods of time. Air currents, water runoff, dust particles, and living organisms have been their vehicles. Residues have even been found in penguins and crab-eater seals in Antarctica. DDT was found in the oil of fish that live far from land and in those caught off the coasts of four continents—ranging in concentrations from less than one part of DDT in 1 million parts of oil (one part per million) to more than 300 parts per million. Often, fish do not die immediately or at the site of the pesticide exposure. In one recorded case, fish started dying 3 months after DDT was applied, and death reached downstream nearly 100 miles from the treatment site.

From 1960 to 1963, of 56 bald eagles found dead or incapacitated in 20 States and two Canadian Provinces, all but one (from Alaska) contained DDT.

The U.S. Public Health Service has reported traces of one or more chlorinated hydrocarbons in every major river system in the Nation.

Pesticides are particularly significant to the fishing industry. Some of the most valuable species of fish and shellfish are also the most sensitive to pesticides. Ten marine animal groups make up 80 percent of the $381.2 million fishing industry of the United States. Of the 10, five spend important parts of their lives in estuarine waters (where salt and fresh water meet) and are vulnerable to pesticides. The five are shrimp, mollusks, Pacific salmon, crabs, and menhaden (a member of the herring family used to make poultry feeds and oil).

During the past 4 years, Fish and Wildlife Service researchers have developed objective methods for measuring effects of pesticides. New chemicals sent by manufacturers are tested on plankton, shrimp, crabs, oysters, and one or two species of commercial fish. The researchers seek to assist in finding narrow-spectrum pesticides that may be used to control target pests without harm to other life.

Some pesticides paralyze shrimp or other crustaceans rather than kill them. The criteria for testing toxicity of this group are set by learning the concentrations of pesticide that will cause paralysis or death to half of the sample within 24 or 48 hours. To learn how much of a pesticide will kill fish, the researchers treat the fish with low concentrations, about what might be encountered in the water, and observe them for months to see whether they store pesticides and what effects the chemicals have on them.

Your committee has been further advised by the Department of the Interior that studies of the past few years have highlighted three types of research priorities:

1. *Residue levels in animal bodies that indicate hazards to normal reproduction and behavior.*—Experimental studies especially designed to determine quantities of pesticides in wild animals and their environments are necessary. Toxic limits should be established for the various chlorinated hydrocarbons and heavy metals (lead, mercury) found in animal tissues, together and separately. Variations in toxicity due to species differences in sensitivity, and variations due to stresses on individuals should be determined.

2. *Quantities of residues in the fish and wildlife environment.*—This would supplement the general information obtained in the national monitoring program. The environments of declining species such as golden eagles, pelicans, ospreys, and of truly rare and endangered species such as the southern bald eagle should be studied. Estuarine areas, inland waters, forests, and grazing lands—all historically have supported significant wildlife populations. Perceptive investigations there should focus on residues in the major animals and the food organisms in these habitats.

3. *Changes and flows of residue levels*—Rates and pathways of gain and loss in various wild animals and their environments should be identified. New chemical factors have been entering the lives and habitats of animals in recent years. Where they come from, where they go, and hazards or lack of hazards they pose while residing in wildlife need to be learned.

HEARINGS AND COMMITTEE CONSIDERATION OF THE BILL

H.R. 15979, as it passed the House of Representatives, would restate the Pesticides and Research Act of 1958.

In addition, it would add a new subsection 1(b) to that law requiring the Secretary of the Interior to make research information available to the Secretary of Agriculture as to how in the use of pesticidal chemicals injury to fish and wildlife can be prevented or minimized. The Secretary of Agriculture, after consultation with the Secretary of the Interior, would then be required to have such information appear on the label of each package of pesticides required to be labeled under the Federal Insecticide, Fungicide, and Rodenticide Act.

The bill would also add a new section 2 to the existing law authorizing the Secretary of the Interior to conduct programs of evaluating chemicals proposed for use as pesticide chemicals to determine their potential harm to fish and wildlife resources and to distribute the results of these studies to interested people and agencies.

Under the bill, as approved by the House, $5 million annually would be authorized to be appropriated for fiscal years 1969, 1970, and 1971. However, the provisions of the bill including the authorization would not become effective until 180 days after its enactment.[1]

Hearings on H.R. 15979 were held on May 17 of this year. Your committee heard extensive testimony from the Department of the Interior, the Department of Agriculture, and other interested witnesses. All favored the continuation of the comprehensive pesticides research program being carried out under the Pesticides Research Act of 1958. The Department of the Interior urged that the authorization provision be amended to become effective July 1, 1968. Otherwise there would be a hiatus in the programs carried out under that act, because the current authorization for funds expires on June 30, 1968.

The Department of Agriculture opposed the labeling provision of new subsection 1(b) because it felt it would appear to conflict with the authority of the Secretary of Agriculture in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. And further, that the objectives of subsection 1(b) are now accomplished under the interdepartmental agreement among the Departments of Agriculture, Interior, and Health, Education, and Welfare.

It was strongly supported in its opposition to subsection 1(b) by the National Agricultural Chemicals Association.

The National Wildlife Federation and a

[1] S. 3228 (introduced by request of the Department of the Interior by Senator Magnuson) would have extended the authorization for appropriations under the act of Aug. 1, 1958, for fiscal year 1969 and each succeeding fiscal year such sums as may be necessary to carry out the purposes of that act.

number of conservation groups, on the other hand, favored the labeling provision contending that the final authority should rest with the Secretary of the Interior for determining whether information concerning the danger of potential injury of a particular pesticide to fish and wildlife should appear on the label of that pesticide.

In this connection, your committee particularly noted the testimony of the Department of the Interior. Although it did not urge enactment of subsection 1(b), the Department of the Interior did state that its pesticidal research program is centered on evaluating possible pesticidal side effects on the numerous species of fish and wildlife and their necessary foods and environments. Consequently its program used different techniques and approaches than the research program carried out by the Department of Agriculture which concentrates its studies primarily on target pests.

Most of the witnesses testified that the successful operation of the interdepartmental agreement achieved through the effective cooperation of the departments involved makes additional statutory authority unnecessary at this time.

On the contrary, the two Departments affected testified that the existing interdepartmental agreement accomplishes the same result and was working effectively. In 1967, for example, a total of 6,544 label proposals under the Federal Insecticide, Fungicide, and Rodenticide Act were referred to the Department of the Interior by the Department of Agriculture pursuant to the interdepartmental agreement. Where the Department of the Interior provided additional advice concerning these referrals, the Department of Agriculture concurred in all but five or six.

Accordingly, H.R. 15979 has been amended by striking the proposed subsection 1(b).

Your committee also felt section 2 of H.R. 15979 should be amended so that it would become effective immediately upon enactment. Accordingly, that provision was also deleted. The amounts authorized to be appropriated for fiscal years 1969, 1970, and 1971 were also revised downward to $3.5 million annually.

The testimony heard was unanimous in support of the present continuing pesticidal research program being carried out by the Department of the Interior under the Pesticides Research Act. Since the authorization for funds under that act expires at the end of fiscal 1968, unless the new authorization becomes effective upon enactment of H.R. 15979, the program would be halted, at least temporarily.

H.R. 15979, as approved by the House of Representatives, contained a 3-year $5 million annual authorization ceiling. As amended, by your committee, the annual ceiling for the fiscal years 1969, 1970, and 1971 would be $3.5 million. It is felt that this amount while providing room for growth, more accurately reflects the need for annual appropriations and expenditures for the program.

That part of H.R. 15979 which restates the act of August 1, 1958, has been deleted as unnecessary.

Similarly, your committee has deleted that provision in H.R. 15979 which would have added a provision to the Pesticides Research Act authorizing the Secretary of the Interior to conduct programs of evaluating the effects of pesticidal chemicals to determine their potential harm to fish and wildlife, and to distribute this material to interested persons and agencies. It was felt that what this section would require is currently authorized under existing law.

Finally, the title of H.R. 15979 has been amended to reflect more accurately what effect the bill has on the act of August 1, 1958.

CONCLUSION

According to the President's Science Advisory Committee, the worldwide use of pesticides will grow from 120,000 metric tons per year to 700,000 metric tons because the overall amount of poisons needed to control pests will grow with the increasing demand for food and fiber.

It seems evident that such massive applications of pesticides will have a profound effect on other living organisms, including fish and wildlife. It is, therefore, important that every possible precaution be taken to minimize damages to these living resources. Continued and comprehensive research of the kind now being carried out by the Department of the Interior and precautionary measures will be assured by enactment of this legislation.

DESECRATION OF THE FLAG

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1284, H.R. 10480.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10480) to prohibit desecration of the flag, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 8, after the word "Whoever" insert "knowingly"; and in line 9, after the word "defiling," insert "burning,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1287), explaining the purposes of the bill.

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

PURPOSES

The purpose of the proposed legislation, as amended, is to prohibit and punish by Federal law certain public acts of desecration of the flag.

STATEMENT

This bill would prohibit and punish by Federal law certain public acts of desecration of the American flag. It seems incongruous, but at the present time there is no Federal criminal statute making desecration of the flag a criminal offense, with the sole exception of a statute codified in 4 U.S.C. 3, and duplicated in 22 D.C. Code 3414, which applies exclusively to the District of Columbia. That statute prohibits, subject to a fine not exceeding $100 or imprisonment for not more than 30 days, or both, the use of the flag for advertising or on merchandise, as well as the mutilation or desecration of the flag. The instant bill is occasioned by a number of recent public flag-burning incidents in various parts of the United States and in foreign countries by American citizens. It is designed to remedy an anomaly in existing law where desecration of the flag is proscribed by Federal statute only in the District of Columbia. While each of the 50 States by statute prohibits certain acts of flag desecration, the penalties imposed by the State statutes vary widely. This bill would extend Federal protection to our national flag.

The House bill will assure Federal investigative and prosecutive jurisdiction over those who would cast contempt by publicly mutilating, defacing, defiling, burning, or trampling upon the flag of the United States. It is intended that State jurisdiction in this matter should not be displaced. Often, the only immediate method of detection and apprehension of those who desecrate the law may be State and local police. In other areas, the exercise of Federal jurisdiction may be critical in the enforcement of the law. It is in the national interest that concurrent jurisdiction be exercised by Federal and State law enforcement agencies over this subject.

Recent news dispatches indicate that some American citizens abroad have publicly burned or otherwise publicly defiled the flag of the United States. The bill intends that the prohibitions apply not only within the United States but also to the action of American citizens abroad. By its decision in *United States* v. *Bowman* (260 U.S. 94 (1922)), the Supreme Court made clear that citizens of the United States while in a foreign country are subject to the penal laws enacted to protect the United States or its property, though there was no express statutory declaration to that effect. (See also *Marin* v. *United States*, 352 Fed. 174 (C.C.A. 5, 1965), where the proscriptions of section 174, title 21, United States Code—importing narcotic drugs—were held to have extraterritorial application to U.S. citizens.) Under section 3238, title 18, United States Code, crimes against the United States are triable in the district where the offender is found, or into which he is the first brought.

The committee believes that the bill is constitutional. It is impressed with the conclusion reached and the reasoning expounded in *United States* v. *Miller* (367 Fed. 2d 72 (C.C.A. 2, 1966), certiorari denied 35 U.S. Law Week, 3278). There, the Second Circuit Court of Appeals affirmed a draft card burning conviction against a challenge of the Federal statute as an unconstitutional abridgment of freedom of speech. (Cf. *O'Brien* v. *United States*, Fed. 2d (C.C.A. 1, Apr. 10, 1967).) In that case the court stated:

* * * Except to prohibit destruction of certificates, the statute does not prevent political dissent or criticism in any way. It is narrowly drawn to regulate a limited form of action. Under the statute, aside from destroying certificates, appellant and others can protest against the draft, the military action in Vietnam, and the statute itself in any terms they wish—and indeed did so at the rally where appellant was arrested. Appellant claims, however, that the burning of a draft card is more dramatic than mere speech and that he has a right to the most effective means of communication. But surely this generalization has its own limits. * * *

* * * * *

* * * We are supported in this conclusion by the knowledge that appellant and those who agree with him remain free, as indeed they should be, to criticize national policy as vigorously as they desire by the written or spoken word; they are simply not free to destroy Selective Service certificates (367 Fed. 2d at 81, 82).

The committee believes that H.R. 10480 will successfully withstand all constitutional challenges to which it may be subjected in the courts. The bill does not pro-

hibit speech, the communication of ideas, or political dissent or protest. The bill does not prescribe orthodox conduct or require affirmative action. The bill does prohibit public acts of physical dishonor or destruction of the flag of the United States. The language of the bill prohibits intentional, willful, not accidental or inadvertent public physical acts of desecration of the flag. Utterances are not proscribed. Specific examples of prohibited conduct under the bill would include casting contempt upon the flag by burning or tearing it and by spitting upon or otherwise dirtying it. There is nothing vague or uncertain about the terms used in the bill.

Of course, nothing in the bill will prohibit any person from complying with section 176(j) title 36, United States Code, which provides that when the flag "is in such condition that it is no longer a fitting emblem for display [it] should be destroyed in a dignified way, preferably by burning." Compliance with this provision obviously does not cast contempt on the flag.

Public burning, destruction, and dishonor of the national emblem inflicts an injury on the entire Nation. Its prohibition imposes no substantial burden on anyone. Enactment of this legislation is wholly salutary.

Accordingly, the committee recommends favorable consideration of H.R. 10480, as amended.

NO GENERATION INHERITS PARADISE

Mr. LAUSCHE. Mr. President, I have had the pleasure of reading a copy of the baccalaureate sermon entitled "No Generation Inherits Paradise," by the Right Reverend Monsignor Leonard J. Fick, delivered on June 2, before the graduating class of 1968 at the College of St. Mary of the Springs in Columbus, Ohio.

While this sermon was primarily directed to the student graduates, it contains sound reflections that manifestly apply to each of us who will soon relinquish our responsibilities to a new generation.

Monsignor Fick stated that, in all probability a great majority of baccalaureate speakers will grovel before the student body, sort of lying at the feet of the graduates of this year of 1968 in effect, saying:

"We, all of us of our generation, all of us over forty, apologize for the untidy world upon which you will now enter; we're turning over to you our own unsolved problems . . . a country on the skids . . . a country burdened with an unparalleled debt . . . a country at odds with one-half the world and not too well liked by the other half. We've loaded the dice . . . we've stacked the deck against you: we've willed you the prospect of instant nuclear holocaust, Vietnam, racial injustice, poverty, de-personalization—all of this is your inheritance. We've sold your birthright for a mess of pottage; in our overweening desire for the fleshpots of Egypt, for the luxuries and materialities of life, we've deprived you of that brave new world which you had every right to expect—and this is the one great crime against you of which we all plead guilty."

To which I say, with all the vigor I can muster, "Nonsense! Hogwash!" I for one do not plead guilty. And why? Because no generation inherits Paradise. No generation ever has, and no generation ever will. And what's more, no generation deserves to inherit Paradise: Paradise is something you work for . . .

As I remember, our forefathers inherited on this continent a vast wilderness, well stocked with trees, mountains, and wild animals. But they set to work taming the forests, cultivating the land, building canals and roads and cities.

Our forefathers of a later date inherited a land torn by conflicting views, ripped almost asunder by the scourge of slavery. But they solved that problem—the hard way—and gave to their children a united nation.

Further he states:

Admittedly, each generation saddles its successor with certain handicaps. But one must be an absolute ingrate not to admit that the ledger handed down from one generation to the next does have a credit column, and that this credit column does show substantial entries.

He dealt with an item here that to me is of tremendous significance, and I want to read what he said upon it—that is, the credit side of the ledger of those reliving:

For one thing, had it not been for the medical progress of the last sixty years, 25 of the 122 members of this graduating class would already be dead; and because of this same medical progress, these 122 members can now expect to live twenty years longer, on the average, than their nineteenth century great-grandparents. What kind of a price tag does one place on twenty additional years of living? That's part of your inheritance.

Mr. President, this sermon is so replete with sound thought that I feel it eminently worthy of being placed in the RECORD. The title of it is, "No Generation Inherits Paradise." The sooner our youth learns that principle to be true, the greater will be the energy with which they will face the problems of the modern day.

In all ages troubles seemed to be lying ahead. Hamlet, when faced with the frightening environment under which he found himself, spoke up and said:

The time is out of joint: O cursed spite,
That ever I was born to set it right!

I ask unanimous consent that the sermon of the Reverend Leonard J. Fick, delivered on June 2 before the graduating class of the 1968 of the College of St. Mary of the Springs, of Columbia, Ohio, be placed in the RECORD.

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

NO GENERATION INHERITS PARADISE

(Baccalaureate sermon: June 2, 1968, College of St. Mary of the Springs, the Right Reverend Monsignor Leonard J. Fick)

In accordance with an educational tribal custom that has miraculously escaped the general iconoclasma and brick-throwing directed at all established structures and routines during the past decade, you, the graduates, are now being subjected to something approaching the status of a revered sacramental, the baccalaureate sermon.

Time was, in some dim and dusty past, when the baccalaureate adress was preceded by a crowning of pates with wreaths of laurel and bay berry, very much as cows were garlanded with flowers during the ancient rites of Spring. I hasten to add that I intend no invidious comparison between graduates and cows—even though the Latin word *bacca* (vacca) means *cow*, and somehow the term *baccalaureate* incorporates into its literal Latin meaning such diverse concepts as cows and vassal farmers and bachelors, none of which seem to apply to the current situation.

However, I do not propose to avail myself of your present captive status in order to pursue a problem in linguistic derivation. Nor do I intend to detonate a series of bombs pregnant with capsular wisdom—like "if you stop learning, you will soon find yourself on the intellectual scrap heap" or "virtues, like the human body, deteriorate from lack of use" or "education is what is left after the facts have been forgotten."

Rather, I have set myself the task of counteracting an attitude of mind which is all too prevalent in American society today, and which is particularly evident at this time of year.

For it is precisely during this season of baccalaureates and commencements that members of my generation try to bridge the so-called generation gap by shamelessly confessing their own vast inadequacy, by downgrading and badmouthing the heritage we of this generation—the generation to which your parents and I belong!—are leaving to you who are now going out into this hard cold world.

Normally, I'm not a betting man, but one will get you ten that the majority of baccalaureate and commencement speakers will grovel in the dust at the feet of the graduates of this year of our Lord 1968; in effect, they'll beat their breast and say,

"We, all of us of our generation, all of us over forty, apologize for the untidy world upon which you now enter; we're turning over to you our own unsolved problems . . . a country on the skids . . . a country burdened with an unparalleled debt . . . a country at odds with one-half the world and not too well liked by the other half. We've loaded the dice . . . We've stacked the deck against you: we've willed you the prospect of instant nuclear holocaust, Vietnam, racial injustice, poverty, de-personalization—all of this is your inheritance. We've sold your birthright for a mess of pottage; in our overweening desire for the fleshpots of Egypt, for the luxuries and materialities of life, we've deprived you of that brave new world which you had every right to expect—and this is the one great crime against you of which we all plead guilty . . ."

To which I say, with all the vigor I can muster, "Nonsense! Hogwash!" I for one do not plead guilty. And why? Because no generation inherits Paradise. No generation ever has, and no generation ever will. And what's more, no generation deserves to inherit Paradise: Paradise is something you work for . . .

As I remember it, our forefathers inherited on this continent a vast wilderness, well stocked with trees, mountains, and wild animals. But they set to work taming the forests, cultivating the land, building canals and roads and cities.

Our forefathers of a later date inherited a land torn by conflicting views, ripped almost asunder by the scourge of slavery. But they solved that problem—the hard way—and gave to their children a united nation.

Admittedly, each generation saddles its successor with certain handicaps. But one must be an absolute ingrate not to admit that the ledger handed down from one generation to the next does have a credit column, and that this credit column does show substantial entries.

For one thing, had it not been for the medical progress of the last sixty years, 25 of the 122 members of this graduating class would already be dead; and because of this same medical progress, these 122 members can now expect to live twenty years longer, on the average, than their nineteenth-century great-grandparents. What kind of a price tag does one place on twenty additional years of living? That's part of your inheritance.

Nor should it be forgotten that it was a previous generation that split the atom and thus opened up areas of activity and power hitherto undreamed of. That previous generation, which it is now the vogue to castigate as materialistic, selfish, phoney, and corrupt, not only dreamed of reaching those un-

reachable stars, but also made vast strides toward the realization of that dream.

And the credit side of that ledger contains entries perhaps less ponderable, less tangible, but no less valid that the victories of medicine and science.

It is the generation of which your parents are members that has provided the annals of history with some quite extraordinary examples of physical and moral heroism: from the submarine commander who stood on his deck amidst the swirling waters and ordered, "Take her down!" to the buck private who threw himself on a live grenade to break the force of its explosion and thus save the lives of his fellows. History records no greater spirit of forgiveness of enemies than that accorded Germany and Japan after World War II. No generation has proved more conclusively, by its truly world-wide generosity, that God meant what He said when He said, "Give and it shall be given unto you: good measure and pressed down and shaken together and running over." No generation has labored more persistently and under greater handicaps to prove that democracy is, or at least should be, color-blind.

Despite all this, there are those who tell you that today you are entering upon a cruel, cruel world not of your own making—and because of this they pity you, they commiserate with you, they shed tears of grief and apology. To hear them tell it, you graduating students invented art, music, education, peace, understanding, involvement, the dignity of man. Your parents produced—frustration, war, prejudice, and greed. Now this simply is not so; and since it is not so, let me say that I do not pity you, I do not commiserate with you, and I do not shed tears of grief and apology on your behalf. Why should I?

The country into which you are graduating is not perfect, by any means, but it does have its features: church doors are still open; our traditional freedoms are, by and large, still intact; there is no mass exodus of the citizenry to take up residence in Morocco or Biafra; and it was not your generation that produced a Dr. Tom Dooley.

No, I do not pity you: I envy you—for, in the phrasing of the poet:

"Bliss was it in that dawn to be alive,
But to be young was very heaven."

And so it is that you are to be envied, not only for the heritage which is yours today, but perhaps even more for the opportunities which are yours to preserve and to purify and to extend that heritage.

In order to do this, you will need a sense of history and a deep and abiding faith in Almighty God.

You will need a sense of history, for Santayana spoke truth when he noted that "those who do not remember the past are condemned to relive it." Knowledge, after all, did not begin in 1945; the wheel was already well established as a revolutionary invention long before Susan Sontag promulgated the canons of Camp.

In fact, a sense of history will have informed students, and graduates, that a superb educator once became so annoyed—infuriated—with the "licentious, outrageous, and disgraceful" conduct of his students that he up and resigned in profound disgust—that occurred in Carthage, in 383 A.D., and the teacher was St. Augustine.

Already in 1918, fifty years ago, therefore, at Cordoba, in Argentina, students went on strike and held the president without food and water for a week, thus forcing his resignation and the abolition of the entire theological faculty. And we think Columbia and Ohio State have troubles!

A proper perspective, therefore, and that means a knowledge of and an ability to profit from the work of their elders, of those who have gone before, will keep many a young man and young woman from siphoning off his life in an unending round of senseless experimentation; after all, the law of gravitation does not require another discoverer: and enthusiasm is no substitute for common sense.

And this same sense of history will convince students, and graduates, that they do not have a monopoly on idealism, that they did not discover the poor people; in fact, their own parents may have been numbered among those poor people: it is a matter of record that the drives against poverty and racism were energized by their elders, not by them.

A second requisite is a deep and abiding faith in Almighty God.

There is much talk these days about what has come to be known as the "identity crisis"—young men and women all over the country asking themselves, incessantly, "Who am I? Where am I going? What's it all about?" And, so at least it would seem, until they've resolved that crisis, they'll stay put, they'll do nothing.

Anyone with an "identity crisis" ought to acquaint himself with the patriarch Abraham. God told him one day to leave his country, his kinfolk, his father's house, and to come away into a land He would show him. What, I ask you, would have happened had Abraham said, "Now, now, not so fast, Lord. Perhaps you had better be a little more explicit. Where is this land? And how am I to get there—some pretty wild people live along the way. And what am I going there for anyway? And why should I leave here in the first place?"

Questions, questions, and more questions! The answers, some of them, at least, then, as now, may well be locked up in the mind of God. Abraham understood that—the Old Testament merely records that "Abraham went out, as the Lord bade him . . ." Had he not done so, had he given the Lord a lot of static, the history of salvation would have been radically altered.

And so it was, too, with her under whose aegis this college has flourished since its inception—God told Mary that, though a virgin, she would conceive and bear a son; and Mary did not say, "Just a minute—I've got other plans—besides, what will people think—a virgin bearing a child—maybe we'd better enter into extended dialogue on this matter . . ." No, nothing like that—Mary had faith, as Abraham had faith—and because of that the redemption became a reality rather than a distant promise.

They did not wait until somebody gave them all the answers, until they knew definitely just who they were and whither they were going. In the parlance of today, they were not afraid to stick their necks out—for they understood, as we should too, that those who are afraid to stick their necks out are turtles, not men.

Anyone who would meet the challenge of today must have a proper relationship to his Creator; and that relationship is a "lively, reckless confidence and faith in God," a confidence and a faith that brooks no reservations and that is belligerently optimistic.

The purveyors of gloom, the prophets of doom and disaster are the sad and sorrowful and cheerless men and women who are convinced that the human race is presently in its final hour, that catastrophe is imminent, and that there is absolutely no future for this forsaken planet called Earth. These are the people who wake up each morning and say, "Good God, morning," instead of "Good morning, God." These are the people who've lost confidence in themselves, in their fellowmen, and, worst of all, in God Himself whose care for men is so personal and so all-inclusive that He has even numbered the hair of their heads.

Today, then, you mark the end of an era in your lives. Your years at St. Mary's have taught you not only the difference "between brain cells and blood cells, but also the difference between body and soul, between desires and duties"; you not only know the answer to problems in higher mathematics, but also the answer to problems in moral conduct; and for this reason you have grown in knowledge and advanced in wisdom.

On this day of Pentecost, when the Holy Spirit came with all His power upon some rather dubious specimens of humanity and made them into fearless champions of what is true and what is right—on this happy anniversary, all of us who love you and admire you and hold you dear join in asking this same Holy Spirit to bless and prosper you.

In your name, then, I make bold to pray the Pentecostal words spoken by Pope Paul VI to the monks of Grottoferrata, words which, hopefully, will place into proper focus the burden of these observations:

"We are all a little hard of hearing
We are all a little slow of speech.
May the Lord enable us to hear each other's voices, the voices of history, the voices of the saints, His own voice,
Which is still our Laws and our Power."
Amen.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PLANS OF A PRESIDENTIAL CANDIDATE TO MEET WITH REPRESENTATIVES OF HANOI IN PARIS

Mr. BYRD of Virginia. Mr. President, the morning press reports a statement by a candidate for the Presidency that he plans to fly to Paris to meet with representatives of Hanoi.

To me, it is a cause for deep concern for any Member of the Senate to take upon himself the discussion of peace with representatives of a nation with which we are at war and at whose hands we are even now suffering severe casualties.

The opportunity for fruitful results from the delicate Paris talks are limited at best. It is a matter that must be handled, as I see it, by the duly appointed representatives of the executive branch of Government.

For anyone else to get into the act is both undesirable and dangerous.

Our government must explore all avenues to peace, but for an individual Member of the Congress to designate himself a special envoy seems to me to be highly improper. It could be even more damaging when the Senator is an attractive candidate for President.

I hope our colleague will reconsider his stated intention of meeting with "the people who speak for North Vietnam."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it so ordered.

CONVEYANCE AND EXCHANGE OF LANDS IN GRAND AND CLEAR CREEK COUNTIES, COLO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1289, H.R. 16429.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16429) to provide for the conveyance by the Secretary of the Interior of certain lands and interests in lands in Grand and Clear Creek Counties, Colo., in exchange for certain lands within the national forests of Colorado, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLOTT. Mr. President, this is a bill which was passed by the House of Representatives last week, for the purpose of permitting the exchange of lands, on an equal value basis, between the Forest Service and the American Metal Climax Co.

The basic reason for the exchange is to enable the company to put a tunnel under the mountains for a distance of 10 miles, for the development of a newly-discovered molybdenum deposit in the State of Colorado.

The bill is supported by the Department of the Interior and the Department of Agriculture. It was passed by the House of Representatives unanimously, and has been reported unanimously by the Committee on Interior and Insular Affairs. I know of no objection to it. Conservationists in Colorado have given it a clean bill of health, and have indicated their approval of it, and I know of no objection interposed by local interests. Therefore I know of no reason why the bill should not be passed.

I might say the deposit of molybdenum which has been discovered contains an estimated 303 million tons of ore; and, since this is the only molybdenum deposit other than the nearby Climax deposit that I know of in the Western Hemisphere, and we know how important that valuable metal is for use in conjunction with the making of fine steel, I am sure every Senator realizes the importance to the country of this development, both in terms of its economy and its defense.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.R. 16429) was ordered to a third reading, read the third time, and passed.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE SAFETY BILL

Mr. YARBOROUGH. Mr. President, this morning the Washington Post carried a timely editorial discussing my occupational safety and health bill, S. 2864, and its applicability to the construction disaster at Crystal City a few weeks ago. The editorial pointed out:

> It is reasonable to assume from this experience that adoption of the safety bill would save thousands of lives and billions of dollars. Yet Congress seems to be dragging its feet because some industrial concerns and associations are fighting the bill.

As chairman of the subcommittee holding hearings on this bill, I wish to call to the attention of my colleagues this editorial and to tell them that I have been aggressively pushing hearings. I intend to complete hearings on S. 2864 this week. And it is my sincere hope that the members of the Committee on Labor and Public Welfare will bring this bill to the Senate so that all of us may have the opportunity of voting for the health and safety of the people of the United States.

I ask unanimous consent that the editorial be printed at this point in the RECORD because I think it is an excellent editorial and calls attention to the great need existing for this legislation which is pending before Congress today.

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

SAFETY BILL

Reduced to blunt language, the report on the collapse of an office building under construction in Crystal City seems to indicate that three men died and 29 were injured because of inadequate building standards and inspection. This is not surprising because Virginia spends only 23 cents per worker for industrial safety, compared to $2.11 in Oregon. A Labor Department study also indicates that Virginia has no construction safety inspectors and only 12 inspectors assigned to "general safety." By way of contrast, New York has 108 men assigned to "safety" in construction and 174 "general safety" inspectors.

The current report leaves no doubt that Virginia should overhaul her safety regulations and expand her inspection forces. It also underlines the importance of the Administration's occupational safety bill now languishing in subcommittees in both houses of Congress. This measure would authorize the Secretary of Labor to establish and enforce safety standards and to conduct educational programs in safety for both employers and employes. It would go into effect wherever the Secretary might find state safety enforcement inadequate.

The losses resulting from industrial accidents and disease are nothing short of alarming. Deaths run close to 15,000 a year; more than 2 million are disabled by occupational accidents and more than 7 million injured. The cost of these preventable accidents and illnesses amounts to a staggering $6.8 billion. Not all of these misfortunes can be prevented, but it is significant that disabling injuries have been reduced 44 per cent in shipyards and 38 per cent in longshore work since the adoption of Federal health and safety standards in those industries.

It is reasonable to assume from this experience that adoption of the safety bill would save thousands of lives and billions of dollars. Yet Congress seems to be dragging its feet because some industrial concerns and associations are fighting the bill. The need for it has been clearly outlined by Secretary Wirtz and dramatically illustrated by an endless chain of tragedies. This bill should be enacted before Congressmen have to face their constituents.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

CONSTRUCTION AT MILITARY INSTALLATIONS—UNANIMOUS-CONCENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 1 o'clock the morning business be concluded so that the pending business may be laid before the Senate and the time limitation previously agreed to may start to run.

The PRESIDING OFFICER. Under the previous unanimous agreement, the request of the majority leader will be carried out automatically.

SIERRA CLUB ARTICLE DESCRIBES BIG THICKET AS THE BIOLOGICAL CROSSROADS OF NORTH AMERICA

Mr. YARBOROUGH. Mr. President, the May 1968 issue of the Sierra Club Bulletin contains an excellent article on the need to preserve Big Thicket through the creation of a Big Thicket National Park. In noting that the Big Thicket area is a unique blend of subtropical and temperate vegetation, the article calls Big Thicket the biological crossroads of America and a region of "critical specie change" and adaptations. As the article points out, because this area is threatened with destruction through lumber and pipeline companies and real estate promoters, the need for action now in support of my bill (S. 4) is imperative if we are to conserve this priceless piece of our natural heritage.

The Interior Department has reported that this area contains the last surviving members of a species of birds long thought to be extinct, the ivory bill woodpecker, the largest woodpecker in North America, larger than the crow.

I wish there were some way to have printed in the RECORD the photographs from the article in this issue of the Sierra Club bulletin.

They show the large, wild magnolia trees, some of the largest in North Amer-

ica. They show the large bay trees from which bay leaves can be plucked. They show the wild peach trees 50 feet high. They show the largest species of holly ever found in North America. These are all located in this big thicket area.

Mr. LAUSCHE. Mr. President, where are these large birds?

Mr. YARBOROUGH. They are in Texas. I thank the Senator from Ohio for his inquiry.

A great citizen of Wisconsin, a retired manufacturer—not too far from Ohio—has spent a large sum of money tracing these birds in an effort to preserve them. There are a number of rare species there.

Mr. President, I ask unanimous consent that the article to which I have referred may be printed at this point in the RECORD.

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

THE BIOLOGICAL CROSSROADS OF NORTH AMERICA: BIG THICKET

(By Orrin H. Bonney)

Near the great population centers of Dallas, Houston, and the Beaumont-Orange-Port Arthur complex of East Texas is Big Thicket. Once a sweeping expanse of about 3.5 million luxuriantly forested acres, Big Thicket has been whittled down to less than one-tenth its former size. But the 300,000 remaining acres contain great beauty and habitats that are ecologically unique.

The beauty of Big Thicket is elusive. Travelers who look at forest skimming past their car windows are likely to ask, "But where is Big Thicket?" The Thicket's special beauties are not for the motorist, only for walkers who penetrate its dense woods to see the breathtaking loveliness of ferns growing from the moss of gnarled tree trunks, the unbelievable green solitude of duckweed-matted bayous, tree-encircled meadows resplendent with wildflowers, magnificent magnolia groves, azaleas exploding with color, luminous beech forests, eerie cypress swamps.

Big Thicket is unparalleled in the richness and diversity of its plant life. Sometimes called the "biological crossroads of North America," its 60-inch annual rainfall and gulf climate make the Thicket a lapping-over point of subtropical and temperate vegetation, found nowhere else in the United States. A National Park Service study states that "the forest contains elements common to the Florida Everglades, the Okefenokee Swamp, the Appalachian region, the Piedmont forests, and the open woodlands of the coastal plains." Large areas resemble tropical jungles in the Mexican states of Tamaulipas and Vera Cruz. Big Thicket's ecologic complex encompasses eight plant communities—upland, savannah, beech-magnolia, baygall, palmetto-baldcypress-hardwood, bog, streambank, and flood-plain forest—with intermediate gradations.

At least 21 varieties of wild orchids and 25 ferns grow in the area, and four of America's five insect-eating plants. "Mr. Big Thicket," Lance Rosier, has spent a lifetime here; he calls it a matchless area for the study of fungi, mosses, and algae. A study of fungi and algae would doubtless disclose many species that hitherto have been unclassified and unnamed.

Several species of trees have reached their finest development in Big Thicket, and champion-sized trees continue to be discovered: the world's largest American holly, eastern red cedar, Chinese tallow, sycamore, red bay, yaupon, black hickory, sparkleberry, sweetleaf, and two-wing silverbell. The world's tallest cypress tree towered undiscovered in Trinity River bottomlands until a year or two ago.

For reasons still unknown, Big Thicket is a "region of critical species changes." As Dr. D. S. Correll, noted botanist of the Texas Research Foundation, has pointed out, Appalachia flora grow in Big Thicket, the flowers coming in a direct line from Tennessee. As each species reach the western extreme of its range in East Texas, it tends to differ from its more easterly cousins. "The variations are often so great that the plant has to be segregated as a distinct species," says Dr. Correll.

At least 300 birds species make Big Thicket their home, year-round; countless migratory birds visit the area, which lies on the dividing line between the great flyaway of the Mississippi Valley and the migration route that curves along the gulf coast.

The ivory-billed woodpecker, gaudily plumed and larger than a crow, ranged through southern forests in the past. With the gradual passing of vast, virgin hardwood stands that were its home, this regal bird was thought to be extinct. But a number of ivory-bills—estimates range from seven to ten—have been observed in the Neches River bottomlands of Big Thicket. Preservation of the area would be justified on this basis alone.

Hunters have roved Big Thicket since Indians paddled across the waters of the "Big Woods," as they called it, in search of once-abundant game. (Enforcement of game laws reached the area in 1964; poaching and hunting out of season are still a way of life there.) Bear and panther are rarely seen now, but smaller game animals are well represented. Reptiles and amphibians—ranging in size from alligators to tiny worm snakes—add to the interest of the region.

Archaeologists haven't studied Big Thicket yet, but nearby studies indicate that artifacts from all four eras represented in Texas will be found there—the Paleo-American, Archaic, Neo-American, and Historical. Early Indians in the area were the Akokisa and the Bidai. The Coushatta Indians (then the Alabama) came west in about 1800 and settled in Big Thicket. They still remain there, on the only Indian reservation in Texas.

Until the 1820's the Thicket wilderness was inviolate. Historic trails—such as the Old San Antonio Road, the Atacosita-Opelousas Trail, and the Contraband Trail—bypassed the "impenetrable wood" with its luxuriant undergrowth, unfordable streams, and bogs. But in the 1820's the wilderness was penetrated from the north by Anglo-American settlers who moved in by way of flatboats, keel boats, and rafts. Farm settlements mushroomed along streams to form towns like Jasper (1824) and Woodville and Hillister (1830). Old men in dying crossroad towns will still tell you stories of epic bear hunts, of bawdy sawmill days, of hiding Civil War deserters, runaway slaves, and other fugitives.

Economic development of Big Thicket began on a small scale during the 1850's, when logs were floated down the Sabine and Neches rivers to three sawmills. In 1876 a narrow-gauge railroad, with an eventual 250 miles of tram offshoots, launched the lumbering industry into the big time and doomed the western Thicket wilderness. Railroad builders took another giant step in 1896, positioning their rights of way to facilitate plundering of Big Thicket's unspoiled eastern half. Their lines slashed through the Great Woods, with sawmill towns strung along them like beads on a necklace. Moving out—lock, stock, and railroad tracks—when the accessible and marketable timber was gone from an area, lumber companies left denuded chaos and disintegrating sawmill towns behind them. The turn of the century saw a sustained assault on Big Thicket resources that did not end until practically all of the virgin pine forests had been reduced to cut-over woodlands.

Most of its wilderness was raped decades ago, but Big Thicket has remarkable recuperative powers. Stumps decayed, and dense undergrowth recaptured the sites of old sawmill towns. And fortunately, there are areas that axe and machine have never reached.

Today, the last 300,000 acres of Big Thicket are under renewed attack. The entire acreage is privately owned, most of it by five lumber companies. Lumbermen, pipeline companies, and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day. But growing numbers of Texans—keenly aware of their state's lack of public land, its dwindling natural areas, its mere 106 miles of trails—are becoming seriously concerned at last. More and more of them area realizing that its' now or never if significant parts of Big Thicket's last 300,000 acres are to be preserved for the people of Texas and the nation.

Battle lines were drawn when the Texas conservationist and statesman, Senator Ralph Yarborough, introduced in 1967 a bill to establish a Big Thicket National Park of 75,000 acres: S. 4. While the National Park Service has made no final recommendations, its preliminary study of 1965 envisioned a nine-unit national monument of 35,000 acres built on a "string of pearls" concept.

(1) The Big Thicket Profile Unit, 18,180 acres, which is in the heart of the original Thicket and contains a representative selection of almost every kind of land and vegetation to be found in the area.

(2) The Beech Creek Unit, 6,100 acres, with its virgin beech forest.

(3) The Neches Bottom Unit, 3,040 acres.

(4) The Tanner Bayou Unit, 4,800 acres, on the Trinity River.

(5) The Beaumont Unit, 1,700 acres, containing an entirely untouched cypress swamp.

(6) The Little Cypress Creek Unit, 860 acres.

(7) The Hickory Creek Savannah, 220 acres, which contains an unusually lush growth of insect-eating plants.

(8) The Loblolly Unit, 550 acres, which contains the largest (and almost the last) stand of virgin pine in the state of Texas.

(9) Clear Fork Bog, 50 acres.

The Lone Star Chapter of the Sierra Club has studied the 35,000-acre "string of pearls" plan, and believes it is too small and too fragmented to preserve Big Thicket's special values. Accordingly, the chapter recommends the following changes and additions:

The Big Thicket Profile Unit should be extended southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River. No "motorized nature road" should cut this strip, as has been suggested. The extension would protect Pine Island Bayou from the proposed Pine Island Bayou Water Management Program, a drainage project that would undoubtedly upset the ecology of Big Thicket.[1]

The Neches Bottom Unit should be expanded to include most of the wildlands and forest along the Neches between highway U.S. 190 and the confluence of Pine Island Bayou. The almost extinct ivory-billed woodpecker has been seen here, and the Neches is a fine river for canoeing.

A Village Creek Unit should be added, protecting both sides of Village Creek between the Big Thicket Profile Unit and the Neches Bottom Unit.

A substantial area south and east of Saratoga, bounded by highways 770, 326, and 105, should be added. Here the larger wildlife species, such as black bear, pauma, and red wolf, may survive.

Major units should be connected by cor-

[1] The water management program has been advocated by an agency of the U.S. Department of Agriculture: Southeast Texas Resource Conservation and Development. The agency's goal is "full development of the area's resources," which includes the harvesting of mature timber, the thinning out of overstocked stands, and the destruction of all sorts of vegetation "to reduce competition" for timber-producing pines.

ridors at least a half mile wide, with a hiking trail along each corridor but without new public roads.

Such additions would form a greenbelt of about 100,000 acres through which wildlife and people could move along a continuous circuit of more than 100 miles.

Conservationists worry that lumber companies may strip every acre of ground they own within the proposed boundaries of Big Thicket National Monument to make it worthless for preservation. Already, the Beech Creek Unit has been compromised; and we hear of plans to bulldoze the Loblolly Unit and plant it in cottonwoods for pulp. A well-known lumber executive was heard saying this : "The Big Thicket? In four years there wont' be any Big Thicket!"

This dire prediction could come true unless the presevation of North America's "biological crossroads" is recognized as a national issue. The Sierra Club's national Board of Directors has recognized it as such, resolving that: "The Sierra Club supports establishment of a Big Thicket National Monument in East Texas of no less than 100,000 acres. Among other units the Monument should preserve a portion of Village Creek and a substantial portion of the Neches River bottom. All of the units should be maintain essentially in a roadless condition."

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REVOLUTIONARY NEW HOUSING CONSTRUCTION TECNIQUE

Mr. BAYH. Mr. President, I am pleased to call the attention of the Senate to a revolutionary new construction process which has been developed and perfected by the Midwest Applied Science Corp., of West Lafayette, Ind.

Using a new epoxy resin material, which is foamed into place by a special mobile, truck-mounted erector system, it is estimated that within a 6-hour period a two-man crew can construct a 1,000 foot square building at a basic cost of only $3,800. Structures of any size or shape can be erected with the special equipment that Midwest Applied Science Corp. has developed, with walls which are light, highly insulated, and strong.

Great interest has been expressed in this new construction process by those who are searching for better and more rapid methods of building low-cost housing. Because of the national significance of these techniques, Mr. President, I ask unanimous consent that a news release from Midwest Applied Science Corp., dated June 16, 1968, together with an article entitled "Foam in Place Structure: A Revolutionary New Answer to the Crisis in Building," be printed in full in the RECORD at the conclusion of my remarks.

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

MIDWEST APPLIED SCIENCE CORP.

WEST LAFAYETTE, IND., June 16, 1968.—A revolutionary new construction technique for continuously extruding buildings—literally, spinning them out in one piece, on site, with minimum labor, in minimum time, and at costs never before possible—has been announced here.

With the technique, a 1,000 sq. ft. building can be erected in 6 hours by a crew of 2 at a cost of $3800, $3.80 a square foot.

Applicable to structures of all types and sizes—including warehouses, factories, farm shelters, low and high rise housing, overseas military housing—the technique was developed by Midwest Applied Science Corp. (MASC) of West Lafayette, a Purdue University spinoff, in association with Amicon Corp. of Lexington, Mass., a Massachusetts Institute of Technology spinoff, and a prominent Lafayette architect, Elliott Brenner.

The technique represents a complete break with conventional construction methods and, according to Dr. Harold DeGroff, president of MASC, could be a major factor in surmounting building crisis stemming from rapidly rising costs and shortages of skilled labor at a time when construction needs are mounting.

Conventional construction involves tedious assembly of unit pieces and use of mortar, other adhesives or mechanical ties to hold the pieces together. Average building time has not been reduced materially even with prefabrication which has merely replaced some field assembly with factory assembly. Labor costs per unit of volume have been rising rapidly, contributing to an average housing cost increase of $2,500 in the last two years alone.

Moreover, a severe shortage of skilled labor—carpenters, bricklayers, roofers—is delaying many construction projects. The shortage is expected by some in the industry to keep the 1968 home-building total close to the depressed 1.3 million units completed in 1967—and to snag President Johnson's proposal to build 6 million new housing units for low income families in the next decade.

The new construction technique, for which patent applications have been filed, uses a new epoxy resin material which can be foamed in place—and a mobile, truck-mounted erector system.

A 5-ton truck, manned by a crew of 2, carries in one trip to the site both the erector and all material needed for a typical one-family dwelling. Upon arrival, a boom on the truck is unlimbered. Mounted at the end of the boom is a traveling mold, consisting of two steel plates and two endless embossed Mylar belts. As liquid resin is fed from drums on the truck to the mold, it immediately begins to foam and solidify. At the same time, the steel plates are cooled; the cooling causes formation of a thin integral outer skin on the foamed material. Curing occurs within 10 seconds as the Mylar belts continuously deposit the material to form walls, partitions and roof.

The result is a structure with walls that will be 3" to 4" thick and sandwich-like; plastic foam core and thin, hard and attractive inner and outer surfaces that require no painting or other finishing.

The core is highly insulative—more so than conventional insulation in conventional structures. Air is a nearly perfect insulator, especially when trapped—and in walls and ceilings of a foamed structure air is permanently encased in bubbles with no possibility for movement through studs as in a conventional structure.

The material does not allow passage of moisture, cannot deteriorate under ultraviolet radiation, will not support fungus growth, and is not subject to termite damage. It is relatively non-combustible; if ignited, it is self-extinguishing.

Because the dead load is small (the material in place weights 6 pounds per cubic foot) conventional foundations are not required. Fibrous mats can be laid on the ground before foaming starts, covered afterward with a surcharge of earth, and earth-stabilizing plastics can be used to produce floors, entirely eliminating concrete.

The technique can be used to produce structures of any size, type, and shape including square, rectangular, circular, and elliptical.

The advantages, Dr. DeGroff points out, include: minimal site preparation; low raw material transportation-to-site cost; a building system complete and self-contained on a truck, with material and system relatively independent of environmental factors such as temperature and humidity, generally allowing year-round construction; simple operator training (primarily in equipment maintenance rather than conventional construction techniques). The rapidly foamed-in-place structures would be permanent, of constant quality, not easily damaged by weather or age, and unusually economical.

The foam-in-place concept is arousing interest among contractors for the U.S. Department of Housing and Urban Development's model city experimental program, a major purpose of which is to encourage development of imaginative new building techniques and their practical testing for low-cost housing.

The technique is expected to find application in the construction of rural and suburban housing, factories, warehouses, farm shelters, and military structures.

Dr. DeGroff foresees that in the future, an archietect or builder will be able to select from a group of predesigned foamed-in-place structures the most appropriate to fulfill requirements. The design will have been transcribed by a computer to a control tape to program the traveling mold—and, from a central source of supply, could be ordered the materials, including tape program, required to complete a project."

FOAM-IN-PLACE STRUCTURES: A REVOLUTIONARY NEW ANSWER TO THE CRISIS IN BUILDING

"Record it for the grandson of your son," advised Vachel Lindsay in a poem about his hometown of Springfield, Ill., "A City is not builded in a day."

Nor, even now, is a home.

Basically little changed over the millenia, building remains a tedious, drawn-out, costly process.

In virtually every country in the world, including the most advanced, the annual output of new housing falls short of need.

When, some years ago, it was estimated that in Africa, Asia and Latin America at least 22 million dwelling units would have to be constructed annually from 1960 to 1975 to eliminate shortages, it was recognized that this would call for a phenomenal building rate: 10 dwelling units per year per 1,000 inhabitants. Few developing countries have been able to raise production above just 2 per 1,000—insufficient even to replace those lost by obsolescence.

Here at home, millions of families in urban areas do not have available housing which meets essential health and safety standards. Throughout the country, 8.5 million houses and apartments—14% of all U.S. housing—are considered substandard. Over the next 10 years, housing needs are put at 26 million units if demolished old homes are to be replaced and enough additional ones provided for a growing population—calling for a building rate almost double the present one . . . in the face of rapidly rising costs and mounting labor shortages.

If there is to be a solution to the problem of constructing large amounts of housing—and warehouses, factories, and other buildings—without long delays and at costs people can afford, imaginative new approaches must be sought.

This is a look at the crisis—not so much that in our cities, which is now all too obvious, but the crisis in our building methods.

It is a look, too at latest efforts to revitalize building.

And it is a look, in some detail, at a basic new approach—which calls not for laboriously (as always) piecing together homes and other structures but for foaming them on-site: for continuously "spinning" them out from a mobile, automated system so that, for example, the shell for a single-family dwelling unit can be completed in 6 hours by 2 men—and at a cost as low as $3.80 a square foot.

Costs and shortages: Anyone who has had occasion recently to look into the building situation may well have been staggered.

In April, 1968, a national business journal reported that in the last two years alone, average housing costs have risen $2,500.

In May, a nationwide survey revealed a severe shortage of skilled construction labor—carpenters, bricklayers, roofers—which is worsening, pushing up costs and delaying many construction projects. A Michigan builder reports doubling of home construction time; Denver construction firms are advertising throughout 8 states for skilled labor of all types; and industry leaders predict the shortage could keep the 1968 home building total close to the depressed 1.3 million units completed last year—and could snag President Johnson's proposal to build 6 million new housing units for low income families in the next decade ("Who is going to build them?").

Nor is there any indication of an easing of the labor shortage in the future. During the 1966 construction slump, many older skilled workers drifted to jobs in factories and other industries and have not returned to building. Currently, relatively few young men are being attracted to a craftsman's career; many who are attracted fail to complete apprenticeship training. According to the U.S. Labor Department, 3,340 carpenter apprentices finished the 4-year training program in 1966 but 7,168 trainees dropped out.

Building up to now: There have, of course, been some attempts to invigorate building, to speed it, to slash costs:

In San Antonio, a 21-story, 500-room hotel has been manufactured room by room in a factory, each room precast of concrete, furnished down to the carpeting, trucked to site, hoisted by crane, pigeonholed in the structural framework.

A large aerospace company currently is working on a home construction technique in which four lightweight, cellular concrete building blocks, would form the basic structure.

Another approach would call for a home to be built at the factory in three modules—first floor with dining-kitchen area and living room, second floor with bath and two bedrooms, and roof section—these either to be hauled separately by truck and assembled at the site by crane or to be stacked at the plant and flown to site by helicopter.

In a Detroit ghetto, two dozen apartments currently are being built with walls of concrete block—the block stacked on end instead of in conventional horizontal fashion, and stacked against a removable metal frame that allows more rapid work and, if necessary, use of semi-skilled apprentices. A new adhesive replaces mortar, it can be used in cold weather when mortar freezes. Building costs are expected to run $10 a square foot versus $16 to $20 for conventionally built apartments.

The fact is that today, as always, shelters—homes, apartments, warehouses, factories and the rest—generally are constructed of unit pieces held together with mortar or other adhesives or mechanical ties.

In current building, much of the cost lies not so much with raw materials as with the labor required to place and join them—and there is a pronounced tendency for the cost of labor per unit volume to rise.

The fact is, too, that despite prefabrication, the average length of time needed for construction is not being reduced significantly. Factory assembly merely takes the place of some field assembly.

In March 1968, the best projection that could be made by the National Association of Homes Builders, which for some years has tried to encourage research and has carried out its own research house program, was a possibility that within a decade or so a home might be built, above the foundation, on a 5 to 8 day working schedule.

The Foam-in-place concept: The idea is to continuously extrude a structure—walls, roof, partitions—not piece it together from components. To roll a truck up to a site, unlimber a traveling mold mounted on the truck, start a special plastic material moving through the mold—and, for a single-family dwelling, for example, in six hours, using a crew of two, be finished with the job.

The traveling mold is designed so that construction is not restricted to any one geometry. Any shape wall, straight or curved, can be erected, allowing buildings consistent with presently accepted architecture, as well as new forms. The mold can be used for low and high rise housing, farm shelters, industrial warehouses, and military structures.

The special filled, foamed epoxy resin material developed for the purpose costs in quantity less than 20 cents per pound. In place, it weighs only 6 pounds per cubic foot.

Because the mold has provision for cooling the epoxy surfaces during foaming, the building process is "one-shot." The cooling leaves a tough and attractive integral outer skin—and neither inner nor outer surface of a wall need be treated in any way for protection against structural damage or environmental degradation.

Between the skins, the core with its air-filled foam structure is highly insulative—more so than achievable with conventional insulation in a conventional building. Air is a nearly perfect insulator—especially when completely trapped. And in the walls and ceilings of a foamed structure, the air is permanently encased in the bubbles with no opportunity for movement between studs as in a conventional structure.

Because the dead load of the epoxy sandwich is small, conventional concrete foundations can be bypassed in favor of fibrous mats laid on the ground before foaming starts, then covered afterward with a surcharge of earth. Earth-stabilizing plastics can be used to produce floors, thus entirely eliminating concrete.

The advantages are many: minimal site preparation; low raw material transportation-to-site cost; a building system complete and self-contained on a truck; material and system relatively independent of environmental factors such as temperature and humidity during construction, generally allowing year-round building; simple operater training (primarily in equipment maintenance rather than conventional construction techniques). The system can be programmed for automated operation—and where repetitive structures such as warehouses are involved they can be duplicated exactly regardless of location.

Homes, warehouses and other buildings erected this way would be permanent, highly insulative, economical, of constant quality, not easily damaged by weather or age. They would not allow passage of moisture, deteriorate under ultraviolet radiation, support fungus growth, or permit damage by termites. They would be relatively non-combustible and, if ignited, would be self-extinguishing.

How the concept grew: It was a quest of the Army which led to the foam-in-place concept.

The Army was interested in plastic structures that might be erected quickly in the field. It hoped to be able to circumvent the need to ship lumber and conventional building materials overseas. Ideally, it wanted to send barrels of plastic material in liquid state to Vietnam and find some process by which the materials could be expanded into buildings that would be durable and could be left behind for use by the civilian population.

And it was an unusual women's clinic in Lafayette—completed in 1967—which attracted military attention. A cluster of 7 hemispheres incorporating offices of 4 obstetricians-gynecologists and a prenatal clinic, the structures were fabricated with a new process, "spiral generation," which simultaneously bends and welds planks of Styrofoam into place; a gun-applied coating of concrete over mesh protects the exterior.

The clinic was the work of E. H. Brenner, AIA, who had established his architectural firm in Lafayette in 1959 after graduating from the University of California School of Architecture in 1953 and serving as a member of the design team which produced the Los Angeles International Airport, County Mall, Federal Building, several UCLA buildings, resort hotels, office buildings, and private residences for movie stars, Frank Sinatra and Julie London.

Army engineers consulted with Mr. Brenner. In turn, he consulted with Dr. Harold DeGroff, President of Midwest Applied Science Corporation (MASC), an independent corporation formed in 1956 by a group of Purdue University engineering professors and headquartered in the University's Industrial Research Park. Mr. Brenner was seeking mechanical development ideas that could be used in plastic foam construction.

As Dr. DeGroff and colleagues began to consider the possibilities, the idea for a traveling mold took shape. And as MASC worked on the mold design, another university "spin-off" was called into consultation. Amicon Corporation, formed in 1962 by a group of Massachusetts Institute of Technology engineering professors, headquartered in Lexington, Mass. and specializing in research and development in materials science and chemical process development.

What would be the material most suitable for foaming in place?

One candidate was polystyrene, relatively inexpensive and already used with some success in building applications. But while it could be foamed readily under controlled plant conditions, foaming it in the field would call for complex equipment.

Polyurethane might be used but, as studies progressed, it became evident that filled epoxy resins had the best promise: they could make stronger foams, were easier to handle and ship, lower in cost—and they lent themselves most readily to a "one-shot" sandwich technique in which, instead of having to apply and bond a metallic or vinyl film or other coating, an integral skin could be formed during fabrication.

And the first epoxy formulation developed for preliminary study was, indeed, promising. Its two components could be metered and pumped from a standard two-component portable spray unit. Component A contained liquid epoxy resins—and, in contrast to conventional foams, more than half of it could consist of low-cost mineral filler such as talc or clay which not only could be added locally to save shipping weight but also increased rigidity and durability and decreased flammability. Component B contained curing agents.

When A was fed to a mixing head at 95 C and B at ambient temperature, the components would react and, within 10 seconds, form a rigid closed cell foam core with 6 pounds per cubic foot density. And when, during the foaming period, the expanding mass was forced into contact with a cold surface, a dense skin (100 pounds per cubic foot) would be formed and would have excellent structural and environmental characteristics: high tensile strength, outstanding chemical stability, showing no appreciable weight change or strength loss even after

prolonged immersion in 10% sodium hydroxide and 10% sulfuric acid.

The first formulation had low flammability. The foam core could be ignited with a match; the outer skin could not be ignited but would char and burn slowly in the oxidizing zone of a Bunsen flame and stop upon removal from the flame.

An improved formulation now has led to a "second generation" material with a foam core that will not burn when contacted with a match and a skin that will slowly char but will not burn in the oxidizing zone of a Bunsen flame. It has surpassed the requirements of the Standard ASTM flame tests for building materials.

And raw materials cost for the second generation formulation is on the order of 20 cents a pound.

Thus, for an 80' diameter hemispherical military shelter, for example, encompassing 5,025 square feet, material cost would be $3,500.

And for a 25' x 40' house shell, with 3" highly insulated walls, materials cost would be $750.

The erector: The erector to be used for foaming-in-place has been designed by MASC deliberately on a practical, state-of-the-art basis. Nearly every element is commercially available.

The erector consists of a boom system on which the traveling mold is mounted—and through which the material components are fed to the mixing head at the mold.

The boom—articulated to permit varied structural shapes—can be mounted on a 5-ton truck and operated by the truck engine via a drive train, using slightly less than 5 HP. An hydraulic control system is designed to simultaneously locate the boom through 3 spatial angles so the mold can be positioned at any point in space up to complete extension of the boom. The boom also carries cooling lines to the mold to allow for controlling thickness of the integral resin skin.

Foaming equipment and supply tanks are mounted on the truck. The system in its entirety can be taken directly to a construction site without need for auxiliary equipment.

The most unique component is the traveling mold—which basically consists of 2 steel plates and two endless embossed Mylar belts. As the two-component resin mixture is injected in liquid form between the plates, it immediately begins to foam and solidify and is laid down continuously to form wall or partition segments 9" to 12" high. With successful passes, any desired height can be achieved. The integral skins are formed by cooling the two steel plates.

Core and skins are cured in 10 seconds after they have, in effect, been spun into place in the structure. The skin is adhesive but Mylar, a plastic film with high tensile strength, is one material to which the skin bonds less vigorously. With an endless belt of Mylar traveling between plates and foamed material, the completed sandwich with integral skin peels off readily. And the Mylar film can be embossed to provide a skin surface which is attractive and has diminished light reflectivity.

Putting up a building: Construction would be greatly simplified with the foam-in-place technique.

In a single trip to a site, a 5-ton truck could carry all material and equipment needed to complete a one-family dwelling, for example.

Upon arrival at the site, the truck would be leveled and then stabilized by hydraulic jacks which would be an integral part of the truck chassis.

Foaming could begin directly on the ground. Where the soil is not suitable, a fibrous mat could be laid.

A "foundation wall" would be raised to the finish level of the floor; a foundation, in the usual sense, would not be needed since the structure would be so lightweight that the requirement would be to hold it down, safe from wind action, rather than distribute loads to the ground.

At approximately the level of the finish floor, a plastic base ring service module would be located; essentially, it would be a raceway for utilities and an insulated duct for ventilation. With service module in place, shell construction would continue.

The flexibility of the mold would allow partitions to be formed along with the shell. With shell completed, the interior could be backfilled with suitable natural soils to the approximate level of the finish floor. The footing wall could be backfilled on the exterior with the backfill sloping from finish floor line to natural grade. The weight of the backfill superimposed on the fibrous matting would hold the structure in place. With all underfloor accessories located, the soil on the interior could be stabilized—by spraying or flooding with an epoxy material—to form a permanent floor.

An air-tempering unit would then be attached to the base ring module—to heat, humidify, cool, dehumidify and filter the air circulated through the structure. With the addition of landscaping, the job would be done.

And the entire process would be completed in little more than a single working day.

Costs: How would total costs for foamed-in-place structures compare with those for conventional types?

For any size or shape, even figured on the most conservative basis, the new technique would cut costs materially.

Thus, for example, for an 80' diameter hemispherical building such as might be used by the military or by industry for warehousing, the cost would be $16,875—allowing $4,375 for the plastic materials (figured at 25¢ rather than 20¢ a pound), $500 for use of the erector and $500 for the 2-man crew that would operate it, $8,000 for concrete floor and backfill (although the concrete floor could be replaced by a lower-cost floor produced with earth-stabilizing plastics), and providing $3,500 for contractor mark-up. Thus, even on this basis, the cost per square foot would be $3.35.

As another example, for a 25' x 40' building, the cost would be $3800, or $3.80 a square foot. Here again the estimate is conservative. Although a 2-man crew could do more, the estimate assumes that such a crew would complete only two structures a week, including backfill and site preparation. It allots $1500 for floor and backfill, assuming the floor would be concrete (by using plastic, about $500 could be saved). And it provides for a contractor mark-up of $665.

Alternative systems, too: Currently under development are alternative methods of using the epoxy resin material for construction—through molds that would foam slabs or partitions on-site, 4 or 8 feet wide and of variable length, which could then be assembled into structures by using standard epoxy glues without need for nailing, bolting or mortar.

Two candidate molds have been conceived. One is a simple standard static mold into which the materials would be foamed and surfaces cooled. Upon removal from the mold, the material would be in the form of standard wall and ceiling panels.

The second is a continuous extrusion mold that employs the basic principles of the traveling mold—but in reverse. Instead of the mold moving, it would remain stationary while the foamed epoxy is extruded or pushed out between the running Mylar belts and carried onto a conveyor. Lengths could then be cut to form walls, partitions and ceilings.

These alternative systems do not have the flexibility and other advantages of the traveling mold. They do, however, conform more closely to conventional construction techniques and may be more readily acceptable to many builders.

Ultimate capabilities: The use of foamed epoxy resins distributed by a semi-automatic programmed traveling mold offers unlimited new design possibilities for structures of all types.

Because of the flexibility of the mold, several changes can be made simultaneously in the plastic sandwich wall. The core can be more or less dense, of greater or lesser dimension; surface skins can be altered in thickness and pattern. Thus, the designer can make appropriate selections on the basis of needs for structural strength, durability, appearance and factors of cost and construction time.

The mold mounted on an extensible boom will permit simple construction of elliptical forms suitable for offices, hospitals, barracks. Fairly simple circular shapes would be suitable for residences, storage facilities, and religious structures—and these could be formed with integral doors and windows.

By having the traveling mold and boom oscillate, coiled shapes can be produced so that, in effect, portions of a wall become internal partitions, providing privacy and division without need for conventional inner walls or doors; these coiled shapes can lend dynamic vigor and stimulate the visual sense. Snail forms can be made by simple back and forth oscillation, building up and coiling into the center.

Structures of any scale are possible because of the ability to move the traveling mold in any direction. It is feasible to construct very large structures from either the inside or outside, or both, by moving the truck and therefore changing the loci of the form.

When faced with a design problem, the architect could follow the same analytical procedures he now uses to determine the most logical function and form—and his design could be followed as always but with far greater speed, economy, and quality control. In some cases, the new technique's flexibility might well remove limitations which have troubled architects in the past.

In many cases in the future, architect—or builder—could select from a group of predesigned structures the most appropriate to fulfill requirements. The design will have been transcribed by a computer to a control tape to program the traveling head—and, from a central source of supply, could be ordered the materials, including tape program, required to complete a project.

Foam-in-place in the HUD model city experimental program: in an effort to develop attractive low-cost housing, the U.S. Department of Housing and Urban Development is contracting for a major national research and development program. It is to involve experiments in a large number of Model Cities.

As HUD has noted, the unavailability for lower-income families in urban areas of good housing at a cost they can afford is the result, to no small extent, of a complex of inhibiting regulation, custom and practice. And if there is to be a solution, it "will require the introduction and acceptance of major innovations in housing design—construction methods, labor practices, administrative procedures, etc."

The purpose of the HUD program is to encourage imaginative new building techniques and their practical testing—and participating cities are those which "have exhibited a desire, and intention" not only to build a large volume of low-cost housing but also "a determination to adopt, at this time, flexible and innovative methods to do so."

Major contractors for the HUD program have contacted MASC about the possibilities of including the foam-in-place concept in the experiments.

About MASC: In a sense, Midwest Applied Science Corp. is a spinoff from one of the country's major technically-oriented universities, Purdue. Such spinoffs have been rare in the midwest. MASC was formed in 1956 by a small group of Purdue engineering professors to provide analytical engineering services for industry and government.

In 1963, MASC began to broaden its activities to include product design and development, primarily for industry, and engineering research for both industry and government.

Headquartered in Purdue's Industrial Research Park in West Lafayette, Indiana, not far from the university campus, the company complements a full-time staff of industrially trained engineers and analysts with a consulting staff drawn from Purdue faculties.

Of its total roster of 65 employees and consultants, 55 are research scientists. Of the latter, 36 hold doctorates in civil, mechanical, electrical, aeronautical, other areas of engineering, and chemistry and the mathematical sciences.

The development—in conjunction with Amicon Corp. and the architectural firm of E. H. Brenner—of the concept, material and equipment for a mobile automated system for constructing low-cost, quality, foamed-in-place buildings for which patent applications have been filed—represents MASC's foremost proprietary position.

A major interest has been, and continues to be, the provision of specialized, sophisticated services to industry and government agencies—in effect, offering a bridge between university research and resources and the technical problems of industry and government.

Among nationally known MASC clients are General Motors, Bodine Electric Co., Cummins Engine Co., McGill Manufacturing Co., Mead-Johnson, National Aeronautics & Space Administration, Ross Gear Division of TRW, Rubber Manufacturers Association, Stewart Warner, Thiokol, United Aircraft Co., U.S. Air Force Cambridge Laboratories, U.S. Army Tank Automotive Command, U.S. Navy Bureau of Ships. MASC also serves many fast-rising smaller companies in Indiana and the midwest. It has a special "Associates Program" to provide engineering assistance tailored to small company needs.

MASC activities cover a broad range—from the development of specialized instrumentation, microwave technology, and plasma diagnostics to the stress analysis of complex structures including all types of shells and cylinders . . . from the analysis of the dynamics of hydrofoil boats and the phenomena of aircraft flutter to the solution of vibration problems in compressors, turbines and gear trains . . . from research problems in propulsion, energy conversion, insulation, thermal properties of materials and behavior of structures under large heating loads to computer-aided design.

MASC is active as a consultant to management in financial, computer and technical analyses. A special MASC division has been concerned with getting answers to such questions as these: How can research dollars be allocated to projects with greatest profit potential? When is something "just an interesting idea" and when can it be classed as commercially feasible? How will accelerating technology affect individual companies in various fields? Which communities will benefit most from current and expected engineering and scientific developments? How can technological change be made to work to the economic benefit of an entire city or region?

Because of expanding activities, MASC recently had to move to larger quarters—but still within Purdue's research park, close to the university which produces 7% to 8% of the nation's total output of PhD's in engineering and the physical sciences and, in the process of doing so, develops a vast amount of new technical information, often basic, which has great potential for application to the solution of industrial problems.

COLUMBUS DAY

Mr. SCOTT. Mr. President, nearly five centuries ago, Christopher Columbus sailed into the Western Hemisphere. Since that time, more than 12 million of his countrymen have followed him to these shores.

Establishment of Columbus Day as a national holiday is a long-overdue tribute to the discoverer of the New World and to the millions of Italian-Americans whose ancestors made a new life in America and, in the process, contributed so greatly to the progress of our Nation.

Under the Monday holidays bill now before the Senate, Columbus Day would be observed nationally on the second Monday in October each year.

When the U.S. House of Representatives passed this bill, my colleague, Congressman RICHARD S. SCHWEIKER, Republican of Pennsylvania, said:

The Italian-Americans have made a tremendously rich contribution to the United States and it is high time that we take action to recognize their contribution.

I wholeheartedly agree.

Our citizens of Italian descent have enriched our national heritage and our way of life through business, the professions, the arts, politics, science, and sports. In every type of endeavor, the names of Italian-Americans are prominent and respected.

Some of the more familiar are:

Philip Mazzei, friend of Thomas Jefferson, whose writings greatly influenced the drafting of our Declaration of Independence.

Constantino Brumidi, who painted the magnificent frieze in the great Rotunda of the Capitol Building in Washington.

Charles Barsotti, who established the first Italian daily newspaper in America.

Enrico Fermi, who made possible the use of atomic power, the peaceful uses of which are continually creating exciting new possibilities.

Walter Alessandroni, Pennsylvania's late attorney general, who made outstanding contributions to Government and law enforcement.

Anna Moffo, another Pennsylvanian whose glorious singing has made her name known throughout the world.

The day on which Columbus discovered this New World ought to receive the respect and prestige it deserves from the entire Nation; already it is legally observed in most of the States. I strongly urge passage of this bill to honor Christopher Columbus.

I request that a telegram I received from Judge William F. Cercone, national president of the Sons of Columbus of America, Inc., urging the passage of this important measure, be reprinted at the conclusion of my remarks.

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

SONS OF COLUMBUS OF AMERICA, INC.,
June 24, 1968.

HON. HUGH SCOTT,
Senate Office Building,
Washington D.C.:

The Congress of the United States of America will add another bright page to its already illustrious history when it proclaims Columbus Day a national holiday. There is a bit of Columbus in every American—the spirit of adventure, the courage to face the unknown and faith in Almighty God. With these attributes, Columbus opened up a new world. A law making Columbus Day a national holiday will open up a new world of pride and hope for all Americans. I respectfully urge this be done.

Judge WILLIAM F. CERCONE,
National President.

THE CONFERENCE REPORT ON THE REVENUE AND EXPENDITURE CONTROL ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared for delivery by the Senator from Alaska [Mr. BARTLETT], who is necessarily absent today.

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

A VOTE AGAINST H.R. 15414

(Statement of Senator E. L. BARTLETT)

On June 21 I voted against the conference report on H.R. 15414, the Revenue and Expenditure Control Act of 1968.

My reasons for doing so were several.

In the first place, let me say most positively that I believe as long as we are spending at the rate we are taxes should certainly be increased. Had a tax increase bill, and a tax increase bill only been brought before the Senate with a much higher rate than that imposed by H.R. 15414 I should have reluctantly voted for it. If we are going to continue to dedicate such a substantial part of our natural resources to the war in Vietnam, I believe most firmly that we should pay for that war now, not leave the bill to be picked up in the future. And most assuredly I am not in favor of spending for Vietnam without restraint while at the same time cutting back on essential domestic programs. There is no good excuse for piling deficit upon deficit in a time when overall the nation is the beneficiary of unrivaled prosperity.

My determination not to vote for the conference report was based in some slight degree upon the existing seven per cent tax investment credit. In the fall of 1965 the Congress was asked to strike this law. The Congress did repeal it.

Then in the spring of 1966 reinstatement was requested. It was reinstated. I am not an economist, amateur or otherwise; I understand that many and perhaps most economists believe that the seven per cent tax investment credit dampens rather than increases inflation by making plants and equipment available that otherwise would not be built or acquired, and that these additions to our industrial and related capacity make inflation less and not more likely. I am not entirely sure of this. In any case, I base my conclusion on the fact that once more a special group of taxpayers have been singled out for preferrential treatment while now all who pay income taxes will have their bills increased because of the passage of H.R. 15414.

I mentioned earlier that several reasons motivated my decision not to vote for the conference report.

The principal one, however, is that there is coupled to the tax surcharge a requirement for a $6 billion spending cut. I shall not argue against the principle. If it is the judgment of the Congress that expenditures must not run at the rate proposed by the administration in the January budget, so be it. As the situation now is, whatever cuts are not made by the Congress in the appropriation bills now being considered must be imposed by the administration later on to make up the difference between congressional appropriations and the $6 billion figure.

That is what I object to. If it is the will of the majority of Congress to have cuts, let Congress make the cuts.

Many of the same voices which support a cutback in federal expenditures are the same voices which warn that our three-branch

system of government is getting out of balance at the expense of the legislative branch.

Many of these same voices now say that Congress should cut what it can, and leave the rest up to the President. Mr. President, I ever so firmly believe that this approach is nothing more than a shirking of responsibility and smacks of political expediency. I can hear the howls now when the President cuts a program which is a favorite of some particular group. Then there will be attempts to restore the Presidential cuts, with the explanation that when we voted to force the President to cut federal spending we did not mean he should have cut this or that particular program. Indeed, I forecast that the majority of us will after the administration proposes cuts plead desperately that they should not be made.

For an example, I need go no further back than the recent actions of the House and Senate in restoring funds cut by the Executive Branch from aid to federally-impacted school districts. I am predicting we will go through the same exercise next year, and I will again support that exercise because I happen to differ with the administration on the importance of this program. But while I differ with the administration on this question, I cannot blame the administration for drawing up its own list of priorities when Congress refuses to do so.

If a balanced budget is the goal, then let us increase taxes and reform our tax policies so that everyone and every industry pays his or hers or its fair share.

There is ever so much that needs to be done in this land of ours and which can only be done by the federal government. I think the nation is able to pay the bill. I believe our citizens are willing to pay it. But all this should be done in a straightforward manner and Congress should not abdicate its responsibilities.

TRIBUTE TO CYRUS VANCE

Mr. McGEE. Mr. President, the record of public service which has been written over the past few years by Cyrus Vance marks him as an exceptional man—exceptional not only in his ability and skill, but exceptional in his willingness to serve his Nation.

Mr. Vance today serves as our No. 2 negotiator in Paris—a diplomatic assignment which is trying, indeed. Less than 3 months ago, we here in the Nation's Capital saw him at work in another instance as troubleshooter to the President and to Mayor Walter Washington in another time of stress and strain.

I, myself, had the good fortune 2 years ago to accompany then Assistant Secretary of Defense Cyrus Vance to Vietnam and Thailand on an official inspection tour of U.S. forces. I found him then to be what writer Lloyd Shearer calls him in an article which appeared in the Sunday supplement Parade this week, "the American version of a man for all seasons."

It is ironic, as Shearer noted, that not many Americans could tell you who Cy Vance is, despite the many instances of devoted service he has rendered to them and their country and the offices he has held. But that fact, I am sure, does not much bother Vance, who is much more interested in getting the job done than he is in personal aggrandizement.

Mr. President, I ask unanimous consent that Lloyd Shearer's article: "Cyrus Vance: The Nation's No. 1 Troubleshooter" be printed in the RECORD.

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

CYRUS VANCE: THE NATION'S NO. 1 TROUBLESHOOTER

(By Lloyd Shearer)

Suggestion: stop three pedestrians in your hometown and ask them this question: "Who is Cyrus Vance?"

I did this in Los Angeles several weeks ago when Vance's name was appearing in the nation's press each day, and his picture was being telecast by the TV networks each night.

These are the answers I obtained. From a middle-aged housewife: "I know Mr. Vance very well. I shop in his store. He runs a delicatessen on Fairfax near Beverly."

From a telephone repairman: "His name sure sounds familiar. I think he's a politician."

From a cab driver: "His name don't ring no bell with me, except there used to be a goofy guy named Dazzy Vance who pitched baseball for the old Brooklyn Dodgers. Is that the guy you mean?"

I repeated the question in several other cities—San Antonio, Dallas, Johnson City, Memphis, Chicago, Oakland, New Haven, and San Diego. The results were much the same. At a time when Cyrus Vance was being publicized as Averell Harriman's co-negotiator at the Paris conference with the North Vietnamese, and his background as America's number-one troubleshooter was being delineated and explained, most of the people couldn't identify him.

At 51, Cyrus "Spider" Vance has become chief of Lyndon Johnson's fire department. In the past few years the President has dispatched Vance to extinguish the emergency flames in the hottest of the hot spots. Tall, handsome, blue-eyed and pacific, lawyer Vance negotiated a peace among the warring factions in the Dominican Republic. He soothed ruffled feelings in the Greece-Turkey crisis over Cyprus last November, helped get the Detroit riots under control last July, talked the outraged South Koreans out of going to war against the North Koreans at the time of the Pueblo incident in February, diplomatically handled the Washington, D.C., riots following the Martin Luther King assassination in April, and is at the moment of this writing hard at work in Paris, trying to talk some sense into the intransigent North Vietnamese negotiators in Paris.

Surely, such a fireman should be better known than he is. Why is he not?

Originally from Clarksburg, W. Va., where he was born on March 27, 1917, to a father who sold insurance and mother who is remembered as one of the most brilliant, talented women in the community, Cy Vance is basically a shy, privacy-loving man who has never cherished political office or developed the charisma frequently necessary to achieve it. The charm he has for women and the friendship he generates for men seem innate rather than acquired characteristics.

STRONG AND SYMPATHETIC

A classmate who once played with him on the Yale University hockey team, says, "Cy is by nature a modest, unassuming guy. He is polite not political, strong yet sympathetic. Just see how snugly he fits in with Averell Harriman in Paris. Technically Cy and Harriman are both President Johnson's personal representatives and therefore equal, but Cy naturally defers to Harriman who after all is 76 and has been in government since 1933.

"He lets Harriman take all the the leads, do most of the talking, set the style and set the pace. He plays the role of the disciple learning from the doyen without appearing cloying or sycophantic. Yet I predict if the negotiations ever bear fruit that Cy will have contributed the lion's share, because after all he is a trained lawyer and Harriman is not.

"Cy's great advantage," his clasmate (Yale, '39) points out, "is that he has never hungered for fame or recognition, just solid achievement. Because of that he is more secure than most men."

Vance, who retired from the Defense Department last summer to his old-line New York law firm of Simpson, Thacher, and Bartlett, has been known in Washington, D.C., for the last seven years as "a loner of sorts," as a man who eschewed the gossip of the cocktail party circuit in favor of the comforts and companionship provided by his wife, the former Grace Sloane (her father, John, was a partner in the W. & J. Sloane home funishings company) and their five children.

"Neither Cy Vance nor Gay (which is what almost everyone calls Mrs. Vance) ever believed in fishbowl-living or playing the social game down here," confirms one female capital columnist. "Even when Gay took over the Widening Horizons program from Margie McNamara—that's a program for under-privileged teenagers—she managed pretty well to stay out of the public press. None of the Vances believe in self-advertising or publicity.

"Cy is just one of those rare birds in govenment service who, never came down with Potomac fever. I guess he just doesn't take enough vitamins. He simply doesn't want to become President of the U.S. Maybe that's what a bad back does for you."

BOUT WITH SURGEONS

In 1962 when Vance was appointed Secretary of the Army, he ruptured a spinal disc one afternoon while rising from his desk chair. The surgeons removed it. Four years later, however, he tore a cartilage in his right knee and for a while hobbled about on crutches. Subsequently the undue pressure and imbalance on his spinal column caused another disc to rupture, and he was scheduled for additional surgery when President Johnson phoned and asked if he wouldn't fly to Detroit immediately. This was last summer when the riots had erupted there, and Johnson wanted an accurate and judicious survey of the situation before he ordered the troops in.

Anyone who has suffered the disc syndrome knows how acutely painful it can be, how so simple an exercise as walking becomes almost impossible without wearing a tightly-fitted back brace, but Vance agreed to go providing he could take his wife along. Unable to bend down, he needed her to tie his shoe laces.

"It was primarily for that purpose," she discloses, "that I went with him. Cy could slip into his shoes without bending, but he couldn't bend down to tie the laces. Unfortunately for me he's now improved to the point where he can. Otherwise he might have taken me to Paris as his official shoe lace-tier."

Last year when President Johnson decided to replace Robert McNamara as his Secretary of Defense—McNamara had become too much of a dove in opposition to Dean Rusk and Walt Rostow—he offered McNamara's job to Vance. Troubleshooter Vance, McNamara's deputy for years, turned it down because of his bad back whereupon Johnson pressured Clark Clifford into taking the position.

Vance, who is a conservative Democrat—his cousin, John W. Davis ran unsuccessfully for the presidency in 1924 with Franklin D. Roosevelt as his running mate—has from time to time been hushed about in Democratic Party circles as possible presidential timber, but he shows no evidence of ever having been infected with the political virus.

"I don't want to sound corny," declares White House Press Secretary George Christian, "but the only thing Cy Vance is running for is the United States of America. I don't believe I've ever met a finer, more balanced fellow. He's got more common sense on more touchy subjects than any man I've ever seen. He can handle anything from a riot to the most delicate kind of diplomacy, and that's why the President calls upon him. He is this country's number-one troubleshooter in all

respects, and the President's faith in him is complete. Cy is the kind of fellow who justifies it."

Vance is also that rare man in high places who inspires a unanimity of praise. It is well-nigh impossible to find a member of the New York bar who has dealt with him or anyone in Washington, D.C., who has worked with him, who will criticize him adversely. All judgments of his personality and performance approach hyperbole.

Listen, for example, to Robert McNamara, a shrewd perspicacious judge of people who introduced a whole flock of so-called "whiz kids" into the Pentagon reorganization in 1961.

"What Cy Vance has," he asserts, "is integrity, honesty, a quiet, steadfast courage of his convictions. He also has a warm, wonderful way of dealing with people, of drawing from them their utmost support and contribution to a common effort. He has a strong personality but it is never abrasive. It expresses itself in terms which other people find acceptable.

"This combination of qualities, of honesty and integrity is fundamentally important in negotiating. The other side must have confidence in you, and Cy has the sort of integrity which builds confidence. He knows how to examine problems from the other person's point of view, but still because of his persuasiveness he can ultimately achieve an agreement which others might not. I think that Vance and Harriman make the ideal, the perfect, negotiating team. We're lucky in having them."

COMPLETE INTEGRITY

Adam Yarmolinsky, now a Harvard law professor but formerly a special assistant in the Defense Department, says, "The noun which comes quickest to mind when you mention the name, Vance, is integrity, complete integrity. Vance is a man with a fine sense of the limits of the possible. He has extraordinary judgment of what can be done and how to get it accomplished.

"He's an excellent negotiator, because he has perception, persistence, and tolerance. He is not going to give anything away to the North Vietnamese merely because they filibuster or try to wear him down or threaten to walk out or do walk out."

A White House insider adds that Vance is a man who never loses his cool, never communicates panic to a situation, instead lends to it an air of calm and reason. He also sees to it that his adversary never loses face.

"I remember," this source recalls, "when the President sent Cy to Korea this past February. Kim Il Sung's commandos from North Korea had invaded Seoul to assassinate President Park, and South Korea was determined to go to war against North Korea or at least to mount a retaliatory attack. North Korea has a mutual aid treaty with Soviet Russia which calls for the Soviets to come to their aid in the event of war. We have an understanding with South Korea. It was a powder keg situation which could have blown into World War III.

"Cy flew to Korea, spoke to President Park, assured him that we would not let him down. He explained that President Johnson would ask Congress for $100 million in extra military assistance for the ROKS (Republic of Korea's army). He invited Park to discuss his troubles face to face with the President. In his own sincere way he put out the fire.

"If the Paris conference with the North Vietnamese lasts—who knows if it will and for how long—Cy Vance will be the man who commutes between Paris and Washington to brief President Johnson from time to time. He's the best traveling firemen we've got."

Friends and relatives who know Vance well enough to explain him, believe that he owes much of his winning personality and overriding sense of duty to his mother, the late Amy Roberts Vance.

"She was really something," a member of the family explains, "a churchgoer, a civic-minded activist who organized the first symphony concerts in Clarksburg, an organization called the League of Service. She was chairman of the library and pretty nearly everything else. She was a wonderful woman who was determined to leave Clarksburg a better place than she found it, and she did.

"Her husband died of pneumonia when Cy was 5 and his brother John 8. And all you have to do to see what a great job she did is to look at Cyrus and John. Both are prominent lawyers, John in Charleston and Cyrus in New York. She inspired people to serve their communities, and she inspired her son by example."

As a boy Cy Vance was sent off to Kent School in Connecticut where he played football and hockey, was elected senior prefect of the student body. "He was all legs and arms on the ice rink," one schoolmate fondly remembers, "which is why we began calling him 'spider'."

From Kent, young Vance moved a stone's throw over to Yale where he quickly became a member of the undergraduate establishment along with McGeorge Bundy, Sargent Shriver, and several others who later were to serve the Kennedy Administration. At Yale Vance played varsity hockey, made Scroll and Key, won his B.A. in economics. In 1939 he entered Yale Law School and after graduating with honors, enlisted in the Navy. Assigned to destroyer duty he saw action in the Atlantic and Pacific, took part in operations at Bougainville, Tarawa, Saipan and Guam.

When finally he was discharged in 1946 at age 29 he decided that he had best start working for a living. First he obtained a job as assistant to the president of The Mead Corporation, manufacturer of paper products. But after a year left to marry Grace Sloane and join the New York City law firm of Simpson, Thacher, and Bartlett, where he is now a senior partner.

It was while he was specializing in civil litigation that Vance also began serving in various government positions, working as special counsel to several Senate investigating subcommittees. In 1961 Bob McNamara prevailed upon him to enter the Defense Department as General Counsel and help reorganize the jungle which by then the Pentagon had become.

A year later McNamara helped make him Secretary of the Army and subsequently his Deputy Secretary of Defense, grooming him as his successor.

There is little doubt that McNamara has influenced Vance more than any other individual in government. "When Vance first came to Washington," says an intimate, "he was essentially the man in the Brooks Brothers suit, a conservative member of the Eastern establishment. McNamara broadened his horizons, broadened his perspective and philosophy. Both men have gained considerably from their friendship, and it's no secret that McNamara expected Cy to inherit his job one day."

BACK TO LAW PRACTICE

Last July, however, having rapidly depleted has savings via eight years of government service, faced with the mounting educational expense of sending his five children to Vanderbilt, Mt. Holyoke, Foxcroft, Westover and Buckley, Vance decided to move back to New York and resume his more remunerative law practice. Thus, when Johnson offered him the McNamara berth, he turned it down on the two grounds of finance and health.

Vance is constitutionally unable however to resist any pleas for emergency duty from the Lyndon Johnson fire department.

"He has always," declares the President, "placed his country before himself. Whenever I have called him to serve since he left the Department of Defense, he had served the U.S. with remarkable skill. He is a man of energy, uncompromising intellect and remarkable wisdom. I can think of no man better qualified to represent effectively and fairly this nation's interest in any negotiations either at home or abroad."

In a sentence Cyrus Roberts Vance is the American version of a man for all seasons.

ARE HUMAN RIGHTS ESSENTIAL?

Mr. PROXMIRE. Mr. President, the question I pose in the title of my remarks is not rhetorical. There exists both a philosophical and practical controversy as to whether the rights of man are essential. The history of mankind would seem to be a continual resolution of that question in the negative. Wave after wave of murder, terror, and mass exploitation stand as landmarks on the road of man through time.

I do not wish to discourse on the metaphysics and ethics of what is essential and what is accidental in man but I do think appropriate some reflection on the fact that all men, truly worthy of the name, acknowledge certain rights of men as inalienable—or essential—due a man by the very fact of being a man.

Surely, Mr. President, civilized men recognize that we all should be free from murder, torture, maiming and exploitation of the body. And to this should also be added freedom from exploitation of the soul, and mind and spirit of man. The rights of being protected from these horrors are indeed essential to the very nature of us all. They inhere in each of us and cannot be taken from us except through some form of unnatural deprivation.

Therefore, these rights are essential to the happiness of each individual. But they are also essential in another way. Respect for these rights is essential to preserving the peace and ultimately preserving and perfecting our civilization.

Mr. President, we have observed in the last few years how essential to the preservation of the civil peace is respect for the rights of others under the rule of law. We have seen what forgetting the rights of others has brought this country and indeed the whole world. Disrespect for the rights of others can only result in disorder, conflict and reversion to brutal and atavistic behavior.

Surely, this century alone has presented us with enough horror and violence and shame to move us to seeking peace and understanding based on respect for the rights of others.

Mr. President, respect for the rights of others is not the plea of the evangelist or the wild-eyed idealist; it is the demand of all right thinking men—men who not only realize the essential nature of these rights of men but have also learned from history that disaster follows their violation.

We have, in the Senate, the opportunity to declare unequivocally for these rights. We have pending before us the various human rights conventions to which this country is already signatory. We must ratify these conventions as much from motivations of idealism as from realistic appraisals of what will befall mankind if these rights are not respected and acknowledged by all men as truly essential.

Ratification by the Senate is a step in that direction which we cannot afford not to take. Human rights are essential.

A PROPOSED AMENDMENT TO THE 1968 HIGHWAY ACT WITH REFERENCE TO CONSERVATION PURPOSES

Mr. JACKSON. Mr. Presdent, I rise to alert the Senate to an anticonservation amendment to the 1968 Highway Act, now pending before the House Public Works Committee.

Congress in 1966 created the Cabinet-level Department of Transportation to cope with an impending national transportation crisis precipitated by sprawling urban congestion, and a proliferation of uncoordinated local, State, and Federal transportation programs. The Department of Transportation Act—Public Law 89-670—clearly reflects a congressional intention that new techniques be applied in the everyday administration of transportation systems, programs, and projects in which there is a Federal investment.

In establishing this executive Department, Congress expressed a national policy to preserve and enhance the beauty of the countryside, public parks, recreation lands, wildlife and waterfowl refuges, and historic sites in sections 2(b)(2) and 4(f) of the act. In the declaration of purpose section of the act, section 2(b)(2) provides as follows:

> It is hereby declared to be the national policy that special efforts should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuge, and historic sites.

In section 4(f) of the act, Congress implemented the earlier declaration of national policy as follows:

> After the effective date of this Act, the Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) *there is no feasible and prudent alternative to the use of such land,* and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. (emphasis added)

It is my understanding that the House Public Works Committee will report H.R. 17134, the Federal-Aid Highway Act of 1968, sometime later this week. This bill, as it will reach the floor of the House, contains a provision which, if enacted, will have the effect of severely weakening section 4(f) of the Department of Transportation Act.

Section 17 of the new Highway Act would amend section 4(f) by striking out the language:

> (1) *there is no feasible and prudent alternative to the use of such land—*

And rephrasing subsection (2) of 4(f) as follows:

> Such program or project includes all possible planning, *including the consideration of alternatives to the use of such land,* to minimize any harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. (substituted language given emphasis)

It is fairly obvious, I think, that this modification will hamstring both section 4(f) and the congressional intent embodied in the purpose section of the Department of Transportation Act.

I think it is important to stress that Congress intended sections 2(b)(2) and 4(f) to apply not only to roads and highways, but also to other forms of transportation. In his letter to me of May 23, 1967, Secretary of Transportation Alan Boyd stated that—

> It is fully recognized that lands dedicated for conservation purposes may be affected by all modes of transportation, and I agree that the provisions to which you refer (sections 2(b)(2) and 4(f) embrace all of the transportation programs coming within the Department's responsibilities.

Other committees of the Congress and all Members of the Congress should be alert to the far-reaching implications of the amendment in the pending Federal-Aid Highway Act. The adverse effects of this amendment would be felt beyond just the highway program.

The Secretary of Transportation has the responsibility, in consultation with the States and the Secretaries of Interior, Housing and Urban Development, and Agriculture, to develop the regulations, policies, and procedures to implement sections 2(b)(2) and 4(f). At present, the affected Federal agencies within the Department of Transportation are preparing standardized procedures to implement these sections. On May 10 of this year, the Federal Aviation Administration published in the Federal Register its notice of proposed rulemaking and a draft of the proposed rules asking for comment from interested parties. I ask unanimous consent to insert this notice and draft in the RECORD at the end of my remarks.

It is my understanding that the Bureau of Public Roads and the U.S. Coast Guard will also publish soon for comment their proposed rules and regulations implementing sections 2(b)(2) and 4(f). In my judgment, it would be inappropriate, indeed ill-advised, to tamper with the language of 4(f) at a time when the newly established Department of Transportation and agencies within the Department are drafting procedures to assure meeting the test established by the Congress in determining what constitutes a "feasible and prudent alternative" to the use of public parklands for transportation systems and "all possible planning to minimize harm" to such lands. Moreover, there has been no showing that section 4(f) has placed an unreasonable burden on the construction of new systems.

Mr. President, as chairman of the Senate Committee on Interior and Insular Affairs, I have a particular responsibility for the conservation and protection of public lands. As floor manager of the Department of Transportation Act, chairman of the Senate conferees, and sponsor of the amendments which added sections 2(b)(2) and 4(f) to the act, I have some familarity with the intent of Congress in adopting these provisions less than 2 years ago. In so doing, Congress expressed its clear intent that future transportation systems be so designed and constructed that areas which have been dedicated to conservation purposes will be protected.

It is my strong hope that in considering the Federal-Aid Highway Act of 1968, Congress will see fit to delete the proposed amendment to section 4(f), an amendment which clearly contravenes the previously expressed intent of Congress.

Mr. President, I also ask unanimous consent to have inserted into the RECORD a telegram I received from Vice President HUBERT HUMPHREY, Chairman of the President's Council on Recreation and Natural Beauty, and Laurance S. Rockefeller, Chairman of the Citizens' Advisory Committee to the President on Recreation and Natural Beauty, urging the rejection of the proposed amendment to section 4(f).

There being no objection, the notice and telegram were ordered to be printed in the RECORD, as follows:

[14 CFR, part 17: Docket No. —, Notice 68-]

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION PROJECTS AFFECTING PUBLIC PARKS, RECREATIONAL AREAS, WILDLIFE REFUGES, OR HISTORIC SITES: NOTICE OF PROPOSED RULEMAKING

The Federal Aviation Administration is considering the issue of a regulation implementing, with respect to projects and programs requiring the approval of the Federal Aviation Administration, sections 2(a), 2(b)(2) and 4(f) of the Department of Transportation Act (49 U.S.C. 1651(a) and (b)(2), and 1653(f)).

Section 2(a) of the Department of Transportation Act declares that the public interest requires "the development of national transportation policies and programs conducive to the provision of fast, safe, efficient and convenient transportation at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the Nation's resources".

Section 2(b)(2) of the Department of Transportation Act declares it "to be the national policy that special effort shall be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites".

Section 4(f) of the Department of Transportation Act states that no program or project that requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site may be approved unless there is no feasible and prudent alternative and the program or project includes all possible planning to minimize harm to the park, area, refuge, or site involved.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Office of the General Counsel, Federal Aviation Administration, Department of Transportation, Attention: Rules Docket, GC-24, 800 Independence Avenue, S.W., Washington, D.C. 20590. All communications received on or before ————, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The proposed procedures and standards would apply in cases where action subject to section 4(f) is required on requests for approval submitted by persons outside the FAA, such as an application for a grant under the Federal-aid Airport Program. However, the Administrator would also use the proposed standards in making internal

decisions on matters, such as the construction of an FAA facility, that involve the application of section 4(f).

The proposed rules would be placed in a new Part 17 of the Federal Aviation Regulations and would apply, in addition to any other requirements or rules applicable, in those instances in which a new program or project, or a change in an existing program or project, is proposed that involves subject matter covered by section 4(f). Thus, the requirements of consultation with the Secretary of the Interior under section 3(c) Federal Airport Act (49 U.S.C. 1102(c)) with respect to the need for airports at national parks; of section 106 of the "Act to establish a program for the preservation of additional historic properties" (16 U.S.C. 470f); of § 204 of the Demonstration Cities and Metropolitan Development Act (42 U.S.C. § 3334); and generally of Part 151 of the Federal Aviation Regulations with respect to the Federal-aid Airport Program; would not be superseded.

This rule-making action is proposed under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), the Federal Airport Act (49 U.S.C. 1101 et seq.), sections 2(a), 2(b)(2), 4(f), and 9(e)(1) of the Department of Transportation Act (49 U.S.C. 1651(a) and (b)(2), 1633(f), and 1657(e)(1), and § — of the Regulations of the Office of the Secretary of Transportation (14 CFR).

In consideration of the foregoing, it is proposed to amend Title 14, Chapter 1, of the Code of Federal Regulations by adding the following new Part 17.

———— ————,
Administrator.

Issued in Washington, D.C. on —.

TITLE 14—AERONAUTICS AND SPACE

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PROCEDURAL RULES

Part 17—Projects affecting public parks, recreational areas, wildlife refuges, or historic sites

Contents

Part 17—Projects affecting public parks, recreational areas, wildlife refuges, or historic sites

§ 17.1 Applicability.

This Part applies to any request for approval by the Administrator of a program or project that requires the use of any public park, recreational area, wildlife and waterfowl refuge, or historic site. These approvals include—

(1) Certification and recommendation under § 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a));

(2) Grants Federal aid for airports under the Federal Airport Act (49 U.S.C. 1101, *et seq.*) and Part 151 of this chapter;

(3) Requests from the Administrator to the head of another Department or agency for conveyance of a property interest to a public agency under § 16 of the Federal Airport Act (49 U.S.C. 1115) and Part 153 of this chapter; and

(4) Approvals of conveyances of surplus real property under § 13(g) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622(g)).

§ 17.3 Definitions.

As used in this Part—

(a) "Public park" includes—

(1) Land dedicated or reserved for public park or urban open space purposes;

(2) Privately owned land planned for park or open space purposes as shown in an official comprehensive master park or open space program or plan developed by a government body or agency;

(3) A publicly developed or planned reservoir;

(4) Land having outstanding natural park values, owned by a nonprofit organization, and devoted to public use, including the preservation of those values for scientific or educational purposes; and

(5) Any area approved by the Secretary of the Interior as eligible for inclusion in the National Registry of Natural Landmarks.

(b) "Recreational area" includes—

(1) Any land dedicated or reserved for public recreational purposes, whether administered by a public agency or managed by a private enterprise;

(2) Any recreational area identified in a comprehensive plan developed by a State under the Land and Water Conservation Fund Act (16 U.S.C. §§ 460d, 460l–4 to 460l–11 and 23 U.S.C. and 23 U.S.C. 120, note) or as shown in a comprehensive master recreation plan developed by a governmental agency or body such as a county, recreation district, or Federal or State agency, and

(3) Any publicly developed or planned reservoir.

(c) "Historic site" includes any historic property, such as a district, site, building, structure, or object, significant in American history, architecture, archeology, or culture—

(1) Listed in the National Register compiled and maintained by the Secretary of the Interior pursuant to 16 U.S.C. 470a;

(2) Determined by the State Liaison Officer with Historic Properties Preservation Act responsibilities, after consultation with the Keeper of the National Register, to meet the National Register criteria promulgated by the Secretary of the Interior and thus likely to be entered on the National Register after the State submits its results of the statewide comprehensive historic properties survey; or

(3) Meeting the eligibility requirements for historical preservation grants by the Department of Housing and Urban Development pursuant to 16 U.S.C. § 470b–1 and 42 U.S.C. §§ 1500d–1 and e.

(d) "Wildlife" includes fish, shellfish, and crustacea that are resident in and anadromous to inland and coastal waters, as well as waterfowl and other wildlife.

(e) "Wildlife refuge" includes—

(1) Any area officially designated as a wildlife sanctuary; and

(2) Any area otherwise acquired or controlled or scheduled for acquisition or control, and areas recognized as necessary for the protection, study, production, or conservation of wildlife by national, State, or local wildlife authorities, such as a stream, lake, forest, or coastal area that is the natural habitat of wildlife.

(f) "Publicly developed and planned reservoirs" include existing water impoundment projects as well as planned projects, that have been officially authorized, that serve a park, recreational, or wildlife function. Federal agencies with reservoir development activities include the Bureau of Reclamation, U.S. Department of the Interior; Corps of Engineers, U.S. Army; Soil Conservation Service, U.S. Department of Agriculture; and independent agencies such as the Federal Power Commission, Tennessee Valley Authority, Delaware River Basin Commission, and the Saint Lawrence Seaway Development Corporation.

§ 17.5 Coordination required.

Each person considering the establishment of a program or project subject to this Part, must, as early in the planning stages as practicable, solicit the views of each Federal, State, and local resource, recreation, and planning agency whose functions, interests, or responsibilities can reasonably be anticipated to be affected by that program or project. The information furnished each agency for the purpose of soliciting its views must be as complete as possible to ensure a meaningful evaluation of the program or project by that agency.

§ 17.7 Requests for approval.

(a) Each request for approval of a program or project subject to this Part must include the following material:

(1) A description of the program or project, including the alternatives which were considered, an analysis of the alternatives (including the estimated costs of such alternatives), and the reasons why the alternatives are not considered to be feasible and prudent.

(2) A description of the measures to be taken, and an estimate of the cost, to minimize the effect of the program or project on the park, recreational area, wildlife refuge, or historic site involved.

(3) The views received as a result of the coordination required by § 17.5 of this Part and an analysis of those views.

(b) In determining whether to approve a program or project subject to this Part the Administrator considers all pertinent factors including the following:

(1) The justification for the particular program or project and its site.

(2) Safety and efficiency of aircraft operation.

(3) Integration with the overall regional airport plan.

(4) The absence or presence of other alternatives in addition to those considered by the person requesting approval, including alternative methods of transportation.

(5) The effect of any incidental construction necessary for the proposed program or project, such as the construction of access roads or parking facilities.

(6) Cost differentials between the proposed site and alternative sites.

(7) The total effect of aircraft operations on any park, recreational area, refuge, or historic site.

(8) Steps to be taken to minimize harm to the park, recreational area, refuge, or historic site involved.

§ 17.9 Public hearings.

Any person having a substantial interest in the matter may request the Administrator to hold a public hearing with respect to the approval of a program or project subject to this Part. Upon receipt of such a request, a hearing will be scheduled and announced by the publication of a notice in the Federal Register. The procedures governing the hearing are stated in the notice of the hearing. In the case of an airport project, this hearing may be combined with a hearing held under § 9(e) of the Federal Airport Act (49 U.S.C. 1108(e)).

§ 17.11 Approval of projects; minimizing harm.

If the Administrator approves a program or project subject to this Part, he prescribes any conditions necessary to minimize harm to the public park, recreational area, wildlife refuge, or historic site involved.

WASHINGTON, D.C.,
June 22, 1968.

HON. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Washington, D.C.:

The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee to the President on Recreation and Natural Beauty, meeting today in joint session, strongly urge that language not be included in the Federal-Aid Highway Act of 1968 that would weaken section 4(f) of Public Law 89–670, the Department of Transportation Act (see section 17 of H.R. 17134 committee print of June 20, 1968.) Such language would severely handicap the Secretary of Transportation in his directive not to invade public parks, recreation areas, wildlife and waterfowl refuges or historic sites in the design and construction of various transportation facilities unless there is no feasible and prudent alternative. We urge you to take appropriate action not to allow

such an adverse provision to be included in the Federal-Aid Highway Act of 1968. The Department of Transportation Act was only recently enacted by the Congress and the Secretary of Transportation should be given an opportunity to implement section 4(f) before any precipitous action is taken by the Congress that could so adversely affect the quality of our environment.

HUBERT H. HUMPHREY,
Vice President of the United States and Chairman of the President's Council on Recreation and Natural Beauty.
LAURANCE S. ROCKEFELLER,
Chairman, Citizens' Advisory Committee to the President on Recreation and Natural Beauty.

RURAL RENEWAL—A NEW NATIONAL POLICY OBJECTIVE

Mr. SPARKMAN. Mr. President, on May 20, I addressed the Senate to voice my concern over the continuing outmigration of the rural jobless into our already tense, overcrowded cities. At the same time, I announced hearings before my Small Business Subcommittee on Financing and Investment in order to explore public and private investment plans and programs which could reduce this outmigration and lead to a better rural-urban economic balance.

I feel that if we can materially expand job opportunities in rural America through our small business sector, we will make a substantial contribution to resolving the urban problem. It is apparent that more jobs and larger payrolls in rural America are the cornerstones of a proper rural-urban balance. By providing more jobs in rural areas, much of the pressures will be taken off of large towns and metropolitan areas. Federal, State, and local government and the private industrial sector must work closely in this vital effort. Their success or failure will be measured by the kind of society our children and grandchildren inherit. The task looms large, but the results will be felt for decades to come.

At the May 23 hearing, the subcommittee received testimony from the Small Business Administration. SBA has an excellent program which, I believe, can serve effectively as a blueprint for rural renewal throughout this country. That is SBA's local development company loan program. Mr. Robert C. Moot, the able Administrator of SBA, told the subcommittee that, since its inception 10 years ago, this program alone has created over 65,000 permanent job opportunities. This means payrolls over almost a quarter of a billion dollars a year and approximately an additional $87 million in tax revenue returned to the U.S. Treasury annually. Most of these jobs were created in depressed rural communities.

The subcommittee was so impressed with SBA's progress in this field that we have scheduled another day of hearings on Thursday, June 27, in order to ascertain what other Federal agencies are accomplishing in this area. At that time we will hear from Department of Agriculture Assistant Secretary John A. Baker, Department of Commerce Assistant Secretary for Economic Development Ross Davis, Department of Housing and Urban Development Assistant Secretary for Metropolitan Development Charles M. Haar, and the Federal Cochairman of the Appalachian Regional Commission Joe W. Fleming.

Because of the vital role that each of these departments and agencies plays in upgrading the economies of depressed rural areas, I am certain that the hearing will be enlightening, informative, and productive. I expect these agencies to present their plans, policies, and programs which can be brought to bear on the problem of rural outmigration. Subsequently, the subcommittee will complete its inventory of the various programs available throughout the executive branch of the Federal Government either in the form of additional hearings, conferences, seminars, or staff reports. We will then decide what, if any, additional legislation is required to make all of these programs work most effectively.

Mr. President, we must do something meaningful to eliminate rural poverty. We can never hope to resolve the problems in our cities unless we effectively combat poverty in the rural areas at the same time.

The Federal Government must establish a price tag for the revitalization of rural America. It must also declare a national policy for nonmetropolitan America. This policy should stress the need for a unified, aggressive approach to the economic development of these areas on a nationwide basis.

The hour is very late. We must begin immediately.

BUYER BEWARE: RADIATION TESTING DEVICES MAY BE FRAUDULENT

Mr. MAGNUSON. Mr. President, despite the continuing illness of the senior Senator from Alaska [Mr. BARTLETT], he has continued to lead the fight in the Senate to enact an effective Radiation Control for Health and Safety Act of 1968.

He recently concluded Commerce Committee hearings on the proposed legislation; and as is so often the case when a Member of this body develops expertise in a particular area, he learns of many related problems which are not necessarily covered by the legislation under consideration.

Such was the case with Senator BARTLETT when he discovered that several companies were attempting to take advantage of the reports that some color television sets emit radiation in excess of currently accepted standards. As Senator BARTLETT points out, these companies are seeking to sell devices which they claim can test television sets for emission of radiation, but it appears unlikely that these devices in fact do effectively measure such emissions.

I ask unanimous consent that Senator BARTLETT's statement calling attention to this practice be printed in the RECORD.

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

STATEMENT OF SENATOR BARTLETT

There is apparently no fear nor ignorance that some men won't exploit for profit.

Recently, I conducted a second set of hearings on potential health hazards of radiation. The first set was held August 28, 29 and 30, 1967; the second set, May 6, 8, 9, 13 and 15, 1968. In those hearings, we heard testimony on a wide range of potential health hazards, ranging from excessive quantities of microwaves emitted by poorly designed ovens to the need to license operators of x-ray equipment.

I believe the record of the hearings supports the case for enacting a bill establishing standards and licensing in this area.

However, my purpose today is not to discuss legislation, other than to state that strenuous efforts will be made to enact a bill dealing with radiation health and safety.

Rather, my purpose today is to call public attention to what may well be an attempt to make a profit by first fanning fear about radiation and then offering fraudulent devices to stem that fear.

Those who followed my hearings and those conducted on the House side know that considerable publicity was given to reports that some color television sets—and I repeat the adjective "color" were found to emit x-rays in excess of currently accepted standards.

While the findings indicated a potential health hazard and a need for establishing safety standards to protect the public against any such unnecessary exposure to radiation, those findings also made quite clear that when certain television sets do emit excessive radiation the emissions are quite variable over many areas of individual sets.

Furthermore, the recent survey of color television sets in Washington, D.C. by the U.S. Public Health Service indicated a need to develop effective instruments to check color television sets for x-ray emission. The lack of such instrumentation is one of the most persuasive arguments for establishing production safety standards. Quite obviously if it is difficult if not impossible to inspect color TV sets once they are in stores or in homes, it is most important we do what we can to insure that sets emitting excessive x-rays be prevented from reaching the public.

With this background in mind, I was deeply disturbed and dismayed when I learned that several companies, either through design or naivete, were advertising for sale devices allegedly designed to detect excessive amounts of radiation being emitted by television sets.

Most of those ads start with some scare headline about the dangers of x-rays from television sets. Most of these ads do not note that only color television sets have been found to emit excessive radiation, an omission, I fear, not of oversight, but prompted by a desire to sell more devices.

One ad, directed at television servicemen, takes the following approach:

"This letter concerns your profits and your health (possibly your life)."

One might think the latter concern might be more important than the former, but in this particular letter the individual's profit comes before the individual's health.

The letter goes on to instruct the television serviceman how best to fan the fears of his customer, thereby inducing the customer to purchase a testing kit.

The clinching argument used to convince servicemen to purchase these kits are the lure of an $8 profit on a $2 investment and the words:

"You can't possibly lose because it's timely and fulfills a psychological *need!* As well as a physical imperative."

Apparently these kits are nothing more than a few small photographic type films which are to be attached to the sides of a television set. The films are to be left on the set for a period and then returned to the company selling the kits where they will be analyzed to determine the extent of x-ray exposure.

Remembering that there is no set pattern to the emission of excessive x-rays from color television sets and noting that no exact measurement of the duration of exposure can be made, there is every reason to believe that the companies selling these kits are either

naive or seeking profit through fraudulent advertising.

In either case, one serious danger resulting from this practice might be to convince a person his set is safe when in fact it is emitting excessive radiation from a part of the set not tested by the films.

For these reasons I have asked the Postmaster General and the Federal Radiation Commission to investigate these ads and the devices advertised and to make a report to me as soon as possible. Needless to say, I will pass those reports on to the Senate as soon as I receive them.

NOMINATION OF WILLIAM CROOK AS AMBASSADOR TO AUSTRALIA

Mr. YARBOROUGH. Mr. President, I am very pleased that William Crook is to be appointed as American Ambassador to Australia. I was particularly happy to appear before committee to testify that Bill Crook would be an excellent appointee. As a longtime friend of his, I am confident that he will strengthen the already superb relations we now have with Australia.

His current work as director of the Volunteers in Service to America—VISTA—and as assistant director of the Office of Economic Opportunity—OEO—have given him valuable experience in dealing with people of different backgrounds and cultures. His earlier experience as a White House observer at the Middle-Level Manpower Conference, as a member of the White House Conference on Civil Rights, as well as his earlier work with the Office of Economic Opportunity should similarly prepare him to be Ambassador to Australia.

His educational background, with degrees from Baylor University, work at University of Edinburg, and degrees from Southwestern Seminary, and his work as a Baptist minister make him an unusually qualified candidate.

His experience in foreign affairs, particularly as an observer and senior delegate to conferences on national voluntarism and as a Commissioner on the United States-Mexican Border Development Commission will complement his domestic work and provide him with the necessary foreign experience and qualifications.

Australian relations with the United States are becoming increasingly important not only because the Vietnamese war increases American interest in Southeast Asia, but also because of the growing power and potentiality of Australia in a number of fields. Although following in the steps of Ambassador Ed Clark will not be easy for any man, I expect Ambassador Crook to continue to foster and maintain the cordial relations we now have with Australia.

JUDGES SHOULD STICK TO THEIR JUDGING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an excellent editorial which appeared in the Washington Sunday Star of June 23, 1968, titled "Our Judges Should Stick to Their Judging."

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

[From the Washington (D.C.) Sunday Star, June 23, 1968]

OUR JUDGES SHOULD STICK TO THEIR JUDGING

Eleven months ago the American Association of School Administrators, with some 17,000 members around the country, strongly urged that an appeal be taken from Judge Skelly Wright's decision in the District school case.

The association said that the decision "usurps the prerogatives of boards of education and school administrators" and, further, that Judge Wright's educational theories are "wrong and dangerous."

Now, a year after the ruling, an appeal will be heard this week by the United States Court of Appeals. What the result will be is, of course, uncertain. But one may at least hope that the appellate judges will return control of the Washington schools to the school authorities, and that Judge Wright will be encouraged to devote himself to his judicial knitting.

Judge Wright has not been the only federal judge to get into the business of running or trying to run public school systems. The Supreme Court and the Fourth Circuit Court of Appeals also got in a few whacks this year.

The case of Brown vs. Board of Education was decided by the Supreme Court in 1954 and an implementing decision, known as Brown II, came down a year later.

The 1954 Brown ruling held that segregated public school systems imposed or required by state or local law were in violation of the Fourteenth Amendment and therefore unconstitutional. Brown II decreed that such segregated systems must be abolished. The court did not say, however, that compulsory segregation must be replaced by compulsory integration.

John J. Parker, then chief judge of the Fourth Circuit, construed the Brown decision in this language: "It (the court) has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. . . . Nothing in the Constitution or in the decision of the Supreme Court takes away from the people the freedom to choose the schools they attend."

Chief Judge Parker was a distinguished jurist, not a man to bypass or undermine Supreme Court rulings. A few years before his death in 1958 he was awarded the American Bar Association's gold medal for "conspicuous service to American jurisprudence." But in undertaking to construe Brown, Judge Parker spoke too soon. He couldn't foresee, of course, what the Supreme Court would say in May, 1968, in the case of Virginia's New Kent County, and he would have been horrified to read that opinion.

New Kent is a small rural county with only two schools for its 740 Negro and 550 white pupils—New Kent School on the east side of the county for whites and George W. Watkins School on the west for Negroes. There is no residential segregation in the county.

New Kent, as it had to do, went along for several years after Brown with the Virginia Legislature's various efforts to avoid school desegregation. But three years ago the county adopted a freedom of choice plan. There has been no claim that the plan did not offer a truly free choice or that it was applied in any discriminatory way. No white children transferred to the Watkins school. But in 1967 a total of 115 Negro children applied for and were enrolled in New Kent. This was up from 35 in 1965 and 111 in 1966. To sum it up, no white children have gone to the "colored" school, but slightly more than 15 percent of the Negro children were attending the "white" school at the end of this year's term.

In an ambiguous opinion, Justice Brennan said this was not good enough.

He did not, and indeed he could not properly say that a bona fide freedom of choice plan, such as New Kent's, is unconstitutional. In fact, he did not cite any specific constitutional basis for holding that the New Kent system wouldn't do.

He said the plan placed a "burden" on children and their parents—the burden of applying for admission to one school or the other if they wanted to switch. He did not stress the point that the parents of 115 Negro children did not find this too burdensome last year. He also suggested that the county should adopt some kind of "zoning" system, although he was very vague about this. And without more ado, he set aside a ruling by the Fourth Circuit which had upheld the New Kent plan.

So much for that. But what is it that New Kent County is supposed to do that will satisfy the learned justices of the Supreme Court when they doff their judicial robes and sit as a local school board? Justice Brennan didn't say. The county authorities are left in the dark. But we have several suggestions. (1) The ruling applies only to states whose schools formerly were segregated by law, which means the southern and border states. If this is what the law now requires in those states, why is it not required in all states? (2) This decision, although it doesn't spell it out, clearly commands compulsory integration, and this without specifying any constitutional basis for the command. Judge Brennan did cite some language from Brown II, but Brown II is not the Constitution. (3) The court is saying, though not in so many words, that some white children in New Kent County regardless of their wishes, must be compelled by the local authorities to attend the "colored" school, and that more than 115 Negro children, regardless of their desires, must be compelled to attend the "white" school. Precisely what racial "mix" will be satisfactory? Again, the justices in their infinite wisdom did not say. We suspect they haven't the foggiest notion. We also suspect that what they have done will play hob with New Kent County's public school system and the education of both its black and white children.

Another judicial shocker, which reinforces our belief that judges, especially eager-beaver judges, should stay out of the schoolroom, has just come down from the Fourth Circuit.

The effect of this 5-to-2 ruling in a Norfolk case is to cut down the neighborhood school concept. Again, the court majority uses weasel words. It says that the assignment of pupils to neighborhood schools is a sound concept. But it adds that this is not true if purely *private* discrimination in housing keeps Negroes out of a given residential area. How does private discrimination, as distinguished from public or state discrimination, offend the Constitution? The majority judges, of course, do not say. But we note with interest the dissenting opinion by Judge Albert V. Bryan, who said the court was guilty of "usurpation," and that the majority through its decision "once again acts as a school board and as a trial court, and now is about to act as a city planning commission." This last presumably refers to the problem of how to bus pupils in Norfolk, which has no school bus system.

To sum it up, federal judges have a constitutional duty and the competence to strike down any law which imposes school segregation. They have neither the duty nor the competence to demand compulsory integration and to run the schools by judicial fiat. The sooner the judges recognize this, if they ever recognize it, the better it will be for our system of public education.

THE WELFARE SYSTEM

Mr. MILLER. Mr. President, 30 years ago 3 million Americans were receiving Government welfare payments. This was during the great depression.

Today that number has increased to over 12 million. And we are supposed to be living in a period of our greatest prosperity.

This growth in the number of people on welfare indicates that something is wrong with the system. It surely underscores that ways must be devised to change the present concept of welfare so that more can become self-sufficient.

A most refreshing approach to this problem—and one which should bear scrutiny by other areas—has been established in the city of Dubuque, in my home State of Iowa.

There, a group of mothers on welfare has organized themselves into a group called the "Do-It-Yourselfers." They acted, according to a news article which appeared in the June 20 editions of the Cedar Rapids Gazette, because "they are tired of taking free government handouts."

In cooperation with those more affluent and with college students, these mothers "are working together to lessen their dependence on the monthly welfare check by improving themselves, their homes and their community."

This is the type of cooperative effort which eventually could do away with the need for welfare payments.

I think the concept merits the attention of my colleagues, and I ask unanimous consent that the article, entitled "Welfare Mothers Tackle Problems," be printed in the RECORD.

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

"DO-IT-YOURSELFERS" PROGRAM—WELFARE MOTHERS TACKLE PROBLEMS

(By Sue Anderson)

DUBUQUE.—They call themselves the Do-It-Yourselfers. They're a group of welfare mothers who say they are tired of taking free government handouts.

With the assistance of well-to-do women and college students, they are working together to lessen their dependence on the monthly welfare check by improving themselves, their homes and their community.

Carolyn Wolf, one of 13 charter members, said the group, a year old this spring, is for middle and upper income women as well as those on the welfare rolls.

"It doesn't matter if you're Mrs. Rich or Mrs. Poor," she said. Some come out of the hills, some come out of the flats, and we just get together on the plateau."

Mrs. Wolf, whose four children receive aid to dependent children ADC payments, said about half of the 110 Do-It-Yourselfers come from low income families.

TALK OUT PROBLEMS

The group meets each Tuesday night for what Mrs. Wolf called "group therapy."

"By talking out our problems, whatever they are, we help to solve them," she said. "We discuss everything from emotional problems to voter registration."

The group's activities are far ranging.

The mothers help each other with housecleaning and babysitting. They give each other moral support. They recently sold $1,500 worth of tickets in a Dubuque Symphony ticket drive.

They have cleaned buildings and churches, addressed envelopes and sold candy to finance education and summer recreation programs for their children.

"We've worked and earned the right to be where we are and what we are," said Mrs. Wolf.

ADOPT CHILD

About 200 students at Clarke college and Loras college in Dubuque each have "adopted" a child of a Do-It-Yourselfer. They take the children to movies, the library, swimming pools or to parks for one or two hours a week.

Tom Davis of Sioux City, a Loras college senior, said he participated in the program because "I wanted to do something for someone else" and he liked "the challenge of becoming involved."

"Watching my 'little brother' grow actually makes him seem like my own brother," Davis said.

Betty Hein said a "big sister" taught her seven-year-old daughter to print correctly when she was unable to learn in school.

Two Dubuque women's clubs have helped by awarding scholarships to Do-It-Yourselfers to complete or continue their education through adult education classes or job training programs.

A HAND UP

"This is not a condescending process," said Mrs. Wolf. "It's a hand up, not a handout."

Ester Couchman, a Do-It-Yourselfer and wife of a Dubuque city councilman, said the group's desire to seek self improvement rather than welfare payments has impressed many people.

Dubuque County Welfare Director Gordon Grotjohn said the program is working "terrifically" and other Iowa communities are reviewing its organization.

The Iowa Republican party at its recent state convention included in its platform an appeal for all counties to study the Do-It-Yourselfer concept.

Grotjohn said the success of such a program is "relative to the personality of the community."

Mrs. Wolf said she hopes the Do-It-Yourselfers develop into a statewide organization.

It's social and civic organizations that breed poverty," she said. "Let people work for a living and earn it.

"It's easy to take advantage when someone gives you something for nothing."

CRIME AND THE MARCH ON WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert the following news articles in the RECORD:

An article by Charles Conconi and Paul Hathaway which appeared in the Sunday Star of June 23, 1968, titled "Camp Permit Up Tonight, Abernathy Vows to Stay";

An item from the Washington Post of Sunday, June 23, 1968, titled "Tear Gas Is Fired at Camp";

An item which appeared in the Washington Daily News of Monday, June 24, 1968, titled "Knifer Slays Two in Restaurant Here."

An article appearing in the Washington Daily News of June 24, 1968, titled "Guardsmen Sworn In as Policemen. Poor Campaigners Plan Hill March; Officials Mum on Closing 'City' "; and

Another article from the Washington Daily News of today, titled "Four Young Wheaton Men Beaten at Resurrection—'I Could See, One Hell of a Swing' "; and

An item from the Sunday Star of June 23, 1968, by James Welsh, titled "Food Program Is Ending."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Sunday Star, June 23, 1968]

CAMP PERMIT UP TONIGHT, ABERNATHY VOWS TO STAY—ATTORNEYS CONFER WITH U.S. OFFICIALS

(By Charles Conconi and Paul Hathaway)

Setting the stage for a confrontation with the federal government, the Rev. Ralph David Abernathy restated his vow yesterday to keep his followers in Resurrection City beyond tonight's camp permit deadline.

Although some high-level government officials say no decision has been reached on a Park Service permit extension request and one source said, "It is still under consideration," it has been indicated that no extension will be forthcoming. Expiration time of the permit is 8 p.m.

It is understood that the only extension being considered would be one of only a few days to give the campaign leaders time to evacuate the 15-acre site.

As if to visibly support Abernathy's claim that Resurrection City will not be evacuated, workmen during the day were busy unloading lumber and prefabricated sections of flooring for the construction of a permanent dining hall and extension of "city hall."

CONFER ON PERMIT

Telephone workmen also installed new lines to Abernathy's shack inside the tent city.

Attorneys for the Southern Christian Leadership Conference were meeting last night with federal officials on the request made June 12 for a one-month extension of the permit.

Today's deadline marks the end of the one-week extension the Park Service granted SCLC to enable the campers to participate in Wednesday's Solidarity Day march, which brought more than 50,000 demonstrators to Washington.

Pressure on the federal government to close the camp along the Reflecting Pool has been mounting since the campaign moved into a civil disobedience phase last week and has been furthered by acts of violence by residents of the camp.

ATTACKS CONTINUE

Incidents of assault and theft continued at Resurrection City yesterday afternoon and evening, with most of the reported victims being tourists.

A woman identified as Rebecca Hughes-hartoghs, 51, of Grass Valley, Calif., in a car with North Carolina license plates traveling slowly along Independence Avenue about 3 p.m., was struck on the mouth by a bottle which was thrown through the open window of the vehicle, police said. She was taken to George Washington Hospital and treated for a half-inch cut on the lip.

Police reported a brief round of rock-throwing from within the camp onto Independence Avenue about 5:30 p.m.

Richard S. Tuttle, 26, of the 300 block of G Street SW, a reporter for Aerospace Daily, told a newsman he and a friend were walking along the Reflecting Pool about 4:40 p.m. near an entrance to the camp when a man grabbed his shirt and asked for $1.

When he refused, he said, the man signaled three others from the camp. Tuttle said he then offered to give them $1, but the men took his wallet, containing $40, and punched him.

Tuttle said he was just fleeing from this attack when he was accosted by another Negro who demanded 50 cents. Tuttle said he told the man he had no more money but the assailant grabbed his arm.

At this point, Tuttle said, a crowd gathered and the man backed off. Tuttle then went home.

Frederick A. Peterson, 21, a reporter for the New Britain Herald in Kensington, Conn.,

was treated at George Washington University Hospital for a head cut. He said he was struck with a board by a man in the tent city who took his watch and $3.

Last night, an Arlington couple reported that a young Negro threatened to strike a fender of their car with a baseball bat as they drove past the Resurrection City medical vans opposite the Lincoln Memorial.

Mrs. Henry E. Baum said her husband swerved the car toward the man and he retreated. She said he and two other men who ran along behind the Baums' car apparently had climbed out of a parked convertible they had just passed.

Another tourist, James I. Warren of Sulphur Springs, Tex., reported that three Negroes from the tent city took his camera and ran while he was attempting to take pictures near the front gate about 4:45 p.m.

Another tourist, inside the camp, had his trouser pocket slit and his wallet removed, according to a report made to police by the Tent City Rangers. He was cut slightly. It was not known how much money was taken.

SCUFFLE OVER GUN

Tourist Azie Jisr, who has been staying at a local hotel, told police a Negro invited him into the city about 6:30 p.m., then pulled a gun and took his wallet and camera.

A scuffle ensued, in which Jisr reportedly took the gun away, but three other residents then joined the fray, chased Jisr out and reclaimed the gun.

With several congressmen stepping up their demands that the camp be closed, the White House announced that President Johnson is keeping "in close touch" with developments at Resurrection City and with discussions on the permit extension.

George Christian, White House press secretary, refused to comment on increasing outbreaks of violence at the camp, but did add:

"The President has stayed in touch with the situation and has been kept advised of developments by his staff and others and he will continue to be in close touch with the entire matter."

Meanwhile, it was learned that the 171st Military Police Battalion of the District National Guard is being kept on duty at the Armory. Two companies, scheduled to wind up their two-week summer training period today, were moved into the Armory from Ft. Belvoir, Va., yesterday and were told their tour of duty was being extended indefinitely. The third company of the battalion, planning to begin its two-week tour at Ft. Belvoir yesterday, was instead assigned to the Armory.

Acting Park Police Chief Grant W. Wright said yesterday he did not anticipate that the campers would be evicted at deadline tonight, but felt a confrontation might come if the demonstrators failed to leave by early in the week.

At his press conference yesterday, Abernathy said he had not received any word about the permit extension, even though he acknowledged "there is a committee meeting with federal officials" discussing the permit.

He then engaged in a mock ceremony, stating he had received a permit extension from the "rightful" owners of the land—the American Indians.

Abernathy then issued a call to churches across the nation to observe a National Day of Prayer for the campaign today and said:

"We ask that people of good will everywhere pray for the purification of our nation, for a rededication to nonviolence, for an end to hunger and for the preservation of Resurrection City, the symbol of the campaign."

Tomorrow morning, Abernathy said, he would outline in detail a "new action program" for the campaign that the steering committee drew up after meeting late Friday night.

Resurrection City was closed to visitors at 6 p.m. yesterday and Abernethy said, "We've got a lot of cleaning up to do because starting Monday we're going to do business as usual."

His remark stirred conjecture that the campaigners would launch new acts of civil disobedience similar to those demonstrators carried out Thursday at the Department of Agriculture which resulted in fighting and the use of tear gas. Eighty-two demonstrators were arrested. Nearly 200 members of the Metropolitan Police Department moved in to clear the doorways and driveways of demonstrators just as workers were getting ready to go home.

PROTESTERS LEAVE

Demonstrators maintained their round-the-clock vigil at the agency until early yesterday afternoon. Then they returned to the tent city.

It was reported that the campaigners will return early tomorrow to again block the doors and parking areas of the department's buildings.

Reies Tijerina, leader of the Mexican-American contingent, said he attended meetings with top SCLC officials Friday night and that most of the discussion centered on whether to stay put or leave when the permit expires.

"We discussed whether to stay or whether resistance would play into the hands of the militants, the black militants," he explained.

ALL TO MOVE IN

The Mexican-Americans have refused to move into the camp and have stayed in Hawthorne School, a private school in Southwest Washington.

At yesterday's press conference Abernathy was asked if reports were true that the Mexican-Americans would be moving into Resurrection City. His answer was that "plans call for all of the people to move into the city."

Tijerina hedged when asked if this was the case and would only say, "We're supporting the words of Rev. Abernathy."

[From the Washington (D.C.) Post, June 23, 1968]

TEAR GAS IS FIRED AT CAMP—POLICE ACTION FOLLOWS REPORTS OF ROCK HURLING

Police fired tear gas directly into Resurrection City at 12:30 this morning after a series of rock-throwing incidents near 17th Street and Independence Avenue n.w.

Earlier, the Rev. Ralph David Abernathy, leader of the Poor People's Campaign, suspended demonstrations yesterday to begin two days of "spiritual rededication" to nonviolence for residents of Resurrection City.

The Rev. Robert F. Merrick, a member of the Southern Christian Leadership Conference's religious staff, said Mr. Abernathy had finished telling several hundred residents at a "togetherness" meeting last night that they must rid the camp of "troublemakers."

The rock- and bottle-throwing incident prompted District and Park police to call for reinforcements. District police reported at least 75 men, including a busload of Civil Disturbance Unit personnel, on the scene at 1 a.m.

As the gas spread through the tent city, reporters saw small groups of residents running from the area to escape the gas. As of 1:30 a.m., no ambulances had been dispatched to Resurrection City.

Meanwhile, Federal and city government officials confirmed that the PPC's permit for the Resurrection City site, which expires at 8 p.m. today, will not be renewed.

But Mr. Abernathy told the press that we're not making plans to leave," and said that a new phase of the campaign would begin Monday.

Although officials yesterday considered ways of forcing the Campaigners out, if necessary, no confrontation was in store for today. The permit provides a reasonable time past the expiration date for closing down the city.

Mr. Abernathy professed to the press yesterday, that he was unconcerned about the problem of a permit because he had just been granted one. He staged a ceremonial acceptance of a temporary permit proffered by an Indian named George Crow Flies High, described as chief of the Hidasta Tribe.

The Indian, bedecked in feathered headdress and beaded vest, presented Mr. Abernathy with a document ceding the Reflecting Pool campsite to the Campaign for as long as it is needed.

Mr. Abernathy's call for a "housecleaning" to rid Ressurrection City of residents not committed to nonviolence came in the wake of a series of tense confrontations between police and residents of the city. It also followed 79 arrests in Thursday and Friday demonstrations at the Agriculture Department.

Mr. Abernathy emphasized that the "housecleaning" would draw the Campaigners together, getting them ready for "serious business" on Monday and for the "long, difficult work of the campaign."

Those who should be living at the city, he said, included Puerto Ricans, the Appalachian whites and the Mexican-American followers of Reies Lopez Tijerina. So far the Mexican Americans have been living at the Hawthorne School at 5th and I Streets sw. but Mr. Abernathy said they will move into Resurrection City.

He also issued a call to churches across the Nation to observe today as a National Day of Prayer for the Poor People's Campaign.

"We ask that people of good will everywhere pray for an end to hunger and for the preservation of Resurrection City, the symbol of the Campaign," he said.

In addition, Mr. Abernathy said that in accord with observance of the day of prayer and purification, Resurrection City residents will hold a spiritual rededication service at 2 p.m. today at the Reflecting Pool. He said he would deliver a sermon.

Also, at the news conference, Mr. Abernathy announced plans to worship this morning "at an outstanding church" here. He refused to name the church. He suggested that he would not wear at tie and "if they don't let me in, I'll worship on the steps."

* * * * *

Mr. Abernathy said he would close the gates of Resurrection City at 2 p.m. yesterday and asked all but residents to leave, "so we can really clean up our city." (The city, however, remained open until about 7 p.m.)

The demonstrators originally said they would stay until Monday morning.

"Those not committed to nonviolence, at least tactically, will be asked to leave."

He said he would also try to eliminate those he called infiltrators. He has blamed them for some outbreaks of violence within the camp.

"Some bad people are here to discredit the Campaign. We're not going to let infiltrators hired by the Government or anyone else discredit the movement."

However, Mr. Abernathy said, he would not physically force anyone from the encampment, "because we're nonviolent."

Government officials have not yet taken the formal action to deny extension of the permit. But they say it will be taken and yesterday they were considering ways of getting the Campaigners to leave.

Officials are seeking alternatives to the use of force, but they have also considered tentative plans under which Park and Metropolitan Police would be called on to evict the residents.

The Campaigners will not be ejected today, officials made clear. However, it has not been decided how long the grace period to clear the site will be after the permit expires at 8 p.m. today.

At his news conference yesterday Mr. Abernathy emphasized that the Campaigners intend to "carry on business as usual." He said he had not been officially notified that the

application for extension of the permit had been rejected.

Mr. Abernathy has said several times in the past he is "prepared to be carried out" of Resurrection City. He has also said that he intends to be arrested during the Campaign.

He has said that the Campaign will continue until Congress and the Administration show an "adequate" response to the grievances of the poor.

However, two Southern Christian Leadership Conference representatives, the Rev. Bernard Lafayette and Anthony Henry, who met with Government officials this week, suggest a "reasonable price" for their leaving. This would be to have the Agriculture Department meet their demands for greater distribution of surplus food and to have Congress immediately enact the jobs legislation authored by Sen. Joseph S. Clark (D-Pa.). This calls for creation of 5.5 million public and private jobs for the poor by 1972.

Police intelligence sources said yesterday that the number of Resurrection City residents is now fewer than 500. Mr. Abernathy said yesterday that it was about 1500.

The most recent confrontation between police and marchers at the camp occurred at about 2 a.m. yesterday. In response to a false rumor that Stokely Carmichael had been shot at a rally in Maryland some 50 agitated youths rushed to the city's entrance. Police called for reinforcements but the gathering broke up when the rumor was squelched by an announcement on the city's public address system.

Two incidents involving violence occurred Thursday shortly after Mr. Abernathy called for increased civil disobedience in Campaign.

First, 77 marchers were arrested during a sit-in at the Agriculture Department. In that demonstration, six campaigners and three policemen were injured.

Later, an attempt to block traffic on 17th Street n.w. resulted in a melee in which police hurled tear gas at Campaigners who threw rocks and bottles.

Officials have cited these incidents in explaining why they believe they cannot extend the Resurrection City permit.

Yesterday, Rep. Hervey G. Machen (Md.) said Poor People's Campaigners have threatened Federal employes. He said that he has received complaints from Navy and Agriculture Department employes who say they have been threatened as they walk to their automobiles, parked near the Resurrection City site.

A 42-year-old man who was arrested Friday night for allegedly threatening a group of Resurrection City marchers, was sent yesterday to St. Elizabeths Hospital for observation.

Park police arrested Auther Lucas, of no fixed address, about 9:30 p.m. at 21st Street and Constitution Avenue nw. and charged him with assault with a deadly weapon.

Police said the marchers, en route to a rally at 6th and M Streets nw., argued with Lucas, who was sitting in a parked pickup truck, over dense exhaust fumes coming from the truck.

During the argument, police said, Lucas pointed a .22-caliber rifle from the truck window.

In incidents in or near Resurrection City yesterday two persons were attacked inside the camp and robbed, one youth outside was robbed and a California woman driving down Independence Ave. nw., was hit in the face by a soda bottle apparently thrown from inside the camp.

Frederick A. Peterson III, 21, a reporter for the New Britain (Conn.) Herald, was robbed of $3 about 10:30 p.m. by a gang of youths. Police said he was hit on the head from behind with a board. He was treated at George Washington University Hospital.

About 4:30 p.m., Richard S. Tuttle, of 320 G st. sw., told Park Police he was jumped by four youths as he walked beside the Reflecting Pool and was robbed of $40. About the same time a Texas youth, James I. Warren had his camera stolen inside the camp, police said.

The California woman, Rebecca Hughes Hartogg, 51, was treated for a cut lip at George Washington University Hospital after being hit by a bottle about 3 p.m.

[From the Washington (D.C.) Daily News, June 24, 1968]

KNIFER SLAYS TWO IN RESTAURANT HERE

A young man and woman were found stabbed to death early today in the Gentleman II restaurant, 1800 M-st nw, police said.

They said the body of the man was found in a basement storage area and the body of the woman in the main dining room on the first floor. Police said both had been stabbed numerous times.

Police identified them as Paul Fleisher, 26, who lived in the Riverhouse Apartments in Arlington, and Darlene Julie Elliott, 20, Baltimore, a bookkeeper, both white.

A third person, a Negro employe of the restaurant, was reported injured, police said.

They said they discovered the bodies after they received a call from an operator saying that the phone at the restaurant was off the hook and asking them to investigate.

[From the Washington (D.C.) Daily News, June 24, 1968]

GUARDSMEN SWORN IN AS POLICEMEN—POOR CAMPAIGNERS PLAN HILL MARCH; OFFICIALS MUM ON CLOSING "CITY"

Some 800 National Guardsmen were sworn in as special District policemen at dawn today to man the city's police precincts while all available police officers will shepherd a planned Poor People's march to Capitol Hill today and be on the alert for the possible closing of Resurrection City.

The Poor People's permit to occupy the 15-acre tract at West Potomac Park along the Reflecting Pool expired at 8 last night but the Interior Department, which announced a short time afterwards it wouldn't renew the permit, also said it would give the Poor People a "limited period of time" to move out.

BIG BOSS

Atty. Gen. Ramsey Clark was reported personally directing plans for moving residents out of the plywood city. Meanwhile, District policemen massed at the Department Auditorium on Constitution-av between 12th and 14th streets nw at 8 this morning for a "briefing" and riot helmets were uncrated and passed out. Many Guardsmen had already reported for duty in the precinct.

More than eight buses, in which the policemen arrived, stood outside the Auditorium.

Police Chief John B. Layton would not say where his men were going after they finished meeting. "I can't discuss tactics now," he said.

He talked about "mass marches" and other activities anounced by the Poor People as if to indicate there was more than one location where the men could go.

Among the items given out were tear gas cannisters and gas masks.

Rev. Ralph Abernathy, who had called a 9 a.m. march to Capitol Hill, told his followers at a prayer session yesterday, "We are all going to jail. Ain't no question about it." He called on only the "pure, righteous persons who believe in nonviolence" to "go to the Lion's Den."

"I must go to jail," Rev. Abernathy said. "If you don't go with me, that's all right. I've been there 19 times and found God there. Go with love in our hearts . . . God will open up the jail."

He said his wife and children also will be arrested.

Police were tight-lipped about their plans in the expected confrontation with the Poor People, as were government officials who met late yesterday in the office of Mr. Clark.

SCLC leaders were reportedly divided on whether to force mass arrests at the Capitol in order to avoid possible violence if police invaded Resurrection City, where some of the angrier young militants allegedly have stockpiled firearms, ammunition, and molotov cocktails. But SCLC leaders declined to comment publicly on reports that there was a "gentlemen's agreement" between them and government officials for the arrests to take place at the Capitol.

Some 50 school-age children were moved out of the City about midnight in six station wagons.

The National Park Service advised Resurrection City residents that they could get emergency bus transportation home through the Travelers Aid Society in the event SCLC "fails to make the necessary travel arrangements."

A shooting, a barrage of tear gas and a multitude of less serious incidents marked Resurrection City's first sweltering week-end of summer. Yesterday's robberies and roughings were so commonplace that by mid-afternoon reporters had counted half a dozen.

Acting on orders that came through—if not from—the Interior Department, Park Police made no attempt to investigate the crimes inside Resurrection City.

"We would investigate a murder, I think, if we knew about it," one Park Police officer said after the shooting incident, "or a rape, if we had a complaint. But altho we've heard reports of rapes, we've had no complaints. Less serious crime, however, is supposed to be the business of the marshals inside the fence. A fire department ambulance did go in to remove the shooting victim, but those who are just beaten up and robbed are expected to make their own way out."

SHOT AND ROBBED

Police identified the shooting victim as James Walter, white, of Charleston, W. Va., who was wounded in the right leg and beaten on the head with a gun butt. He told police four Negro youths jumped him inside the camp and stole $40 from him.

Four other white youths from Washington suburbs said they were invited into the camp "to take a look around" and then jumped and robbed of $7 and a wristwatch. They were treated for face cuts and bruises. Another visitor, Dale Kietzman, of Pasadena, Calif., told police he was robbed of a $230 camera and his wallet containing $70.

At a press conference shortly after these incidents the Rev. Ralph David Abernathy said: "I would like to think the police are responsible for all this violence." He added the charge that police had littered an area near the camp with broken bottles in "an attempt to plant false evidence against the people of Resurrection City."

Mr. Abernathy said later that "a handful of people" were put out of the shanty town because "these troublemakers were tranishing the image of our non-violent movement." He also conceded that "some whites have been beaten."

TEAR GAS

A tear-gassing episode early yesterday morning led to an angry exchange between Park Police officials and Mr. Abernathy, the SCLC leader.

Park Police officials told reporters that cars were stoned on Independence Ave. near Resurrection City, and that shortly after midnight four Park Policemen came under attack from flaming torches hurled at them from the camp. The four officers called reinforcements and used a number of gas grenades to drive off their attackers.

There were few signs of movement away from the plywood city when the permit expired at 8 p.m. yesterday. Among the few who did leave were three white graduate students from the University of Wisconsin and one from the University of California.

They weren't leaving because the permit expired, said one of the students, "but because of the way things are in there right

now. It just isn't the place to have a white skin . . . There are many fine people in there—like Rev. James Bevel and Rev. Jesse Jackson. But people aren't listening to them any more."

The three had moved in Thursday and were jumped and roughed up early yesterday trying to help children who'd been tear gased during the confrontation with Park Police.

[From the Washington (D.C.) Daily News, June 24, 1968]

FOUR YOUNG WHEATON MEN BEATEN AT RESURRECTION—"I COULD SEE, ONE HELL OF A SWING"

(By Jack Vitek)

The impact left him with eight stitches, no particular malice and a strong aversion to Resurrection City—and Robert Paschell can describe the moment as if it happened in slow motion.

"From the corner of my eye I could see this guy coming up behind me with a stick and I told myself to try to relax so it wouldn't hurt as bad," said Mr. Paschell, 20, a vacationing Antioch student who lives at 3717 May-st, Wheaton. "I could see him wind up with one hell of a swing. He clobbered me really hard. I saw one big gigantic star—all white—and my whole body jumped about two feet. It was then I started running."

A VISIT

That was the high point of a trip to "look around" Resurrection City yesterday for four vacationing college students from Wheaton. One of the others, Stephen Karionos, 20, of 3502 May-st, came off slightly worse—with 11 stitches. David Murdrick, 20, of 3503 Napier-st and Herbert W. Rutledge, 19, of 13108 Bluehill Road were treated for cuts and bruises and released.

They were invited inside by a "friendly guy" who showed them around and then asked them to look inside a hut "to see how we live in here," Mr. Paschell said. "People started grabbing and they pushed me and Steve inside," he said, adding they threw them on the cots and took their money, totalling $7.25 and one wrist watch.

"Then they kinda said o. k. you can go," Mr. Paschell said. It was then he was hit from behind and he ran and jumped over the boundary fence.

"I was bleeding a lot and we were thinking about calling an ambulance. We tried to find a policeman—but that was the thing. There are no cops down there. From the City to the Monument we didn't see a single cop."

From the Monument information booth he said they called an ambulance and then ran into two "unfriendly" detectives in an unmarked car. "They said that's what you get and then something about how this'll cure your liberal attitude," Mr. Paschell said.

When police came to take the report, all four refused to press charges or give descriptions of their assailants. "I have nothing to recover except two bucks," said Mr. Paschell. "It would do no particular good to press charges. The people who did it will probably be involved in more violence and they'll probably wind up getting hooked by the police."

The visit "probably wasn't a good idea," Mr. Paschell conceded yesterday. "From what I understand the place is turning into a kind of hell right now. I don't ever want to set foot in there again."

[From the Washington (D.C.) Sunday Star, June 23, 1968]

FOOD PROGRAM IS ENDING

(By James Welsh)

The Washington community's efforts to feed the residents of Resurrection City, involving up to now about $75,000 in money, direct food contributions and professional manpower, will come to an end tonight.

Should the tent city keep functioning the Southern Christian Leadership Conference would have to assume direct responsibility for providing food.

"They have the know-how by now, and they have no problem with funds," said Joseph Danzansky, head of Giant Food and a member of the Urban Coalition's ad hoc committee on food for the Poor People's Campaign.

The windup of the committee's efforts coincides with expiration of the government permit to occupy Resurrection City. But Danzansky said the relationship is indirect.

"It really is tied to the understanding we had with SCLC in the first place."

That agreement called for the feeding operation to be conducted only at Resurrection City for its residents. It was also predicated on the SCLC demonstrations remaining nonviolent.

As for timing, Danzansky's group originally agreed to conduct the operation until June 16. This was extended a week when the Solidarity Day march was pushed back from May 30 to last Wednesday. Later, SCLC got a week's extension on its permit.

A total of 185,000 meals has been served at the tent city so far, Danzansky said.

Money for the operation came largely from a half dozen large food chains in this area, from church groups and the Washington Hotel Association. It was funneled through the Health and Welfare Council. Less than $5,000 is left, with no decision as yet on what to do with it.

In addition to money, large quantities of food were donated by area dairy and bakery firms and by several national manufacturers, notably Heinz Products. Surplus products from the Agriculture Department also were used.

Danzansky included in his $75,000 estimate the full-time efforts of a half-dozen food chain executives who concentrated on such tasks as purchasing and meal-planning. Not included were the efforts of volunteers at churches and schools in preparation of meals.

Several thousand cases of canned soup and canned pork and beans, along with smaller quantities of canned vegetables, are left over at the SCLC warehouse, Danzansky said.

Kenneth Brown, a management consultant from New York serving as a volunteer with SCLC, has worked closely with the ad hoc committee and will take over the food operation after tonight.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1210.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16703) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The time is now under control. Who yields time?

Mr. MILLER. Mr. President, I ask the Senator from Mississippi if he will yield me 8 minutes.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I have carefully listened to or read the arguments pro and con on the pending amendments not only on the Senate floor but also in the Senate Armed Services Committee. The proponents and opponents of the amendment are all Members of the Senate for whom I have the highest personal regard. The sincerity of their motives is above question. The question is a close one, as is indicated by the statement by former Secretary of Defense McNamara that, on the basis of conservative strategic planning against possible irrational Chinese miscalculation, "there are marginal grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent."

What we are concerned with at this point is whether to vote for an amendment to prevent the expenditure during fiscal 1969 of $227.3 million for site acquisition and construction needed to move ahead with the deployment of a "thin line" Sentinel ABM system. The Senator from Kentucky has made it clear that he is not advocating any reduction in the research and development activities on this matter, and these, of course, would represent a far greater outlay in money than is proposed for site acquisition and construction.

As has been pointed out by the manager of the military construction bill pending before us—namely, the Senator from Washington [Mr. JACKSON]—the Secretary of Defense, the Honorable Clark Clifford, the Joint Chiefs of Staff and our top civilian scientists, unanimously recommend approval of the site acquisition and construction portion of the bill relating to the ABM system. The Secretary has pointed out that the program represents 12 years of intense research and development effort at a cost of some $3 billion; and he states that "the time has come when we can no longer rely merely on continued research and development but should proceed with actual deployment of an operating system."

The purpose in moving ahead with deployment is threefold: (a) to prevent a successful missile attack from Red China through the late 1970's; (b) to limit damage from an accidental launch from any source; and (c) to provide the option for increased defense of our own Minuteman force if the Soviet Union's offensive capability is expanded to make such increased defense prudent.

The first and third reasons are appealing to me. In connection with the first reason, the Senator from Kentucky [Mr. COOPER] maintains that we can prevent—or deter—such a missile attack by Red China because of our capability to retaliate and destroy her. But deterrence is a psychological phenomenon, and it involves not only the capability but also the will to make use of that capability on our part; and, further, a realization

on the part of the leaders of Red China that we have both the capability and the will, and their assessment of whether the damage to their country from this combination is unacceptable to them. These are not susceptible of absolute assessment by us. Indeed, France moved ahead to acquire an independent nuclear capability—not for the purpose of being able to have assured destruction of the Soviet Union, but to have the capability of assured damage to the Soviet Union which would cause the Soviet Union to pause before moving against France. The possibility of Red China assuring damage to the United States is a serious one, and I do not believe we should limit our option in the matter to retaliation and destruction of Red China. A "thin line" Sentinel system would limit if not prevent altogether such assured damage to the United States and would give us an option which could prevent complete destruction of Red China. I believe we should have that option.

The third reason has to do with future policies of the Soviet Union. All indications are that the Soviet Union has no intention of negotiating a mutual reduction of nuclear armaments; and the evidence points the other way—that the Soviet Union is bent on increasing its nuclear capability, both offensive and defensive. We should have the option of protecting our offensive capability in the event of a first strike by the Soviet Union. This does not mean that we will exercise that option. Hopefully, we will not have to. Hopefully, the Soviet Union will recognize the futility of trying to upset the balance of nuclear power and will come to the negotiating table with us so that the resources that will be used in preparing for nuclear war can be channeled into constructive and peaceful uses.

I am not at all impressed by the argument that if we move ahead on this deployment, if we do so in order to have an option, and only an option, to be exercised if the Soviet Union refuses to change its policy, then the Soviet Union will feel forced to escalate the arms race by increasing its offensive capability. This is the same as saying that if the Soviet Union gains an advantage, we should not seek to offset it for fear that the Soviet Union would try to gain another advantage to offset our effort. The net result would be to stand still and leave ourselves open to nuclear blackmail if not destruction. As the Senator from Washington has well pointed out, it is the Soviet Union and not the United States which has caused the arms race. It is the Soviet Union which is deploying an ABM system. It is the Soviet Union which has developed the fractional orbital bombardment system—FOBS—in violation of the spirit if not the letter of the Treaty on Outer Space, ratified on October 10, 1967. No country in the world has made a great effort to work out a meaningful arms control and disarmament program than the United States. But the leaders of the Soviet Union have, for reasons deemed proper to them, failed to enter into meaningful negotiations.

The issue is whether moving ahead on the construction item in this bill for a thin line ABM system will contribute to the security of our country. For the reasons set forth above, I believe it will. If there is to be an error of judgment, it must be on the side of the security of the people of the United States. That is why I will vote against the amendment to delete this item from the bill.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield time to the Senator.

Mr. LAUSCHE. Is the Senator able to state what Russia has been doing with respect to the development and the installation of anti-ballistic-missile systems?

Mr. MILLER. The testimony on this matter is not what we would like to call hard intelligence. We do have intelligence indicating that they have deployed an ABM system around Moscow and Leningrad, known as the Tallin system. This may have some intercontinental ballistic missile defensive capabilities. We do not know. There is another one about which we are not sure.

I believe it is significant that they are not, apparently, deploying ABM systems around other cities in the Soviet Union; but, at the same time, that does not mean that they will not do so.

Hopefully, they are having difficulty in devising an effective ABM system. We may have a similar problem, but at least we will have a system which will give us some assured protection against a Red Chinese capability.

My point is that we should preserve an option of being able to counter that, without having to resort to the complete destruction of Red China.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield 8 minutes to the Senator from Wisconsin.

Mr. NELSON. Mr. President, the immediate issue involved is whether we should begin the installation of a "thin" anti-ballistic-missile system now or whether we should postpone that decision for 1 year while we further explore the feasibility, the need, the desirability of launching a program of this magnitude.

Every scientific, technical and military expert agrees that no anti-ballistic missile system has been devised that could successfully defend either Russia or America against attack by the other.

It was originally claimed that this "thin" system was aimed at China and could successfully protect us from some irrational assault by them for the next decade or so. No one has explained what would motivate them to commit such an irrationality knowing as they do that our retaliation would toll the end of China as a viable nation or culture for the next century if not for all time to come. If in fact the proponents of the "thin" system are trying to buy insurance against this kind of contingency it raises the question, really, just who is irrational?

Now the proponents are beginning to shift ground. It will have some value against Russia they tell us. Yet every scientific advisor to the last three Presidents vigorously opposes installing an ABM system on the ground that there is no effective defense against either the Russian or our own offensive missile system. Dr. John Foster, the present Director of Defense Research and Engineering recently stated:

> The ability to protect ourselves from unacceptable damage from a numerically large and technically advanced missile force such as that of the Soviet Union is not yet technically feasible. However, the Sentinel system will complicate any attack on the United States.

The hard fact of the matter is that the deployment of the "thin" system is simply the first step in the deployment of a massive ABM system aimed at Russia which it is conceded will cost $40 to $50 billion but will be much more than that before it is completed. Russia, of course, will respond by matching our system step by step. Then to be certain that neither has an advantage over the other each of us will escalate our offensive missile system to make certain we can overwhelm the defense. And, at the end of it all we will be right back where we started, except out of pocket $50 or $100 billion. As former Secretary McNamara put it:

> And at the end of all the spending, and at the end of all deployment, and at the end of all the effort, we will be relatively at the same point of balance on the security scale that we are now.

The deterrent to nuclear attack is the certain knowledge that the attacker will himself be mortally wounded in the exchange. That is the present status of the balance of terror between us and Russia. No ABM system that we are presently capable of devising will change that fact. So why deploy one when the only certain result will be another dramatic escalation in the arms race at a time when the whole world aches and cries for some respite from the folly of its leaders. Here we stand at the pinnacle of our power and wealth with no peer in the world. If we cannot exercise restraint and demonstrate some dramatic leadership at this stage in history the course of peace is lost and so are we.

Is there really no rational leadership in our country with the vision to see the peril of the course we are following? Must we fumble the opportunity to redirect the course of human events on the ground that there is no risk small enough that we dare chance it? If at this fortuitous moment in history the greatest power on earth does not have the will to initiate one tiny step in the direction of deescalation when will that moment arrive? The answer is "Never."

The danger to America today is not the threat of external assault by foreign enemies but the turmoil within—a turmoil that is caused by accumulated unmet social needs in a society with a jaded sense of priorities.

The overwhelming evidence is that deployment of a "thin" ABM system would be a serious mistake. We should carry on our ABM research and development—but why deploy a system that we know will be ineffective against the only other great nuclear power in the world. These moneys, properly used, would move us a giant step toward solving the problems that now wrack our cities, destroy man's environment, disenchant our youth, and deprive millions of our citizens of the chance to become full-fledged participants in the great American dream.

Now is our chance to move toward

reconciliation and reconstruction at home and abroad. If we seize it America is on its way to higher and better goals.

If we do not, it may well be that that delightful comic philosopher Pogo was right when he said:

We have met the enemy and they is us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield 5 additional minutes to the Senator from Wisconsin.

Mr. NELSON. Mr. President, a letter was published in the New York Times yesterday, signed by the distinguished Jerome B. Wiesner, former science adviser to the President, in which he commented in some detail on the issue that is pending before the Senate now. The letter reads as follows:

It is ironic that on June 19, when tens of thousands of Americans were massing at the Lincoln Memorial to focus attention on America's cities and its poor, a determined group of Senators was arguing that it was more important to waste over $900 million as a down payment on a senseless and totally unnecessary antiballistic missile system, the so-called Sentinel defense against China.

I have always been baffled by the logic which acknowledges, on the one hand, that the United States strategic power is adequate to deter a Soviet missile attack, but, on the other hand, that it still makes sense to build a defense against a much weaker China.

I am even more baffled to find that the Senate proponents of Sentinel are now arguing in its favor, not just for its anti-Chinese capabilities but as a first step toward an anti-Soviet defense.

I am puzzled that their views find any support, in view of the clear deficiencies of Sentinel and the generally admitted virtual impossibility of ever achieving a really effective antimissile defense against the Russians. The questionable value of the Sentinel system is implicit in the puzzling Administration offer not to build this anti-Chinese system if the Soviet Union would agree not to build its A.B.M. system.

M'NAMARA'S ARGUMENT

In announcing the Sentinel decision last September, Secretary McNamara made a convincing case against deploying an antimissile system against the U.S.S.R., arguing that they would certainly compensate for our A.B.M. by building counter-measures into their strategic offensive missile force and by adding to their numbers, thereby setting off a costly and wasteful new armaments race.

He noted at the time that four Presidential science advisers, myself included, had recommended against the deployment of an anti-Soviet system for just that reason. He did not add—perhaps because his excellent case against the anti-Soviet A.B.M. was followed by an endorsement of the anti-Chinese Sentinel—that I equally emphatically opposed the Sentinel as well.

I did so then, and do so now, because if it were effective at all it would be only for a very short time, and I believed that it would be only a matter of time before the pressures would develop to expand Sentinel into a very costly and clearly inadequate anti-Soviet system. The current Senate debate shows that those pressures have already begun.

Sentinel itself is already technically obsolete; it is based on a several-year-old design. Many of the components are essentially obsolete in the light of new radar and missile technology.

COUNTERSYSTEM DEVELOPED

Historically, by the time a defensive system is supposedly perfected, the offense has long since developed a means of overcoming it. For this reason we have until now repeatedly deferred the deployment of one antimissile system after another, until political pressures a year ago evidently persuaded the Administration that it would be best to forestall a possible Republican accusation that we were on the short end of a new missile gap by throwing out the sop of Sentinel.

If Sentinel won't work as intended, and if a larger system will be even less effective against Russian missiles, leading only to an expanded arms race at great cost and with no improvement to national security, it is silly to waste a penny on it. We desperately need money to apply to badly neglected and more urgent problems at home.

I very much hope that the Senate will see the folly of such a grievous misallocation of resources as Sentinel represents.

JEROME B. WIESNER,
Provost of Massachusetts Institute of Technology.

FALMOUTH, MASS., *June 21, 1968.*

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the New York Times for June 23, 1968, entitled "Postponing Sentinel."

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

[From the New York Times, June 23, 1968]

POSTPONING SENTINEL

The move by a bipartisan Senate coalition to delay deployment of the $5-billion Sentinel missile defense system deserves Administration support, instead of the resistance Defense Secretary Clifford has manifested in his letter to Senator Russell.

Few items are more expendable in the $79-billion defense appropriation, which must provide more than half of the $6-billion spending cut pledged to accompany a tax increase. Postponing Sentinel deployment would save at least $600 million in the coming year.

Robert S. McNamara, then Secretary of Defense, acknowledged last September that President Johnson's surprise decision to build a "thin" anti-Chinese missile defense was made on "marginal" grounds. The President's target, as was pointed out in these columns, was less the Chinese than the Republican party, which was threatening an "antimissile-gap" campaign.

The Chinese pretext now has faded even further. The expectation that Peking would test its first intercontinental ballistic missile last fall has not materialized. The prospect of a delay of a year or more in China's ICBM program—if an active program really exists—thoroughly justifies a delay in the Sentinel program, which has a similar lead time.

The completion of the nuclear nonproliferation treaty gives new urgency to an antimissile moratorium. Wide adherence by nonnuclear powers to this self-denial ordinance depends on concrete moves toward disarmament by the nuclear powers as well. Negotiations to limit strategic offensive and defensive missiles, as proposed by the United States, still await Soviet accord. A delay now in deploying American missile defenses would increase the pressure of world opinion on Moscow to respond.

China, along with the other nuclear powers, will be deterred from using ICBM's by the knowledge that it would be committing national suicide. And there is little credibility to the notion that missile defenses would enable an American President to launch a pre-emptive nuclear attack against China to halt aggression in Asia. Even a small penetration of the United States defense, which could not be avoided with certainty, would wipe out several American cities.

The Russians have never accepted the Sentinel project as simply an anti-Chinese move, and they have not been entirely wrong. The American Joint Chiefs of Staff view it as the first building block of a $40-billion heavy missile defense system against threats from the Soviet Union.

The irony is that the Soviet missile defense system that set off pressures in the United States for a similar effort is not being extended beyond the Moscow area. The so-called Tallin Line under construction in Northwest Russia is now accepted by a majority of the American intelligence community as an antiaircraft rather than an antimissile system. A "thin" American missile defense system might revive Soviet antimissile efforts. As in the United States, it certainly would spur production of offensive missiles and penetration aids to saturate the adversary's defenses. The action-reaction phenomenon in Soviet-American arms competition makes it almost certain that a $5-billion "thin" missile defense in 1968 would become a $40-billion system by the early 1970's and perhaps a $100-billion system later in that decade.

Another spiral in the nuclear arms race would not prevent destruction of both the United States and Russia in a nuclear war, as Mr. McNamara has pointed out. But it could convert the balance of mutual deterrence that now exists into a nightmare era of nuclear instability and nervousness. The time to halt this new arms race is now, before it begins.

Mr. LAUSCHE. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. NELSON. I yield.

Mr. LAUSCHE. What would be the Senator's position if the status of the present relative strength between Russia and the United States were that Russia, with its ballistic missile system, could destroy the United States and the United States, with its power, could destroy Russia; also, that Russia were installing an anti-ballistic-missile system around Moscow covering a radius of 300 miles, let us say, while we were doing nothing about it.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. STENNIS. Mr. President, I yield 2 more minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 additional minutes.

Mr. NELSON. What exactly is the Senator's question?

Mr. LAUSCHE. That is, let us assume that the power of the United States and the power of Russia are equal, but that Russia has installed an anti-ballistic-missile system around Moscow having a diameter of 600 miles, which is a radius of 300 miles. What would the Senator's position be as to the necessity for the United States to do something to offset this advantage of Russia?

Mr. NELSON. All the scientific and technical authorities I am aware of simply state as of now, quite flatly, with no contradiction by anyone I know of, that there is no ABM system that could stop a massive assault by Russia upon the United States, or vice versa. It may very well be that, as some scientists say, if we installed a so-called thick system, a $40 billion system, instead of losing 120 million persons in a massive assault, we would lose 80 million persons, or some figure of that magnitude. I do not know how they compute the figures. The scientists I have talked with have not given

me any statistical evidence that would prove those guesses are very precise. All they say is that we may save 10 million or 20 million lives. Would that encourage any country to attack another country such as Russia to attack us, on the theory that they could kill 120 million of our people, while with their thin ABM system, we could only kill 100 million of theirs and, therefore, this is an acceptable loss to Russia which would encourage her to attack us?

That would be sheer insanity. So far as I know, all experts are agreed that the offense is still far ahead of the defense. We spent several billions of dollars to escalate our offensive posture, vis-a-vis the thir. ABM system around Moscow, anytime a system of defensive missiles is installed or expanded in either country, all that is necessary is for the other country to increase the number of offensive missiles so that it can take care of the defensvie missiles and have enough left over to devastate the countryside.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. STENNIS. I yield 2 additional minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 additional minutes.

Mr. LAUSCHE. That is, if Russia has installed an ABM system which instead of suffering a loss of 120 million persons will suffer a loss of 80 million persons, the Senator believes that Russia is mistaken and that we would also be mistaken if we installed a system that would save 20 million or 30 million lives?

Mr. NELSON. I think that is correct. Any time we are talking about an assault upon either country which would kill 80 million to 100 million persons, we are talking about the end of the culture in which we live. The fact that one country lost 100 million people and the other lost 75 million would not make much difference.

Mr. COOPER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. In connection with the question the Senator from Ohio [Mr. LAUSCHE], has just raised, and which was answered correctly by the Senator from Wisconsin [Mr. NELSON], I placed in the RECORD last week, on June 13, a table which former Secretary of Defense McNamara had given evidence in testimony before the Armed Services Committee this year. The table indicates, according to the estimates of the Department of Defense, that if either the United States or the Soviet Union deployed an ABM system and each took countermeasures, such as strengthening its offensive weapons, at the end the result would be the same. The present estimate is that if the Soviets strike first, there would be 120 million U.S. fatalities. With our capability of assured destruction on the second strike, there would be 120 million Soviet fatalities.

The Secretary went on to say that if we go ahead and deploy an ABM system, and the Soviets deploy one, and we take all the countermeasures that would follow, after all is done, we would be where we started—120 million U.S. fatalities and 120 million Soviet fatalities. Of what value is an ABM system in the face of these facts?

Mr. NELSON. Mr. President, will the Senator from Kentucky yield for a brief observation?

Mr. COOPER. I yield.

Mr. NELSON. I think another point should be emphasized, that even though we established an ABM system that would protect us against the loss of not more than 20 million to 30 million lives, vis-a-vis the enemy losses of 100 million, that that loss of 20 million to 30 million lives not only would be devastating to life, but there is also one point which is continually being ignored, and that is, if we drop that much atomic explosive energy on any country, there would be no water left to drink in the country. Millions of people would be sick from the exposure. We would destroy the flora and fauna that is here, and destroy the country along with that. So the fact that we can save 50 million or 60 million people versus a 20 million loss really does not make much difference, in my judgment.

Mr. COOPER. The Senator has raised an issue which has not been raised before, and certainly one which is appropriate. In any kind of nuclear attack, nothing worthwhile will be left, as far as life is concerned.

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

Mr. COOPER. I yield.

Mr. MANSFIELD. The Senator has pointed out that in case of an attack and a reaction to that attack, the loss would be approximately the same on both sides, roughly 120 million Americans on the one hand and 120 million Russians on the other. We ought to get away from the argument of a thin line defense against China and be honest about it. If we start an ABM system, the initial cost is estimated at somewhere around $5 billion. Is that correct?

Mr. COOPER. $5.5 billion.

Mr. MANSFIELD. $5½ billion for a thin line; and if the rivalry in these systems continued—and it will continue—it is estimated that the cost would eventually reach $40 billion on each side. Is that correct?

Mr. COOPER. $40 billion on the U.S. side. The experts say that the cost will increase appreciably. After it is started, it will cost much more. $40 billion is the estimate at this time.

Mr. MANSFIELD. And there would be a standoff?

Mr. COOPER. As far as fatalities are concerned.

Mr. MANSFIELD. And we have no assurance that $40 billion would be the ultimate cost for the ABM system?

Mr. COOPER. Some think the cost will go to $70 billion.

Mr. MANSFIELD. If we were to spend money in this fashion, what about the problems at home? Where would we find the funds to take care of our own people?

Mr. COOPER. If it were necessary to develop a heavy ABM system and spend $40 billion over the next 5 or 6 years, I do not know where we would get the money except through taxes or by borrowing. But I believe, and I have said before, and I am sure the Senator would agree, that if there were reasonable grounds that such a system would protect the people of the United States and add to the deterrent against a Soviet attack, I assume everyone would be willing to do everything necessary to pay for it; but when we spend the money and end up with no protection, and perhaps increase the danger of nuclear disaster, it seems to me it is absolutely an act of recklessness to begin such a program on the evidence before us.

Mr. MANSFIELD. If not suicide.

Mr. COOPER. If not suicide.

Mr. MANSFIELD. Because there is no expert who can tell you that what we contemplate doing will give us even reasonable protection against Soviet attack. Is that correct?

Mr. COOPER. I think that is correct. The people who have worked on this system say that. I believe Dr. Foster made the statement in the quotation which Secretary Clifford used. He said it would not be technically feasible to build a system that would protect against a Soviet nuclear attack.

Mr. MANSFIELD. We could break through, and they could break through?

Mr. COOPER. That is correct.

Mr. President, I yield myself 2 minutes. I notice the distinguished Senator from Wisconsin placed in the RECORD the letter from Dr. Wiesner.

Mr. NELSON. Yes.

Mr. COOPER. I received a telergam from Prof. George B. Kistiakowsky, who was the scientific adviser of President Eisenhower. This is the wire he sent:

> Secretary McNamara's speech of September 18, 1967, might have given unintentionally the impression that I endorse immediate start of deployment of Sentinel thin ABM system. I do not. Such may be postponed now without endangering our national security. Therefore, I respectfully urge support of amendments whose intent is to deny funds for site acquisition and for pre-production efforts. I urge, however, continuation of vigorous research and development of ABM system and relevant technology.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a short quorum call without the time for it being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. COOPER. Mr. President, I yield 10 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, I am pleased indeed that this matter, which for far too long has not been given adequate attention in the press of other events, is finally getting the attention which it deserves. It is a matter of the first magnitude, and I am happy to associate myself

with the Senator from Kentucky and others in support of the amendment, the effect of which would be to postpone the deployment of this so-called "thin" anti-ballistic-missile system, the Sentinel system.

When Secretary McNamara, last September, disclosed that it had been decided to build this system, a number of us were very deeply concerned. It is clear that to carry it out would cost at least $5 billion for a package of radars, computers and missiles that would become operational in the early 1970's.

To grasp the meaning of this decision, we must first consider what the development of thermonuclear weapons and intercontinental missiles has done to traditional concepts of national defense.

It is hard to remember, but it was only 20 years or so ago that the United States alone possessed the atomic bomb, and the assurance born of geography that we were safe behind our ocean frontiers.

Today, that monopoly and that assurance are gone. They are only memories. The primary fact of our present strategic position is that the United States and the Soviet Union can annihilate each other as viable civilizations within a day and perhaps an hour.

Regardless of who strikes first, each can inflict on the other more than 120 million deaths and destroy more than 75 percent of the other's productive capacity.

The power to wreak such havoc lies with our respective strategic forces. We now have 1,000 Minuteman missiles in hardened "silos" and 656 Polaris missiles in 41 submarines, all armed with thermonuclear warheads, plus nearly 700 long-range bombers. The Soviets, it is currently estimated, have somewhat fewer missiles and substantially fewer bombers. No one, however, seriously questions the sufficiency of the forces of either nation to destroy the other in the event of an all-out nuclear exchange.

It has long been apparent, of course, that this "balance of terror" could be upset if one side were to develop an impregnable defense. And vast sums have been spent—and are being spent—by both sides in the search for systems capable of destroying incoming missiles before the damage is done.

These efforts have met with partial success. Former Premier Khrushchev's boast that the Soviets could hit an incoming missile "like a fly in the sky" may have been—and in fact was—an exaggeration, but it is not disputed that both nations have developed systems capable of destroying some incoming missiles.

What neither the Soviets nor we can do—or know how to do—is to prevent all warheads from getting through. And that is the key to the question whether or not to deploy an ABM system.

As Secretary McNamara has put it:

> If we could build and deploy a genuinely impenetrable shield over the United States, we would be willing to spend, not $40 billion, but any reasonable multiple of that amount that was necessary. The money in itself is not the problem; the penetrability of the proposed shield is the problem.

The reason that this is—and in all probability will remain—the problem can be stated very simply. Any known ABM system, no matter how extensively deployed, can be overwhelmed by increasing the offensive forces of the other nation.

This has, in fact, already happened. When it became known that the Soviets were installing an ABM system around Moscow, we set about development of multiple warheads and improved penetration aids to insure that a sufficient number of our missiles would get through Soviet defenses.

Conversely, were we to deploy a full-scale ABM system, the Soviets would certainly take similar steps to strengthen their offensive forces, in order to retain their "assured destruction capability." And the net result would be a new and costly arms race with no more security in prospect for either side. In fact, Mr. President, I think much less.

Secretary McNamara, who summarized the case against the ABM in most persuasive fashion last September, nevertheless took that occasion to announce a decision to deploy the "thin line" system against China, the latest entrant to the nuclear club.

I was troubled, as were many others, by the apparent inconsistency of this decision. Secretary McNamara himself stated that seven scientific advisers to Presidents Eisenhower, Kennedy, and Johnson had unanimously recommended against the deployment of an anti-Soviet, or full-scale, ABM system. But what he did not state, as I have learned, was that the same advisers were also unanimous in recommending against deployment of the "thin," or anti-Chinese system.

A basic reason for questioning the utility of this system is that it will almost certainly be obsolete by the time it becomes operational, because the Chinese can, and surely will, design their offensive force to avoid or overcome it.

Yet it is true that the Sentinel system, once operational, will assure the destruction of some missiles in the event of any nuclear attack. So is it not a wise investment, as General Wheeler argues, to build something that might spare as many as 30 million Americans from the sudden death that any nuclear exchange would mean for other millions of Americans?

If deploying the Sentinel system carried with it any such assurance, I would not hesitate to vote the required funds, nor would the Senate as a whole, in my view.

I am now convinced, however, that the only assurance Sentinel, if we should build it, can give to us is that the Soviets and Chinese will so increase their offensive capabilities as to doom even more Americans, Russians, and Chinese to sudden death in the event of a nuclear exchange.

That is the whole point. This situation will not remain static. We build this system, the other side raises the ante, we have to raise ours, we are in a situation in which all of us are more vulnerable, and the chance of many more millions of deaths will exist than will exist if we do not take this step.

I also share with General Eisenhower the view that, even if the planned "thin," system could be built for $5 billion, that figure is quite unrealistic, because the American public would never accept the notion that only some people are to be protected, and would demand the full-scale—though equally ineffective—system costing at least $40 billion, and probably much more before we were through.

For these reasons I have joined in the effort to withhold funds for Sentinel deployment this year, while continuing to support research and development work on the ABM problem.

I point out and emphasize that all of us who take this position are continuing to support, and support fully, research and development work on the ABM problem.

By coincidence, this issue has come to a head just as we have achieved agreement at the United Nations on the non-Proliferation Treaty and as the President has again appealed to the Soviet Union to join the United States in further arms control agreements.

Perhaps what we can reasonably hope might be accomplished in this direction may not be much, in the light of present tensions. But surely it is within our capacity to refrain from actions that can only have the effect of increasing tensions and military expenditures on both sides, with no gain in security for any of us.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. YOUNG of North Dakota. Mr. President, Congress has urged for several years the deployment of an anti-ballistic-missile system. In fact, Congress provided both authorization and funds for initial phases of this system in fiscal year 1967. At the same time, the Secretary of Defense announced his intentions to proceed.

Congress provided further authorization and funds for procurement and military construction for use in 1968. The Secretary and the Joint Chiefs of Staff have pointed out that the decision had become necessary because of the rapidly growing threat of a missile attack by the Chinese People's Republic.

The Defense Department acknowledges that our Sentinel schedule has already slipped from what was originally programed. We are now faced with serious further slippage.

It should be emphasized that full protection of the entire United States can only be obtained when we have full deployment of the Sentinel system. Vital military and industrial installations—and huge population centers—could and should receive considerable protection as we proceed with the Sentinel system as endorsed by the Joint Chiefs of Staff and the Secretary of Defense.

The effect of amendment 854 would be to delay still further—and I think dangerously so—the lack of protection from the threat not only of the Chinese Communists, but also from the Soviet Union.

The adoption of amendment 854 would delay the availability of Sentinel sites by nearly 2 years instead of 1. Very quickly after September 1967, the Department

of Defense began preparing for construction and procurement.

To do this they used the authorization and funds Congress had earlier provided. The Corps of Engineers and industry recruited several hundred of the necessary trained personnel to accomplish the work.

For nearly 9 months engineers and construction people have been at work on site surveys, design, and preparing requests for bids. The Corps of Engineers and its contractors are completing their early site surveys and are well into site design and selection.

Requests for proposals have been issued for certain long leadtime powerplant and other critical equipment. Major construction contracts are scheduled for award early in fiscal year 1969. In the procurement area, a similar 9 months of extensive effort has taken place.

The effect of this amendment would be to suspend most of the ongoing preconstruction and construction effort for over 12 months. Much of the work already accomplished would have to be canceled or redone, resulting in excessive new costs.

Those proposing this amendment have stated that the best that Sentinel can do is to offer a "thin" defense system with no capability against Soviet attack and a doubtful capability for a very short time against a Chinese Communist ICBM attack.

It is true that the initial objective of Sentinel at this time is to meet the early Chinese Communist attack. But, with minor changes, it can meet the increasing Chinese threat or that of any other power for many years.

The Sentinel system is being designed with current technology. There is no basis for argument that Sentinel is of doubtful capability against the Chinese People's Republic, and that it will be effective for only a very short period of time.

The Sentinel system has two other very important objectives which have been explained repeatedly.

First, it will limit damage from an accidental launch from any source. This is an objective sometimes lost sight of, but one which should be tremendously reassuring to this country.

The second and final objective is to provide the option for increased defense of our Minuteman force if this be necessary in the future. The approved deployment is being carried forward with this option available.

Defense representatives have indicated that the ability to protect ourselves from massive damage in the event of a missile attack is not yet possible. They do state, however, that the Sentinel system will give us considerable protection from an ICBM attack from any place in the world.

The Department of Defense stresses that it intends to continue an intensive research and development program in an attempt to provide means to limit damage from all threats.

One of the great advantages in starting deployment of the Sentinel system now is that we will be gaining badly needed experience—and I cannot overemphasize that we so badly need experience in this field—in competing with the Russians who are already deploying this kind of a system around Moscow.

We are far behind the Russians now. The experience we will gain from deployment of this system will be a long step forward in achieving other goals in our defensive posture.

Last Wednesday, the Senator from Washington [Mr. JACKSON] read into the RECORD a letter recently received by the Senator from Georgia [Mr. RUSSELL] from Secretary of Defense Clifford. I believe that letter should give assurance to the Congress that the Sentinel program must go forward as quickly as possible.

It pointed out that the Secretary personally, and in depth, had gone into the question of Sentinel deployment since his taking office. The Joint Chiefs of Staff and the Armed Services Committee long ago endorsed such a program.

The Secretary had concluded it would be a serious mistake to eliminate construction and procurement funds in fiscal year 1969 for the Sentinel deployment. He pointed out that elimination of funds in fiscal year 1969 would cause the loss of some 2 or more years in making the system operative. I concur and support the conclusions of the Secretary of Defense and hope the amendment will be rejected.

The PRESIDING OFFICER. For the information of the Senate, the Senator from Kentucky has 60 minutes remaining, and the Senator from Mississippi has 69 minutes remaining.

Who yields time?

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, because of the grave consequences of this decision, I have not only tried to do as much research on the matter as I could on my own, but I have also consulted with others who have a long history and background in this field.

One of the most distinguished members of the Illinois bar, a former Secretary of the Air Force and Under Secretary of Defense under President Dwight D. Eisenhower, the Honorable James Douglas, has authorized me to make this settlement on his behalf:

> The requirement to reduce the military budget without affecting the war effort suggests postponement of any deployment of the so-called Sentinel anti-ballistic missile system. The system promises little in defense and its postponement would in no way affect our national security.

This statement is reassuring to me. And because I have spoken on the subject several times, I would like to summarize the position I have taken which causes me to support the amendment of the Senator from Kentucky [Mr. COOPER] and the Senator from Michigan [Mr. HART].

I support continued research and development on anti-ballistic-missile systems so that we will be ready technologically to deploy such a system when and if circumstances require it. However, China's ICBM program is at least a year behind schedule, and our offensive power is so overwhelming that we can penetrate Soviet defenses.

Since embarking on a major military program which could eventually cost $100 billion would seriously affect our capacity to meet our domestic needs and foreign commitments for years to come, I have concluded that this grave decision affecting us for years to come should not be made by a lame-duck administration. The decision should be left to the new administration elected in November which will have the responsibility to plot the future course of this country.

I would certainly be the first to authorize and support funds if I felt the security and defense of our country were at stake, and I have consistently done that. But in this case, on balanced judgment, I feel that we can usefully now defer production and deployment because of the circumstances I have mentioned on previous occasions on this floor.

For these reasons, I intend to support the amendment of Senator COOPER and Senator HART, and I commend them for their courageous initiative and careful research in this field. The position will not be a popular one, nor will it probably succeed today, but it is a right decision and for this reason I support it.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 7 minutes to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I favor the immediate deployment of the Sentinel anti-ballistic-missile system. It would be foolish indeed for us to lay aside, even for 1 year, our plans for deployment at this time.

I have listened to and read with great interest the debate on this issue during the last several days. I have also followed the coverage of the debate by the news media. The vote on the Hart-Cooper amendment, which would postpone deployment of the Sentinel system, has been characterized as a significant move by the United States in determining the future course of the arms race. It has been said that deployment of the system will cause an upward spiraling of the nuclear arms race between this country and Soviet Russia. It has also been said that declining to deploy the system at this time will be a sign to the Communist leaders that we are sincere in our desire for disarmament, and that this will lead these Communist leaders to take a reciprocal step back from an increasing nuclear arsenal.

Mr. President, it seems to me that these arguments fail to take into account some very basic facts. First of all, let us not forget that it is the Soviet Union that is, at this very moment, building up its arsenal of land-based missiles to such an extent that she will probably overtake and pass the United States in this category this year. Equally important, and more relevant to the issue here involved, let us not forget that it is the Soviet Union that is, at this very moment, actively engaged in the deployment of its own anti-ballistic-missile system. It is an unfair and unwise twisting of the facts to imply that the responsibility rests upon America at this time to

chart the future course of nuclear armament.

To those who believe that our declining to respond to the Soviet missile buildup and to their deployment of an anti-ballistic-missile system will be interpreted as a sign of our sincerity, and that it will bring forth a reciprocal retreat in the arms race, I can only say that my study and observation of the thinking and inclinations of Communist leadership in the past leads me to the firm judgment that this will not be the case.

Certainly, I do not support an upward spiraling arms race with Russia. But neither do I support unilateral disarmament. To be sure, there is a point at which additional nuclear strike capability is not needed. I have confidence that the civilian and military leadership of the Defense Department will maintain our strike capability at what is necessary—no more and no less.

In the face of an increasing buildup of the Russian arsenal, and in the face of their deployment of an ABM system, which most certainly will be at least partially effective against our offensive missile force, I cannot escape the conclusion that a definite response on the part of this country is required. A failure to so respond, it seems to me, constitutes, in effect, unilateral disarmament by inaction. It will encourage rather than discourage a further Russian buildup.

If we are to respond, what alternatives are available to us? First, we can increase our offensive strike force sufficiently to maintain our superior position and to overcome the damage-limiting capability of the new Russian ABM system; or, second, we can proceed to deploy a so-called "thin" ABM system.

The first of these alternatives would certainly be the least expensive, and, at this particular time, this fact alone makes it extremely desirable. However, the second alternative has other advantages which far outweigh the cost-advantage of increasing our supply of missiles. These advantages have been fully aired in the Senate during this debate, and I will touch upon them briefly in these comments.

Red China, with her growing and maturing nuclear capability, presents a very real threat to this country and will continue to do so for as long into the future as we can now foresee. It is unfortunate that the Communist leadership of Red China is not maturing as rapidly. A fact which has not been successfully contradicted during this debate is that deployment of the Sentinel system will provide this country with an effective damage-limiting defense against the kind of nuclear attack that is now and will be during the 1970's and possibly—with some refinements—the 1980's within Red China's capability. The system will provide some damage-limiting capability in the case of a Soviet attack, although, certainly, its effectiveness against the sophisticated Soviet weaponry would not, standing alone, justify our undertaking to deploy the system.

Mr. President, another factor which has been only lightly touched upon during the debate, but which I consider to be of crucial significance, is the capacity of the Sentinel system to protect this country against the terrible and tragic devastation which could result from a simple accident. To those who would have us forgo an expenditure of $5 billion at this time, I say that you should consider, and consider carefully, the possibility that a nuclear accident can happen.

I say that you should consider, and consider carefully, the indescribable suffering and destruction that a single thermonuclear warhead can inflict upon one of our cities. The assurance of some protection from such an unbearable tragedy would alone justify the deployment of Sentinel, in my opinion.

Mr. President, let me say to those who fear a continuing arms race that there is no certainty that deployment of Sentinel will bring on a further response from Russia. In my view, the Russians will recognize this for what it is, a response to their own action, and a move to provide us with a measure of protection from miscalculating or maniacal leadership by a nuclear power. Actually, as Secretary McNamara pointed out to the Armed Services Committee, the deployment of Sentinel will give assurance to the nonnuclear powers of Asia that we will support them against Chinese nuclear blackmail, and, in this way, it can reduce the likelihood of the proliferation of nuclear weapons. This can be a significant step in lessening the dangers threatened by nuclear buildup around the world.

I need not remind my colleagues that, in matters of such vital importance as this, every conceivable eventuality must be taken into account. Let us suppose for a moment that Red China should, at some future date, undertake a nuclear attack with ICBM's against Russia and the United States simultaneously. You say that this just would not happen? Stranger things have been done by nations through the course of history.

Should such a dual attack be launched, it would be vital to the survival of this country that our ABM system be at least as effective as that deployed by Russia. Otherwise, we leave ourselves open to being weakened and crippled at a time of great crisis. In my view, this eventuality—as improbable as it may be—serves merely as a further indication of the need for us to respond in this way to the deployment by Russia of its present ABM system.

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

Mr. SPARKMAN. I yield.

Mr. JACKSON. Mr. President, I wish to compliment the able and distinguished Senator from Alabama for going to the heart of this issue.

The argument has been made over and over again by the supporters of this amendment that if this country goes ahead with the ABM, we will somehow add fuel and fire to the arms race. If we do not go ahead, the argument goes, there is some hope then of getting the Soviet Union to reach an agreement to dispense with the anti-ballistic-missile system.

Mr. President, the able Senator from Alabama has zeroed in on the real issue. It does not make any sense to say that if we reduce our strength unilaterally, if we decide not to go ahead with the ABM program, the Soviet Union will drop its ABM program. On what basis would we negotiate? Are we assuming that because we do nothing, Moscow will suddenly drop its ABM program? It does not add up.

Mr. President, this statement is repeated over and over again. It is really the underlying basis of the opposition. Yet this "we act—they react" model of Soviet behavior does not fit the facts. The Soviets were the first to develop an intercontinental ballistic missile. They were the first to develop an antiballistic missile. They were the first to develop FOBS, the fractional orbital bombardment system.

I must say that the Russians must wonder how naive we are, to say that we are going to be able to bargain with them over something we do not have. Whoever sat down at the bargaining table under those circumstances?

Mr. President, I commend the able Senator from Alabama for getting at the heart of this issue.

Mr. SPARKMAN. In line with what the Senator from Washington has said, it is the Russians who decline now to talk about a limitation on the ABM systems.

Mr. JACKSON. Are the Soviets apt to sit down and talk with us about the ABM if we do not do anything about an ABM system? They are doing very well. I do not know why they would ever want to talk with us on this issue if we do not go ahead with our program. There is nothing about which to bargain. They have it, and they have had one kind of a program deployed since 1962. We have been sitting by for 6 long years without any deployment.

Does the Senate want to send a message to the Soviet Union and say, "Look, you go right ahead with your program, because the United States is not going to bargain on this issue, by their decision here today to cut out the program"? With this approach, what do the Senators on the other side of this argument believe they are going to accomplish in the way of negotiations or agreement with Soviet leaders on the control or elimination of strategic weapons?

Mr. SPARKMAN. The Senator is correct.

Mr. COOPER. Mr. President, will the Senator yield, on my time?

On the bargaining point, I should like to ask the Senator if he believes that this thin system, directed against the Chinese, would be much of a bargaining point with the Russians, when it is admitted that it would have no defensive value at all. What bargaining value would it have?

Mr. JACKSON. Is the question directed to me?

Mr. COOPER. Either the Senator from Washington or the Senator from Alabama.

Mr. JACKSON. I respond by saying that I previously put in the RECORD the letter from Secretary of Defense Clifford, pointing out that the Sentinel system will provide a limited capability in relation to the Soviet threat, as stated in that letter by the Director of Research and Engineering, Dr. John Foster. I quote from his statement in the letter from the Secretary of Defense:

> The ability to protect ourselves from unacceptable damage from a numerically large and technically advanced missile force such as that of the Soviet Union is not yet tech-

nically feasible. However the Sentinel system will complicate any attack on the United States.

That is the point.

Mr. COOPER. Does he explain how it would complicate an attack? He says it is not technically feasible.

Mr. JACKSON. We have gone over this over and over again.

No one supporting the ABM program ever has said that it has reached the point of development at which it could frustrate or stop an all-out attack from the Soviet Union. I had to write a letter to one of the newspapers yesterday to make that point clear. But, as Dr. Foster said, the Sentinel ABM system will indeed complicate their problem.

In addition, we have put into the RECORD—and it has not been denied—that this system would save 20 to 30 million lives, and I do not think that can be dismissed. And that relates to an attack by the Soviet Union.

Mr. COOPER. If there are no counter measures by the Soviet Union after the United States installs an ABM system, of course the Soviet Union would take countermeasures, and the record shows the old estimates would come into force, 120 million lost on each side.

The Senator has raised a question about bargaining with the Soviet Union. Although Secretary McNamara said in his statement that the Soviet deployment was not being pushed, it has not caused us to diminish our efforts to negotiate with the Soviet Union.

It seems to me that to deploy a thin system which has no defensive value against the Soviet Union would not improve our bargaining position.

Mr. JACKSON. No one in authority has said it does not have any value vis-a-vis the Soviet Union. That is not the position of those who have the responsibility for this program. I do not need to go back to the Clifford letter again. The Sentinel system has some definite value in relation to the Soviet threat. The value of it is limited. This is true. The real task of making it possible to have a system that would be effective against the Soviet Union in the event of a mass attack is in the hands of the scientists and engineers, and this is the task of the research and development program that is going on.

Mr. President, I ask unanimous consent to have printed in the RECORD a communication I sent to the Washington Post yesterday and which was printed in the Post this morning.

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

A COMMUNICATION: SENATOR JACKSON AND THE SENTINEL ABM

To the EDITOR:

In your June 23 editorial entitled "The Sentinel Issue" you have tried to discredit my position on the anti-ballistic missile issue by presuming that I said the Sentinel ABM system could deter a large Soviet ballistic missile attack. I have never so presumed or so stated, and if your editorial writer took the trouble to do a minimum of homework, and to read my actual statements in the Senate ABM debate, he would find that what I said was exactly the contrary of what he has imputed to me.

On the Senate Floor last Friday, in a similar misinterpretation, a Senator said Secretary of Defense Clifford had stated that the Sentinel ABM system could be effective against a Soviet missile attack. I pointed out that this was an incorrect interpretation of the Secretary's views and that no one familiar with the program has ever made such a claim. The Senator subsequently revised his statements in the RECORD.

I would greatly appreciate it if The Washington Post would now set its record straight and print what I actually said on the Senate floor on the relation of the Sentinel ABM program to the Soviet threat as printed in the CONGRESSIONAL RECORD of June 19. I said as follows:

"The group that is now opposing the Sentinel missile defense system seems to assume that the one purpose of the system is to provide damage denial against the early nuclear missile threat from Communist China. This is not, of course, the only purpose for which the system is designed. Some of my colleagues have taken too literally the public rationale for the Sentinel systems previously given by officials of the Defense Department. As a result, these Senators have missed the most significant feature of the system. It will have definite capabilities for defense against the Soviet missile threat.

"The fact is the Sentinel system is designed in part to provide the option for increased defense of our retaliatory Minuteman force, as well as to limit damage from an accidental nuclear launch from any source. Sentinel will provide a limited degree of protection of American cities and other strategic forces from Soviet attack, as well as improve our capacity to detect and assess any missile attack.

"We do not yet have the means for a fully efficient missile defense against a numerically large and technically advanced missile force such as only the Soviets could now launch against us in an all-out attack. The development of such a defense is in the hands of the scientists and engineers. The Administration has pledged an intensive research and development program to provide increasingly more effective tools and methods to limit damage from the growing Chinese and Soviet missile threats.

"Meanwhile, the Sentinel system can give some degree of protection for our vital retaliatory force of Minuteman ICBM's. It can also provide some damage limitation to our society.

"A number of the members of this body who oppose our ABM program pride themselves as humanitarians. Well, under any analysis this ABM program could save millions of American lives. Are you going to say it is not worth it to save millions of American lives because we cannot save every American life?

"Let me also point out that adjustments to the Sentinel system certainly could be made if system effectiveness against the Russian threat could be significantly increased at a sensible cost.

"Furthermore, in plain words, the deployment and adjustment of the Sentinel system is a crucial part of our continuing effort of development and experimentation to achieve, if we can, an effective defense against a full-scale Soviet-type missile attack.

"Let us get one matter crystal clear. It is the Soviet Union which acted first to deploy an ABM system. The American Government did not decide to deploy an ABM until the evidence was obvious that the Soviets were deploying and continually updating their ballistic missile defense. The indications are that the Soviet Union is deeply engaged in exploratory development and experimentation to find an effective defense against Chinese and Western ballistic missiles.

"If the Soviet Union comes out ahead of the United States in the search for an effective ballistic missile defense, the relationship of forces on which we and our allies have depended to deter adventurism and aggression and to discourage a diplomacy of blackmail will be reversed. The consequences for the entire free world would be disastrous."

In this same connection, you will note that my remarks in the Record that day include the following:

"I am not suggesting, of course, that we suspend the effort to reach agreement with Moscow on reciprocal arrangements for the control and limitation of strategic nuclear offensive and defensive forces. I have long argued for such an effort, and I have supported President Johnson in his initiatives to get discussions underway with Moscow on this range of issues. At the same time, it would be the height of irresponsibility for Congress to imperil the present or future credibility of our nuclear deterrent.

"All of us should have learned by now that the way to encourage a reasonable response from Moscow is not through weakness but through strength. The way to negotiate successfully with Soviet leaders is to have the strong positions to bargain with—and to make negotiated agreements more attractive to them than continued disagreements—as in the case of the limited nuclear test ban treaty.

"I am confident that the administration's decision to proceed with Sentinel deployment will strengthen our diplomatic hand—not weaken it—and that this program can actually improve the chances for starting meaningful discussions with Moscow on strategic armaments control and limitation."

Sincerely yours,

HENRY M. JACKSON,
U.S. Senator.

Mr. DOMINICK. Mr. President, will the Senator yield to me on that point?

Mr. JACKSON. I shall yield to the Senator in a moment.

Mr. SPARKMAN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. DOMINICK. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SPARKMAN. I have the floor and I have limited time. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The time will be on the time of the Senator from Alabama.

Mr. SPARKMAN. I yield 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. DOMINICK. Mr. President, I wish to make clear that the distinguished Senator from Illinois and the distinguished Senator from Kentucky have emphasized or tried to emphasize in this debate that we have the capability of inflicting untold damage on the Soviet Union. This would be true provided we are able to get off our ICBM's in the event of a first strike on us. Therefore, to the extent that the anti-ballistic-missile system would enable us to get them off, we would be accomplishing the objective we are talking about. Unless we have an anti-ballistic-missile system, our ability to get that strike off seems more dubious at the present time.

Mr. JACKSON. Mr. President, I believe the Senator from Colorado has made a good point.

Mr. SPARKMAN. Mr. President, I shall mention one further point in conclusion.

As I have listened to this debate my mind goes back to 1939. I am not sure whether the Senator from Washington

was a Member of the House of Representative in 1939 or not.

Mr. JACKSON. No.

Mr. SPARKMAN. In 1939 we had before us a measure to provide for an Air Force of 1,300 planes, which included fighters, bombers, and so forth. The same type arguments as are being presented here were presented then. Yet, where would we have been if we had not started to build up the Air Force with that small number of 1,300 planes?

I remember within 2 or 3 months of Pearl Harbor we had opposition to the extension of the Selective Service Act, the Draft Act, and we had a terrific fight in the House of Representatives, where we won by a single vote. Where would we have been if it had not been for that Selective Service Act?

I remember when the question came up about the fortification of Guam. We lost on that issue. I am not sure what it cost us in World War II, because time was so short, but in the long run it cost us money.

I think the arguments being presented today are very much the same as those arguments made prior to World War II. I shudder to think of what might be the result of our not going ahead. I remember when President Roosevelt came before a joint session of Congress and suggested that we build 75,000 planes in 1 year.

Mr. JACKSON. Was not the number 100,000?

Mr. SPARKMAN. Some 75,000 planes and 25,000 guns and tanks. Actually, jeers went up from some Members who were sitting there. Yet, we did it and we even went beyond the request. Where would we have been if we had not started out and launched it on a bold front.

As I see it, we have launched the anti-ballistic-missile system on a thin basis but we would be able to move into the other. It could be fatal for us to agree here to stop the program.

I certainly hope the amendment will not prevail.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 10 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I oppose reluctantly the amendment to delay deployment and support the committee recommendations for deployment of the Sentinel system. I feel, as many feel, that a tragedy of our times is the continuing necessity for fantastically large military expenditures to the detriment of the orderly and equitable development of society. No one disputes, I think, the relative desirability of the commitment of great portions of our national wealth to the social betterment of citizens of this Nation instead of arms and armaments; however, the external threat remains, and it would be most foolhardy and inhumane to magic-wish it away. And so defense commitments are necessary.

I do not have a sound basis for judging the effectiveness of Sentinel and, therefore, I do not argue that point. I think, clearly, the system is not perfect and just as clearly it must be useful. Within this range of effectiveness lies the appropriate evaluation of Sentinel, which I must leave to others. But I would respectfully make these points:

First. The Soviet Union possesses a devastating offensive nuclear missile capability, deployed and of unquestioned effectiveness. China and others have or will soon have substantial destructive potential of the same type. Russia has constructed more than one air attack defense system over a number of years, and I am sure she has gained great knowledge and experience from this development work, from research and from deployment. They have an ABM system in being. I cannot judge the effectiveness of that system either, and I must leave that to others at the moment. But the heart of the matter is that we owe the humane obligaion to protect the United States against the threat of external forces, and our range of choice includes three major propositions: the creation and maintenance of massive offense-type deterrent forces, as we now do; continuing efforts through diplomatic dialog to end the arms race and divert the energies of all nations to other purposes; and last, provisions for the defense of this Nation against the offensive efforts of others.

Second. An ABM effort by the United States may be the only practical key to a deescalation of the arms race and a return to nuclear sanity.

It would be an exercise in the obvious to point out that the prevention of nuclear war is the precondition of all future social gain in this Nation and throughout the world. Yet we are today locked in an incredible nuclear confrontation between the super-powers of the world, depending on their missile and nuclear arsenals for mutual deterrents. The balance of terror has worked so far, as we are alive to witness, yet it has worked at a terrible price; Russia and the United States hold a hundred million of the other's citizens as hostages as the price of this terrible balance. Disarmament is the age-old dream of mankind, seldom realized, yet the super-powers have quietly imposed a degree of disarmament on each other by the development of presently imperfect, limited ABM systems, decoys, sophisticated radar and the like, by requiring the dedication of greater space and weight in offensive rockets to penetration aids, thus reducing the number of megatons each side can throw at the other. In a very real sense, the ABM and related systems have brought about a kind of arms limitation, one of the few real arms limitations we have ever achieved. I think it entirely possible that the development and deployment of progressively more effective ABM systems by this country might open the prospect of real and meaningful offensive arms limitation efforts. It is argued that as we improve and expand an ABM system our adversary or adversaries will just as promptly increase the size of their offensive arsenal and thus accelerate the spiraling rate of offensive confrontation. And that may be so. But it need not be so. For I feel that superpowers possessed of defensive as well as offensive nuclear capabilities will be far more agreeable to the discussion of limitation of offensive weapon systems than they would if each or either were relying on the offensive deterrent alone. As defensive systems continue to improve, the capability of the world to destroy its people will gradually deteriorate; and the number of hostages held on each side will be reduced, although certainly never to zero.

As pointed out by Dr. Alvin Weinberg, the distinguished director of the Oak Ridge National Laboratory in a speech delivered at Rockefeller University in November 1967, at the Seventh Atoms for Peace Awards ceremonies:

> If we addressed as much time and energy to developing the details of a defensive posture in arms control as we have devoted either to developing offensive armaments, or even toward present arms control doctrines, is it not at least possible that we would be able to work out credible answers to many of the difficulties we now see in limiting offensive weapons?

Bear in mind that Russia has deployed a system of anti-ballistic-missile defenses, and we stand at the threshold of decision: Will the United States react by massive increase in an offensive weapons capability and thus feed the nuclear weapons spiral, or will we choose this stage in the nuclear age to find a new departure offering the prospect of formal and informal offensive arms limitation. I believe that ABM deployment by this country offers an opportunity to stop an unending arms spiral. I also believe, as further pointed out by Dr. Weinberg, that it is unlikely that we can ever hope to achieve real arms control or disarmament from the present position of overwhelming offensive power and almost nonexistent defenses. I have grave doubts that either of the superpowers will agree to be disarmed of offensive weapons unless it feels reasonably secure in its defensive systems. We cannot realistically contemplate disarmament while faced with the possibility of the clandestine sequestering of a few missiles without being reasonably sure that our defenses can accommodate sporadic and secret attacks.

The post World War II balance of terror between the superpowers has required an emphasis on offense rather than defense. I urge that the military communities of the world prepare for peace by developing defensive systems rather than continuing to exert themselves primarily in improving offensive systems. I believe that the deployment and development of Sentinel and further ABM systems by this country will enhance the prospects of disarmament, that the humane instincts of this great nation require that we do something to shift emphasis from destruction to defense, and that we show the courage and initiative to find something better than the present balance of terror which holds the world as hostage to the promise of universal destruction.

Mr. JACKSON. Mr. President, I want to compliment the able Senator from Tennessee for his keen analysis of this problem. What he has had to say in response to the issues raised in this debate has been constructive and helpful and, frankly, I think right to the point. Again I commend the able Senator from Tennessee.

Mr. BAKER. I thank the Senator very much.

Mr. COOPER. Mr. President, I yield 10 minutes to the distinguished Senator from Missouri [Mr. SYMINGTON].

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

WHY THE SENTINEL ABM SYSTEM IS NOT NECESSARY AT THIS TIME

Mr. SYMINGTON. Mr. President, advocates of the Sentinel ABM system state that those in opposition to deployment of the system at this time have taken too literally the Defense Department rationale for Sentinel; namely, a defense against a possible Chinese nuclear threat.

Perhaps that rationale was taken too literally because it was, at least until recently, presented emphatically that Sentinel was only designed as a defense against China; and not as a defense against the Soviet Union. It is emphasized that, technologically, we just do not know how to build such a defense at this time.

Some people point out that the Sentinel will provide the option for increased defense of our Minuteman force. Maybe so, but increasing the p.s.i.—that is, the per square inch resistance—of missile sites, along with our offensive capability—multiple warheads, et cetera—will also increase the defense of our missile capability, and our overall deterrence, will be "far less expensive and, in my opinion, will be far more effective.

The point has also been made that Sentinel will provide a limited degree of protection of American cities and other strategic forces from Soviet attack. But the degree of that protection is questionable, indeed.

Even if we were able to prevent 98 percent of Soviet nuclear missiles from reaching target in an all-out attack—an impossibility, just as it would be impossible for another country to prevent a substantial portion of our missiles from reaching target—2 percent of Soviet missiles hitting their targets could still destroy our cities.

Now, Mr. President, we might as well face it: We have a fiscal and monetary problem in this Nation today, one which is new to this generation. It is becoming more serious every day.

Neverthelss we continue to be told why we must go on spending billions of dollars a month in Vietnam; why also we must keep all our military in Europe, and a total of over 2 million military-connected people stationed around the world at the expense of the American taxpayer; why also we must continue our "foreign aid" at the same time we add "soft loan" windows to the various international banks, which is another "bite" on the American taxpayer.

Figures gotten together in a House Committee state that the debt of the United States is now $43,819 billion more than the debt of all the other countries in the world combined.

In addition, for years we have been asked to spend additional billions on maintaining an "Assured Destruction" capability on the theory and with the premise against this gigantic cost that the best defense is a good defense.

And now, after spending these tens of billions on the basis of that premise, we are being told this is still not enough; therefore we must now spend additional billions on this theoretical and admittedly strictly limited defense, the effectiveness of which even the Sentinel's strongest advocates admit is in doubt.

It is also argued that adjustments could be made to the Sentinel system if system effectiveness against the Russian threat could be increased at a sensible cost. We are also told, however, that the present state of technology is such that we would not deploy an effective defense" against an attack by the Soviet Union.

Once that stage of technology has been reached, if it ever is reached, it is not at all certain that the Sentinel system, deployed as now envisioned, could still be any "building block" for a "thick" ABM defense against the Soviet Union.

The record so proves. We have deployed defense systems and developed numerous missiles in the past which today are either obsolete or becoming so; and which have cost the taxpayer many billions of dollars.

Before we pass on to the research and development people additional billions, which would result if we approve these construction funds, let us examine what we have obtained to date in other important development fields.

After that examination, let us hope that we get a better return on funds in this area than we have to date in such areas as planes and ships, primarily submarines. In one important case we have received nothing for over 10 years; in another, nothing for over 20 years.

As further argument, it is stated the Soviets have been deploying and continually updating their ballistic missile defense; also that the United States is likely to fall behind in this field of development.

Well, Mr. President, for many years I have been hearing about this international Communist conspiracy; about the necessity to put up billions and billions more dollars of the taxpayers' money to defend the free world against communism in North Vietnam, in South Vietnam, and all over the world.

But after studying the Soviet defensive systems to the best of my ability, and based on testimony presented in hearings before various Senate committees, I believe the warnings that have been developed about the Soviet Galosh and Tallinn missile defense systems have been much exaggerated.

No doubt the Soviets welcome these exaggerations. It was Lenin himself who predicted they could bring about our economic collapse. The argument that possible deployment of the Sentinel—if it works—some years from now will strengthen our diplomatic hand in negotiations with the Soviets on arms control would appear to be the weakest argument of all; exactly opposite to the argument presented in January 1967 by the then Secretary of Defense regarding deployment of any ABM.

It is difficult to understand how the United States could logically argue that we want to reach an agreement on limiting strategic arms at the same time we are building an ABM defense primarily for defense against a possible attack from Red China; but one which, as those who support it argue, could provide a limited defense against the Soviet Union, or possibly be a building block for a heavier defense against the Soviet Union. If it were deployed, the Soviets could be rightfully suspicious about our intentions—and therefore believe it to their disadvantage to sign any arms limitation agreement.

Finally, Mr. President, although it is difficult to discuss all details of a problem of this character without running the danger of divulging information which could be of assistance to a possible enemy, it is well known that there has been considerable question as to whether or not high altitude bursts of incoming missiles might make the accuracy of our retaliation more difficult.

If there is any merit in this danger, and I speak advisedly, the same type and character of problem could well be characteristic of the proposed Sentinel system; and that is a matter which should be studied with great care before there is decision to go ahead.

Mr. President, for these reasons I shall support the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I ask unanimous consent that we have a short quorum call, without the time being charged to either side.

Mr. HART. Mr. President, reserving the right to object——

Mr. STENNIS. The Senator from Rhode Island [Mr. PASTORE] had requested some time.

Mr. HART. Mr. President, I have no objection to the request.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Rhode Island [Mr. PASTORE].

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I came to the Senate in December of 1950, and since 1953 I have served on the Joint Committee of the Congress on Atomic Energy. I dare say to my colleagues that no responsibility that has befallen me in the U.S. Senate has engaged me more in matters that have to do with nuclear and thermonuclear weapons, and death and survival of the free world.

Today I am the chairman of the Joint Committee on Atomic Energy, Mr. President, and I rise in opposition to the Cooper amendment. In doing so I want it clearly understood that I do not impugn the sincerity, the good motives, or the competence of men like Senator COOPER, Senator SYMINGTON, Senator HART, and all these other distinguished gentlemen who have talked in support of this amendment. With equal sincerity, I must oppose their point of view.

Today we are living in a mad world, and indeed it is a mad world. There are enough nuclear and thermonuclear bombs to burn this world to ashes.

One thing has saved mankind. Through some miracle, after Hiroshima and Nagasaki, no atomic bomb has been dropped on human beings. Today, figuratively speaking, we have atomic bombs coming out of our ears, not only in the arsenals of America, not only in the arsenals of Russia, not only in the arsenals of other countries, like Great Britain, but now we also see that the Red Chinese have detonated seven devices having a sophistication that has surprised the members of our committee and the scientists of this country.

The Red Chinese have achieved what De Gaulle has not been able to achieve, for De Gaulle has not been able to achieve a hydrogen bomb. But Red China has.

But now the big question arises. One day, when Red China builds up its arsenal and becomes a world threat with nuclear weapons, we can kiss Formosa goodbye; we can kiss South Korea goodbye. If that day should ever come, I would not know why we should ever have struggled in Southeast Asia. There is turmoil in Korea. There is turmoil in Vietnam. There is turmoil in the Middle East. There is turmoil in Cyprus. There is turmoil all over the world. Yet man has it within his power to destroy himself completely.

We have heard the distinguished Senator from Missouri [Mr. SYMINGTON] say that the ABM system will cost a large sum of money, and that the dollar is faltering. I regret that. No Member of this body favors frugality more than does the Senator from Rhode Island. No Member of the Senate wants peace more than does the Senator from Rhode Island. We have been struggling for peace since 1946.

There was the Baruch plan, and it was rejected by the Soviet Union even when we had a monopoly of the atomic bomb.

I remember three crises. The first arose over the question, Shall we have nuclear submarine propulsion? Many people asked, Why waste the money? But there was one quiet voice—Captain Rickover's. That one quiet voice became louder and louder and louder until the President heard it. President Truman reversed some of the skeptics and gave the go-ahead sign in December 1947, when he authorized the building of the submarine *Nautilus*. Today we call Polaris nuclear propelled submarines our first line of defense.

Only the other day we had a secret hearing within the Joint Committee on Atomic Energy where we heard that the Russians are catching up with us in nuclear submarines and will be ahead of us within 4 to 7 years if we don't take some action. Where will our first line of defense be then? I know we cannot build a defense system that will protect every American life. But where is the justification for this idea that if you cannot save 50 million Americans, let them all die? This is the logic here today: If you cannot save 50 million, let them all die.

America knows that it will not be the aggressor. We will not shoot the first atomic bomb, Mr. President. And these bombs should not be used; only as a last resort. I have kept my fingers crossed; and the last prayer I say every night when I go to bed is that some irresponsible person will not say, "Shoot one in Southeast Asia," as they were saying, "Shoot it in Korea." I heard those voices, even on the floor of the Senate. I dread the day when that ever happens. If that day ever comes, God help us.

So what are we trying to do here? Mr. President, we are not trying to build a bigger bomb, as the Russians did when they broke the moratorium and detonated a 60-megaton bomb. We are not trying to do that. We are not trying to destroy others.

They talk about offensive weapons as being the answer. Why should we be an offensive nation? We can spend $5 billion every 2 months in South Vietnam—every 2 months—to give freedom to the South Vietnamese, and we cannot spend $5 billion over 4 or 5 years to protect American lives? Oh, where is our reason?

We are not building an offensive weapon. We are building a defensive weapon.

There was a report in the New York Times of February 21, 1967:

> Russians say antimissile system will protect them from attack.

This is what Kosygin said in London:

> Premier Alexi Kosygin said in London 10 days ago that the Soviet antimissile system was designed not to kill people, but to preserve human life.

That is what the Russians said. Yet we are shedding crocodile tears that if we try to protect American lives, that is going to accelerate the arms race in Moscow.

Mr. President, I ask unanimous consent to place in the RECORD at the conclusion of my remarks the full report of the New York Times of February 21, 1967.

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

(See exhibit 1.)

Mr. PASTORE. Mr. President, how naive can we get? Here are the Russians, building a system to save Russians. Are Russians better than Americans? Is it better to live as a Russian and die as an American? If they can save their lives, why cannot we save ours?

Oh, woe be to us.

That is all we are talking about here. Certainly, it is going to cost money. Who says it will work? General Wheeler, Chairman of the Joint Chiefs, Clark Clifford, McNamara, Dr. Foster, Dr. Brown, the members of the Atomic Energy Commission, the Joint Committee on Atomic Energy, RICHARD RUSSELL, chairman of the Committee on Armed Services; the chairman of the Subcommittee on Preparedness [Mr. STENNIS]; and Mr. JACKSON. Because I am a modest man, I do not want to say, "PASTORE, chairman of the Joint Committee on Atomic Energy, too."

When we built the first atomic reactor to generate electricity, they said, "It will not work; it is too expensive." Today it is competitive. The *Nautilus* submarine is an obsolete boat today. Why? Because we continued to improve and to build better ones.

Maybe the Russians are working on some submarines that are better than ours. Suppose it is obsolete the minute it hits the water; how are we going to live without continuing to improve?

I wish we could take the $80 billion we spend on military matters every year and save it. If I could be sure this afternoon that no one will ever use an atomic weapon, I would sit right down now and keep my peace.

But who will give me that guarantee? Who can give me that guarantee? How do we know they will not use them? They have them. How do we know that some mad triggerman, some day, will not lose his sense of balance and say, "Let them have it"? And when they come over here with those 25-megaton bombs, what will we do, Mr. President?

If we could take a 25-megaton bomb, make it into the equivalent amount of dynamite, and load it onto a freight car, I ask the Senator from Kentucky, does he know how far that freight car would extend?

Mr. COOPER. From the Atlantic Ocean to the Pacific Ocean.

Mr. PASTORE. From the Atlantic Ocean to the Pacific Ocean diagonally from Maine to Lower California. I did not think the Senator had the answer, so I gave it to him.

A few years ago, we had the Cuban missile crisis. Nobody wants to become aggressive. Nobody wants to become offensive. But what we are talking about is survival. We are talking about the second strike.

America has a military posture, Mr. President, that if they bang us, maybe we will hit them back. The big question is, what are we going to hit them back with? They have this fractional orbiting thing now, where they can shoot a missile up in orbit, and let it come down, and not in violation of the United Nations Treaty, because they can shoot it up and bring it down without a full orbit.

We have made some small steps; the Nuclear Test Ban Treaty, and I hope they will sign the Nonproliferation Treaty. But that is not enough. As long as we have one nuclear bomb in this world, Mr. President, we have to do something about protecting ourselves against it. The idea is that if they bang us good, we will bang them better. It all depends on how tough that first bang is.

Today, with the technology that has been developed, with fractional orbiting, they have cut down the warning time from 15 minutes to 3 minutes. Mind you that. And we have nothing to challenge this, Mr. President; nothing to challenge it at all.

So I say to my friends, "Go ahead and save your dollars. Keep pouring them into Vietnam and not regretting it. But do not spend a quarter to protect American lives."

If that is the philosophy of America, I am ashamed. But I do not believe it is. I am not the conscience of this body, and I will do as I feel I should do, and I know other Senators will also, even though they disagree with me. I know the vote is going to be close; I know that money is short; and I know that frugality is the theme song of the day.

I know all that. It is going to be hard to dramatize this, because Pastore can never come in here and say, "I told you so," because he would be dead by that time. And that is the pity of it. One of the hardest things to do in the world is to sell life insurance to a healthy

man. A healthy man thinks that he will never die.

It is our responsibility to look down that long road. Senators who want to save perhaps a half a billion dollars in the budget had better get started now. Red China will have an ICBM capability by the mid-seventies. Make it 1974. Make it 1973. Make it 1972. Make it 1971. Make it any year one wants to. However, I am talking about history. I am talking about all of the tomorrows, every single one of them. And if we get going late, we will end up late.

Yes; I know the answer is complete disarmament. And I live and yearn and pray for that day when we have complete disarmament. But until that day, Red China and Red Russia will do all they can to gain superiority in this field. We had better beware.

Everyone says, "But this is not meant against Russia. This is against Red China." I know that, but in everything there must be a beginning. And I say the time to start is now.

I hope the amendment is rejected.

Mr. President, I ask unanimous consent to place in the RECORD at this point a letter dated April 28, 1968, to the Comptroller General for the Joint Committee on Atomic Energy signed by Vice Chairman CHET HOLIFIELD and myself requesting that the GAO make a continuing review of the Sentinel program. I expect the Defense Department and the AEC will give their full cooperation to the GAO as the Comptroller's Office complies with our request.

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

U.S. CONGRESS,
JOINT COMMITTEE ON ATOMIC ENERGY,
April 29, 1968.

Hon. ELMER B. STAATS,
Comptroller General of the United States, Washington, D.C.

DEAR MR. STAATS: This letter is to confirm and reiterate the understanding reached at the several meetings between the Executive Director of the Joint Committee on Atomic Energy staff and members of your staff concerning the General Accounting Office review of the Sentinel Program.

Because of the large amount of money involved and the large interval between inception and fruition of the program, the Joint Committee on Atomic Energy desires that the General Accounting Office should maintain a continuing review of the Sentinel Program.

The purpose of having the General Accounting Office review the Sentinel Program is to provide the means for continuing surveillance of the economy, efficiency, and effectiveness of the program within the reasonable availability of manpower of the General Accounting Office coincident with the high security nature of the program. By raising questions where it appears appropriate, the General Accounting Office can aid the Systems Manager, the Atomic Energy Commission, and the Joint Committee and provide the opportunity for taking timely corrective action to avoid or minimize large overruns, delays or other management problems. The Joint Committee, therefore, requests the Comptroller General to initiate this review and furnish reports to the Committee at such intervals as may be appropriate to keep the Committee informed in a timely manner of the progress of the review.

On numerous occasions in the past the Joint Committee has been critical of the lack of continuity of key technical personnel in military developmental projects. The Joint Committee has repeatedly voiced its opinion that the customary rotation of military personnel should not be applied to technical projects where the time necessary to bring a project from Phase I through to completion exceeds the period of time a man is normally assigned to a specific billet. It is generally agreed that rotation of personnel having technical responsibility during the development of a system is not conducive to efficient management, and generally results in unnecessary costs to the Government. In this connection we particularly wish that during its review the GAO be alert to evidence of unnecessary rotation of key personnel.

In carrying out the review, the Joint Committee understands that the demands on responsible officials of the Sentinel Program will be kept at a minimum consistent with the purpose of the review.

Sincerely yours,

JOHN O. PASTORE,
Chairman.
CHET HOLIFIELD,
Vice Chairman.

Mr. PASTORE. Mr. President, I also request that my remarks at the launching of the nuclear submarine *Narwhal* in Groton, Conn., September 9, 1967, be included at this point in the RECORD.

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

REMARKS OF U.S. SENATOR JOHN O. PASTORE AT THE LAUNCHING OF THE NUCLEAR SUBMARINE "NARWHAL" IN GROTON, CONN., SEPTEMBER 9, 1967

I have come to this day and moment with pride—pride in the workers whose skills have made this splendid nuclear submarine possible.

Pride in the mobility of purpose of the crew—men of courage who will guide this ship through the silent depths of the ocean—alone and unafraid.

This ceremony which marks the launching of the *Narwhal*, the SSN671, is a milestone in the annals of our submarine, history. Just thirteen short years ago the world's first nuclear submarine, the *Nautilus*, designated SSN571, was launched from this same shipyard. Here we are a hundred submarines later, and of these, ninety-two have been nuclear powered. Only men of great foresight would have envisioned this tremendous accomplishment.

I can think of no other important technological advancement which has progressed as rapidly as has the use of nuclear propulsion for naval vessels.

It was not too long ago from this shipyard that the forty-first and last POLARIS missile firing submarine was launched, marking the completion of this program. There is little doubt that the Polaris submarine represents our most formidable deterrent to an all-out war.

I must say that these achievements would not have taken place except for the persistent and aggressive support of the Joint Committee and aggressive support of the Joint Committee on Atomic Energy—with the help of Admiral Rickover and his associates—and I would want you all to know further that if world conditions persist in the way they are today, the Joint Committee expects to see many more nuclear submarines launched from these and other ways throughout this great Nation.

Now, however, we have come to the crossroads in the development of nuclear-powered submarines. With the present authorized Polaris program completed, we must give serious consideration to a further expansion of this program and we must intensify our efforts to develop new and more advanced nuclear attack submarines to meet the expanding challenge of Soviet naval power and the new Chinese threat. I also believe that we should actively pursue the replacement of all our conventional submarines with nuclear submarines of advanced design.

We have developed an irreplaceable reservoir of highly skilled men, such as I see before me today, who have been largely responsible for the clear supremacy the United States holds over any nation in the world in the development of nuclear submarines. Many of you workers, I might add, are friends from Rhode Island who journey here each day to join in this great endeavor to strengthen our national security.

We should insure that the great skills and capabilities of the men who design and build our nuclear warships should not be dissipated.

But this is only one aspect of the continuing fight for American nuclear propulsion supremacy.

The nuclear-powered aircraft carrier *Enterprise* has just returned from its second deployment in action off Vietnam. The *Enterprise* has proven so effective in battle in Vietnam that the Secretary of Defense requested a new nuclear-powered carrier in last year's defense bill and has told Congress that he intends to ask for one more next year and another in a future year.

The nuclear-powered carrier approved by Congress last year has been named the *Nimitz* after the late Fleet Admiral Chester W. Nimitz. You might be interested to know that about fifty-five years ago Lieutenant Nimitz was Commanding Officer of the first United States submarine *Narwhal*, the predecessor of the nuclear submarine we are launching today.

The Joint Committee on Atomic Energy is proud of the active role it has taken and is taking to bring into being a Nuclear Navy.

Our reward has been to see the *Polaris* nuclear submarine emerge as our first line of defense—and the *Enterprise* and its nuclear escort vessels perform admirably in support of our limited objectives in the Vietnam conflict.

The world into which the *Narwhal* will sail is a world of conflict and contradictions.

We are engaged in a military struggle *against* the forces of communism in Southeast Asia. At the same time we are working *with* communist nations at Geneva to produce a treaty banning the spread of nuclear weapons—a treaty which will lessen the possibility of a nuclear holocaust.

Our hopes and prayers are for a nonproliferation treaty and agreements—agreements to halt the arms race—and, indeed, agreements to eliminate all conflicts.

But we must understand military power and constantly be aware of the capabilities of our potential enemies. We must stay in tune with changing events.

A dramatic and upsetting event has recently taken place in the Far East. In less than three years Red China has become not only a nuclear power—but a *thermonuclear power*.

I suggest that they have made amazing and astonishing progress in this brief span of time. Their accomplishments in the field of nuclear weaponry are all the more significant because the internal strife within China has apparently had little or no effect on their nuclear and missile programs. In light of these factors, it appears that Communist China presents a clear-cut threat to the free world.

At the beginning of the 90th Congress, as Chairman of the Joint Committee, I initiated hearings on Red China's nuclear capability. One of the most significant findings contained in the Joint Committee report was the statement based on CIA and Defense Department testimony that:

"The Chinese probably will achieve an operational ICBM capability before 1972. Con-

ceivably, it could be ready as early as 1970–1971."

Add to this new threat the fact that the Soviet Union's offensive nuclear striking power is increasing in comparison to our own—while at the same time they are deploying one and probably two anti-ballistic missile systems to defend their country—which we are not doing—I repeat—which we are not doing.

While for the moment we can find comfort and a certain amount of security in the ideological schism that exists between Red China and the Soviet Union, we cannot discount the possibility that this breach could be healed and thereby greatly affect the balance of nuclear power in the world.

Which brings me to the important point that I want to make here today, and that is this—that the time has come for us to give serious and urgent thought to a reappraisal of our defense posture.

We cannot live in a world of atomic energy and discount completely the possibility of "surprise attack" on our Nation.

The Senate has just recently approved a budget of over seventy billion dollars for defense, the largest single appropriations bill in our history—and yet we have no effective anti-ballistic missile system.

I realize the cost to do this is high—indeed staggering—however, if we can afford to spend twenty-four billion dollars a year in defense of a neighbor, and I mean Vietnam, we can certainly spend as much to insure the life and security of our American society.

Our offensive weapons are second to none—but it has been our announced and continuing policy for generations never to strike first.

Today—in effect—we are asking the American people to be prepared to accept near nuclear annihilation because our strategy calls for absorbing the first nuclear strike.

We are not an aggressive people. We do not covet other nations' territory. We only ask that those who desire to be free—stay free. I merely point out that we must be as strong in defense to preserve our society as we must be strong in offense to discouraging and deter an attack.

With *all* our offensive power, *our defense* posture could be our Achilles' heel.

We cannot sit back and let ourselves be lulled into a sense of false security, relying only on the hope that fear of retaliation will deter potential aggressors.

Development of an ABM system is, I repeat, extremely expensive but, indeed, necessary. In this kind of a world, the alternatives are few.

The security of our country—the ultimate in its defense—deserves the highest national priority.

An affluent America—with so much to lose—must not face this mortal challenge cheaply.

We should move full speed ahead on building an anti-ballistic missile system. In this connection, I am happy to say that Senator Henry M. Jackson of Washington, Chairman of the Subcommittee on Military Application of the Joint Committee on Atomic Energy, and one of the Senate's leading experts on military affairs, will soon hold hearings on the ABM question.

The Joint Committee on Atomic Energy will pursue the development of an ABM system with the same vigor that it pressed for the development of the H-Bomb and our first nuclear submarine, the *Nautilus*.

Both endeavors were successful and greatly increased the security of this great Nation.

This new submarine, the *Narwhal*, represents another link in the chain of undersea security so necessary in this turbulent world.

It is into this difficult and dangerous world that you—the officers and men of the *Narwhal*—will soon sail.

Your task is vital to our security.

Your mission will be difficult.

Your dedication is unsurpassed and our pride in you is unbounded.

EXHIBIT 1

RUSSIANS SAY ANTIMISSILE SYSTEM WILL PROTECT THEM FROM ATTACK—TWO GENERALS IMPLY DEFENSE RULES OUT NEED FOR PACT PROPOSED BY JOHNSON

Moscow, February 20.—Soviet military leaders asserted today that the Soviet Union had developed an antiballistic missile system that would protect it from attack.

The assertions were accompanied by further indications that the Kremlin had no interest in President Johnson's proposed United States-Soviet agreement to stop development of antiballistic missile systems.

Gen. Pavel F. Batitsky, a Deputy Defense Minister, said the antiaircraft troops he commands "can reliably protect the country territory from an enemy attack by air."

Gen. Pavel A. Kurochkin, head of the Frunze Military Academy, said missiles fired at the Soviet Union would never reach their targets.

MISSILES NO PROBLEM

"Detecting missiles in time and destroying them in flight is no problem," General Kurochkin said in reply to questions about the Soviet system.

His remarks at a news conference and General Batitsky's interview with the press agency Tass were in anticipation of Thursday's celebration of the 49th anniversary of the Soviet army and navy.

They represented an apparent new confidence about the capacity of the country to defend itself against missiles armed with nuclear warheads.

The argument used by Washington has been that the systems would mean wasting billions of dollars on both sides, since despite them intercontinental ballistic missiles could still cause catastrophic destruction.

Premier Aleksei N. Kosygin said in London 10 days ago that the Soviet antimissile system was "designed not to kill people but to preserve human lives."

"I believe that defense systems, which prevent attack, are not the cause of the arms race but constitute a factor preventing the death of people," he said.

OFFER NOT REJECTED

Premier Kosygin did not explicity reject President Johnson's proposal.

The generals' assertion that enemy missiles would not reach their targets was not limited in any way.

Military leaders were considered sure to add to pressure in Washington for the United States to push ahead with its own system. The Defense Department has warned that there would be no alternative if the Soviet Union persisted with the development of its system.

Mr. COOPER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, we are placing our judgment against that of distinguished Members of the Senate who have peculiar knowledge concerning our defense system. It also requires some arrogance to respond to the eloquence of the Senator from Rhode Island. But all of us must make our judgments. It is our responsibility.

Many times I have heard the great Senator from Rhode Island stand on the floor and make an impassioned plea for the control of nuclear weapons. I recall one of the last, was in response to a speech made by the late Senator Robert Kennedy, a speech against the proliferation of nuclear weapons and the ultimate destruction they would bring to the world.

With all due respect to the argument of the Senator from Rhode Island—it would seem to me that the Senator's correct description of the nuclear terror in the world contradicts his argument to establish a new system of weapons.

The system will never be stable. Once we take the first step, the Soviet Union or another country will follow. There will be no saving of life about which the Senator speaks. Each side will continue to be able to destroy the other and with more nuclear weapons. This is the testimony of the Department of Defense, including the former Secretary McNamara.

We have offered the pending amendment to delay the decision for 1 year so that we might find out more certainly whether the system has any value. All admit today that it is really of no value. It will not provide any security against the Soviet Union. The Chinese threat does not now exist and cannot become existent until 1974 or 1975 according to the testimony.

I do challenge the statement of the Senator from Rhode Island. I not only have respect for the Senator, and I have great affection for him. I know his humane nature. But it is in that same spirit of humaneness that Senators who support the pending amendment speak today—not to embark without more knowledge on a course of action which will not increase security.

Mr. President, I yield 5 minutes to the Senator from Michigan who is a cosponsor of the pending amendment. He has given great study to the subject and questioned the system before I did.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, it is not necessary for me to remind the Members of the Senate that the questions are close, perhaps closer than the tally will show when we get to a rollcall.

I am impressed by the statements of the Senator from Washington and the Senator from Rhode Island. Without demeaning their patriotism or sincerity in the least, I suggest that some of the expert witnesses that were cited by the distinguished Senator from Rhode Island—the service Secretaries, Joint Chiefs of Staff, and others—have been wrong in the recent past. And they have been wrong on some very important matters. And we who feel that they have been wrong in the past and suspect that they may be wrong this time now propose to delay for a year before we make this deployment move.

One of the factors that should certainly give the Senate pause in granting a go-ahead to the anti-ballistic-missile system is the shifting nature of the arguments presented in favor of it.

The system's proponents, I am sure, have been earnestly seeking to give direction to their cause but we have been presented with a very uncertain weathervane indeed.

Arguments have been trotted out one by one like pitchers from a Washington Senator bullpen, each getting battered by logic and then promptly relieved by a

point that the managers hope will have more hop.

Apparently, the original argument that we need ABM for protection against the Chinese has now been sent to the showers. While this argument remained on the field, we were always cautioned that the ABM was not Russian-oriented and that the Russians, hopefully, would understand and accept this.

Then it developed that the Chinese ICBM effort had fallen far behind schedule, raising the question of whether the ABM antidote should not likewise be postponed, especially since it might have so many bad side effects.

Now the Chinese argument has withdrawn from the field and Russia is substituted as the threat against whom we must protect.

But before the Russian threat has time to complete its warmup pitches, the bullpen doors swings open again and we learn that the ABM is not really regarded so much as a defensive weapon as it is a negotiating tool.

If we appear to press ahead with ABM, it is hinted, then the Russians will grow fretful enough to talk serious disarmament. But I find it difficult to see how we will be in a better negotiating position with a system both we and the Soviets know is inadequate. And is not it equally likely that in the meantime they will plunge deeper into the armament race themselves just as protection against a lack of negotiations or a failure of negotiations?

And could not this be a new arms race from which neither nation could withdraw?

We are on the road from which sooner or later—and it may well be now—neither nation can retreat.

The appealing argument is made that if you can save just a few American lives, who shall turn his back? And the argument is equally appealing if voiced in Russia. And who stops? When is the day at hand when we say, "Wait"? I would hope it is today. The hour is late. We have journeyed far on that road, and none of us has the crystal ball which will tell us assuredly what lies around that corner.

Each of us reads history in a slightly different light; but, as I read it, a prudent man can get up today and suggest that it is the course of wisdom and responsibility—I was going to say morality, but that invokes a judgment that really none of us should make—and commonsense to wait. Given the slippage that the Chinese now have in their program, it is the course of prudence at this time for our rich and powerful Nation, our Nation which can overwhelm anyone else on the globe, to wait and see if, in the passage of that time, we can, find a turning on the road, or at least brake our respective racing vehicles to a halt; there to talk it over, and make sure that all of us do understand where we are headed. Is it to ultimate armament? If that is the way we want to go, so be it. But we have an opportunity now for time that a year ago we thought we did not have. Let us grab it.

Many of the proponent arguments I find not only unconvincing but actually puzzling. For example, there is the assertion that Senators should vote against the amendment because Sentinel would save lives in the event of a nuclear attack. The only way I can imagine Sentinel or any other ABM deployment saving lives would be if the Soviet Union—or China, for that matter—did nothing to compensate for the deployment, in order to restore the capability to damage the United States which had existed before the deployment was undertaken. But they could hardly be expected to do nothing; thus there would be no reason to believe an appreciable number of lives would be saved. In fact, there is good reason to believe that even more lives might well be lost than had the ABM deployment not taken place. One of the unfortunate consequences of deploying Sentinel will be that neither the Soviet Union nor we will be able to calculate with exact precision just how well the system would function against a Soviet attack. That being the case, the Soviets can be expected to develop their program of countermeasures and penetration aids on the conservative assumption that the Sentinel system might just possibly function as well as, or even slightly better than, it is designed to do. However, considering the complexity of the system and the fact that it can never be adequately tested short of an actual nuclear exchange, it will probably fall far short of performing that well, We must therefore face the very real possibility if we go ahead with Sentinel, of the Soviets responding with a more than compensating improvement in their offensive systems—the net effect being an increase, rather than a diminution, in damage to the United States in the event war should ever occur. Certainly we have a good example of this overcompensation in our programs. Based on all the testimony we have received, it is apparent to me that the United States intentionally planned conservatively in developing its own countermeasures to the Soviet ABM deployment at Moscow; the former Secretary of Defense has testified that the Soviets might now sustain greater damage in the event of a war with us than they would have if they had not gone ahead with their ABM deployment. Is there any reason to expect the Soviets to react differently?

Another argument, which I frankly do not understand, is that deferral of the Sentinel deployment decision for 1 year means an actual slippage of 2 years. I would like to ask Senator JACKSON to amplify this point. It seems to me that if we have a deployment schedule laid out for Sentinel covering 3 or 4 years, or whatever it would take, that the timetable for installing each battery and each other component would have a constant relationship to the timing of the overall program, and that if the entire program were delayed, then the schedule for each element of the program would be delayed by the same amount. In fact, I would think that, if anything, the schedule for some of the components might even be accelerated by delay, since I presume some of the schedule depends on the results of continuing research and development which this amendment does not affect.

Related to this second argument is the contention that delay might mean an additional expenditure of $300 million next year if we then decide to go ahead with Sentinel. I wonder if this is a meaningful figure, in view of the fact that estimates of Sentinel costs have grown over the past 18 months from $3.5 billion in January 1967 to about $5.5 billion, with nothing in the system apparently changed other than the time at which one administration expert or another happened to be testifying on it. As I pointed out in my remarks on June 19, in January 1967 Secretary McNamara told the Armed Services Committee that Sentinel might cost $3.5 billion, including nuclear warheads, by the time it was deployed; by September the cost had grown to $5 billion, including the defense of Minuteman silos; by January 1968 the cost was still $5 billion, but the defense of Minuteman was no longer included. So I would be surprised if the $300 million added cost of deferral for a year is a wholly realistic figure. Furthermore, if the deferral of Sentinel results in the start toward meaningful arms control talks with the Soviet Union, that end seems well worth many times $300 million.

Finally, it has been argued that we should deploy Sentinel in order to better test it. How would we test the system then? By actually launching missiles against incoming warheads? What testing can we do from deployed sites that we cannot do on existing missile ranges? I am unconvinced by the argument. Look at the experience of the Soviet Union. Both we and they apparently started our ABM development at the same time. It has been brought out here earlier that they apparently rushed out to deploy an inadequately tested system at Leningrad which, by all accounts is now considered obsolete and unworkable. At the same time, according to Mr. McNamara, we had the option to deploy, at great cost, the Nike-Zeus ABM. Great pressures existed in this country to do so. We did not deploy Nike-Zeus, and we were wise not to; the Soviets deployed their early ABM at Leningrad, and apparently wasted their entire investment. Now Mr. McNamara says that the Moscow defense will be essentially ineffective against our offense. Is not this still another example of the folly of rushing into deployment too early?

I remind the Senators that all the questions here are very close ones.

It is my understanding that there has not been unanimity on the ABM system within the military. There has not been unanimity within the administration. And there is certainly not unanimity on the floor of the Senate.

There are very serious questions on whether the system, so complex and so massive, would work and there are sound reasons to doubt its efficacy.

Moreover, I need hardly remind this body that the United States does not promise to have an overabundance of cash in the next few years.

When the international effects of the system are so in doubt, when its efficacy is contested and when dollars are scarce, is not the prudent course to postpone a decision?

I think it is.

And I hope no one in the Pentagon is dismayed that my mind has not been changed by a very recent Army news re-

lease promising that the first Sentinel radar sites will be in Detroit.

I have no evidence that the timing of the release was not entirely coincidental to this debate. But I, nevertheless, read it with great interest.

And I ask that the brief item from the June 15 issue of the Washington Post be printed at this point in my remarks.

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

BOSTON, DETROIT SENTINEL SITES

The Army disclosed yesterday that the first two radar sites for the Sentinel anti-ballistic missile system will be located at Boston and Detroit.

The Corps of Engineers announced it had hired Ammann and Whitney, a New York architectural engineering firm, to design the first two radar sites. The contract is worth $3,115,546.

A total of 13 areas have been identified by the Pentagon so far as chosen for surveys for possible Sentinel placements. In addition to Boston and Detroit, they are Albany, Ga., Chicago, Dallas, New York City, Grand Forks Air Force Base in North Dakota, Oahu, Hawaii; Salt Lake City, Seattle, Sedalia, Mo.; San Francisco and Los Angeles.

Mr. HART. Mr. President, in a sense, this represents the last clear chance. Those who are not atomic scientists but who are lawyers remember that theme—the last clear chance doctrine. Well, here we are. This is the last clear chance. Once we start digging the holes, the ball game is over, and the opposition management will have picked the relief pitcher who will have won. But I doubt very much if history's verdict will be that the country will have won or that the world will have won if we reject the opportunity to buy the time.

I suggest again that what we are confronted with now is the question, now or never—this is the last clear chance.

I hope the Senate will adopt the amendment, which will enable us to have 12 months during which we can see what the negotiations bring. Surely, research will make more likely the effectiveness of this ABM if we, at the end of a year, assuming the Chinese have not fallen further back on their schedule, determine that we must go forward. I believe we are reasonable in suggesting that the course of prudence is the adoption of this amendment.

Whatever the outcome when the roll is called on this amendment, all of us are indebted to Senator COOPER for the time, thought, and leadership he has given this effort. Objectivity is a quality no man can possess fully, but Senator COOPER demonstrates it to a degree few can equal. And it is this characteristic which deservedly gives respect to his opinions and concerns. I am proud to have been associated with him in this undertaking.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Who yields time?

Mr. JACKSON. Mr. President, I yield 4 minutes to the senior Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I support the $227 million authorization for construction in connection with the development of an anti-ballistic-missile defense system.

I have voted to reduce non-Vietnam defense costs by nearly $1 billion. I probably will vote for other reductions in the Department of Defense budget.

But it would be unwise, it seems to me, to eliminate construction and procurement funds for development of a system to protect the 200 million Americans in the event of nuclear attack. Frankly, for the past 3 years, I have had doubts about this program, and I have them today; but I have decided to resolve the doubts in favor of defense.

The program represents 12 years of intense research and development effort at a cost of some $3 billion.

The missile defense system is not an offensive system, but a defensive one.

It is not a warmaking weapon—its only use is to protect the United States in the event of an attack.

It does not add to our Nation's war potential—but it does add to our Nation's protection.

In this imperfect world of international violence and instability, can we afford not to develop some defense against nuclear attack?

Basically, we have and are now, relying on a strong offensive capability—as the best deterrent against aggression.

The Sentinel missile defense system is designed primarily to prevent a successful missile threat from China, and to limit damage from an accidental launch from any source.

It is not technically possible, the experts say, to protect ourselves from unacceptable damage from a large and advanced missile force now possessed by the Soviet Union, but the ABM system will complicate any such attack on the United States.

The Soviet Union doubled the number of its intercontinental ballistic missile launchers during the calendar year 1967. The Soviets also have made substantial progress in developing their submarine force with nuclear launching capability.

Nor has the Soviet Union neglected its defense buildup. Moscow is ringed by a defensive missile system.

With the development of Red China as a thermonuclear power, we face a threat from a nation with fanatical leadership.

While intelligence from China is hard to come by, our experts predict the Chinese will have their first operational ICBM with a thermonuclear warhead capable of reaching most of the continental United States at about the time we get our first ABM missiles in place.

The Defense Department estimates that if the Chinese were to strike at the United States during the 1970's, without Sentinel, 7 million to 15 million Americans would meet death; with Sentinel, U.S. losses would be fewer than 1 million persons.

In light of world development, I concur in the judgment of the President and of the Secretary of Defense that it would be most unwise to eliminate the construction and procurement funds.

In recent years, the world has made great strides in almost every line of endeavor—in medicine, in scientific achievement, in space.

But in learning to live in peace with one another, the nations have made little progress. Until a more peaceful world is at hand, it seems to me we have little choice but to spend the necessary funds to protect the 200 million people in the United States.

Mr. JACKSON. Mr. President, I wish to compliment the Senator from Virginia who has taken a very keen interest in this problem as a member of the committee. I think his remarks have been "right on the button," so to speak. His contribution has been extremely helpful to the debate and to the dialog which has been going on the last several days.

Mr. CLARK. Mr. President, will the Senator yield to me?

Mr. COOPER. I yield 5 minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I rise to support the pending amendment. I congratulate the Senator from Kentucky and the Senator from Michigan for the leadership they are displaying in a bipartisan manner in proposing to eliminate, at least for the time being, further expenditures on the anti-ballistic-missile system.

It was pretty lonely back in July 1967 when as a result of hearings held by the Subcommittee on Disarmament of the Committee on Foreign Relations I took the floor in opposition to the construction and deployment of the anti-ballistic-missile system. It was still pretty lonely last October when I spoke again on the same subject.

The Senator from Kentucky and the Senator from Michigan have added the great weight of their leadership to this effort. I wish them well, and enlist myself as a private in their ranks. I hope that with their support the pending amendment may be agreed to.

Mr. President, I ask unanimous consent to have printed in the RECORD two speeches I made, one on July 27, 1967, and the other on October 9, 1967, in opposition to the anti-ballistic-missile system.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 27, 1967]

ANTIBALLISTIC MISSILES AND THE MILITARY INDUSTRIAL COMPLEX

Mr. CLARK. Mr. President, the Vietnam war—and now the Middle East crisis—have dominated our thoughts and all but numbed our senses. Yet there is other pending national business that demands our attention. Aside from the Vietnam war, I believe the most pressing issue before us is whether the United States should build and deploy an antiballistic-missile defense.

I speak today in support of President Johnson and Secretary McNamara, who have decided against such deployment. As Senators know, the deployment of an ABM system has become a particularly serious issue now that the Soviet Union has deployed a so-called anti-ballistic-missile defense around Moscow in addition to the Tallinn system, which may or may not be a primitive antiballistic missile system, in other parts of the country. At the outset it should be stated that neither of these systems could protect Moscow or any other part of Russia from complete destruction by our intercontinental ballistic missiles were we to attack Russian targets in strength.

Nevertheless, a momentous question is now before us. Should we follow the Soviet Union's lead and deploy our own ineffective Nike X ABM's, or should we merely strengthen our offensive strategic weapons as the Secretary has recommended? Should not the United States resist the temptation

to take its appointed turn in moving the nuclear arms race up one more notch?

In my view, the American public is thus far only dimly aware of the perplexing character of the antiballistic missile question and almost certainly unaware of the full implications of the choices we will be forced to make in the near future.

Let me say at once that I fully support the position of President Johnson and Secretary McNamara, as reflected in the Defense appropriations program for 1968, that the United States defer any decision on the deployment of an anti-ballistic missile system. President Johnson feels that our present research and development program is adequate and that his request for a contingency fund of $377 million for a possible deployment of an anti-ballistic-missile system is all that is necessary at this stage. As Senators know, the United States and Russia have agreed to discuss the deescalation of both offensive and defensive nuclear weapons. It is hoped that negotiations will get underway in the immediate future. There is some reason to believe the Russians are not yet in accord within their own Government as to what line to pursue. We can afford to give them a reasonable time to make up their minds.

What concerns me this morning, Mr. President, is not the Defense Department's program for antiballistic missiles for fiscal year 1968, but reports that Secretary McNamara is under heavy pressure to decide favorably on the deployment of the so-called area and spot ABM defense for the United States.

The area defense concept calls for the emplacement of a number of Spartan antiballistic-missile batteries around the periphery of the country with the mission to protect us from a "light" nuclear attack—whether launched by the Soviet Union or also, most notably and specifically, Communist China. Such a defense, if accompanied by a "spot" defense of sprint missiles deployed either around a few cities or more likely around our own ABM launching sites, might be effective against the first or even the second oncoming enemy IBM. It would be useless against an attack in strength.

I think it imperative that all of us should take a careful look at not only the military arguments for this ABM system, but also the psychological and political implications of such a program for both the United States and its allies. I say this because I am firmly convinced that if the United States should decide to deploy a "light" area and "spot" anti-ballistic-missile defense, we would simultaneously be making the decision to build and deploy a full anti-ballistic-missile system as well. Let us not be confused by what is at stake here. Our country is simply incapable of taking halfway measures.

Buy the area defense at bargain rates and you have bought the whole package at many times the cost. With this assumption as a starting point, the first question to be answered is: Why are we considering an anti-ballistic-missile system? Can it really protect us?

Mr. President, ever since Hiroshima and Nagaski, sensible men have been saying that there is no defense against nuclear weapons. This does not mean that the United States is incapable of destroying attacking aircraft, submarines, or even some ballistic missiles carrying nuclear warheads. What it means is that there is no defense in sufficient depth against nuclear weapons which is reliable enough to prevent the offense from overwhelming the defense and destroying the target. Cyrus Vance, the Deputy Secretary of Defense, underlined this elemental fact of international life when he told the Subcommittee on Disarmament of the Senate Foreign Relations Committee last May something about "winning" a nuclear war:

"Let me simply say"—And here I am quoting Mr. Vance—"Nobody could win in a nuclear war. It should be suicide for both countries."

Operating under this threat of what the distinguished senior Senator from Illinois [Mr. DIRKSEN] has appropriately called coannihilation, the nuclear powers have made the foundation of their security the deterrence of nuclear attack not through defensive but through offensive weapons. To maintain this balance of coannihilation the United States and the Soviet Union have built powerful offensive strategic forces capable of overcoming all efforts at defense. In the process, the United States and the Soviet Union have reached a point of "nuclear standoff" where nuclear war has become unlikely under ordinary circumstances.

Despite the fact that an effective defense against nuclear attack is, for the foreseeable future, unattainable, the champions of defense systems such as the antiballistic missiles are constantly trying. The United States and the Soviet Union have, since the war, invested enormous amounts in surface-to-air missiles in the hope of protecting their cities from aircraft carrying nuclear weapons. Each effort in both countries has failed. Radar networks, air defense centers, automatically aimed surface-to-air nuclear missiles of all varieties—all these are part of the many billions of dollars the United States and the Soviet Union have spent on defense in a futile attempt to keep up with the offensive. The trouble is you cannot be even reasonably sure of hitting the first attacking missile and there is very little chance of hitting the second or third.

I give you one example of the futility of the defense in trying to catch up with the offense. In 1959, the U.S. Army proposed the deployment of the Nike-Zeus system, the father of the present highly touted Nike X system. The total cost of deploying this system was then estimated at $13 to $14 billion. This proposal was turned down by President Eisenhower who said that—

"It is the consensus of my technical and military advisors that the system should be carefully tested before production is begun and facilities are constructed for its deployment."

I think we should remember these words as we approach the decision on the Nike X system.

We should also heed the words of Secretary of Defense McNamara when he referred to the Nike X system in January of this year. Mr. McNamara said:

"Had we produced and deployed the Nike-Zeus system proposed by the Army in 1959 at an estimated cost of $13 to $14 billion, most of it would have had to be torn out and replaced, almost before it became operational, by the new missiles and radars of the Nike X system. By the same token, other technological developments in offensive forces over the next seven years may make obsolete or drastically degrade the Nike X system as presently envisioned."

The Subcommittee of Disarmament of the Foreign Relations Committee, of which subcommittee I am a member, has recently completed a series of hearings on the general question of what the United States should do about the Soviet Unions' apparent decision to deploy an antiballistic missile system. The witnesses we heard included Richard Helms of CIA, John Foster, Director of the Defense Department's Research and Engineering, Drs. May and Bradbury, nuclear specialists of the AEC, Cyrus Vance, General Wheeler, Chairman of the Joint Chief of Staff, and Secretary Rusk. I came away from these hearings convinced that the present Soviet antiballistic defenses, both the Moscow system and the Tallinn system, are quite incapable of defending the Soviet Union or its people against anything except the most primitive missile attack. We were also told that our own Nike X system can easily be overcome by an all-out Soviet attack, no matter where our defenses are located or in what form.

Moreover, Secretary Vance told the subcommittee that if the United States built and deployed a Nike X system for the protection of our cities against the kind of sophisticated missile attack the Soviets are presently capable of launching, the result would be, and here I quote: ". . . would be to increase greatly both their defense expenditures and ours without any gain in real security by either side."

I might also add Mr. President, that if the United States built and deployed an anti-ballistic-missile system and then for some reason it failed at the moment of attach, casualties would be higher than if we had not built such a system.

If from a military standpoint the construction of an anti-ballistic-missile system is pointless, then why is there so much agitation in the United States and in the Soviet Union to build such a system? Because the Russians rarely allow their intragovernmental struggles to go on before the public, it is difficult to know what is going on within the Kremlin on the anti-ballistic-missile issue. It is safe to say, however, that the Soviet economy, like our own is badly strained and that the economists in the Soviet leadership are under pressure from their military to deploy an anti-ballistic-missile system.

In an unprecedented exchange of public statements, Soviet military leaders have quarreled over the effectiveness of their anti-ballistic-missile defense systems. For example, several months ago, an important Soviet general publicly claimed that no enemy missile could penetrate Soviet defenses around Moscow. This statement was quickly denied by the present Defense Minister, Marshal Greckho. Marshal Greckho said:

"Unfortunately there are no means yet that would guarantee the complete security of our cities and the most important objectives from the blows of the enemy weapons of mass destruction."

In fact, I have it on good authority that Soviet scientists are convinced that their ABM defense is useless against a sophisticated nuclear missile attack and fear that if he is not careful, Mr. Kosygin may be duped by his own military into believing the Soviet Union could be protected from a U.S. attack. Apparently Defense Minister Greckho and Mr. McNamara have more in common than one would suspect.

Mr. President, there is no doubt that the discussions and hearings on anti-ballistic-missile problems have shown conclusively that any presently feasible ABM system is unworkable against a heavy attack, since both the Soviets and the United States can take offensive measures to destroy its effectiveness. This being the case, the champions of an anti-ballistic-missile deployment have now shifted their ground. As Senators will remember, the Joint Chiefs of Staff, who are in the vanguard of the ABM enthusiasts, first recommended that a decision be made to deploy a Nike X system to defend either 25 or 50 cities at a cost of $20 to $40 billion. This system of the so-called thin ABM defense was recommended as a defense against what the Joint Chiefs called a low Soviet threat. After this recommendation had been submitted to Congress, it soon became clear from scientific testimony both within and without the Pentagon that the selected city defense concept was militarily useless and politically unacceptable. First, no one could quite define what a "low" Soviet threat was. If it meant more than two missiles directed at the same target, the third one would get through and kill millions of civilians as well as destroy whole cities.

Second, as a practical political matter, the idea that the Joint Chiefs of Staff would be responsible for choosing the 25 or 50 cities had to be quickly abandoned after it became

public information that one of the cities would be Charleston, S.C., a town of 81,400 inhabitants and the home of the chairman of the House Armed Services Committee.

To suggest that in a democracy we can confine protection to our major cities, letting the rest go without defense, was absurd; to permit the Joint Chiefs of Staff to determine who would be saved was to accept the philosophy of the military direction of the country through a "nuclear elite." And so the selected city defense concept has been quietly shelved. But the demand for an anti-ballistic-missile defense has not been stilled. There is too much money and too much military status involved.

The Joint Chiefs and their industrial allies, who stand to make hundreds of millions of dollars from ABM deployment, have now turned their attention to recommending that we defend ourselves against attack from Communist China or some other new nuclear power. The recommendation is now for the so-called area defense, which is a system of long-range detection radars and a large interceptor missiles called the Spartan, plus a number of short-range missiles, called the Sprint, intended to protect military launching sites. This system is advocated as an effective defense against the Red Chinese missile threat we think they may have in the 1970's—that is a small number of missiles with a relatively unsophisticated missile technology. The area defense is also offered as a safeguard against a missile accident.

On the surface the area defense has much to recommend it. Its cost is advertised as less than $5 billion over a period of 5 years, and we are told the system will give us protection against a possible Chinese attack.

Before "buying" this rather naive argument, let us remember that China has no effective air force against our strategic bombers and no effective surface-to-air defense against either high-flying aircraft or ballistic missiles. If China were to give any evidence of violating her pledge never to be the first to use nuclear weapons, it would be far cheaper and far more effective to destroy her nuclear capability than to build a light ABM defense. Let us therefore take a careful look at what is involved before we agree to this form of ABM deployment.

(At this point, Mr. SPONG took the chair as Presiding Officer).

Mr. CLARK. First of all, why are the Joint Chiefs of Staff so confident that an area anti-ballistic-missile defense will provide a foolproof defense against the Chinese in the 1970's? The argument is that a Chinese attack—if one can believe the Chinese would be mad enough to attack the United States—will consist of a few unsophisticated ICBM's that our ABM defense will sweep from the sky. Splendid theory. But how dumb do we think the Chinese are? What if the Chinese instead of international missiles use long-range submarines not as yet in existence to fire medium-range ballistic missiles under an ABM defense? Or simply fire very "dirty" nuclear weapons into the atmosphere off the coast of California and allow the prevailing westerlies to cover the United States with deadly radiation or even smuggle nuclear bombs into Chinatown in a suitcase. Moreover, can we be sure, given Chinese skills, that by the 1970's China will not have a large number of missiles and other penetration aids and decoys, which will diminish, if not destroy, the effectiveness of our area anti-ballistic-missile defense—just as Russia can do today?

Second, the Joint Chiefs of Staff are now using China as the justification for an ABM deployment. Suddenly China is in the foreground of our defense consideration; yet only a few months ago, before the selected city defense proved bankrupted, General Wheeler, Chairman of the Joint Chiefs of Staff, had this to say about China and an ABM defense:

"We do not believe we should deploy at this point in time an antiballistic missile system purely to defend against the Red Chinese threat."

This was because the general believed we had plenty of leadtime to stay well ahead of Chinese capabilities. Why have the Joint Chiefs of Staff now changed their minds? Is it because of the recent Chinese nuclear success? This is highly unlikely because, according to the Defense Department, the Chinese experiment did not come as a surprise; even the general public expected it sometime this year.

I suggest that the reason for this shift to recommending an area defense—backed up by the Sprint missiles around particular sites—is simply that this form of ABM defense is thought to be salable to a gullible public, while its predecessor turned out not to be. Moreover, the Joint Chiefs have described this area defense concept as a "first step." Therefore, we can be confident that if the United States builds and deploys a "light" ABM defense, we will not stop with this first stage. We will be importuned by the manufacturers of ABM and the military to go on to a full-scale ABM deployment even though, by the Defense Department's own admission, such a system will not protect the United States from a sophisticated Soviet attack.

Third, why is the United States considering the immediate deployment of a system which has not been fully tested? Senators should know that the United States has not yet experimented with using the Sprint, the Spartan, and the radars together and probably will not be capable of doing so for at least 2 years. How can we consider deploying, at a cost of some $5 billion, a system that has never been fully tested? I personally think that such an expenditure is outrageous, considering the crying need that this country has for funds for domestic programs to alleviate poverty, to provide adequate education for our youth, to rebuild our cities, to feed the hungry, and to eliminate air and water pollution.

A large part of the problem we face with these new demands for an ABM deployment stems from that highly organized military-industrial complex against which General Eisenhower warned us in his last speech as President in these words:

"In the councils of government" he said, "We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

President Eisenhower went on to say:

"In holding scientific research and discovery in respect, as we should, we must be alert to the equal and opposite danger that public policy could itself become captive of a scientific-technological elite."

We should all realize that the United States is all too often victimized by the zeal of our scientific-military elite—the "weapons cult," if you will. Let me read you what one such cultist has had to say about the advance of weapons technology and public opinion. In March of 1967, Dr. Harold Agnew, Director of the Los Alamos Laboratories Weapons Division, remarked that—

"The basis of advanced technology is innovation and nothing is more stifling to innovation than seeing one's product not used or ruled out of consideration on flimsy premises involving public world opinion."

This is indeed a shocking statement and a dangerous one. If we have any role here in the Senate it is to advance what Dr. Agnew calls the flimsy premises of public opinion, or, in other words, the impact of an aroused democracy against the weapons cultists. Over the next few months, as the United States brings to a head this long-standing issue of whether to produce and deploy an ABM system, we will be inundated by all shades and varieties of expertise—both real and bogus. How can we be expected to sort out the scientifically sound from the self-serving? We will be asked whether the lives of a few million American citizens are not, for example, worth an investment of $4 to $5 billion. Senators will be hard pressed to deal with such arguments, particularly when the cultists are so anxious for their own pride and their pocketbooks to go forward with an ineffective ABM system.

I, for one, have confidence in the good sense of the American people, once they are informed of the facts. I do not believe that they or their representatives can be stampeded into taking an unwise, indeed a dangerous, step if they understand clearly the issue before them. But they must have the facts. They must have the benefit of full and free discussion in the Congress and in the public media, uninhibited by false demands for secrecy. We were told the basic facts in the hearings before the Disarmament Subcommittee, but then the testimony was so censored by the Defense Department, the AEC, and the CIA that I have been unable to use in this speech many facts the American people should be told. And this involves the clear and scientific reasons why our ABM system is no good and why the Russians ABM system is no good. But I am not permitted to state these facts, because expediency has been allowed to intervene with what I believe is incontrovertible evidence to support my contention.

Mr. President, I am convinced that the construction and deployment of an ABM system at the present time is both unwarranted and unwise. I also believe that this conclusion is strategically sound and militarily defensible.

In any issue of this magnitude, however, there is inevitably a political consideration as well. At a time when the peace of the world is based to a large extent upon a tenuous balance of nuclear power—a delicate balance of terror, as it has been so often called—the concept of national security is directly affected by progress in the field of international disarmament—the only viable alternative to mutual annihilation.

It is for this reason, Mr. President, that I have long regarded the negotiations in Geneva on a nonproliferation treaty as of overriding importance to our own security, as well as to the security of other nations from which ours in part derives. I have also proposed that if agreement is ultimately reached on this issue, the chances for a further extension of the nuclear test-ban treaty to include underground experiments be explored in the light of current scientific detection techniques.

Unfortunately, as of this date, direct negotiations between the United States and the Soviet Union on the ABM issue have not yet commenced. However, President Johnson and Premier Kosygin were afforded a unique opportunity at Glassboro to compare their respective positions on the question of anti-ballistic-missile defense systems and offensive weapons, as well as on more wide-ranging arms control measures. If the results of this meeting are to have any significant effect on the future of United States-Soviet relations, precipitate deployment action in the ABM field should be postponed at least until an intensive diplomatic effort to reach agreement has taken place and failed.

For it is apparent that the debate which has raged in the Pentagon in recent years over this subject has also been carried on behind closed doors in the Kremlin. Our deployment of an ABM system at this juncture without serious efforts to come to an agreement would certainly have the effect of strengthening the hand of those Russian military advocates of such an investment in the U.S.S.R.—probably at an accelerated pace. The result, I am convinced, would be a vast,

competitive expenditure of money and resources with little gain in real defense capability for either side, as Mr. Vance has so clearly pointed out.

Mr. President, the history of the past two decades has taught us—if it has taught us anything—that every decision to escalate the arms race is an irrevocable decision in the long run.

Before such a decision is taken and in order to provide the public with a full and unbiased account of the ABM issue, I recommend to the President that he convene a blue ribbon commission to deal with the question of an ABM system. Such a commission could provide a careful and objective evaluation of the course the United States should follow. The precedent for such a commission was established immediately after the Second World War when President Truman decided to establish an independent commission to assess the complexities of U.S. defense policies in the air age. The resulting report of what came to be called the Finletter Commission was bluntly entitled "Survival in the Air Age"; and this report, primarily because of the authoritative and independent stature of the commission members, came to be the focal point around which subsequent international discussions of air strategy revolved.

Ten years later—in 1957—President Eisenhower established a blue ribbon commission to assist him in coping with the problems of defense in the era of strategic missiles. Impressed by the military, political and even psychological implications of developing an American retaliatory offensive force President Eisenhower established the so-called Gaither Commission. The Gaither Commission was comprised of distinguished figures from the Nation's business, financial, scientific, and academic communities. These men included H. Rowan Gaither, a former head of the Ford Foundation, William C. Foster, now Director of the Arms Control and Disarmament Agency, James R. Killian of Massachusetts Institute of Technology, Earnest O. Lawrence, I. I. Rabi, John J. McCloy and Jerome B. Weisner, who later became a Department of Defense adviser to President Kennedy.

There is no doubt that the Gaither Report had a significant effect both within and outside the U.S. Government and led to some very hard thinking about America in the missile age.

A critical moment in our Nation's life came when the Gaither report presented the President with an objective account of U.S. military strength vis-a-vis the Soviet Union's and, in the process, I interpolate, Mr. President, it destroyed some myths which had been projected for a good long while by certain members of the military-industrial complex of which I have spoken today.

Now another 10 years have passed and again these seems to be justification for the President to convene another blue ribbon commission, this time to deal with the momentous question of ABM deployment. Surely the ABM question is of such magnitude that it is essential to have a careful and objective evaluation of the course the United States should follow. I do not believe, for the reasons I have already mentioned, that the military-industrial complex is objective enough to advise the U.S. Congress or the President on how we should proceed. This being the case, I strongly suggest that a temporary blue ribbon commission drawn from all sectors of national life is the best way to bring a thorough inquiry into the issues.

Our very national survival may be at issue in the ABM controversy. It is time we put the best and most objective minds in the country to work.

Mr. President, unless the Senate has further business, I have been requested by the majority leader——

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

Mr. CLARK. I was about to yield the floor. I will be happy to yield, if the Senator wishes to engage in colloquy.

Mr. THURMOND. Has the Senator completed his address?

Mr. CLARK. Yes, I have.

Mr. THURMOND. Mr. President, I did not interrupt the Senator during his address, but there are a number of points I should like to discuss in connection with it. I do not know when I have heard an address on the floor of the Senate that has contained so many erroneous statements.

The Senator did make one very accurate statement in his address, however, on the last page, when he said, "Our very national survival may be at issue in the ABM controversy." I heartily agree with him in that statement.

The issue boils down practically to this: If the Soviets have an effective antiballistic missile, and we do not, if they can knock down our missiles and we are unable to knock down theirs, where are we?

It simply means they can pound us to death without our being able to effectively counter and respond to their offensive.

Mr. President, this is a very important question. For 10 years—10 long years—I have been advocating that our Government build and deploy an anti-ballistic-missile system. The state of the art has matured during that period of time, and will certainly continue to do so. Our research has been highly successful. We are ready to go forward with it. All that now waits is a decision of the President.

Mr. President, in my judgment, this is one of the most important steps, if not the most important, that this Nation can take along the lines of national defense. The building and deployment of an anti-ballistic-missile system is critical to the future security of this Nation. It has been estimated that more than 100 million lives could be saved, should we sustain an all-out attack, if we have an anti-ballistic-missile system. Even the Secretary of Defense, Mr. McNamara, who has not yet recommended that we go forward with it—chiefly, I suppose, because of the cost—has admitted that we can save millions of lives if we have such a system.

There has been a system recommended that would be effective, it is said, possibly against Red China, that would save 40 million or 50 million lives, and an even more effective system that would save from 80 to 125 million lives, that would be effective against the threat posed by the Soviets.

I do not know of an issue today that is more important to the American people than proceeding with the building and deploying of an anti-ballistic-missile system.

Mr. President, in all probability it will take us from 5 to 7 years after the decision is made to begin, to actually deploy the system. We are making a great mistake, in my judgment, to delay this matter 1 day more.

The Senator feels that if we had gone forward some years ago, we would have wasted a lot of money because of the relative primitiveness of that system compared with what we have today. When Thomas A. Edison invented the electric light, he did not start out with the fluorescent lamp; he started with the incandescent lamp. If he had not done that, later we would not have had the fluorescent lamp. A start had to be made.

But we have done additional research in the meantime. We are at the point now where we can intercept the enemy's missiles and render them ineffective. What we need to do now is to proceed to build the system, to protect the American people.

Yes; I agree with the Senator from Pennsylvania in his statement, on his last page, that our very national survival may be at issue in the ABM controversy. I am in hearty accord with that. On the other hand, Mr. President, I wish to point out certain other areas of disagreement. On page 1, the allegation is made that President Johnson and Secretary McNamara have decided against deployment. The truth is that no final decision has been made, but the delay in deployment has been taken by some to mean that the decision not to deploy has been made.

A decision has not been made not to deploy. I hope that the President will yet see fit, and do it soon, to make the decision to deploy the ABM.

Also on page 1——

Mr. CLARK. Mr. President, will the Senator yield at that point?

Mr. THURMOND. I am pleased to yield.

Mr. CLARK. I challenge the accuracy of the statement the Senator has just made. The President, acting upon the advice of Secretary McNamara, has decided not to deploy, and has made a public statement to that effect, despite the recommendation of the Joint Chiefs of Staff to the contrary.

Mr. THURMOND. When did the President make the decision not to deploy the anti-ballistic missile?

Mr. CLARK. There have been statement after statement in the press throughout the past several months to that effect. I shall be glad to document it later, if the Senator wishes. Secretary McNamara appeared before the Committee on Armed Services, of which the Senator is a member, and said he was opposed to it.

Mr. THURMOND. The Secretary of Defense has said he was opposed to it, but the Secretary of Defense, acting with the President, has taken the position, as I have understood it, that if some arrangement could not be worked out with the Soviets on this issue, then they would be forced to deploy it, and the President has delayed his decision. The President, I repeat, has not made the decision not to deploy the ABM.

Mr. President, on page 1 of the Senator's speech he says that the United States and Russia have agreed to the deescalation of both offensive and defensive nuclear weapons.

The truth is that the United States has on numerous occasions indicated its willingness to discuss this issue, but the Soviet Union has not so agreed and has been particularly reluctant to agree to a discussion of its defensive systems.

On page 3 of the Senator's speech——

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

Mr. THURMOND. I am delighted to yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I challenge the accuracy of the Senator's statement.

It has been stated in the public press several times that President Johnson and Premier Kosygin have agreed, and so has Secretary Rusk and Mr. Gromyko, to a discussion of both offensive and defensive missile deescalation.

At Glassboro, when asked when the discussions would commence, Mr. Kosygin was somewhat evasive about renewing the discussion in the future.

These discussions have continued, and we have been told this in the Foreign Relations Committee on several occasions.

The Senator is incorrect in what he has just said.

Mr. THURMOND. Mr. President the Senator is confusing an agreement to discuss the matter with an agreement to deescalate.

Mr. CLARK. Will the Senator yield?

Mr. THURMOND. They may have agreed to discuss the matter, but there has been no agreement to deescalate, and I challenge the Senator to present one.

Mr. CLARK. I never said there was an agreement to deescalate. I never said there was anything more than an agreement to discuss. If the Senator says that I said otherwise, he is misquoting.

Mr. THURMOND. Mr. President, on page 1 of the speech of the Senator, is it not the effect of the statement that the United States and

Russia have agreed to deescalate both offensive and defensive nuclear weapons?

Mr. CLARK. No; that is not the effect at all. It is merely that they agreed to discuss it.

Mr. THURMOND. I frankly do not look for the Soviets to agree to anything, even for them to agree to seriously discuss the matter. The Soviets are not going to agree to anything unless it suits them.

The goal of the Soviets—and the Senator seems to lack a basic understanding of this—is to dominate and enslave the world.

The Senator will rue the day when he accepts at face value any step that the Soviets take in the world today, since their policies are all calculated to contribute to their domination of the world.

Mr. President, on page 3 of the Senator's speech, it is said that the United States and the Soviet Union have reached a point of nuclear standoff where nuclear war has become unlikely under ordinary circumstances.

The truth is that the point of nuclear standoff has, from all indications, been eroded because the United States clear superiority in offensive capability in relation to that of the Soviet Union is in jeopardy. An exact "balance" increases the chance of nuclear attack or nuclear blackmail since the advantage is on the side of the first strike, and the U.S. position is that we will never strike first.

Mr. CLARK. I take it that the Senator does not agree with the testimony given by Under Secretary of Defense Vance before the disarmament hearings of the Senate Committee on Foreign Relations.

The Senator is quite at liberty to disagree with Secretary McNamara, with President Johnson, and with Mr. Vance. That is his right as a U.S. Senator. However, I think it should be pointed out that he is disagreeing with the leaders of our Defense Establishment.

Mr. THURMOND. I certainly do disagree with Mr. McNamara. He has made more bad decisions than any man who has ever been Secretary of Defense, in my judgment. And I regret that President Johnson has so little wisdom as to want to follow Mr. McNamara's judgment.

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

Mr. THURMOND. I yield.

Mr. CLARK. Mr. President, I would like to have the RECORD show my supreme admiration for Secretary McNamara.

Mr. THURMOND. Well I am not surprised. The Senator's thinking, I imagine, is about in line with the Secretary's.

If Secretary McNamara had his way, we would not have very much of a Defense Establishment. About the only thing he has produced in his lifetime, that I have heard of, is the Edsel.

On pages 4 and 5 of the Senator's speech, it is said that if the United States built and deployed an anti-ballistic-missile system and then for some reason it failed at the moment of attack, the casualties sustained by the United States would be higher than if we had not built such a system.

The truth is that it is impossible to sustain an allegation of this nature, assuming that all other factors remain constant. Even an absolute failure could hardly result in more casualties for the United States than our present naked status would result in.

Mr. President, I emphasize again that the United States today stands naked, completely nude, against an attack by missiles. We have no system deployed to protect the lives and the safety of the American people from nuclear attack by ballistic missile.

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

Mr. THURMOND. Mr. President, it is asinine to continue this policy. The enemy can shower missile after missile in here, and we have nothing with which to stop them.

Why do we not go ahead and build the system? We have the know-how. We have done the research. We are ready to proceed. All we need is the decision of the President. He need not wait on Mr. McNamara, because I do not believe Mr. McNamara would ever on his own advise the President to proceed.

If Mr. McNamara does so advise the President, it will be under coercion from somebody because down in his heart, I understand that he does not believe in it. He does not want to spend the money for it.

We are making a great mistake in not proceeding in that way. It may cost $20 million or $30 million. What is $30 million?

In Detroit they burned over $200 million of property a few days ago. We can spend $30 million, $40 million, or $50 million and save billions of dollars' worth of property and, more important and more precious than that, save 80 million or 150 million American lives.

I say that is worth the cost.

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

Mr. THURMOND. I yield.

Mr. CLARK. Mr. President, I might point out briefly the rationale of my statement that if we built an antiballistic missile system and it did not work, more American lives would be lost than otherwise. This is based on testimony before our Subcommittee on Disarmament by Secretary Vance and by Dr. Foster, the Defense Department's Director of Research and Engineering. Both of these gentlemen testified that the inevitable result of our constructing an antiballistic missile defense would do to escalate the offensive capabilities of the Soviet Union, just as Secretary McNamara had indicated that the inevitable effect of the Soviet Union's deploying an antiballistic missile system, ineffective though it may be, would be to escalate our offensive systems.

Therefore, if we build such an ABM system, it will force the Soviets to build a better offensive missile system than they now have and we will lose more lives.

This is the uncontradicted testimony of the Defense Department before our subcommittee.

I suspect that the Senator from South Carolina quite inadvertently said millions of dollars when he meant billions of dollars.

I have no doubt that he will correct that when he comes to look at the text of his remarks.

Mr. THURMOND. What figure is the Senator speaking about?

Mr. CLARK. The Senator on several occasions during his last comment spoke about $30 million and $40 million. I am sure he meant $30 billion and $40 billion.

Mr. THURMOND. The Senator is correct. If I used the word millions, it should have been billions.

I repeat that if this great Nation, the richest in the world, can spend $30 billion or $40 billion and save 80 million or more American lives and billions of dollars worth of property, it is a good investment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. THURMOND. I will be glad to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. I recall some years ago when we held a session behind closed doors and discussed the missile program. That was some time ago. Can the Senator recall when it was?

Mr. THURMOND. 1963.

Mr. CLARK. May I say to my good friend, the Senator from Louisiana, that I have the floor. Of course, I would be happy to yield to him.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Louisiana, for what ever purpose he wishes, so long as I do not lose my right to the floor.

Mr. LONG of Louisiana. I thank the Senator.

I had gained the impression that the Senator from Pennsylvania had yielded the floor.

Mr. CLARK. The Senator from South Carolina asked me to yield to him.

Mr. LONG of Louisiana. May I say to the Senator from South Carolina that my understanding was that at that time the basis of the argument that we should not proceed forthwith to develop an antiballistic missile system was that the services had not adequately perfected a sufficiently sophisticated weapon to justify building and deploying it. That was 4 years ago.

Mr. THURMOND. The basic argument used was that it had not reached the necessary state of the art. The Senator is correct. That was the excuse given then. The excuse given now is that if you build one, it will make the Soviets more militant, and they will try to build a better one, or they will pursue some other course.

Anyone who knows the Soviets knows that they are going to follow their course to build the best weapons in the world; and if we do not build better ones, they will have the advantage, and they would not hesitate to attack this country and take it over as they have taken over and have behind the Iron Curtain 36 percent of the world's population.

Mr. CLARK. Can the Senator tell me whether or not the Soviets are in the process of deploying an antiballistic missile system?

Mr. THURMOND. The Soviets already have deployed now, at this very moment, an ABM system around Leningrad and Moscow. It is ready to go. It has been developed; it has been deployed.

We have only carried on research, and we have put in money for preproduction engineering and development, and Secretary McNamara did not even permit that appropriation to be obligated. We are several years behind the Soviets. It would take several years to build and deploy a system after a decision had been made to proceed.

The Senator has said, on pages 5 and 6 and elsewhere in his speech, that the Joint Chiefs of Staff have abandoned their original plan which involved the defense of certain areas by deployment around certain cities. That was the allegation.

The truth is that the Joint Chiefs of Staff still are unanimously behind the original concept, which involves deployment around certain cities which were chosen on a basis of factors involving optimum defense of maximum security interests. No political factors were involved, and the Joint Chiefs of Staff stand unanimously behind this recommendation.

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

Mr. THURMOND. I am pleased to yield.

Mr. CLARK. I thank my friend the Senator from South Carolina for his constant courtesy in yielding to me.

I would challenge the accuracy of the Senator's statement. I believe I can produce a number of press releases from the Pentagon in recent weeks which would make it pretty clear that they have gotten away from the plan to defend the cities and are now speaking of a much different system, which will be concentrated around missile sites instead of around cities.

In all friendliness, I would not agree with the statement the Senator has just made about the present position of the Joint Chiefs of Staff.

Mr. THURMOND. Mr. President, I spoke today, over the telephone, with General Wheeler, the Chairman of the Joint Chiefs of Staff, and I asked him, "Do the Joint Chiefs of Staff still stand behind the ABM system? Do they still want it? Do they still recommend it?"

He said, "We do."

They have unanimously recommended it for the last 2 years. Every member of the Joint Chiefs of Staff has recommended it. Mr. McNamara has not recommended it. This

great military figure, McNamara, is not in favor of it. He wants to save a few dollars, he says. But, Mr. President, he is gambling with the lives of American citizens when he does not go forward.

It was not a political decision. I asked General Wheeler if these cities were chosen from a political standpoint, and he said, "Absolutely not." He said the Army chose those cities, that the Joint Chiefs of Staff reviewed them and approved them.

I said, "Did any politics enter into it?"

He said, "Absolutely not."

Now, the Senator, on page 6——

Mr. CLARK. Before the Senator proceeds, Mr. President, will he yield?

Mr. THURMOND. I am pleased to yield.

Mr. CLARK. I do not question that the Joint Chiefs of Staff still favor the deployment of an antiballistic missile system. What I do question seriously—and I wish the Senator would produce an up-to-date statement from General Wheeler—is that they are still proposing to defend 25 or 50 cities of their own choosing.

Mr. THURMOND. I spoke with General Wheeler about that, and he said the Army chose those cities, that the Joint Chiefs of Staff reviewed them, that the Joint Chiefs of Staff approved them. There was no politics involved, in spite of the insinuation in the speech of the Senator from Pennsylvania to the contrary.

On page 6 of his speech, the Senator says:

"Second, as a practical political matter, the idea that the Joint Chiefs of Staff would be responsible for choosing the 25 or 50 cities had to be quickly abandoned after it became public information that one of the cities would be Charleston, South Carolina, a town of 81,400 inhabitants and the home of the chairman of the House Armed Services Committee."

Mr. President, that is absolutely incorrect. The facts are just as I have stated—the Army chose these cities. They did not have to abandon any plan. What is mentioned here about the Joint Chiefs of Staff plan being abandoned is absolutely incorrect. I asked General Wheeler about that.

Some weeks ago, the distinguished Senator from Pennsylvania referred to this matter on the floor. He was wrong then, and he is wrong now. He said, speaking of Charleston, "81,400 inhabitants." If the Senator knows anything about an ABM, he knows it covers more than Charleston. Charleston and the suburbs alone contain more than 300,000 people. Why does he want to say 81,400 right in the corporate limits of Charleston, when North Charleston has a larger population than the city of Charleston—and it is not incorporated—and the entire area around there contains more than 300,000 people? In addition to population density factors there are many defense essential installations to be considered. It is not only for the good people of Charleston, although it would be worth while to build the system for them. Here is what you have:

Headquarters of the 6th Naval District, the Polaris submarine base, the naval shipyard, the naval base, headquarters of the Atlantic Mine Fleet, the mine warfare school, the Military Airlift Command, the naval ammunition depot, the Army transportation depot, the Veterans' Administration hospital, the naval hospital.

These are all defense installations, located in and around Charleston. And the antiballistic missile system could well be deployed there to protect these vital defense installations, but this is not, by itself, the only factor involved in placing an ABM installation in the Charleston vicinity.

At that location is the only Polaris submarine base in the United States. One is being built on the west coast, but this is the only one now, and the main one, and it will continue to be the main one. It will be the only one on the east coast. It is worth protecting. Our Polaris submarine is one of the most powerful weapons we have, one of the most important; and if you are going to put an ABM anywhere, it should be put in that area.

I was surprised that the Senator criticized the distinguished chairman of the House Armed Services Committee. It was Representative RIVERS, who helped to save the naval shipyard in Philadelphia. It probably would not be there now if it had not been for Representative RIVERS.

In addition to the Federal installations I have mentioned, there are Parris Island, the Marine Corps Recruit Depot; the Beaufort Marine Air Corps Air Station; the Beaufort Naval Hospital. The ABM would protect those Federal installations.

North about 80 or 90 miles, in the lower part of Aiken and in parts of Allendale and Barnwell Counties, is the great Savannah River atomic energy plant, which is most vital to our Nation. The ABM would protect that.

There is the Citadel in Charleston which is training young men and Reserve officers and which is a great asset to our national defense. There is the Port of Charleston, which is one of the finest natural ports in the United States, which would be of extreme importance to the United States in time of war, and is certainly important from a commercial standpoint at all times.

There are all of these Federal and State installations and yet the Senator from Pennsylvania wants to insinuate that the reason that Charleston, S.C., was chosen was because it is the home of the chairman of the Armed Services Committee of the House of Representatives. That insinuation is false and it is not true. The Senator from Pennsylvania is not fair to him when he makes such an insinuation.

Mr. CLARK. Mr. President, the able and distinguished senior Senator from South Carolina is also a major general in the U.S. Army, is he not?

Mr. THURMOND. In the Reserve.

Mr. CLARK. I thank the Senator for his candid answer.

Mr. THURMOND. And I am proud of it.

Mr. CLARK. I am a colonel in the Air Force, I might say. I am happy to yield the floor to the senior Senator from South Carolina.

Mr. THURMOND. I wish to thank the Senator for his courtesy.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, on page 7 of his address, the Senator states that we could launch a "preemptive" attack against Red China, upon any indication that she intended to attack us with nuclear weapons.

The truth is that the first likely indication that we would have of any such attack by Red China would be after it was too late to prevent the launching of the attack and would be disastrous if we had no defense against the incoming missiles. Also, I am very surprised to hear the senior Senator from Pennsylvania suggest that we consider a preemptive strike against any country short of an all-out attack against us, since that appears to me to be contrary to every position he has ever taken. It would avail the United States very little to destroy Red China after they had loosed a nuclear attack against the United States against which we were defenseless.

On page 7 of the speech it is alleged that the Joint Chiefs of Staff are now using Red China as the justification for an ABM deployment.

The truth is that this is plainly contrary to the facts. The Joint Chiefs of Staff justified deployment of an ABM on the military threat from all our potential adversaries. While they must take into account the new threat which Red China has developed, the original justification against the threat posed by the Soviet Union is certainly still valid.

Mr. President, in closing I wish to repeat that there is nothing more important that this Nation can do to build up our strategic military posture and protect this Nation than to build an antiballistic missile system. The antiballistic missile system will be a deterrent to an attack because if we have such a system, then the Soviets and Red China will know and other Communist nations will know that if we can incapacitate their missiles they will hesitate a long time in launching any attack because, although some of their missiles might get through, they would not be totally effective. They would know that if they were to begin such an attack that we could still respond in kind and that would be a double deterrent, and I say that would help stave off a war.

Mr. President, I thank the distinguished Senator from Pennsylvania for yielding to me and allowing me to respond to the many erroneous statements made in his speech.

Mr. CLARK. Mr. President, the senior Senator from South Carolina, in addition to being a good friend of mine, is always very courteous to me. It was a pleasure to yield to him. It does not surprise him any more than it does me that we do not see eye to eye, but that is one of the reasons for having a democratic institution such as the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which was published in the Toronto Globe and Mail on July 13, 1967, entitled "Super Megaton Madness."

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

"[From the Toronto Globe and Mail, July 13, 1967]

"SUPER MEGATON MADNESS

"Perhaps the gloomiest remarks made by Soviet Premier Alexei Kosygin in his press conference after the Glassboro summit meeting were on the subject of missile defenses. Before the meeting President Lyndon Johnson said he hoped for agreement to prevent a race to install costly systems of anti-intercontinental ballistic missiles (ABMs). A journalist asked Mr. Kosygin if there could be safeguards for such an agreement, and his reply showed that he and President Johnson could not have been talking the same strategic language.

"Mr. Kosygin said he was willing to talk about complete disarmament, but not about preventing this sort of race. ABMs, he said, were a defensive weapon; and the world would be worse, not better, off if the money saved on ABMs were spent on aggressive weapons.

"It is a characteristic remark. But it is totally at cross-purposes with the approach of United States Defense Secretary Robert McNamara, and its effects can be seen this week in increasing pressure on Washington to launch its own ABM program, which would cost $40 billion over 10 years. The Russians have already spent $4 billion in ABM defenses around Moscow and Leningrad.

"This pressure has been building up for months, with the Joint Chiefs of Staff leading some influential senators against the McNamara school. But extra weight was added on Tuesday by a study signed by four former top generals and Dr. Edward Teller, the nuclear scientist. In their report to a congressional committee they raised the bogey that by 1971 Russia would enjoy a massive advantage in the nuclear megatonnage it could theoretically drop on the United States in an all-out war.

"They argued that an ABM system had to be built to give the President two options in a crisis. Since the United States had declared 'it would never initiate a nuclear war, they complained that at present we have no defense other than our threat to strike back.'

"They are, in fact, as far away from Mr. McNamara's thinking as Mr. Kosygin is. The Defense Secretary has argued for years the

only true defense is an 'invulnerable second strike' system, for it would deter the initial enemy move. He describes an ABM system as an offensive scheme because it encourages a power to think it cannot suffer a retaliatory attack. He once went so far as to say 'the sooner the better' to the idea Russia might achieve full second-strike capacity; and his critics derided him, saying he should give Moscow some Polaris submarines forthwith.

"Yet, if anyone makes sense in the mad world of missiles, surely Mr. McNamara does. The ABM system would, as the Chiefs of Staff themselves calculated, only save one-quarter of the American population from nuclear death. Tuesday's congressional study estimated that by 1971 Russia could have 50,000 'deliverable megatons.' That is exactly 2½ million times the amount of TNT required to equal the Hiroshima atomic explosion.

"Obviously that would go far beyond the borders of saturation and 'overkill.'

"The ABM argument in Washington cannot be isolated from other developments. If the McNamara line is abandoned in favor of an ABM escalation, it could mean further delays before anyone signs a nuclear non-proliferation treaty, with non-nuclear nations becoming more suspicious of the big powers.

"It would also offer extra arguments for the Kremlin hawks, whose struggle with Mr. Kosygin and President Nikolai Podgorny was described yesterday in a New York Times report. Some influential Americans are arguing that now more than ever, the Russian doves need an achievement to point to if hope of big-power co-operation is to survive; de-escalation of the Vietnam war, some stride toward a Middle East settlement that would salvage Arab pride and justify Mr. Kosygin's cautious tactics. Either is urgently needed; either would be a better defense than ABMs."

[From the CONGRESSIONAL RECORD, Oct. 9, 1967]

THE ABM DECISION—A $5 BILLION INVESTMENT IN AN INEFFECTIVE SYSTEM

(Speech of Hon. JOSEPH S. CLARK, of Pennsylvania, in the Senate of the United States, Monday, October 9, 1967)

Mr. CLARK. Mr. President, today I desire to address the Senate on the decision of the administration to deploy a so-called thin anti-ballistic-missile defense at a cost of $5 billion.

I submit that from the evidence it is clear that this vastly expensive new weapons system essentially contributes nothing to this country's security. I urge the administration to reconsider its decision, which I believe to be wrong on three counts—militarily, economically, and diplomatically.

The best arguments against ABM deployment have been made by Secretary McNamara himself. The Secretary pointed out in his San Francisco speech that there is no ABM system which can be built—no matter how much we spend on it—which would not be, and I quote the Secretary's own words, "ineffective against a sophisticated Soviet offense." Even if we were to spend $40 billion or more on a so-called massive system, the resulting increase in our security against a Russian attack would be zero, according to the Secretary of Defense. The result would be a waste of a great deal of money at a time when the war in Vietnam is costing us $2½ billion a month, when the President is asking for new taxes to offset a growing budget deficit, and our crucial domestic programs are being reduced to support the increases in the military budget. What would we get for our money? A very expensive flying "erector set" which the Russians could easily and cheaply overpower by increasing their offensive missile striking force.

The argument that the so-called thin system is justified by the approaching threat of Chinese nuclear-tipped missiles simply does not hold up. We have the capacity to devastate China many times over if her leaders should be so foolish as to initiate a nuclear exchange with us, and the Chinese know that. That fact is at the heart of the deterrence policy which has guided American military strategy since the beginning of the nuclear age. Our strategy has been to deter a first strike against ourselves by making it plain to any would-be aggressor that our second strike against him would be utterly and horribly devastating. Is there anyone who seriously believes that the Chinese Government would not be effectively deterred by that prospect?

I discussed this subject informally the other day with the President's scientific adviser, Dr. Hornig. After he said he agreed thoroughly that there was no point in building an antiballistic missle system against a possible Soviet threat—in other words, he agreed with Secretary McNamara—I said to him, "Well, if it would not be any good against the Russians, why do we need it against the Chinese?" "Well," he said, "the only basis is that maybe the Chinese are more irrational than the Russians, and, of course," he said, "that is not a scientific problem; that is a question of political judgment."

I think it is perfectly clear that practically everybody except the military-industrial complex, which would profit from the building of this system, is of the view that to build the system against the Chinese, realizing it is no good against Russia, just does not make any sense at all. I think there is no one who seriously believes that the Chinese Government could be effectively deterred by an anti-ballistic-missile system.

The second flaw in the argument is the assumption that a thin ABM system would be effective against the Chinese for any appreciable period of time. Even if it is conceded that a thin defense system would be effective against a Chinese offensive missile system which was still in its primitive stage, it is obvious that once the Chinese develop their rocket force beyond the primitive stage our ABM system will not be effective. If the Chinese get their rocket assembly lines going, and develop multiple warheads and penetration aids, they will be able to overwhelm our outmoded ABM system just as the Russians could overwhelm it today.

How long would that take? Secretary McNamara pointed out that the Chinese are devoting very substantial resources to the development of both nuclear warheads and missile delivery systems. Every time our experts have tried to predict the next advance in Chinese weapons development they have been wrong—the Chinese have moved faster than we expected. No one can say how long the period will be between the time the Chinese deploy their first primitive system capable of threatening the United States, and the time they have developed a larger and more sophisticated system capable of overwhelming first our thin, $5 billion ABM system, and ultimately even a massive $40-plus billion system.

The third fallacy in the logic is the assumption that even during the so-called "safe period" in Chinese nuclear development, we would be genuinely safe from a nuclear attack behind an ABM defense. There are many ways of launching a nuclear attack that an ABM is helpless to deter. A Chinese submarine could perhaps deliver a low trajectory rocket which would sneak through our radar screen, just as the Israeli Air Force sneaked through the Egyptian radar defense. The Chinese could detonate a nuclear bomb underwater near our west coast—again from a submarine, or even from a trading vessel—where the prevailing winds would sweep the cloud of deadly radioactivity ashore. Or, James Bondish as it sounds, miniature bombs could be hand-carried into our cities in suitcases and detonated. If the Chinese are foolish enough to risk the total devastation of their country by launching a rocket strike against us, what is keeping them from attacking us in any of these ways? The answer is obvious—deterrence, effective deterrence of all forms of nuclear assault.

The inevitable conclusion is that the proposed thin $5 billion system simply will not do the job which its proponents say it will do. That, of course, is bad enough—squandering $5 billion of the taxpayers' money on a useless system is no light matter. But this problem is worse than this. For there is, as Secretary McNamara said, a "mad momentum intrinsic to the development of all new nuclear weaponry." That mad momentum, generated in part by the decision to go ahead with the deployment of a thin system, is already gathering force, as the Secretary foresaw, and as indeed I warned him in a letter I wrote to him on June 15, 1967, in which I said:

"As a practicing politician, I would like to comment on this proposition that the United States should build and deploy a 'light' ABM defense, in my own view, I see no way of holding back pressure for a full or 'heavy' ABM defense once a 'light' system has been installed."

There is plentiful evidence that the curtain has already gone up on this new tragedy. We are only now in act I, with the squandering of $5 billion, the equivalent of 1 million jobs under the emergency employment program which I sponsored and which was approved by the full Senate Committee on Labor and Public Welfare. How long will it be before we see $40 or $50 or $60 billion go down the drain in an orgy of misguided spending?

The most painful costs, however, cannot be counted in dollars. They are the diplomatic costs—the resulting increase in tensions between the United States and the Soviet Union which this new escalation of the arms race is bound to provoke. As Victor Zorza pointed out not long ago in the Washington Post, the most likely effect of our decision to begin ABM deployment will be the strengthening of the hard-liners in the Kremlin in their continuing see-saw battle with the more peace-oriented elements in the Soviet leadership.

This decision will not spur the Russians to come to agreement on limiting defensive and offensive missiles. It is far more likely to jeopardize the pending talks and crush the hopes for an arms control agreement which were generated by the Glassboro conference.

The only gainers from our action will be the members of the political, military-industrial complex on both sides—in the Soviet Union, and in this country. The Russian generals, their allies in the Communist Party, and the men who direct the Soviet defense industry will gain status and prestige at the expense of their colleagues. Their counterparts in the United States will have something more tangible to show—fantastic profits for the contractors, and new stars on the shoulders and stripes on the sleeves of the military men who will be in charge of the program.

The story is in the stock market reports for anyone who is interested to see. Where is the ABM money going to go? Raytheon, up 4⅛ to 91⅛ on Monday, September 18, the day of the McNamara speech. Aerojet General, up 4⅝ to 33¼ on the same day. Strong rising trends have been just as visible in other major ABM contractors—Thiokol, Martin Marietta and Sperry Rand. The vast new defense pork lunch-wagon—maybe the biggest ever—has begun to roll, and the investors on the stock market know it.

Who are the losers? All of us, everyone, and particularly those who will be hardest hit by the fact that money that should be going into the effort to rebuild our cities

and heal the wounds in our society—or possibly, if you take a more conservative point of view, to provide the funds which will make a tax increase unnecessary; or, indeed, to provide the funds which, in the long run, might make further tax decreases possible—is being drained off to build Armageddon instead. Americans who will be deprived of a chance to get an adequate education, necessary health care, a decent place to live, a chance for the job—for lack of funds, they will be the biggest losers.

Those higher up the income ladder will be losers because of the increased taxes which they will have to pay, or through the failure to receive the tax decrease to which they might otherwise be entitled. But the real, ultimate losers are every man, woman and child on this planet whose lives are menaced by the threat of nuclear war, and whose only hope for genuine security lies in the amelioration of tensions between the great nuclear powers and the negotiation of effective agreements to halt the madness of the arm race and turn mankind toward the path to peace.

Mr. CLARK. Mr. President, I see no need to detain the Senate this afternoon, particularly since I am limited to 5 minutes, by amplifying the arguments I made at that time. I believe they they are still sound.

In summary, as I see it, this system is of no practical effect in assisting us to defend against a Soviet missile attack. It may be, as the Senator from Washington has said, and as he wrote quite eloquently in a letter to the Washington Post this morning, that there are possibilities after a while the system would have some minimal effect in deterring a Soviet attack. I am not impressed with the thought that we need to build this system in order to deter against a Chinese attack. This is a summary of my conclusions based on classified testimony before the Subcommittee on Disarmament of the Committee on the Foreign Relations not quite a year ago.

There is now, however, a solid reason why we should not authorize the expenditure of this money to create an anti-ballistic-missile system which so many of our experts in and out of Government are convinced is of no practical effect. That reason is the fiscal and monetary situation in which we find ourselves. It is true that only last week we passed the 10 percent surtax on current incomes and that we have agreed that $6 billion should be cut from the present budget figure. I hope that this action is not too little and too late to save the dollar from devaluation. I feel that other more rigorous measures of austerity and the cutting of the budget will be necessary before we get through.

If we are to maintain the social security payments, pensions, and savings of the American people against devaluation and decline in purchasing power, which would inevitably follow from devaluation of the dollar, it is my strong belief that sizable budget cuts must be made. In my judgment the $6 billion cut could be made up entirely out of the swollen defense budget of $82 billion, with perhaps some further cutbacks in military foreign aid and the space program, which has already been cut quite seriously.

For these reasons I am prepared to support the amendment. I thank the Senator from Kentucky for yielding to me.

Mr. McCARTHY. Mr. President, will the Senator yield to me for 10 minutes?

Mr. COOPER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 23 minutes remaining.

Mr. COOPER. The Senator from Mississippi has very kindly said that he would yield time on the bill. Therefore, I yield 10 minutes to the Senator from Minnesota.

Mr. McCARTHY. Mr. President, I commend the Senator from Kentucky [Mr. COOPER] and the Senator from Michigan [Mr. HART] for their significant efforts in opposing the establishment of the anti-ballistic-missile system. Certainly, there is every reason to question the decision to proceed with a light anti-ballistic-missile system.

The case for it has been based on four premises:

First. That Chinese progress in developing strategic nuclear capabilities had proceeded so far that considerations of the U.S. leadtime could no longer allow deferral of a decision to deploy a defense.

Second. That a light ABM defense would be highly effective for a number of years against any emerging Chinese threat.

Third. That such a deployment would not have a significant impact on the strategic arms race between the United States and the Soviet Union, on our efforts to control it, or on our efforts to achieve a nuclear nonproliferation treaty.

Fourth. That a light ABM deployment might provide protection against an accident.

All four of these premises are open to question.

First, since the September decision to go ahead with the anti-ballistic-missile system, administration spokesmen have said that missile developments in China have not proceeded as rapidly as they anticipated they would proceed. Despite this reevaluation, there apparently has been no reconsideration of the administration time table.

It seems to me that since we are postponing other vital expenditures in this country, this is one expenditure we might postpone in view of what is supposed to be accurate information from administration spokesmen.

Second, eminent scientists such as George Kistiakowsky and Jerome Wiesner, who have for a long time been involved in the technology of missiles and also concerned about the nuclear and political and moral implications of these weapons, and upon whom we depended for advise for many years, have questioned whether the Sentinel deployment or even a better system to that—and also one which would be more costly—would provide real protection against the Chinese threat, if we assume there is a Chinese threat. Scientists concede there is great uncertainty about the potential effectiveness of the Sentinel deployment. In view of this uncertainty and also considering the potential damage to the United States and the waste of money if the system is ineffective, it seems to me most unwise to proceed on the assumption that this system would be effective, or to base any national policies on that assumption.

The massive offensive capability of the United States must certainly continue to be counted as the effective deterrent against any rational decision by the Chinese to employ any nuclear weapon against us. Of course, if the decision is to be irrational, it must be doubted whether any defense could be effective.

In my opinion, as we proceed to deal with nuclear weapons, the one assumption we have to continue to make is that everyone is somewhat rational. If we go beyond that, there is no basis on which we can make a policy. I think the record shows that as people have nuclear weapons their rationality grows stronger. We hope this will be the case with any nation that has the kind of power incorporated in nuclear weapons.

It would be most unwise for the United States to frame its policies on a system which in the judgment of many would not in itself be effective, or which if effective would not be so excepting under the most rational and restrained conditions.

This reminds me of the great concern we had over fallout shelters 5 or 6 years ago. Today, I do not know of anyone who is selling fallout shelters. I understand they are beginning to collapse in the backyards of those who did construct them.

Third, our going forward with the Sentinel system could have a profound effect on the Soviet-American arms race, which I think is the most significant arms race in the world today.

The U.S. ABM decision has to date been couched largely in terms of American security without sufficient attention to the fact that it has an immediate impact on other nations, particularly Russia, and thus could set in motion within other countries, such as the Soviet Union, a series of political pressures quickly translated into decisions on military budgets and resources allocated. In short, the American decision must be looked at in a total world context where there is, of course, a kind of unending change going on today.

It is quite reasonable to assume that the Soviet Union would respond in some way to our Sentinel deployment, although perhaps to a lesser degree than would be the case if we were to begin the building of a massive anti-ballistic-missile system which may follow.

Anti-ballistic-missile defenses introduce such large uncertainties into the whole calculation of the power bloc in the world that efforts to secure any agreement on strategic armaments limitations would be seriously prejudiced.

National security for the United States still seems to be perceived by many as having a quantitative base, and it is assumed that by a simple kind of arithmetical addition, security can be increased. In my judgment, this is no longer valid once nations have reached technological parity. We have to begin to make efforts of another order. Once nations have reached the point of military strength sufficient to destroy each other, the question of parity on a kind of physical or mathematical basis, in my judgment, be-

comes almost irrelevant. This is the relationship we have reached with Russia and we may well reach it with other nations in the not too distanct future.

Since many nations of the world feel that a clear indication of Soviet-American willingness to end their nuclear race is a necessary condition to their acceding to the Nuclear Nonproliferation Treaty, our ABM deployment would have a negative effect on our efforts to get acceptance of that treaty around the world. In some ways, the bringing to an end of the Soviet-American nuclear race may have more important bearing upon reducing the possibility of nuclear warfare than bringing to an end the proliferation of limited nuclear power among the other nations of the world.

Fourth, the last premise upon which the ABM is being advanced is that it would protect the U.S. population against accidental nuclear launches by other nuclear powers, seems highly questionable. The likelihood of an accidental launch or detonation of a missile warhead of any kind is, in the first place, very small. However, it would seem at least as likely that there would be a nuclear explosion resulting from an accident in the ABM system as one resulting from an accidental launch of a foreign ballistic missile, or one of our own ballistic missiles. This follows from the fact that large numbers of such defensive missiles must be kept in a very high state of readiness at all times if they are to be effective against the accidental launch of offensive weapons, by other nations, or accidental launching of our own.

Thus, the light Sentinel ABM deployment would be another escalatory move in a senseless strategic arms race between the two super powers: a move which could only lead to an exacerbation of tensions with a net reduction in the security of both, and to a diversion of resources on both sides from what I think are more pressing needs.

The decision is a good example, unfortunately not an isolated one, of an attempt to buy security through a kind of misplaced, simplistic reliance on technology rather than by facing up more realistically and constructively to problems that are in fact primarily political in nature: in this case, the problem of the relationships between the United States and the Soviet Union, the United States and China, and the other nations of Asia and of the world.

The decision seems to have been reached without adequate consideration being given to its effects on other nations throughout the world, its impact on the quality of life in the United States, to the alternative uses to which the resources might be put, and to the overall risks to our security of a continuing arms race which actually may be far greater than the risks involved in arms control measures.

Even though it is presented to us here in the name of defense, as have been most of the expansions of our military power over the past 15 years, in my judgment, no adequate case has been made for the Sentinel thin antiballistic missile.

I believe that the judgment of the Senate should be one against its approval.

THE ABM DECISION SHOULD BE DELAYED

Mr. McGOVERN. Mr. President, in my remarks on this issue on Friday I suggested that it is wise to delay deployment of the Sentinel anti-ballistic-missile system until we know the identity and the policies of the new President who will be elected in November.

This argument is made doubly persuasive by the remarks of our highly respected colleague, the Senator from Minnesota, Mr. EUGENE MCCARTHY, in opposition to the ABM. I believe that funds spent on this futile project would be wasted no matter who is President, but if Senators do not agree with that assessment it is nonetheless clear that we should be hesitant about imposing this system on a President who is against deploying it.

Other presidential candidates remain to be heard from. But in each instance we would be doing a disservice to plunge ahead now, because we would bind a subsequent administration to policies with which it may disagree.

This should be true even if the new President wanted to build a more extensive, up to date, system against the Soviet Union. I consider it highly significant that new technology, improved radar systems, and missile improvements that have already been developed cannot be applied to the Sentinel. A newer approach to antimissile defense would require that the entire system be torn out and replaced, as would have been the case had we deployed the Nike-Zeus early in this decade.

Even for those who believe in the ABM, the expenditure of funds for research and development of a specific system is no reason for constructing that system if it has become obsolete. We should not tie the hand of the new President who will be elected this fall.

Mr. STENNIS. Mr. President, I yield 25 minutes to the distinguished Senator from Georgia [Mr. RUSSELL].

The PRESIDING OFFICER. The Senator from Georgia is recognized for 25 minutes.

Mr. RUSSELL. Mr. President, I do not believe that I shall take that much time.

Mr. President, I have listened to this debate with more than usual interest. There is a great deal more involved than we have heard in the discussion of the many imponderables, such as the number of people who might be killed in a nuclear exchange, as well as the expenditures that might be involved.

My greatest regret is that it seems to me we are entering a period in which the Senate will be debating the wisdom of unilateral disarmament. We seem to be approaching it by degrees.

Mr. President, until 1966 I was opposed to instituting a deployment of an antiballistic-missile system. Practically every Senator here will recall the executive session on this issue in 1963 in which I opposed the authorization, I believe in the sum of about $195 million, to begin a long-leadtime acquisition program. At that time, I did not think we had made sufficient progress with our research and development program, to justify the procurement and deployment of an antiballistic-missile defense system.

Mr. President, we have researched for 12 years in this program. In my opinion, further research would be aided by the initiation of a procurement program, so that we will actually know how some of the components function.

Mr. President, we are living today in an uncertain world. I have seen America disarm twice, once after World War II and once after World War I. It was an expensive mistake in both cases.

When the Korean war came along, our Armed Forces were small in number and we had a very weak defense. In the early part of World War II, of course, we depended upon the oceans and the British navy to defend us.

The ocean no longer is even a broad moat of defense and the British Navy is sadly diminished.

In a missile war today, the United States is likely to be the first nation attacked.

Today, we live in an era of missiles of almost incredible speed and destructiveness.

We live in a time of bombers that can span the ocean with the greatest of ease.

We are confronted by the greatest armada of submarines that has ever been assembled under one flag. Many of these are capable of firing missiles at ranges of from 300 to 1,000 miles into this country.

If we disarm now, Mr. President, or take any considerable step backward, we will be doing so at the distinct hazard and jeopardy to the lives of millions of Americans and to the very existence of our system of government.

Oh, Mr. President, I desire as much as any man to see that day come when we can disarm. I should like it if we could safely devote the vast sums which are being spent on weapons of destruction and for purposes of destruction to constructive purposes and for the welfare of the human family.

But I believe our potential enemies must be convinced that we are capable of destroying them if they see fit to disturb the peace.

Mr. President, there are two things that have impressed me about this debate. One has been the argument repeated here time and again that this system would not save all Americans. As an advocate of this program, I say here today there will never be a time or there will never be a system that will save every American from atomic attack. It is impossible to devise such a system. But I submit that an expenditure of $5.5 billion to save the lives of 20 million Americans would be a very sound investment. That figure was given by the effective opponent of deploying an ABM system against Russia, former Secretary of Defense Robert McNamara. Today we argue about spending $5.5 billion over 5 or 6 years when even the principal adversary of the program to attempt a defense against Russia says it could save 20 million American lives if installed. We are spending about $80 billion annually on defense systems, many of which may not have such a direct potential for saving American lives.

Mr. President—and these are Secretary McNamara's figures—if we go forward into posture A and protect 25 cities, this could save 80 million American citizens unless the Soviet Union develops new techniques of offense. Mr. President, the citizens who would be saved in such circumstances are those who are in poverty as well those who are in affluence.

Secretary McNamara further estimated that, though he is opposed to the program, if we went further and provided point defense for 52 cities, this could save the lives of 100 million American citizens in the event of an all-out atomic attack on this country in the absence of new offensive weapons that the Russians do not yet have.

Senators have referred to the Secretary's statement saying this system was intended to defend against Chinese attack. Nearly every Senator here is aware of the conditions that surrounded that statement. To my mind there is no doubt that this is the first step in a defense system against an atomic attack from the Soviet Union. I do not like to make that statement, and I would not make it except for the argument put forth that this system would not be useful to defend against anything except a Chinese missile attack.

There is no doubt that the Soviets are building an anti-ballistic-missile system. No one challenges that statement. There is a difference in the intelligence community as to the degree and the extent of the systems being constructed, but no one disputes the fact that they are building an antimissile system; and the Galosh system around the capital city of Moscow is already installed. The Tallinn system, which is spread around other areas of Russia, is a subject of dispute. Some observers say that its purpose is to defend against American bombers. I go along with General Wheeler on that. He says the Russians are not entirely foolish; that they know we are phasing out our bombers; and that the most unlikely thing they would do would be to proceed with a comprehensive and expensive system of defense against bombers that we are reducing in number.

I believe the Tallinn system has some capability as an antimissile system. It is deployed across the Soviet Union.

Those who oppose our ABM system say we do not know that the Russian system will work. And we do not. But the Russians have been successful in their space operations. They launched sputnik, the first earth satellite. They have developed the fractional orbital bombardment system. That system could drop a missile almost directly upon our installations and upon our cities and we would have practically no warning that it was on the way. I think it is safer to give them credit for maximum accomplishment in the anti-ballistic-missile field.

Mr. President, there are many Americans who are willing to trust Russia absolutely, and they have become convinced that under no circumstances would the Russians attack this country. I cannot agree with that point of view. I do not believe, in the first place, that the Russians have entirely abandoned the idea that communism is good for the entire world and that they have a holy mission to spread communism all over the earth. But whether they do or do not, they would be governed, when the time comes, by self-interest, as every other nation throughout the course of history has reacted in what it thought was its own interest.

There is no logical reason why we should build offensive weapons that are capable of use against Russia, when they are the only nation which poses a real threat now, and not at the same time undertake to build a defensive system. Those who speak of economy are not opposing the offensive systems, which cost billions of dollars, but they say we should rely solely upon it. The Russians do not rely solely upon their offense, though they are moving ahead, and have perhaps passed us, in the number of ballistic missiles that they have emplaced.

We know this is true; everyone knows that satellites take pictures all over the world—Mr. Khrushchev, before he went out of power, said he had taken pictures of everything in the United States, and he was reasonably sure we had taken pictures of Russia, and he was thinking of offering to exchange pictures with the United States.

Their increase in the emplacement of launchers for ballistic missiles, some of them carrying warheads that exceed by many times the megatons of our most powerful missiles, was from 360 to 720 in the last calendar year. They have undoubtedly gone far beyond that in 1968. And ours have not increased at all. We do not know by how much they have increased the number of missiles on their submarine fleets, though we do know that they are building missile-carrying submarines as rapidly as they possibly can.

So, Mr. President, I today cannot assure the Senate, as I have done year after year, that we are superior to any Soviet threat in the field of strategic missiles, because I do not know that to be the case, and I think there is a very grave doubt about it.

I would like to see disarmament come about, but I cannot understand the fatuous delusions of those who say that if we disarm, the Russians will disarm. That is something I cannot fathom or understand, and I cannot understand why men of ability get up and suggest it. I cannot understand newspaper editorials that assert it. The truth is that even if Russia wanted to disarm, circumstances in the world would not permit them to do that.

As long as the tension between Russia and China that exists today continues, Russia could not disarm if the United States did disarm, or even if the United States disappeared from the face of the earth.

If China is ever unified, there will be demands made by the Chinese for the return of the vast reaches of eastern Asia that the czars took away from China. The subject has already been discussed. The Chinese leaders have said they would make such demands. The Russians are not going to disarm and turn those huge areas over to the Chinese. As a practical matter, China has a much better title today to Vladivostok than Hitler ever had to the Sudetenland. All of those lands, those great areas of eastern Asia, were taken from the Chinese; and as the Chinese become more and more militant and make more and more progress in the development of weapons, they will increase their pressures on Russia.

In this country we have a peculiar habit of seeking to solve all our international problems by relating them only to things that affect the United States directly. There are many issues between countries in this world today that in no wise affect us, despite the fact that we have a very foolish tendency to inject ourselves into controversies all over the earth. I hope that we have learned enough now to know how to stay out of these arguments that are the inevitable unfolding of history, and are sure to arise and recur, unless the interests of the United States are directly and vitally affected.

Mr. President, I reiterate that I cannot understand the argument that if it is impossible to save all Americans, we should not save any Americans. That is the effect of it: It we cannot save them all with a perfect ballistic missile defense system, we should not even install any; let them all go.

I say that it is the course of wisdom to start now, after we have spent 12 years and $3 billion on research, to build this system in a minor way, to benefit from this experience; we will never know that we have built a missile system that will work, I care not how much research we engage in, without actually producing and operating some of the components.

Five billion dollars is a lot of money; I am well aware of that. But we are spending around $80 billion a year now for defense, and if necessary I think it would be much better to take some of the money we are spending for other purposes and apply it to this system.

Everyone knows that when the recently voted expenditure reduction of $6 billion is accomplished, the Department of Defense is going to have to bear a substantial part of it. In my opinion, Defense will take about half of it. I do not know, and I have no reason for saying that, except that defense appropriations represent about half of the budget, and there is a growing feeling that it does not hurt much to cut defense. Unfortunately, there have been some very deplorable illustrations of gigantic waste in the Department of Defense, which have added to that feeling.

But I do not favor disarming, Mr. President. I do not favor leaving the American people defenseless because there have been some instances of waste or even of graft or corruption in our national defense system.

Mr. President, I have used about as much time as I had intended to. I wish to reiterate that this is not a new matter before the Committee on Armed Services. We have taken voluminous testimony on it, for a matter of 12 years. For several years I opposed the efforts of a considerable number of members of my committee to start the procurement of this system.

But in 1966, the Committee on Armed

Services recommended, and the Senate approved, without all this debate and fire we are having here today, an addition to the procurement authorization amounting to $167.9 million, to start building an anti-missile-defense system. I ask unanimous consent to have printed in the RECORD the statement from the 1966 committee report dealing with this subject, and setting forth in detail the reasons why we recommended that procurement authorization to the Senate.

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

A decision whether to produce and to deploy an antiballistic missile system is one of transcendent importance. Such a decision involves consideration of an almost indescribably complex combination of factors, including financial, technological, and strategic ones.

After about 9 years of research and development effort, the Nike X system (formerly called Nike Zeus) has progressed to such an extent that the Committee believes it can afford a significant protection against many types of ballistic missile attack. Recent advances in technology and concepts of deployment permit a blanket of protection for the whole United States against a relatively small number of attacking missiles, and tighter protection against heavier attacks for 25 major cities, at a 5-year cost of $8.5 to $10 billion. Because of its building block or modular design concept, the Nike X system lends itself to the initial deployment of a light defense for a small number of cities and a later addition of more extensive and intensive coverage as circumstances require. Fortunately, the Nike X system is capable of defending against not only intercontinental ballistic missiles, but also missiles that might be launched from Polaris-type submarines. Even a modest ballistic missile defense might save millions of American lives in the event of an enemy attack.

The Committee is not attempting to define the ultimate type or scope of a ballistic missile defense deployment and it is not necessary to make such a determination now. The lead time between a decision to proceed with deployment and the attainment of an operational capability is so long, however, that the Committee considers the cost of buying a saving of about one year in such a deployment as being reasonably priced insurance when one considers the consequences of being attacked without any protection.

Mr. RUSSELL. Mr. McNamara, as every one knows, was opposed to this system, and he did not utilize the funds that were authorized and appropriated.

In 1967, the procurement authorization reported by the committee and approved by the Senate included $291 million for the initiation of procurement for an antimissile system. The Committee on Armed Services recommended it. The Senate approved it without a great deal of controversy. This authorization was approved in 1966, and again in 1967. But in 1968, the opponents say this will be provocative, it will be wasteful, it will be terrible to do what was done without violent objection in 1966 and 1967.

I ask unanimous consent, Mr. President, to have printed in the RECORD at this point an excerpt from the 1967 committee report that recommended this authorization, which was approved by the Senate.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

Last year the Committee took the initiative in providing the first authorization of appropriations for pre-production activities directed toward the deployment of an antiballistic missile defense system. $167.9 million was added to the 1967 authorization bill for that purpose. None of the appropriations made against this authorization have been used.

In fiscal year 1968 the Department of Defense appropriations request includes $377 million, of which $291 million is in this authorization, as contingent funding for the initiation of procurement for an antiballistic missile system, with one possibility being the protection of MINUTEMAN missile sites if the negotiations with the Soviet Union on banning deployment of an antiballistic missile system are unsuccessful. The Committee understands that for a total cost of slightly more than $4 billion, spread over fiscal years 1967 through 1973, the United States could deploy a so-called, "thin" antiballistic missile system that would afford significant protection for the entire United States against a relatively light unsophisticated ballistic missile attack. Against an attack of the type that might occur accidentally, or from Communist China, or that might be threatened as a form of blackmail, such a system probably could preclude damage during the 1970s almost entirely. Furthermore, this investment would provide a more concentrated defense, using the Sprint missile, for several of the Minuteman missile squadrons. Such a system could be expanded to include a terminal, concentrated defense for about 25 cities at a total procurement cost of between $9 billion and $10 billion, or to provide the same concentrated protection for about 50 cities at a total procurement cost of between $19 billion and $20 billion.

As is true for the "thin" deployment, the funding for either of these expansions would occur over a period of 6 or 7 years. The first year's cost under any of the three deployments mentioned could be funded from the $167.9 million approved last year, plus the $377 million included in the 1968 program.

The Committee hopes negotiations with the Soviet Union on antiballistic missile deployments will result in an agreement that fully protects the security interests of the United States. The Committee considers that it would be unwise to permit these negotiations to be extended interminably, however, and if such an agreement cannot be concluded within a reasonable period, the Committee strongly believes the United States should begin procurement for deployment of an antiballistic missile defense system. The Committee is aware that an agreement with the Soviet Union not to deploy an ABM system could leave us unprotected against the threat posed by a Chinese Communist attack, an accidental firing, or both. In the view of the Committee our negotiations with the Soviet Union should include consideration of the desirability of our deploying a "thin" ABM defense against such threats, or those that might be posed by future nuclear powers.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. RUSSELL. I yield.

Mr. JACKSON. Is it not a fact that since 1966, when the Senate was, I believe, unanimously in favor of this issue, and even last year alone, as I believe the Senator has pointed out, the Soviets doubled the number of intercontinental ballistic missiles on launchers, so that we are being asked here, with the Soviets making enormous gains in connection with the deployment of strategic weapons, to pull back, while we ourselves have frozen the number of our intercontinental ballistic missiles?

Mr. RUSSELL. I intended to say that as the need for the system increased, the opposition to the system increased with it. The need for this system today is, unfortunately, greater than it was in 1966 and 1967.

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

Mr. RUSSELL. I yield to the Senator from Ohio.

Mr. LAUSCHE. Is there any doubt about the statement that the Soviets have installed an anti-ballistic-missile system around Moscow?

Mr. RUSSELL. There is absolutely no question about it. We know it for a certainty.

Mr. LAUSCHE. Do we have anything like an anti-ballistic-missile system installed anywhere in our country, comparable with that which the Soviets have installed?

Mr. RUSSELL. Mr. President, the only installation we have is on blueprints. At this time we have no ballistic-missile defense system under construction.

Mr. LAUSCHE. Is it not a fact that the Secretary of Defense has written a letter to the Honorable RICHARD B. RUSSELL, and in that letter has stated:

I believe that our deployment decision is consistent with our continued desire for arms control and arms limitation.

He then states:

The Soviets are at the present time deploying the ballistic missile defense around Moscow.

Mr. RUSSELL. Yes, indeed. I have said that. That statement has been made before.

Mr. LAUSCHE. The Senator quoted the figure concerning how many American lives would be saved by installation "A" in our country. He quoted that figure from Secretary McNamara.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 additional minutes.

Mr. RUSSELL. Mr. President, that was not for a system against the Chinese. That was against an all-out Soviet attack using their hundreds of missiles with their high megatonnage.

Mr. LAUSCHE. Mr. President, would the Senator repeat that material?

Mr. RUSSELL. Mr. President, if we build even this Sentinel system, this thin system, it could save 20 million American lives in the event of an all-out Russian attack with all of the tremendous power they have in their ballistic missiles.

Mr. LAUSCHE. What would the cost of that installation be?

Mr. RUSSELL. About $5.5 billion.

Mr. President, I have heard the discussion about the cost of this system. And for several years the committee has listened to elaborate guesses as to the cost and the casualties. And most of this testimony came from the former Secretary of Defense in an effort to justify his decision not to spend the funds appropriated

by Congress for the installation of this system.

These figures, of course, are necessarily based on assumptions and hypotheses, and counterassumptions and guesses. That is true as to the number of lives that would be saved. There is no question about that. No one knows for certain. However, I was using the figures presented by those who are opposed to an ABM defense against the Russian threat. The advocates say there will be a much greater savings in lives and that the cost would not be nearly as great.

The present Secretary of Defense has stated that studies have been made—and he came into office opposed to the system, but after investigating it, he favors it—and that those studies indicate that a more elaborate system, including point defense of 52 cities, if it were installed throughout the United States, would not cost more than half of the $40 billion figure that we hear so much about. However, if it did cost $40 billion and it was spent over the period of 7 or 8 years, would it not be worth that amount of money to save the lives of 100 million American people? To me, it would be a minimal expenditure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield to the Senator an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for an additional 2 minutes.

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

Mr. RUSSELL. I yield.

Mr. TOWER. Mr. President, would the Senator repeat those figures again? It would cost how much to save the lives of 20 million American people?

Mr. RUSSELL. According to Mr. McNamara, if we were to install this system, this thin system, the Sentinel system, at a cost of $5.5 billion, it could save 20 million lives against an all-out Soviet attack.

Mr. TOWER. Mr. President, do we now spend annually many more billions of dollars to sustain the lives of the American people who are being helped through the welfare program?

Mr. RUSSELL. The Senator is correct.

Mr. COOPER. Mr. President, I yield myself 1 minute from my own time to ask a question of the Senator.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. RUSSELL. Mr. President, the Senator is very gracious. I will yield from my own time if I have any.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL. Mr. President, this is the last time I shall yield, because I want to conclude my remarks.

The PRESIDING OFFICER. The Senator from Kentucky has 13 minutes remaining.

Mr. COOPER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. Mr. President, no Senator deserves greater respect than does the Senator from Georgia. However, I must respond to the arguments made by the Senator because, in all truthfulness, the Senators who support our amendment have not argued as the Senator says that we have argued.

The Senator has said that if the amendment were agreed to, it would be the first step in unilateral disarmament.

Mr. RUSSELL. Mr. President, I did not say the Senator said that. I said that was my view of it. And I cannot see it in any other light. If we propose to step back and let the Soviets go forward, it is a step in the direction of unilateral disarmament.

Mr. COOPER. My answer is that the President, the Secretary of Defense, the Department of Defense, and the Armed Services Committee have assured us year after year that we have the capability of destroying the Soviet Union, even on the second strike, and that this capability will be maintained.

I know the number of missiles we have; and nobody has mentioned in this debate that we have 7,000 nuclear weapons in Europe in addition to the others we possess, including the 1,710 ICBM's.

Mr. RUSSELL. Mr. President, the Senator is referring to a great number of short-range missiles and atomic artillery, and not altogether to strategic ballistic missiles. The great bulk of those are tactical weapons.

Mr. COOPER. Mr. President, with all respect to the Senator, the argument that the amendment is a step toward unilateral disarmament is not correct and has nothing at all to do with the pending amendment. This is not a step toward disarmament.

We have a vast number of missiles. We have the ability, according to the testimony of the administration, to add MIRV to our missiles and to triple or even increase the number of warheads by 10 times. No disarmament is involved.

Second, the argument—which is an appeal to the emotion—that this is an amendment which would lead to the loss of human life, is not borne out by the facts. We have spoken to that point again and again in the course of this debate.

Secretary McNamara testified before the Armed Services Committee that if we put in the system and the Soviet Union did not respond and they struck first, we would lose 20 million lives.

However, the Senator does not go ahead and speak about the rest of his testimony. Secretary McNamara said further, that if we put the system in, the Soviets would respond by installing more effective offensive weapons and an ABM system.

We would then install greater offensive weapons, and so would the Soviets. We would end up on the place where we started. Each side would lose 120 million men.

So, I must say, with all respect to a great Member of the Senate, that his arguments are not borne out by the facts. Strawmen are set up to be knocked down.

We are arguing the pending amendment so that the Senate may consider rationally whether the installation of an ABM system is in the security interest of the United States, and not on an emotion.

Mr. RUSSELL. Mr. President, I have the highest regard for the Senator from Kentucky. I am sure he is aware of that fact. However, I have the right to argue my position on this matter. And every statement I have made on the floor, I believe.

I came to my understanding by a careful reading of the record in this case. I was quoting from the statement of the former Secretary of Defense, and these figures came from him.

His statement indicated that even this system could save 20 million American lives.

If I am correct in my recollection, I think that on reading the RECORD Sunday afternoon, I noted that the Senator from Kentucky had this matter printed in the RECORD.

Mr. COOPER. I had the entire tabulation printed, and I ask unanimous consent that it again be placed in the RECORD at this point. It illustrates my point.

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

NUMBERS OF FATALITIES IN AN ALL-OUT STRATEGIC EXCHANGE, MID-1970's [1]

[In millions]

U.S. program	Soviet response	Soviets strike first against military and city targets; United States retaliates against cities		United States strikes first at military targets; Soviets retaliate against U.S. cities; United States retaliates against Soviet cities	
		U.S. fatalities	Soviets fatalities	U.S. fatalities	Soviet fatalities
No ABM	None	120	120	120	80
Sentinel	do	100	120	90	80
	Pen-Aids	120	120	110	80
Posture A	None	40	120	10	80
	MIRV, Pen-Aids	110	120	60	80
	Plus 100 mobile ICBM's	110	120	90	80
Posture B	None	20	120	10	80
	MIRV, Pen-Aids	70	120	40	80
	Plus 550 mobile ICBM's	100	120	90	80

[1] At fatality levels approximating 100,000,000 or more, differences of 10,000,000 to 20,000,000 in the calculated results are less than the margin of error in the estimates.

Mr. RUSSELL. Mr. President, I have the right to draw a conclusion from it. And, with all due deference to the Senator, I think my conclusion is much more logical than his conclusion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield an additional 3 minutes to the Senator from Georgia.

Mr. MANSFIELD. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Senator from Montana has control of the time on the bill.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator, since I have control of the time.

The PRESIDING OFFICER. The Senator from Georgia is recognized for an additional 3 minutes.

Mr. RUSSELL. Mr. President, I am sorry that I have taken so much time. I did not intend to do so. However, there have been interruptions. And, with all due deference to my friend, the Senator from Kentucky, I cannot see how we would save human lives by not installing the system. I do not think you can draw that inference from the testimony.

Mr. President, there is talk about economy and adopting this amendment in the name of economy when we are spending about $80 billion on defense, including that catastrophic $20 billion-odd we are spending in Vietnam, which I did everything within my power to avoid. The amount this system would cost is relatively small in comparison.

Dr. Foster, for whom I have a great regard—and I do not think there is anything illegal or unethical in this argument—says that if you suspend the procurement and construction obligations for a 2-year period, you will increase the total cost by $300 million. In other words, this amendment will cost more money than it will save, if we reach that stage in research where we should begin to construct, to see what can be done.

One of the most valuable members of my committee is the distinguished Senator from Missouri, and most of the time he is right. But one of his reasons for opposing this proposal is on the ground of economy. I was surprised to hear him make that statement a few moments ago.

Mr. President, the test of a weapons system is not in what it does when it is used; it is whether it is effective or not to avoid its use. That is the real test of the effectiveness of a weapons system. And if you have one that is so effective you do not have to use it, you have a success.

The distinguished Senator was the first Secretary of the Air Force. At that time there was a tremendous controversy in this country on air power; and the Senator was the father and the midwife and the nurse of a program to build a great bomber—the B–36. And we spent hundreds of millions on the B–36, which was never used. But I do not say that the Senator was the cause of our wasting that money. I think this was one of the best expenditures we ever made, because it assured the maintenance of peace on this earth for several years. We had the atomic bomb, and the Senator from Missouri assured us that we had the means to deliver it.

Therefore, in my opinion, this is a contribution to peace, not to war, to defeat this amendment.

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

Mr. COOPER addressed the Chair.

Mr. MANSFIELD. I believe I control the time now. I yield 2 minutes to the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, as everyone in the Senate knows, there is no Member for whom I have greater respect and affection than the distinguished senior Senator from Georgia. He has been my leader in this field for many years.

I oppose this program, however, not only from the standpoint of economy, but also from the standpoint of the many premises which have been built up in an effort to maintain the logic of this position. I do not believe the defenses of the Soviet Union are comparable, in this ABM field, to what has been described on the floor of the Senate this afternoon. I do believe that we have a long series of failures in missiles which have cost the American people many billions of dollars, and that that total cost is somewhere between $7 and $10 billion. Most of all that has been developed is today admittedly obsolete.

Regardless of any expense, if I honestly believed that the proposed anti-ballistic-missile limited system against China—and, by some remote possibility, also against the Soviet Union—would work, I would be for it.

It is a fact that today we are spending some $30 billion in South Vietnam.

We have over 2 million military-connected people, at the American taxpayers' expense, stationed all over the world; and we have problems at home. Somewhere, someday, sometime, the gigantic cost of this Military Establishment has to be reduced. If it is not reduced, the value of the dollar, the purchasing power of our life insurance, our pension plans, our social security, will all go down the drain.

I voted for a missile system previously, and am glad I did, because I felt it was right. I am opposed to it today, and, therefore shall vote against it, because I now believe it to be wrong.

Mr. MANSFIELD. Mr. President, I agree with what the distinguished Senator from Missouri has said, and I point out that consistency is not always a jewel.

I yield as much time to the distinguished Senator from Maine as she may desire.

Mrs. SMITH. Mr. President, it is with great reluctance and regret that I find myself in disagreement with the overwhelming majority of the Senate Armed Services Committee, especially the distinguished and able chairman, for whom I have such great admiration and respect.

But I rise in support of this amendment for very specific and simple reasons.

First, I do not think it makes sense to have a thin anti-ballistic-missile system that is designed to cope with an attack on this Nation by Communist China—and not to have a system of defense against an attack by Russia.

I do not see Communist China having a capability of missile attack on this Nation for many years.

By the time Communist China does have such a capability, I am confident that the proposed thin ABM system would have become obsolete.

I think the proposed thin ABM system is only a self-delusion, creating a false sense of security for the American people.

Second, I sincerely believe that the funds could be better used for research and development, and aimed for more realistically coping with the rapid pace of technological changes.

I do not want to waste money on a defense system I am confident will be obsolete even before it is completed.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I believe we would be very naive, indeed, if we thought that by failure to deploy an ABM system in this country we would discourage an arms race with the Soviet Union. The distinguished Senator from Georgia has pointed out that we disarmed ourselves after World War II. The Soviet Union not only did not disarm itself, but also occupied Eastern Europe and armed those countries, posing a threat to the United States and the free world.

We must face the fact that the Soviet Union is, indeed, an expansionist power, and as such they intend to build up a big military establishment, regardless of what we do.

For example, we have now leveled off in the development of ICBM hard sites. Since 1966, they have gained steadily on us; and in January of next year they will surpass us. They are not satisfied with parity in arms. They are seeking absolute superiority; and in terms of ICBM hard sites, if things proceed as they are now, they are going to have it within a very short period of time.

We have moved sideways; we have leveled off in the construction of naval vessels. Has the Soviet Union leveled off in the construction of naval vessels? The British are dismantling their navy and moving out of the Mediterranean, moving out of the Indian Ocean and the area of the Suez Canal, and the Russians are determined to build a sufficient navy to move in and fill that naval vacuum.

Let there be no mistake now: There is no argument about parity versus superiority in the Soviet Union. They have optioned for superiority.

It is my opinion that we have dragged our feet too long. We have sacrificed valuable leadtime, and we cannot afford to sacrifice any more leadtime. The fact that we have dragged our feet, the fact that we have been slow in the development and deployment of an anti-ballistic-missile system, has made our decision today infinitely more difficult. It is a difficult decision to make. That does not obviate the necessity to make the decision.

If we are to err, heaven help us if we fail to err on the side of action and safety rather than on the side of inaction and imminent danger to the security of the United States.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Who yields time?

Mr. DIRKSEN. I yield 10 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, during the past 12 days, there has been considerable debate on the Sentinel anti-ballistic-missile system, and the arguments for and against have been aired

thoroughly. Unfortunately, during most of the debate, there were very few Senators present, and unless they have studied the CONGRESSIONAL RECORD, the absentees have not had an opportunity to study the question in depth.

For a question that has so much potential and is so vitally connected to the future security of the country, I feel that it is not only worthwhile, but essential to see that every Senator is aware of the issues involved.

First, I earnestly suggest that the vote for or against amendment No. 854 not be viewed as a "guns versus butter" choice. The deployment of the ABM is considered by military authorities and civilian leaders of the executive department, as well as its supporters in the Senate, as an integral part of our strategic power position. These men know that an assured destruction capability, represented by our offensive strategic forces must, to be credible, be backed by a reasonable degree of damage limiting capability to provide the United States with a degree of flexibility and confidence that the combination of the two capabilities give us the required strength for deterrence.

The greatest problem before us right now stems from the fact that dedicated, responsible men are interpreting the information available differently, or that they think in terms of different objectives for national security.

On June 13, I suggested that any Senators who were not sure of their facts should obtain a draft copy of the Preparedness Investigating Subcommittee report on "Balance of Strategic Power." This sobering report, which is highly classified, warns against complacency when future force effectiveness is so sensitive to timely decisions, superior technology, and adequate intelligence. The report points out that our national security will continue to rest on the strength of our nuclear arsenal and its ability to not only deter, but also to bring any nuclear exchange to a conclusion under conditions that are favorable to the United States. If any error is made, the report states, it must be on the side of strength.

All of us here recognize that our national wealth and resources are not inexhaustible, and that there are limits to the number of weapon systems that can be procured and deployed without straining our finances. Thinking men know that there is a delicate balance that must be maintained between those systems that are essential to our security and survival, and the inescapable facts of life represented by budget limitations.

We are facing one of those preliminary moments of budgetary truth right now. The Government has wisely decided to reduce overall spending in connection with an increased tax to move the country back toward a policy of fiscal responsibility. When this measure was before us a few short weeks ago, I do not think that anyone who voted in favor of it believed that this action would boomerang to threaten our national security. Yet that is exactly what is now happening. In a wave of intuitive sympathy for increased domestic spending, some of our colleagues are recommending the deletion from the fiscal year 1969 appropriations, all funds allocated to the Sentinel ABM system.

Let us examine their reasons for recommending this drastic amendment. They say:

First. We can afford to wait.

Second. The Sentinel is not ready for deployment.

Third. Important dollar savings can be realized.

Fourth. The Sentinel would hamper prospects for United States-Soviet arms control agreement.

Fifth. Sentinel's effectiveness is in grave doubt; delay is wisdom.

Let us look at each one of these major points:

"We can afford to wait."

Our Joint Chiefs of Staff, our Defense Secretary, and chief scientific advisers have told us again and again that we have delayed the deployment of the ABM beyond the point that prudence would dictate. Additional information in this regard is in the classified report of the Preparedness Investigating Subcommittee, to which I referred earlier.

"The Sentinel is not ready for deployment."

Defense authorities tell us that it is. Secretary Clifford stated this in his press conference on June 20. The Army officials charged with this task report that they have let contracts, developed technical teams, and are ready to start breaking ground on construction sites. They point out that this is absolutely necessary in order to start debugging the system, and to work out operational kinks. Even on our present schedule, it will take about 4 years to make the Sentinel completely operational, maybe longer.

"Important dollar savings may be realized."

This is not a question of dollar savings alone. This involves the security of the country and the future of individual liberty. We are approaching one of the most dangerous times in the history of our Nation. How can we afford to cut back in our plan to provide the American people with a viable strategic deterrent? The Sentinel has to be viewed in this context. If Senators are concerned only with saving dollars, I invite their attention to a report of June 18, recently released by the American Enterprise Institute, with identified nondefense items of the fiscal year 1969 budget that are subject to cutting.

Mr. President, I ask unanimous consent that a summary of this report to which I have referred and marked "Exhibit 1," be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, the next major point is:

"Sentinel would hamper prospects for a United States-Soviet arms control agreement."

This is a subjective opinion, which the opponents of Sentinel cannot prove. To accept it, one must subscribe to the theory that nuclear superiority is provocative, and that parity is not. Before we can ever enter into any kind of arms control, which I sincerely believe will never come to pass between the United States and the Soviet Union so long as the Communist Party controls the Soviet government, our own deterrent must be credible. It must be credible to us and to our allies, and it must be credible to our adversaries. The Sentinel is one of our blue chips in this diplomatic poker game.

"Sentinel's effectiveness is in grave doubt; delay is wisdom."

Mr. President, the Army reports that both the Spartan and Sprint missiles—the payload of the Sentinel system—have already flown successfully in tests. As I indicated here on the Senate floor on June 13, we all know that no nuclear system can be tested in its entirety, because of the 1963 Nuclear Test Ban Treaty. How can anyone say that the Sentinel is ineffective? The operational tests to date have been highly successful. This is not a simple case of "hitting a bullet with a bullet." We know from information available, that the effectiveness of a nuclear burst at high altitudes is greatly magnified. In this regard, I must say to the opponents of the Sentinel that it is not a case of "delay being wisdom", rather it is a case of "Delay being folly."

Mr. President, I have summarized the principle arguments of the opponents of the Sentinel, and have given brief rebuttals to each one. Now I ask the Senate to kill amendment 854, in the best interests of the country.

EXHIBIT 1

[From the American Enterprise Institute, Washington, D.C., June 18, 1968]

The American Enterprise Institute today identified 125 major federal non-defense programs eligible for cuts to achieve Congress' proposed $6 billion reduction in the President's 1969 budget of $186.1 billion.

A total of $102 billion in expenditures is available for cutting, half of the amount in defense, AEI's new analysis said.

Welfare, commerce and transportation, health services and research, and agriculture constitute 60 percent of the nondefense items which are controllable according to AEI's analysis of the House-Senate Conference Report of June 10.

The conferees exempted from reductions $84 billion of the President's $186.1 billion budget covering special Vietnam costs, interest on the federal debt, veterans benefits and services, and payments from trust funds established by the Social Security Act.

The remaining $102 billion would be legally subject to reductions under the Conference Report.

The American Enterprise Institute, a nonprofit, nonpartisan research organization, identified major specific programs eligible for cuts, without rating them in any priority.

Neither the President nor the Congress has been willing to single out specific programs where cuts can be made.

The AEI enumeration was confined to programs in the nondefense area, principally because of the difficulty of identifying Vietnam and non-Vietnam expenditures within the defense budget.

The AEI study identified as controllable $35.5 billion of contemplated expenditures in the President's budget authorized prior to 1969, plus $66.5 billion in proposed expenditures from 1969 authority.

The $35.5 billion is the more difficult to cut, the analysis indicated, because some of these funds may already be obligated. In

this grouping, orders and contracts might have to be cancelled, or payments delayed in order to reduce these expenditures during fiscal year 1969.

The House is scheduled to vote Thursday on the Conference Report. The House revenue bill was passed in February, but Senate amendments added the 10 percent tax surcharge and stipulated a $6 billion reduction in expenditures proposed in the 1969 budget. The Conference Report did not specify any areas to cut, but it did exempt the four major activities costing $84 billion.

The AEI analysis defines all proposed expenditures exempted from cutting as "uncontrollable." The remaining $102 billion are called "controllable."

In the nondefense areas, $22.9 billion, or 56.3 percent, was authorized prior to 1969, and is in the category more difficult to cut.

Some $34.8 billion, or 47.9 percent, is proposed to be authorized for 1969. These are the programs that would be easier to pare.

Among these current-authority programs, 23 percent are in welfare, 12 percent in agriculture, 12 percent in health, 9 percent in space, 9 percent in commerce and transportation, 8 percent in general government, 8 percent in education, 7 percent in natural resources, and 5 percent in international affairs and finance.

Under welfare functions, major controllable current authority programs include Economic Opportunity $907 million; Food Stamp $227 million; School Lunch $222 million; Special Milk $84 million; Grants to States for Maintenance Payments $2.2 billion; Social Services Demonstrations Training and Demonstration Projects $453 million; grants for rehabilitation services and facilities $308 million; payments for special benefits for the Aged $226 million; Civil Service Retirement and Disability fund $2 billion, and the Railroad Retirement Account $1 billion.

Under agriculture, the analysis listed as controllable current-authority programs, price support and related programs $2.8 billion; Agricultural Stabilization and Conservation expenses $137 million; removal of Surplus Agricultural Commodities $132 million; Consumer Protective, Marketing and Regulatory Programs $115 million; Conservation Operations and Conservation Reserve $221 million; Co-operative Extension $92 million; Cropland Adjustment $86 million; Sugar Act $82 million, and REA loans $57 million.

Under health activities, current authority programs included are Grants to States for Medical Assistance $1.6 billion; payment to Trust Funds for Health Insurance for the Aged $1.4 billion; grants for Maternal and Child Health and Welfare $190 million; Indian Health Activities $82 million; National Cancer Institute $76 million; Mental Health Research and Services $75 million; National Heart Institute $67 million.

Also included in the current-authority controllable list were $2.4 billion for Research and Development in Space Programs, $236 million for Appalachian Regional Development, $68 million for Operating Differential subsidies in the Maritime Administration, $712 million in the Post Office, $911 million for Elementary and Secondary Educational Activities, $351 million for Higher Educational Activities, and $128 million for expansion and improvement of Vocational Education.

Mr. DIRKSEN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, long years ago, when the Honorable Carl Vinson was chairman of the Naval Affairs Committee in the House of Representatives, he presented to that body not only legislation but also a request for money to fortify the island of Guam.

I was one of those who opposed fortifying Guam, along with others on my side of the aisle. The country did not let us forget it for 7 or 8 years. We discovered that Guam became a sensitive area in the Pacific defense perimeter of this country.

Whenever there is any doubt, I am going to play strong. I am going along with the security of this country.

In every individual, the strongest and most compelling motive is that of self-preservation. We see it day after day in the fundamental effort to escape drowning, or disasters, or burning in a conflagration. Even as that is the strongest and most compelling force in an individual's life, so self-preservation or survival must necessarily be the strongest force, for without it, what else matters?

Why argue about the gross national product, why argue about commerce and trade, if we are looking down the long and dolorous road at the end of which there is also the end of our free institutions and freedom as we know it?

I am under no illusions that when we use the term "survival," there will be a physical destruction of the country as such. But its people can be destroyed and their freedoms ruptured, and the whole free society that is the moving force in this country would be under limitations and inhibitions.

I think that is where we have to stop. That simply dictates that the first and foremost thing before those who speak for the people of this country is the security of this country.

Survival depends upon adequate security.

As everyone knows, the history of weaponry has been the invention of an offensive device and then the development of a counterweapon.

First the club and then the shield.

Then perhaps the sword, and still the shield.

Then the spear and still the shield, and also armor.

Then the longbow and the crossbow, and there is still armor.

Then the invention of gunpowder, and still armor for a time.

Then the successive development of the cartridge as against the old muzzle loader.

The whole history of mankind might well be the invention and the progress of weapon and counterweapon.

Thus, we are at that stage now, after the tank, after the howitzer, after the high explosive shell, after the airplane, after poison gas, after the missile, we are now at the point in weaponry development where, whether we like it or not, this is going to come about. The potential enemies of this country are certainly going ahead with their schemes.

Mr. President, we can sit complacently by and do exactly nothing about it and say that we would rather save $237 million and take a chance on the future.

That is the whole story, as I see it, Mr. President.

From there on, it is a matter of laying out what will happen, if we can.

I say rather categorically today that the so-called ABM or ICBM system is going to come, whether or no.

Not a single speech on this floor is ever going to deter it, because speeches never could deter the progressive development of weaponry in all parts of the world.

Thus, we are right up against the gun.

As has been indicated, they have a system in Moscow. How good or how bad it is, I do not know. No one has tried it.

Mr. President, I have a queasy feeling whenever I think of those days when we assembled at the White House and had them put up these maps and charts and we were told that if we make the first strike, we can kill 120 million persons over on the other side; or if they make the first strike, they can kill 120 million persons over here; or, if we resorted to the second strike, the kill would drop to 80 million.

What a queasy feeling it was to come away from that meeting thinking in terms of the destruction of 80 million, 100 million, or 120 million human beings.

Yet, those are the figures that they put on the blackboard. It is a little too horrible to contemplate. But the fact is that this ABM system is here.

Last year, I had my first briefing at the Pentagon with many experts sitting around. I do not pretend to be an expert in this field—far from it. But I think my finite senses tell me, when a demonstration is made, what I should believe and what I should disbelieve.

What I propose to believe is that we are on the road and that we owe it to the American people not to take a chance. That is just as sure as anything that appears in the book.

Now, of course, it has been said, it is a thin system and we are having in mind the possibility of a disastrous force coming from China. Well and good. But does it stop there? No, it does not. They have been afraid to admit that it takes some doing to arm with this counterweaponry against a multiple set of missiles or many missiles. No one has made that contention insofar as I know. John Foster, who is our leading expert on the subject, has never made that contention, either. But the fundamental research has been done. They have been at it now for 12 years. There have been 7 intensive years of research and development. We have $3 billion plowed into this project now.

Are we going to close it up right then and there and gather all the scientists and say to them, "No more work now." They have been afraid to say it would disrupt the work that is now going on. With that amount of money invested, for the sake of $237 million, I do not propose to jeopardize that $3 billion which has already been invested in this matter.

As the distinguished Senator from South Carolina [Mr. THURMOND] said, the Secretary of Defense has given his approval to this system; likewise the Joint Chiefs of Staff; likewise the Secretaries of the Army, the Navy, and the Air Force; and, of course, the science experts who have been dealing with it have thoroughly approved of it and would like to see it completed.

So under those circumstances, having in mind the security and the survival of the country, I do not propose to go down

the pathway of jeopardy and danger rather than the pathway of security that we owe the people.

This is a time, as the distinguished Senator from Georgia [Mr. RUSSELL] said, of fever and instability. Considering the hates and the passions that are loose in the world today a good deal of sharp criticism would certainly be invited if at this juncture in the program we failed to go through with it and to make certain that in the days ahead we will finally even up the score with those who have provided greater defenses in this field than have we. Therefore, I sincerely and earnestly hope that the Cooper amendment will be voted down.

I address myself to one other thing. I do not see the distinguished Senator from Missouri [Mr. SYMINGTON] in the Chamber at the moment. I am not unmindful that in the bill to provide for a surcharge tax and a reduction in expenditures, Congress is under a mandate to find $6 billion. I am prepared to find it somewhere. I think we could have done better by the Senator from Wisconsin [Mr. PROXMIRE] the other day, when he offered his amendment to cut a billion dollars out of the space program. I would rather do that than cut $237 million from this program. But we will find the places to cut without having to jeopardize the future security of the country.

When it comes to arguing the economy aspects of the matter, there is not a Senator who is not interested in economy. It is only a case of being selective, so that at one and the same time we can have economy and also security.

Nor am I unmindful of the argument that there is great waste and extravagance in the business of weaponry and the conduct of war. Mr. President, so long as there is war, let us make up our minds that it is going to be wasteful; that it is going to be extravagant.

I toured the world at the time of World War II. The things I saw in the Persian Gulf command were enough to make me weep. I saw beer piled up in cases for a distance of a mile, twenty feet high and a block wide. Who in the world was ever going to drink it? There were not that many drinkers in all the Middle East, even though the temperatures went up to 110 degrees during the day. But there it was. And when that show finally fizzled out, what happened to all that beer? It was there, and it became waste, so far as I know. Whether the Mohammedans and the Arabs drink beer, I do not know. But there it was along the Persian Gulf, like so many other things that we left behind. And the Persians were not foolish enough to pay us for it. They said, "Just leave it there, and if it can be salvaged, we will use it."

War is a destructive instrument, and when nations resort to war to arbitrate their differences, you can just assure yourself from the outset there will be waste and extravagance. But the one waste I do not want to see is the waste of human life, if it can be avoided, at all costs.

And so today, while no one can guarantee this system is going to save many lives, yet that is the hope of the best technical brains of the country; and I am laying my vote at their feet and taking a chance on perfecting a system so we will be ready for any enemy, or any potential enemy, or even a country that is not an enemy but would like to use us as a target if they could, and destroy our institutions.

Mr. CLARK. Mr. President, I would like to have 1 minute.

Mr. MANSFIELD. Mr. President, I have the floor. I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I received in this morning's mail a statement by five eminent nuclear physicists entitled, "Statement on the Sentinel Anti-ballistic-Missile Defense System." These men are among the ablest scientists in the country today. Therefore, I deny the statement just made by my friend from Illinois that the best brains in this country support the proposed anti-ballistic-missile system. The fact is they just do not.

I ask unanimous consent that a copy of this statement, signed by these able scientists, Hans A. Bethe, Bernard T. Feld, David R. Inglis, Ralph E. Lapp, Harold C. Urey, together with a statement of the positions which these distinguished gentlemen hold, may be printed in the RECORD.

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

STATEMENT ON THE SENTINEL ANTI-BALLISTIC-MISSILE DEFENSE SYSTEM

We believe that the Sentinel (ABM) system cannot keep pace with the challenge of technological innovation open to strategic systems of offense. We believe that it is a mistake to begin deploying a defense system such as Sentinel which is technically inadequate.

Twice before, under both a Republican and a Democratic Administration, great pressures were exerted to construct a ballistic missile defense shield. The radars, computers and missiles for these ABM systems are now known to be completely inadequate to ward off a strategic attack. If Sentinel is deployed in its present configuration we firmly predict that billions of dollars will be wasted on obsolescent equipment.

We recommend, however, that the Department of Defense vigorously pursue research and development in ABM defense. The possibility exists that breakthroughs may lead to more effective defense systems. We must also make certain that our strategic strike force is capable of countering any future improvements in missile defense.

It appears to us inevitable that if our nation commits $5.5 billion to a "thin" missile defense, then force of circumstance will compel enlarging this and $50 billion may be spent in the process. Even a "thick" missile defense as presently conceived can be overwhelmed by the firepower of existing missile strike forces when equipped with multiple warheads and sophisticated penetration aids. For example, Minuteman III can be fitted with 3 to 6 individual warheads or MIRVs (multiple, independently targetable reentry vehicles). Poseidon, a U.S. submarine launched ballistic missile, can carry more than 6 MIRVs. The total throw weight of our 1000 Minutemen ICBMs and our 656 SLBMs will accommodate 7,000 or even 9,000 thermonuclear warheads.

The MIRV development has profoundly tipped the military scales in favor of the offense. We foresee no comparable technological innovation capable of shifting this balance in favor of the defense. To be effective a defense shield must give promise of being virtually leakproof. In a massive nuclear attack even a modest number of themonuclear explosives detonating on metropolitan targets would be of serious consequence to our civilian population.

The danger exists that deployment of a "thin" Sentinel defense may act to accelerate the nuclear arms race. Soviet leaders may view it as the first step in building a "thick" system aimed at the Soviet Union. Their reaction may well be to authorize increases in their own strategic strike forces to offset any potential U.S. advantage in the nuclear balance of power. We see serious disadvantage to the United States in such nuclear escalation.

Accordingly we urge:

(1) At least a one year moratorium on Sentinel site construction and deployment of hardware.

(2) A vigorous continuing program of ABM research and development.

(3) Establishment of a Presidential Commission to review the status of Sentinel technology, to examine the full implications of Sentinel deployment and to make recommendations on future deployment of ABM systems.

HANS A. BETHE.
BERNARD T. FELD.
DAVID R. INGLIS.
RALPH E. LAPP.
HAROLD C. UREY.

ATTACHMENT A

Prof. Hans. A. Bethe, Laboratory of Nuclear Studies, Cornell University, Ithaca, N.Y.

Prof. Bernard T. Feld, Physics Department, Massachusetts Institute of Technology, Cambridge, Mass.

Dr. David R. Inglis, Physics Division, Argonne National Laboratory, Argonne, Ill.

Dr. Ralph E. Lapp, Quadri-Science, Inc. 1028 Connecticut Ave., Washington, D.C.

Prof. Harold C. Urey, Revelle College, University of California (San Diego), La Jolla, Calif.

Mr. CLARK. Mr. President, their conclusions are clear, and I should like to read them:

Accordingly we urge:

(1) At least a 1-year moratorium on Sentinel site construction and deployment of hardware.

(2) A vigorous continuing program of ABM research and development.

(3) Establishment of a Presidential Commission to review the status of Sentinel technology, to examine the full implications of Sentinel deployment and to make recommendations on future deployment of ABM systems.

Mr. DIRKSEN. Mr. President, I yield myself 1 minute. I would like to ask whether the Senator from Pennsylvania mentioned 55 scientists.

Mr. CLARK. Five.

Mr. DIRKSEN. How many scientists are there in this country?

Mr. CLARK. There are many hundreds. These are among the most eminent scientists.

Mr. DIRKSEN. We have eminent scientists from all over the country. Has the Senator heard from them?

Mr. CLARK. Yes.

Mr. DIRKSEN. The Senator mentioned only five.

Mr. President, I yield 3 minutes to the Senator from Washington [Mr. JACKSON].

Mr. MANSFIELD. Mr. President, I thought I had the floor.

Mr. DIRKSEN. Mr. President, I withdraw that request.

Mr. MANSFIELD. Mr. President, I would like to speak at this time. I would

like to yield to the distinguished acting chairman of the committee handling the bill, but I have been waiting patiently, and I would like to make a few remarks on the pending business.

It has been brought out by the distinguished minority leader that war is wasteful. It certainly is, and the Department of Defense is and has been wasteful down through the years, in wartime and in peacetime.

Today we have 535,000 men in South Vietnam, not including the 40,000 in Thailand, the 40,000 with the Seventh Fleet, another 40,000 in the Philippines, 40,000 in Japan, 50,000 in Korea, 20,000 to 25,000 in Guam. We are engaged in a war which we cannot win militarily unless we want to double the 535,000 we have fighting there now, and redouble that number; unless we want to spend, not $30 billion annually, but $60 billion, and perhaps $120 billion.

Waste—there is plenty of it. And just this past week, this Chamber gave its final approval to what it had initiated—a $6 billion cut in Federal expenditures.

What do we expect? Do we expect the President to take the responsibility? Do we want to shuck off on him the responsibility which is ours to make the cuts in the budget?

What are we afraid of? What is wrong with cutting approximately $2 billion from the enormous sum for research and development sought by the Department of Defense—not in this bill, but in a measure that will be before us? What is wrong with cutting out the fast-deployment logistic ships—not in this bill, but when that bill is before us? Last year every Member of this body voted against those ships, because they were wanted eventually for what? To be stationed in all the oceans and seas of the world, with Marines, helicopters, and logistics materials aboard. For what purpose? To be ready for trouble instantly, in any part of the world. Why? Because too many people in this Government think we are the world's policeman—we are not.

Then we ought to cut such things as the space program, far more than has been done up to this time. And foreign aid, more than the $600 million which the House has cut. Troops in Europe? It cost this Nation $2.7 billion to maintain approximately 600,000 troops and dependents in Europe. So Senators want to cut expenditures? Let us call back 4 of the 6 divisions. We can do it if we want. It is our responsibility to face up to these matters all the time. But we avoid them. We dodge them. We toss everything in the lap of the President.

Usually the Department of Defense just has to ask for what it wants, and Congress will give it to them. This year, for the first time, we have questioned the Department of Defense on various subjects which were brought to our attention, and that time was long overdue.

Of course there is waste in that department. There has been. I suppose there always will be, not only in war, but in time of peace, as well. I think it is up to this institution to fulfill its responsibilities, to check, to recheck, and not to be taken in by what the Joint Chiefs of Staff or the Secretary of Defense, or all of them down there, say they must have, because we never can satisfy them.

Now, getting back to the pending business:

The announcement that the executive branch had decided to deploy an anti-ballistic-missile system was made by Secretary McNamara on Monday, September 18, 1967. At that time he warned:

> There is a kind of mad momentum intrinsic to the development of all new nuclear weaponry. If the weapon system works—and works well—there is a strong pressure from many directions to procure and deploy the weapon out of all proportion to the prudent level required.
>
> The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.

His answer to that was clear and direct. He said:

> We must resist that temptation firmly not because we can for a moment relax our vigilence against a possible Soviet first strike—but precisely because our greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive . . . capability.

The arguments raised against the pending Cooper-Hart amendment manifest clearly, I believe, the "developing pressure" leading to the "mad momentum" of which Secretary McNamara spoke. The system is no longer Chinese-oriented. The system now has definite capabilities against a Soviet-oriented attack. How was this system sold to Congress in the first place? Senators know the answer, and they know what has developed since. The system is thus no longer a thin, $5 billion system. It is the beginning of a $50 billion system—a $50 billion system that even today the Defense Department admits will not work. This is a $50 billion system that will be obsolete before it is even completed.

I, for one, have been somewhat disturbed to witness this "mad momentum" as it has begun building. The pending Cooper-Hart amendment, for example, simply puts off for the coming fiscal year the amount of money requested for real estate purchases and some construction costs toward the finished Sentinel ABM system. Four of the five major components for this ABM system have yet to be fully developed let alone tested. If research and further development and evaluation progresses at the most optimum schedule, this system will not even be operable until 1973. So with this amendment all that Senator COOPER and Senator HART are saying is: "Let's hold off buying the real estate; let's hold off starting the construction of the finished system; let's wait at least until we are a little further along in our research and development."

Congress passed last week, by an overwhelming vote, the Senate-originated tax bill which specified a $6 billion expenditure cut this coming fiscal year. It is very easy to demand a reduction in Government spending. It is another matter to carry through and make the reduction. This will be the Senate's first opportunity since it finally approved that bill last Friday to demonstrate that it means what it says.

I am aware that in some private conversations it is being said that the administration will not spend this money this coming year anyway. But I fail to see how this argument has any validity against the pending amendment. It was the Senate that first urged an expenditure reduction as the price for a tax bill. I think it is also the Senate's responsibility to specify the areas of reduction rather than abdicate this duty to the executive branch. What better way to make our first specification than to defer the acquisition of real estate that will not be needed in the coming year? What better area to apply the scalpel than to the real estate and construction end of a system that is still 80 percent short of being developed, let alone tested and evaluated? What better place to make a reduction than in the land and initial building material costs for a system that would be obsolete against the Soviets on its first day of operation?

It is curious to observe the intrinsic change of this Sentinel system, as reflected in the arguments against the pending amendment. The emphasis has shifted from a Chinese-oriented system to a Soviet-oriented system almost overnight. What a coincidence. This change in emphasis occurs with the announcement that the Chinese are not building their ICBM with the speed we had originally estimated. For our initial timetable to deploy an ABM was predicated upon intelligence estimates of Chinese ICBM development. From the most recent estimates, that development is at least 12 to 18 months behind that which triggered the request for real estate and construction money in this bill. The Cooper-Hart amendment simply takes into account the revised estimate. It simply requests that we apply this new intelligence information and delay by 12 months the acquisition of this real estate. I think the amendment is so eminently reasonable that this request for real estate and final construction money cannot be justified this year if the Sentinel system is fundamentally Chinese oriented. Much more is now stressed about its capabilities against a Soviet threat. This change in emphasis has occurred since the bill was reported from committee on June 13, 1968. On page 14, the committee report on the desks of Senators still characterizes this system as Chinese oriented.

That this system is now considered as having definite capabilities against a Soviet missile attack is to me incredible. As recently as last February the Director of Research and Development for the Department of Defense testified before the Armed Services Committee that he did not know how to build a system that could protect us against a Russian attack. He also testified that the decision, whether Chinese or Soviet oriented, could be postponed 1 year.

Let me quote at this point the testimony of Dr. Foster, Director of Research and Development for the Department of Defense on February 7, 1968, before the Armed Services Committee with respect to the ABM. He has been mentioned many times this afternoon as being a man of great reputation and integrity. He testified:

Mr. Chairman, may I make just a small point that I would like to add to the record, if you don't mind, with regard to the ballistic missile defense? As you have indicated, I have felt strongly about it for a good many years. I believe that the action the United States is now taking is all the action the United States can take, whether in an attempt to stop an all-out Soviet attack, or whether in an attempt to provide damage denial against a Chinese ICBM. *The decision on what to do, whether it is against China or against the Soviet Union, need not be taken for another year.* (Pg. 448, Armed Services Hearings.)

In supporting this amendment I share the views of its proponents and favor continued research and development in the field of antiballistic missiles. I hope we refuse to waste money on a system that presently will not work.

It seems to me that we would want a system that will really save lives if ever called upon, not one that simply invites an increased offensive capacity against us without being able even to handle the increase. The proponents of this amendment want a system that is not obsolete prior to its actual deployment. We do not believe that we must start to construct a system simply because we have spent $3 billion to date for research and development of an ABM system; we do not believe that we must somehow justify such a large expenditure for research by an even larger expenditure to deploy that system not adequately developed.

There is no doubt that if we deploy this ABM, the Soviet Union will respond by increasing her offensive capability. And why not? We increased ours in response to her. She, of course, will assume that our system will work and work with 100-percent effectiveness. She will increase her offensive thrust not only to saturate the ABM, which all agree can be done, but also to saturate it with an effectiveness of 100 percent. This system as now planned does not approach such effectiveness. So with its construction, without waiting for further improvements, we simply are inviting the destruction of even more Americans in the event of a first strike. If, on the other hand, we desire to build a system that works, the Department of Defense should be given the needed research and development support to continue an aggressive research policy rather than cementing its commitment to the construction of this system which is obsolete. And that is what we are doing today in this bill. That is what this adoption of this amendment will prevent.

In closing I would add that I believe the deployment of any ABM system, by its very nature, acts to accelerate the arms race. During this debate I have heard it said that the Russians have tinkered with an ABM defense and therefore we must also build one. But that is totally without merit. This Nation has already responded to intelligence reports that say the Russians may be building an ABM with a vastly increased offensive warhead capability; the so-called MIRV system. To urge that a proper response to a Soviet ABM system is an American ABM system is a self-defeating proposition. It invites only further increased offensive capability on the part of the Soviets. It invites us to get caught up in the "mad momentum" of which Secretary McNamara spoke. I fail to appreciate why we desire to stimulate this greater striking force in the Soviet Union.

This amendment simply defers for one year the request for funds to buy real estate and to start final construction of a system still 80 percent to be developed and one that cannot be operational for at least 4 years. This vote will be but the first straw in the wind in determining whether the Senate desires immunity for military projects leaving the great impact of the $6 billion cut to programs of human resources. It will be the first indication of whether the "mad momentum" has truly set in.

It will be the first chance the Senate will have to exercise its Constitutional responsibility in determining the priorities in the funding of Federal programs.

I strongly urge Senators to consider the value of the advice offered by the Senator from Maine [Mrs. SMITH] and the Senator from Missouri [Mr. SYMINGTON], two of the best versed members of this body in the field of national security, and to vote with them; and by the distinguished Senator from Kentucky [Mr. COOPER] and the distinguished Senator from Michigan [Mr. HART] for the pending amendment.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Washington [Mr. JACKSON].

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, first I would like to ask unanimous consent to include in the RECORD at this point the letter I received—and which was referred to, by the Senator from Georgia [Mr. RUSSELL]—from Dr. John S. Foster, Jr., Director of Defense Research and Engineering, pointing out that the adoption of the Cooper-Hart amendment will cost our Government an additional $300 million dollars, as a minimum, to regain our position and to start moving the program again.

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

DIRECTOR OF DEFENSE,
RESEARCH AND ENGINEERING,
Washington, D.C., June 22, 1968.

Hon. HENRY M. JACKSON,
Senate Armed Services Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: You have asked what, if any, would be the increased cost of the Sentinel deployment brought about by a one-year suspension in procurement and construction obligations, and the resultant two-year extension in program deployment which would be brought about. We estimate that the increase concerned would be at least $300 million.

The $300 million is only the amount that would be necessary to hold a minimum planning, design and manufacturing capability over the year's suspension, together with that involved in regaining after the suspension the construction/production position we have now achieved. It does not consider, of course, any cost of living increase that might occur in the period.

Sincerely,

JOHN S. FOSTER, Jr.

Mr. JACKSON. Mr. President, for a long time in this community it has been said that a real need exists for a great debate on the questions of national security, foreign policy, and defense. I do not think that many of us had any idea that it would come up in connection with a military construction bill.

We have been debating this subject at great length for 3 days. And I want in concluding my remarks to pay tribute to the able Senator from Kentucky for the gentlemanly way in which he has participated in this dialog and debate. The Senator from Kentucky has properly raised questions that should be raised and should be answered in this body. And I think that we have had an excellent debate covering our weapons requirements and the intentions of our adversaries. I hope, as a result of the vote here today, that we can let the world know that we are determined to maintain a strong posture.

Mr. President, I want to touch on only 2 or 3 items. Much has been said about the $6 billion budget cut. Let no one be fooled. There will be a heavy cut in the Department of Defense budget. The Secretary of Defense said just this past week that it will be a minimum of $2 billion and a maximum of $3 billion out of his Department.

Mr. President, I have a liberal voting record in the Senate. My personal record of sponsorship and support of liberal and humanitarian causes—in both the House and the Senate—rates second to no other Senator. This is not some idea that just arrived lately. And, there is a humanitarian aspect contained in the pending legislation. We are talking about saving 20 million to 30 million American lives as a minimum. Is not that something worth considering when we are talking about the life and death of the Western World?

Oh, Mr. President, "the mad momentum."

I have served on the Joint Atomic Energy Committee as a Member of the House and of the Senate for 20 years. I recall our record in the field of strategic weapons. Mr. President, somehow, there are those in this country—and I do not refer to any individual Senator—who feel that we, somehow, must have a guilt complex on strategic weapons; that, somehow, we in this country are the ones who have provoked a strategic weapons race.

I shall take just a moment to summarize. We had a monopoly of atomic weapons from July 1945 until August 1949. What did we do? We went into the United Nations with the Acheson-Baruch-Lilienthal proposal, and we offered to turn over our nuclear stockpile to the United Nations under a system of inspection and control. Who vetoed it? The Soviet Union. For the next 4 years, although we had the know-how, we did not go ahead with the hydrogen bomb—it was then called the Super Project—until that day in August of 1949 when the Russians exploded their first nuclear device. Then we got busy to work on the hydrogen bomb. And the difference in time between when we got it and Moscow got it was very close. We achieved thermonuclear devices November 1, 1952; the Soviets got theirs in July or August of 1953.

Who was the first to develop an intercontinental ballistic missile? The Soviet Union. Who was the first to develop an antiballistic missile? The Soviet Union. Who was the first to develop a fractional orbital bombardment system, known as FOBS? The Soviet Union.

When we are talking about trying to reach agreements with Moscow, it should be pointed out that at the very time they were placing their signature to the space treaty, they were deploying and testing and firing FOBS, the fractional orbital bombardment system which is a first-strike oriented weapon. By pushing another button, they could put a FOBS in full orbit; and if a weapon were in it, it would be in violation of the treaty.

I mention these matters only to point out that we come into the court of world opinion with clean hands when it comes to trying to do something about controlling strategic weapons. For 6 long years, since the Russians deployed their first ABM, we have not deployed an ABM. And it will be 5 years before we will have one deployed, whereas they deployed their first battery around Leningrad about 1962.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. DIRKSEN. I yield 5 additional minutes to the Senator from Washington.

Mr. JACKSON. Something has been said about eminent scientists, and some of the names mentioned today were very interesting. Some of those names were very interesting to the junior Senator from Washington. I see in the Chamber some members of the Joint Committee on Atomic Energy who were members of the Committee at the time—Senator ANDERSON, Senator PASTORE—we made the eventful decision that had to be made on the hydrogen bomb. Mr. President, the Senate should know that every member of the Science Advisory Committee to the Atomic Energy Commission opposed going ahead with the hydrogen bomb. Why? Because, they said, there was no need for it.

And because, they said, the Russians would not go ahead with it. That is the record. And some of those on that committe of scientists were the most eminent names in American science.

I mention this, Mr. President, not to say that scientists are always wrong, but I point out the fallibility of all of us—Senators, Representatives, civilians in defense, men in uniform. I do not believe it is an answer to anything to say that a group of eminent scientists may be opposed to or in favor of a given program.

Mr. President, it seems to me that there never has been a time when there was need for a greater balance. I want our social welfare programs. I have a record in the House and Senate to support it. But I learned a long time ago that in life you have to live by a system of priorities. And we will not enjoy these domestic programs if we lose our security. The very survival of this Nation comes first, I submit that this is the time when we need the national security programs that will make it possible for this country to maintain a steady hand in a very unsteady world.

The President's chief civilian and military advisers with responsibility for the defense of this country unanimously recommend that we should proceed now with the deployment of our Sentinel ABM system.

I hope the amendment will be rejected decisively.

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

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. LAUSCHE. I should like to ask the Senator a question.

Mr. DIRKSEN. I yield 1 minute to the Senator.

Mr. LAUSCHE. The argument has been made that 80 percent of the development of the ABM has not been completed. The words have been used "four-fifths of it are yet unfinished." I should like to hear an explanation of that argument.

Mr. JACKSON. In the development of any sophisticated weapons system, you have a long leadtime. It is 5 years in connection with this ABM system. You do not finally develop every component part before you start to assemble it. If you did, you would be buying obsolescence. This is nothing new. This is the case whether you are building a nuclear submarine, a complicated aircraft, or any sophisticated system. This is an inevitable element of scientific and technological development.

Mr. ANDERSON. Mr. President, last September, Secretary of Defense McNamara announced a decision to deploy an anti-ballistic-missile system oriented toward a possible future Chinese threat. That announcement climaxed a technological investment spanning more than a decade and an expenditure of $3 billion.

As a member of the Joint Committee on Atomic Energy, I have watched closely the development of our technological capability which now makes it possible to deploy a thin anti-ballistic-missile system.

I support those appropriations for the anti-ballistic-missile system, while acknowledging we have discovered no panacea and no ultimate defensive posture. The question of the ABM is essentially one of national and international security. Will it contribute and will it further the national security of the United States and the international security of the world in which this Nation must function?

I am of the opinion that the answer is affirmative. I do not maintain that the ABM system, as presently envisioned, is totally effective. On the contrary, I am the first to recognize possible limitations on its technical effectiveness and indeed its value as an effective weapon in a political and psychological sense. But what I support is the concept of potential effectiveness against China's nuclear weapon. I support, to quote Lt. Gen. Alfred B. Starbird, "limited protection" against accidental launches from any source and perhaps above all the retention of options—defensive and offensive.

No one can really predict in what direction the world will move, but I can predict tremendous difficulties ahead for this Nation if we do not retain our options.

As one greatly concerned with our fiscal posture, I can appreciate the substantial expenditure involved. But I cannot yield to logic limited to fiscal considerations alone when it might sustain this country's vulnerability to nuclear attack. The safety of this country must be uppermost among our considerations—financially and militarily.

It is regretful that we have been unsuccessful in reaching an agreement with the Soviet Union on deployment of anti-ballistic-missile systems. We have tried and we are willing to try again. Deputy Secretary of Defense Paul H. Nitze made that clear in hearings before the Subcommittee on Military Applications of the Joint Committee on Atomic Energy when he said:

> Our decision to go ahead with a limited ABM deployment in no way indicates that we feel an agreement with the Soviet Union on the limitation of strategic nuclear offensive and defensive forces is any less urgent or desirable.

We cannot afford to let that stalemate undermine our own best interests which firmly support deployment of an ABM system now.

THE NEED FOR AN ANTI-MISSILE-DEFENSE SYSTEM

Mr. DODD. Mr. President, I am opposed to the Cooper-Hart amendment which would strike the appropriation for the Sentinel anti-missile-defense system, because I feel that such an action would be taking an unpardonable risk with our national security.

It is argued by those who are opposed to the development of an anti-missile-defense system that such a move would result in escalating the arms race with the Soviet Union.

In the light of the record of the post-war period, and especially of recent years, this is an argument I simply fail to understand.

I recall that in the late forties the President's Scientific Advisory Committee unanimously recommended that we desist from attempting to develop the hydrogen bomb because, so they reasoned, such an escalation would be matched by a paralled escalation on the part of the Russians.

Characteristic of the blind opposition of most of the scientific community to the development of the H-bomb, was Dr. Hans Bethe's statement that "it cannot be built and should not be built."

At the time they made this recommendation, the Russians were already hard at work on their own hydrogen bomb; and if Dr. Edward Teller had not been taken to see President Truman and if President Truman had not been persuaded to ignore the unanimous advice of his Scientific Advisory Committee, the Soviets would have had the H-bomb before we had it. As it was, we beat them to the punch by an uncomfortably narrow margin.

At a later date, the same group of ivory towered scientists were instrumental in persuading the Eisenhower administration to agree to an uninspected moratorium on nuclear testing. Again the argument was that if we eased up on nuclear research, this would encourage the Soviets to ease up on nuclear research

at their end. This mutual deescalation, it was said, would in itself make the peace of the world more secure; and it would have the further benefit of facilitating an agreement on nuclear testing.

On our side, nuclear research came to a virtual standstill. On the Soviet side, however, nuclear research was pushed with fanatic determination. The result was that, when the Soviets unilaterally abrogated the moratorium in August of 1962, the advanced technology they displayed in the massive series of tests they then conducted, for all practical purposes eliminated the 4 to 5 year technological lead which we had enjoyed in the fifties.

I said at the time that the moratorium was the most monumental act of bipartisan folly in the history of our country. In retrospect, I see no reason to change this assessment.

Undaunted by their previous errors, the same group of scientists succeeded in attaching themselves to Secretary McNamara; and they were, apparently, successful in convincing him that we must seek to bring about a mutual deescalation of the nuclear arms race by taking a series of unilateral actions in the field of nuclear disarmament, or by reaching agreements on disarmament with the Soviets even if the Soviets would not agree to inspection.

Acting on their advice, we announced to the world that we were cutting back on the production of weapons quality uranium and closing down some of our reactors.

All the evidence is that the Soviets have responded to this unilateral action by stepping up their own production of uranium.

Acting on their advice, too, we stabilized our number of land based missiles at 1,054. This number has remained constant for 3 years now.

Meanwhile, the Soviet Union has increased its own force of land-based strategic missiles from an estimated 340 in 1966 to approximately 1,000 at this date. Indeed, there are many experts who believe, that, despite our supplementary force of Polaris missiles, the Soviet Union already enjoys a substantial strategic superiority over the United States because their missiles are fitted with far more powerful warheads than are ours.

We entered into a treaty barring nuclear weapons from outer space without provisions of any kind for inspection. And a short while later the Soviet Union rewarded our trustfulness by announcing the development and deployment of fractional orbital missiles which would reduce our warning time from 15 minutes to 5 minutes or less.

For years, at the urging of the same group of scientists, we dilly-dallied over the development of an anti-missile-defense system. Actually, promising research in this field had already been accomplished in the early sixties; and as early as 1963 the Army research team concerned with the development of the Nike antimissile system demonstrated their ability to identify a missile from surrounding decoys and to rendezvous with it in midcourse.

By 1964, the basic research has been completed on the so-called Nike-X anti-missile-defense system which, like the Sentinel system combined long-range interception with short-range interception of those missiles that survived the first barrier. The Joint Chiefs of Staff unanimously recommended at the time that we proceed with the construction of the Nike-X anti-missile-defense system. But they were overruled by the Secretary of Defense, acting on the advice of the same scientists who had so many times been wrong.

Today, despite the fact that the Soviets have for several years now been building an anti-missile-defense system of their own, some of these scientists still hold that we must refrain from building an American anti-missile-defense system for fear that this will result in a reciprocal escalation on the Soviet side.

At an early date, I intend to speak at length on the "the myth of the détente," because I believe that this stubborn fallacy is basically responsible for the mistakes we have made in the past and for the mistaken arguments advanced by those who today argue against the building of an anti-missile-defense system.

I do not understand how anyone can possibly talk about a détente in the face of the massive Soviet support for Hanoi; the Soviet naval buildup in the Mediterranean and the Persian Gulf and now the Indian Ocean; the growing Soviet influence throughout the Arab world and its open intervention in Yemen and South Arabia; and, within the past week, the reopening of the Berlin crisis by the imposition of serious restrictions on traffic between West Berlin and West Germany.

Instead of a détente, we are witnessing a terrifying intensification of the cold war in every part of the world, and an equally terrifying buildup, both quantitative and qualitative, of the Soviet Armed Forces. And all the indications are that the situation will become even more acute over the coming years.

No one likes to be a Cassandra, but these are the facts as I see them, and we ignore them at our own peril.

The arguments in favor of the Sentinel anti-missile-defense system have been well stated by the chairman of the Senate Preparedness Subcommittee and by the junior Senator from Washington and by other spokesmen. Briefly, these are the arguments that have been advanced.

First, the Sentinel system would provide us with substantial protection against the possibility of a Red Chinese attack, at least for the foreseeable future.

Second, it would afford significant protection for our Minuteman missiles in the event of a Soviet attack.

Third, even at the level of deployment contemplated, it would reduce civilian casualties in the event of an all-out Soviet attack by as much as 20 to 30 million.

Fourth, it would provide us with protection against an accidental missile firing by either the Soviets or the Red Chinese.

Fifth, it would put us in stronger position to negotiate for meaningful disarmament measures with the Soviet Union.

There are a few additional arguments that I would like to add to these.

The basic purpose of our nuclear arsenal is to prevent or limit aggression and to prevent the outbreak of nuclear warfare.

From this standpoint it is essential that our deterrent capability be as credible as possible, both to our potential enemy and to our friends.

Every ounce of doubt we can instill in the minds of our potential enemies and every ounce of confidence we can convey to our friends is a plus from the standpoint of enhancing the deterrence to nuclear warfare.

We are dealing here, admittedly, with certain scientific and technological unknowns. But we are also dealing with subtle psychological factors that may, in the final analysis, be more important than weapons systems in the prevention of nuclear warfare.

If the world knows that the United States has a far greater arsenal of strategic nuclear weapons than the Soviet Union, it enhances the credibility of our deterrent power, and, to that extent, it encourages those who depend on us and fortifies our diplomacy.

If, on the other hand, the world is informed, as is today the case, that the Soviets have achieved parity in strategic missiles and will shortly surpass us, this inevitably disheartens our friends, weakens our diplomacy, and emboldens the Soviets.

If the world is told that the Soviets have for several years now been building an anti-missile-defense system, while the United States has none, this, too, weakens our deterrent capability by sowing more doubts in the minds of our friends and more doubts in our own minds, and it puts the Kremlin in a stronger position to play the dangerous game of poker bluff in its diplomacy.

No one knows for sure how extensive the Soviet anti-missile-defense system is. No one knows moreover, how effective it would prove against a massive retaliatory strike. It may well be that the system is not as extensive or as effective as the Soviets would like the world to believe. But precisely because the free world does not know for sure, it will have to worry.

In any given crisis situation the possibility that the Soviet anti-missile-defense system may be significantly effective would have to weigh heavily on the minds of our leaders and of our allies.

Suppose, for example, we were confronted with a Cuban missile crisis today. Suppose that, instead of our enjoying overwhelming strategic superiority, our leaders had intelligence that the Soviets now possessed a substantial superiority.

Suppose, in addition, they had intelligence reports, accurate or inaccurate, which credited the Soviet anti-missile-defense system with a high degree of effectiveness, while we had no system of any kind.

Would an American President, confronted with such a situation, be able to throw down the nuclear gauntlet to the Kremlin, as President Kennedy did at the time of the Cuban missile crisis? Frankly, I seriously doubt it.

The time has come for an urgent reassessment of our entire nuclear policy and particularly of the question of antimissile defense.

This is not an area where we can afford to guess on the cheap side. At the height of World War II, we were spending approximately 45 percent of our national income on the war. During the Korean war, the rate was 15 percent. Today we are spending less than 10 percent of our national income on defense, the cost of the Vietnam war included. If this were increased to, say, 11 percent, it would provide us with more than ample funds for an anti-missile-defense program and a shelter program organized on an adequate scale and on a top priority basis.

Can we afford to do less where survival is at stake?

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which the Senator from Alaska [Mr. BARTLETT] had intended to make. He is necessarily absent today.

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

THE HARD DECISION

Mr. BARTLETT. Mr. President, this is a year for hard decisions.

And this, Mr. President, is one of the hardest.

I shall vote in favor of the Cooper-Hart amendment which, if it passes, will have the effect of deferring for at least a year, perhaps forever, the construction of the so-called thin line Sentinel anti-ballistic missile system.

I shall vote in favor of postponing Sentinel even though the President and former Secretary of Defense McNamara have recommended its construction this year.

I have never cast a vote of greater importance than this, Mr. President, nor have I ever given more thought to an issue.

The technology and expense of warfare is immense, beyond all rational comprehension. I am not a technician, not an expert, not a scientist, nor a military specialist. And yet I am a Senator and as a Senator I must vote on issues which affect the welfare of the country and the future of the world.

This is such an issue.

I owe it to myself and to my constituents to explain my position:

(1) I support continued research and development of the Sentinel ABM. And I shall so vote.

(2) I support continued research and development of alternate anti-ballistic missile systems. And I shall so vote.

(3) I believe that America must keep its options open and its competence on the ready to commit whatever is needed, whenever it is needed, to insure the security of the nation and hopefully to exert a peaceful influence in the world power struggle with which man is cursed. My understanding is that by committing billions of dollars to the construction of Sentinel *now*, we freeze ourselves *into* the construction of a system developed in the early sixties; we freeze ourselves *out* of the improvements in the state of the art which have occurred since then; and we close out our options by so doing. For these reasons, I shall vote against construction of Sentinel.

Mr. President, our nation nears a perilous new escalation of its nuclear defense program. For some time, the United States and the Soviet Union have had the capability and means to destroy each other. Until now the fear of certain destruction has been an effective deterrent. But now there is the prospect—and, so far it is little more than a remote possibility—of the development of an effective anti-ballistic-missile system. A nuclear power armed with such a system would have a significant advantage over one that did not.

If such a system existed, the people of the United States would have a perfect right to ask that it be installed—whatever the cost—to protect them from the possibility of an irrational, suicidal, enemy's decision to attack the nation. Mr. President, if an ABM system, or any system for that matter, existed which could assure the nation's security, no man would oppose its immediate deployment.

But no such system now exists.

It has been proposed to the Congress that funds be authorized for the deployment of a thin line Sentinel ABM system as a partial protection from the threat of Chinese ICBMs which it is believed may be operative at some point in the 1970's.

The Sentinel ABM system was designed and has grown from the bones of two previous systems, Nike-Zeus and Nike-X. These were designed and developed in the 1950's yet were found to obsolete and unworkable by most new weapons systems even before they could be deployed. In like manner, I am not convinced that Sentinel will work, even against the relatively minor threat posed by the Chinese. It will not, nor do its adherents claim that it will, exert any deterent effect upon the Russians. With the Russians, as in the past, our deterent is our offensive capability: They can destroy us but we can guarantee their destruction in return.

Throughout the cold war the development of offensive weapons as opposed to defensive systems has been cheaper, faster and more economical: Witness the rapid progress made by the United States and the Soviet Union in offensive missile development. It is quite possible that Communist China, even though in an elementary stage of ICBM development, could design missiles capable of evading the "thin" Sentinel ABM defenses which are designed from technology available in the 1960's yet which would not be completed until the 1970's.

A Chinese capability to launch an ICBM attack on the United States is not now expected until at least the mid-1970's. Chinese missile development has been delayed says the Defense Department by at least one year because of internal unrest linked with the cultural revolution. This delay gives the United States an extra year to continue research and development on the Sentinel System to perfect and test. In addition, the year will allow for continued research in other fields of ABM design, leading perhaps to the development of a more modern, more effective, more reliable system.

In this year, of all years, considering the austere budget restrictions we have placed upon the administration, and considering the crying need for funds to feed and house, educate and employ the poor, the needy, the dispossessed, I feel that this year the nation can wait through fiscal year 1969 before deciding whether to deploy a limited ABM System. The delay will lend itself to the improvement and updating of the system and or its alternative possibilities.

I have a last word, a last reason for voting against the Sentinel. The thin line would cost between $5 billion and $10 billion: the hard line which would follow, as the night the day, would cost upwards of $40 billion. Our society, already heavily committed to war and weapons of destruction, might well become dominated by war and weapons of destruction.

Mr. President, I want no part of a society in which we stand, as Tennyson said:

"Looking over wasted lands,
Blight and famine, plague and earthquake,
Roaring deeps and fiery sands,
Clanging fights, and flaming towns, and
Sinking ships, and praying hands."

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky and the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. YARBOROUGH (after having voted in the negative). On this vote I have a pair with the senior Senator from Indiana [Mr. HARTKE]. If present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia: I announce that the Senator from Alaska [Mr. GRUENING] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Connecticut [Mr. RIBICOFF] are necessarily absent.

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Oklahoma would vote "nay."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Idaho would vote "yea" and the Senator from Nebraska would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Idaho [Mr. CHURCH]. If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Idaho would vote "yea."

The result was announced—yeas 34, nays 52, as follows:

[No. 190 Leg.]

YEAS—34

Aiken	Mansfield	Prouty
Brooke	McCarthy	Proxmire
Burdick	McGovern	Randolph
Case	Metcalf	Scott
Clark	Mondale	Smith
Cooper	Morse	Symington
Ellender	Morton	Tydings
Gore	Moss	Williams, N.J.
Hart	Muskie	Williams, Del.
Hatfield	Nelson	Young, Ohio
Javits	Pell	
Lausche	Percy	

NAYS—52

Allott	Ervin	McClellan
Anderson	Fannin	McGee
Baker	Fong	Miller
Bayh	Griffin	Mundt
Bennett	Hansen	Murphy
Bible	Harris	Pastore
Boggs	Hayden	Pearson
Brewster	Hickenlooper	Russell
Byrd, Va.	Hill	Smathers
Byrd, W. Va.	Holland	Sparkman
Cannon	Hollings	Spong
Carlson	Inouye	Stennis
Cotton	Jackson	Talmadge
Curtis	Jordan, N.C.	Thurmond
Dirksen	Jordan, Idaho	Tower
Dodd	Kuchel	Young, N. Dak.
Dominick	Long, La.	
Eastland	Magnuson	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

McIntyre, against.
Yarborough, against.

NOT VOTING—11

Bartlett	Hartke	Monroney
Church	Hruska	Montoya
Fulbright	Kennedy	Ribicoff
Gruening	Long, Mo.	

So the amendment of Mr. COOPER and Mr. HART (No. 854) was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from Ohio is recognized.

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

Mr. YOUNG of Ohio. I yield.

PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the majority leader about the schedule for the remainder of the day, and whether there will be any more record votes.

Mr. MANSFIELD. It is my understanding that the distinguished Senator from Ohio [Mr. YOUNG] will offer another amendment relative to the ABM. Senators should expect a vote around 6 p.m. It will be a yea-and-nay vote.

The distinguished Senator from Pennsylvania [Mr. CLARK] has seven amendments which I think we shall take up tomorrow.

Mr. DIRKSEN. I thank the distinguished majority leader.

ORDER FOR ADJOURNMENT UNTIL 11 A.M., TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 o'clock tomorrow morning.

The VICE PRESIDENT. Is there objection? The Chair hears no objections, and it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Following disposition of the pending business it is the intention of the joint leadership to take up the second supplemental appropriation bill and, following that, to take up the appropriation bill dealing with the Department of the Interior and related agencies.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 22, 1968, the President had approved and signed the act (S. 974) to authorize the Secretary of Agriculture to convey certain lands to the city of Glendale, Ariz.

GUN CONTROL—MESSAGE FROM THE PRESIDENT (H. DOC NO. 332)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on the Judiciary:

To the Congress of the United States:

Within the hour, in some city in America, a gun shot will ring out. And someone will fall dead or wounded.

Unless we act purposefully to prevent it, reckless and wild gunfire will be heard again—tomorrow, the day after, and all the days to follow.

—as it was last Tuesday, when a 71-year-old gas station attendant was shot to death in the course of a $75 armed robbery;

—as it was last Wednesday, in Graceville, Florida, when a mental patient shot a 3-year-old boy through the back of the head;

—as it was last Thursday, in Chicago, when a young man was killed and three others injured by shotgun blasts fired by a band of roving teenagers.

These tragedies are imbedded in the grim statistics of death and destruction at gun point. The terrible toll is rising.

The latest report of the Federal Bureau of Investigation documents a shocking increase in crimes where deadly weapons are the instruments of violence.

In 1967, there were:

—7,700 murders with guns. In 1966 there were 6,500.

—55,000 aggravated assaults with guns. In 1966 there were 43,000.

—Over 71,000 robberies with guns. In 1966 there were 60,000.

It took this country nearly two centuries to respond to the danger of guns in criminal and incompetent hands. The first Federal action came in the early 1930's, when the Congress enacted safeguards controlling the use of sawed-off shotguns and submachine guns to answer the public indignation and fear arising out of organized gang wars in the cities.

But very little was done in the next three decades, while the velocity of speeding bullets exacted their deadly toll across America. Alone among the modern nations of the world, we remained without the gun control laws that other countries accept as an elementary need and condition of life. We can see the difference in the last reported comparisons of homicides by gunfire. Out of 15 countries reporting, the U.S. ranked worst—with a rate of 2.7 gun murders per 100,000 population. Here are some of the statistics:

—2.7 for the U.S.—.03 in the Netherlands, and .04 in Japan,

—2.7 for the U.S.—.05 in England and Wales,

—2.7 for the U.S.—.12 in West Germany and .70 in Italy,

—2.7 for the U.S.—.52 in Canada and .26 in Belgium.

Since I first became President, I have fought for strong gun control laws.

Now—at long last—we have begun to move.

When I signed the Safe Streets Act last week, America took the first major step to control deadly firearms. That measure outlawed the interstate traffic in handguns and prohibited the sale of these small and lethal weapons to minors.

We are now within sight of the second major step—the control of interstate traffic in shotguns, rifles and ammunition, as I requested of the Congress on June 6. I hope the Congress will move with the greatest speed to complete its action on this proposal for protection.

But even before that step is finally completed, we must look to the next advance for the safety of the American people.

With the enactment of these measures, we will have constructed the Nation's first foundation upon which the States can build and develop their own gun control laws. Without this bulwark of interstate protection, even the best State laws would be exercises in futility.

To assure the protection of our people, Federal law needs two additional reinforcements:

—A national registration of all firearms, both those already in private hands and those acquired in the future.

—Federal licensing of all possessors of firearms in those States whose laws fail to meet minimum Federal standards.

Registration and licensing have long been an accepted part of daily life in America. Automobiles, boats—even dogs and bicycles in many communities—are commonly registered. Our citizens must get licenses to fish, to hunt, and to drive. Certainly no less should be required for the possession of lethal weapons that have caused so much horror and heartbreak in this country. Surely the slight inconvenience for the few is minimal, when measured against protection for all.

I propose, first, the national registration of every gun in America.

There are now more firearms than families in America. The estimates range between 50 and 100 million guns in this country. Last year more than 3 million guns were added to private stocks, building a massive arsenal which arms the murderer and the robber.

Registration will tell us how many guns there are, where they are, and in whose hands they are held.

Car registration has been the major factor in solving hit-and-run auto deaths. The new National Crime Information Center, operated by the Federal Bureau of Investigation has already be-

gun to compile and computerize data on stolen automobiles, stolen guns, fugitives from justice, and other criminal activities.

Now, for the first time, computer technology has made the national registration of guns practical and workable. The registration of guns can be fed into a computer bank at the National Crime Information Center. Through this system, the owner of a gun anywhere in the country can be identified in a matter of seconds.

Second, I propose that every individual in this country be required to obtain a license before he is entrusted with a gun.

Every murder by gunfire is a criminal confrontation in which—by design or through a conspiracy of events—the criminal faces his victim through the telescope cross-hairs of a rifle or over the barrel of a pistol. An inflamed moment seizes the criminal's mind, and his finger presses the trigger.

We may never be able to keep that criminal mind from erupting into violence, but we can stay the finger that squeezes the trigger—by keeping the gun out of the murderer's hand.

The surest route to accomplish this is to require every person who wants a gun to be licensed, first proving that he meets the qualifications.

The initiative for licensing should, of course, rest with the States for there licensing can most effectively be carried out. Some States have already enacted comprehensive licensing laws which prevent the vicious, the irresponsible and the insane from acquiring firearms. In New Jersey, for example, which has had a licensing law for only a short period of time, over 1,500 disqualified persons have been denied access to lethal weapons. And States which have licensing requirements have lower homicide rates.

The States are now working on model gun control laws through a special committee of the National Association of Attorneys General, the National Council of State Governments, and the National Governors Conference. I have urged that their work be expeditiously pursued.

To assure uniformity and adequate protection, the law I proposed would establish minimum Federal licensing standards. These would prevent firearms from being sold to or possessed by criminals, dope addicts, alcoholics, the mentally ill, and any others whose possession of guns would be harmful to the public health, safety or welfare.

The Federal licensing law would go into effect only in those States without at least comparable standards, and only after the States have been given an opportunity to act first.

I call upon every Governor and State legislature to move as rapidly as they can to enact forceful laws for the protection of their people.

Nothing in these proposals will impair the legitimate ownership or use of guns in this country. In other countries which have sensible laws, the hunter and the sportsman thrive. These measures will entail no more inconvenience for the gun owner than dog tags or automobile license plates pose for any citizen. Nor are they threats to the mystique of manhood, or to the heritage of our people. Only the potential murderer's chance to kill and only the potential robber's chance to terrorize are threatened. The only heritage that is harmed is the record of violent death and destruction that shames our history.

The proposals in this message are no more and no less than commonsense safeguards which any civilized nation must apply for the safety of its people.

The American people have been too long without them. The cost of inaction through the decades affronts our conscience.

Homes and city streets across the Nation which might have rung with gunfire will be spared the tragedy of senseless slaughter. We will never be able to measure this violence that does not erupt. But our history tells us America will be a safer country if we move now—once and forever—to complete the protection so long denied our people.

I urge the Congress, as I have throughout all the days of my Presidency, to act immediately to control interstate sales of shotguns, rifles and ammunition. Hearings on this legislation have long since been completed. The legislation has been reported favorably by the House Judiciary Committee and the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee. That legislation—providing basic protection against interstate slaughter by firearms—should be brought to a vote without delay.

Once that foundation of interstate protection has been established, the registration and licensing proposals made in this message should be enacted. But these proposals afford no justification for delay in enacting strong and effective controls over interstate traffic of deadly weapons. Indeed, they build upon the foundation of interstate control which is so essential to their effectiveness.

Let us delay no longer in enacting that basic foundation of interstate protection and then let us go on to build—through registration and licensing—the kind of protection so long denied the American citizen.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 24, 1968.*

THE PRESIDENT'S LEADERSHIP IN GUN CONTROL LEGISLATION

Mr. TYDINGS. Mr. President, today President Johnson has answered the demand of the American people for real action to meet the menace of the gun traffic in this country. He has endorsed Federal legislation providing for national registration of all firearms and licensing of firearms users, when the States fail to act. Such Federal firearms registration and licensing as the President now proposes and as 16 Senators and I have proposed, in my National Gun Crime Prevention Act, are absolutely essential to law enforcement and public safety.

I welcome this Presidential leadership in the fight for a sane national gun policy. President Johnson's endorsement of Federal firearms registration and licensing is an enormous boost to those of us who have been fighting for so long for a truly effective gun control law.

The President has renewed his request that his pending bill for control of mail-order firearm sales be enacted promptly. But I believe he will support the efforts I intend to make to add licensing and registration provisions to the mail-order bill during the course of Senate proceedings on it. I congratulate President Johnson on this new firearms measure.

His leadership, added to the enormous ground swell of public and congressional support for firearms registration and licensing, encourages me to believe that the needs of law enforcement and citizen safety may at last break the gun lobby stranglehold on effective gun legislation.

GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY—APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the Senator from Rhode Island [Mr. PASTORE] and the Senator from Iowa [Mr. HICKENLOOPER] to attend the 12th session of the General Conference of the International Atomic Energy Agency, to be held in Vienna, Austria, on September 24, 1968.

CONSTRUCTION AT MILITARY INSTALLATIONS

The Senate resumed the consideration of the bill (H.R. 16703) to authorize certain construction at military installations, and for other purposes.

AMENDMENT NO. 851

Mr. YOUNG of Ohio. Mr. President, I call up my amendment (No. 851), and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT LEGISLATAVE CLERK. On page 79, beginning with line 18, strike out all down through line 21, and insert in lieu thereof the following:

"Conus, various locations: operational facilities, $160,000."'

Mr. YOUNG of Ohio. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). How much time does the Senator from Ohio yield himself?

Mr. YOUNG of Ohio. I yield 15 minutes, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 15 minutes.

Mr. YOUNG of Ohio. Mr. President, the military construction authorization bill provides for $227.3 million for construction of facilities to support the Sentinel anti-ballistic-missile system. My amendment would strike this authorization from the bill. This is an indefensible expenditure. It would result in an utter waste of taxpayers' money, just as all of the millions heretofore spent on the deployment of anti-ballistic-missile systems ringing some cities of our Nation have been fruitless and wasteful. The fact is that the United States has spent almost $19 billion since World War II

on missile systems that either were never finished or were out of service when completed because of obsolescence.

This proposed appropriation is only the beginning of what could become the greatest waste of taxpayers' money in the history of the Nation. Even a first step to protect our Minutemen missile sites and to a lesser degree 10 American cities would eventually cost at least between $3 and $4 billion, with the likelihood that this would be doubled by operational costs.

Former Defense Secretary McNamara, the greatest Secretary of Defense to ever serve the Nation, has made it clear that this would merely be a downpayment on a price tag that would eventually be at least $40 billion. From research that I have made on this subject, I am convinced that the total price tag would eventually come closer to $60 or $70 billion, and even those figures are considered conservative by some experts. The proposed ABM system can easily become the largest and most expensive "pork barrel" project of all time.

In his testimony before the Senate Armed Services Committee, Secretary McNamara stated:

> There is no system or combination of systems within presently available technology which would permit the deployment now of an antiballistic missile defense capable of giving us any reasonable hope of keeping U.S. fatalities below some tens of millions in a major Soviet nuclear attack on our cities.

He presented estimates of the ability of such a system to reduce American casualties in the event of a nuclear war. He estimated that in the absence of an ABM system the United States would suffer 100 to 135 million fatalities if the Soviet Union were to strike first. He estimated that if we deployed an anti-ballistic-missile system and the Russians merely maintained their present offensive capability without responding to the new situation, the dreaded nuclear exchange would still kill between 20 and 40 million Americans. If the Russians chose to respond by increasing their offensive armaments, ultimately American fatalities could mount to 120 million.

Mr. President, what kind of protection is this? Also, officials in the Pentagon talk of protecting 50 of our larger cities. Which 50? What of the millions of Americans who live in the unprotected remainder of our Nation? In effect, we are playing a macabre numbers game which offers neither our Nation nor the Soviet Union any real protection whatever.

In September 1967 Robert McNamara stated:

> None of the ABM systems at the present or foreseeable state of the art would provide an impenetrable shield over the United States. There is clearly no point . . . in spending $40 billion if it is not going to buy us any significant improvement in our security. Every ABM system that is now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defense missiles capable of disposing of them.

He pointed out that scientific advisers to three Presidents—Eisenhower, Kennedy, and Johnson—unanimously recommended against the deployment of an ABM system designed to protect our population against a Soviet attack. Regarding any possible nuclear attack from China, he went on to say:

> We have the power not only to destroy completely China's entire nuclear offensive forces, but to devastate her society as well.

Nevertheless, we are now in the process of spending $5 billion of taxpayers' money on an ABM system that may not work at all, and at the very best, might have some slight deterrent effectiveness until China slightly improves its delivery system which all experts concede they can easily do and certainly will do.

Today, Communist China has only a crude nuclear capacity. It has been estimated that the Sentinel deployment consisting primarily of long-range area defense Spartan missiles might be of some effectiveness into the mid-1970's. Beyond that point, it is estimated that the Chinese nuclear capability will have rendered this ABM system useless. Therefore, is it prudent for the United States to invest many billions of dollars on an ABM system that is going to become totally obsolete within a relatively few years?

The fact is that this is not an anti-Chinese system at all, but the first step in construction of a major ABM system, which, in reality, represents a kind of maginot line—an imagined security. The Soviets would most certainly respond with a similar system. No such system can be more than fractionally effective, and its deployment would represent a waste of billions of dollars, with no added security to either side.

Also, by plunging ahead with the deployment of a relatively primitive ABM missile system, we run the risk of escalating the arms race to a fantastically high and unbelievably costly plateau. This upward spiral of the arms race would leave both sides with no more real security than each has now. The fact is that today we have 4,500 nuclear warheads against 1,000 for the Soviet Union. How much overkill do we need?

Any possible military value that an ABM system could possibly have will be more than offset by its invitation to expansion of the nuclear arms race at vastly increased risks and costs to both sides. After both sides have anti-ballistic-missile systems, we may rest assured that the race will then start all over again to produce new, more expensive, and more sophisticated missiles that can penetrate the antimissile systems. After another costly race is over, there is every reason to believe that the balance of power will settle at the same point where it now rests. Neither our Nation nor the Soviet Union nor China would be any safer. Each would have managed to maintain a stalemate only by the expenditure of vast sums of money that could certainly have been put to more constructive use.

When the balance of military strength is stabilized on that new plane, so expensively purchased, the world, far from being safer, will be more insecure than ever. After the expenditures of billions of dollars, the two superpowers will have achieved nothing constructive. As a matter of fact, should confidence in these defensive missile systems become excessive, the effect may even hasten the hour of ultimate thermonuclear destruction by infusing policymakers of both nations with an unwarranted assurance, the frailty of which will be fatally demonstrated in the first moments of nuclear battle.

Mr. President, our only real defense is to keep our offensive power so far ahead of the Russian and Chinese defense that it will remain perfectly clear to the Soviet and Communist Chinese leadership that a first strike against us will trigger an unbearable response. We must constantly seek to improve our offensive missiles now standing in concrete silos and underwater in our Polaris submarines. We now maintain a 3- or 4-to-1 advantage over the Soviet Union in the number of strategic missiles we possess, but even this does not fully measure the advantage enjoyed by our Nation. Soviet missiles threaten our land-based ICBM force, but they cannot threaten our large and highly effective Polaris force which is based on submarines and is invulnerable to attack.

Above everything else, we maintain 41 Polaris submarines, each carrying 16 missiles with nuclear warheads. These submarines are capable of remaining under the water for a period as long as 300 days and nights. These missiles, which approximate in number 700, have a maximum range of approximately 2,875 land miles. This is the capability of the most modern of these Polaris submarines. Earlier models have a range of approximately 1,370 land miles. They are capable of firing missiles with nuclear warheads from under the ocean, and, of course, no area within the vast landmass of Communist China or the rest of Asia or Europe and the entire area of the Soviet Union is safe from devastation by missiles fired from these submarines.

With all this tremendous power, it would be wasteful and foolhardy on our part to vote this authorization containing provisions for an antiballistic defense at a cost of hundreds of millions of dollars, and which will be just the beginning of what will become the biggest billion dollar boondoggle of all time.

The Soviet Union is the only nation in the world having even the capability of attacking the United States with intercontinental ballistic missiles. The Soviet Union is no longer a "have not" nation. It is a "have" nation. There was a time in that grim cold-war period following the end of World War II when the dictator of the Soviet Union, Stalin, offered a threat to the peace and safety of the world. Stalin is no longer the ruler of the Soviet Union. He has been completely discredited, and it is well known that today, the Soviet Union is veering toward capitalism and coexistence.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I yield myself 10 additional minutes.

The present leadership is evincing cooperation toward us instead of threatening annihilation. The Soviet Union is no longer the menace it once was to the peace of the world. Its leaders are inter-

ested in expanding and improving the lives of its citizens. It is really unthinkable that there would be any nuclear conflict between us.

Mr. President, another interesting possibility is that the rulers of the Kremlin are probably not yet at that point where they would publicly state that the few antiballistic missile sites which they have constructed and intend to construct are being built to protect their nation against future Chinese nuclear weapons. The Chinese threat as a nuclear power is minimal today, and will not be a threat to us for many years to come. However, because of the proximity of China and the Soviet Union, Red China will be a threat to the Soviet Union long before it endangers our Nation. The country which will first feel the shadow of Chinese nuclear power is the Soviet Union.

In this connection, as I have said before in this Chamber, our distinguished former colleague from Arizona, Barry Goldwater, in the course of his 1964 campaign for the Presidency, made some wise statements when we look back on them. Perhaps one of the wisest was when he said:

> I predict that if within 10 years from now there should be a war between Communist China and the United States, the Soviet Union will be fighting on the side of the United States, as an ally and as a comrade in arms.

After 20 years of the nuclear arms race, the conclusion should be obvious that the only defense against a nuclear attack is making sure that it never happens. A new race for "defensive" weapons would do nothing to advance that cause. There is every reason to believe the contrary. The present situation in which the Soviet Union has the power to destroy us and we have the power to destroy them, even after absorbing a first strike, is far from ideal. However, it is surely better than the new and highly unstable situation that would be created by escalating the scale of overkill another notch by authorizing additional expenditures for the Sentinel ABM system. The President has pledged, and Congress has demanded, that we cut spending by $6 billion in this fiscal year. Here is our opportunity to cut a quarter of a billion dollars, and it is our responsibility to do that; it is not the responsibility of the President of the United Sates.

President Johnson has indicated that the leaders of the Soviet Union have shown interest in negotiating for an agreement whereby neither nation will embark on the construction of anti-ballistic-missile systems. Let us hope that the leaders of the Soviet Union will show a degree of restraint which would make it clear that they are doing only the minimum necessary to insure themselves against any possible threat from Communist China, and thereby avoid a fantastic escalation of the armament race. There is reason to believe that this can be accomplished if we do not act hastily in committing ourselves to a project of such immense proportions.

We should continue to seek an understanding with the Soviet Union whereby neither side would expand its defensive facilities beyond their present level. Such an understanding would freeze the strategic situation roughly as it is today, with each side depending on its offensive missiles to provide the deterrent.

No inspection would be needed for such an agreement since we are clearly maintaining a continuous surveillance of the Soviet Union, and they could not deploy a system costing upward of $30 billion without our being aware of it.

Mr. President, recently, President Johnson congratulated the United Nations on its approval of the Nuclear Nonproliferation Treaty in a speech before the General Assembly. This treaty, while not an absolute guarantee that nuclear weapons will never be used in war, clearly represents an important step toward world peace. In his speech before the General Assembly the President said:

> From this ground that we have won here together, let us press forward . . . to halt and to reverse the build-up of nuclear arsenals; . . . to find new ways to eliminate the threat of conventional conflicts that might grow into nuclear disaster.

In the great nuclear poker game being played by the world's only two real nuclear powers, the stakes are becoming increasingly higher. Powerful forces are exerting and will continue to exert tremendous pressures on the administration and Congress to proceed with the construction of an anti-ballistic-missile system. We know that the military-industrial complex, against which President Eisenhower warned the Nation, favors this appropriation. The power of big defense contractors to influence the ABM decision is great. A recent advertisement by an investment analysis firm was entitled "Nike X: $30 Billion for Whom?" It listed 28 companies with large defense contracts that "could profit handsomely" if a full-scale ABM system were to be installed. This has been broken down to show that companies on the list have 300 plants in 42 States and 172 congressional districts, with a minimum of 1 million employees. Even a political novice can readily see that this adds up to a great deal of potential political influence and pressure.

Mr. President, it would be far better to spend these hundreds of millions of dollars to help cure the many troubles afflicting our cities than to waste them on a plaything of the generals of the Joint Chiefs of Staff. I cannot see how we can justify pouring more millions into this project when we are cutting appropriations for underprivileged children, for eradicating slum housing and for a multitude of other vitally needed projects.

If the authorization for the Sentinel ABM system is approved, it will be just another example of Congress yielding to the demands of the military-industrial complex, and another manifestation of our heedless and reckless expenditure of billions of dollars. It will take its place as one of the most indefensible boondoggles that Congress has enacted in recent years.

I regretted that the Cooper-Hart amendment was rejected, and I shall regret it very much if my amendment is rejected, because here is an opportunity for the Senate to stand up and meet its responsibility, and to make a real and valid effort to help achieve that spending cut of $6 billion which has been promised to the American people.

I urge that my amendment be adopted.

Mr. JACKSON. Mr. President, I have the highest regard for my good friend from Ohio. He has made a very able presentation of this point of view in connection with the pending amendment.

I am sure that my friend would agree that the debate that has been going on for the last 3 days in connection with the Cooper-Hart amendment would apply with equal force to the pending amendment.

So, Mr. President, while it is not necessary to do so, we could incorporate by reference all of the arguments, pro and con, made during the last 3 days of debate, and I think they would cover essentially what the able Senator from Ohio has in mind.

I point out that the Senator's amendment goes far beyond the Cooper-Hart amendment, which was to postpone for 1 year the ABM program. This amendment would terminate it.

So, Mr. President, I hope the amendment will be decisively rejected. I am prepared to yield back the remainder of my time.

Mr. YOUNG of Ohio. Mr. President, to conclude the argument for my amendment, it is true that this amendment goes farther than the amendment which was defeated, which would have merely postponed the expenditure.

I have spoken out earlier in the day in support of the amendment that was defeated; and in support of this amendment, I would make the same argument that I made in support of the Cooper-Hart amendment.

I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS (when his name was called). On this vote I have a pair with the senior Senator from Indiana [Mr. HARTKE]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore, withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

I also announce that the Senator from Alaska [Mr. GRUENING] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] and the Senator from Oklahoma [Mr. MONRONEY] would each vote "nay."

Mr. KUCHEL. I announce the Senator from Nebraska [Mr. HRUSKA] is necessarily absent and, if present and voting, would vote "nay."

The Senator from New York [Mr. JAVITS] is detained on official business.

The result was announced—yeas 12, nays 72, as follows:

[No. 191 Leg.]

YEAS—12

Case	Hatfield	Nelson
Clark	McGovern	Percy
Cooper	Metcalf	Proxmire
Hart	Morse	Young, Ohio

NAYS—72

Aiken	Fong	Morton
Allott	Gore	Moss
Anderson	Griffin	Mundt
Baker	Hansen	Murphy
Bayh	Harris	Muskie
Bennett	Hayden	Pastore
Bible	Hickenlooper	Pearson
Boggs	Hill	Pell
Brewster	Holland	Prouty
Brooke	Hollings	Randolph
Burdick	Inouye	Russell
Byrd, Va.	Jackson	Scott
Byrd, W. Va.	Jordan, N.C.	Smith
Cannon	Jordan, Idaho	Sparkman
Carlson	Kuchel	Spong
Cotton	Lausche	Stennis
Curtis	Long, La.	Symington
Dirksen	Magnuson	Talmadge
Dodd	Mansfield	Thurmond
Dominick	McClellan	Tower
Eastland	McGee	Williams, N.J.
Ellender	McIntyre	Williams, Del.
Ervin	Miller	Yarborough
Fannin	Mondale	Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Tydings, against.

NOT VOTING—14

Bartlett	Hruska	Monroney
Church	Javits	Montoya
Fulbright	Kennedy	Ribicoff
Gruening	Long, Mo.	Smathers
Hartke	McCarthy	

So the amendment of Mr. YOUNG of Ohio was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 859

Mr. CLARK. Mr. President, I call up my amendment (No. 859), and I ask unanimous consent that the amendment not be stated. I will explain it briefly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 75, line 23, strike out "$4,126,000" and insert in lieu thereof "$2,566,000".

On page 77, lines 3 and 4, strike out "and utilities, $2,975,000" and insert in lieu thereof "$1,055,000".

On page 78, line 13, strike out "$846,000" and insert in lieu thereof "$545,000".

On page 79, line 2, strike out "$464,000" and insert in lieu thereof "$297,000".

On page 79, strike out lines 9 and 10.

On page 79, strike out lines 13 and 14.

On page 81 line 12, strike out "$3,925,000" and insert in lieu thereof "$3,757,000".

On page 81, line 18, strike out "$17,384,000" and insert in lieu thereof "$16,994,000".

On page 87, strike out lines 9 and 10.

On page 87, strike out lines 15 and 16.

On page 88, line 8, strike out "$802,000" and insert in lieu thereof "$497,000".

On page 88, line 25, strike out "and administrative facilities, $4,822,000" and insert in lieu thereof "$2,038,000".

On page 90, line 2, strike out "troop housing, and utilities, $3,020,000" and insert in lieu thereof "and utilities, $1,482,000".

On page 92, beginning with line 16, strike out all down through line 20.

On page 93, strike out lines 6 and 7.

On page 94, lines 1 and 2, strike out "maintenance facilities, troop housing, and utilities, $5,798,000" and insert in lieu thereof "troop housing, and utilities, $3,658,000".

On page 94, strike out lines 14 and 15.

On page 94, line 22, strike out "and utilities, $771,000" and insert in lieu thereof "$395,000".

On page 95, line 8, strike out "$8,595,000" and insert in lieu thereof "$7,995,000".

On page 96, line 20, strike out "and utilities, $3,413,000" and insert in lieu thereof ", $3,128,000".

On page 96, line 22, strike out "supply facilities,"; and in line 23, strike out "$1,966,000" and insert in lieu thereof "$1,604,000".

On page 97, line 5, strike out "$3,565,000" and insert in lieu thereof "$3,457,000".

On page 98, lines 9 and 10, strike out "and supply facilities, $1,544,000" and insert in lieu thereof "$986,000".

On page 98, strike out lines 13 and 14.

On page 98, line 22, strike out "$251,000" and insert in lieu thereof "$49,000".

On page 103, line 4, strike out "$118,769,000" and "$142,932,000" and insert in lieu thereof, respectively, "$117,769,000" and "$141,932,000".

On page 104, strike out lines 3, 4, and 5.

On page 104, strike out lines 16 through 19.

On page 104, lines 20 and 21, strike out "Operational facilities and troop housing, $954,000" and insert in lieu thereof "Troop housing, $779,000".

On page 105, line 6, strike out "$999,000" and insert in lieu thereof "$701,000".

On page 105, line 13, strike out "and administrative facilities, $665,000" and insert in lieu thereof "$265,000".

On page 105, lines 14 and 15, strike out "Operational and training" and insert in lieu thereof "Training"; and in line 16, strike out "$924,000" and insert in lieu thereof "$889,000".

On page 105, lines 20 and 21, strike out "and administrative facilities, $3,445,000" and insert in lieu thereof "$3,247,000".

On page 106, line 4, strike out "$4,089,000" and insert in lieu thereof "$512,000".

On page 106, strike out lines 15 and 16.

On page 107, lines 15 and 16, strike out "maintenance facilities, troop housing, and utilities, $1,157,000" and insert in lieu thereof "troop housing, and utilities, $954,000".

On page 110, line 25, strike out "$560,000" and insert in lieu thereof "$409,000".

On page 111, lines 5 and 6, strike out "Operational facilities, administrative facilities and utilities, $2,369,000" and insert in lieu thereof "Administrative facilities and utilities, $1,652,000".

On page 112, lines 19 and 20, strike out "$1,116,000" and insert in lieu thereof "$368,000".

On page 113, lines 19 and 20, strike out ", maintenance facilities, and utilities, $777,000" and insert in lieu thereof "and utilities, $430,000".

On page 119, line 13, strike out "$70,000,000" and insert in lieu thereof "$60,000,000".

On page 120, line 4, strike out "$142,808,000" and insert in lieu thereof "$139,247,000".

On page 120, line 5, strike out "$54,700,000" and insert in lieu thereof "$51,357,000".

On page 120, line 6, strike out "$17,617,000" and insert in lieu thereof "$16,500,000".

Adjust the totals in section 802 of the bill accordingly.

Mr. CLARK. Mr. President, I yield myself such time as I may require.

The purpose of this amendment is to take the lower of two figures as between the House and the Senate on each item in which there is a difference between the two.

The amendment also deletes from the Senate bill those items which are not contained in the House bill. The end result is to save on the total authorization approximately $48 million.

The rationale behind this amendment is that the Committee on Armed Services of one House or the other has ruled that less than the amount contained in this bill can wisely be spent on the military construction program.

I am strongly of the view, since we passed the surtax bill and the requirement to save $6 billion out of the total spending for this year, that we should take as much as is sound and wise and safe out of military authorizations and military appropriations. The total military request in the budget, including the supplemental request for Vietnam which came down a few weeks ago, is in excess of $82 billion. I would hope that most if not all of the $6 billion which we have undertaken by law to save could come out of the military appropriations this year. I am convinced it could be done without any damage to the national security.

The way to do it, Mr. President, must be to chip away relentlessly at unnecessary authorizations and unnecessary appropriations. It may be a long, hard task, but I believe we have an obligation to do it.

There can be no doubt the total military authorization request, which in turn will be followed by military appropriations, is substantially in excess of what prudence would dictate. One way to get this figure back to somewhere near reason is to cut these authorizations and appropriations wherever possible.

There are 44 separate items in this amendment, running all the way from a decrease in the Senate amount, on page 75, line 23, from $4,126,000 to the House figure of $2,566,000. This has reference to an authorization for training facilities, maintenance facilities, research and development and test facilities, troop housing and utilities at Fort Benning, Ga. The House felt that $2,566,000 was enough for this item. The Senate raised it to $4,126,000. This is an example of a cut to go back to the House figure.

There are also items in this bill which the House felt should be stricken. I cite as an example on page 87, lines 9 and 10, that the House did not think it necessary to make an appropriation for the Naval Air Station at Brunswick, Maine, for ground improvements in the amount of $75,000. I would accept the judgment of the House in this regard, in our interest to save money.

And so it goes, through these 44 differ-

ent items. In the end, as I have said, the total saving would be in the neighborhood of $48 million for 44 separate items.

I reserve the remainder of my time for tomorrow.

The PRESIDING OFFICER. Does the Senator from Pennsylvania ask that the amendments be considered en bloc?

Mr. CLARK. I ask unanimous consent that the amendments be considered en bloc.

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

Mr. CLARK. Mr. President, I intend to ask for the yeas and nays tomorrow, when we take up this amendment. Senators should be alerted to that effect.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed regardless of the unanimous-consent agreement concerning the limitation of time.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1286, 1287, and 1288.

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

AMENDMENT OF THE PUBLIC HEALTH SERVICE ACT

The Senate proceeded to consider the bill (S. 3095) to amend the Public Health Service Act to extend and improve the programs relating to the training or nursing and other health professions and allied health professions personnel, the program relating to student aid for such personnel, and the program relating to health research facilities, and for other purposes which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 2, line 6, after "SEC. 101." strike out "(a)"; in line 10, after the word "appropriated" strike out "such sums as may be necessary for the fiscal year ending June 30, 1970, and each of the next three fiscal years" and insert "$170,000,000 for the fiscal year ending June 30, 1970, and $225,000,000 each for the next two fiscal years.' "; on page 6, at the beginning of line 10, insert "$117,000,000"; and in the same line, after "1970," strike out "and each of the next three fiscal years such sums as may be necessary" and insert "$168,000,000 for the fiscal year ending June 30, 1971, and $210,000,000 for the fiscal year ending June 30, 1972,"; in line 24 after "1970" strike out "or any" and insert "and for each"; in line 25, after the word "next" strike out "three" and insert "two"; on page 7, line 1, after the word "osteopthy," insert "pharmacy,"; in line 2, after the word "optometry," insert "veterinary medicine,"; on page 10, line 13, after the word "next" strike out "three" and insert "two"; on page 11, line 13, after the word "inserting", strike out "after" and insert "before"; in the same line, after the word "following:" strike out " 'or (in the case of section 772)"; in line 14, after the word "pharmacy," strike out "or"; on page 12, line 16, after the word "out" strike out " 'or" and insert " 'and; in line 17, after the word "pharmaceutical," strike out "or" and insert "and"; on page 13, line 7, after "772" strike out "(b)"; in line 8, after the word "amended" strike out "(1) by striking out subsection (c), and (2)"; in line 9, after the word "end" strike out "thereof" and insert "of subsection (b) the following: ','"; on page 14, line 2, after the word "thereof" strike out " '1973'." and insert " '1972'."; in line 5, after the word "amended" insert "by striking out 'three years' the first time it appears therein and inserting in lieu thereof 'one year' and"; in line 11, after the word "including" insert "internships and"; after line 11, insert:

(4) Section 741(e) of such Act is amended to read as follows:

"(e) Such loans shall bear interest, on the unpaid balance of the loan, computed only for periods for which the loan is repayable, at the rate of three per centum per year".

At the beginning of line 17, strike out "(4)" and insert "(5)"; in line 18, after the word "new" strike out "subsection" and insert "subsections:"; on page 15, line 11, after the word "charge." strike out the quotation marks; after line 11, insert:

(k) A school may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month.

On page 16, line 2, after the word "and" strike out "such sums as may be necessary" and insert "$35,000,000"; in line 4, after the word "next" strike out "three" and insert "two"; in line 7 after the word "thereof" strike out "1974" and insert "1973"; in the same line, after the word "and", strike out "1973" and insert "1972"; in line 16, after the word "next" strike out "five" and insert "four"; in line 17, after the word "fiscal" strike out "years' " and insert "years,' "; on page 17, line 5, after the word "this" strike out "part" and insert "subpart"; in line 22, after "(4)" insert "and (5)"; at the top of page 18, insert a new section, as follows:

SEC. 122. (a)(1) The heading to part C of title VII of the Public Health Service Act is amended by inserting, immediately below "PART C—STUDENT LOANS", the following: "SUBPART I—LOANS ADMINISTERED BY SCHOOLS".

(2) Sections 740, 741, 742(b), 743, 744, and 745 of such Act are each amended by striking out "this part" each place it appears therein and inserting in lieu thereof "this subpart".

(b)(1) Section 742(a) of such Act is amended by inserting immediately before the last sentence thereof the following new sentence: "Of the sums appropriated under this subsection for the fiscal year ending June 30, 1969, or for any fiscal year thereafter, no more than 5 per centum shall be available only for the purpose of making loans under section 747."

(2) The last sentence of section 742(a) of such Act is amended by striking out "Sums" and inserting in lieu thereof "Except as is otherwise provided by the preceding sentence, sums".

(c) Title VII of the Public Health Service Act is amended by adding after section 746 the following:

"SUBPART II—DIRECT LOANS TO STUDENTS IN FOREIGN SCHOOLS

"SEC. 747. (a)(1) From the sums made available under section 742(a), the Secretary is authorized to make direct loans to students who are citizens of the United States and who are pursuing a full-time course of study, at a school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine which is located outside the United States and which is approved by the Secretary of Health, Education, and Welfare, which course of study leads to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, doctor of pharmacy, doctor of podiatry or doctor of surgical chiropody, doctor of optometry of an equivalent degree, or doctor of veterinary medicine or an equivalent degree.

"(2) The Secretary shall not approve any school for purposes of this section unless he determines that such school offers training of a type and quality substantially similar to that offered by similar schools in the United States which are accredited as provided in section 721(b)(1)(B).

"(b) Such loans shall, to the extent feasible, be made on the same terms and conditions as are required with respect to loans made to students under the program established by subpart 1."

On page 20, line 4, change the section number from "122" to "123"; in line 12, after the word "next" strike out "four" and insert "three"; in line 14, after the word "thereof" strike out " '1974' " and insert " '1973' "; in line 15, after the word "and" strike out " '1973' " and insert " '1972' "; in line 17, after the word "next" strike out "four" and insert "three"; in line 20, after the word "thereof" strike out " '1973' " and insert " '1972' "; and in the same line after the word "and" strike out " '1974' " and insert " '1973' "; and page 21, line 23, after "July 1" strike out "1972" and insert "1971"; on page 22, line 13, after the word "schools", strike out "such sums as may be necessary" and insert "$25,000,000"; in line 14, after "June 30, 1970," strike out "and each of the next three fiscal years" and insert "$35,000,000 for the fiscal year ending June 30, 1971, and $40,000,000 for the fiscal year ending June 30, 1972."; in line 22, after " 'July 1," strike out "1972' " and insert "1971'."; on page 25, line 4, after the word "next" strike out "three" and insert "two"; in line 23, after the word "next" strike out "three" and insert "two"; on page 29, at the beginning of line 5, insert "$30,000,000"; in the same line after "June 30, 1970," strike out "and each of the next three fiscal years such sums as may be necessary" and insert "$45,000,000 for the fiscal year ending June 30, 1971, and $70,000,000 for the fiscal year ending June 30, 1972,"; on page 30, line 20, after the word "inserting" strike out " 'and such sums as may be necessary for the next four fiscal years,' " and insert " '$15,000,000 for the fiscal year ending June 30, 1970, $19,000,000 for the fiscal year ending June 30, 1971, and $23,000,000 for the fiscal year 1972' "; on page 31, line 7, after the word "thereof" strike out " '1973'."; and insert " '1972'."; in line 11, after " '$1,500',";

insert "by inserting 'to licensed practical nurses and' immediately after 'preference' and by inserting after the first sentence the following new sentence: 'The aggregate of the loans for all years from such funds may not exceed $6,000 in the case of any student.'."; at the beginning of line 17, insert "(A) striking out 'one year' and inserting in lieu thereof 'nine months' and (B)"; on page 32, line 11, after the word "public" insert "or other nonprofit"; after line 18, insert:

(4) Section 823(b)(5) of such Act is amended by striking out everything which follows "3 per centum per annum" down to but not including the second semicolon.

In line 23, after the word "new" strike out "subsection" and insert "subsections"; on page 33, line 17, after the word "the" where it appears the second time, strike out "charge.' " and insert "charge."; after line 17, insert:

(g) A school may provide in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month.

On page 34, line 5, after word "inserting" strike out " 'such sums as may be necessary for each of the next four fiscal years' " and insert "$20,000,000 for the fiscal year ending June 30, 1970, $21,000,000 for the fiscal year ending June 30, 1971, $22,000,000 for the fiscal year ending June 30, 1972' "; at the beginning of line 11, strike out " '1974'," and insert " '1973' "; in line 12, after the word "thereof", strike out " '1973,' " and insert " '1972,'."; on page 35, line 6, after the word "thereof" strike out " '1976'." and insert " '1975'."; in line 8, after the word "next" strike out "five" and insert "four"; on page 36, line 5, after the word "The" strike out "amendment" and insert "amendments"; in line 6, after the word "subsection," and insert "(b)(4) and subsection"; on page 37, at the beginning of line 3, strike out "three" and insert "two"; at the beginning of line 6, strike out "1974" and insert "1973,"; in line 11, after "July 1," strike out "1973" and insert "1972."; in line 18, after the word "next", strike out "three" and insert "two"; in line 22, after "July 1," strike out "1973" and insert "1972,"; at the beginning of line 24, strike out "1974" and insert "1973"; on page 39, after line 7, strike out:

SEC. 231. So much of section 843(f) of the Public Health Service Act (42 U.S.C. 298b) as precedes clause (1) is amended by inserting ", or by a State agency," after "a recognized body or bodies" the first time it appears therein, by inserting "or State agency" after "a recognized body or bodies" the second and third time it appears therein, and by striking out "or a program accredited for the purpose of this Act by the Commissioner of Education,". Clause (1) of such section 843(f) is amended by striking out "for a project for construction of a new school (which shall include a school that has not had a sufficient period of operation to be eligible for accreditation)" and inserting in lieu thereof "for a construction project". Such section 843(f) is further amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, the Commissioner of Education shall publish a list of nationally recognized accrediting bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered."

And, in lieu thereof, insert:

SEC. 231. (a) Subsections (c) and (e) of section 843 of the Public Health Service Act (42 U.S.C. 298b) are each amended by striking out "an accredited program" and inserting in lieu thereof "a program".

(b) Subsection (d) of such section is amended by striking out "an accredited two-year program" and inserting in lieu thereof "a two-year program".

(c) Such subsection (c) is further amended by adding before the period at the end thereof (and after the language added by section 205 of this Act) ", but only if such program, or such unit, college, or university is accredited".

(d) Such subsection (d) is further amended by adding before the period at the end thereof ", but only if such program, or such unit, college, or university, is accredited".

(e) Such section (e) is further amended by adding before the period at the end thereof ", but only if such program, or such affiliated school or such hospital or university or such independent school, is accredited".

(f) So much of subsection (f) of such section as precedes clause (1) is amended by inserting after "Commissioner of Education" the first time it appears therein "and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or unit) which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education", by striking out "or a program accredited for the purpose of this Act by the Commissioner of Education,", by inserting ", or a hospital, school, college, or university (or a unit thereof)," after "except that a program", by inserting ", or the hospital, school, college, or university (or a unit thereof)", after "reasonable assurance that the program", and by striking out "by the school which provides or will provide such program".

(g) Such subsection (f) is further amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, the Commissioner of Education shall publish a list of recognized accrediting bodies which he determines to be reliable authority as to the quality of training offered."

On page 41, at the beginning of line 21, strike out "1972," and insert "1971,"; at the top of page 42, insert a new section, as follows:

CONTRACTS AND GRANTS TO ENCOURAGE FULL UTILIZATION OF NURSING EDUCATIONAL TALENT

SEC. 233. Section 868 of the Public Health Service Act is amended to read as follows:

"SEC. 868. (a) To assist in achieving the purposes of this part the Secretary is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, or organizations, or enter into contracts with public or private agencies, institutions, or organizations, not to exceed in the case of any grant or contract $100,000 per year, for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for education or training in a field of nursing and encouraging them to (i) complete secondary school, (ii) undertake postsecondary training or education to qualify for training in a field of nursing, or (iii) undertake postsecondary educational training in a field of nursing, as may be appropriate, or

"(2) publicizing existing forms of financial aid for persons undertaking training or education in a field of nursing, including aid furnished under this part.

"(b) There are hereby authorized to be appropriated for the purposes of this section $300,000 for the fiscal year ending June 30, 1969; $750,000 for the fiscal year ending June 30, 1970; $1,250,000 for the fiscal year ending June 30, 1971; and $1,750,000 for the fiscal year ending June 30, 1972.

On page 43, line 13, after "June 30," strike out "1969," and insert "1969;"; in the same line after the word "and" strike out "such sums as may be necessary" and insert "$10,000,000"; in line 22, after the word "and" strike out "such sums as may be necessary" and insert "$20,000,000"; on page 44, at the beginning of line 5, strike out "such sums as may be necessary" and insert "$5,000,000"; at the beginning of line 11, strike out "such sums as may be necessary" and insert "$4,500,000"; on page 45, after line 2, insert:

(d) Such part G is further amended by adding after section 797 (added by subsection (c)) the following new section:

"STUDY

"SEC. 798. The Secretary shall prepare, and submit to the President and the Congress prior to April 1, 1969, a report on the administration of this part, an appraisal of the programs under this part in the light of their adequacy to meet the needs for allied health professions personnel, and his recommendations as a result thereof."

In line 15, after the word "inserting" strike out " 'and such sums as may be necessary for each of the next four fiscal years' " and insert " '$8,500,000 for the fiscal year ending June 30, 1970, $12,000,000 for the fiscal year ending June 30, 1971, and $14,000,000 for the fiscal year ending June 30, 1972,' "; after line 20 strike out:

(b)(1) Section 306(a) of the Public Health Service Act (42 U.S.C. 242d) is amended by striking out "and" before "$10,000,000, and by inserting "and such sums as may be necessary for each of the next four fiscal years," after "the succeeding fiscal year,".

And, in lieu thereof, insert:

(b)(1) Section 306(a) of the Public Health Service Act (42 U.S.C. 242d) is amended by striking out "and" before "$10,000,000" and by striking out "the succeeding fiscal year," and inserting in lieu thereof "the two succeeding fiscal years, $14,000,000 for the fiscal year ending June 30, 1971, and $17,000,000 for the fiscal year ending June 30, 1972,".

On page 46, line 13, after the word "inserting" strike out " 'and" and insert "$35,000,000"; in line 14, after the word "and" insert "$50,000,000"; in line 15, after the word "each" strike out "of" and insert "for"; in the same line, after the word "next", strike out "three" and insert "two"; in the same line after the word "fiscal" strike out "years such sums as may be necessary,' " and insert "years,' "; and in line 19, strike out " '1972' " and insert " '1971' "; so as to make the bill read:

S. 3095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Manpower Act of 1968".

SEC. 2. As used in the amendments made by this Act, the term "Secretary", unless the

context otherwise requires, means the Secretary of Health, Education, and Welfare.

TITLE I—HEALTH PROFESSIONS TRAINING

PART A—CONSTRUCTION GRANTS

EXTENSION OF CONSTRUCTION AUTHORIZATIONS

SEC. 101. Section 720 of the Public Health Service Act (42 U.S.C. 293) is amended by inserting after and below clause (3) of the first sentence thereof the following new sentence: "For such grants there are also authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1970, and $225,000,000 each for the next two fiscal years."

FEDERAL SHARE

SEC. 102. (a) Subsection (a)(1) of section 722 of the Public Health Service Act (42 U.S.C. 293b) is amended by striking out "such amount may not exceed 50 per centum" and inserting in lieu thereof "such amount may not, except where the Secretary determines that unusual circumstances make a larger percentage (which in no case may exceed 66⅔ per centum) necessary in order to effectuate the purposes of this part, exceed 50 per centum."

(b) The amendments made by this section shall apply in the case of projects for which grants are made from appropriations for fiscal years ending after June 30, 1969.

LENGTH AND CHARACTER OF FEDERAL RECOVERY INTEREST IN FACILITIES

SEC. 103. (a)(1) Clause (b) of section 723 of the Public Health Service Act (42 U.S.C. 293c) is amended to read as follows:

"(b) the facility shall cease to be used for the teaching purposes (and the other purposes permitted under section 722) for which it was constructed, unless the Secretary determines that it is being and will be used for—

"(1) any teaching purposes for which a grant was authorized to be made under this part,

"(2) research purposes, or research and related purposes, in the sciences related to health (within the meaning of part A), or

"(3) medical library purposes (within the meaning of part I of title III),

or the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so,".

(2) Clause (A) of section 721(c)(2) of such Act (42 U.S.C. 293a) is amended to read: "(A) the facility is intended to be used for the purposes for which the application has been made.".

(b) The amendment made by subsection (a)(1) shall apply in the case of facilities for which a grant has been or is in the future made under part B of title VII of the Public Health Service Act. The amendment made by subsection (a)(2) shall apply in the case of assurances given after the date of enactment of this Act under such part B.

GRANTS FOR MULTIPURPOSE FACILITIES

SEC. 104. (a) Section 722 of the Public Health Service Act (42 U.S.C. 293b) is further amended by adding at the end thereof the following new subsection:

"(d) In the case of a project for construction of facilities which are to a substantial extent (as determined in accordance with regulations of the Secretary) for teaching purposes and for which a grant may be made under this part, but which also are for research purposes, or research and related purposes, in the sciences related to health (within the meaning of part A of this title) or for medical library purposes (within the meaning of part I of title III), the project shall, insofar as all such purposes are involved, be regarded as a project for facilities with respect to which a grant may be made under this part."

(b) The amendment made by subsection (a) shall apply in the case of projects for which grants are made under part B of title VII of the Public Health Service Act from appropriations for fiscal years ending after June 30, 1969.

GRANTS FOR CONTINUING AND ADVANCED EDUCATION FACILITIES

SEC. 105. (a) Paragraph (3) of section 721(c) of the Public Health Service Act (42 U.S.C. 293a) is amended by inserting before the semicolon at the end thereof the following: "(and, for purposes of this part, expansion or curtailment of capacity for continuing education shall also be considered expansion and curtailment, respectively, of training capacity)".

(b) Subsection (d) of section 721 of such Act is amended by inserting "(other than a project for facilities for continuing education)" after "an existing school" in paragraph (1)(A) and after "a school" in paragraph (1)(B).

(c) Section 724(4) of such Act is amended by inserting before the semicolon at the end thereof: ", and including advanced training related to such training provided by any such school".

(d) The amendments made by this section shall apply in the case of projects for which grants are made under part B of title VII of the Public Health Service Act from appropriations for fiscal years ending after June 30, 1969.

PART B—INSTITUTIONAL AND SPECIAL PROJECT GRANTS FOR TRAINING OF HEALTH PROFESSIONS PERSONNEL

SEC. 111. (a) Sections 770, 771, and 772 of the Public Health Service Act (42 U.S.C. 295f, 295f–1, 295f–2) are amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 770. (a) There are authorized to be appropriated $117,000,000 for the fiscal year ending June 30, 1970, $168,000,000 for the fiscal year ending June 30, 1971, and $210,000,000 for the fiscal year ending June 30, 1972, for institutional grants under section 771 and special project grants under section 772.

"(b) The portion of the sums so appropriated for each fiscal year which shall be available for grants under each such section shall be determined by the Secretary unless otherwise provided in the Act or Acts appropriating such sums for such year.

"INSTITUTIONAL GRANTS

"SEC. 771. (a) (1) The sums available for grants under this section from appropriations under section 770 for the fiscal year ending June 30, 1970, and for each of the next two fiscal years shall be distributed to the schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry with approved applications as follows: Each school shall receive $25,000; and of the remainder—

"(A) 75 per centum shall be distributed on the basis of—

"(i) the relative enrollment of full-time students for such year, and

"(ii) the relative increase in enrollment of such students for such year over the average enrollment of such school for the five school years preceding the year for which the application is made;

with the amount per full-time student so computed that a school receives twice as much for each such student in the increase as for other full-time students, and

"(B) 25 per centum shall be distributed on the basis of the relative number of graduates for such year.

"(2) The sum computed under paragraph (1) for any school which is less than the amount such school received under this section for the fiscal year ending June 30, 1969, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the sums computed under such paragraph (1) for the remaining schools, but with such adjustments as may be necessary to prevent the sums computed for any of such remaining schools from being reduced to less than the amount it received for such fiscal year ending June 30, 1969, under this section.

"(b)(1) The Secretary shall not make a grant under this section to any school unless the application for such grant contains or is supported by reasonable assurances that for the first school year beginning after the fiscal year for which such grant is made and each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average first-year enrollment of such students in such school for the five school years during the period of July 1, 1963, through June 30, 1968, by at least 2½ per centum of such average first-year enrollment, or by five students, whichever is greater. The requirements of this paragraph shall be in addition to the requirements of section 721(c)(2)(D) of this Act, where applicable. The Secretary is authorized to waive (in whole or in part) the provisions of this paragraph if he determines, after consultation with the National Advisory Council on Health Professions Educational Assistance that the required increase in first-year enrollment of full-time students in a school cannot be accomplished without lowering the quality of training provided therein, or if he determines, after such consultation, that to do so would otherwise be in the public interest and consistent with the purposes of this part.

"(2) Notwithstanding the preceding provisions of this section, no grant under this section to any school for any fiscal year may exceed the total of the funds from non-Federal sources expended (excluding expenditures of a nonrecurring nature) by the school during the preceding year for teaching purposes (as determined in accordance with criteria prescribed by the Secretary), except that this paragraph shall not apply in the case of a school which has for such a year a particular year-class which it did not have for the preceding year.

"(c)(1) For purposes of this part and part F, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or the number of graduates, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class in a school, or were graduates, in an earlier year, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determinations when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this part and part F, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree.

"SPECIAL PROJECT GRANTS

"SEC. 772. Grants may be made, from sums available therefor from appropriations under section 770 for the fiscal year ending June 30, 1970, and for each of the next *two* fiscal years, to assist schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, and veterinary medicine in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions or to effect signif-

icant improvements in curriculums of any such schools or for research in the various fields related to education in such health professions, or to develop training for new levels or types of health professions personnel, or to assist any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements, or to assist any such schools to meet the costs of planning experimental teaching facilities or experimental design thereof, or which will otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply of adequately trained personnel in such health professions needed to meet the health needs of the Nation."

(b)(1) Subsection (a) of section 773 of such Act (42 U.S.C. 295f–3) is amended by striking out "basic or special grants under section 771 or 772" and inserting in lieu thereof "grants under section 771 or 772".

(2) Subsection (b)(1) of such section is amended by inserting before "or podiatry" the following: "pharmacy, veterinary medicine,".

(3) Subsection (c) of such section is amended by striking out "National Advisory Council on Medical, Dental, Optometric, and Podiatric Education" and inserting in lieu thereof "National Advisory Council on Health Professions Educational Assistance".

(4) Subsection (d)(2) of such section is amended by inserting "(excluding expenditures of a nonrecurring nature)" after "for such purpose".

(5) Subsection (e) of such section is amended to read as follows:

"(e) In determining priority of projects applications for which are filed under section 772, the Secretary shall give consideration to—

"(1) the extent to which the project will increase enrollment of full-time students receiving the training for which grants are authorized under this part;

"(2) the relative need of the applicant for financial assistance to maintain or provide for accreditation or to avoid curtailing enrollment or reduction in the quality of training provided; and

"(3) the extent to which the project may result in curriculum improvement or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof."

(c)(1) Section 774(a) of such Act is amended by striking out "and podiatric education" and inserting in lieu thereof "podiatric, pharmaceutical, and veterinary education".

(2) Such section 774(a) is further amended by striking out "twelve" and inserting in lieu thereof "fourteen", and by striking out "National Advisory Council on Medical, Dental, Optometric, and Podiatric Education" and inserting in lieu thereof "National Advisory Council on Health Professions Educational Assistance".

(3) The heading of section 774 is amended to read:

"NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE"

(d) The amendments made by this section shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

(e) Effective only with respect to appropriations for the fiscal year ending June 30, 1969, section 772 of such Act is amended (1) by striking out subsection (c), and (2) by inserting before the period at the end of subsection (b) the following: ", or (3) to plan for special projects for which grants are authorized under this section as amended by the Health Manpower Act of 1968".

(f) Effective with respect to appropriations for the fiscal year ending June 30, 1968, and the next fiscal year, the third sentence of section 771(b) of such Act is amended by inserting before the period at the end thereof ", or if he determines, after such consultation, that to do so would otherwise be in the public interest and consistent with the purposes of this part".

PART C—STUDENT AID

STUDENT LOANS

SEC. 121. (a)(1) Clauses (2) and (3) of section 740(b) of the Public Health Service Act (42 U.S.C. 294) are each amended by inserting ", except as provided in section 746," after "fund" the first time it appears therein.

(2) Section 740(b)(4) of such Act is amended by striking out "1969" and inserting in lieu thereof "1972".

(3) Section 741(c) of such Act (42 U.S.C. 294a) is amended by striking out "three years" the first time it appears therein and inserting in lieu thereof "one year" and by adding before the period at the end thereof ", or (3) service as a full-time volunteer in the Volunteers in Service to America program under the Economic Opportunity Act of 1964; and periods (up to five years) of advanced professional training (including internships and residencies)".

(4) Section 741(e) of such Act is amended to read as follows:

"(e) Such loans shall bear interest, on the unpaid balance of the loan, computed only for periods for which the loan is repayable, at the rate of three per centum per year".

(5)(A) Section 741 of such Act is further amended by adding at the end thereof the following new subsections:

"(j) Subject to regulations of the Secretary, a school may assess a charge with respect to a loan made under this part for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (c) or cancellation of part or all of the loan under subsection (f), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(k) A school may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month."

(B) Subsection (b)(2) of section 740 of such Act is further amended by striking out "and (D)" and inserting in lieu therefore "(D) collections pursuant to section 741(j), and (E)".

(b)(1) The first sentence of subsection (a) of section 742 of such Act (42 U.S.C. 294b) is amended by striking out "and" before "$250,000,000" and by inserting before the period at the end thereof ", and $35,000,000 for the fiscal year ending June 30, 1970, and each of the next two fiscal years".

(2) The third sentence of such subsection is amended by striking out "1970" and "1969" and inserting in lieu thereof "1973" and "1972", respectively.

(3) The fourth sentence of such subsection is amended by striking out "and" before "(2)" and by inserting before the period at the end thereof ", and (3) for transfers pursuant to section 746".

(c) Section 743 of such Act (42 U.S.C. 294c) is amended by striking out "1972" each place it appears therein and inserting in lieu thereof "1976".

(d)(1) Section 744(a)(1) of such Act (42 U.S.C. 294d) is amended by inserting "and each of the next four fiscal years," after "1968,".

(2) Section 744(c) of such Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$45,000,000".

(e) Part C of title VII of such Act (42 U.S.C. 294, et seq.) is further amended by adding at the end thereof the following new section:

"TRANSFER OF FUNDS TO SCHOLARSHIPS

"SEC. 746. Not to exceed 20 per centum of the amount paid to a school from the appropriations for any fiscal year for Federal capital contributions under an agreement under this subpart, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part F of this title to be used for the same purpose as such sums. In the case of any such transfer, the amount of any funds which the school deposited in its student loan fund pursuant to section 740(b)(2)(B) may be withdrawn by the school from such fund."

(f) The amendments made by subsection (a)(1), (b)(3), and (e) shall apply with respect to appropriations for fiscal years ending after June 30, 1969. The amendment made by subsection (a)(3) shall apply (1) with respect to all loans made under an agreement under part (C) of title VII of the Public Health Service Act after June 30, 1969, and (2) with respect to loans made thereunder before July 1, 1969, to the extent agreed to by the school which made the loans and the Secretary (but, then, only as to years beginning after June 30, 1969). The amendment made by subsection (a)(4) and (5) shall apply with respect to loans made after June 30, 1969.

SEC. 122. (a)(1) The heading to part C of title VII of the Public Health Service Act is amended by inserting, immediately below "PART C—STUDENT LOANS", the following: "SUBPART I—LOANS ADMINISTERED BY SCHOOLS".

(2) Sections 740, 741, 742(b), 743, 744, and 745 of such Act are each amended by striking out "this part" each place it appears therein and inserting in lieu thereof "this subpart".

(b)(1) Section 742(a) of such Act is amended by inserting immediately before the last sentence thereof the following new sentence: "Of the sums appropriated under this subsection for the fiscal year ending June 30, 1969, or for any fiscal year thereafter, no more than 5 per centum shall be available only for the purpose of making loans under section 747."

(2) The last sentence of section 742(a) of such Act is amended by striking out "Sums" and inserting in lieu thereof "Except as is otherwise provided by the preceding sentence, sums".

(c) Title VII of the Public Health Service Act is amended by adding after section 745 the following:

"SUBPART II—DIRECT LOANS TO STUDENTS IN FOREIGN SCHOOLS

"SEC. 747. (a)(1) From the sums made available under section 742(a), the Secretary is authorized to make direct loans to students who are citizens of the United States and who are pursuing a full-time course of study, at a school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine which is located outside the United States and which is approved by the Secretary of Health, Education, and Welfare, which course of study leads to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, doctor of pharmacy, doctor of podiatry or doctor of surgical chiropody, doctor of optometry or an equiva-

lent degree, or doctor of veterinary medicine or an equivalent degree.

"(2) The Secretary shall not approve any school for purposes of this section unless he determines that such school offers training of a type and quality substantially similar to that offered by similar schools in the United States which are accredited as provided in section 721(b)(1)(B).

"(b) Such loans shall, to the extent feasible, be made on the same terms and conditions as are required with respect to loans made to students under the program established by subpart I."

SCHOLARSHIPS

SEC. 123. (a) Subsection (a) of section 780 of the Public Health Service Act (42 U.S.C. 295g) is amended by striking out "or pharmacy" and inserting in lieu thereof "pharmacy, or veterinary medicine". The heading of such section is amended by striking out "OR PHARMACY" and inserting in lieu thereof "PHARMACY, OR VETERINARY MEDICINE".

(b) Subsection (b) of such section is amended by inserting "and each of the next three fiscal years" after "1969," in the first sentence and by striking out "1970" and "1969" and inserting in lieu thereof "1973" and "1972", respectively, in the second sentence.

(c)(1) Paragraph (1) of subsection (c) of such section is amended by inserting "and each of the next three fiscal years" after "1969" and clause (D) and by striking out "1969" and "1970" in clause (E) and inserting in lieu thereof "1972" and "1973", respectively.

(2) The first sentence of paragraph (2) of such subsection (c) is amended by striking out "from low-income families who, without such financial assistance could not" and inserting in lieu thereof "of exceptional financial need who need such financial assistance to".

(d) Part F of title VII of the Public Health Service Act is further amended by inserting after section 780 the following new section:

"TRANSFER TO STUDENT LOAN FUNDS

"SEC. 781. Not to exceed 20 per centum of the amount paid to a school from the appropriations for any fiscal year for scholarships under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part C for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums."

(e) The amendment made by subsections (a), (b), (c)(1), and (d) shall apply with respect to appropriations for fiscal years ending June 30, 1969. The amendments made by subsection (c)(2) shall apply with respect to scholarships from appropriations for fiscal years ending after June 30, 1969.

PART D—MISCELLANEOUS

STUDY OF SCHOOL AID AND STUDENT AID PROGRAMS

SEC. 131. The Secretary shall, in consultation with the Advisory Councils established by sections 725 and 774, prepare, and submit to the President and the Congress prior to July 1, 1971, a report on the administration of parts B, C, E, and F of title VII of the Public Health Service Act, an appraisal of the programs under such parts in the light of their adequacy to meet the long-term needs for health professionals, and his recommendations as a result thereof.

TITLE II—NURSE TRAINING

PART A—CONSTRUCTION GRANTS

EXTENSION OF CONSTRUCTION AUTHORIZATION

SEC. 201. (a) Section 801 of the Public Health Service Act (42 U.S.C. 296) is amended to read as follows:

"SEC. 801. (a) There are authorized to be appropriated, for grants to assist in the construction of new facilities for collegiate, associate degree, or diploma schools of nursing, or replacement or rehabilitation of existing facilities for such schools, $25,000,000 for the fiscal year ending June 30, 1970, $35,000,000 for the fiscal year ending June 30, 1971, and $40,000,000 for the fiscal year ending June 30, 1972.

"(b) Sums appropriated pursuant to subsection (a) for a fiscal year shall remain available until expended."

(b) Section 802(a) of such Act (42 U.S.C. 296a) is amended by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1971".

LENGTH OF FEDERAL RECOVERY INTEREST

SEC. 202. (a) Section 802(b)(2) of the Public Health Service Act is amended by striking out "twenty" in clause (A) and inserting in lieu thereof "ten."

(b) Section 804 of such Act (42 U.S.C. 296c) is amended by striking out "twenty" and inserting in lieu thereof "ten".

FEDERAL SHARE

SEC. 203. Section 803(a) of the Public Health Service Act (42 U.S.C. 296b) is amended by striking out "may not exceed 50 per centum" in clause (B) and inserting in lieu thereof "may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 66⅔ per centum) necessary in order to effectuate the purposes of this part, exceed 50 per centum".

INCLUSION OF TRUST TERRITORY

SEC. 204. Section 843(a) of the Public Health Service Act (42 U.S.C. 298b) is amended by striking out "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or the Trust Territory of the Pacific Islands".

AMENDMENT OF DEFINITION OF COLLEGIATE SCHOOL OF NURSING

SEC. 205. Section 843(c) of the Public Health Service Act is amended by inserting before the period at the end thereof ", and including advanced training related to such program of education".

EFFECTIVE DATE

SEC. 206. The amendments made by sections 201, 202, and 205 shall apply with respect to appropriations for fiscal years ending after June 30, 1969, except that (1) section 804 of the Public Health Service Act as amended by this Act shall apply in the case of any projects for which grants have been made or are in the future made under section 803 of such Act; and (2) the amendment made in section 802(b)(2) of such Act by section 202(a) of this Act shall apply in the case of any projects for which grants are made under section 803 of the Public Health Service Act after the enactment of this Act.

PART B—SPECIAL PROJECT AND INSTITUTIONAL GRANTS TO SCHOOLS OF NURSING

SPECIAL PROJECT AND INSTITUTIONAL GRANTS

SEC. 211. Sections 805 and 806 of the Public Health Service Act (42 U.S.C. 296d, 296e) are amended to read as follows:

"IMPROVEMENT IN NURSE TRAINING

"SEC. 805. From the sums available therefor from appropriations under section 808 for the fiscal year ending June 30, 1970, and each of the next two fiscal years, grants may be made to assist any public or nonprofit private agency, organization, or institution to meet the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of nursing education or to effect significant improvements in curriculums of schools of nursing or for research in the various fields of nursing education, or to assist schools of nursing which are in serious financial straits to meet their costs of operation or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, or to assist in otherwise strengthening, improving, or expanding programs of nursing education, or to assist any such agency, organization, or institution to meet the costs of other special projects which will help to increase the supply of adequately trained nursing personnel needed to meet the health needs of the Nation.

"INSTITUTIONAL GRANTS

"SEC. 806. (a) The sums available for grants under this section from appropriations under section 808 for the fiscal year ending June 30, 1970, or any of the next two fiscal years shall be distributed to the schools with approved applications as follows: Each school shall receive $15,000; and of the remainder—

"(A) 75 per centum shall be distributed on the basis of the relative enrollment of full-time students for such year and the relative increase in enrollment of such students for such year over the average enrollment of such school for the five school years preceding the year for which the application is made, with the amount per full-time student so computed that a school receives twice as much for each such student in the increase as for other full-time students, and

"(B) 25 per centum shall be distributed on the basis of the relative number of graduates for such year.

"(b)(1) For purposes of this part and part D, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or the number of graduates from a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class in a school, or were graduates from a school in earlier years, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determinations when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this part and part D, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing."

CONDITIONS OF ELIGIBILITY

SEC. 212. Part A of title VIII of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"APPLICATIONS FOR GRANTS

"SEC. 807. (a) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications under section 805 or 806 for any fiscal year must be filed.

"(b) The Secretary shall not approve or disapprove any application for a grant under this part except after consultation with the National Advisory Council on Nurse Training.

"(c) A grant under section 805 or 806 may be made only if the application therefor—

"(1) is from a public or nonprofit private school of nursing, or, in the case of grants under section 805, a public or nonprofit private agency, organization, or institution;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(3) contains such additional information as the Secretary may require to make the determinations required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(4) provides for such fiscal-control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 808. (a) There are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1970, $45,000,000 for the fiscal year ending June 30, 1971, and $70,000,000 for the fiscal year ending June 30, 1972, for improvement grants under section 805 and institutional grants under section 806.

"(b) The portion of the sums so appropriated for each fiscal year which shall be available for grants under each such section shall be determined by the Secretary unless otherwise provided in the Act or Acts appropriating such sums for such year."

CONFORMING CHANGE

SEC. 213. Clause (2) of section 843(f) of the Public Health Service Act (42 U.S.C. 298b) is amended to read: "(2) in the case of a school applying for a grant under section 806 for any fiscal year, prior to the beginning of the first academic year following the normal graduation date of the class which is the entering class for such fiscal year (or is the first such class in such year if there is more than one);".

EFFECTIVE DATE

SEC. 214. The amendments made by the preceding provisions of this part shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PLANNING FOR FISCAL YEAR 1969

SEC. 215. Effective only with respect to appropriations for the fiscal year ending June 30, 1969, section 805(a) of the Public Health Service Act is amended by inserting at the end thereof the following new sentence: "Appropriations under this section shall also be available for grants for planning special projects for which grants are authorized under this section as amended by the Health Manpower Act of 1968."

PART C—STUDENT AID

ADVANCED TRAINING

SEC. 221. Section 821(a) of the Public Health Service Act (42 U.S.C. 297) is amended by striking out "and" before "$12,000,000" and by inserting "$15,000,000 for the fiscal year ending June 30, 1970, $19,000,000 for the fiscal year ending June 30, 1971, and $23,000,000 for the fiscal year 1972," after "1969,".

STUDENT LOANS

SEC. 222. (a)(1) Clauses (2) and (3) of section 822(b) of the Public Health Service Act (42 U.S.C. 297a) are each amended by inserting ", except as provided in section 829," after "fund" the first time it appears therein.

(2) Section 822(b)(4) of such Act is amended by striking out "1969" and inserting in lieu thereof "1972".

(b)(1) Section 823(a) of such Act (42 U.S.C. 297b) is amended by striking out "$1,000" and inserting in lieu thereof "$1,500", by inserting "to licensed practical nurses and" immediately after "preference" and by inserting after the first sentence the following new sentence: "The aggregate of the loans for all years from such funds may not exceed $6,000 in the case of any student.".

(2) Section 823(b)(2) of such Act is amended by (A) striking out "one year" and inserting in lieu thereof "nine months" and (B) striking "except that" and all that follows down to but not including the semicolon and inserting in lieu thereof "excluding from such ten-year period all (A) periods (up to three years) of (i) active duty performed by the borrower as a member of a uniformed service, (ii) service as a volunteer under the Peace Corps Act, or (iii) service as a full-time volunteer under the Volunteers in Service to America program under the Economic Opportunity Act of 1964, and (B) periods (up to five years) during which the borrower is pursuing a full-time course of study at a collegiate school of nursing leading to a baccalaureate degree in nursing or an equivalent degree, or to a graduate degree in nursing, or is otherwise pursuing advanced professional training in nursing".

(3) Section 823(b)(3) of such Act is amended by inserting before the semicolon at the end thereof the following: ", except that such rate shall be 15 per centum for each complete year of service as such a nurse in a public or other nonprofit hospital in any area which is determined, in accordance with regulations of the Secretary, to be an area with substantial population which has a substantial shortage of such nurses at such hospitals, and for the purpose of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled".

(4) Section 823(b)(5) of such Act is amended by striking out everything which follows "3 per centum per annum" down to but not including the second semicolon.

(c)(1) Section 823 of such Act is further amended by adding at the end thereof the following new subsections:

"(f) Subject to regulations of the Secretary, a school may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this part for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (b)(2) or cancellation of part or all of the loan under subsection (b)(3), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(g) A school may provide in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month."

(2) Subsection (b)(2) of section 822 of such Act is further amended by striking out "and (D)" and inserting in lieu thereof "(D) collections pursuant to section 823(f), and (E)".

(d)(1) Section 824 of such Act (42 U.S.C. 297c) is amended by inserting "$20,000,000 for the fiscal year ending June 30, 1970, $21,000,000 for the fiscal year ending June 30, 1971, $22,000,000 for the fiscal year ending June 30, 1972" after "1969," the first time it appears therein, by striking out "1970" and inserting in lieu thereof "1973", and by striking out "1969," the second time it appears therein and inserting in lieu thereof "1973," "1972,".

(2) The second sentence of such section is amended by inserting before the period at the end thereof ", and (3) for transfers pursuant to section 829".

(e) The first two sentences of section 825 of such Act (42 U.S.C. 297d) are amended to read as follows: "From the sums appropriated pursuant to section 824 for any fiscal year, the Secretary shall allot to each school an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such school bears to the total number of persons enrolled on a full-time basis in all schools of nursing in all the States. The number of persons enrolled on a full-time basis in schools of nursing for purposes of this section shall be determined by the Secretary for the most recent year for which satisfactory data are available to him."

(f) Section 826 of such Act (42 U.S.C. 297e) is amended by striking out "1972" each place it appears therein and inserting in lieu thereof "1975".

(g) Section 827(a)(1) of such Act (42 U.S.C. 297f) is amended by inserting "and each of the next four fiscal years," after "1968,".

(h) Part B of title VIII of such Act (42 U.S.C. 297 et seq.) is further amended by adding at the end thereof the following new section:

"TRANSFERS TO SCHOLARSHIP PROGRAM

"SEC. 829. Not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for Federal capital contributions under an agreement under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part D to be used for the same purpose as such sums. In the case of any such transfer, the amount of any funds which the school deposited in its student loan fund pursuant to section 822(b)(2)(B) may be withdrawn by the school from such fund."

(i) The amendments made by subsection (b)(1) and (2) shall apply with respect to all loans made after June 30, 1969, and with respect to loans made from a student loan fund established under an agreement pursuant to section 822, before July 1, 1969, to the extent agreed to by the school which made the loans and the Secretary (but then only for years beginning after June 30, 1968). The amendments made by subsection (b)(4) and subsection (c) shall apply with respect to loans made after June 30, 1969. The amendment made by subsection (h) shall apply with respect to appropriations for fiscal years beginning after June 30, 1969. The amendment made by subsection (b)(3) shall apply with respect to service, specified in section 823(b)(3) of such Act, performed during academic years beginning after the enactment of this Act, whether the loan was made before or after such enactment.

SCHOLARSHIPS

SEC. 223. (a) So much of part D of title VIII of the Public Health Service Act (42 U.S.C. 298c et seq.) as precedes section 868 is amended to read as follows:

"PART D—SCHOLARSHIP GRANTS TO SCHOOLS OF NURSING

"SCHOLARSHIP GRANTS

"SEC. 860. (a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of nursing for scholarships to be awarded annually by such school to students thereof.

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1970, and each of the next two fiscal years to each such school shall be equal to $2,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1973, and for each of the three succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially re-

ceived such awards out of grants made to the school for fiscal years ending prior to July 1, 1972.

"(c)(1) Scholarships may be awarded by schools from grants under subsection (a)—

"(A) only to individuals who have been accepted by them for enrollment, and individuals enrolled and in good standing, as full-time students, in the case of awards from such grants for the fiscal year ending June 30, 1970, and each of the next two fiscal years; and

"(B) only to individuals enrolled and in good standing as full-time students who initially received scholarship awards out of such grants for a fiscal year ending prior to July 1, 1972, in the case of awards from such grants for the fiscal year ending June 30, 1973, and each of the three succeding fiscal years.

"(2) Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year. Any such scholarship awarded for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school making the award, but not to exceed $1,500 for any year in the case of any student, as such school may determine the student needs for such year on the basis of his requirements and financial resources.

"(d) Grants under subsection (a) shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Nurse Training.

"(e) Grants under subsection (a) may be paid in advance or by way of reimbursement, and at such intervals as the Secretary may find necessary; and with appropriate adjustments on account of overpayments or underpayments previously made.

"TRANSFER TO STUDENT LOAN PROGRAM

"SEC. 861. (a) Not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under this part, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums."

(b) The amendment made by subsection (a) shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PART D—MISCELLANEOUS

DEFINITION OF ACCREDITATION

SEC. 231. (a) Subsections (c) and (e) of section 843 of the Public Health Service Act (42 U.S.C. 298b) are each amended by striking out "an accredited program" and inserting in lieu thereof "a program".

(b) Subsection (d) of such section is amended by striking out "an accredited two-year program" and inserting in lieu thereof "a two-year program".

(c) Such subsection (c) is further amended by adding before the period at the end thereof (and after the language added by section 205 of this Act) ", but only if such program, or such unit, college, or university is accredited".

(d) Such subsection (d) is further amended by adding before the period at the end thereof ", but only if such program, or such unit, college, or university, is accredited".

(e) Such section (e) is further amended by adding before the period at the end thereof ", but only if such program, or such affiliated school or such hospital or university or such independent school, is accredited".

(f) So much of subsection (f) of such section as precedes clause (1) is amended by inserting after "Commissioner of Education" the first time it appears therein "and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or unit) which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education", by striking out "or a program accredited for the purpose of this Act by the Commissioner of Education,", by inserting ", or a hospital, school, college, or university (or a unit thereof)," after "except that a program", by inserting ", or the hospital, school, college, or university (or a unit thereof)", after "reasonable assurance that the program", and by striking out "by the school which provides or will provide such program".

(g) Such subsection (f) is further amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, the Commissioner of Education shall publish a list of recognized accrediting bodies which he determines to be reliable authority as to the quality of training offered."

STUDY OF SCHOOL AID AND STUDENT AID PROGRAMS

SEC. 232. The Secretary shall, in consultation with the Advisory Council established by section 841, prepare, and submit to the President and the Congress prior to July 1, 1971, a report on the administration of title VIII of the Public Health Service Act, an appraisal of the programs under such title in the light of their adequacy to meet the long-term needs for nurses, and his recommendations as a result thereof.

CONTRACTS AND GRANTS TO ENCOURAGE FULL UTILIZATION OF NURSING EDUCATIONAL TALENT

SEC. 233. Section 868 of the Public Health Service Act is amended to read as follows:

"SEC. 868. (a) To assist in achieving the purposes of this part the Secretary is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, or organizations, or enter into contracts with public or private agencies, institutions, or organizations, not to exceed n the case of any grant or contract $100,000 per year, for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for education or training in a field of nursing and encouraging them to (i) complete secondary school, (ii) undertake post-secondary training or education to qualify for training in a field of nursing, or (iii) undertake postsecondary educational training in a field of nursing, as may be appropriate, or

"(2) publicizing existing forms of financial aid for persons undertaking training or education in a field of nursing, including aid furnished under this part.

"(b) There are hereby authorized to be appropriated for the purposes of this section $300,000 for the fiscal year ending June 30, 1969; $750,000 for the fiscal year ending June 30, 1970; $1,250,000 for the fiscal year ending June 30, 1971; and $1,750,000 for the fiscal year ending June 30, 1972."

TITLE III—ALLIED HEALTH PROFESSIONS AND PUBLIC HEALTH TRAINING

EXTENSION AND IMPROVEMENT OF ALLIED HEALTH PROFESSIONS PROGRAM

SEC. 301. (a)(1)(A) Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295h) is amended by striking out "and $13,500,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$13,500,000 for the fiscal year ending June 30, 1969; and $10,000,000 for the fiscal year ending June 30, 1970".

(B) Section 791(b)(1) of such Act is amended by striking out "1968" and inserting in lieu thereof "1969".

(2)(A) Section 792(a) of such Act (42 U.S.C. 295h–1) is amended by striking out "and $17,000,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$17,000,000 for the fiscal year ending June 30, 1969; and $20,000,000 for the fiscal year ending June 30, 1970".

(B) Second 792(b)(1) of such Act is amended by striking out "1969" and inserting in lieu thereof "1970".

(3) Section 793(a) of such Act (42 U.S.C. 295h–2) is amended by striking out "and $3,500,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$3,500,000 for the fiscal year ending June 30, 1969; and $5,000,000 for the fiscal year ending June, 1970".

(4) Section 794 of such Act (42 U.S.C. 295h–3) is amended by striking out "and $3,000,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof "$3,000,000 for the fiscal year ending June 30, 1969; and $4,500,000 for the fiscal year ending June 30, 1970".

(b) Such section 794 is further amended by—

(1) striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, institutions, and organizations";

(2) inserting "and methods" after "curriculums";

(3) striking out "new types of".

(c) Part G of title VII of such Act is further amended by adding at the end thereof the following new section:

EVALUATION

"SEC. 797. Such portion of any appropriation pursuant to sections 791, 792, 793, or 794, for any fiscal year ending after June 30, 1969, as the Secretary may determine, but not exceeding one-half of 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this part."

(d) Such part G is further amended by adding after section 797 (added by subsection (c)) the following new section:

"STUDY

"SEC. 798. The Secretary shall prepare, and submit to the President and the Congress prior to April 1, 1969, a report on the administration of this part, an appraisal of the programs under this part in the light of their adequacy to meet the needs for allied health professions personnel, and his recommendations as a result thereof."

PUBLIC HEALTH TRAINING

SEC. 302. (a) Section 309(a) of the Public Health Service Act (42 U.S.C. 242g) is amended by striking out "and" before "$9,000,000" and by inserting "$8,500,000 for the fiscal year ending June 30, 1970, $12,000,000 for the fiscal year ending June 30, 1971, and $14,000,000 for the fiscal year ending June 30, 1972," after "1969,".

(b)(1) Section 306(a) of the Public Health Service Act (42 U.S.C. 242d) is amended by striking out "and" before "$10,000,000" and by striking out "the succeeding fiscal year," and inserting in lieu thereof "the two succeeding fiscal years, $14,000,000 for the fiscal year ending June 30, 1971, and $17,000,000 for the fiscal year ending June 30, 1972,".

(2) Section 306(d) of such Act is amended by striking out "$50" and inserting in lieu thereof "$100".

TITLE IV—HEALTH RESEARCH FACILITIES

EXTENSION OF CONSTRUCTION AUTHORIZATION

SEC. 401. (a) Section 704 of the Public Health Service Act (42 U.S.C. 292c) is amended by striking out "and" after "$50,000,000"; and by inserting "$35,000,000 for the fiscal year ending June 30, 1970, and $50,000,000 each for the next two fiscal years," after "$280,000,000,".

(b) Section 705(a) of such Act (42 U.S.C. 293) is amended by striking out "1968" and inserting in lieu thereof "1971".

FEDERAL SHARE

SEC. 402. (a) Subsection (a) of section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended by striking out "except that in no event may such amount exceed 50 per centum" and inserting in lieu thereof "but such amount may not, except as provided in paragraph (2), exceed 50 per centum".

(b) Such subsection (a) of section 706 is further amended by inserting "(1)" after "(a)" and adding at the end thereof the following new paragraph:

"(2) The maximum amount of any grant shall be 66⅔ per centum instead of the maximum under paragraph (1) in the case of any class or classes of projects which the Secretary determines have such special national or regional significance as to warrant a larger grant than is permitted under paragraph (1); but not more than 25 per centum of the funds appropriated pursuant to section 704 for any fiscal year shall be available for grants in excess of 50 per centum with respect to such class or classes of projects."

ADVISORY COUNCIL COMPENSATION

SEC. 403. Section 703(d) of the Public Health Service Act (42 U.S.C. 292b) is amended by striking out "$50" and inserting in lieu thereof "$100".

EFFECTIVE DATE

SEC. 404. The amendments made by section 402 shall apply in the case of projects for which grants are made from appropriations for fiscal years ending after June 30, 1969.

Mr. HILL. Mr. President, I have the honor to submit to the Senate the Health Manpower Act of 1968, S. 3095, a measure that was approved by the Committee on Labor and Public Welfare without a dissenting vote.

This bill would provide for the continuation of the Health Professions Educational Assistance Act, the Nurse Training Act, the Allied Health Professions Personnel Training Act, the Health Research Facilities Act and the Public Health Service programs for training public health workers under sections 306 and 309 of the Public Health Service Act.

The Department of Health, Education, and Welfare recommends enactment of the legislation. In addition, oral testimony or prepared statements in support of S. 3095 were presented to the committee by American Association of Colleges of Pharmacy, American Association of Colleges of Podiatric Medicine, American Association of Dental Schools, American Dental Association, American Dental Trade Association, American Heart Association, American Hospital Association, American Medical Association, American Nurses' Association, American Occupational Therapy Association, American Optometric Association, American Public Health Association, American Veterinary Medical Association, Animal Welfare Institute, Association of American Medical Colleges, Association of Teachers of Preventive Medicine, Council of Physical Therapy School Directors, National Association of Retail Druggists, National Association of Sanitarians, National Association of State Universities, and Land-Grant Colleges, National Federation of Licensed Practical Nurses, National League for Nursing, National Student Nurses Association, and the Pharmaceutical Manufacturers Association.

TITLE I—S. 3095, HEALTH PROFESSIONS

S. 3095 would continue for 3 additional years, 1970–72, the existing program of financial assistance for the expansion and improvement of our training capacity for physicians, dentists, podiatrists, veterinarians, pharmacists, optometrists, and professional public health personnel. The legislation authorizes construction grants, institutional grants, special project grants, student loans and scholarships.

The Members of the Senate will recall that this legislation was originally enacted in 1963. Since that time a total of 114 schools have been awarded construction grants that will increase enrollment by 16,000 students through new facilities and maintain the enrollment capacity for another 35,000 students through the modernization and replacement of obsolete facilities.

But we now have only 311,000 active physicians and 100,000 active dentists. By 1975 we will need an additional 80,000 physicians and 25,000 dentists according to the estimates of the Department of Labor.

Only one-half of the students who applied to medical schools last year were admitted because of our limited enrollment capacity. Proportionately fewer students can enter a career in medicine today in comparison with past periods. If we are to give the youths of 1975 the same opportunity to become a physician as prevailed in 1960 we will have to increase our training capacity from its present level of 10,000 freshmen to 15,000 by 1975.

In approving title I of S. 3095 the committee adopted several amendments.

First the open-end authorization on appropriations was deleted. Not to exceed $338 million for 1970, $444.8 million for 1971, and $487.4 million for 1972 could be appropriated. The total of these authorizations is $443 million below the amounts requested for the years 1970–73 by the Department of Health, Education, and Welfare.

In addition, there are several amendments to the student loan provisions to make them more comparable with the student loan provisions under NDEA. To assist U.S. citizens in approved health professions schools outside this country an amendment was adopted that would permit them to be awarded up to 5 percent of the student loan funds.

TITLE II—NURSING TRAINING

S. 3095 would also extend for 3 additional years, 1970–72, the Nurse Training Act that provides financial assistance for schools of nursing in colleges, junior colleges, and hospitals. The legislation authorizes construction grants, formula grants, project grants, traineeships, student loans, and scholarships.

Since the enactment of the Nurse Training Act in 1964 a total of 13 new schools of nursing have been approved for construction. This new construction along with approved construction awards that will expand the size of existing schools will provide for an increase of 10,600 in our enrollment of nursing students. Approved projects for the modernization and renovation of obsolete nursing school facilities will maintain our capacity for the enrollment of another 13,800 students.

Despite this beginning the demand far exceeds the supply of nurses. We now have only 660,000 nurses engaged in practice on a full-time or part-time basis. This is far short of the 850,000 identified as the number required to meet our nursing needs in 1970 by the Public Health Service.

Due to the high costs of nursing education many hospitals are closing their nursing schools. All schools of nursing are confronted with the problem of recruiting qualified faculty members. Less than one-half of the full-time faculty at nursing schools hold graduate degrees.

In approving title II of S. 3095 the committee deleted the open-end authorizations on appropriations. An increase of $200,000 was approved for 1969 to finance contracts and grants for encouraging the full utilization of nursing educational talent. In addition, the committee approved not to exceed $110.8 million for 1970, $151.3 million for 1971, and $189.8 million for 1972 in appropriations. The approved appropriation authorizations total $452 million—$231 million less than the amounts requested for the years 1970–73 by the Department of Health, Education, and Welfare.

The committee also amended the bill as introduced to delete the proposal for authorizing State agencies to accredit nursing schools. As an alternative the legislation as reported provides that an accredited school of nursing is one accredited by a recognized accreditation agency or one in an accredited hospital, college, or university. The Commissioner of Education would be required to publish a list of nationally recognized accrediting bodies that he determined to be reliable authority as to the quality of training offered. This list will include the National League for Nursing, the Joint Commission on the Accreditation of Hospitals, and the regional educational agencies that are nationally recognized as accreditation authorities.

Other amendments would provide for comparability with NDEA in the case of the student loan provisions. Grants as well as contracts would be authorized to encourage full utilization of nursing educational talents.

TITLE III—ALLIED HEALTH PROVISIONS

Title III of S. 3095 provides for the extension of the Allied Health Professions Personnel Training Act and sections 306 and 309 of the Public Health Service Act that authorize financial assistance for graduate and specialized training in public health.

The Allied Health Professions Personnel Training Act would be extended to expand our training capacity for medical technicians, physical therapists, dental hygienists and other kinds of paramedical personnel. It authorizes construction grants, institutional grants, traineeships and project grants.

Since there has been only 1 year of experience under the Allied Health Professions Personnel Training Act, S. 3095 authorizes only a 1 year extension—1970.

The authorization for appropriations would be $39.5 million.

Sections 306 and 309 of the Public Health Service Act authorize financial assistance for training and traineeships in public health for physicians, nurses, engineers, hospital administrators, and other professional health workers. The authorization for appropriations would total $18.5 million for 1970, $26 million for 1971 and $31 million for 1972.

TITLE IV—HEALTH RESEARCH FACILITIES

Finally, S. 3095 would extend for 3 additional years the program of financial assistance for the construction of health research facilities. When the authority for this program was extended in 1965 the Congress approved an authorization of $280 million in appropriations for the years 1967, 1968, and 1969. S. 3095 would authorize only $135 million in appropriations over the 3 years 1970, 1971, and 1972.

As I stated at the opening of my remarks, S. 3095 was approved by the Committee on Labor and Public Welfare without a dissenting vote. Its enactment is urged by the Department of Health, Education, and Welfare and recommended by all of the appropriate voluntary health agencies and organizations.

I urge the Senate to approve S. 3095.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Senate proceeded to consider the bill (H.R. 3639) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 1, line 4, after the word "of" strike out "1967.'" and insert "1968.'"; on page 28, after line 8, insert a new section, as follows:

ANIMAL DRUGS FOR EXPORT

SEC. 106. Section 801(d) of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by adding at the end thereof the following: "Nothing in this subsection shall authorize the exportation of any new animal drug, or an animal feed bearing or containing a new animal drug, which is unsafe within the meaning of section 512 of this Act."

In line 18, change the section number from "106" to "107"; and on page 29, line 4, change the section number from "107" to "108".

Mr. HILL. Mr. President, I have the honor to submit to the Senate the Animal Drug Amendments of 1968, H.R. 3639. This legislation was approved in the House of Representatives by a vote of 317 yeas to no noes.

H.R. 3639 would consolidate the principal provisions of the Federal Food, Drug, and Cosmetic Act that relate to the premarketing clearance of new drugs for administration to animals, either directly or in their feed and water.

As passed by the House of Representatives, H.R. 3639 would have permitted the export of new animal drugs determined to be unsafe within the meaning of the proposed section 512 of the Federal Food, Drug, and Cosmetic Act. An amendment proposed by the Department of Health, Education, and Welfare and adopted by the Committee on Labor and Public Welfare will prohibit the export of such drugs.

The amendment would amend section 801(d) of the Federal Food, Drug, Cosmetic Act relating to exports by adding the following language:

Nothing in this subsection shall authorize the exportation of any new animal drug, or an animal feed bearing or containing a new animal drug, which is unsafe within the meaning of section 512 of this Act.

The administration of this legislation would not entail any additional cost.

H.R. 3639, with the amendment adopted by the Committee on Labor and Public Welfare is endorsed by the Department of Health, Education, and Welfare, the American Veterinary Medical Association, the Animal Health Institute, and the National Association of State Departments of Agriculture.

I urge the Senate to approve H.R. 3639.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF THE VOCATIONAL REHABILITATION ACT

The Senate proceeded to consider the bill (H.R. 16819) to amend the Vocational Rehabilitation Act to extend the authorization of grants to States for rehabilitation services, to broaden the scope of goods and services available under that act for the handicapped, and for other purposes which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 1, line 8, after the word "following:" insert "', and'"; on page 2, at the beginning of line 2, strike out "$700,000,000, and for the fiscal year ending June 30, 1972, the sum of $800,000,000" and insert "$700,000,000'."; in line 8, after "$6,000,000" insert "and"; in line 9, after the word "of" strike out "$10,000,000, and for the fiscal year ending June 30, 1972, the sum of $15,000,000" and insert "$10,000,000'."; in line 17, after "$115,000,000," insert "and"; in line 18, after the word "of" strike out $140,000,000, and for the fiscal year ending June 30, 1972, the sum of $165,000,000" and insert "$140,000,000'."; in line 22, after the word "inserting", strike out "'1973'" and insert "'1972'."; on page 3, line 16, after "(14)'" insert "and by striking out '1965' and inserting in lieu thereof '1969'."; on page 4, after line 16, strike out:

(d) Whenever the Secretary determines that the amount allotted to a State or States under subsection (a) (1) of this section for any fiscal year is not sufficient for such State to carry out the purposes of this section in such State and that such State will be able to use additional amounts during such year, he shall increase such State's allotment to the extent that he deems necessary. The amount of such increase shall be derived by reducing the allotments proportionately of such other States as he may select, giving due regard to each of such other States' needs in carrying out the purposes of this section.

And, in lieu thereof, insert:

(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as an increase in such State's allotment (as determined under the preceding provisions of this section) for such year.

On page 5, line 18, after the word "by" insert "(A)"; in line 19, after the word "shall'," strike out "and" and insert "(B)"; in line 20, after the word "'grants'", insert "(C) inserting in clause (1) thereof after 'several States' the following: ', and problems related to the rehabilitation of the mentally retarded', and (D)"; in line 22, after the amendment just above stated, strike out "and by"; on page 6, line 7, after "June 30," strike out "1974," and insert "1972,"; on page 7, after line 3, insert:

(2) The second sentence of section 4(a) of the Vocational Rehabilitation Act is amended by striking out "vocational rehabilitation" and inserting in lieu thereof "vocational rehabilitation of the handicapped or to the rehabilitation of the mentally retarded".

On page 12, line 1, after the word "orthotic" strike out "devices;" and insert "devices, (iv) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;"; on page 14, line 20, after the word "buildings" strike out "and of buildings constructed with payments made under section 2," on page 16, line 11, after the word "and", strike out "17" and insert "16"; in line 12, after the word "new" strike out "buildings and" and insert "buildings,"; in line 13, after the word "buildings," insert "initial equipment of such new buildings or newly acquired buildings, and initial staffing thereof (for a period not to exceed four years and three months),"; on page 17, line 13, after "June 30, 1970", insert "and"; in line 14, after "June 30," strike out "1971, and $40,000,000 for the fiscal year ending June 30, 1972'," and insert "1971',"; in line 17, after the word "thereof" strike out "'1974'" and insert "'1973'."; on page 19, line 10, after "June 30, 1970," insert "and"; in line 11, after "June 30," strike out "1971, and $40,000,000 for the fiscal year ending June 30, 1972" and insert "1971'."; and on page 26, at the beginning of line 5, "'such sums as may be required'."; and insert "'not to exceed the sum of $1,000,000'."

Mr. HILL. Mr. President, I have the honor to submit to the Senate the Vocational Rehabilitation Amendments of 1968, H.R. 16819. This legislation was approved by the House of Representatives by a vote of 335 yeas and no nays. Nor was there a dissenting vote in the

Committee on Labor and Public Welfare when the measure was approved.

H.R. 16819 would extend the authorization for appropriations for the basic program of grants to States under section 2 of the Vocational Rehabilitation Act. A minimum State allotment of $1 million would be provided for and States would be permitted to use up to 10 percent of their funds, on a matching basis, for the construction of rehabilitation facilities. The Federal share under section 2 would be increased from 75 percent to 80 percent, effective July 1, 1969. The authorization for appropriations would be $700 million for 1971.

FOR CONSTRUCTION SAME MATCHING AS HILL-BURTON

The legislation would extend the authorization for appropriations under section 3 of the act for grants to States for innovation of vocational rehabilitation services. Reallotment of funds to the States would be authorized. The authorization for appropriations would be $3.2 million for 1969, $6 million for 1970, and $10 million for 1971. The authorization for appropriations under section 4 of the act for grants for special projects under this section would be expanded to include projects with industry for training the handicapped, grants for training manpower for agencies serving the handicapped, grants for developing new career opportunities for the handicapped, and grants that would contribute to the rehabilitation of the mentally retarded. The authorization for appropriations would be $80 million for 1969, $115 million for 1970, and $140 million for 1971.

H.R. 16819 would also extend the authorizations for appropriations for the construction rehabilitation facilities under section 12 of the act and for rehabilitation facilities improvement under section 13 of the act. Both of these sections were added by the 1965 amendments to the Vocational Rehabilitation Act. The combined authorizations for appropriations total $20 million for 1969, $40 million for 1970, and $60 million for 1971.

A new section 15 of the act would provide for vocational evaluation and work adjustment services for the handicapped and other individuals disadvantaged by reason of youth, advanced age, and other conditions that constitute a barrier to employment. The authorization for appropriations would be $50 million for 1969, $75 million for 1970, and $100 million for 1971.

FORMULA POPULATION AND PER CAPITA INCOME

Finally, the legislation would increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Handicapped to $1 million per year.

In approving H.R. 16819 the committee adopted several amendments to the measure as passed by the House of Representatives. First of all, the legislation as reported limits the authorizations for appropriations to fiscal year 1971. As passed by the House, the authorizations extended through fiscal year 1972. The elimination of the year 1972 deletes the authority for the total appropriation of $1,060,000,000.

HOUSE PASSES $2,500,000

Another amendment proposed by the Department of Health, Education, and Welfare and adopted by the committee would include expenditures for initial staffing within the 10-percent limitation on construction under section 2 grants.

Under existing law, the special project grants authorized under section 4 of the act for research, demonstrations, and training may only be awarded for projects related to vocational rehabilitation. The proposed amendment would permit the financing of projects for the rehabilitation of mentally retarded individuals. This amendment does not result in any additional authorization for appropriations.

The committee also adopted an amendment to provide for the use of the services of optometrists in vocational rehabilitation programs through an amendment to the definition of "vocational rehabilitation services."

As passed by the House, H.R. 16819 authorizes the Secretary of Health, Education, and Welfare to reduce funds allocated to States under section 3 of the Vocational Rehabilitation Act, giving "due regard" to their needs for the funds, in order to provide additional amounts to other States to finance approved projects. An amendment adopted by the committee would make it mandatory that the Secretary determine that a State would not utilize its allotment of funds prior to transfer to another State.

Mr. President, this legislation is endorsed by the Department of Health, Education, and Welfare, by the National Rehabilitation Association, the American Optometric Association, the National Federation of the Blind, and the American Foundation for the Blind.

As I mentioned earlier, H.R. 16819 was approved in the House of Representatives by a vote of 335 yeas to no nays. There was not a dissenting vote when the legislation was approved by the Committee on Labor and Public Welfare.

I urge the Senate to approve H.R. 16819.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar beginning with Calendar No. 1249, to and including Calendar No. 1254.

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

TOBACCO MARKETING QUOTA PROVISIONS

The bill (H.R. 17002) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1270), explaining the purposes of the bill.

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

This bill would remove the statutory requirement for consent of the lienholder to a 1-year lease of a Fire-cured, Dark Air-cured, or Virginia Sun-cured tobacco allotment. Such consent is not deemed necessary where the lease is for 1 year only, and has proved troublesome and expensive to farmers desiring to make such leases. For transfers for periods exceeding 1 year the lienholder's consent would still be required, leases for other kinds of tobacco being on an annual basis only.

Enactment of the bill should result in no additional cost to the Government.

WORLD FARM CENTER

The concurrent resolution (H. Con. Res. 413) to endorse the concept of World Farm Center was considered and agreed to, as follows:

Whereas the business of agriculture is a basic industry vital to the economy and sustenance of the United States of America and the entire world; and

Whereas the development of techniques, research, and procedures for the improvement of the agricultural industry is necessary for the well-being of the farmers and consumers of farm products; and

Whereas World Farm Center advocates from all segments of the agribusiness industry are cooperating in the founding of a World Farm Center at Ontario, San Bernardino County, California, as a service organization which is designed to—

(1) serve as an agricultural "clearinghouse" and marketing information center;

(2) encourage, assist, and cooperate in agricultural research programs with universities, governmental agricultural agencies, and private agencies;

(3) develop the site of World Farm Center as a manufacturing and/or demonstration and display center for all types of agricultural machinery and equipment;

(4) establish prototype agricultural enterprises for display and production;

(5) establish a convention center for agricultural organization meetings;

(6) engage in other service and educational functions which will advance the agricultural industry;

(7) establish a center for offices or companies, associations, governmental and others; and

(8) improve public relations between agriculture and the general public: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the concept of World Farm Center be endorsed as a means of furthering the advance of national and international agriculture without any cost or obligation on the part of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1271), explaining the purposes of the concurrent resolution.

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

EXPLANATION

This resolution endorses the concept of World Farm Center. It does not involve any cost, contribution, or sponsorship by the Federal Government.

The World Farm Center is to be located southeast of Ontario, Calif. It will operate an international agricultural information documentation center, demonstration centers with actual working prototypes of a dairy, meat processing plants, canneries,

bakery, and other exhibits showing activities allied with producing and readying agricultural products for market.

The preamble was agreed to.

BILL PASSED OVER

The bill (H.R. 16065) to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

FOOT-AND-MOUTH DISEASE

The bill (H.R. 16451) to authorize the Secretary of Agriculture to cooperate with the several governments of Central America in the prevention, control, and eradication of foot-and-mouth disease or rinderpest was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1273), explaining the purpose of the bill.

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

This bill authorizes cooperation with Central American countries (and other public and private organizations and individuals) to eradicate foot-and-mouth disease or rinderpest when necessary to protect the U.S. livestock industry. Similar authority is now provided by 21 U.S.C. 114b with respect to cooperation with Mexico. Annual cost is estimated at $135,000.

COAST GUARD OFFICERS

The bill (H.R. 16127) to increase the limitation on the number of officers for the Coast Guard was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1274), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to raise the limitation on the maximum number of officers, excluding commissioned warrant officers, on active duty which could be authorized for the U.S. Coast Guard from 4,000 to 5,000, by amendment of section 42 of title 14 of the United States Code.

In 1966, a similar bill was presented by the Coast Guard by which the authorized officer strength was increased from 3,500 to 4,000, and at that time it was believed that this ceiling would be adequate for at least 5 years thereafter. However, since that time, the Coast Guard has been transferred into the Department of Transportation from the Treasury Department and some additional officers are serving in various capacities within the Department. In addition, since the enactment of the 1966 legislation, the Navy has transferred jurisdiction over all large icebreakers to the Coast Guard, and it has been necessary to provide crews for these vessels.

With respect to the operations in Southeast Asia, 26 82-foot vessels were transferred to that area and whereas they operated in the United States without a commissioned officer aboard, their new duties require two officers per vessel. At the same time, a loran system has been established in that area and, in addition, five of the high-endurance cutters are on active service there. The result has been an increased requirement for officers to staff the loran stations and to supply sufficient officer strength to permit efficient operation in that area.

The net result has been that with these additional requirements, the presently authorized ceiling will be insufficient to accommodate the commissioning of all the graduates of the Coast Guard Academy and other officer candidates this year. The added responsibilities given to the Coast Guard in a number of fields require additional staffing and the committee believes that this bill is essential for the proper operation of the organization.

It should be pointed out that this legislation in no sense grants a blank check to the Coast Guard to increase its officer personnel, since the ultimate control over the number of officers lies with the Appropriations Committees which determine the amounts available for their support.

The committee carefully considered the matter and believes that with the additional functions continually being transferred to the Coast Guard that its future efficient operation demands adequate responsible personnel.

The ceiling proposed by this bill should be sufficient to meet the needs of the Coast Guard for a period of 5 years or more in the future.

COST OF LEGISLATION

The proposed legislation would not in itself actually increase the number of officers on active duty but would only authorize increases in the number of officers as program and personnel strength increases are authorized through the annual budget and appropriation processes. Therefore, there is no cost associated directly with this bill.

AMENDMENT OF THE COMMUNICATIONS ACT OF 1934

The bill (H.R. 14910) to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1276), explaining the purposes of the bill.

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

PURPOSE AND SUMMARY OF LEGISLATION

The purpose of this legislation (it is identical to S. 1015 which passed the Senate in the 89th Congress), is to give the Federal Communications Commission adequate authority to deal with increasingly acute interference problems arising from the expanding usage of electrical and electronic devices which cause, or are capable of causing, harmful interference to radio reception. It is designed to empower the commission to deal with the interference problem at its root source—the sale by some manufacturers of equipment and apparatus which do not comply with the Commission's rules.

As reported, the bill, H.R. 14910*, would—

1. Give the Federal Communications Commission authority to prescribe rules applicable to the "manufacture, import, sale, offer for sale, shipment or use" of devices which in their operation are capable of emitting radiofrequency energy by radiation, conduction, or other means in sufficient degree to produce harmful interference to radio communications.

2. Prohibit the use, import, shipment, manufacture, or offering for sale of devices which fail to comply with regulations duly promulgated by the Commission under the authority given it by the bill.

3. Except from its provisions (i) carriers which merely transport interfering devices without trading in them; (ii) the manufacture of such devices intended solely for export; (iii) the manufacture, assembly, or installation of devices for its own use by a public utility engaged in providing electric service; and (iv) the use of such devices by agencies of the Government.

This final exemption is consistent with the provision in section 305 of the Communications Act that the Commission has no regulatory jurisdiction over stations owned and operated by the United States. It provides, however, that such devices shall be developed or procured by the Government under standards or specifications designed to achieve the common objective of reducing interference to radio reception, taking into account the unique needs of national defense and security. Government agencies are fully aware of the need for suppressing objectionable interference and, in many cases, standards adopted by individual agencies are more stringent than those which the Commission would impose. During your committee's consideration of S. 1015 in the 89th Congress, the Director of Telecommunications Management advised your committee by letter that it was his intent, should legislation be enacted, to issue standards to insure that Government equipment meet as a minimum any criteria or standards laid down by the Federal Communications Commission for non-Government equipment. (A copy of this letter is included in the Appendix to this report.)

NEED FOR LEGISLATION

The Federal Communications Commission presently has authority under section 301 of the Communications Act to prohibit the use of equipment or apparatus which causes interference to radio communications and, under section 303(f), to prescribe regulations to prevent interference between stations. Pursuant to this authority the Commission has established technical standards applicable to the use of various radiation devices. At the outset it should be emphasized, therefore, that this legislation is not primarily designed to empower the Commission to promulgate stricter technical standards with respect to radiation devices but rather to enable it to make these standards applicable to the manufacturers of such devices. And, even in those few cases where it would implement its new authority with new or additional technical standards, the Commission has assured your committee that such standards would be developed in close cooperation with industry.

Under the present statute the Federal Communications Commission has no specific rulemaking authority to require that before equipment or apparatus having an interference potential is put on the market, it meet the Commission's required technical standards which are designed to assure that the electromagnetic energy emitted by these devices does not cause harmful interference to radio reception.

*An identical bill, S. 1977, was introduced by Senator Magnuson in the 90th Cong.

This gap in the Commission's authority has undesirable results. Since the prohibition presently falls only on the use of offending equipment, the Commission, in trying to eliminate interference, is confined largely to controlling the use of equipment which interferes with radio communications. In most instances the users have purchased the equipment on the assumption that its operation would be legal. To the extent that any added cost is involved, it seems more equitable to include it as part of the manufacturing cost rather than have the user bear the expense of modifying equipment in order to use it for its intended purpose.

Thus the Commission is presently reduced to an after-the-fact approach to controlling interference. There is no basis for proceeding against an offender until the Commission has discovered the interference, either through its Field Engineering Bureau or on the complaint of some user of radio equipment.

The enforcement problem in this after-the-fact approach is tremendous. For example, the Federal Communications Commission received some 38,000 interference complaints during fiscal 1964. Many thousands of these complaints involved devices which could be easily controlled by Commission rules adopted to implement this legislation. The FCC notes that the investigation, detection, and suppression of interfering devices has been accomplished at the expense of other important enforcement duties.

One example, supplied by the Federal Aviation Agency gives some indication of what can be involved. A serious amount of interference was noted on 243 megacycles, the frequency used for emergency communications and on 282 megacycles the homer frequency for the Los Alamitos Naval Air Station. A task force consisting of Navy, FAA, and FCC components undertook to locate the offending devices and to take action to eliminate their effects. This team, using ground vans, automobiles, and a helicopter located 58 garage door openers emitting interfering signals. Those devices were only a small percentage of the total offenders and it took a week to locate that number. The cost of this operation to the Government was about $100 per garage door opener closed down. This example illustrates the cumbersome, costly, and only partially effective measures that must be utilized to get at and eliminate interfering devices under current law. Enactment of H.R. 14910 will provide a much more effective and less expensive means of eliminating or controlling interference by attacking it at the manufacturing level.

Many manufacturers have cooperated generously in assuming the responsibility to minimize interference problems. However, the responsible manufacturer who cooperates in holding down excessive radiation is at a competitive disadvantage vis-a-vis the marginal manufacturer who prefers to ignore the Commission's rules.

In recent years there has been a marked increase in the number and type of devices capable of causing harmful interference to radio reception. In many instances, radiating devices lie outside the area conventionally associated with radio transmission and reception. They include such devices as high-powered electronic heaters, diathermy machines, and welders which radiate energy either purposely or incidentally to carrying out their primary functions. They also include low-power devices such as electronic garage door openers which, because of poor design or otherwise, emit radio frequency energy beyond that needed for their functions. Even radio and television receivers may also emit some radio energy.

The cumulative effect of all this undesired radiation is most apparent in large metropolitan areas. Especially in peak periods of operation of radiating devices, such areas are blanketed by a "radiation smog" which makes it increasingly difficult for many users of radio communications to obtain interference-free reception.

This radiation problem is most serious in vital areas where radio is used for safety purposes, such as in air navigation control. In a number of instances, the Federal Aviation Agency has issued notices informing pilots that certain radio navigation devices are not usable in particular quadrants because the interference caused by industrial equipment makes these "navaids" unreliable. Problems in this area pose a genuine threat to safety of life, and as the volume of air traffic increases, this threat will become more acute.

An important example of interference to radio communications occurred in December 1965 at the time of the Gemini 7 space flight. The U.S. Government went into court and received a temporary restraining order against a manufacturing company in Corpus Christi, Tex., on the grounds that certain equipment at the plant, including the ignition system of a winch truck used for lifting steel, was interfering with the communications between a tracking station at Corpus Christi and the Gemini 7 spacecraft.

To police and fire departments and others using radio for safety purposes, interference could cause error or delays affecting the preservation of life and property.

To radio listeners and television viewers, such excessive radiation also means the reception of distorted and barbled signals, or fluttering images, or pictures of a technical quality less than that possible when interference is under effective control.

To those who use radio for industrial communications services, the cumulative effect of undesired radiation means increased disruption of communications services.

And, finally, to those users of radio whose operations must be conducted under conditions of relatively low-background interference (i.e., for the Commission's monitoring activities, the operation of military communications systems, or radio astronomy observations), high levels of undesired radiation force the abandonment of geographic areas of high interference, or require special efforts to detect radiating devices which are causing harmful interference. Both of these alternatives impose additional costs of operation on the Government itself.

GENERAL STATEMENT

In the 89th Congress, Senator Magnuson, Chairman of the committee, introduced S. 105 at the request of the Federal Communications Commission. The Subcommittee on Communications held hearings on the bill on June 23, 1965. At those hearings the FCC, the FAA and others testified in support of the legislation.

The Associate Administrator for Programs, Federal Aviation Agency, strongly urged enactment of the bill, noting areas in which radiofrequency interference can affect aircraft navigation and communications, and the resultant unfavorable inpact on air safety. Mentioned particularly were radio navigation aids, instrument landing systems used in adverse weather conditions, and communications between air traffic controllers and pilots. It was pointed out that the FAA also operates numerous other types of air navigation facilities which are susceptible to radiofrequency interference. They include short- and long-range radar, distance-measuring equipment, TACAN bearing and distance equipment and direction-finding equipment. The FAA in its agency comments supported the bill as did the Office of Emergency Planning. The Federal Power Commission offered no objection to the bill.

Testimony in support of the bill was also presented by the American Radio Relay League, an organization including more than 85,000 U.S. amateur radio operators. Counsel to the National Small Business Association relinquished the time granted for his appearance on behalf of the association's members engaged in the manufacture of radio controls for door operators, but submitted a letter stating that the responsible manufacturers in that industry had no objection to S. 1015.

A statement supporting the bill was filed by Robert M. McIntosh, president, Hallet Manufacturing Co., Los Angeles, Calif., designers, developers, and manufacturers of interference suppression and shielding systems for a variety of engine, electrical, and industrial equipment.

Additionally, letters supporting the bill were received from the National Marine Electronics Association (concerned with radiofrequency interference effects upon safety of lives at sea), and from Mr. G. W. Swenson, Jr., professor of electrical engineering and research at the University of Illinois, Urbana, and staff scientist at the National Radio Astronomy Observatory in Green Bank, W. Va., giving his personal views and the consensus of a group of about 20 radio astronomers and three engineers representing research institutions from all parts of the Nation, who discussed the matter in Washington on June 18, 1965.

Professor Swenson noted the radiofrequency spectrum is a natural resource of enormous and cultural value and that it is imperative, in view of the great demands for its use, that it be used with the greatest economy. He stated every effort must be made to eliminate contamination of the spectrum by man-made radio emanations which serve no useful purpose but which arise incidentally from other activities and devices which cause troublesome incidental radiation because of poor design, construction, or adjustment. He pointed out that there exists such a cacophony from many different sources that individual causes often cannot be isolated. He states that man-made radio noise is so prevalent that a radio communication system invariably uses many times the amount of meter power indicated by the natural requirements of the system to insure reception above the noisy background and that this is highly inefficient, uneconomical, and contributes materially to the overcrowding of the radio spectrum.

Additionally, Electronic Industries, a trade journal, editorially supported S. 1015 in its July 1965 issue. It said:

"In 1960 Electronic Industries was first to call attention to the growing problems in RFI (radiofrequency interference). The 10 feature articles we published on RFI in that year formed the basis for a special military training course at the Armour Research Foundation. Since then the scope of this subject has broadened considerably. RFI has grown to EMC (electromagnetic compatibility). It has become a topic for special courses at the University of Pennsylvania as well as Massachusetts Institute of Technology. The National Symposium on Electromagnetic Compatibility, held in New York City last month, attests to the growing interest and concern in this area.

* * * * *

"Electrical/electronic devices such as heating pads, motors, razors, radios, tape recorders, and SCR's for control devices, and so forth, are creating unwanted radiation. Steps have been taken with some TV receivers under 'good neighbor' policy to reduce spurious radiation. All devices should be under some effective control. * * * Let's look at electromagnetic radiation as a natural resource that should be nurtured and conserved in every way possible. Senate bill, S. 1015, now before Congress would grant broad power to the FCC to regulate unwanted radiation. We believe this is a constructive step in the right direction."

During the course of its deliberations on S. 1015, the committee received a letter dated

July 8, 1965, from the Electronic Industries Association, a trade group representing, among others, manufacturers of radio and television receivers. That letter indicated that while EIA was acutely aware of the need for appropriate controls of spurious radiation in order to obtain maximum efficiency from the limited radio spectrum and was sympathetic with the FCC's efforts to limit interference with services licensed to operate within the spectrum, there was no emergency situation requiring immediate action and recommended further conferences between industry and the FCC. Further conferences were held, and EIA by letter dated March 17, 1966, indicated it approved enactment of S. 1015. (Correspondence exchanged between the FCC and EIA on the matters discussed are included in the appendix to this report.)

In addition to that exchange of correspondence, the appendix to this report contains an exchange of correspondence between the FCC and representatives of the electric utility industry which also occurred subsequent to your committee's hearings on S. 1015. That correspondence made clear that the FCC did not consider the assembly of a power system from component parts by an electric power company for its own use to be manufacturing within the meaning of the legislation, and that it was not the Commission's intention to require any advance approval, permit, certification, and so forth, before an electric utility undertakes to assemble a power system from component parts or to assemble any of the component parts for its own use.

Subsequently, on May 26, 1966, your committee favorably reported S. 1015 to the Senate, and on June 2, 1966, it passed the Senate. Because of the lateness of the session, however, the House of Representatives did not act on the Senate passed bill.

At the request of the FCC in the 90th Congress, bills identical to S. 1015 were introduced in both Houses. S. 1977 by Senator Magnuson and H.R. 14910 by Congressman Staggers.

The Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee held hearings on H.R. 14910 on February 6, 1968. The FCC and the FAA testified in support of the bill. The Bureau of the Budget, the Department of the Treasury, and the Department of Commerce submitted agency reports in support of the legislation.

On February 27, 1968, the House Committee on Interstate and Foreign Commerce favorably reported H.R. 14910 to the House without amendments, and on March 12, 1968, it also passed the House of Representatives without amendment. H.R. 14910 as it passed the House of Representatives is exactly the same as the bill which passed the Senate in the 89th Congress (S. 1015).

The National Electrical Manufacturers Association (NEMA), by letter of December 6, 1967, expressed the belief that there was no basic conflict with the FCC's intent and reasons for establishing reasonable control over some types of radio interference devices and suggested clarifying amendments. By letter of June 19, 1968, the FCC commented on these suggestions and stated among other things, the following:

"The phrase 'formulated in consultation with the affected industry representatives' is objectionable for two reasons. First, it may be interpreted as sharing or diluting the Commission's sole authority to make rules under the Communications Act. Second, even if it is not so interpreted, it is unnecessary and, we believe, inappropriate as a statutory requirement. Any rules promulgated in accordance with the statutory authority which [this legislation] would grant would be in accordance with the requirements of the Administrative Procedure Act of 1946 and would be adopted only after public rulemaking proceedings in which all interested parties would have opportunity to comment and submit views. Additionally, the Commission has expressed its willingness to cooperate, as it has in the past, in such industry committees and conferences as may be helpful in achieving the aims of the legislation.

"The suggested limitation to devices which cause harmful interference to 'commercial, aircraft, and public safety' radio communications is felt to be too restrictive. The Commission feels that the authority given to it by section 302 should be sufficiently broad to permit it to formulate rules relating to any service where interference from these devices is a serious problem. In this regard, it is believed that the language of [this legislation], 'reasonable regulations' * * * 'consistent with the public interest, convenience, and necessity' is a proper standard."

Your committee has also received agency reports supporting enactment of S. 1977 which is identical to H.R. 14910 from the Department of Defense through the Department of the Air Force, and the Department of Commerce. Those reports as well as other agency reports deferring to the views of the FCC as to the necessity for the legislation are included in the appendix to this report.

CONCLUSION

Your committee believes that passage of this bill will improve quality of radio and television reception, especially in those metropolitan areas where there is now excessive radiation. The efficiency of communications service in the industrial radio band will be enhanced. And, most important, some potentially serious threats to safe air navigation and control will be alleviated. Finally, the Federal Communications Commission's efforts in detecting and eliminating harmful interference will be made more efficient. All this will benefit the public, the users of devices which radiate electromagnetic energy, the great majority of manufacturers who presently attempt to avoid harmful interference problems, and the users of radio communications in general.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar beginning with Calendar No. 1260, to and including Calendar No. 1267.

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

DR. RAFAEL A. SANTAYANA

The bill (S. 3038) for the relief of Dr. Rafael A. Santayana was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Rafael A. Santayana shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 15, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1300), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. ORLANDO C. RAMOS

The bill (S. 3039) for the relief of Dr. Orlando C. Ramos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Orlando C. Ramos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 28, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1301), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARCELINA T. REYES

The bill (S. 3210) for the relief of Marcelina T. Reyes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Marcelina T. Reyes may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Clemente V. Reyes, Senior, citizens of the United States, pursuant to section 204 of such Act: *Provided,* That no brothers or sisters of the said Marcelina T. Reyes shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1302), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the adjustment of status as an immediate relative of the alien child adopted by citizens of the United States.

EXPEDITIOUS NATURALIZATION OF CERTAIN INDIVIDUALS

The bill (H.R. 10135) to provide for the expeditious naturalization of the surviving spouse of a U.S. citizen who dies while serving in an active duty status in the Armed Forces of the United States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1303), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to permit immediate naturalization for an alien, male or female, widowed by the death of a U.S. citizen spouse on active duty in the U.S. Armed Forces, provided the alien has been admitted to the United States for permanent residence,

is living in marital union with the U.S. citizen at the time of his death, and is otherwise qualified for naturalization.

STATEMENT

The general requirements pertaining to the naturalization of married persons are in section 319 of the Immigration and Nationality Act, as amended.

To be eligible for naturalization, an alien who is the spouse of a U.S. citizen must show that during the 3 years immediately preceding the date of filing a petition, he has resided continuously within the United States after being lawfully admitted for permanent residence, has been physically present in the United States for periods totaling at least one-half of this 3-year period, has resided within the State in which the petition is filed for at least 6 months, and has continuously lived in marital union with the citizen spouse during these 3 years. An alien who is not married to a U.S. citizen, or one who is widowed before the final hearing, must fulfill the above requirements for 5 instead of 3 years as specified in section 316(a) of the Immigration and Nationality Act.

On several occasions in recent months, the wife of a serviceman had petitioned for naturalization, had complied with all of the requirements except the final hearing in naturalization court, but was unable to become naturalized, for shortly before the final hearing, her eligibility failed when her U.S. citizen husband was killed in Vietnam.

The denial of the naturalization petition must follow, for under the present law, section 319(a) of the Immigration and Nationality Act, the alien spouse of a U.S. citizen applying for naturalization on the basis of resulting exemptions from the usual residence requirements in the law, section 316 of the Immigration and Nationality Act, must be a "spouse" right up to the final hearing on the petition when citizenship is conferred by the courts.

This bill specifically provides that no specified period of physical presence or residence within the United States after admission for permanent residence, or specified period during which the citizen spouse was a citizen, or specified period of marital union with such citizen spouse, shall be required in respect to a petition for naturalization.

BASIL ROWLAND DUNCAN

The Senate proceeded to consider the bill (S. 2731) for the relief of Basil Rowland Duncan, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of" strike out "August 9, 1962." and insert "February 13, 1962."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Basil Rowland Duncan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 13, 1962.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1288), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the proper date upon which he last entered the United States as a student.

GONG SING HOM

The Senate proceeded to consider the bill (S. 2181) for the relief of Gong Sing Hom, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "born" insert "alien"; and in line 10, after the word "Nationality" strike out "Act." and insert "Act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(19) and for the purposes of sections 203(a)(4) and 204 of the Immigration and Nationality Act, Gong Sing Hom shall be held and considered to be the natural born alien son of Mrs. Tom Wah, a United States citizen; *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1290), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of a fourth preference immigrant to the adopted son of a U.S. citizen which is the status normally enjoyed by the natural born alien married sons and daughters of U.S. citizens. As amended, the bill also provides for a waiver of the excluding provision of existing law relating to one who has misrepresented a material fact in applying for a visa.

DR. GUILLERMO I. GONZALES

The Senate proceeded to consider the bill (S. 3041) for the relief of Dr. Guillermo I. Gonzales which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the name "Doctor Guillermo I." strike out the name "Gonzales" and insert "Gonzalez"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Guillermo Gonzalez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 11, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1291), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the spelling of the beneficiary's last name.

The title was amended, so as to read: "A bill for the relief of Dr. Guillermo I. Gonzalez."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1271, 1273, 1274, 1275, 1276, 1277, and 1278.

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

LT. COL. SAMUEL J. COLE, U.S. ARMY (RETIRED)

The bill (S. 1206) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant Colonel Samuel J. Cole, United States Army (retired), is hereby relieved of all liability for repayment to the United States of the sum of $10,322.59, representing the amount of overpayments of retired pay received by the said Lieutenant Colonel Samuel J. Cole (retired), for the period from August 15, 1947, through September 30, 1964, as a result of administrative error in the computation of his creditable service for pay purposes less the amount due under Public Law 89-395. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lieutenant Colonel Samuel J. Cole (retired), referred to in the first section of this Act, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1305), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to relieve the claimant of all liability for repayment to the United States of the sum of $10,322.59, representing the amount of overpayments of retired pay received by the said Lt. Col. Samuel J. Cole (retired), for the period from August 15, 1947, through September 30, 1964, as a result of administrative error in the computation of his creditable service for pay purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

STATEMENT

The facts of the case, as contained in Senate Report No. 1843 of the 89th Congress on a similar bill, S. 2147, are as follows:

"The Department of the Army has no objection to the bill, as amended.

"The facts of the case are set out in the Army report of May 17, 1966, to the chairman of the committee, and are as follows:

" 'Lt. Col. Samuel J. Cole was born on May 2, 1891. He served on active duty in the U.S. Army from August 15, 1917, to May 15, 1920, when he was retired from the Regular Army as a first lieutenant by reason of disability from wounds received in battle. He returned to active duty on January 15, 1942, and while on active duty received promotions in the Army of the United States to captain on February 1, 1942, to major on August 26, 1942, and to lieutenant colonel on July 1, 1946. Because of demobilization Lieutenant Colonel Cole reverted to his retired status of a first lieutenant effective October 15, 1946. On the day preceding reversion to retired status he was entitled under the Pay Readjustment Act of 1942 (56 Stat. 359 (1942)), to the pay, while on active duty, of a lieutenant colonel of the fifth pay period, with longevity pay for over 27 years' commissioned service. In his retired status, however, he received 75 percent of the active duty pay of a first lieutenant, second pay period, with longevity pay for over 27 years' commissioned service. Subsequently, under the provisions of section 203(a) of title II of the act of June 29, 1948 (62 Stat. 1085 (1948)), he was advanced to the grade of major, the highest grade served satisfactorily for not less than 6 months in time of war, and began receiving 75 percent of the pay of a major, with over 6 and less than 9 years' service. This section specifically excluded credit for retired service in computing retired pay. Following enactment of the Career Compensation Act of 1949 (63 Stat. 802 (1949)), he elected under the "saved pay" provisions of section 411 to continue receiving retired pay based on law in effect before October 1, 1949.

"On June 27, 1957, Lieutenant Colonel Cole commenced an action in the Court of Claims to recover the difference between the retired pay he had received for the period commencing June 1, 1951, a date selected because of the 6-year statute of limitations for an action in the Court of Claims, and 75 percent of the active duty pay of a lieutenant colonel as computed by one of two methods set forth in his complaint. This action was based on the provisions, among others, of the last paragraph of section 15 of the Pay Readjustment Act of 1942, supra. This paragraph authorized retired pay of 75 percent of active duty pay at time of retirement for an officer with service before November 12, 1918, thereafter retired, unless entitled to retired pay of a higher grade. On July 29, 1957, Lieutenant Colonel Cole filed a similar claim with the General Accounting Office for the period within the 10-year statute of limitations applicable to claims filed there. Guided by the decisions in *Gordon* v. *United States* (134 Ct. Cl. 840 (1956)), and *Frizzell* v. *United States* (123 Ct. Cl. 337 (1952)), involving substantially similar claims, the General Accounting Office certified payment to Lieutenant Colonel Cole on May 1, 1959, of $26,199.88. This computation was based on credit for 75 percent of the active duty pay of a lieutenant colonel, fifth pay period, with longevity credit for 27 years' service, for the period July 29, 1947, to August 14, 1947, and credit for 75 percent of the active duty pay of a lieutnant colonel, sixth pay period, with longevity credit of 30 years, for the period August 15, 1947, to October 31, 1958. The Army Finance Center adjusted Lieutenant Colonel Cole's retired pay, effective November 1, 1958, to 75 percent of that of a lieutenant colonel, sixth pay period, with longevity credit for over 30 years' service, without questioning at that time the basis for payment in the sixth pay period (lieutenant colonel with 30 years' creditable service) as certified by the General Accounting Office instead of payment in the fifth pay period (lieutenant colonel without 30 years' creditable service). Relying on decisions of the Comptroller General (13 Comp. Gen. 29 (1933); 22 Comp. Gen. 175 (1942)), and computations approved in the *Frizzell* case, supra, the Army Finance Center notified Lieutenant Colonel Cole in a letter dated October 9, 1964, that his service in an inactive retired status was not creditable to advance him from one pay period to another even though it was allowable for longevity credit. The act of March 2, 1903 (32 Stat. 932 (1903)), authorized an officer retired for wounds received in battle to count service on the retired list solely for longevity pay purposes. The Army Finance Center reduced his retired pay, effective October 1, 1964, to that of the fifth pay period, with longevity credit of over 30 years, and informed him that he was indebted to the United States for $4,313.87 for retired pay for the period November 1, 1958, through September 30, 1964, representing the difference between pay in the sixth pay period and the fifth pay period. The General Accounting Office informed Lieutenant Colonel Cole, in a letter dated December 22, 1964, Z–1844460, that the settlement made by that office on May 1, 1959, was inadvertently computed on the basis of active duty pay in the sixth pay period for the period from August 15, 1947, through October 31, 1958, resulting in an overpayment of $7,252.73. In a decision dated April 1, 1965, B–132487, the Comptroller General reviewed the entire matter and confirmed overpayments totaling $11,566.60. The Finance Center has collected $1,484 from Lieutenant Colonel Cole's retired pay during the period November 1, 1964, through March 1966. He is currently liquidating his debt at the rate of $100 per month. The Department of the Army requested from Lieutenant Colonel Cole a statement of his present financial status, but he, through his attorney, stated he did not desire to provide any information.

" 'The overpayments received by Lieutenant Colonel Cole resulted from administrative error by two Government agencies. The payments were received in good faith and were undetected for more than 5 years. Public Law 89–395, approved by the President on April 14, 1966, waives the 10-year statute of limitations contained in the act of October 9, 1940 (54 Stat. 1061, 31 U.S.C. 71a (1964)), and allows certain retired officers, including Lieutenant Colonel Cole, to file claims with the General Accounting Office for increased retired pay. Lieutenant Colonel Cole is entitled to claim $1,244.01 under the new legislation. In view of this consideration, the Department of the Army has no objection to the bill if amended by striking "$11,566.60" from line 5 and inserting "$10,322.59", and by striking the period from line 10, and inserting ", less the amount due under Public Law 89–395".

" 'The cost of this bill, if enacted as introduced, will be $11,566.60. If enacted with the amendment as suggested in this report, the cost will be $10,322.59.' "

The committee has in the past approved relieving bills of this nature where the error was on the part of the Government, the claimant acted in good faith and hardship would result in repayment.

In agreement with the views of the Army, the committee recommends favorable enactment of the bill as amended.

In agreement with the previous action in the 89th Congress, the committee recommends the bill favorably.

SOPHIE STATHACOPULOS

The bill (H.R. 1705) for the relief of Sophie Stathacopulos was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1278), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Sophie Stathacopulos, of Brooklyn, N.Y., of liability to the United States in the amount of $419.86 resulting from an overpayment in her wages as an employee of the Small Business Administration in the period from October 14, 1962, to July 16, 1966.

STATEMENT

The Small Business Administration has no objection to the enactment of this legislation.

The House of Representatives, in its report, relates the following facts in this case:

The Small Business Administration stated in its report that Sophie Stathacopulos while an employee in that agency's New York office was given a within-grade salary increase which was subsequently determined to have been erroneous. However, the error was made on October 14, 1962, and it was not discovered to have been erroneous until July 16, 1966. By that time the overpayments had totaled $636 but after credit had been given Miss Stathacopulos for deductions that had been paid for taxes and retirement, the overpayment was reduced to $419.86. Upon being advised that she had been overpaid, she borrowed the money and repaid the full amount. The Small Business Administration in its investigation of the matter found that this indebtedness to a person of her limited means was a clear and demonstrated hardship.

"In recommending relief in this case, the Administrator of the Small Business Administration, the Honorable Robert C. Moot, stated:

" 'The purpose of the bill, as I understand it, is to authorize and direct the Secretary of the Treasury to return to Miss Stathacopulos the amount of her repayment. Since she is blameless, I would like to see her obtain such relief.'

"The committee notes in its report that the Small Business Administration has reviewed its procedures in order to insure insofar as possible that this type of error will not recur. The Administrator has stated that he is satisfied that all reasonable precautions have been taken to insure this result. In view of the particular circumstances of this case and the facts as established by the information supplied to the committee in connection with the bill, it is recommended that the bill be considered favorably."

The committee concurs in the conclusions reached by the House committee that the claimant acted in good faith in repaying the overpayment which created an undue hardship, and recommends that the bill, H.R. 1705, be considered favorably.

VIRGILE POSFAY

The bill (H.R. 1884) for the relief of Virgile Posfay was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1279), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to pay Virgile Posfay $3,700 in recognition of services performed by him and expenses incurred in the performing of those services for and on behalf of the United States while an

Austro-Hungarian consul at Monastir, Albania, when he was in charge of handling the interests of the United States of America in the years 1906, 1907, and 1908 in the absence of American consular representatives

STATEMENT

The House Judiciary Committee, in its report No. 583, states the facts of the case as follows:

"The Department of State in its report to the committee on a similar bill in the 89th Congress indicated that it would have no objection to private relief legislation should the merits of the matter be established to the satisfaction of the Congress.

The bill H.R. 1884 was the subject of a subcommittee hearing on Thursday, August 17, 1967, when the members of the subcommittee inquired into the basis of the claim. At that time the sponsor of the bill, the Honorable Burt L. Talcott appeared and testified in support of the bill. In the course of the hearing it was pointed out that the Department of State had investigated the matter and it was found that the Department's archives disclosed material which establish the fact that Mr. Posfay was authorized to protect American interests in the period in question as is referred to in the bill. The archives do not contain information indicating that Mr. Posfay requested reimbursement for the expenses he incurred, however, Mr. Posfay had indicated that he had in fact made no such request but paid whatever charges were necessary out of his salary or his personal assets.

"Diplomatic lists available to the State Department establish that Mr. Posfay was in fact the Austro-Hungarian consul at Monastir during that period. The Department's archives confirm that he, as the Austro-Hungarian consul at Monastir, was requested to look after the interests of the United States in the summer of 1907. At that time a problem faced in a girl's boarding school at Kortcha was mentioned in a dispatch from the U.S. Embassy at Constantinople. This dispatch dated June 18, 1907, stated that the problem 'was brought officially to the notice of the Embassy through the Austrian consul at Monastir, who in default of an American consul has been in temporary charge of our interests in that district.' In a letter dated June 14, 1907, to Marquis Pallavicini, the Austrian Ambassador, Mr. Leishman, who was then the American Ambassador at Constantinople, wrote:

" 'I will ask you however to be so good as to request the Imperial and Royal Consul at Monastir to use his good offices in behalf of the school, in which a number of my compatriots are interested.'

"The committee feels that this correspondence from the archives of the State Department is particularly significant because they bear out the statements made by Mr. Posfay that he was actively engaged in protecting American interests in the American girl's school in the area of Monastir.

"Another matter handled by Mr. Posfay was in connection with a Mr. Tsilka, who was imprisoned in Koritza, apparently on a charge of involvement in an Albanian revolutionary movement. The Reverend Gregory M. Tsilka was a graduate of Union Theological Seminary and worked with American missionaries in the area, where Mr. Posfay was charged with looking after American interests. While Mr. Tsilka was an Ottoman citizen, the American missionaries urged the State Department to intercede in Mr. Tsilka's behalf after his arrest. As a result, the State Department asked Ambassador Lieshman in Istanbul to use his 'informal good offices' on Mr. Tsilka's behalf in instructions dated June 16, 1908. This is the extent of the substantiation of Mr. Posfay's statement that he aided Mr. Tsilka which it is possible to obtain in the archives of the State Department at this time. However, the committee feels that here again there is another indication of the truthfulness of Mr. Posfay's statement that he actively represented the interests of the United States in the area. Mr. Posfay has stated that he also acted in behalf of the United States in connection with a problem faced by an American orphanage at Konia. He stated that at that time the orphanage was headed by two American women whose names were Matthews and Cole, as well as a missionary Rev. W. Clark. The State Department archives confirm that there was a problem concerning this orphanage and while Mr. Posfay is not mentioned, here again there is a partial substantiation of the incident referred to by Mr. Posfay, and the committee feels that it is pertinent to note that the general statement by the Ambassador in Constantinople that he looked after American interests in the area is a further substantiation of his efforts in this regard.

"In order to determine Mr. Posfay's present circumstances, the two officers from the Office of the U.S. Consulate General in Naples were requested to talk to Mr. Posfay. Their report to the Department confirms the fact that Mr. Posfay is presently in straitened financial circumstances. Mr. Posfay and his wife are now both over 90 years of age and live in a small three-room apartment on a narrow street just off the center downtown section of Naples. They are dependent on the private charity of a few persons. They have a small apartment for which the landlord has not charged rent, and small contributions are made from other sources. For several years they relied on a son who has become ill. The son is now approximately 68 years of age and does not earn sufficient income to care for both himself and his parents. Mr. Posfay and his wife were forced to leave Hungary because of the present regime in that country, and he has no pension or income of any kind.

"The committee finds that there is no question concerning the fact that Mr. Posfay rendered services in behalf of the United States. As is noted in the Department of State report, at this point in time it is difficult to value the amount of the expenses. The amount fixed in the bill includes that attributable to the expenses incurred in securing the release of Mr. Tsilka from jail, and the expenses in guarding an American girl's school and orphanage referred to above. Apparently at that time the unsettled conditions in the area required the stationing of a guard and this guard was paid out of Mr. Posfay's own assets. The final item is for Christmas gifts and receptions at Thanksgiving and July 4, distinctly American observances. The conversion of 240 Turkish pounds for expenses in connection with the liberation of Mr. Tsilka has been fixed at $1,200. The guarding of the American girl's school and orphanage was fixed at 300 pounds and the conversion in this instance is $1,500. The cost of Christmas gifts and the receptions in the years involved was fixed at 1,200 pounds or $6,000. The committee understands that the sponsor discussed various aspects of the matter with the State Department, including the question of the approximation of the figures involved, and it was concluded that a figure of $3,700 is a reasonable approximation based upon the facts and circumstances. The committee agrees that this is a reasonable amount and recommends that the bill providing for a payment in this amount be considered favorably."

The committee, after a review of all of the foregoing, concurs in the action of the House of Representatives, and recommends that the bill, H.R. 1884, be considered favorably.

RELIEF OF CERTAIN EMPLOYEES OF THE NAVY DEPARTMENT IN FLORIDA

The bill (H.R. 7882) for the relief of certain individuals employed by the Department of the Navy at certain U.S. naval stations in Florida was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1280), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve six civilian employees named in the bill who were employed at the Naval Air Station, Jacksonville, Fla., and the U.S. Naval Station, Mayport, Fla., and were overpaid in the period from January 1961 through July of 1966, by reason of erroneous determinations by the Government concerning their entitlement to in-grade increases.

STATEMENT

The Department of the Navy has no objection to the enactment of this legislation.

The facts of the case are set forth in the House report, as follows:

"The Department of the Navy in its report to this committee on the bill indicated that it had no objection to the relief provided by the bill if it is amended to include the amendments recommended by the committee.

"A General Accounting Office audit of the payroll records of the Naval Station, Mayport, Fla., and the Naval Air Station, Jacksonville, Fla., disclosed that six civilian employees have been overpaid, because they had been granted within-grade increases under circumstances where administrative personnel had made errors in computing their service periods. The result was that they had not performed the required amount of service required for eligibility for within-grade increases. The Navy report sets forth the correct amounts and periods during which the erroneous payments were received and the committee amendments are to make the necessary additions and corrections to provide for relief for this group of employees.

"In addition to the information supplied the committee by the Department of the Navy and the General Accounting Office in the report on the bill, the committee contacted the sponsor of the legislation to determine what the effect of the indebtedness is upon the employees involved. The committee has been advised that the salary grade and circumstances of these employees are such that the relatively large overpayments constitute a clear and unfair burden upon them. There is a considerable divergence in the amounts involved which derive in part from the varying periods during which the overpayments were made. However, in the interest of fairness and equality of treatment, it is necessary to include all similarly situated employees at the naval installations.

"In view of all of the circumstances of the case and the indication on the part of the Department of the Navy that it has no objection to relief, it is recommended that the bill as amended be considered favorably."

The committee concurs in the recommendation of the House of Representatives and recommends that the bill, H.R. 7882, be considered favorably.

RICHARD BELK

The bill (H.R. 8481) for the relief of Richard Belk was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 1281), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Richard Belk, of Albany, Ga., of liability to the United States in the amount of $236.80 which resulted from an administrative error in the determination of his pay in the period from July 8, 1962, to December 7, 1963, while he was employed at the Marine Corps Supply Center in Albany, Ga. The bill would authorize the repayment of any amount paid or withheld by reason of the liability referred to in the bill.

STATEMENT

The Department of the Navy has no objection to enactment of this legislation, and the Comptroller General of the United States indicates that "the question of whether the facts and circumstances in a particular case are of such a nature as to warrant relief legislation is a matter of policy for determination of the Congress."

In its report on this bill, the House of Representatives states:

"Mr. Richard Belk is an employee of the Marine Corps Supply Center at Albany, Ga., and the overpayment which is the subject of the bill was made to him in the period from July 8, 1962, to December 8, 1963. The Department of the Navy report traces the history of his employment and in various classifications in order to explain how this overpayment occurred. He was employed as a tracked vehicle driver, first step, during the period June 9, 1958, through December 13, 1958, and received a periodic step increase to tracked vehicle driver, second step, on December 14, 1958. He served in such capacity until May 29, 1960, when through a reduction in force he was reduced to the pay level of laborer. On June 10, 1962, Mr. Belk was repromoted to the position of tracked vehicle driver, second step, at the rate of $1.92 per hour. On July 8, 1962, Mr. Belk was given a periodic step increase to tracked vehicle driver third step, at the rate of $2 per hour, utilizing the period December 14, 1958, through May 29, 1960, as qualifying time for this increase. Mr. Belk then continued to receive this rate of pay for the period in question.

"During October 1966, incident to an audit of civilian pay and personnel records by the General Accounting Office, it was determined that Mr. Belk was erroneously advanced to tracked vehicle driver, third step, on July 8, 1962. The determination was based on the fact that Mr. Belk was afforded an equivalent increase on June 10, 1962, after a break in service and, therefore, the 78-week waiting period for advancement in step rating, as required by the Navy civilian personnel instructions, should have commenced from that date, the previous service in this step and grade notwithstanding. Mr. Belk should have been advanced to tracked vehicle driver, third step, on December 8, 1963. As a result of the foregoing, Mr. Belk was overpaid a total of $239.44 during the period July 8, 1962, through December 8, 1963.

"The committee has carefully considered the history outlined above. As was noted in the Navy report, the determination that resulted in the ruling that he had been overpaid is based on the fact that notwithstanding his previous service in the same step and grade, it was held that the required 78-week waiting period for advancement in step rating had to commence on June 10, 1962 when he was repromoted to the position of tracked vehicle driver, second step, following a period of service at the pay level of laborer. The erroneous increase amounted to 8 cents per hour, in that he was paid at the rate of $2 an hour rather than $1.92. The Department of the Navy has expressly noted that Mr. Belk could reasonably assume that he was entitled to the salary increase and the committee agrees on this point. Clearly, he accepted his pay in complete good faith. Furthermore, it is also obvious that a man employed under these circumstances would find repayment a hardship. It is recommended that the bill, as amended, be considered favorably."

The committee, after reviewing the facts of the case as outlined in the House report, concurs in the conclusions reached by the House Committee, and recommends that the bill, H.R. 8481, be considered favorably.

JOHN M. STEVENS

The bill (H.R. 10003) for the relief of John M. Stevens was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1282), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to authorize the payment of an amount not to exceed $750 to Joseph Bruno in full settlement of his claims against the United States and John M. Stevens, based upon personal injuries sustained by him on or about November 11, 1960, in an accident involving a U.S. mail truck operated by John M. Stevens and in full satisfaction of a judgment entered against John M. Stevens on April 4, 1967, in the Passaic County district court in a case arising out of the same accident.

STATEMENT

The Post Office Department recommends favorable consideration of H.R. 10003.

The facts of the case are stated in the House report, as follows:

"On November 11, 1960, Joseph Bruno, three and a half years old, darted between parked automobiles into the path of a postal vehicle being driven by John M. Stevens, a career substitute letter carrier at the time. The child was not seriously injured, apparently sustained a mild concussion and also a cut lip. Thereafter an administrative claim was presented to the Department, pursuant to the Federal Tort Claims Act, in the amount of $2,500. The claim was denied, however, since evaluation of it showed no negligence on the part of the postal driver. A lawsuit was then commenced against the driver, Mr. Stevens, in Passaic County district court. This was dismissed without prejudice by the court, on May 21, 1963, upon stipulation by the parties that the plaintiff would file a second administrative claim with the Post Office Department, this time in the amount of $900. By this date, however, more than 2 years had elapsed since the accident, and therefore the Department could not legally entertain the second claim. Whereupon the lawsuit against Mr. Stevens was reopened.

On March 17, 1964, the lawsuit was tried before a jury, a verdict was returned in favor of the defendant postal driver. Plaintiff appealed, however, and the case was remanded for a new trial because the lower court had improperly submitted to the jury the question of the infant plaintiff's capacity to be contributorily negligent. On April 4, 1967, a second nonjury trial was held in Passaic County district court and judgment was returned in favor of the plaintiff, Joseph Bruno, against the defendant postal driver, John M. Stevens, in the amount of $750, the amount of relief set out in H.R. 10003.

"The report submitted to the committee on this bill noted that the end result in this case was that the postal driver was held financially liable even though the Post Office Department found no negligence on his part, and in the initial trial of the case, a verdict was returned in his favor.

"As is noted in the departmental report, had the action been brought against the United States under the then existing provisions of the Federal Tort Claims Act, the postal driver would have been relieved of liability since section 2762 of title 28 of the United States Code provides that a judgment against the United States under section 1346(b) of the title providing for actions against the United States shall constitute a complete bar to any action by the claimant by reason of the same subject matter against the employee whose act or omission gave rise to the claim. Further, had the accident occurred after the effective date of Public Law 87-258, approved September 21, 1961, Mr. Stevens would similarly have been protected from the liability asserted against him in this case since that amendment required that the action be brought against the Federal Government. These considerations, in addition to the particular circumstances of this case, led the Department to recommend favorable consideration. Its statement in this connection is as follows:

"The Department would recommend favorable consideration of H.R. 10003. We believe it would be unfair for the former employee to suffer the judgment rendered in this case, because had the plaintiff's suit been against the Government instead of the individual, Mr. Stevens would have been relieved of liability in the matter. Moreover, had the accident occurred subsequent to the effective date of Public Law 87-258, approved September 21, 1961, Mr. Stevens would likewise have been relieved of liability. The cited law was specifically intended to authorize the Federal Government to assume responsibility for claims for damages against its employees in cases of this kind."

"This committee agrees that this matter is a proper subject for legislative relief. It is clearly unfair to require the individual employee to bear this cost when the Government in its determination of an administrative claim found that he was not negligent. The Department in its report raised a question as to the amount to be paid in this case and under the circumstances, the committee has determined that it would be proper to pay the individual who obtained the judgment and accordingly, the amended bill would provide for a payment directly to Mr. Bruno, and that such a payment be in full settlement of his claims against the Government and Mr. Stevens and further that any payment made under the authority of the bill should be made in full satisfaction of the judgment obtained on April 4, 1967. Had this action been brought against the United States and the judgment rendered against the United States, the action would have been governed by the provisions of the Federal Tort Claim Act as codified in title 28 of the United States Code. Section 2678 of title 28 of the United States Code governs attorneys fees in tort claims actions and provides that the limit fixed for attorneys fees in court proceedings is fixed at 25 percent of any judgment rendered. Accordingly, the limitation provided in the customary attorney fee provision in the bill has been set at the same amount by the committee in its amendment.

"In view of the favorable recommendation in the departmental report and the factors outlined in this report, it is recommended that the amended bill be considered favorably."

After reviewing the facts as stated in the House Report No. 858, the committee concurs in the recommendation of the House committee and accordingly recommends favorable consideration of H.R. 10003.

ROBERT E. NESBITT

The bill (H.R. 11959) for the relief of Robert E. Nesbitt was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1283), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to relieve Robert E. Nesbitt, a rural carrier in the postal field service, Bonner County Idaho, of liability in the amount of $383.46 resulting from his placement in an incorrect leave category through administrative error and without fault on his part notwithstanding his request for a verification of his leave status in 1961.

STATEMENT

The Post Office Department has no objection to the enactment of this legislation.

The House, in its report, relates the following:

"The bill H.R. 1159, as amended, would relieve Mr. Nesbitt of liability in the amount of $383.46, representing that portion of the indebtedness based on a credit of erroneous annual leave which is attributable to credits made to his account after December 1961 when he inquired about his leave account. As is noted in the Post Office Department report, he requested a review of his leave record in December 1961 and further the Department files confirm that he made two inquiries at that time concerning his leave record. As is also stated in the Post Office Department report, normally such inquiries would have caused a complete review of his record and discovery of the error. However, notwithstanding Mr. Nesbitt's efforts, the error was not discovered and Mr. Nesbitt was reasonably led to believe that his leave account was correct.

"In the departmental report, the Post Office Department stated that the amount originally stated in the bill, $400.13, approximates the value of leave that was overdrawn by the employee subsequent to his request for review in 1961. The report uses the phrase 'Except for an insignificant discrepancy in the calculation of hours overdrawn,' the sum stated in the bill is the value of leave that was overdrawn. The committee felt that this discrepancy should be clarified and requested an exact calculation from the Post Office Department. The committee was advised that the actual indebtedness attributable to this period is $383.46, and the difference between that figure and the figure originally stated in the bill is attributable to a discrepancy of three-fourths of a day, or $16.67. The committee has accordingly recommended an amendment to provide for the actual amount of the indebtedness. Of course, the total amount of the indebtedness for overdrawn leave was originally in excess of this amount and total $538.96. Mr. Nesbitt made payments to reduce the amount of the indebtedness and the effect of the bill would be to relieve him of only a portion of the outstanding balance and he would still be required to pay the difference between the amount relieved by the bill and the outstanding balance due.

"The committee feels that the bill, as amended, would make it possible to resolve this matter in an equitable manner. The facts outlined in this report show that Mr. Nesbitt has acted in good faith in first attempting to clarify the leave situation and secondly to reduce the amount of indebtedness by payments. The Post Office Department has recognized that the employee was not responsible for the incorrect computation and further that it would be unfair to require him to refund the value of annual leave overdrawn under these particular circumstances. For these reasons, the Post Office Department has stated that it has no objection to enactment of the bill. The committee agrees that this is a proper subject for legislative relief and recommends that the bill, amended to include the amendment recommended by the committee, be considered favorably."

The committee concurs in the recommendation of the House of Representatives and recommends that the bill H.R. 11959, be considered favorably.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Louisiana [Mr. ELLENDER], I ask unanimous consent that the committee on Agriculture and Forestry be authorized to meet during the session of the Senate tomorrow.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 25, 1968, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 24, 1968:

U.S. MARSHAL

Louis H. Martin, of California, to be U.S. Marshal for the Northern District of California for the term of 4 years vice Edward A. Heslep, retired.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

For appointment:

To be senior surgeon

Leon R. Jellerson

To be surgeons

Joseph F. Fraumeni, Jr.
Robert R. Jacobson
Leonard J. Karlin
Donald P. MacDonald
John D. Millar
James K. Penry

To be senior assistant surgeons

David H. Blumin
Stephen P. Diamond
Laurence S. Farer
John W. Flynt, Jr.
Peter P. Gudas, Jr.
Juan A. Mujica
Robert L. Pace
Donald Ptashkin
Kenneth C. Schneider
Edward Shmunes
John W. Southard
Charles R. Stark
David D. Swenson
Donald A. Swetter
Dennis E. Vitale
James V. Zelch

To be dental surgeon

James J. Laubham, Jr.

To be senior assistant dental surgeons

William A. Bell
Nilo R. Call
Pedro G. Colon
George B. Fink
Bruce A. Floor
Raymond E. Gadbois
Albert D. Guckes
Jon A. Hays
Robert E. Jones
Claire L. Pernsteiner
Robert D. Rosa
James B. Sacrey, Jr.
Larry J. Wisman
Enlow W. Wolford

To be senior sanitary engineer

Clyde B. Eller

To be senior assistant sanitary engineers

Timothy J. Bergin
Charles R. Phillips
Stanley J. Reno
Ronald J. Van Mersbergen

To be assistant sanitary engineer

Samuel D. Campbell

To be veterinary officers

Fritz P. Gluckstein
John E. Lynn

To be senior assistant veterinary officers

James M. Clinton
Stephen Potkay

To be nurse officers

Vivian R. Mercer
Barbara A. Rolling
Virginia K. Saba
Billee Von Fumetti

To be senior assistant nurse officers

Sandra J. Eyres
Ronald J. Haberberger

To be senior scientist

Maxwell J. Wilcomb, Jr.

To be scientists

Robert H. DePue, Jr.
David A. Fuccillo

To be sanitarians

G. J. Brittain, Jr.
Robert A. Kay
Richard A. Moats
Richard E. Stedman
Dale H. Treusdell
Calvin C. Vaughn

To be senior assistant sanitarians

Ralph J. Bicknell
Charles K. Byram
Donald A. Eliason
Robert A. Housekenecht, Jr.
Billy D. Jackson
James A. Kraeger
Michael B. Musachio
Kent Oldenburg
Ernesto Ruiz Tiben
Dale J. Van Donsel

To be pharmacist

Leonard C. Sisk

To be senior assistant pharmacists

Alfred Fallavollita, Jr.
Edward L. Kruger
Larry R. Logan
John J. Miescier
Francis X. O'Sullivan, Jr.
Thomas C. Seidl
Thomas B. Talamini

To be assistant pharmacists

James V. Anderson
Richard H. Harris
William R. Russell
Daniel F. Sullivan
James G. Tauer
Anthony R. Zelonis

To be therapist

Forrest N. Johnson

To be senior assistant therapists

Peter T. Langan
Hugh M. Moffatt, Jr.

To be assistant therapists

Richard I. Hetherington
Roger M. Nelson

To be junior assistant therapist

Paul M. Yamashita

To be health services officers

Robert Jacobs
Chandler C. Waggoner

To be senior assistant health services officers

Charles L. Bunch
Robert J. Chanslor
Stanley A. Edlavitch
William P. Kirk II
Arthur D. Moffett, Jr.
William J. O'Malley
Ralph D. Myhre
Richard W. Peterson
Edward B. Radden
Terrence L. Rice

To be assistant health services officers

Lee A. Bland, Jr.
Steven A. Coppola
Stella J. Cummings
Kenneth R. Envall
James W. Rolofson

For permanent promotion:

To be medical directors

G. Gilbert Ashwell
John M. Buchness
Robert M. Chanock
Jack D. Davidson
Joseph A. Gallagher
John K. Irion
David R. Kominz
Tracy Levy
John M. Lynch
Madeline P. Lynch
Miriam D. Manning
William L. Roberson
Franz W. Rosa
John E. Scott
Alexis I. Shelokov
Ernest C. Siegfried
Daniel Steinberg
Sarah E. Stewart
William H. Stewart
John J. Walsh
Carleton B. White
Kamehameka K. L. Wong

To be senior surgeons

Henry V. Belcher
Charles H. Boettiner
George G. Browning
Orlando L. Clark
Edward B. Cross
Arden A. Flint, Jr.
Claude R. Garfield
Eugene H. Guthrie
Betty E. Hathaway
Robert Y. Katase
William S. Lainhart
Louis Levy
David P. Michener
Roger W. O'Gara
Alan S. Rabson
Paul J. Schmidt
David J. Sencer
Nicholas P. Sinaly
Eleanor F. Smith
Paul C. Smith
John L. Stephenson
Robert J. Trautman
James L. Wellhouse

To be surgeons

Robert S. Adelstein
Joseph F. Alderete
Scott I. Allen
Murlyn D. Bellamy
Bobby C. Brown
William N. Caudill
William Chin
Roy G. Clay, Jr.
David A. Danley
George B. Deblanc
Arnold Engel
Harvey E. Finkel
Robert A. Fortuine
Ernest Hamburger
Christian M. Hansen, Jr.
Henry E. Harris
Myles C. Jones
Marvin A. Kirschner
Alphonse D. Landry, Jr.
Bernard R. Marsh
James E. Maynard
William P. McElwain
Kenneth R. McIntire
Jack D. Poland
John T. Porvaznik, Jr.
Franklin D. Roller
Michael B. Sporn
Arthur J. L. Strauss
David W. Templin
Theodore W. Thoburn
Charles F. Tschopp
Richard B. Uhrich
Christfried J. Urner
Jack Zusman

To be dental directors

Biagio J. Cosentino
Harold R. Englander
John E. Frank
James E. Kelly
Stanley Raynor
Oswald Spence
Robert L. Weiss

To be senior dental surgeons

Bill J. Brady
C. Larry Crabtree
Winston W. Frenzel
A. Fogle Godby
Edward A. Graykowski
Kenneth C. Potter
Jack D. Robertson
Herbert Swerdlow

To be dental surgeons

Donald C. Boggs
Meade E. Butler
John E. Butts
Richard L. Christiansen
Rulon D. Corry
David A. Dutton
Gresham T. Farrar, Jr.
Richard K. Fred
Gerald W. Gaston
James H. Greene, Jr.
Weston V. Hales
Orlen N. Johnson
Warren V. Judd
Larry K. Korn
Paul J. Loos
Loren F. Mills
Donald L. Popkes
Thomas W. Ragland
John R. Stolpe
Powell B. Trotter, III
Edward D. Woolridge, Jr.

To be sanitary engineer directors

Lester E. Blaschke
Edmund S. Jacobsen
William N. Long
Ronald G. Macomber
Robert P. Morfitt
Gordon G. Robeck
Charles E. Sponagle
James A. Westbrook

To be senior sanitary engineers

Ralph J. Black
M. Devon Bogue
Melvin W. Carter
Clarence E. Cuyler
Theodore C. Ferris
Lawrence C. Gray
John L. S. Hickey
Herbert H. Jones
Howard L. Kusnetz
Edwin M. Lamphere
Ralph I. Larsen
Roger D. Lee
Donald J. Nelson, Jr.
Donald A. Townley

To be sanitary engineers

Vernon E. Andrews
John G. Bailey
John A. Cofrancesco
H. Lanier Hickman, Jr.
Gary D. Hutchinson
Richard E. Jaquish
Andre F. Leroy
Norman J. Petersen
Donald G. Remark
Albert H. Story
Charles F. Walters

To be senior assistant sanitary engineers

Robert G. Britain
Bruce M. Burnett
Dean R. Chaussee
Warren W. Church
Larry E. Crane
Wayne T. Craney
Bobby L. Dillard
Thomas P. Glavin
Douglas L. Johnson
Gary S. Logsdon
Billy F. Martin
Joseph F. Mastromauro, Jr.
F. Warren Norris, Jr.
John R. O'Connor
William S. Properzio
Malcolm B. Reddoch
Harry F. D. Smith, Jr.
Robert N. Snelling

To be pharmacist directors

Richard F. Bolte
Alfred A. Rosenberg
John A. Scigliano
Allums F. Smith

To be pharmacists

Linton F. Angle
John T. Barnett
Charles A. Branagan, Jr.
Robert P. Chandler
Robert Frankel
Harry A. Hicks
Jimmie G. Lewis
Edward E. Madden, Jr.
Samuel Merrill
Robert G. Patzer
Bernard Shleien
Donald H. Williams

To be senior assistant pharmacist

Louis C. Fras

To be scientist directors

William R. Carroll
Roy W. Chamberlain
William F. Durham
Harold J. Fournelle
Robert Holdenried
Bill H. Hoyer
Leo Kartman
Charles R. Maxwell
Jack J. Monroe
Robert K. Ness
Clarence A. Sooter

To be senior scientists

Thomas E. Anderson
Frank P. Brancato
Samuel L. Buker
Joseph M. Butler, Jr.
William B. Dewitt
Harold V. Jordan, Jr.
Rias H. Majors
James V. Smith

To be scientists

John Cord Feeley
Joseph W. Lepak
James E. Martin
McWilson Warren

To be sanitarian directors

Donald R. Johnson
Wilfred H. Johnson

To be senior sanitarians

Raymond A. Belknap
Bayard F. Bjornson
Leo J. Dymerski
Francis J. Goldsmith
Robert P. Hayward
Arthur E. Kaye
John W. Kilpatrick

To be sanitarians

Maurice Georgevich
George W. Hanson, Jr.
John L. Kreimeyer
Gene W. McElyea
Bert W. Mitchell
Gail D. Schmidt
John G. Todd
Richard J. Vantuinen

To be veterinary officer directors

Robert E. Kissling
Alan D. Stevens

To be senior veterinary officer

Joe W. Atkinson

To be veterinary officers

Kirby I. Campbell
Glen A. Fairchild
William A. Priester, Jr.
Calvin E. Sevy

To be nurse directors

Merilys E. Brown
Dorothy L. Connors
Agnes H. Desmarais
Lillian S. Dick
Philomene E. Lenz
Mary R. Lester
Catherine N. McDuffie
Mary J. McGee
Helen L. Roberts
Frances S. Wolford

To be senior nurse officers

Dolores R. Basco
Mary L. Brown
Jane E. Hay
Marie M. Lech
Ruth J. Metka
Josephine I. O'Callaghan
Ann C. Rooney
Violet C. Ryb
Doris T. Tansley

To be nurse officers

Eleanor J. Collard
Marjorie A. Greene

To be senior assistant nurse officer

Richard A. Lindblad

To be dietitian directors

Rebecca T. Crockett
Geraldine M. Piper
Eileen M. Reid

To be senior dietitians

Alice M. Stang
Letitia W. Warnock

To be dietitian

Betty J. Shuler

To be senior assistant dietitian

Geraldine A. Jevnikar

To be senior therapist

John F. Burke

To be therapists

Kenneth L. Bowmaker
Joel H. Broida

To be senior assistant therapist

Joseph B. Hayden

To be health services directors

Marion Andrews
Jessie P. Dowling
Wallace W. Jonz
Marjorie C. Zukel

To be senior health services officers

Rebecca C. Chavez
Roy L. Davis, Jr.
Alice B. Frazer
Henry P. James
Delbert L. Nye
James G. Paine
George L. Romance
Gloria M. Russo
Harry V. Spangler
Joel J. Vernick

To be health services officers

Robert H. Bradford
Richard E. Gallagher
James M. Hardin
James D. Moore
Patrick W. Samson

To be senior assistant health services officer

James E. Delozier

CONFIRMATIONS

Executive nominations confirmed by the Senate June 24, 1968:

DEPARTMENT OF STATE

William H. Crook, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Robert F. Wagner, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

David S. King, of Utah, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

AGENCY FOR INTERNATIONAL DEVELOPMENT

H. Brooks James, of North Carolina, to be an Assistant Administrator of the Agency for International Development.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

John W. Townsend, Jr., of Maryland, to be Deputy Administrator, Environmental Science Services Administration.

DEPARTMENT OF JUSTICE

Morris E. Lasker, of New York, to be U.S. district judge for the southern district of New York.

Orrin G. Judd, of New York, to be U.S. district judge for the eastern district of New York.

Anthony J. Travia, of New York, to be U.S. district judge for the eastern district of New York.

U.S. CUSTOMS COURT

Bernard Newman, of New York, to be a judge of the U.S. Customs Court.