SENATE—*Monday, June 2, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou in whom we live and move and have our being, enter our hearts and fit us for Thy service. Cross the threshold of our inner being and make us to be at home in both the world of the visible and the invisible, the temporal and the eternal. Enable us to live bravely in the world which is, while we labor for the world which is to come. In daily duties make us seekers of truth and servants of justice. In days of strife and storm lock our fortunes to Thy purposes, that we may choose Thy will as our will, Thy way as our way, Thy peace as our peace, and help win for the world that freedom which will enable all nations to bring their glory and honor into Thy kingdom.

In the name of Him who came to set men free. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 29, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 29, 1969, the Secretary of the Senate, on May 29, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on May 29, 1969, see the end of the proceedings of today, June 2, 1969.)

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 VICE PRESIDENT. 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 VICE PRESIDENT. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 195 and the succeeding measures in sequence.

The VICE PRESIDENT. Without objection, it is so ordered.

PREVENTING TERMINATION OF CERTAIN FEDERAL OIL AND GAS LEASES

The Senate proceeded to consider the bill (S. 1193) to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 3, line 1, after the word "within," strike out "fifteen days" and insert "twenty days"; so as to make the bill read:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 31(b) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(b)), is amended by changing the period at the end thereof to a colon and adding the following: *"Provided,* That if the rental payment due under a lease is paid on or before the anniversary date but either (1) the amount of the payment has been or is hereafter deficient and the deficiency is nominal, as determined by the Secretary by regulation, or (2) the payment was calculated in accordance with the acreage figure stated in the lease or made in accordance with a bill which has been rendered by him and such figure or bill is found to be in error resulting in a deficiency, the Secretary shall notify the lessee of the deficiency and such lease shall not automatically terminate unless the lessee fails to pay the deficiency within the period prescribed in the notice."

SEC. 2. Section 31(c) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(c)), is amended to read as follows:

"(c) Where any lease has been or is hereafter terminated automatically by operation of law under this section, for failure to pay rental on or before the anniversary date or for failure to pay the full amount due and the deficiency is not nominal and payment was not made in accordance with the acreage figure stated in the lease or in accordance with a bill rendered by the Secretary and it is shown to the satisfaction of the Secretary of the Interior that such failure was the result of error or neglect on the part of the Department of the Interior, or where any lease has been or is hereafter terminated automatically by operation of law under this section for failure to pay rental on or before the anniversary date, but within twenty days after such date it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, the Secretary may reinstate the lease if—

"(1) a petition for reinstatement, together with the required rental, including back rental accruing from the date of termination of the lease, is filed with the Secretary; and

"(2) no valid lease has been issued affecting any of the lands covered by the terminated lease prior to the filing of said petition. The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion, extend the term of such lease for such period as he deems reasonable: *Provided,* That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition."

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. 91–205), explaining the purposes of the bill.

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

PURPOSE OF BILL

The purpose of S. 1193 is to confer discretionary authority on the Secretary of the Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under the limitations and conditions set forth below. Thus, the measure would enable the Secretary to do equity and at the same time relieve Congress of the necessity of considering private bills for one or the other of the above purposes. Such bills have been introduced in each Congress since 1954. The bill would accomplish its purpose by amending the appropriate sections of the Mineral Leasing Act of 1920, as amended (41 Stat. 450; 30 U.S.C. 188(b) and 188(c)).

BACKGROUND AND NEED

Prior to 1954 nonpayment of annual rental in connection with a noncompetitive oil and gas lease did not terminate the lease. Rather, the lessee remained liable for rental payments for the full term even though he may have abandoned his lease completely. In 1954, the 83d Congress amended the act by Public Law 555 to provide for the termination of a noncompetitive oil and gas lease "upon failure of a lessee to pay rental on or before the anniversary date of the lease, for any lease on which there is no well capable of producing oil or gas in paying quantities." This termination provision is automatic and was designed as a relief measure at the time.

The 83d Congress measure remedied the problem then presented, but created a new one. The automatic termination provision resulted in the termination of a number of oil and gas leases for failure to pay exact or timely rental in circumstances which appeared to warrant equitable consideration. The Secretary was not authorized to grant any waiver or other form of relief. To correct this situation, legislation was proposed in 1962 which would give the Secretary discretionary authority to reinstate these leases where the failure of payment was justifiable or not due to a lack of reasonable diligence

on the part of the lessees. It was recommended by the Department that the Secretary be given the authority for future cases as well as cases occurring between 1954 and 1962. Congress, however, limited the authority to past cases only.

In a number of cases since 1962, the law has operated to terminate leases where a rental payment was timely but it was short by a minimal amount. In one instance, the entire legislative procedure was required because of an error of 14 cents in rental payment resulting from a mistake by the Department itself. In other cases, the rental payment was timely, but it was deficient by a substantial amount. The 1954 act has been construed to apply to these cases as well as those where no payment has been made at all. In still other cases, payment is made in the correct amount, but it is not timely.

Failure to pay fully the exact amount of the annual rental or to pay it timely may have resulted, in a given case, from a variety of circumstances. Some examples are: errors in published notices, arithmetical errors in reminders, errors in totaling acreages of irregular lots and subdivisions, delay in the mails caused by transportation strikes, and delays caused by acts of God such as the 1964 earthquake in Alaska. Some of the deficiencies result from Bureau of Land Management error, and some result from an error on the part of the lessee.

The Bureau of Land Management has instituted a number of procedures designed to prevent clerical errors. They still occur, however, and leases have been terminated. As a practical matter, it is nearly impossible to prevent all errors, in view of the great volume of leases handled in Bureau of Land Management land offices each month. At the hearing, Assistant Secretary of the Interior Harrison Loesch testified there were some 90,000 oil and gas leases outstanding.

PROVISIONS OF MEASURE

S. 1193 is general legislation designed to provide authority to do administratively what hitherto has had to be done through the legislative process.

Section 1 deals with two types of lease situations which under present law require termination. One is where the rental payment, while made on time, is deficient by a nominal amount. The other is where the lessee paid the amount of rent billed to him by the Department, but the bill was in error and the error resulted in the deficiency. Under S. 1193, in these cases the Secretary must notify the lessee and the lease will not terminate if the lessee makes up the deficiency within the time presented in the notice.

Section 2 deals with leases that have terminated by operation of law for failure to pay the rental on time, or where the deficiency in rent payment is not nominal. In these cases, the bill provides that in order to have the lease reinstated, the lessee must, within 20 days of the anniversary date of the lease, show to the satisfaction of the Secretary that the failure to make timely payment, or to pay the full amount, was either justifiable or was not the result of lack of reasonable diligence on his, the lessee's part.

Under such circumstances, the Secretary may reinstate the lease if the lessee files a petition for reinstatement and tenders full rental payment, including back rental accruing from the date of the termination. A further condition of such reinstatement is that no valid lease has been issued on any of the land covered by the terminated lease.

The Secretary must allow a reasonable period of time, as determined in accordance with regulations to be issued by him, before issuing any new lease on the lands covered by the terminated lease.

In the event there have been administrative or other delays in the reinstatement and the Secretary finds that such delay has deprived a lessee of a reasonable opportunity to continue operations under the reinstated lease, the Secretary may, at his discretion, extend the lease term for a reasonable period. However, the extension may not be for a time longer than the period beginning when the lessee knew, or should have known, of the termination and ending on the date the Secretary grants the reinstatement petition. Also, the extension may not exceed the time remaining on the lease term at the date of termination. If the reinstatement occurs after the expiration of the lease term, the lease may be extended, subject to the above limitations, from the date the Secretary grants the petition.

THE COMMITTEE AMENDMENT

The committee amended S. 1193 by striking out "fifteen days" on line 1 of page 3, and in lieu thereof substituting "twenty days". This amendment is based in part on a suggestion made in the hearings by departmental witnesses and in part on a factual situation which is the subject of a bill, S. 689, sponsored by Senator Stevens, now pending before the committee which is a case in point. In this case, rental checks were mailed by the lessee in Houston, Tex., to the land office in Anchorage, Alaska, on September 18, 1967, but were not delivered until October 3, 1967, some 2 weeks later. The anniversary date of the lease was October 2, 1967, and thus under present law the leases were automatically terminated.

The time limitation is new to this year's bill, and was written in to prevent an unscrupulous lessee from using the reinstatement privilege as a means of speculation. That is, absent such a limitation, a lessee might deliberately allow his lease to terminate in order to see what companies were interested in the lands covered by his lease. Then he would obtain reinstatement and sell to the applicants at an inflated price.

It is the committee's intention that the time limitation provision will prevent such misuse of the administrative process for private speculation, and the Secretary is urged to be particularly watchful for any such activity.

COMMITTEE RECOMMENDATION

A bill similar in purpose to S. 1193 was considered by the committee in the 90th Congress. This was S. 1367, submitted by the Interior Department. It passed both the House and Senate in different forms, but no conference to reconcile the differences was held. The committee believes the current measure is a good compromise between the positions of the Senate and House on the 90th Congress bill, and that the time limitation in S. 1193 for establishing good faith and due diligence remedies what otherwise might have been a flow in the legislation.

There can be no question but that the legislation is needed, both to permit equity to be done to good faith Federal lessees and to relieve Congress with respect to the number of private bills required to accomplish the purpose of this measure on an individual basis.

Accordingly, the committee unanimously recommends prompt enactment of S. 1193, as amended.

EXTENSION OF TIME TO COMPLETE INSTITUTIONAL INVESTORS STUDY

The joint resolution (S.J. Res. 112) to amend section 19(e) of the Securities Exchange Act of 1934 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 112

Whereas additional time is required for the Securities and Exchange Commission to complete its study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934; and

Whereas the actual amount to be expended by the Commission in making such study and report will not exceed the original authorization of $875,000; and

Whereas an increase of $70,000 in such authorization is required because of the sums heretofore appropriated pursuant to such authorization $70,000 will be returned unexpended to the Treasury as of June 30, 1969: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

(1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof "September 1, 1970"; and

(2) by striking out in paragraph (4) "$875,000" and inserting in lieu thereof $945,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–206), explaining the purposes of the joint resolution.

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

PURPOSE OF JOINT RESOLUTION

Senate Joint Resolution 112 would amend section 19(e) of the Securities Exchange Act of 1934 to extend by 1 year from September 1, 1969, to September 1, 1970, the time in which the Securities and Exchange Commission is to study and make a report to the Congress on institutional investing practices in the securities market. In addition, the joint resolution would increase the amount authorized to be appropriated for this study from $875,000 to $945,000.

GENERAL STATEMENT

The Committee believes that the letter dated May 14, 1969, with attachment, from the Chairman of the Securities and Exchange Commission fully explains and fully justifies the need for this extension of time in which to complete the study and the need for the increased authorization. The letter with attachment from the Chairman of the Securities and Exchange Commission follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., May 14, 1969.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, for a number of reasons there was a protracted delay in starting the institutional study authorized under Public Law 90–438. It is now moving as originally planned, but it is obvious that the study cannot be completed within the time limit of the original resolution.

The situation is set forth in detail in the attached memorandum which is in support of the request the Commission is now making that the time limit be fixed at September 1, 1970, rather than the present September 1, 1969. It is not expected that this extension will result in the expenditure of any more funds than were originally authorized.

Commissioner Richard B. Smith consented to personally oversee the study's operations and has devoted considerable time thereto. Both of us are available at your convenience, and we are most anxious to discuss the matter further, looking toward the introduction and consideration of a resolution changing the time limitation.

With kind regards, I am,

Sincerely,

HAMER H. BUDGE,
Chairman.

CERTAIN CIVILIAN EMPLOYEES AND FORMER CIVILIAN EMPLOYEES OF THE BUREAU OF RECLAMATION

The bill (S. 83) for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each of the following employees, former employees, and estates of deceased employees of the Bureau of Reclamation who received the overpayment of compensation listed opposite his name for the period from March 30, 1952, through August 13, 1966, inclusive, or any portion or portions of such period, which overpayment resulted from administrative error, is hereby relieved of all liability to refund to the United States the amount of such overpayment:

Name	*Overpayment*
Adriance, Mary S	$40.00
Albee, Stanley	10.96
Anderson, E. L	15.99
Chavez, Nicolas	15.08
Emmett, Wyllis L	9.62
Fife, Rowland W	1,324.62
Gallegos, Joseph M	50.60
Gallman, W. Brooks	10.96
Guerra, Ciro	14.34
Gutierrez, Ely E	19.65
Johnson, C. P	401.60
Marmon, Walter	14.42
Moss, R. A	12.80
Peavy, Patrick	1.44
Sanchez, Ernest G	1,534.77
Torres, Sinesio	429.60

Each such employee or former employee who has at any time made any repayment to the United States on account of any such overpayments made to him (or, in the event of his death, the person who would be entitled thereto under the first section of the Act of August 3, 1950 (5 U.S.C. 5583)), shall be entitled to have an amount equal to all such repayments made by him refunded if application is made within two years after the date of enactment of this Act.

(b) For purposes of the Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act of 1954, each overpayment for which liability is relieved by subsection (a) of this section shall be deemed to have been a valid payment.

SEC. 2. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for any amounts for which liability is relieved by 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. 91–208), explaining the purposes of the bill.

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

STATEMENT

The committee in the 90th Congress reported favorably S. 3517 which is identical to S. 83 of the 91st Congress, and in its report on S. 3517 of the 90th Congress, stated as follows:

"The Department of the Interior recommends enactment of S. 3517 and in its report, in part, states the following:

" 'This private bill covers a group of 16 employees of the Bureau of Reclamation, who received overpayments of salaries. These overpayments were discovered during comprehensive reviews of personnel and payroll records after routine audits of the records disclosed some irregularities.

" 'Of the 16 overpayments, 12 resulted from miscalculations of the waiting periods required for periodic step increases and four from failure to recognize the mandatory waiting period before promotion required by the Whitten amendment. The overpayments range from $1.44 to $1,534.77 for a total of $3,906.45.

" 'In recognition of the fact that the overpayments resulted from adminstrative errors and the employees were in no way responsible, we do not believe they should be required to make restitution. Although we have temporarily suspended action to collect the overpayments without this legislation we are without legal authority to relieve the employees of their obligation for repayment. In several instances, the repayment will constitute a hardship on the employees concerned."

" 'After a review of all of the foregoing, the committee believes that the legislation is meritorious and recommends that the bill, S. 3517, be considered favorably.' "

In view of the foregoing action of the committee in the 90th Congress in its favorable report on S. 3517, the committee adheres to its former recommendation and recommends that the bill S. 83 be considered favorably.

VILLAGE OF ORLEANS, VT.

The bill (S. 275) for the relief of the village of Orleans, Vt., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 275

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 5103 (d) of title 39, United States Code, the Postmaster General is authorized and directed to (1) receive and consider any claims of the village of Orleans, Vermont, for the repayment of six unpaid United States money orders issued to such village in 1945 for the aggregate amount of $527.31, and (2) provide for the payment of the face value of such money orders to such village.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD, an excerpt from the report (No. 91–209), 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 and direct the Postmaster General to receive and consider any claims of the village of Orleans, Vt., for the repayment of six unpaid money orders issued to the village in 1945 in the aggregate amount of $527.31. The bill would require the Postmaster General to provide for the payment of the face value of the money orders to the village.

STATEMENT

This bill (S. 275) is identical to S. 839 of the 90th Congress which was passed by the Senate and on which the House took no action. The facts of the case as contained in the report requested from the Post Office Department and as quoted verbatim in the report (No. 1238) of the Committee on the Judiciary in the 90th Congress accompanying S. 839 when it was passed by the Senate, are as follows:

The Department is prohibited by law from paying a money order after 20 years from the last day of the month of original issue. Also, claims for unpaid money orders are forever barred unless received by the Department within that period (39 U.S.C. 5103(d)).

It is our understanding that in 1945 the treasurer of the village of Orleans purchased six money orders totaling $527.31, to be used for payment to the Province of Quebec, Canada, of a duty tax on certain securities. Later it was determined that there was no tax liability on the securities, and consequently the money orders were not used. The present board of trustees of the village was unaware of the money orders until recently, when they turned up in the personal effects of the deceased village treasurer.

Pursuant to the law cited above, records relating to the subject money orders have been destroyed. We, therefore, have no way of knowing whether duplicate money orders were issued in this case. If they were, enactment of S. 839 would constitute a double payment.

We would suggest the probabilities are that duplicates effecting a refund to the village were issued, since in all likelihood the question of the unused money orders and what to do about them arose when the village authorities met to discuss the financial affairs of the village. Presumably, the original money orders were lost or mislaid at the time; in which case it is reasonable to expect that the village would file for duplicates.

Enactment of legislation such as S. 839 would make it incumbent upon the Department to maintain money order records indefinitely. This would be contrary to the policy established by Congress in enacting section 5103(d) of title 39, United States Code; namely, that the records of the Department cannot be maintained indefinitely to adjudicate the millions of money orders issued annually.

At the request of the committee, the sponsor of the bill has produced an affidavit from the village of Orleans, which the committee believes overcomes the objection of the Department. The affidavit indicates that in this case there is no danger of a double payment.

In agreement with the previous action in the 90th Congress, the committee recommends the bill favorably.

NEW BEDFORD STORAGE WAREHOUSE CO.

The bill (S. 868) for the relief of the New Bedford Storage Warehouse Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New Bedford Storage Warehouse Company of New Bedford, Massachusetts, the sum of $365.98 in full settlement of the claims of said company against the United States arising out of services performed for the United States Coast Guard, pursuant to Government bill of lading A–0022724. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

RECORD an excerpt from the report (No. 91–210), explaining the purposes of the bill.

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

PURPOSE

The proposed legislation authorizes and directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, to the New Bedford Storage Warehouse Co. of New Bedford, Mass., the sum of $365.98 in full settlement of the claims of said company against the United States arising out of services performed for the U.S. Coast Guard, pursuant to Government bill of lading A–0022724.

STATEMENT

This bill (S. 868) in the 91st Congress is identical to S. 3484 and H.R. 10851 in the 90th Congress. H.R. 10851 passed the House of Representatives but no action was taken in the Senate.

The Department of Transportation recommends enactment of this legislation.

In its report to the Committee on the Judiciary of the House of Representatives under date of October 19, 1967, the Department states:

"The bill will permit payment for charges of moving the household effects, of Mr. Max E. Baldwin from Fairhaven, Mass., to Greenfield, Mo. According to the carrier the shipment was delivered at destination on August 10, 1960. Mr. Baldwin was discharged from the Coast Guard in July 1960. The First Coast Guard District was unable to obtain a receipt from him that the goods had been delivered. This is necessary before payment can be made by the Coast Guard. On October 21, 1963, the matter was forwarded to this office for settlement; however, the statute of limitations had run on August 10, 1963.

"The Coast Guard made additional attempts to obtain a receipt from Mr. Baldwin without success. On March 16, 1964, the claim was forwarded to the General Accounting Office for settlement. Payment was denied because the statute of limitations had run. While a receipt from Mr. Baldwin was never obtained, there is little doubt that delivery was made. There is no record that any complaint of nondelivery was made.

The Department of Transportation, therefore, recommends enactment of H.R. 10851."

Since there is no evidence that the company ever acted with less than reasonable prudence and diligence, nor is there any question but that the household effects of the delinquent consignee were safely delivered by the company, the committee is of the opinion that the bill should be approved. Accordingly, it is recommended that the bill, S. 868, be considered favorably and so reported to the Senate.

WILLIAM D. PENDER

The bill (S. 901) for the relief of William D. Pender 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 the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by the said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–211), 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 pay to William D. Pender the sum of $3,602.69 for the loss of his household goods and personal effects.

STATEMENT

This committee approved a similar bill for this claimant in the last Congress which passed the Senate but no action was taken in the House of Representatives.

The Department of the Army, which approves the bill, set forth the facts of the case in reporting on a similar bill in the last Congress as follows:

This bill would authorize and direct the Secretary of the Treasury to pay $6,292.40 to Mr. Pender for his claims against the United States for the loss of his household goods and personal effects which he abandoned in Fairbanks, Alaska, after being incorrectly informed by Army personnel that such property could not be stored or shipped at the expense of the United States pursuant to his transfer from Fort Greely, Alaska, to Fort Belvoir, Va.

The Department of the Army has no objection to the bill if amended as suggested in this report.

Official records disclose that on September 5, 1962, Mr. William D. Pender, a resident of Alaska, received notification that he had been selected for an appointment as a nuclear powerplant operator at the Fort Greely Nuclear Powerplant. He reported to duty on the next day and worked at Fort Greely until September 20, 1962, when he began preparing for his departure to Fort Belvoir, Va., for a 48-week course pertaining to the operation of nuclear powerplants. He states that he was told by administrative personnel on Friday, September 21, 1962, that his goods could not be stored at Government expense over 90 days or shipped to Fort Belvoir. It is not clear when Mr. Pender was finally told that he could not store or ship his goods at Government expense but his travel orders, dated September 6, 1962, limited him and his wife to 400 pounds of hold baggage. He and his wife left by plane to the Fort Belvoir area on September 22, 1962, after disposing of most of their household goods to the Salvation Army because of prohibitive rates of commercial storage in Alaska. The only property not disposed of consisted of four boxes of clothes stored commercially, a box of tools stored with a neighbor, and a table and a record player stored with Mr. Pender's sister. The travel orders, dated September 6, 1962, were erroneous and were amended on November 6, 1962, to include shipment of Mr. Pender's household goods, but no administrative means were available to compensate him for his loss. Mr. Pender returned to Alaska following completion of the course of Fort Belvoir.

The Department of the Army does not oppose a bill of this nature when a civilian employee has sustained financial loss resulting from an erroneous administrative determination as to travel allowances. The travel orders, dated September 6, 1962, were clearly erroneous in restricting Mr. and Mrs. Pender to 400 pounds of hold baggage pursuant to a permanent change of station. The amount provided for in the bill represents replacement value as indicated by prices in the Sears and Roebuck catalog of all of the property disposed of by Mr. Pender when he departed Alaska for Fort Belvoir. A more reasonable means of reimbursement, however, would appear to be the estimated depreciated value of the disposed of property which is the method of reimbursement normally used when a claim is filed against the United States for loss of property pursuant to a permanent change of station. In an interview held in Alaska with Mr. Pender on April 18, 1966, Army personnel attempted to make an estimate of the depreciated value of Mr. Pender's property. Mr. Pender, however, could not recall with any precision the acquisition dates of many of the items. As some items were accumulated over a 12-year period, the most reasonable evaluation of all of the property would appear to be on the basis of a mean period of 6 years for depreciation, an estimated value of $4,527.69. This figure, however, should be further reduced to $3,602.69 because of Mr. Pender's action upon his departure for Fort Belvoir in entrusting to his neighbor a box of tools which were never returned and in carelessly disposing of other small items of substantial value, such as a rifle, a shotgun, and a tape recorder, which could have been stored commercially or entrusted to his sister.

In a letter, dated March 28, 1966, to the Department of the Army, Mr. Pender stated that his financial situation was marginal and his living costs were extremely high because he lives in an isolated area of Alaska. In an earlier letter to a Member of Congress, Mr. Pender stated that he was $5,000 in debt and that the financial hardship of replacing his household goods had caused that indebtedness. In view of these equitable considerations, the Department of the Army has no objection to the bill if amended as suggested in this report.

The cost of this bill, if enacted as introduced, will be $6,292.40. If enacted as suggested in this report, the cost will be $3,602.69.

The committee believes that the bill is meritorious and recommends it favorably.

MRS. AILI KALLIO

The bill (S. 1010) for the relief of Mrs. Aili Kallio was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Mrs. Aili Kallio, out of any money in the Treasury not otherwise appropriated, a sum of money to be determined as provided in section 2 of this Act, in full settlement of any claim she may have against the United States because of failure to receive merchantable title to a tract of land containing 24 acres more or less, located within the southeast quarter

southwest quarter, section 19, township 51 north, range 32 west, Michigan Meridian, Baraga County, Michigan, by deed recorded on the land records of Baraga County, Michigan: *Provided*, That prior to such payment Mrs. Kallio shall convey by deed in form acceptable to the Secretary of the Interior all her right, title, and interest in the above described property to the heirs of William Owen.

SEC. 2. The Secretary of the Interior, after taking into consideration such appraisals as he deems necessary or appropriate, shall determine the fair market value of the property described in section 1, as of the effective date of this Act, and shall notify the Secretary of the Treasury of said sum which shall be paid as provided in the first section of this Act.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–212), explaining the purposes of the bill.

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

PURPOSE

The proposed legislation authorizes and directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, a sum of money to Mrs. Aili Kallio as full settlement of any claim she may have against the United States because of failure to receive a merchantable title to a tract of land of approximately 24 acres, located within the SE¼SW¼ sec. 19, T. 51 N., R. 32 W, Michigan meridian, Baraga County, Mich.; provided that prior to such payment Mrs. Kallio shall convey by deed in form acceptable to the Secretary of the Interior all her right, title, and interest in the above described property to the heirs of William Owen.

STATEMENT

The Committee on the Judiciary in the 90th Congress reported favorably S. 2036. That bill was passed by the Senate but was not considered by the House. S. 1010 in the 91st Congress is identical to S. 2036. In its report on S. 2036 the committee stated:

The Department of the Interior has no objection to the enactment of this legislation.

The property described in the bill is part of the original allotment of one William Owen, deceased allottee No. 262 of the L'Anse Reservation, Mich. William Owen died testate July 10, 1918, and his will was approved by the President on September 20, 1921. Mr. Owen willed his entire estate to his surviving wife, Emeline Owen, who subsequently died Feb. 27, 1919. When the will of William Owen was approved, the Assistant Commissioner of Indian Affairs notified the special agent in charge of the Mackinac Agency (now L'Anse) that approval of the will by the President removed the restrictions on the lands and that they were no longer under the supervision of the Indian Office.

In 1923, Margaret Duggan, as administratrix of the estate of Emeline Owen, conveyed the land described in the bill, together with other lands, to Edward Sicotte for a consideration of $1,100. This transaction was approved by the Baraga County Court. This action was taken by Mrs. Duggan after the Assistant Commissioner had advised the special agent in charge that approval of William Owen's will by the President removed the restrictions on the lands. However, the Solicitor subsequently held that approval of a will by the President of an Indian who died after February 13, 1914, did not effect the removal of restrictions on Indian lands (Solicitor's opinion of February 11, 1944, M–33441). Mrs. Kallio, in 1934, prior to the Solicitor's opinion, purchased the land described in the bill from Mrs. Sciotte for a consideration of $850. Mrs. Kallio has stated that she first became aware of the default in the title when she attempted to sell the land in 1965.

There are 14 heirs to this parcel of land. The majority of the heirs refuse to convey their interests in this land in order to assist in clearing the title. At the same time, since the orginal conveyance was made in good faith upon advice from the Bureau of Indian Affairs that the property was no longer restricted, the present record titleholder should not, after having paid consideration and having acted in good faith, be penalized by being required to forfeit her right to the land without reimbursement.

The property in question is located approximately 2½ miles north and east of L'Anse, Mich. It fronts a paved, all-weather county road. There are no improvements on the land; however, there are 10 acres of cleared, idle cropland and 13.5 acres of timberland. Government appraisers, as of July 1967, have estimated the fair market value of the land to be $2,000. Mrs. Kallio, in a written statement, has acknowledged her willingness to accept this amount.

After a review of the facts of the case as set forth in the report of the Department of the Interior and in a report directed to the Honorable Philip A. Hart, the sponsor of this legislation, from the Minneapolis area office of the Department of the Interior, the committee is of the opinion that the bill should be approved. Accordingly, it is recommended that the bill, S. 2036, be considered favorably and so reported to the Senate.

The committee adheres to its recommendation on S. 2036 and recommends that S. 1010 be considered favorably.

HOMER T. WILLIAMSON, SR.

The bill (S. 1236) for the relief of Homer T. Williamson, Sr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Homer T. Williamson, Senior, of Warner Robins, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $490, representing overpayments of salary received by him as a civilian employee of the Department of the Air-Force at Warner Robins Air Force Base, Georgia, for the period from September 3, 1963, through April 12, 1965, as the result of administrative error in adjusting the salary of the said Homer T. Williamson, Senior, upon completion of the two-year period during which he was entitled to retain the rate of pay he was receiving prior to a demotion due to a reduction in force. 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 amounts 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 Homer T. Williamson, Senior, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of any amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–213), 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 Homer T. Williamson, Sr., of all liability to refund to the United States the sum of $490 representing an overpayment of salary received as an employee of the Department of the Air Force at Robins Air Force Base, Ga., from September 3, 1963 through April 12, 1965.

STATEMENT

A similar bill for this claimant, S. 2200 of the 90th Congress, was favorably reported by this committee and passed by the Senate but no action was taken on it by the House of Representatives.

The Department of the Air Force has advised the committee that it has no objection to the enactment of the bill.

In its report on the bill, the Department of the Air Force sets forth the facts as follows:

"Effective September 3, 1961, Mr. Williamson's pay grade was changed from GS–5 to GS–4. He was entitled to, and granted salary retention under section 5337 of title 5, United States Code. Under Air Force regulations in effect on the date of his change to the lower grade, the rate of pay he would have received in that grade, had he not been eligible for salary retention, was GS–4, step g. GS–4, step g, was the maximum scheduled step rate of the grade at the time.

"At the expiration of the salary retention period, September 3, 1963, Mr. Williamson was erroneously placed in GS–4, step 10. GS–4, step g, (now step 7) plus any step increases he would have earned prior to the end of the salary retention period, was the rate of pay he should have received at the expiration of the salary retention period.

"A factor which may have contributed to the error in establishing Mr. Williamson's rate of pay was the change in the number of scheduled step rates of the compensation schedule upon enactment of the Federal Employees Salary Reform Act of 1962 (Public Law 87–793). That act eliminated longevity step increases and included them in the regular rate range.

"The error was discovered in a GAO audit in 1965. Corrective action was taken on all personnel actions. Mr. Williamson was informed of the overpayment and of his indebtedness to the Government. He repaid the indebtedness at the rate of $10 per pay period and had repaid in full as of April 16, 1967. There is no evidence of lack of good faith on the part of Mr. Williamson or administrative officials.

"Relief was granted by the Congress in a precedent case, Private Law 90–44, "For the relief of Charles H. Thurston." The Thurston case involves the identical type of administrative error as that involved in the Williamson case. Overpayments to both employees

were questioned by GAO auditors at the same time on the same GAO Inquiry No. 5Q 0188, dated May 27, 1965.

"Based upon a review of the circumstances of the case and the precedent case, the Department of the Air Force interposes no objection to enactment of the bill."

The committee believes that the bill is meritorious and recommends it favorably.

HENRY E. DOOLEY

The bill (H.R. 2940) for the relief of Henry E. Dooley 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. 91–214), 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 Mr. Henry E. Dooley, Mount View Terrace, Manchester Center, Vt., the sum of $394.49 in full settlement of his claims against the United States for reimbursement of the cost of transportation of the automobile of his son from San Francisco, Calif., to Manchester Center, Vt., after receipt of official notification that his son was missing in action in Vietnam.

STATEMENT

In its favorable report on the bill, the House of Representatives set forth the facts of the case as follows:

The bill, H.R. 2940, was introduced in accordance with the recommendations of the Comptroller General of the United States contained in a communication transmitted to the Congress by the Comptroller General as a meritorious claim. Section 236 of title 31 of the United States Code provides for special report to the Congress by the Comptroller General when he determines that despite the fact that a claim submitted to the General Accounting Office cannot be settled under existing law, it contains elements of legal liability or equity which justifies the consideration of a matter by the Congress.

The claim embodied in the bill is for reimbursement of expenses incurred by Mr. Dooley in personally transporting the motor vehicle of his son, Lt. (jg.) James E. Dooley, U.S. Navy, 686509, from San Francisco, Calif., to Manchester Center, Vt., during the period November 30, 1967, to December 10, 1967. His son was reported missing in action on October 22, 1967, while on a combat mission over North Vietnam. Following receipt of notice of his son's missing status, Mr. Dooley traveled to San Francisco, Calif., and drove his son's automobile to his home in Vermont for safekeeping pending a final determination of the son's status.

Mr. Dooley's claim was disallowed by the Claims Division of the General Accounting Office on March 4, 1968, for the reason that the law and regulations do not provide for reimbursement of the transportation expenses which he incurred. Mr. Dooley protested the action taken on his claim and urged that in the circumstances involved and in view of the savings which accrued to the Government as a consequence of his moving the car at personal expense, the claim should be allowed.

Provisions for the payment of pay and allowances and for travel and transportation benefits in the case of members of the uniformed services in a missing status are contained in chapter 10 of title 37 of the United States Code, 37 U.S.C. 551–558.

With respect to items of pay and allowances, section 552 of title 37 provides that a member in a missing status is, for the period he is in that status, entitled to the same pay and allowances, as defined in chapter 10, to which he was entitled at the beginning of that period or may thereafter become entitled. The term "pay and allowances" is defined in section 551 of title 37 as meaning basic pay, special pay, incentive pay, basic allowance for quarters, basic allowance for subsistence, and station per diem allowances for not more than 90 days.

As to travel and transportation benefits of such members, section 554 of title 37 provides, in material part, as follows:

(b) Transportation (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) may be provided for dependents and household and personal effects [which term may include one privately owned motor vehicle] of a member of a uniformed service on active duty * * * who is officially reported as * * * absent for a period of more than 29 days in a missing status * * *."

* * * * *

(e) In place of the transportation for dependents authorized by this section, and after the travel is completed, the Secretary concerned may authorize—

"(1) reimbursement for the commercial cost of the transportation; or

"(2) a monetary allowance at the prescribed rate for all, or part, of the travel for which transportation in kind is not furnished. * * *."

Under that statutory authority the shipment of the automobile of Mr. Dooley's son unquestionably could and would have been provided by the Government, had it been requested, at a cost considerably in excess of the amount of Mr. Dooley's claim. However, the committee observes that such a resolution was complicated by the fact that the serviceman is missing in action.

However, the General Accounting Office invited the attention of the Congress to the act of March 7, 1966, Private Law 89–218 (80 Stat. 1617), in which Mr. and Mrs. Earl Harwell Hogan, of Pine Bluff, Ark., were authorized to be paid the sum of $120 as reimbursement of the cost of transportation of the automobile of their son, the late Lowell S. Hogan, specialist, U.S. Army, from Bremen, Germany, his last duty station, to Pine Bluff, Ark. Private Law 89–213 states that Mr. and Mrs. Hogan transported their son's automobile at their own expense in reliance upon the erroneous advice of agents of the United States, who misinterpreted U.S. Army regulations pursuant to which such transportation was authorized to be made at the expense of the United States.

The General Accounting Office concluded that in the circumstances of his case, Mr. Dooley's claim contains such elements of equity as to justify its reporting with a recommendation that he be reimbursed for the expenses involved in the transportation of his son's automobile. The General Accounting Office recommended that authorization be given to pay Mr. Dooley the sum of $394.49, consisting of the following items: $152.35, his plane fare to San Francisco, Calif.; $92.29 for lodging; $63.50 for food; and $86.35 for gasoline and oil.

The committee agrees that the facts of this case merit legislative relief and recommends that the bill be considered favorably.

The committee concurs in the action of the House of Representatives and recommends that the bill, H.R. 2940, be considered favorably.

CAPT. RICHARD L. SCHUMAKER, U.S. ARMY

The Senate proceeded to consider the bill (S. 728) for the relief of Capt. Richard L. Schumaker, U.S. Army, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 5, after the word "of" where it appears the second time, strike out $2,752.16," and insert "$2,268.48,"; so as to make the bill read:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Richard L. Schumaker, United States Army, is hereby relieved of all liability for repayment to the United States of the sum of $2,268.48, representing the amount of overpayments of basic pay and allowances received by the said Captain Richard L. Schumaker for the period from May 21, 1966, through July 31, 1967, as the result of administrative error in determining his years of 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.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Richard L. Schumaker the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) No part or any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

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. 91–215), explaining the purposes of the bill.

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

PURPOSE OF AMENDMENT

The purpose of the amendment is to conform the relief of liability for repayment to the United States representing the amount of overpayments of basic pay and allowances received by Capt. Richard L. Schumaker to the sum computed by the Department of the Army as the total amount overpaid. The Department of the Army is not opposed to the bill if it is amended as suggested.

PURPOSE

The purpose of this legislation, as amended, is to relieve Capt. Richard L. Schumaker, U.S. Army, from all liability to repay the United States the sum of $2,268.48, representing the amount of overpayments of basic pay and allowances received by Captain Schumaker for the period from May 21, 1966, through July 31, 1967, as the result of administrative error in determining his years of service for payment 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 bill. The bill would further authorize and direct the Secretary of the Treasury to pay to Captain Schumaker the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of the bill.

STATEMENT

The Department of the Army has no objection to the enactment, as amended, of this legislation. The Department of the Army's records disclose that Captain Schumaker applied for appointment as a Reserve officer for service in the Army Reserve on December 11, 1965. Under the applicable Army regulations (AR 140–101) he was eligible for appointment to the grade of first lieutenant due to his qualifications, including a bachelor of science degree in medical technology from the University of Tennessee and over 3 years professional experience in his field. In fact, on February 1, 1966, the commanding general, 3d U.S. Army, recommended that he be appointed a first lieutenant. On May 11, 1966, Captain Schumaker was tendered an appointment as a second lieutenant and assigned to the Medical Service Corps. He was concurrently ordered to active duty. He accepted the tendered appointment on May 21, 1966.

The tender indicated that he was credited with no "years of service in an active status" notwithstanding the fact that his qualifications made him eligible for such credit for each year, month and day of professional experience in his field. "Service in an active status", credited for education and professional experience under section 3353 of title 10, United States Code, and Army Regulation 140–101, is constructive service for the purpose of determining grade in which the individual will be appointed. It is not creditable for the purposes of determining base pay (37 U.S.C. 205 and par. 10103(c), Department of Defense Pay and Entitlements Manual).

On December 9, 1966, then Second Lieutenant Schumaker applied to the Army Board for the Correction of Military Records for correction of his military records to show that on May 21, 1966, the date he entered on active duty, he was credited with 3 years, 8 months and 11 days of "service in an active status" and on that date was appointed a Reserve in the grade of first lieutenant. On January 26, 1967, upon the recommendation of the Army Board for Correction of Military Records, the Secretary of the Army directed that his records be corrected to show:

"a. that he was tendered and accepted appointment in the grade of first lieutenant, U.S. Army Reserve, on May 21, 1966, and entered on active duty in such grade on that date; and

"b. that he was credited with 3 years, 7 months and 28 days service in an active status on that date."

On April 7, 1967, the Department of the Army informed Captain Schumaker that, due to the correction of his military records, he was entitled to certain back pay for the period May 21, 1966, through February 13, 1967. Included with the correspondence was a statement entitled "Computation of Payment Due Under Provisions of 10 U.S.C. Section 1552," and a completed form which he need only sign and submit to claim the amount due.

Captain Schumaker signed and submitted the prepared form for the collection of the net amount, $1,433, the Department of the Army found to be due him after deducting $446.53 for Federal Insurance Contributions Act and Federal income tax. He was paid this amount.

However, it appears that the Department of the Army in computing the amount of back pay due Captain Schumaker made an error in "years of service." The "years of service" as computed under section 205, title 37, United States Code, should have been "less than 2 years of service" instead of the 3 and 4 "years of service" used by the Department of the Army in figuring out his back pay. The "years of service" error was carried forward in computing Captain Schumaker's basic pay for the period February 14, 1967, through July 31, 1967. Captain Schumaker was promoted to the grade of captain on May 21, 1967.

In August of 1967 the Department of the Army discovered that Captain Schumaker had been overpaid and finally in August of 1968 after many reexaminations of his account it was determined that, as of June 20, 1968, he owed the Government $2,268.48 less $350 paid by Schumaker for a net debt of $1,918.48 computed as follows:

MAY 21, 1966–FEB. 13, 1967

Paid as:

First lieutenant (3) at $489 a month, May 21–June 30, 1966	$652.00
First lieutenant (3) at $504.60 a month, July 1–Sept. 22; 1966	1,379.24
First lieutenant (3) at $521.40 a month, Sept. 23, 1966–February 1967	2,450.58
Total	4,481.82

Entitled to pay as:

First lieutenant (0) at $342.60 a month, May 21–June 30, 1966	456.80
First lieutenant (0) at $353.70 a month, July 1, 1966–Feb. 13, 1967	2,629.17
Total	3,085.97
Total paid for period	4,481.82
Total entitlement for period	3,085.97
Amount overpaid	1,395.85

FEB. 14–JULY 31, 1967

Paid as:

First lieutenant (4) at $521.40 a month, Feb. 14–May 20, 1967	1,685.86
Captain (4) at $583.20 a month, May 21–July 31, 1967	1,360.80
Total	3,046.66

Entitled to pay as:

First lieutenant (0) at $353.70 a month, Feb. 14–May 20, 1967	1,143.63
Captain (0) at $441.60 a month, May 21–July 31, 1967	1,030.40
Total	2,174.03
Total paid for period	3,046.66
Total entitlement for period	2,174.03
Amount overpaid	872.63

Amount overpaid, May 21, 1966–Feb. 13, 1967	1,395.85
Amount overpaid Feb. 14–July 31, 1967	872.63
Total amount overpaid	2,268.48

The numerical notations in parenthesis in the above computation represent years of service creditable for basic pay purposes, e.g., "first lieutenant (3)" denotes a first lieuaenant with more than 3 but less than 4 years service creditable for basic pay purposes. "Captain (0)" denotes a captain with less than 2, and therefor no, years of service creditable for basic pay purposes.

The Department of the Army concedes that overpayment to Captain Schumaker was caused solely by its administrative error and there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of Captain Schumaker or any other person acting on his behalf.

In view of the above, if the bill is amended to substitute the amount of $2,268.48 for the $2,752.16, the Department of the Army is not opposed to the bill.

The committee accordingly recommends that favorable consideration be given to S. 728, as amended.

YVONNE DAVIS

The Senate proceeded to consider the bill (S. 757) for the relief of Yvonne Davis, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 6, after the word "of" strike out "$561.05" and insert "$536.05"; 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 the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Yvonne Davis of Old Town, Maine, the sum of $536.05. Such sum represents the amount of hospital and medical expenses incurred by the said Yvonne Davis in connection with an ear operation performed on her in a civilian hospital in Bangor, Maine, after having been erroneously advised by medical personnel at Dow Air Force Base, Maine, that she was, as a dependent parent of a member of the Armed Forces, entitled to hospital and medical care in civilian facilities at the expense of the United States.

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. 91–216), 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, as amended, is to authorize and direct the Secretary of the Treasury to pay the sum of $536.05 to Yvonne Davis, of Old Town, Maine, representing the amount of hospital and medical expenses incurred by the claimant in connection with an ear operation perfomed on her in a civilian hospital in Bangor, Maine, after having been erroneously advised by medical personnel at Dow Air Force Base, Maine, that she was entitled to hospital and medical care in civilian facilities at the expense of the United States.

STATEMENT

A similar bill was reported favorably by this committee in the 90th Congress, but no action was taken in the House of Representatives. The facts are contained in the report of this committee on S. 2026 of the 90th Congress and are as follows:

Mrs. Davis is the dependent mother of a member of the Women's Army Corps (WAC), Cp4c. Deborah F. Davis, [redacted] Headquarters Company, WAC, Fort Myer, Va. As such a dependent parent (residing in a dwelling place provided by the member), she was entitled to hospitalization and medical care in facilities of the uniformed services, subject to the availability of space and facilities and capabilities of the medical staff. At the time involved, the Dow Air Force Base Hospital did not have an otolaryngologist on its staff, and, therefore, lacked the surgical capability required to perform an operation of the type needed by Mrs. Davis, the operation being a stapedectomy. As a parent, she was not entitled to any care from civilian sources under either the original Dependent's Medical Care Act or under the 1966 amendments. However, in the outpatient visit to the Air Force Hospital, Dow Air Force Base, November 28, 1966, Mrs. Davis was advised by an Air Force medical officer that she was entitled to obtain hospitalization and medical care from civilian sources at U.S. expense. Thereafter, her civilian physician had her admitted to the Eastern Maine General Hospital,

Bangor, Maine, and she underwent a stapedectomy operation at that hospital December 12, 1966.

Whereas the circumstances releated would justify a private law to reimburse Mrs. Davis is, of course, a matter of legislative discretion. The stapedectomy, while necessary to prevent a further loss of hearing, may not have been desired by Mrs. Davis if she had been properly advised that she was not entitled to medical care at the expense of the Government. However, since she had been advised to have the operation by her civilian physician and since it could not be performed at the Dow hospital, it can be argued that there was no reasonable alternative to obtaining the operation, if at all, from civilian sources. On the other hand, she might well have decided to make arrangements for the operation where she could have been accommodated on a space-available basis.

In view of her clear reliance on the erroneous information given to her by an Air Force medical officer, the Department of the Air Force believes that the uncertainty in the case should be resolved in favor of Mrs. Davis and the Department would, therefore, have no objection to an award to her in the amount of $536.05. This award reflects the $561.05 in medical and hospital costs incurred by Mrs. Davis reduced by $25 representing the contribution she would have been required to make to such costs by law had she, in fact, been a dependent of a member of the uniformed services eligible for medical and hospital care in civilian facilities at Government expense.

Inasmuch as Mrs. Davis was erroneously informed by an Air Force medical officer as to her eligibility for medical and hospital care in civilian facilities at Government expense, the committee is of the opinion that she should be reimbursed for her expenses involved.

The committee is in agreement with the Department of the Air Force that in view of Mrs. Davis' reliance on the erroneous information given her by an Air Force medical officer, the case should be resolved in her favor, and accordingly, the committee recommends that the bill, S. 2026, be considered favorably.

In light of the foregoing the committee adheres to its recommendation and recommends that the bill, S. 757, as amended, be considered favorably.

TECHNICAL CORRECTIONS IN TITLE 38, UNITED STATES CODE

The bill (H.R. 684) to amend title 38 of the United States Code in order to make certain technical corrections therein, 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. 91–217), explaining the purposes of the bill.

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

EXPLANATION OF THE BILL

The committee bill amends title 38 of the United States Code (veterans' benefits) to make certain technical corrections, eliminate obsolete terms and references, and to correct misspelled words and typographical errors which have occurred in the various amendments to title 38 since the veterans' laws were codified in 1958. The bill makes no substantive changes in present law; it merely makes technical corrections. The Committee on Finance agrees with the Committee on Veterans' Affairs of the House as to the desirability of making these changes and has approved the House bill without amendment.

The specific changes made by the bill are fully explained in the report of the Veterans' Administration, which follows:

REPORT OF VETERANS' ADMINISTRATION

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
Washington, D.C., March 3, 1969.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will respond to your request for a report by the Veterans' Administration on H.R. 684, 91st Congress, an act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes, as passed by the House of Representatives on February 17, 1969.

The purpose of H.R. 684 is to make certain technical changes in title 38, United States Code, in order to eliminate obsolete provisions contained therein, to provide for technical conformance of title 38 with other laws which have recently been enacted, to correct minor errors which have been discovered, and to repeal certain obsolete savings provisions which are no longer applicable.

The bill, as passed by the House, contained several amendments recommended by the Veterans' Administration.

We are enclosing, for the information of the committee, a section-by-section analysis of the bill.

In light of the above, we believe that H.R. 684 furthers the desirable effort of keeping title 38 current, and therefore recommend favorable consideration by your committee.

We were advised by the Bureau of the Budget in regard to our report to the House Committee on Veterans' Affairs on H.R. 684 as introduced, that there was no objection from the standpoint of the administration's program to the presentation of that report to that committee.

Sincerely,

W. J. DRIVER, *Administrator.*

EXTENSION OF TEMPORARY DUTY SUSPENSION ON CERTAIN CLASSIFICATIONS OF YARN OF SILK

The bill (H.R. 2718) to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn and silk 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. 91–218), 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 H.R. 2718 is to continue for 3 years, until the close of November 7, 1971, the suspension of duties on certain classifications of spun silk yarn which expired on November 7, 1968.

GENERAL STATEMENT

Public Law 86–235, approved September 8, 1959, suspended for 3 years (until the close of November 7, 1962) the import duties imposed under paragraph 1202 of the old tariff schedules of the Tariff Act of 1930 on spun silk or schappe silk yarn (not dyed or colored, singles of more than 58,800 yards per pound, or plied of more than 29,400 yards per pound). The period of suspension was continued for an additional 3 years by Public Law 87–602, approved August 24, 1962, and by Public Law 89–229, approved October 1, 1965.

H.R. 15798 of the 90th Congress, a similar bill to H.R. 2718, was unanimously approved by the House on June 4, 1968. The substance of H.R. 15798 was also approved by the Senate. However, due to a failure of the two Houses to agree on an unrelated Senate amendment to H.R. 15798, the bill was not enacted.

Spun silk yarns are of two principal types: standard spun-silk schappe) yarn and silk-noil (bourrette) yarn. Standard or schappe spun-silk yarns for general textile use are manufactured from long parallelized silk fiber stock recovered from waste cocoons and silk filature waste and are used for making sewing thread, decorative stripings for fine worsteds, lacing cord for cartridge bags, and, in combination with other fibers, certain types of necktie fabrics, shirtings, dress, and suiting fabrics, upholstery, and drapery materials.

The silk-noil type of yarn is made from shorter length, and hence cheaper, silk fiber stock than schappe and must be spun on wool-spinning machinery. The material used consists of silk noils discarded as byproducts in preparing silk waste for spinning in standard spun silk yarns. Such yarns have few civilian uses except in mixture fabrics containing other fibers. Their chief use is in the weaving of silk cartridge cloth for powder bags for large-caliber ordnance.

The suspension of the duty was made in order to enable domestic producers of fine-yarn fabrics to import fine silk yarns free of duty, thereby making it more economical to produce fine-yarn fabrics in competition with imported similar fabrics. The committee is advised that the same reasons which justified the original suspension of the duty justify the continuation of the suspension.

The bill provides that the entry or withdrawal of any article which was made after November 7, 1968 (the termination date of the last suspension of duty), and on or before the date of enactment, may be liquidated or reliquidated as though such entry or withdrawal had been made after the date of enactment. Such liquidation or reliquidation of an entry or withdrawal is subject to a request being filed therefor with the customs officer concerned on or before the 120th day after the date of enactment.

No objection to the continuation of the suspension of duty has been brought to the committee's attention.

BILL PASSED OVER

The bill (H.R. 4622) to amend sec. 110 of title 38, United States Code, to insure preservation of all disability compensation evaluation in effect for 20 or more years was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

EXTENSION OF TEMPORARY DUTY SUSPENSION ON ELECTRODES FOR USE IN PRODUCING ALUMINUM

The bill (H.R. 10015) to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum 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. 91–220), 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 H.R. 10015, as amended, is to continue until the close of December 31, 1970, the suspension of duties on electrodes imported for use in producing aluminum.

GENERAL STATEMENT

Under the permanent provisions of the Tariff Schedules of the United States, electrodes of the kind covered by the bill are currently dutiable under item 517.61 at 10 percent ad valorem, the second stage of a five-stage reduction from 12.5 to 6 percent ad valorem agreed to in the Kennedy round. However, the duty on electrodes imported for use in producing aluminum was suspended from October 7, 1965, under Public Law 89-241, until July 15, 1966, was further suspended by Public Law 89-434 until July 15, 1968, and to July 15, 1969, by Public Law 90-571.

Electrodes of the type covered by the bill are used in the electrolysis of alumina into aluminum. These electrodes, including both anodes and cathodes, are consumed in great quantities in the electrolysis process.

Your committee is informed that there is presently insufficient production of electrodes to satisfy domestic requirements. However, the committee is also informed that new plant capacity is being developed to produce electrodes for future domestic consumption. For this reason, the committee agreed to the bill as passed by the House limiting the suspension of duty for a period of 18 months, until December 31, 1970.

TEMPORARY SUSPENSION OF DUTIES ON METAL SCRAP

The bill (H.R. 10016) to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap 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. 91-221), 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 H.R. 10016, as passed by the House and approved by the committee, is to continue to the close of June 30, 1971, the existing suspension of duties on metal waste scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States.

GENERAL STATEMENT

Legislation for the temporary suspension of the duties on various metal scrap was first enacted in 1942 (Public Law 497, 77th Cong., act of March 13, 1942, 56 Stat. 171). With various changes the suspension was continued from time to time depending upon the scarcity of the particular metals at the time.

This bill would continue for 2 years (until July 1, 1971) the temporary suspension of the duties on certain metal waste and scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States; principally such metal scrap as iron and steel, aluminum, magnesium, nickel and nickel alloys. As before, the bill would not suspend the duties applicable to waste and scrap of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy, nor would it suspend the duties applicable to articles of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy.

ARTICLES TO WHICH BILL APPLIES

Item 911.12 of the Tariff Schedules of the United States applies to—

(1) Metal waste and scrap (provided for in pt. 2 of schedule 6 of the schedules), except copper, lead, zinc, and tungsten waste and scrap;

(2) Unwrought metal (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (*a*) which are defective or damaged, or have been produced from melted down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying; and (*b*) which cannot be commercially used without remanufacture;

(3) Relaying or rerolling rails; and

(4) Articles of metal to be used in remanufacture by melting (except articles of lead, zinc, or tungsten, and not including metal-bearing materials provided for in schedule 4 or in pt. 1 of schedule 6 of the schedules, and not including unwrought metal provided for in pt. 2 of schedule 6 of the schedules).

BACKGROUND INFORMATION

Scrap of various nonferrous metals, whether imported or of domestic origin, may be considered for most purposes simply as relatively small components in the total U.S. supplies of the respective metals, although some manufacturers depend wholly on metal scrap as a source of raw material. The relation of iron and steel scrap to the total supplies of iron and steel is somewhat different from that existing with respect to nonferrous metals. This is because the economical production of steel by the open-hearth process requires that part of the iron-bearing materials used consist of heavy melting scrap. Thus, much iron and steel scrap constitutes a material important to the domestic production of steel. Despite the fact that imports of scrap metals have not in the past few years constituted important components of the total supplies of the various metals, the imports in some cases have represented important sources of the metals for limited numbers of consumers of such metals in some sections of the country.

The rates of duty on the principal types of ferrous and nonferrous metal scrap, the suspension of which would be continued by the bill, are shown in the following table:

Type of scrap	Item No.	Rate of duty
Iron and steel	607.11 or 607.12	22 or 30 cents per long ton plus additional duties on alloy content.
Aluminum	618.10	1.2 cents per pound.
Nickel and nickel alloy	620.02	Free.
Tin and tinplate	607.10 or 622.10	Do.
Magnesium	638.55	23 percent ad valorem.

Relaying and rerolling the rails would, in the absence of this legislation, be dutiable at the rate of one-twentieth of 1 cent per pound plus additional duties on alloy content under items 610.20 to 610.21 of the Tariff Schedules of the United States. Other metal articles not considered scrap within the meaning of the tariff classifications but imported to be used in remanufacture by melting are also exempt from duty under items 911.10 to 911.12 of these schedules. Such article would be dutiable, in the absence of special legislation, at various rates too numerous to mention in this report.

CONCLUSION

The Committee on Finance has received no information which would indicate any opposition to the legislation. Interested departments and agencies have indicated that they have no objection to the legislation. The U.S. Tariff Commission has indicated that the conditions which prompted the initial suspension of duty on metal scrap and the continuations thereof to the present time have not materially changed.

BILLS PASSED OVER

The bills (H.R. 5833) to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes, and (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots were announced as next in order.

Mr. MANSFIELD. Mr. President, I ask that these two bills go over.

The VICE PRESIDENT. The bills will be passed over.

LUDGER J. COSETTE

The bill (S. 499) for the relief of Ludger J. Cossette was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ludger J. Cossette, of Gonic, New Hampshire, a retired employee of the Post Office Department, the sum of $84.96, in full satisfaction of all claims of the said Ludger J. Cossette for additional compensation for emergency services performed by him for such Departments at its request, payment heretofore received by him for such services having been limited, by reason of his retired status, to the difference between the amount earned and the amount payable to him for the same period as retirement annuity: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-224), 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 pay to Ludger J. Cossette of Gonic, N.H., a retired employee of the Post Office Department, the sum of $84.96 for additional compensation for emergency services.

STATEMENT

A similar bill for this claimant, S. 2584 of the 90th Congress, was approved by this committee and was passed by the Senate but no action was taken on it by the House of Representatives in the 90th Congress.

The U.S. Civil Service Commission advised the committee that it would have no objection to the enactment of the bill.

In its favorable report to the committee on the bill in the 90th Congress the Civil Service Commission said:

"Mr. Cossette, a retired employee of the Post Office Department, was reemployed for a total of 36 hours during the pay period beginning February 26, 1966. His net earnings for the service were $7.56. These earnings were limited by reason of his retired status, to the difference between his annuity and the amount that he would otherwise have earned if he had not been a retired employee. The civil service retirement law requires that the salary of a reemployed retired employee, such as Mr. Cossette, be reduced by an annuity allocable to the period of employment. The purpose of this provision is to prevent a reemployed retired employee from receiving a windfall of both salary and annuity covering the same period of time.

"S. 2584 would authorize payment of $84.96 to Mr. Cossette. This is the amount by which his earnings were reduced because of his retired status. The Commission has consistently viewed as undesirable any private bill which would single out one person for benefits not available to others similarly situated. In this case, however, we believe such legislation may be justified. Mr. Cossette did not seek this employment but performed the service on an emergency basis as a favor to the postmaster. It also does not appear that he was ever informed that his pay would be limited to the difference between his gross earnings and annuity for the period of employment. We therefore consider it patently unfair that Mr. Cossette, an experienced postal employee, worked almost a full week for $7.56.

"In view of these exceptional circumstances, the Commission would have no objection if Congress acted favorably on S. 2584."

The committee believes that the bill is meritorious and recommends it favorably.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. 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 on the Executive Calendar beginning with No. 385.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated, as requested by the Senator from Montana.

EXPORT-IMPORT BANK OF THE UNITED STATES

The bill clerk read the nomination of John Conrad Clark, of North Carolina, to be a member of the Board of Directors of the Export-Import Bank of the United States.

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

DEPARTMENT OF THE TREASURY

The bill clerk read the nomination of Murray L. Weidenbaum, of Missouri, to be an Assistant Secretary of the Treasury.

The VICE PRESIDENT. 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 VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, that concludes the call of the Executive Calendar.

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.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The VICE PRESIDENT. Without objection, the Senator from Illinois is recognized for 10 minutes.

SENATOR KENNEDY AND VIETNAM STRATEGY

Mr. DIRKSEN. Mr. President, I feel impelled to make some observations with respect to the statements made by the distinguished majority whip of this body, the Senator from Massachusetts (Mr. KENNEDY). He and I have much in common. Not only do we share membership in this great body, but also we entered Army service as privates—I in World War I and he with troops abroad in 1951. Nothing so enriches the kinship of the uniform as experience which comes from having been a private.

Often do I think back to those days when one stood reveille, did KP—kitchen police—duty, mended one's own clothes, washed his own mess kit, learned squads right and squads left, and performed a score of other duties to sharpen one's strategic and tactical expertise.

But one learns in due course that war is a tactical and strategic art. Objectives are to be assessed. Targets and positions must be evaluated. High ground and its importance in stopping infiltration must be equated with the cost in lives. The value of high ground was not lost on the Germans 25 years ago this week when they occupied the high promontory overlooking both Omaha and Utah Beaches and held it against every assault for more than 30 hours. To conclude that our military leaders in Vietnam were "senseless and irresponsible," as my distinguished colleague and private-at-arms put it, in taking Hamburger Hill, came as something of a shock. It did not dislocate my affection for him, but it did jolt my estimate of his wisdom and judgment.

Since that first statement on the Senate floor 2 weeks ago, he has spoken to a college graduation group in the course of which he was quoted as saying that senseless military actions in the hills and valleys of Vietnam "have delayed successful negotiation at the Paris peace talks."

All this has a slightly familiar ring. It sounds a bit like another Senator from Ohio who graced this body in 1861—more than a hundred years ago. His name was Benjamin Franklin Wade. He was chairman of the Committee on Conduct of the War. When General McClellan remained rather deliberate, with President Lincoln's approval, Senator Wade went to the White House and demanded that Lincoln throw McClellan overboard. "Who do I put in his place?" asked Lincoln. "Anybody," snorted Wade. Very cooly Lincoln said, "Wade, anybody will do for you but I must have somebody." All this because of the military conduct of General McClellan.

If what is being done in Vietnam is senseless and irresponsible, the Senator from Massachusetts should contact the Commander in Chief and suggest that he dismiss our military commanders and find others.

But I have an idea that the President, the people of this country, and our knowledgeable leaders are not about to do anything of the kind. They are more likely to recall what the historian Titus Livius, better known as Livy wrote 2,100 years ago when General Paulus was selected to conduct the war with Macedonia in 168 B.C. Here is what Livy wrote:

Lucius Acmiluis Paulus, a Roman Consul who had been selected to conduct the war with the Macedonians, B.C. 168 went out from the Senate into the assembly of the people and addressed them as follows, according to the historian, Titus Livius (Livy):

"In every circle, and, truly, at every table, there are people who lead armies into Macedonia; who know where the camp ought to be placed; what posts ought to be occupied by troops; when and through what pass that territory should be entered; where magazines should be formed; how provisions should be conveyed by land and sea; and when it is proper to engage the enemy, when to lie quiet.

"And they not only demonstrate what is best to be done, but if anything is done in any other manner that what they have pointed out, they arraign the counsul, as if he were on trial before them.

"These are great impediments to those who have the management of affairs; for everyone cannot encounter injurious reports with the same constancy and firmness of mind as Fabius did, who chose to let his own ability be questioned through the folly of the people, rather than to dismanage the public business with a high reputation."

I might say, parenthetically, that they attached to Fabius the term "delayer," and yet that was the tactic he should have used. Paulus continued:

I am not one of those who think that commanders ought at no time to receive advice; on the contrary, I would deem that man more proud than wise, who regulated every proceeding by the standard of his own single judgment.

What then is my opinion

That commanders should be counseled, chiefly, by persons of known talent; by those who have made the art of war their particular study, and whose knowledge is derived from experience; from those who are present at the scene of action, who see the country, who see the enemy; who see the advantages that occasions offer, and who, like people embarked in the same ship, are sharers of the danger.

If, therefore, anyone thinks himself qualified to give advice respecting the war which I am to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state, but let him come with me into Macedonia.

He shall be furnished with a ship, a horse, a tent; even his traveling charges shall be defrayed.

But if he thinks this too much trouble, and prefers the repose of a city life to the toils of war, let him not, on land, assume the office of a pilot.

The city, in itself, furnishes abundance of topics for conversation; let it confine its passion for talking within its own precincts, and rest assured that we shall pay not attention to any councils but such as shall be framed with our camp.

That is what Livy wrote in "History of Rome" Titus Livius, volume 13, book XLIV, chapter 22.

That could have been written yesterday. It could have been gleaned from the pages of the CONGRESSIONAL RECORD. It is as fresh as new-mown hay. It is as true as the stars in their courses.

But all this has a very serious aspect. Hanoi quickly picked up this criticism. It was broadcast. Even the word "senseless" was used.

And what could be the impact on troop morale and discipline? When Senators, 12,000 miles removed from Hamburger Hill, call the 10-day action "senseless and irresponsible," can it be interpreted in any other way than a direct reflection on the judgment and competence of our field commanders in Vietnam. If this is to be taken as the home-guard appraisal of the skill, judgment, and capability of our commanders, what does it do to troop confidence?

General Paulus said it all 2,100 years ago when he observed:

If, therefore, anyone thinks himself qualified to give advice respecting the war which I am about to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state but let him come with me into Macedonia.

Mr. MANSFIELD. Mr. President, I listened with a great deal of interest to the measured remarks of the distinguished minority leader, and I noted with interest his reference to something which happened before the birth of Christ, and which has become part of Roman history.

I also noted that he started his remarks by saying that both he and the distinguished assistant majority leader had much in common, not only because they share membership in this particular body, but also because in their military service they both started out as privates. I think I could join with my two colleagues in that respect, having been a seaman second class in the Navy, a private first class in the Marine Corps.

It is my recollection and understanding that the distinguished senior Senator from Massachusetts likewise achieved the high rank of private first class, and he was disappointed that he was unable to make corporal.

But I think that what he had to say he had a right to say; just as what the distinguished minority leader has said he had a right to say. Members of this body are supposedly mature in judgment; Members of this body are responsible for every word they say; and Members of this body have to account to the people of the States from which they come for their actions as well as their words.

In my opinion, Vietnam is a barbaric, tragic, and senseless war. It is a war in which we never should have become engaged because, in my opinion, it is not vital to the security of the United States. This statement is nothing new with me. I have made this statement time and time again on the floor of this Chamber, and I have made it to the people of the State of Montana, whom I have the honor and privilege to represent.

I think, as far as Vietnam, is concerned, it strikes into the heart and mind of every one of us, regardless of our personal feelings on the war.

I picked up the Great Falls, Mont., Tribune this morning and noted that up to Memorial Day 179 citizens of my State had made the ultimate sacrifice, and that in 1 year to the day—from Memorial Day 1968 to Memorial Day 1969—nine citizens of the city of Great Falls had made the supreme sacrifice. The totals were for a small city and a small State of less than 700,000 in population—the price which Montana has paid in this war—and for what? For what?

Just ask yourselves that question.

The distinguished minority leader refers to the importance of a particular hill. It is my understanding that after that hill was taken—and it took 12 assaults to achieve the objective—it was abandoned. It is my understanding that there were other hills in the same vicinity just as important, I would assume, as was the particular hill in question. It is my further understanding that the general who was responsible for this undertaking, said in effect—and I think I quote him almost exactly—that "The hill had no strategic value."

Well, as I tried to say last Thursday, hills can be taken and lost, hills can be held for a long time or held temporarily, but lives once taken are gone forever. The taking of a life is permanent.

The distinguished minority leader mentioned Fabius, referring to him as "Fabius the Delayer." Fabius fought for years and years and finally he won, but he won at a terrific cost in lives. Nevertheless, Rome survived.

We will survive, in spite of the tremendous cost now approaching 40,000 dead in Vietnam, well over 200,000 in casualties, and almost $100 billion in cost. We will have to live with this mistake which we have made and do the best we can to find a way out of it.

So far as Hanoi's picking up the words of a Senator in this body is concerned, they have been doing that for 3 or 4 years, ever since the war started. And, may I say, in reverse, that we in this country have picked up the words of prominent officials in Hanoi, when it suited our convenience, and we have also released secret documents, when it suited our convenience—documents which indicated that the enemy was losing the war and that we were winning it, and that victory was just around the corner. Well, gentlemen, we know where we stand in that respect at the present time.

I would say that on the eve of President Nixon's meeting with President Thieu at Midway on Sunday next, it would be well for us to try to show a degree of coordination and unity behind Mr. Nixon. On the basis of what he has done to date and what he said in his speech—I think it was the 14th of May, wherein he laid out the points which allow him great maneuverability and flexibility—I believe he will uphold what the aims of America are in this war and not what may be someone else's.

We have borne a great burden in manpower, in treasure, and in tragedy and I have every confidence that the President of the United States meant what he said in his speech to the Nation on Vietnam, and I have every confidence that he will uphold his position when this meeting occurs on Sunday next.

Mr. President, so far as I am concerned—and this is nothing new with me—every Senator, whether he be Republican or Democrat, whether he be hawk or dove, will have the right and should have the right to speak as he sees fit, because he does have to answer to his colleagues, to his people, and to the Nation for what he says. Of all the people in all branches of Government outside of the President and Vice President, we are subjected to the will of the people who sent us here. We are answerable to them and we are answerable for every act we take and every word we utter.

I think it is one of the great privileges of this body that we have the right to speak from our hearts and from our minds, and to state honestly what we think about this or any other subject which is of vital interest and import to the Nation.

Mr. DIRKSEN. Mr. President, I make two observations. The question of whether we should or should not be in Vietnam is not before us. We are confronted with the stark fact that we are there and that we have one-half million Americans in Vietnam today.

They are under very able leadership. The question is whether that leadership now shall be undercut and whether remarks shall be made that reflect upon that leadership and have a chance to impair the confidence of the troops who have to do the fighting.

That is the point I make.

I would have been shocked, I think, if as a soldier on the Western Front over 51 years ago, similar remarks had been made on this floor about those who were our commanders, indicating what the strategy in World War I should have been.

Thus, it is always a question of making certain that discipline is not impaired and morale is not impaired.

That is the point I make. And that is the point that must necessarily be criticized, and, whenever it occurs, I shall certainly speak my piece at any time and

at any place, and take issue with those who do it.

I do not for a moment contest their right to say it. They can say what they like, and it can be as frivolous or as meaningless as they have capacity to make it; but I am not going to let it go by unchallenged in the interest of those who are doing the hard fighting in Vietnam 12,000 miles from this Chamber.

Mr. MANSFIELD. Mr. President, so far as leadership is concerned, I think we should place that particular matter in its proper context.

A soldier carries out his duties and his obligations. He is directed by the authorities here in Washington as to the sort of procedure under which he must operate. It is my understanding—and I think it is the correct one—that when the bombing of the north stopped, around the first of November last year, orders were issued under the previous administration to "keep the pressure on."

If that policy is still the policy of this Nation in Vietnam, then I think the fault lies not with the military leaders in the field but with the high military, political, and civilian leaders in this country who are responsible for the laying down of policy.

So far as the military is concerned, it is their duty and their obligation to carry out that which is laid out for them to do. They have no choice in the matter. But, so far as making policy is concerned, we should remove any stigma from Vietnam and its leadership and the soldiery there, and place whatever blame there is where it belongs—right here in Washington.

Mr. DIRKSEN. Mr. President, I cannot imagine someone looking at a battle map in the Pentagon and then indicating whether there should be an assault upon Hill 927, which has been dubbed Hamburger Hill. That determination had to be made there.

It has been related that it had no strategic value. The fact is that as soon as they took Hamburger Hill, they then proceeded methodically to flush out the enemy wherever they found them.

In that respect, it was an undertaking that the military people thought should be undertaken, and they equated it with whatever the cost should be. It was a military judgment in the field and not here.

Mr. MANSFIELD. If I may reply to the distinguished minority leader, he is referring to one particular incident which I did not mention by name. What I am referring to is the general policy which has been in effect since the bombardment of the north stopped on November 1, 1968, and what seems to be a continuation of that policy up to this time—a policy which is an inheritance from the previous administration.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the Senator from Texas (Mr. YARBOROUGH), and the Senator from Vermont (Mr. PROUTY), to the 22d assembly of the World Health Organization to be held at Boston, Mass., beginning July 8, 1969.

WASHINGTON STAR MAKES USEFUL CORRECTION OF PROXMIRE FIGURES ON THE DISTRICT OF COLUMBIA INCOME

Mr. PROXMIRE. Mr. President, a few weeks ago, I told the Senate that the District of Columbia is the richest city of those cities with a population of between 500,000 and 1 million in the country; that it had a larger percentage of families with incomes over $10,000 than any of the others; that it had the highest average family income; and that it had the smallest proportion of families with incomes below $3,000 per year.

I suggested that these figures suggested that the District could solve most of its poverty problem itself, if it were unleased and given home rule.

In an excellent article in yesterday's Washington Star, James Welsh concedes my basic argument on the relative wealth of the District and its capacity to meet its problem, but vigorously disputes validity of the figure of $14,222 that I offered as the average household income in the District for this year 1969.

Mr. President, I think Mr. Welsh is right. I had taken the figure from a study which the Library of Congress secured from Sales Management Magazine's Survey of Buying Power and the Editor and Publisher Market Guide.

Mr. Welsh does a highly plausible job of showing, from the most recent Department of Commerce figures of District of Columbia personal income and the District's own figures of the number of households, that this $14,222 is probably much too high for the average income—even if average is defined as the arithmetic mean instead of the median. The Welsh analysis suggests that the figure I used is probably $4,000 or more too high.

Mr. President, to supplement the Welsh analysis, I would call attention to the figures I published at the time of my statement showing the proportion of families with incomes above $10,000 in 1967. Washington had the highest proportion of such families, but it was still only a little more than 30 percent. Obviously the median average was less than $10,000 in 1967, and probably less than $9,000. It was very likely well below $10,000 in 1969.

Mr. President, I think the Welsh article places this numbers game in a far more realistic and appropriate context than did the stark figure of $14,222 which I used in my original speech. I ask unanimous consent that the article by Mr. Welsh, entitled "High Income Report for District of Columbia Questioned" be placed in the RECORD at this point. And I congratulate Mr. Welsh on handling a complicated statistical mare's nest with an unusual sense of proportion and fairness.

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

AVERAGE $14,222? HIGH INCOME REPORT FOR DISTRICT OF COLUMBIA QUESTIONED

(By James Welsh)

Residents of the District may be considerably less affluent than they recently were pictured.

"A whopping $14,222" is the annual average household income within the city, Sen. William Proxmire told the Senate a couple of weeks ago.

That's the kind of statement that sends economists and statisticians scurrying. Any number of them, staffers of the District government, the Census Bureau and other agencies, have been busy since then, checking a welter of figures.

As a result, they are prepared to say that $14,222 figure is much too high, especially if the figure is interpreted as what the typical family makes in a year.

The Mayor's Economic Development Committee, for instance, has conducted a study based on a sampling of Social Security payments, that will show the typical income figure below $10,000. The District statistical information office worked up a quick study last week, also picking apart that $14,000-plus figure.

These studies have not been made public yet. One problem is that no one involved wants to cross Sen. Proxmire. He is chairman of the Senate Appropriations subcommittee on the District. And a chief purpose of his speech was to show that the city deserves home rule and has "the financial muscle" to solve many of its problems. Who in the District government wants to fight that?

On the other hand is the apprehension of city officials that Congress, if it gets the idea the city is swimming in affluence, will do less than it might about poverty and other social problems.

Another problem is that the whole issue is a statistical minefield. Until next year's census, there is not enough information to support a precise calculation of income. As one economist put it:

"We have just enough information to get in a good fight and confuse everyone."

Proxmire's information came by request from the Legislative Reference Service of the Library of Congress. That unit did no original research but rather performed a library function, preparing readily available data in table form.

Its sources for income from 1967 to 1969 were two publications—Sales Management Magazine's "Survey of Buying Power" and the Editor and Publisher Market Guide. The figures were compiled for Washington and 15 other cities of 500,000 to 1 million population.

No one among the study's critics seriously disputes one conclusion, that Washington is tops in income among the 16 cities, with a disproportionate share of people making more than $10,000 and relatively few people in the poverty class. But the dollar amounts themselves are another matter.

Economists with the city government and the Census Bureau privately question the methods of Sales Management and Editor and Publisher in assembling income data, some going so far as to say the data is worthless. This comes despite the fact that business firms throughout the country, starved for accurate marketing information, rely heavily on these figures, especially those put out annually by Sales Management.

HOW MUCH IS AVERAGE?

Then comes the problem of definition. That $14,222 figure is listed as "average household income."

One statistical bramblebush involves the word "average." Another involves "household."

With income distribution, the average always is higher than the median, or typical, income. Median income is a half-way figure, with half the incomes above, and half below it. In any city, some people have extremely high incomes, pulling the average above the median.

Most economists believe the median a better figure to use. But in the absence of a census count, it is a very difficult figure to determine.

A household consists of all the persons who occupy a housing unit. It might be four secretaries in an apartment, pooling four separate incomes. It might be two or more families in the same house, as with a young married couple living with parents.

Census officials don't like the household-income measurement, they much prefer family income or individual income. In any calculation, the average or median household income is always higher than the average or median income of families and single persons added together.

POSSIBLE PROCEDURE

A rough calculation of income in the District might be made this way:

The Department of Commerce's "Survey of Current Business" published a preliminary figure for 1968, showing total personal income in the District as $3.65 billion. This included all wages, salaries, income from business, and government payments such as pensions and welfare stipends.

Last year, according to city figures, there were about 279,000 households in the District. No one has a precise total of families and single persons here, but if this total is in the same proportion to households as it was when the 1960 census was taken, it can be said that last year 353,000 families and individuals were living in the District.

With that total divided into the Department of Commerce's income figure, the average income comes out to $10,300.

SOME MODIFICATIONS

No one is prepared to say how far the median, or typical income falls below the average, although one District economist guessed it could be as much as 20 percent.

If the median is 10 percent below the average, the typical income in the District last year would have been $9,300. In view of government estimates that incomes are rising about 5 percent annually, that figure goes up to $9,800.

Confronted with all this, Dr. Herman Miller, a top official of the Census Bureau, had no real quarrel with it, but commented: "It will probably confuse people about as much as all the other calculations."

But a $9,800 income estimate might make the poor feel a little less poor than that $14,222 average. It might make the family that's actually in the $14,000 bracket feel a little better, too.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for 3 minutes.

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

A NEW MANNED BOMBER

Mr. PROXMIRE. Mr. President, I have released a nonsecret and unclassified reply to my April 7, 1969, letter to Secretary of Defense Laird.

The original reply marked "secret" was returned by me to the Pentagon in line with my practice of refusing secret and classified material.

My April 7 letter questioned whether the Air Force should build a new manned bomber—AMSA—which would not be delivered for almost a decade. AMSA stands for advanced manned strategic aircraft.

The reply was signed by John S. Foster, Jr., director of Defense Research and Engineering.

I am delighted to get this unclassified letter. It shows that by insisting on full information one can get a reply which is responsive and yet nonsecret. This is in the public interest and necessary to public understanding. I intend to follow the same practice in the future and to insist on responsive, nonsecret replies to questions concerning the huge defense budget.

Concerning the substance of the letter:

First. I am gratified that Mr. Foster has said in unqualified terms that production of this plane will not take place now. I am pleased that the decision to initiate development of the plane, according to Mr. Foster's letter "in no way implies a decision now to produce or deploy the system" and that "production decisions can be delayed until the uncertainties are resolved."

Congress should also have advance notice of any decision to move into production. Congress should have the chance to approve or disapprove that decision. I will seek additional guarantees from the Pentagon that the Air Force will not move into production until Congress has specifically agreed to that action.

Second. Once again the Pentagon appears to be grossly underestimating the ultimate costs of a weapons system. The figure of $25 to $30 million each is hard to believe. This is a highly sophisticated plane which, if produced, will not be delivered in quantity until 10 years from now.

This looks like the biggest underestimate of a long list of underestimated costs by the Pentagon on major weapons systems. The figure strikes me as unrealistic, unreliable, and unattainable.

This plane will have a weapons system and avionics system many times more complicated that the C–5A cargo plane, whose costs now are over $40 million each. The Pentagon is kidding the public and itself when they estimate a cost of $25 to $30 million per plane for the AMSA.

Third. While I favor a policy of greater emphasis on research, development, testing, and engineering, and the development of working prototypes before production on mammoth weapons systems begins, the figure of $1.8 billion for R.D.T. & E. for this plane is very, very high. It represents 20 percent of the total funds that the Director estimates a fleet of 200 planes will cost. This job should be done more efficiently and for far less money.

Fourth. The AMSA program should be kept flexible. No final decisions should be made now. I question whether a plane should ever be built.

This plane will be obsolete before it flies. As long ago as 1962 the President and Secretary of Defense decided against such a plane on grounds that it would be obsolete before it could be delivered in large numbers.

The Russians do not have such a plane nor plans to build one. They do not consider it necessary or desirable.

Mr. President, why do we need a new manned bomber in an age of sophisticated missiles? What can a bomber possibly do that a missile cannot do better and cheaper?

If it is said these planes are to be used in conventional warfare, what can they do that a B–52 cannot do which justifies $1.8 billion for development and $10 to $20 billion as a minimum for production? I ask unanimous consent that the full text of the Pentagon's nonsecret reply to my letter be printed in the RECORD at this point.

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

MAY 27, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Secretary Laird, who is away from Washington, asked me to send you an unclassified reply to your letter of April 7, 1969 in place of the classified letter he sent to you last week. Before answering the specific questions on AMSA, I would first like to address our general objectives for the AMSA program and our intended approach to its development.

Basically, we view AMSA as an economical replacement for the B–52 bomber. We also visualize AMSA as having better survivability and penetration characteristics than does the B–52, and believe it appropriate to incorporate improved capability made possible by the increases in technology during the 20 years since the B–52 was in the design phase.

We do not know precisely how long the G&H models of the B–52 can be kept in the force before they wear out. We can estimate that the B–52 C–F models will require extensive and expensive modifications to extend their life past 1977–78. Because of such uncertainties and because of the long lead times involved in development of a new manned bomber system, I believe it prudent to initiate development of such a system at this time. (I would hasten to point out that our proposal to start development on AMSA in no way implies a decision now to produce or deploy the system.) Production lead time is not nearly as long as development lead time and we believe that production decisions can be delayed until the uncertainties mentioned above and those connected with the threat are better resolved.

We would like to start development now in order to reduce the time between a production go-ahead and IOC to a time interval more compatible with intelligence lead time. Thus, our basic objective is to formulate a development program where significant progress can be made but which contains adequate flexibility allowing a configuration freeze to be made far enough downstream so that the system, when delivered, will be what we want and need at that time.

During the last nine or ten months, the Air Force has investigated various development approaches tailored to achieve the above mentioned objective. We have tentatively selected one of these approaches and are now in the process of further refining it to better meet our objectives. Although all details of the program are not yet defined, our general approach will be to initiate development after selecting an airframe and engine contractor toward the end of this calendar year. We do not propose to then initiate the development of the entire avionics system with selected contractors. Our objective here is to extend competition on some elements of the avionics systems until adequate requirements analysis and subsystem tests have been accomplished.

The program we propose to initiate at this time would extend through the design, fabrication and flight test of several experimental airplanes and their subsystems. A production commitment might be made prior to completion of this development program provided the need was clear and technical performance milestones were satisfactorily achieved.

Now let me attempt to answer the questions in your letter.

First, we do not intend to pursue "contract definition" as outlined in DOD exhibit 3200.9. The past three and one-half years of advanced development effort on AMSA has provided the technical data which is normally part of the output of a formal contract definition phase. Instead, we propose to proceed on into engineering development which would normally follow contract definition phase, but without a production commitment at this time. However, by contract award, we will have defined a contract on which this development will be based.

Second, the additional FY 70 funding does not, as mentioned above, commit us to build any production airplanes. The initiation of the development program at this time will provide us with test results on an engineered AMSA configuration and appropriate subsystems upon which future production decisions can confidently be made.

Third, we have made no commitment nor do we now have any plans to buy a specific force size of AMSA airplanes. Therefore, it is not possible to allocate development cost on a per unit basis. However, the RDT&E program is estimated to cost about $1.8B. We cannot at this time give any firm costs on production units since this is dependent on the system configuration and negotiations with the contractors that will participate in the program. However, based on the past three and one-half years of preliminary design effort, we estimate the production airplans will cost about $25M to $30M when bought in quantities in excess of 200 airplanes.

Fourth, we have not decided on a force size at this time. I believe that the number of planes that you mentioned should be considered as the upper limit of the procurement and represent the number of AMSA airplanes necessary to duplicate the task performed today by the B–52 fleet. The fleet size will be determined based on our forecasted strategic needs at the time a production decision is made. If the number of planes you suggested were ultimately procured, I would estimate the program cost to be about $9B not including operating costs.

Fifth, we believe it important to maintain a deterrent posture with a mixture of all three elements of our strategic force—bombers, land based missiles and sea based missiles. The mixture is a hedge against any one of the elements failing to deter a potential enemy. The mixture also compounds his problems and fragments his resources in trying to negate our deterrent. For example, defense against the bomber attack requires a basically different system than that required against the ballistic missiles. In similar fashion, he might attack the land based missiles with ICBMs but these would not be effective against the sea based missiles. In general, we are not trading off bombers versus missiles to arrive at a single system for our strategic deterrent. To do so is a high risk approach allowing an enemy to focus his resources against that system. In view of the consequences involved, a high risk approach to strategic deterrence is not an approach consistent with national security objectives.

Sixth, since we view AMSA as an economic replacement for the B–52 force, it is difficult to see how the replacement of over 600 B–52s with far fewer AMSA airplanes could be interpreted as a provocative action or an escalation of the arms race.

Additionally, I would like to note that we do not consider AMSA as a replacement for the FB–111. When the decision was made to develop the FB–111, it was considered to be an interim measure and not as a strategic system with the 20-plus years lifetime of the B–52 force. Again, we consider AMSA to be the B–52 replacement and intend to tailor its characteristics so that it will endure as the strategic bomber with a lifetime similar to that realized by the B–52 force.

The additional FY 70 funding has been proposed because the program we now visualize has a shorter competitive period for some of its elements resulting in an earlier start on some elements of detailed engineering as compared to the previous program.

I trust that the above information answers your questions on the objectives of and approach to the development of AMSA. I will be pleased to answer any additional questions that you have on this matter.

Sincerely,

JOHN S. FOSTER, Jr.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. SPARKMAN:

Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission.

EXECUTIVE SESSION

Mr. SPARKMAN. Mr. President, the Committee on Banking and Currency unanimously voted in favor of recommending to the Senate the confirmation of the nomination of Hamer H. Budge to be a member of the Securities and Exchange Commission. The nomination has just been reported.

I ask unanimous consent—and I may say this is agreed to by both sides of the aisle—that the Senate proceed in executive session so that we may take up that nomination at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

SECURITIES AND EXCHANGE COMMISSION

The PRESIDING OFFICER. The nomination will be stated by the clerk.

The legislative clerk read the nomination of Hamer H. Budge, of Idaho, to be a member of the Securites and Exchange Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

Without objection, the nomination is confirmed.

Mr. SPARKMAN. Mr. President, I ask that the President be notified immediately of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT UNTIL THURSDAY, JUNE 5, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Thursday next.

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

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be officially excused from attendance upon Senate business from Wednesday, June 4, until Friday, June 13, 1969, for the purpose of attending a meeting of the United States-Canadian Parliamentary Group in Ottawa, Canada, and to spend a little time in Montana at this particular time of the year.

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

CONGRESS AND THE TOBACCO INDUSTRY

Mr. LONG. Mr. President, in today's Washington Post an editorial appeared entitled "Bowing to the Tobacco Lobby."

The problem raised by the discovery of the connection between cigarette smoking and cancer, heart disease, and other diseases requires that either Congress or certain regulatory agencies take action in the public interest.

I, for one, do not care to see the tobacco people badly injured, or driven out of business. It seems to me that in this situation it might be very appropriate for Congress to dedicate some of the money raised from the cigarette tax to pay the tobacco industry for any loss it might suffer if it were compelled to quit advertising cigarettes on television, radio, and the other media controlled by Federal regulatory agencies.

The problem is one that we cannot ignore, and the fact that we have failed thus far to serve the public interest has done nothing to reduce the rate at which people smoke tobacco, or in fact the rate at which new young people are recruited as smokers. People are led to believe that there is something in smoking that involves good taste, or makes one more desirable as a man or as a woman, as the case may be. Evidence would tend to indicate that since the disclosures have come forth, we have more or less played the part of a patsy for the tobacco industry, letting them go ahead and expand their sales while failing to take any significant action to inform the public of the health hazards, or do anything to limit the advertising of the product.

I have for some time considered drawing up a bill to help the tobacco industry divert its efforts into other lines, by means of grants, insured loans, subsidies, or whatever it would take to concentrate the efforts of the industry into something more constructive and more in the public interest. The fact that Congress has thus far done so little about the disclosures achieved by public and private agencies is clear evidence, on the face of it, that we should be thinking in terms of some sort of effective action in this general area. I expect to draft and introduce legislation along that line sometime soon.

I ask unanimous consent to have printed in the RECORD the editorial entitled "Bowing to the Tobacco Lobby," published in today's Washington Post.

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

BOWING TO THE TOBACCO LOBBY

The House Commerce Committee has put itself in a very awkward position. By a vote of 22 to 5 it has reported out a bill which has as its chief purpose the suppression of information about the health menance of cigarettes. In the face of growing concren over deaths resulting from cigarettes, the Committee has yielded to the tobacco lobby in shameful fashion.

The main thrust of the bill is not altered by the fact that it would also require a somewhat stronger warning on cigarette packages. Its basic purpose is to stay the hand of regulatory agencies in dealing with this hazard to health until 1975. If passed, the bill would prevent the Federal Communications Commission from putting into effect the ban on television and radio advertising of cigarettes, which it already tentatively approved. It would also thwart a proposed Federal Trade Commission requirement that cigarette ads include a warning that smoking may cause death from cancer and other diseases.

Nearly six years ago the Surgeon General's Advisory Committee on Smoking and Health concluded that "cigarette smoking is causally related to lung cancer" and that the death rate from coronary artery disease, the foremost killer in America, is 70 per cent higher for cigarette smokers. Much independent research since that time has confirmed these findings of lethal consequences from smoking. Yet a substantial majority of a congressional committee supposed to represent the people in their respective districts has voted to prevent any effective remedial action from being taken.

This comes uncomfortably close to being a public-be-damned attitude. To put it bluntly, a freeze on any type of regulatory action against the promotion of cigarettes for six years would be bound to contribute, at least indirectly, to many thousands of unnecessary deaths. The country cannot afford such slavish obeisance before the tobacco industry. In dealing with any such widespread habit as smoking the Government must of course feel its way. It can take only one step at a time. But with conscientious regulatory bodies prepared to take such cautious steps, it would be an outrage for Congress to say that this one cause of death must be given free rein to help the tobacco industry. If Congressmen will permit themselves to think realistically about this issue and about the probability of a backfire against the callous demands of the tobacco lobby, they will consign this reckless Commerce Committee bill to the grave that it deserves.

UNITED STATES BUYS "GREAT SOCIETY" FOR JOHNSON

Mr. WILLIAMS of Delaware. Mr. President, in the May 11, 1969, issue of the Philadelphia Inquirer there appeared an article by Saul Kohler entitled "United States Buys 'Great Society' for Johnson."

This article calls attention to the elaborate expenditure of Government funds to build a replica of the President's office for ex-President Johnson.

The Federal Government has always recognized the need for providing facilities for ex-Presidents, and as a Member of Congress I have supported such steps. There can be no justification, however, for this Texas extravaganza. The expenditure of this large sum is not necessary to perpetuate the memory of the Great Society—the unpaid bills that were charged to the future generations will remain as a sufficient reminder.

I ask unanimous consent that this article be printed at this point in the RECORD.

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

UNITED STATES BUYS GREAT SOCIETY FOR JOHNSON

(By Saul Kohler)

WASHINGTON, May 10.—The Great Society of Lyndon B. Johnson, while it may be down, certainly is not out.

It isn't likely to be, so long as the government underwrites the expenses involved in immortalizing the former President—right down to a Texas replica of the White House oval office, $454,981 in annual salaries for employes and consultants, a brand new $440,000 post office and federal building for Johnson City, Tex. (pop. 385), and machines ranging from a $10,155 typewriter with a brain to a security-minded waste basket for $445.50.

Those are some of the expenditures in the name of transition disclosed in a survey by The Inquirer.

Originally, the Presidential Transition Act of 1963 provided that the changeover take six months. Several congressmen now suggest that it be extended to a year, but a recent opinion by Comptroller General Elmer B. Staats suggests 18 months.

Meanwhile, that Johnson inventory in Texas includes:

The $12 million Johnson library building being constructed by the University of Texas, for which informal planning began in 1966, and construction in 1967. It is here that the oval office replica will be built, right under the helicopter landing pad on the roof.

$208,400.62 worth of office equipment, $148,550.31 of it for Mr. Johnson's office in Austin. The ex-President also maintains offices in Dallas and Johnson City. The Austin offices are provided and maintained by the operators of the Commodore Perry and Driskill Hotels. The government is leasing basement office space in the Johnson City Bank until the new post office building is completed.

Salaries of $28,000 a year for an executive assistant and two special assistants to Mr. Johnson. The former is Wyatt T. (Tom) Johnson Jr., who served as deputy White House press secretary under Mr. Johnson.

Consultant fees of $100 a day for Walt Whitman Rostow (who works 12 days in each of the government's 24 pay periods) and for Yoichi R. Okamoto (who works 10 days). Rostow, former Presidential adviser, thus would receive $28,800 annually, and Okamoto, the photographer who was assigned to the White House in the Johnson years, $24,000.

The bulk of the staff is assigned to the Lyndon Baines Johnson Library from various departments of the government, and the 29 employes may return to their normal duties later. The transition staff consists of 14 persons.

The library, actually a complex which will include a 100-seat auditorium, a 205-seat lecture hall, archives and audio-visual research facilities, will be completed next April.

Office facilities for former Presidents heretofore have been limited to:

A suite in the Waldorf-Astoria Hotel, New York, for Herbert Hoover.

Office space in the library building at Independence, Mo., for Harry S. Truman.

The residence formerly occupied by the president of Gettysburg College for Dwight D. Eisenhower.

The Johnson City post office would have two stories and a penthouse, with elevators, air-conditioning, a fallout shelter and exterior parking.

Johnson City, the seat of Blanco County, is about 40 miles west of the state capital at Austin. Its principal industry is agriculture.

"The principal requirement for the building is to meet the growing needs of the postal service in the postal area served by the Johnson City post office now located in inadequate leased facilities," a high government official wrote last September.

"In addition, the boyhood home of President Lyndon B. Johnson, located in this community, has been included in the National Register of Historic Places. . . . The community thus attracts numerous visitors.

"It is appropriate, therefore, that federal activities serving the community and its environs be housed in a federal building which reflects the full dignity of its location."

At present, the government pays $1860-a-year rent for the space occupied by the Post Office and Department of Agriculture.

While waiting for the luxurious new facility, the government has spent $10,418 to refurbish the basement of the Johnson City Bank for the President's use—the bank collects $1 a year as rent—and $59,850 for administrative equipment.

The office machines and furnishings include an IBM "selectric" typewriter for $10,155; two similar but smaller models at $7210 each; $5890 worth of dictating and transcribing equipment, and a "destroyit" waste basket which shreds scrap paper for security reasons, at $445.50.

There also is a stapling machine worth $159.44 and an envelope opener which cost $245.

The justification for the high-priced library staff is contained in a confidential memorandum, which says in part:

"The staff of the Lyndon Baines Johnson Library performs a wide range of services for former President Johnson and his immediate staff. The library director (Chester A. Newland, at $26,264 a year) and his assistants respond directly to the many written and oral inquiries addressed to former President Johnson regarding his papers and other historical materials, the other research resources available through the library, and all aspects of the library's current and projected activities.

"The library staff performs essential services in locating and furnishing previous correspondence and information from the former President's papers necessary to respond to the continuing heavy volume of his current correspondence.

"It provides from his papers background material and data required by the former President and his staff in preparing statements, speeches and articles or other writings for publication. It also provides copies of photographs and motion picture footage intended for use by the former President in his varied activities."

The mail unit which handles Mr. Johnson's correspondence is multilingual since much of his mail comes from abroad.

The idea of the oval office, identical to the Chief Executive's work room at the White House, came from Mr. Johnson.

And this is the justification for it:

"A former President requires suitable accommodations for the reception of distinguished guests and officials, without sacrificing the privacy of his home or business office . . ."

Mr. Truman has available to him an office in the Truman Library, and Gen. Eisenhower had an office in Gettysburg.

But neither matched the grandeur and solemn splendor of the Oval Room in Texas, where no visitor will be able to forget that Lyndon B. Johnson once was President of the United States.

Mr. LONG. 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. PROXMIRE. 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 SAFEGUARD PROPOSAL

Mr. MANSFIELD. Mr. President, the Senator from New Hampshire (Mr. McINTYRE) delivered an address this past week to the New Hampshire Council on World Affairs entitled "To Strike a Balance—A Constructive Alternative to Safeguard."

I feel that this speech is a useful addition to the dialog, and, accordingly, I ask unanimous consent that it be printed in full at this point in the RECORD.

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

TO STRIKE A BALANCE—A CONSTRUCTIVE ALTERNATIVE TO SAFEGUARD

(By Senator THOMAS J. McINTYRE)

Only a few times in our Nation's history have we faced a more far reaching, more profound, more truly significant debate than we face today in dealing with President Nixon's proposal to deploy the so-called Safeguard system.

You have to look back in our history to the raging controversy over the League of Nations after World War I or the bitter discussion over Lend Lease before Pearl Harbor to find our people as involved and as deeply concerned as they are today over Safeguard.

As in those cases, the immediate question at hand is most significant as a symbol of a much broader issue. The Safeguard debate is the most visible public focus of a searching national review in which Americans are presently engaged—a review of the size and role of the defense establishment in American life.

This review involves a cluster of basic questions which Americans of persuasions are asking of themselves and their government. Questions such as:

How much defense is enough?

How much deterrent is sufficient?

How much can we afford to spend on the military when our domestic needs are so vast and urgent?

What are America's international responsibilities in a troubled, divided, and hungry world?

Are we doomed to an unending arms race or can we somehow turn the corner with a secure arms limitations agreement with the Soviets?

How do we protect ourselves and others against a Russia which invaded Czechoslovakia and which continues to pile up strategic arms at a horrifying rate?

How does a democratic society assert its legitimate control over a new, powerful, and often independent complex of military and industrial institutions which have arisen in the last generation?

These questions transcend politics, station in life, and background. I do not need to remind anyone here of President Eisenhower's frank and open warning about the possible dangers of "misplaced power" rising out of the combined influence of a huge military establishment and big defense contractors. More recently, the distinguished former Marine Corps Commandant, General David M. Shoup, one of our valiant war heroes spoke out about the increasing influence of the "burgeoning military establishment and the associated industries which fuel it."

So these are not dove questions—nor hawk questions. They are *American* questions—ones which we as responsible citizens and representatives should properly be asking.

It is not enough merely to pose these questions rhetorically—as if the answers were self-evident. Nor is it enough merely to mouth these questions solely as expressions of the human feelings of frustration, fear, and anger about the violent world we live in.

Nor is it enough to ask only some of these questions. For example, it is no more useful to inquire only into the rising cost of the military and the threat of an arms race than it is to focus exclusively on the threats to our national safety.

This national review of the size and the role of the military must be searching, open-minded, and balanced. *It must be balanced.*

I feel the need for a balanced approach is especially crucial in this particular case before us tonight—President Nixon's proposed Safeguard system.

In my review of the maze of conflicting testimony on the Safeguard, I have focused on five basic issues which I feel must be confronted and balanced in coming to a decision on the proposal.

First, will the Safeguard system work?

Second, will the deployment of Safeguard intensify the arms race?

Third, will the deployment of Safeguard help or hinder the negotiation for a secure arms limitations agreement with the Soviets?

Fourth, is there a Soviet threat to the strategic balance? And if so, is an ABM system the best way to react?

Fifth, how would the deployment of the Safeguard system affect our efforts to meet our urgent domestic needs?

Let's examine each of these in turn.

The question of whether the Safeguard system will work cannot be answered with a simple "yes" or "no." The system has five basic parts—a long-distance radar, a short-range radar, a long-range missile (Spartan), a short-range missle (Sprint), and a computer which ties together the entire system. Each of these components has been tested and is capable of working as a separate unit.

Still the Safeguard would be the most complex weapon system ever built. Since its mission is defense and since it would have to react to surprise, its requirements for accuracy, speed, and reliability would be far more demanding than in any previous system. The crucial question about Safeguard's dependability is whether its components will work together as a reliable integrated system.

Expert witnesses—both for and against the system—agree that at least three vital questions remain about the Safeguard's workability as a system:

1. Would the radars and the computers work reliably together as an integrated system?

2. Is it possible to write a computer program for so complex a system?

3. Can such an intricate system be maintained at the necessary "hair-trigger" state of readiness over long periods by operational military crews—as distinguished from the teams of scientists and technicians who tested the individual components?

I believe we would need better answers than we now have to these questions in particular, before we could deploy the Safeguard system with a high degree of confidence in its reliability.

The second basic consideration for me has been whether the deployment of the Safeguard would intensify the arms race.

The first phase of the President's proposal, which calls for deployment at two Minutemen sites in Montana and North Dakota, is designed for the defensive purpose of protecting our deterrent. The Sprint missiles travel only a very short distance and obviously could not be used to attack the Soviets. The Spartans have a longer range, but would have to be substantially modified to be used as an offensive weapon against Russia. Hopefully the Soviets would not misread our intentions.

But no matter what our actual interest, no matter what the precise military effect of the deployment of this first phase, we still would be adding more and new kinds of nuclear weapons to our arsenal if we deployed even at two sites. And this could be used as an excuse by the Soviets to add to theirs.

The probability is even higher that the later stages of Safeguard contribute to an intensified arms race. Although these phases of Safeguard are designed primarily to protect our deterrent by defending SAC bases, more Minutemen sites, and Washington, D.C., this full system would also have the incidental effect of establishing a continental radar system covering most American cities.

Soviet planners would no doubt react to this full system in the same way that we reacted to their installation of an ABM system around Moscow—by adding more and new kinds of offensive weapons.

In fact, the Soviets would probably overreact. Whatever the actual reliability of the Safeguard, the Soviet planners would respond on the assumption that it would be highly reliable as we did with their low grade system around Moscow. We would then be faced with the prospect of having to react to their over-reaction—and on and on and on.

Therefore, there is little doubt in my mind that the full deployment of the Safeguard and to some extent even the deployment of the weapons in the first phase would intensify the arms race.

Of course, no matter what we do, the Soviets may pursue their side of the arms race just as fiercely. We all must face up to that awful possibility. This potential Soviet threat to the strategic balance has been a third and very crucial consideration for me—a consideration which I deeply feel to be essential to any balanced analysis of Safeguard.

Let me make it clear at the outset that I regard this strategic nuclear balance as the surest guarantee of avoiding nuclear war now and in the foreseeable future.

We cannot choose between national security and nuclear peace. We cannot at this point have one without the other. The gravest and most horrible threat to our safety is a nuclear exchange, and nuclear peace depends on our having sufficient strength to maintain the strategic balance. Hopefully, in the future we might be able to limit, perhaps even to scale down, the level of strategic arms. But until that occurs the maintenance of the strategic balance is essential to avoiding nuclear war.

If the stability of this strategic balance were ever drastically altered so that the Soviets began to believe that they could destroy our deterrent and escape retaliation, then and only then might they be tempted to try a nuclear attack. Therefore, the credibility of our deterrent is absolutely essential to a secure peace. Everyone of the witnesses who testified on the Safeguard before the Armed Services Committee—both in and outside the government, both for and against the system—agreed on this fundamental premise.

For now, until at least the mid-1970's our deterrent and the strategic balance are secure beyond doubt, according to Secretary of Defense Melvin Laird.

But the Soviets are presently building their strategic weapons at a very rapid pace, and it is very difficult to tell whether they will be able to alter the basic strategic balance in the mid-1970's.

They are rapidly building large numbers of gigantic missiles which are clearly designed to threaten our Minuteman Force.

They are rapidly building attack submarines which might, in the future, be able

to threaten our presently invulnerable Polaris submarine force.

They are rapidly building their own Polaris-type submarines which might, in the future, threaten our SAC bomber bases.

If the Soviets continue this buildup, they might be able to threaten our deterrent forces, alter the strategic balance, and we would have lost our most secure existent guarantee against a nuclear war.

It is extremely difficult to assess the severeity of this potential threat to the strategic balance. It is unclear whether the Soviets will continue to build at such a feverish pace. It is unclear whether they would be able to overcome future improvements in our own strategic capability.

It is unclear whether they would be able to overcome future improvements in our own strategic capability. Even if they had sufficient weapons, it is very unclear whether they would be able to mount an attack with sufficient coordination and precision to destroy our deterrent forces completely.

The difficulty of assessing this potential threat to our deterrent and developing an adequate response, is compounded by the long lead-time that is required to develop and deploy weapons. By the time we would know for sure that the Soviets could threaten the balance, we might not have enough time to react effectively. This is especially crucial with the radars and computers in Safeguard which require an especially long lead-time to rest and integrate as a system.

Even if we would conclude for certain that the Soviet threat to our deterrent will be substantial by 1975, it is unclear whether the Safeguard system would be the most effective way to react.

There are other alternatives which some have proposed as being more effective at less cost. For example:

—We might super-harden our Minuteman sites—we might increase or improve our offensive weapons—or—we might develop ways of insuring the continued invulnerability of our Polaris submarines.

But however difficult it is to assess the potential threat to our deterrent—however difficult to choose an effective response—I feel very strongly that the security of our deterrent must be a prime consideration in any balanced analysis of the Safeguard system.

But if the security of our deterrent is essential to the uneasy kind of peace we now have with the Soviets, we must also seek a less tense and a less frightening kind of peace for the future.

To the human spirit, to a nation's soul, the quality of the peace is as important as its existence.

We must therefore make every effort to negotiate a secure arms limitations agreement with the Soviets. I was particularly impressed that all the witnesses before the Armed Services Committee—both advocates and critics of the Safeguard system—agreed unanimously on the importance of our pursuit of such negotiations.

Despite this agreement, there is a wide disagreement on whether Safeguard would help or hamper our progress with such negotiations. The critics of Safeguard have argued that the introduction of this new weapons system might raise doubts in the minds of the Soviets about how interested we really are in arms limitations. The critics also point out that the newness and the unknown capability of the ABM would unduly complicate an already complex task of reaching such an arms agreement.

However, the effectiveness and security of any such arms limitations agreement with the Soviets must depend on the Soviets believing that they have some interests similar to ours. Such an agreement must be rooted in this kind of mutual self-interest. I believe that our continued development of the Safeguard might drive home to the Soviets the fact that they have a stake in keeping the arms race in check, too. If they knew that we could deploy an ABM system—a new kind of system which would require heavy expenditures on their part to overcome—then this might be precisely the kind of incentive that would bring them to the bargaining table for real talks on arms limitations.

We must also be aware that in any such bargaining process, whether it be for arms limitations, or peace in Vietnam, the President's ability to negotiate effectively depends in large part on the general belief that he enjoys the confidence of the American people. A flat denial of the President's request for the Safeguard system could be construed as a vote of no confidence and might therefore hamper his ability to negotiate an honorable peace in Vietnam and an effective arms limitation with the Soviets. If at all possible, and if other considerations would permit, I want to help preserve as much as possible of the President's bargaining effectiveness as he seeks a more peaceful world.

A fifth major question I have asked about the Safeguard system is the effect its deployment would have on our effort to meet our urgent domestic needs.

It is unclear how much this system may finally cost. The President's proposal to deploy the system at only two sites would cost at least 2.1 billion dollars, not including several hundred million for related research and developemnt. This deployment would give momentum to eventual deployment of the whole system which the Administration says would cost in the neighborhood of 8 billion dollars, again not including related R and D.

Yet it might cost more. Recent overruns of cost estimates for other weapons systems—especially new ones—cast considerable doubt on the reliability of initial projections. I notice a recent article in the *Manchester Union Leader* which reported that the highly respected Defense Marketing Service at McGraw-Hill Company has completed a study estimating that the eventual total cost of the entire Safeguard system might be in excess of 13 billion dollars.

That amount of money would carry out our present hunger programs at the present rate for nearly a decade.

It would finance aid to elementary and secondary education for more than four years.

It would finance Federal law enforcement, anti-crime programs until the year 2030 (60 years).

Of course, it has been properly pointed out that if we become vulnerable to a nuclear attack, our domestic needs might go up in smoke along with the rest of our society. But it is equally true that our domestic needs are now so urgent and divisive that unless we somehow meet them, we might have no Nation to defend.

So what we desperately need is a balance of domestic and military priorities. As Senator Mike Mansfield recently said, "You have to achieve a balance somehow between external and internal security."

I feel that the American people want this balance and in order to achieve it we must somehow turn the corner on our spiraling defense costs.

During the past few months as I have tried to evaluate the Safeguard system, I have made every effort to seek the very best information I could from sources both in and outside government—both for and against the system. As a member of the Senate Armed Services Committee, a member of the Senate Preparedness Subcommittee and as chairman of the Subcommittee on Military Research and Development, I have felt a special responsibility to arrive at an independent and informed decision. I have devoted literally scores of hours in the past weeks in hearings and at briefings, questioning nearly half a hundred experts. I have read several dozen studies and reports on this subject both for and against Safeguard. I have also benefited from hundreds of thoughtful and informed communications from people in New Hampshire and throughtout the Nation. As I have weighed the mass of evidence and conflicting arguments, I have constantly sought to strike a balance of the five basic considerations I have discussed thus far.

I have concluded that a simple "Yea" or "Nay" to the President's Safeguard proposal does not in my opinion give such a satisfactory balance.

A simple "Yea" vote would deploy a system of uncertain reliability. The first phase would gain us little in actual protection of our deterrent. The cost would be enormous and the money expended might better be allocated to our internal problems. A simple "Yea" to the deployment of more nuclear weapons especailly as called for in the full system, would accelerate the arms race.

On the other hand a simple "No" vote as I pointed out above might hamper our attempt to negotiate an effective arms limitation treaty with the Soviets. A simple "No" might, to some extent, limit the President's bargaining position in his search for a more peaceful world. A simple "No" might mean that we would be unable to react in time if the Soviets continue to develop a threat to the basic strategic balance which is our essential guarantee against a nuclear war.

Since neither a simple Yea nor Nay meets the complex of issues I have discussed here tonight—issues which I feel to be crucial—I have been seeking in recent weeks a constructive and balance alternative to Safeguard.

Such an alternative must be carefully conceived. It cannot be an artificial compromise designed for political convenience. It must arise from a genuine effort to meet all the issues I've discussed.

I have heard of some such compromises which had no substance once their surface was scratched. For example, I have heard of one compromise which would deploy the Safeguard system at only one base. I guess this was designed to allow someone to say to one side: "See, we've cut back the President's proposal," and to the other side: "See, we are still deploying more weapons."

This is more a political compromise than a constructive alternative. Deployment at only one base would completely leave out the chance of an interplay of the radar and the computers between two locations. This problem of the interaction of the electronic components and related questions are the most difficult technical problems in the proposed safeguard system—problems which we must solve if we are to retain the option of meeting a clear Soviet threat in the mid-1970's. Deployment of the system even at one base, still leaves us with a system of uncertain reliability. The deployment of weapons, even if halved in number, would not relieve the fear of an intensified arms race.

But while such a political compromise is artificial and ill-conceived, I believe there *is* a constructive alternative to the Safeguard which naturally and logically emerges from a balanced review of the five considerations I've discussed tonight.

Let me state this alternative simply and briefly:

1. Deploy no ABM missiles at the present time. Require full Congressional review and approval of any future deployment of such weapons.

2. Continue our research and developmental testing of the radar and computer components of the Safeguard system, and install two sets of radars and computers so that we can test them as an integrated system.

The precise location of the two test installations is not as important as the essential features of the alternatives. There are two obvious possibilities: We could install the radars and computers at the North Dakota

and Montana sites suggested in the President's proposed first phase of Safeguard, or we could add to our present testing apparatus in the Kwajalein Island area in the Pacific. There are advantages and drawbacks to each of these.

Installations in North Dakota and Montana could be seen as the first step toward eventual deployment. But on the other hand, this location would be cheaper and would involve no substantial delay in the development of the potential to deploy in the future.

The Kwajalein location would cost us both more time and more money. It would also be difficult to continue other kinds of research and development at the same place. On the other hand, this location could not in any way be construed as a foot in the door to future deployment of an operational system.

Whichever location is chosen is not so important as the basic ingredients of the alternative:

No deployment of the weapons in the system now;

No future deployment without Congressional review and agreement;

Continued research and development of the radar and computers at two sites so that we can test the integration of the system.

If we adopt this alternative we would not be contributing in any overt way to an intensification of the arms race, because no weapons would be deployed.

The Soviets would have an incentive, rooted in their own self-interest, to enter promptly into effective negotiations for arms limitations, because we would be developing the capacity to deploy at a later date.

This alternative would save hundreds of millions of dollars which could be used at home. I am told by an authoritative source in the Administration that we would save at least 10 percent of the cost of deploying the first phase of the system.

If through our testing, we eliminate the bugs before any costly full deployment of the system, this alternative could save us billions in misspent funds.

We would preserve our ability to counter any clear Soviet threat to our deterrent in the mid-70's. I have been assured by authoritative Administration sources that we would not substantially delay our ability to deploy a Safeguard system in the future if we adopted this alternative for this year. Our development and testing of the interceptor missiles is well enough along that a decision not to deploy this year would not hamper our development of the total system. We would have more time to evaluate intelligence information on Soviet strength and to calibrate a more precise response.

The thorough testing of this system will give us a much more reliable system if we ever need to deploy it.

We would concentrate on the most difficult technical problems in the system—the integration of the radars and the computers, the development of the computer program, and the effectiveness of uniformed military operational personnel.

We would avoid any possibility of accidental firing of nuclear weapons in the early testing stages of the systems. We would have time to work on the difficult problem of maintaining Presidential control over the firing of nuclear weapons.

In sum, the alternative I am proposing would not intensify the arms race; it would help us secure an effective arms limitation agreement; it would seek to answer the hardest questions about the system's workability; it would symbolize our turning the corner on defense spending; and it would preserve our ability to meet in time any clear Soviet threat to the strategic balance in the 1970's.

I am hopeful that my proposal will appeal to a broad range of opinion.

It meets the pressing need for further testing and development of the system—a need stressed by every witness who appeared before the Senate Armed Services Committee, regardless of whether they supported or opposed Safeguard.

And above all it strikes a balance in our consideration of the twin problems of achieving national safety and a secure peace.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for such time as I may require.

The VICE PRESIDENT. Without objection, it is so ordered.

SECRETARY ROMNEY SHOULD MEET HOUSING GOALS

Mr. PROXMIRE. Mr. President, the housing goals established by the Housing Act of 1968 can be met. While I am pleased that the Secretary of Housing and Urban Development, Mr. George Romney, has accepted those goals, I am alarmed at his repeated statements downgrading our ability to meet them.

While he has accepted them in principle, he has denied them when they are expressed in specific terms. But a housing goal is no goal at all if it is not expressed in the number of units to be built or the number of people to be housed, or the degree to which the needs of all American citizens can be met for a decent home in a suitable living environment as the 1949 act called for two decades ago.

EXCUSES, EXCUSES

The Secretary says he is for the goals, but that we do not have the resources to meet them.

He says he accepts the goals but is not prepared to endorse the production schedules forecast in the past to carry them out.

He is for them, but says they cannot be carried out until three preconditions are met; namely, first, until inflation is brought under control, second, until a "systems breakthrough" to new high volumes of production is made, and third, until Congress provides the funds to get the job done.

The Secretary is wrong on all three counts. These are excuses or defenses against the Secretary's unwillingness to meet the specific goals Congress has established for this year and next year and the years which follow.

The fact is that he can meet the goals next year if he will try. They can be met before inflation is finally brought under control, before a new "systems breakthrough" is reached, and with the funds already available or which can reasonably be expected from Congress.

Mr. Romney is "poor mouthing" and making excuses now so that if he fails to meet the goals he can say a year from now, "I told you so." The Secretary should stop building alibis and start building houses.

NATION CANNOT WAIT

We cannot wait until every problem in the world is solved before we meet our housing goals. If we wait until inflation is under control, or the Vietnam war is over, and a systems breakthrough is accomplished, we will never succeed.

Let us examine the Secretary's objections.

On the point of a "systems breakthrough" alone, there is a great deal of confusion. One finds it difficult to distinguish between Mr. Romney's "Operation Breakthrough," talk of a "systems breakthrough," and the need for industrialized housing.

I think the Secretary has somewhat muddied the waters. Let us distinguish between a new "systems breakthrough," and Mr. Romney's "Operation Breakthrough."

"SYSTEMS BREATHROUGH"

The talk of a new breakthrough or of some new material or method of process of production which will dramatically change the housing industry has been going on for years. Every year such a "breakthrough" has been just around the corner. And every year that dramatic breakthrough has not come.

If we have to wait for it, we will wait forever.

If we have to count on it before our housing goals are met, we will wait for the millennium to arrive.

It would be fine if a "systems breakthrough" were reached. But that is not needed, at least stated in the way Mr. Romney has stated it.

There now exists in the housing industry an abundance of materials and a variety of methods which if organized efficiently and used appropriately could bring dramatic reductions in housing costs.

The use of existing prefabrication techniques and large scale production, both on and off the site, could bring great savings in housing costs if applied more generally.

APPLY EXISTING STATE OF THE ART

What we need to do is to apply the best techniques of the existing state of the art more widely. We need not wait for a dramatic "new systems breakthrough" either in materials or construction processes in order to realize major reductions in costs.

As the Douglas Commission said, after a full year's study, on this point:

> There are many who believe that more ambitious departures from present patterns and major technological breakthroughs are the wave of the not-very-distant-future. Engineering and architectural journals are filled with new ideas for revolutionizing the construction process and for applying advanced systems approaches to the problems of meeting the Nation's housing needs.
>
> A vision of the future is necessarily speculative, and many judgments about the potential savings and advantages of the construction technology of tomorrow remain acts of faith. Talk of major technological breakthroughs is not new; it has been part of the just-around-the-corner school for 40 years.

Mr. Romney must not wait for new dramatic breakthroughs before he tries to meet the housing goals.

That is the kind of talk which led the industry to laugh the recent "In Cities" project out of court.

If Secretary Romney waits for the dramatic breakthrough instead of combining existing prefabrication techniques with existing large-scale production, he will fail. As they say in the industry, if he

goes down that path, "He will break his pick."

The Secretary should get on with the job of organizing his Department and the industry to meet the 1970 housing goals. The public should not be misled by excuses that the new "breakthrough" did not arrive.

OPERATION BREAKTHROUGH

Now, what about the Secretary's Operation Breakthrough as distinguished from the general talk about new systems breakthroughs?

By promoting industrialized housing, the Secretary is going down the right path. By calling it Operation Breakthrough, he, unfortunately, calls up all the connotations and symbols associated with the mumbo-jumbo of HUD press releases over the last decade.

By asking for a series of prototypes to be tested for marketability and in an actual setting or physical environment, the Secretary is pursuing correct policies.

But the initial announcement that only 30 to 40 units of each prototype is to be built is wholly insufficient.

In fact, that fails to carry out the mandatory language of section 108 of the Housing Act of 1968. That language calls for at least 1,000 units a year of at least five prototypes for 5 years, or 25,000 units to test whether costs can be reduced by mass-production methods. As the author of that amendment, I think I know what I am talking about. It is required.

If we are to get a genuine test of whether industrialized housing can succeed in cutting costs, a far larger number of units must be built than the 300 to 500 units overall Mr. Romney proposes. Cost cutting can only come with volume. And industrialized builders almost universally agree that a producer needs to build at least 1,000 units before the efficiencies of mass production begin to offset the huge initial capital costs involved in factory-built housing.

Finally, while "Operation Breakthrough" is to be welcomed, it must not become an excuse to put off a major effort to meet the 1968 Housing Act goals.

The 300 to 500 units under Operation Breakthrough will not be built for 22 months or more, according to the HUD announcements. As the Secretary made the success of Operation Breakthrough a precondition of meeting the housing act goals, that means he has thrown in the towel for 1969, 1970, and 1971.

That must not be done. Operation Breakthrough, with its strengths and its limitations, must not become an excuse for inaction, postponement, and delay.

WHY THE GOALS SHOULD BE MET AND HOW TO MEET THEM

Now, let me turn to two general areas that directly relate to the housing problem. The first is what our housing needs are and why, as a society, we have a moral obligation to meet them.

The second major area is how these needs can be met, how the housing goals can be reached, and why we should no longer accept excuses from the Secretary about them.

Contrary to the Secretary's statements, the funds, the land, the resources, and the technology are now at hand to meet the goals.

We should not and must not accept additional excuses from the Secretary that the goals cannot be met.

HOUSING NEEDS

Based on census figures, there are in this country about 7 million substandard housing units which should be removed. This is the number of houses which are so dilapidated or lack elementary plumbing that they are unfit to live in and should be destroyed and replaced.

In addition, there are about 4 million standard housing units which are overcrowded. That is to say, there is more than one person per room living in the same house, which is the census test for overcrowding.

About 4 million new units need to be built to house the second family in these standard overcrowded units and in the substandard overcrowded units.

We, therefore, need a total of at least 11 million units merely to replace existing dilapidated units and to house those in overcrowded units.

CONSERVATIVE STATEMENT OF NEED

This need is very conservatively stated. This is true because:

First, the estimates are based on census data. A unit with no kitchen, with plumbing in the basement although the unit is on the second floor, with inadequate total space or sleeping space, with an absence of light or ventilation, or with low ceilings, to use several examples, would not necessarily be included as a "substandard" unit.

Because of these inadequate definitions, the census data underestimates housing needs.

Second, the data is based solely on the condition of the house and makes no judgment about the environment. If the house is unfit to live in because it is surrounded by freeways or railroad tracks; if noxious fumes pour down on it from nearby factories; if the lot next door is littered with garbage; if there are no street lights; if there is an absence of police protection; if a liquor store is on the corner in a residential neighborhood; if there is a rendering works in the block; if the noise level is excessive; or if the streets are not paved or if there are potholes in the blacktop; such a unit would not be classified as substandard if its physical condition met certain standards and it had a minimum amount of indoor plumbing.

So our housing needs based on census data are grossly underestimated.

GENERAL AGREEMENT ON NEEDS

But with all their shortcomings, the census figures are the best we have. In addition, a number of committees, commissions, and agencies have come to roughly the same overall estimates as to the amount of housing we should build if we are to meet these needs plus those brought about by new family formation, conversions, mergers, vacancy rates, and so forth.

Working independently, the Douglas Commission, the Kaiser Committee, and the Department of Housing and Urban Development all estimated that we need to build from 2.25 to 2.6 million total housing units a year if we are to meet our housing needs in the next decade. Because of the inclusion or exclusion of rehabilitated and other types of units, the estimates of our overall housing needs by these three groups vary by about 10 percent, which I think indicates their validity.

But the estimates of all three groups of the number of units which should be built each year for low- and moderate-income families are almost precisely the same.

NEED 500,000 TO 600,000 UNITS FOR LOW- AND MODERATE-INCOME FAMILIES

The Douglas Commission called for 500,000 units a year, exclusive of those for the elderly, for low- and moderate-income groups.

The Kaiser Committee and HUD called for 600,000 units a year, including rehabilitated units and units for the elderly. So I think these are about the same.

The Douglas Commission stressed building more units for the abject poor, the poor, and the near poor than did HUD and the Kaiser committee. As such units require a somewhat larger subsidy, the differences in the numbers recommended can be accounted for in large part by this difference in emphasis. In all cases, while the number of units might vary, the costs would be almost the same.

As a consequence, virtually every independent group which has examined housing needs agrees that we need to build from 500,000 to 600,000 units a year of subsidized housing if the housing needs for low- and moderate-income groups are to be met in the next decade.

These facts, in my judgment, are sufficient reason for us to insist that the housing goals be met.

MORAL OBLIGATION TO MEET HOUSING GOALS

But there are other reasons why we must bend every effort to meet our housing goals. In addition to the actual housing needs, we have certain moral obligations to meet these needs because of past failures.

Let me spell these out.

The first is the failure of society and HUD and succeeding administrations to meet the 1949 Housing Act goals.

In 1949, Congress provided that 135,000 units of public housing a year for 6 years would be built. This was a total of 810,000 units of public housing for 6 years.

The same 1949 act also authorized the urban renewal program. The compact was that when urban renewal cleared the slums, the public housing provision of the law would provide housing for many of the poor who were displaced.

Like the animals in Noah's Ark, the two programs were to proceed together.

FAILURE TO BUILD PUBLIC HOUSING

We tore down the slums. We left huge vacant spaces in the center of our cities. But we did not build the public housing.

Urban renewal destroyed some 400,000 housing units. These units by definition housed the poor, however badly. But only about 20,000 public housing units—mind you, urban renewal destroyed 400,000—have been built on urban renewal sites during the 20 years of the program.

And the unvarnished facts about the total amount of public housing built, as brought out by the Douglas Commission, are that in 20 years we built only two-

thirds of the number of public housing units we were pledged to build in 6 years.

These facts heighten our moral obligation now to meet the housing goals of the 1968 act.

MORE HOUSING DESTROYED THAN BUILT

The second fact is that through public actions over the past 2 decades, our society has destroyed more housing for poor people than we have built.

Under urban renewal, highway programs, equivalent demolitions, demolitions for public housing sites, under housing code enforcement, and through other public actions, more than a million units housing poor people have been destroyed.

The Douglas Commission estimated that another 750,000 units will be destroyed through public actions in the next 5 to 6 years.

In recent years, we have never built more than 100,000 units of all kinds of subsidized housing. Thus, if we continue at the recent rate we will destroy in the next 5 to 6 years about 50 percent more units for poor people than we build.

These facts, too, heighten our responsibility to meet the housing goals of the 1968 act.

RED LINING

A third past policy which calls for some redeeming action was that until the spring of 1967, the Federal Housing Administration—FHA—refused to guarantee loans in the ghettos of the central cities of this country.

The policies of the FHA not only failed to help the poor. The policies of the FHA were not merely neutral. But FHA policies were actively hostile to the housing needs of the poor. This is a great moral stain on the conscience of the Nation.

This policy was called red lining. It was named for the real or mythical red lines drawn around certain geographical areas of the central cities where FHA refused to insure, where banks and savings and loan companies then refused to make loans, and where, under Federal housing code laws and regulations, no funds could be spent to upgrade blighted areas or to prevent their further deterioration. These funds to the cities for housing code enforcement and for grants and loans to the occupants, could be spent only in the "declining" or the "gray areas," but not in the slums or areas designated for future urban renewal, or in those areas which had hit bottom.

The public policies followed by the FHA and urban renewal essentially abandoned the poor and the homes of the poor in the blighted areas of the central cities.

BULK OF SUBSIDIES TO MIDDLE AND UPPER INCOME GROUPS

The fourth thing we did was to provide far more housing subsidies to the wealthy than to the poor. This may surprise many who have been led to believe that housing subsidies go to the poor and that the well-to-do are somehow self-sufficient. I think it shocks many people when they hear that the wealthy in this country have received more subsidies for housing from the Federal Government than the poor have received.

Mr. Alvin Shorr of the Department of Health, Education, and Welfare has made some interesting calculations for the early years of the 1960's. He finds that the value of the housing subsidies for those with middle incomes or more was three and one half times as great as the value of the housing subsidies for the poor.

Mr. Shorr estimated that the poor received $820 million a year in housing subsidies. He included in this amount the public housing subsidy, 25 percent of welfare payments as an estimate of the payments for rent, and the actual dollar savings from income tax deductions.

But middle- and upper-income groups received not $820 million, which the poor received, but $2.9 billion a year in housing subsidies when measured by the actual dollar savings for the deductions from the Federal income tax they received for mortgage interest paid and for personal property taxes.

Mr. Shorr did not count the total deduction but only the actual tax savings. Thus, if a family in the 25-percent income tax bracket deducted $100 for interest paid, Mr. Shorr counted only $25 as the subsidy.

An even more shocking fact is that the upper 20 percent of income groups—this is only the richest one-fifth of our people—received $1.7 billion a year in housing subsidies, or twice as much as the $820 million received by the lowest 20 percent of income groups. Just think of that: The wealthiest 20 percent, since 1960, have received twice as much in subsidies for housing as the poorest 20 percent in our society.

Middle- and upper-income groups should have no objection if the Federal Government subsidizes those at the lower end of the economic ladder when the former have received so much more in housing subsidies than those who need subsidies most of all.

MORAL DIMENSION TO NEEDS

These facts—first, the failure to build public housing; second, the destruction by public action of more housing for poor people than has been built; third, the policy of red lining by the FHA, and fourth, the fact that the highest one-fifth of income groups receive twice the amount of housing subsidies as do the lower one-fifth of income groups—give a moral dimension to the statistics on housing needs which neither the country nor Congress nor Secretary Romney can ignore.

HOW TO MEET THE HOUSING GOALS

In his testimony before the Subcommittee on Housing of the House Banking Committee on May 12, Secretary Romney proclaimed time and again that while he favored the housing goals, they could not be met in present circumstances.

Among the key points he listed. "If we are going to have a chance of meeting—or even approaching—the housing goals expressed in the 1968 Act" was the "funding of programs enacted by Congress to provide housing for low and moderate income families."

FUNDS ARE AVAILABLE NOW

This also must not be used as an excuse. With the funds available now, plus those which we can reasonably expect Congress to appropriate, there is no shortage of funds which prevents the Secretary from meeting the housing goals for next year.

The funds are there if the Secretary will use them. Let me be specific.

PUBLIC HOUSING FUNDS

There is available for fiscal year 1970 some $473,500,000 to pay for the local public housing "contract reservations."

No further appropriation is needed. These funds are available and can be used now. With no further action by Congress the Secretary can start almost 160,000 new public housing units.

Secretary Romney has no reason or excuse not to meet the public housing goals of the 1968 act.

SPECIAL ASSISTANCE AND MODERATE INCOME FUNDS

There are a variety of programs administered by HUD where Congress has made funds available to the administration, and particularly to the previous FNMA—Fannie Mae—and the new GNMA—Ginny Mae—so that the mortgages under a variety of subsidized programs can be purchased by GNMA.

These funds are available and can be used with no further appropriation from Congress. They can be used for the 221(d)(3) or moderate income program.

They can be used for the special assistance programs under FHA sections 220 and 221 of the housing laws. These latter sections provide funds for subsidized housing in urban renewal areas, rehabilitation programs, and for relocation activities, among other programs.

The funds which are available under these programs are almost unlimited. They include:

First, $467 million in unused special assistance money. These funds are available and can be used by Secretary Romney now.

Second, $421 million in authority for GNMA to buy mortgages, which has not been used.

Third, $500 million in additional funds for the moderate income or 3 percent 221(d)(3) program which the Congress made available under the 1968 act. This was done so that there would be no shortage of money while the 221(d)(3) program was being phased out and the new home ownership and rental subsidy programs under sections 235 and 236 were phased in.

DOUBLE TALK

The funds are there. Under the 1970 budget proposed by President Johnson, it was proposed that the $500 million be deferred until fiscal year 1971. But in the new Nixon budget, the President unfortunately asks that these funds be rescinded.

The Secretary of HUD, Mr. Romney, can hardly claim that success in meeting housing goals is conditional upon enough funds from Congress when, under one of the main programs, the Nixon administration is asking that the funds for at least 25,000 units of moderate income housing be rescinded. This is doubletalk.

MODERATE PROGRAM CAN WORK

The moderate income housing program is just now getting into high gear. It has tremendous advantages.

Let me list a few of them.

Under it, there is little risk to the investors. Construction loans are insured. The interest rate is subsidized down to 3 percent. The program guarantees the long-term mortgages. There is what is called a "Ginny Mae takeout"; that is, Ginny Mae, the corporation, buys the mortgages and provides the money to the original financiers.

This program has widespread public support. Its sponsors are nonprofit or limited dividend groups. Some of the finest subsidized housing in the country has been built under it, such as the marvelous La Clede project in St. Louis.

Yet at the same time the Secretary is poor-mouthing and making excuses that he cannot meet the 1968 Housing Act goals because of a possible limitation in funds from Congress, he and the administration are asking that $500 million in authority for this program be rescinded.

That, I think, is ridiculous.

The fact is that the Secretary has over $1.3 billion for the moderate income and the special assistance programs which is available and can be used now with no further action of any kind by the Congress.

THE NEW 1-PERCENT PROGRAMS

Secretary Romney is correct in saying that Congress must appropriate funds before the new 1-percent homeownership and rental programs can be carried on. These programs are known as the section 235 and 236 programs and were first authorized in the 1968 Housing Act.

These programs are very popular. Funds in the amount of $25 million for each of the programs, or a total of $50 million, have already been used up. The programs were so popular these funds had to be rationed. The administration has asked that an additional $50 million for each of them be appropriated as a supplemental appropriation this year—fiscal 1969. They are asking for $100 million for each program for next year.

The House Appropriations Committee originally provided only $25 million. But, they have now increased the amount to $75 million for each program. They did this, however, only after Mr. Romney got members of his own party to switch and vote for the funds.

Congress will provide most of this money if the Secretary's own party will support him. There are enough votes from liberal and progressive Democrats in both the House and the Senate to fund these programs provided only that the President's own party supports them.

Mr. Romney has his work cut out for him. But before he blames Congress for the lack of funds, he should see to it that members of his own party support their President.

In summary, it is fair to say that there are not only enough funds to meet the housing goals for fiscal year 1970, but there are more funds available and already provided by Congress than the Secretary and the administration are prepared to use.

The lack of funds is no excuse.

URBAN RENEWAL FUNDS

Urban renewal has not been one of the major housing programs. Basically it has been a land assembly program. Nonetheless, it does have some impact on the amount of housing built. Due to the changes in the 1968 Housing Act requiring that 50 percent of the housing in urban renewal areas be built for low- and moderate-income families, it will have a greater impact on low-income housing in the future.

Thus, while not critical, this program must be considered when we ask whether or not sufficient funding now exists to meet the housing goals.

Again the answer is "Yes." Funds for urban renewal are appropriated 2 years in advance. Unlike almost every other budget appropriation, urban renewal gets a 1-year time lead.

As a result Congress has already appropriated funds in the amount of $570 million for urban renewal for fiscal year 1970. This includes those model city funds which are to be used in urban renewal areas.

Here, too, the funds are available without further need to ask Congress for appropriations.

AN ABUNDANCE OF SITES

Let us turn to the next problem usually given as an excuse for the failure to meet our housing needs; namely, the problem of land or housing sites.

URBAN RENEWAL SITES

Here, too, the answers to many of the difficulties are within the Secretary's own purview.

The first thing he should do is to pay a visit to his own Assistant Secretary for Housing Assistance who runs the urban renewal program.

Urban renewal has cleared thousands of acres of land in the central cities of this country. Vast acres still lie idle.

In the center of Cleveland, in Detroit, and in St. Louis, to name only three, there are an abundance of housing sites on existing urban renewal land.

Less than half of this land has been "committed," to use a technical urban renewal phrase. That means that no specific contract or arrangement has yet been made for the particular use of the land.

Under the 1968 Housing Act, in future urban renewal projects at least 50 percent of the units must be subsidized housing. But the 25-percent requirement does not apply to the existing projects.

This land lies empty at the same time we hear complaints that there is no land or sites for housing for low-income families.

The Secretary should call in the mayors. He should urge them to review these sites. He should press them to build public housing and 235 and 236 housing and moderate-income housing on these sites.

These sites are controlled by the city governments. They have been subsidized by Federal money. In the emergency which this country faces to house poor people in the central cities, these sites should be used.

CITIES OWN TAX-DELINQUENT SITES

There are other places to build as well. The cities have taken hundreds of sites—in Philadelphia, in Chicago, in New York, in Detroit, and in St. Louis—because of tax delinquency. Why not build on them?

USE FEDERAL LAND

Then there are hundreds of acres of land which the Federal Government owns in the central cities of the United States. Some of this land can be used.

FHA AND VA FORECLOSED UNITS

There are thousands of FHA and VA foreclosed units. Why not use more of these to house low-income families?

These are actions which the Secretary can take or urge his subordinates to take and which should be or should become public policy of the United States.

VACANT LAND IN MAJOR CENTRAL CITIES

There are other opportunities too. In Research Report No. 12 of the Douglas Commission, entitled "Three Land Research Studies," some amazing facts about land use in our largest cities are brought out.

OVER ONE-FIFTH OF LAND UNDEVELOPED

Some may not believe it, but 22.3 percent of the land inside American cities of 100,000 people or larger is "undeveloped." In the cities of over 250,000 in size, some 12.5 percent of the land is "undeveloped." The data is given city by city.

SURVEY THE LAND

Of course not all of this land is available or suitable for housing sites. But some of it is. I call upon the Secretary, using the Douglas study as a source, to join in a cooperative effort with the cities to survey the over one-fifth of their land which is "undeveloped" for its possibilities for housing sites, parks and recreation centers, and community facilities which would make it possible to build decent housing in a suitable living environment in the central cities where it is now said no, or few, housing sites exist.

Mr. President (Mr. EAGLETON in the chair), these are just some of the ways in which land and sites can be found for housing America's low-income families.

MOVE ON BUILDING CODE REFORM

Now let us look at the question of building codes, which have often prevented or slowed down or added to the cost of building decent housing in the central cities and suburbs.

These things need to be said about building codes.

THE PROBLEM

First of all, building codes are State police powers exercised by the localities. But they are "State" powers.

Second, under the provisions of the national "model" building codes, most modern practices, products, techniques, and processes are sanctioned and approved. This includes plastic pipe, plumbing trees, and electrical harnesses, to name a few.

Third, the problem arises when the localities either have no "model" code in effect, or change those codes by local ordinance, or fail to keep the codes up to date to admit new products and processes approved by the national "model" codes.

Fourth, this prevents the application of mass production techniques for industrialized builders, or even for conventional builders who attempt large-scale production, because the plans and products and specifications have to be altered every time some local municipal boundary line is crossed.

That is the problem.

THE ANSWERS

The answers are several in number.

First, the States, whose police powers are being exercised by the localities, should pass legislation providing that any local builder can build, or any industrialized housing can be erected which meets the provisions of one of the national model codes.

The States need merely provide that where there is no code, the provisions of an existing national model code should apply. Where there is a local code which is restrictive, the States should provide that any housing which meets the provisions of a national model code can be built regardless of local restrictions. Since codes are State police powers, the States have every right to do this. An alternative is for the States to adopt one of the national model codes as the "State" code and provide that its provisions take precedence over any local code provisions which are more restrictive. HUD could draft enabling legislation on this matter within a matter of days. The Governors could be called in and urged to present such legislation to their legislatures as soon as they meet.

USE FEDERAL CARROT TO REFORM CODES

Second, the Federal Government should tie the things the States, cities, and independent businesses and building institutions want, such as water and sewer grants, FHA guarantees, and perhaps highway and public works funds, tie these "goodies" to the existence in the State and localities of a model code which is up to date and which has not been amended.

Third, the urban renewal areas and on city and federally owned sites, the cities and the Federal Governments have the power now to provide that mass produced or industrialized housing which meets the provisions of existing model codes can be built. There need be no delay at all in moving in these areas.

UMBRELLA ORGANIZATION NEEDED

Finally, some mechanism needs to be established, such as the Douglas Commission recommended, to make certain that the standards used in the national model codes are both safe and up to date.

The Douglas Commission proposed that the National Academy of Sciences act as an umbrella agency for both private and Government groups to do research on new techniques and to test them once they are developed.

The research and testing would not be done by the Academy, but would be done by private industry, testing laboratories, and Government agencies. But the standards would be set by the Academy. When the standards were met, either objective or performance standards, this could be certified by the academy.

By this method, a stamp of approval from a prestigious source could be placed on new products and processes.

This would insure their adoption by the national code groups. That, combined with State legislation and conditions imposed by the Federal Government for water and sewer grants, FHA insurance, highways, and public works projects, would insure that such standards were included in local codes.

The most modern products and modern techniques and processes could be used. The only test would be, Do they meet fair and objective standards?

That is a way by which the most difficult problems associated with building codes can be solved.

HUD should get on with the job of carrying out these constructive Douglas Commission recommendations.

RESTRICTIVE PRACTICES

One of the constant and repeated assertions about the building industry is that the unions in the industry are involved in numerous and repeated restrictive practices which result in higher costs, impede the building of housing, and may prevent us from reaching our housing goals.

This issue is highly complex. It is confusing. There are more rumors and myths and misinformation about restrictive practices than almost any other subject.

Let me try to distinguish fact from fiction and indicate what needs to be done so that this issue does not impede us in meeting our housing goals.

First of all, let us state a few facts.

Eighty percent of the housing in this country is built by nonunion labor. Let me repeat, 80 percent—four out of five—of the houses in this country are built by nonunion labor. That is not generally known. Many of the arguments, true or false, about restrictive practices in the construction industry revolve around building skyscrapers, bridges, and highways, but not housing.

The fact is that in the suburban and smalltown and rural areas of this country, the workmen are nonunion and dependent on the employer. In the large central cities where unions are strong, they are often equal to and sometimes hold the upper hand over the employer in this fragmented industry.

Thus, union restrictions, even where they exist, affect only a small portion of the homebuilding industry. And that fact is generally not known.

MANY RESTRICTIONS DUE TO PRODUCERS

Fact No. 2 is the many restrictive practices in the industry have nothing or little to do with the unions. Instead, they are fights between and among producers and contractors. Or they are zoning or subdivision restrictions or are imposed as fire safety provisions. Take the most notorious restriction in recent years; namely, the prohibition of the use of plastic pipe in drain, vent, and plumbing units. Basically this is a fight between the cast iron soil pipe industry and the plastics industry. In most areas it is not a union restriction. But the unions often receive the general criticism.

In some places wood frame exteriors are prohibited for multifamily housing of three stories or less. This is obviously restrictive and ridiculous. The Douglas commission determined that wood frame exteriors were prohibited by 25 percent of the building codes in the country.

This restriction is generally not just a union restriction. It is done, allegedly, on grounds of fire safety and is a fight between the lumber interests on the one hand, and the brick and mortar and other groups, on the other.

This is another place where fact needs to be separated from fiction.

Third, some items which are said to be restrictive practices, especially with respect to the use of tools, have legitimate safety reasons behind their exclusion. In other cases, genuine job security is at stake. There are gray areas involved in both these issues. But the building industry is one of the most cyclical of all industries. It is like a roller coaster in terms of what gets built from year to year. It is also highly seasonal. There are often high hourly rates, but workers end up getting a relatively low annual income especially if tight money or the weather restricts building.

COLLECTIVE BARGAINING

Fourth, there are restrictive practices, or what outsiders might call restrictive practices, which are the result of the collective bargaining process. Unions may gain the right to certain rules or conditions, generally because it involves safety or job security, only by giving up 10 or 15 cents an hour in wages. This then becomes an agreement, reached not only by the unions but also by the employer. When, in turn, some employers organization or uninformed outside group charges the unions with an unfair restriction, they fail to mention that there were two sides and that the unions gave up something, in work conditions or pay, for the agreement.

The famous Philadelphia door case is an example of such collective bargaining agreement. The Supreme Court did not, as is widely charged, prohibit the use of prehung doors or prefabricated products.

This was a case in which the unions and the employers had a contract that prehung doors would not be handled on the job. The provision of the contract was attacked as an illegal secondary boycott under the Landrum-Griffin Act. The court determined that such was not the case. But that decision did not prohibit the use of prehung doors or prefabricated products, elsewhere or in general, as is so often charged.

As the Douglas Commission wrote on this point:

> The Supreme Court has, unfortunately, been widely misunderstood in these ruling. The door case often is cited as holding that prefabricated components are considered bad by the courts or that a union at any time may refuse to work on a job which uses such components. In fact, the decision states only that exclusion of such products, *where they threaten job security,* may be a legitimate subject of a collective bargaining agreement and enforceable as such.

RESTRICTIONS NOT PRACTICED

Finally, one finds some restrictions written into contracts which are never practiced, and some restrictions which are practiced which are never written into contracts. The latter stems most often from the fact that the national building trade unions have limited local jurisdiction which is due to the fragmented and dispersed nature of the industry.

Let me give an example. In New York City it was charged that the ironworkers required the onsite bending of reinforcing rods. It is more efficient if rods are bent in the shop before reaching the site.

When the Douglas Commission brought this charge to the attention of the union, they replied that the general rule is that materials and work which can be done or fabricated in the shop, and which by practical work operations can be moved to the field, are accepted and handled on the site when received there.

The union said that it knew of one or two local exceptions to this rule, but said that of the total tonnage of reinforcing rods installed, 99 percent or more are bent in the shop, and not on the site.

THE ANSWERS—HIGH VOLUME NEEDED

What are the answers, then, to the real or imagined restrictive practices found by organized labor in the industry?

The first is to get a high level of production. That is why Mr. Romney should meet the housing goals. Many restrictions can be overcome if we increase the total amount of new housing built each year from the present level of 1.5 million units to the 2.25 to 2.5 million units recommended by the various commissions, committees, and experts in the field.

Many restrictions will end when the reasons for them end. That is why meeting the housing goals is so important.

The second answer is to get continuity of production. Together with a high volume of production, the restrictions which flow from the highly cyclical and highly seasonal nature of the industry can end. This is another reason why the Secretary should work to meet the housing goals.

There is an old saying that a high tide floats all the boats. With high production and continuity of production, the fears and reasons for restrictions end. Trade-offs can be made. Practices necessary because of the small amount of work or the seasonality of work can be given up when work is there the year around.

ADVANCE NOTICE

There is another general rule which must be practiced. That is bring the unions and the employees in at the beginning of efforts to build new projects, to use new materials or tools, and to do things differently.

This past recess I had a chance to meet with the building construction trades people, the union people, in the city of Milwaukee. They agreed that what they were most interested in was an opportunity to consult in and be a part of the new approaches and new processes involving new technologies.

Advanced notice can avoid jurisdictional disputes. Early warning or early notice has been successful time after time.

The schools in California are now built by mass produced or systems methods. The unions were brought in at the beginning. New methods and devices have been used. But there has been no trouble, because they were informed and because they shared in the increase in productivity.

The same was true in the national homes experiment in Chicago where the unions were brought in ahead of time and where mass production techniques were used without difficulties.

PROTECT AGREEMENTS

Finally, there must be much more widespread use of project agreements. Under the Housing Act, there will be a great opportunity to aggregate markets and to build a large number of units in specific projects or in a particular city or area.

Project agreements can be and should be negotiated with the building trades for the conditions of work and hourly pay and tools and methods to be used.

Numerous project agreements involving the space industry, defense contracts, and large public works have been successfully negotiated time and time again in the past. This successful method must be applied to the housing industry.

It is the best possible way to avoid restrictions, to bring work continuity, and to provide an abundance of housing.

Thus, by a high level of production, by continuity of production, by advance notice and early discussions with the unions, and by project agreements, those genuine restrictive practices which actually impede the construction of housing can be overcome.

SUMMARY

HUD has the funds needed to meet the housing goals. These funds exist now. These funds for public housing, urban renewal, special assistance, and the moderate-income program, plus those Congress is in the process of appropriating, provide more than enough money to meet the housing goals for this year and next.

The land is available. Half the existing urban renewal areas are vacant and with no specific plan to build on them. The cities have hundreds of tax delinquent sites. The Federal Government owns vast acreages in the cities. There are thousands of VA and FHA foreclosed units where the poor could be housed under the leased-housing programs. Twenty-two percent of all land in the 130 largest cities of the country is still "undeveloped," according to the Douglas Commission study.

The States and HUD should move on the building code problem by providing through State legislation and Federal action that conventional and industrialized building can take place provided only that the up-to-date provisions of the national model building codes are met. Furthermore, it is already within the powers of the cities and the Federal Government to build without restrictions on city land, urban renewal sites, and Federal land inside cities.

The problem of genuine restrictive practices can be overcome by both a high level and continuity of production, by advanced notice and discussion with the unions, and by the use of project agreements.

For all of these reasons, there is no excuse for the Secretary to temporize any longer over meeting the housing goals established by the 1968 Housing Act.

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.

COMMUNITY CREDIT EXPANSION ACT

Mr. PROXMIRE. Mr. President, on May 13, I introduced S. 2146, The Community Credit Expansion Act, which seeks to provide more credit in our troubled inner cities and depressed rural areas. The proposed legislation would operate primarily through existing financial institutions and would seek to increase the supply of business credit, mortgage credit, and mortgage credit in both urban and rural poverty areas.

One title of the bill would establish a new kind of bank whose leading activities would be confined primarily to poverty areas. While many banks have taken a renewed interest in ghetto loans. it seems evident that without some form of Federal inducement an appreciable attack upon the problem will not be forthcoming.

I firmly believe that the Community Credit Expansion Act, or something like it, would provide the incentive to the private financial community to increase substantially their financial commitment in urban and rural poverty areas.

Mr. President, an article published recently in the Christian Science Monitor described the problem of obtaining an adequate flow of investment capital in urban poverty areas. I ask unanimous consent that the article, written by Richard A. Nenneman, be published in the RECORD.

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

NEW BANK SETUP FOR GHETTO LOANS?

(By Richard A. Nenneman)

NEW YORK.—Money, money, who's got the money for black economic development?

The banks, the savings and loan associations, and the life-insurance companies, that's who.

Look at them: 14,000 commercial banks with $400 billion; 500 savings banks with another $70 billion; 1,600 life-insurance companies with $300 billion; and 6,000 S&L associations with $150 billion.

In any discussion of the private sector's role in ghetto development, what these institutions can do and decide to do with their money is a foremost factor. How they use their money depends on several things; the potential profits available; the risks involved; and rules, regulations, and habit.

Large blocs of money are going to come into the ghetto in two ways: through loans to black business and through real-estate lending. It is the commercial banking system that makes the business loans. The other institutions jointly hold the nation's individual savings. Savings banks, S&L's, and life-insurance companies will have their effect mainly through what they can do to upgrade real estate in the ghetto and to find ways for blacks to own their own homes.

DIFFERENT CHALLENGES

The two types of institutions operate under different kinds of regulation and face different challenges in the ghetto.

To take the banks first, they are a heavily regulated industry. Besides stiff federal rules, most of them have state interest-rate ceilings. The best credit risks pay the lowest interest rates.

But in these times of record high interest

rates, everyone is paying a stiff price for money. And the "reward" of the highest interest a bank can charge is not sufficient to cover much degree of risk. This is a major reason no large amounts of bank money have flowed to ghetto businesses in the past.

Many banks in major cities are trying to find ways to increase their ghetto lending. The First Pennsylvania Bank & Trust Company in Philadelphia has been a leader. Some banks have opened special departments to ghetto lending (mainly because they need personnel with an extra degree of understanding and experience for the job).

Yet bank lending under normal conditions can't do the job. There aren't enough blacks that qualify for loans. Their business experience often is too brief. And what they often need is equity—the original investment money—which banks by law cannot provide.

Thomas R. Wilcox, vice-chairman of New York's First National City Bank, said "We will lower our lending criteria by perhaps one notch in making a business loan in the ghetto. But we don't feel we can go much farther than that."

Yet Mr. Wilcox is personally deeply committed to economic improvement in the ghetto. How would he have the banking system do more? Through something like the legislation introduced on May 13 by Sen. William A. Proxmire (D) of Wisconsin, called the community credit expansion bill.

Senator Proxmire's bill may be rewritten before it gets as far as committee hearings. But its basics are appealing. Drawing on last fall's subcommittee hearings of the Senate Committee on Banking and Currency, it is his conclusion that none of the existing institutions can adequately fund ghetto needs.

Senator Proxmire would set up national development banks, which commercial banks could operate as subsidiaries. The development banks would have preferential access to funds. In lending, they would dig deeper down into the risk barrel, and follow through with close supervision of the loans. The banks would also have limited authority to guarantee loans made in the ghetto by other financial institutions.

DEALS REQUIRE RISKS

There is at least some evidence that this kind of development lending could work. In New York, for instance, the Urban Coalition has provided (through corporate gifts) $1.25 million in funding for a new corporation, Coalition Venture, which acts very much as a development bank. Although it has had only $1 million to lend, it has been able to leverage this money and get an additional $4 million in commercial bank loans.

John Baker, the president of Coalition Venture, said, "The banks won't make a ghetto loan unless everything is sewed up as perfectly as their other loans. We don't have many deals like that in the ghetto."

Since Coalition Venture was set up less than a year ago, it has made 31 loans. Three of them are to ex-convicts, one to an ex-junkee—"and not ex very long either," said Mr. Baker. "We require that our borrowers know their area, but not necessarily know it as businessmen."

Through taking the long end (the most distant maturities), Coalition Venture has committed its first $1 million in donated capital to ghetto loans and gotten the commercial banks to come in for another $4 million. It is peanuts compared with what needs to be done, but an exciting example of the way money can be leveraged.

The funds for Coalition Venture came from contributions from New York corporations. Nearly $250,000 of the initial grant of $1,250,000 was set aside for overhead and to pay the expenses of an affiliate organization, Coalition Management, which provides continuing management-consultant services to the companies to which loans have been made. Most of the consulting services are provided free by members of New York consulting firms.

NEW STRUCTURE URGED

While Coalition Venture is small, it seems to be an example of how a community credit bank could work closely with ghetto businessmen, ferret out those with management talent, and at the same time attract traditional sources of money for the less risky parts of their operation.

Mr. Wilcox at Citibank stresses his belief that the banking system cannot, on its traditional terms of operating, meet the financial needs of the ghetto. A local structure must be built, he feels "strong enough for the work that needs to be done."

The problem with the savings institutions and the life-insurance companies is somewhat different. Here they are dealing primarily in real estate, whose value gives some protection to their mortgage loans. There are still risks involved in collecting money from individual wage earners, but not the risks one takes on in lending to a business.

The approaches taken by the savings institutions have varied. The most widely publicized has been the $1 billion life-insurance industry commitment made last year. This April it was raised to $2 billion; more than $900 million of the original money had been committed (although not actually disbursed).

PROGRAM CRITICIZED

The savings banks and S&L's are privately somewhat critical of the life-insurance industry's approach. They feel that to a certain extent it is playing the numbers game.

However, the program is impressive. It puts the life companies on the spot, in the first place, to sign up and be on record for how much money each one will put into ghetto mortgages. Then through using the Life Insurance Association as a clearinghouse to qualify ghetto loans, it helps to see that the loans get made at normal interest rates.

Moreover, not all of the $1 billion the companies originally agreed to lend is protected by FHA insurance. Nearly $100 million has been lent to hospitals or nursing homes in or near ghetto areas; $20 million to shopping centers and supermarkets; $15 million for other retail space, and $15 million for welfare and recreation space.

These loans have helped build installations that provide both community services and jobs. In another category, at least $50 million has been lent to build factory and warehouse space. This directly increases ghetto employment.

NEW PROJECTS FOUND

The life companies are finding they can do things they just didn't think about before. For instance, John Hancock in Boston agreed to take 10 percent of the Unity Bank's initial stock offering, in effect giving the Boston black bank a partial underwriting. In the end, Hancock did not actually have to pick up that much of the stock.

The second billion is expected to go even more into nongovernment guaranteed loans than the first. But how much of a dent does this billion, or even $2 billion, make in the ghetto? "Even $10 billion a year wouldn't make a large dent in the need," says Mr. Wright. "The need is so great, and the funds have been disbursed in some 200 cities."

Yet, in getting things moving, it does represent a start. It also raises the question of where larger amounts of money are going to come from. The $1 billion a year represents about 10-to-15 percent of new mortgage commitments made by the life companies. (About half of their cash flow of $16 billion goes into mortgages, another half into securities.) If a larger percentage is going to be diverted to ghetto mortgages, obviously it must be at the expense of some other kind of lending.

SEVERAL PROJECTS NOTED

The trade associations of the savings banks and S&L's have not engineered anything as complicated as the $1 billion life-insurance program. The close to 7,000 S&L's and savings banks are mostly local institution's locally owned or controlled. The trade associations have served mainly to pass on information on what is being done and how to do it.

Several major programs, such as Boston's rehabilitation project which took in 2,000 units have been accomplished under Section 221-d-3 of the 1965 National Housing Act. The paper work is apparently rough the first time around. After that it gets easier.

Saul Klaman, economist for the National Association of Mutual Savings Banks, says massive money will flow into the ghetto only with government guarantees. He would like to see the FHA emphasize that its main interest today is in seeing money flow into the ghetto.

He also sees a big opportunity for the savings institutions in Sections 235 and 236 of the 1968 Housing Act, if it is adequately funded. These provide for the government to subsidize the interest part of a mortgage payment. This makes it easier for a poor person to own a decent home, and also gives the government the most for its dollars spent (as opposed to former programs in which the government bought the whole mortgage).

The private financial sector is on the move looking for innovative ways to use its money. Parts of it may still need a stronger motivation to get involved in the ghetto. But given the need to make a profit and the restrictions under which most financial institutions operate, the largest volume is going to get done in tandem with a system of government guarantees and subsidies. These can make further private action feasible with the best leveraging possible for the federal budget dollars that are spent.

PRIVILEGES ACCORDED U.S. OIL PRODUCERS

Mr. MONDALE. Mr. President, for some time I have been concerned about the privileges our Government has accorded oil producers. Oil producers benefit from the 27½ percent oil depletion allowance, from drilling allowances, and from import quotas against foreign oil. Recently, before the Subcommittee on Antitrust and Monopoly testimony was presented showing that despite—perhaps because of—all of these protections, U.S. oil is more expensive than it would be without the Federal import quota.

I ask unanimous consent that an editorial entitled "Oil's Special Privileges," published in the St. Paul Dispatch, be printed in the RECORD.

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

[From the St. Paul (Minn.) Dispatch, 8, 1969]

OIL'S SPECIAL PRIVILEGES

Special favors long enjoyed by the petroleum industry through federal tax laws and protection against competitive imports are under attack in Washington.

Interesting information is being developed by the Senate Antitrust Subcommittee. Senators from the New England states are giving a special push to the hearings because oil burning industries in that region charge they are forced to pay exorbitant fuel prices which handicap business development.

Oil imported from the Middle East could be bought in the Northeast for about $2 a

barrel if it were not kept out by federal import quotas. Instead, consumers are paying $3 to $3.50 a barrel for oil from the American Southwest.

A Texas specialist in oil economics, Professor Henry Steele of University of Houston, said that 95 per cent of the oil produced in the United States could meet Middle East price competition and still be profitable. A combination of federal and Southwest state controls, he testified, is subsidizing this 95 per cent of domestic production unnecessarily.

The import quotas against foreign oil were put into effect in the 1950s as an "emergency" measure but have continued ever since through the influence of the petroleum industry in Washington. The New York Journal of Commerce and other eastern publications are urging that the quota system be abandoned. The Journal of Commerce says: "The program was never anything more than a crude device for the escalation of domestic oil prices for the benefit of the few at the expense of consumers." It adds that it holds no sympathy "with those who feel that this (northeast) area somehow owes a lucrative living to those who, having already the advantage of a 27½ per cent depletion allowance, somehow figure the nation owes them more."

In reference to the depletion allowance, a Yale economist, Arthur W. Wright, testified that such special tax benefits "should be scrapped as an inequitable, wasteful, problem-ridden government aid program." He said that if any section of the oil industry can prove real need for financial aid from the government, this should be provided by a small direct subsidy, not through wide open tax loopholes which cost the Treasury more than a billion dollars every year.

The petroleum industry has many powerful friends in Congress from the Southwest states. It is difficult for consumer interests to break through this protective barricade. Nevertheless, the New Englanders are hopeful of gaining some concessions. They have shown the need for a thorough reexamination of the oil quota system and the special tax benefits. All members of Congress interested in consumer problems should carry on the fight, for New England is not the only region which would benefit from reforms.

DAG HAMMARSKJOLD COLLEGE: A BOLD NEW EXPERIMENT IN HIGHER EDUCATION

Mr. TYDINGS. Mr. President, a new college, named in honor of the second Secretary-General of the United Nations, is coming to Maryland. This is no ordinary institution of higher education, but is rather a new model which to me offers real promise of relevance at a time when colleges and universities are torn by student unrest.

Dag Hammarskjold College is designed as an international college, a 4-year independent, coeducational liberal arts institution. To be located on a beautiful tract of land adjacent to Merriweather-Post Pavilion in the new city of Columbia, Md., the college will have a pervasive cross-cultural philosophy of education.

I am pleased to announce to you that I have accepted a position as an overseer of this college. The board of overseers is distinguished, I might add, by the presence of our Republican colleague, the distinguished Senator from Oregon (Mr. HATFIELD).

Dag Hammarskjold College is built on the premise that we live in a global village, that reason requires we deal effectively with rapid cultural change, and that higher education can be made relevant to our world situation.

The college has designed its philosophy and program after careful study of creative colleges, not only in the United States, but from schools around the world.

The president, Dr. Robert L. McCan, received his bachelor of divinity degree from Yale University, a doctor of philosophy from the University of Edinburgh, and was visiting scholar in higher education for 2 years at Harvard University. Since leaving the Protestant ministry in 1963, Dr. McCan has been on the frontiers of education specifically preparing for the founding of this college. While studying at Harvard he was assistant professor in philosophy of higher education at Boston University. In 1965 Dr. McCan accepted a position in the policy and planning division of community action programs in the U.S. Office of Education as Acting Branch Chief for Behavioral Sciences. Since late in 1967 he has devoted full time to the development of Dag Hammarskjold College.

Dag Hammarskjold College is scheduled to open in the fall of 1970 with a small faculty and a first class of 120 students. Total enrollment of 1,440 will be reached by 1978. Approximately a fourth of the students will be off-campus at any given time in work, travel, and study-abroad programs.

Sixty percent of the faculty and students will come from abroad. Nine countries, in addition to the United States, will be represented. These countries are in widely scattered geographical areas of the world, and provide opportunity for the building of a miniature world community on the campus.

There has been an incredibily active and dedicated group of laymen and professional educators who have nurtured the dream and developed the college to its present level. Between May and September of this year there will be a summer gifts campaign conducted by these volunteers and friends of the college. Their short-term, widely based effort is designed to provide $250,000 for specific development needs, including expansion of staff, architectural planning, and funds for a major capital gifts campaign which will begin in the fall. Persons who contribute as much as $1,000 will be recognized as founders of the college.

The board of overseers are:

Mr. James D. Grant, chairman, vice president, National Institute of Public Affairs, Washington, D.C.

Mr. Richard J. Barnet, codirector, Institute for Policy Studies, Washington, D.C.

The Reverend Gordon Cosby, pastor, Church of the Saviour, Washington, D.C.

Dr. Paul F. Geren, president, Stetson University, De Land, Fla.

Mr. Donald E. Graham, officer, Washington Metropolitan Police Department.

Mr. B. Neal Harris, Manufacturing Development, Plastics Division, Gulf State Paper Corp., Cockeysville, Md.

The Honorable MARK O. HATFIELD, U.S. Senator, Oregon, Washington, D.C.

Dr. Roy J. Jones, director, Center for Community Studies, Howard University, Washington, D.C.

Miss Jimilu Mason, sculptor, National Council of the Arts, Alexandria, Va.

The Honorable Glenn A. Olds, U.S. Ambassador, U.S. Representative to the United Nations Economic and Social Council, New York, N.Y.

Mr. Bernard Rapaport, president, American Income Life Insurance Co., Waco, Tex.

Mrs. James W. Rouse, Baltimore, Md.

Dr. Rustum Roy, director, Materials Research Laboratory, University Park, Pennsylvania.

Dr. Herbert Striner, director, Project Development, W. E. Upjohn Institute for Employment Research, Washington, D.C.

The Honorable JOSEPH D. TYDINGS, U.S. Senator, Maryland, Washington, D.C.

Dr. J. Earl Williams, director, Human Resources Center, University of Houston, Houston, Tex.

These representative endorsements of the college throw shafts of light on the enthusiastic response the college plan has received:

JAMES W. ROUSE, president, the Rouse Co. It is an exciting concept, responsive to the pressing needs of the United States and the world beyond. We are very pleased to make available to Dag Hammarskjöld College a site in Columbia appropriate for your needs.

PHILIP R. HARRIS, Ph. D., senior associate, Leadership Resources, Inc. It is a magnificent conception, well worthy of investment. You have done your planning well, consulted with a wide variety of professionals, and incorporated some of the latest and best thinking about higher education.

J. NED BRYAN, director, Special Study on Talent Development, U.S. Office of Education. There is a refreshing realism about the plan of operation. Controlled enrollment and modular units providing for meeting the objectives of close faculty-student involvement. In my judgment Dag Hammarskjöld College has the potential and promise of fulfilling an unmet need in the arena of American higher education.

CRISIS ON OUR CAMPUSES

Mr. PERCY. Mr. President, recently I had the privilege of attending a 3-day meeting conducted by Dr. Robert A. Goldwin, director of the Kenyon College Public Affairs Conference Center, with approximately 20 academicians, public officials, civil rights leaders, students, and journalists, including David Broder, national political reporter for the Washington Post. I had just returned from a tour of 10 college campuses in Illinois, where I had participated in intensive seminars with student leaders representing every point of view.

The situation on the campuses is critical, and we have much additional study ahead of us to understand fully the changing phenomena which our Nation is witnessing. The campus today stands as a microcosm not only of some of our Nation's greatest problems, but also of its greatest challenges and opportunities.

David Broder, whom I consider to be one of America's most astute and competent political analysts, has discussed this problem, with his usual insight, in a recent column. I concur with his conclusions.

I ask unanimous consent that his article be printed in the RECORD.

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

[From the Cleveland Plain Dealer, May 14, 1969]

IS PEACEFUL ORDER VANISHING?

(By David S. Broder)

GAMBIER, Ohio.—Something very strange has happened in America, almost without our noticing it. The professor and the politician have reversed roles. The campus has become the arena of battle and the capital the place where people fretfully try to understand what is happening at the front.

For several years this reporter has had the occasional privilege of participating in the meetings of the Kenyon College Public Affairs Conference Center, which offers short intensive seminars on major issues to small groups of writers, political leaders and academics.

Customarily, the dialogue has taken the form of the journalists and politicians telling the professors how the problem under discussion looks at close range and asking the academics whether, from their rather detached perspective, they have other views and other solutions to offer.

This year, as we discussed the condition of American democracy, it was the professors, some of them still in semishock from the latest campus confrontations, who were asking help from the journalists and politicans in understanding and responding to the crisis that had overtaken their lives.

Despite their agitation, the message they brought from their campuses was plain enough. It is not one we can ignore—not when it comes from men of decency and wisdom, of both races, whose urgency of tone conveys as well as their words the danger they sense.

What they are saying, if I correctly understand them (the rule of privacy of these conferences prevents direct quotation or attribution), is something like this:

The agitation on the campuses is not simply, or primarily, a student-led effort at reform of college curricula and campus life. Whatever the effect in these areas (and there was disagreement whether they have helped or hurt the instructional program and college routine), the militants' demonstrations have introduced techniques of coercion and violence that are inimical to the life, not just of the university, but of any free institution.

Intimidation of students, faculty and administration members, both by physical means and by verbal abuse, is increasingly commonplace. (Again, the testimony comes from members of both races.)

If the tactics are inherently dangerous to freedom, so too is the philosophy of at least some of the agitators. Black militants, in control of some black-studies programs, are preaching a counsel of despair that could condition the leaders of the next generation of Negroes to believe that race war is literally the only tactic for achieving their ends.

White militants of the SDS variety are inculcating a philosophy that glorifies the realization of "self" through the flouting of established norms and the gratification of personal needs through violent action. The resulting intellectual atmosphere is hauntingly reminiscent to some refugee professors of pre-Nazi Germany.

Both the black and white militants show ignorance or disregard of the civilities by which a peaceful social order is maintained—the traditions of fair play and tolerance which underlie our democratic institutions.

All this, and more, the professors were saying. And if they are even partly correct—as I fear they are—this situation is much more critical than the ivory tower politicians and journalists like myself have realized.

PROXMIRE HEARINGS ASK IS THERE "A RIGHT TO PRY AND POKE?"

Mr. NELSON. Mr. President, "Is your yard neat and uncluttered? Do you have a satisfactory number of bathrooms? If you drink, is it because of marital trouble, business, or personal desire? And how do you get along with your wife?"

According to a report in this week's National Observer, "Senator WILLIAM PROXMIRE marveled at these and other questions as he read them from the check lists that insurance inspectors use when they investigate a new customer," at hearings of the Subcommittee on Financial Institutions.

The senior Senator from Wisconsin has "drawn up a bill to regulate the companies that investigate consumers for credit, insurance, and jobs." The evidence drawn out by Senator PROXMIRE and reported in the National Observer indicates that no area is more in need of regulation than the prying and poking into the lives of everyone of us by consumer investigators. The most astonishing revelation at the hearings was reported in the Observer as follows:

One consumer group witness told the tale of a pseudonymous "Charlie Green" who was hounded from job to job for five years by an unfavorable employment report whose existence he did not know of. "Charlie" was repeatedly rebuffed and mistrusted by employers who thought he was a dishonorably discharged soldier who lied about his past when he applied for jobs. The rules of the reporting agency kept them from telling Charlie about the report.

Charlie Green was in "absolute trembling fear for my family and myself" when a personnel officer at one company accidentally tipped him off in 1967 to the existence of the unfavorable report. With the aid of a lawyer he eventually got the credit-reporting agency to agree to collect its false report, but even now it refuses to let him or his lawyer see the corrected document. Senator Proxmire said his own staff had confirmed Charlie Green's story.

All Senators represent millions of "Charlie Greens." The hearings revealed that the liberties the credit industries take with secret dossiers on private citizens is truly terrifying. The carelessness with which the information is gathered and then disseminated to almost anyone who wants it is inexcusable and in need of regulation. I ask unanimous consent that the Observer report be printed in the RECORD.

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

[From the National Observer, May 26, 1969]

DO CREDIT MEN HAVE RIGHT TO PRY AND POKE?

Is your yard neat and uncluttered? Do you have a "satisfactory" number of bathrooms? If you drink, is it because of marital trouble, business, or "personal desire"? And how do you get along with your wife?

Sen. William Proxmire marveled at these and other questions as he read them from the check lists that insurance inspectors use when they investigate a new customer. The Wisconsin Democrat has drawn up a bill to regulate the companies that investigate consumers for credit, insurance, and jobs. Last week he invited them to testify during five days of hearings by a subcommittee of the Senate Committee on Banking and Currency.

"Does an insurance company have the right to pry and poke into any aspect of a person's life?" the senator asked. Testimony seemed to show that legally they do. It also revealed that the same set of credit-reporting agencies investigate people for insurance, check on their credit ratings, clear them for would-be employers, and keep dossiers on more than 100,000,000 Americans.

KEEP FILES CONFIDENTIAL

The senator's bill would compel these companies to keep their files confidential, give citizens a chance to correct their records if mistakes turned up, and to inform them if unfavorable information was put into their files from public records. The bill would also bar the companies from stockpiling intimate information unless it had some valid business need for it. Companies that used an investigator's report to refuse credit, jobs, or insurance would have to tell the customer where the report originated.

Witnesses from the credit-reporting companies and their clients in the business community generally testified against the bill. A spokesman for a trade group of 2,200 credit bureaus said it would cost so much to implement that credit companies might stop giving credit to poor people and concentrate on better credit risks. A banker said lenders needed even more information than they were getting now, not less. An insurance spokesman said some of the seemingly personal questions they asked had a real bearing on insurance risks; a policy holder with marital troubles might be murdered by his wife, for instance.

SEVERAL INVESTIGATIONS

A succession of consumer groups, however, testified that the bill ought to be even stronger. The executive director of the Consumer Federation of America urged that consumers be allowed to see their credit-bureau record, something the Proxmire bill will not compel, and scarcely any credit bureau will allow. The general secretary of the National Consumers League suggested that it be made illegal for a credit bureau to record gossip about someone's private life. A spokesman for the Louisiana Consumers League urged that credit bureaus be barred from doubling as bill collectors, as many do.

The hearings were the most thorough of several investigations that have started in both houses of Congress because of complaints that false or misleading credit-agency reports have deprived consumers of reputations, jobs, and credit.

One consumer group witness told the tale of a pseudonymous "Charlie Green" who was hounded from job to job for five years by an unfavorable employment report whose existence he did not know of. "Charlie" was repeatedly rebuffed and mistrusted by employers who thought he was a dishonorably discharged soldier who lied about his past when he applied for jobs. The rules of the reporting agency kept them from telling Charlie about the report.

Charlie Green was in "absolute trembling fear for my family and myself" when a personnel officer at one company accidentally tipped him off in 1967 to the existence of the unfavorable report. With the aid of a lawyer he eventually got the credit-reporting agency to agree to correct its false report, but even now it refuses to let him or his lawyer see the corrected document. Senator Proxmire said his own staff had confirmed Charlie Green's story.

Other witnesses testified that credit-reporting agencies have the right to gather intimate information about anybody, and legally are free from damage caused by their mistakes. The personal information they sell to stores, insurance companies, and employ-

ers is covered by a legal doctrine called "qualified privilege," which requires a victim of their mistakes to prove that they injured him maliciously or through gross negligence. No laws specifically govern credit bureaus in 49 of the 50 states, and the manager of a credit bureau in Columbus, Ohio, said he did not even need a license for his business.

Senator Proxmire sought through questioning to show the size and power of this unregulated industry. The president of the Retail Credit Co. of Atlanta, for instance, testified that his company kept files on 45,000,000 Americans, issued 35,000,000 reports each year, and employed 8,500 investigators who interviewed 200,000 persons daily. He said 80 per cent of their work was insurance investigations, and the balance divided among credit checks, employment checks, and "other commercial purposes."

The executive vice president of the Associated Credit Bureaus, Inc., said that the 2,200 credit bureaus in his trade association had files on 110,000,000 Americans. The chairman of the board of Credit Data Corp., Harry C. Jordan, said his customers could get a report in three minutes on any of the 27,000,000 consumers recorded in his computers. Mr. Jordan said records on 7,000,000 persons had been put into his computers in the past year.

Much of Senator Proxmire's questioning was aimed at what he seemed to believe was the inexpensive and casual way in which these potentially ruinous reports were gathered, and on what he believed was a "perverse incentive to dig up dirt."

The president of the Atlanta company, for instance, confirmed under this questioning that his inspectors made an average of 10 or 11 investigations every working day, and that this included travel time between appointments with informants and, in some bureaus, typing up their own reports.

MORALS VERSUS SMOKING

"Are your inspectors trained psychiatrists?" the senator asked, wondering how these quickie investigations could determine the state of a marriage or the reasons why somebody drank. He also noted that out of hundreds of life-insurance check lists that he had examined, only one asked if the applicant smoked, while many asked for "character and morals," or "types of associates." The senator reckoned that smoking was as likely as bad morals to hasten someone's death, and complained "you rarely ask about smoking, but have on these forms again and again questions about . . . moral behavior."

Senator Proxmire also came up with a pair of manuals for the office managers of two credit-reporting companies. Both of them told managers to keep track of the percentage of cases in which investigators dug up unfavorable information about someone. One of the manuals told managers to keep after any investigator who didn't maintain the "minimum corporate standards of 14 per cent."

Most industry spokesmen said the public was well protected by the desire of insurance companies to sell insurance, of stores to give credit, of lenders to lend money, and of employers to hire employes. "If the credit-reporting agency gives out unjustified negative reports, it will soon be out of business," a banker testified. An insurance spokesman said only 0.6 per cent of new or renewed automobile insurance policies were canceled each year on grounds that could be remotely connected with reports from credit-reporting agencies.

Industry spokesmen repeatedly pointed out that the Associated Credit Bureaus had recently adopted a code of ethics for its 2,200 members, and that it covered most of the points raised by Senator Proxmire. But a spokesman for the association conceded that a television network that tried to get past the privacy clauses of the code had illegitimately managed to get records on 10 of the 20 people it asked for in December from member bureaus. And the consumer representative from Louisiana brought an affidavit from two persons who said a member credit bureau had violated a disclosure provision of the code just four days before the hearing.

Mr. Jordan of the Computer Data Corp. said his company collected information about a consumer's credit history instead of his personal life, and refused to part with it except for the purpose of granting credit to someone. He said his company did not belong to the association because its rules would compel him to share his files with other companies who used the information for employment investigations and for what the association calls "other bona fide business transactions," but which Mr. Jordan calls "virtually anything."

"If data banks of the sort we operate are to survive without creating mechanisms for a police state," Mr. Jordan warned, "they must be very carefully insulated from access for purposes other than the announced one."

MICHAEL MALLOY.

NORTH VIETNAM'S TREATMENT OF PRISONERS OF WAR

Mr. TOWER. Mr. President, one of the most disurbing aspects of the Vietnam war has been the complete refusal of the Hanoi government to abide by the Geneva Convention rules with respect to captured American soldiers. The rules developed by the Geneva Convention are simple and direct.

The legal duty of the North Vietnamese to abide by these rules cannot be questioned. It is specifically called for in the Geneva Convention rules for prisoners of war. But Communist nations have never shown any significant respect for international agreements or the niceties of law. It is probably naive to hope that they would do so in this instance.

There is, nevertheless, a compelling reason for North Vietnam to honor the prisoner-of-war provision of the Geneva Conference. That reason, Mr. President, is human decency. If the Hanoi regime would have us believe that it is sincere in its desire for peace and harmony in Southeast Asia, let it demonstrate that it understands an elemental concept of humanity—the fair treatment of helpless prisoners incarcerated in camps many, many miles from American assistance.

The United States has made every effort to induce the North Vietnamese to abide by the most elemental of the Geneva rules: The release of the names of Americans being held captive. On May 19, Secretary Laird requested that the North Vietnamese provide a list of all soldiers held in prisoner-of-war camps. This is a simple request, one which would in no way limit the exercise of any legitimate North Vietnamese right. If this simple request were honored it would bring an end to one of the cruelest tragedies of the war.

It would bring an end to the fear and doubt shared by the many wives, children, mothers, and fathers who do not know for sure whether their loved ones are alive or dead. There are many who bear the burden of North Vietnam's inhumanity: at present, more than 1,300 U.S. servicemen are listed as either prisoners of war or missing in action. Of these, nearly 800 are airmen who were downed over North Vietnam. There is reason to hope that many of the missing in action are in fact prisoners of war.

But we do not know this. The families of these men do not know. They do not know because the Hanoi regime refuses to indulge in the elementary humanity of providing a list of all American soldiers held in prisoner of war camps.

Xuan Thuy, chief of the North Vietnam delegation to the Paris peace talks, has declared that Hanoi would not promptly release a list of U.S. prisoners held in North Vietnam. This refusal in inexcusable. Its purpose and intent can only be to extend the period of worry, of doubt, of fear for the families of the Americans missing.

I urge Xuan Thuy and his superiors to reconsider. I call upon those who criticize American firmness in Vietnam to protest the inhumanity of the North Vietnamese as manifested by their callous refusal to end the needless suffering of American civilians. Perhaps the great force of world opinion with which this Nation often seems so preoccupied can provide an impetus to the North Vietnamese to demonstrate an understanding of human decency.

For myself, I can only add my voice to that of Secretary Laird and implore that Hanoi abandon its policy of needless cruelty with regard to this matter and urge it to demonstrate the spirit of humanity which is a necessary prerequisite to the establishment of peace and harmony in Southeast Asia.

Once Hanoi has responded in a responsible manner to this simple request of Secretary Laird, I am hopeful that the North Vietnamese will respond in a like manner to the Secretary's other suggestions. Specifically, the Department of Defense has urged the North Vietnamese to take the following steps:

First. Release all U.S. prisoners whom they hold. The seriously sick and wounded should be returned immediately.

Second. Assure that all prisoners receive proper medical care and adequate food.

Third. Permit regular, impartial inspections of prisoner-of-war facilities.

Fourth. Allow a free flow of mail between the prisoners and their families.

These are all reasonable requests. If North Vietnam will respond rationally and sincerely, they can be met. Its response would represent a much-needed indication that the Hanoi regime is genuinely interested in peace through negotiation.

Mr. President, so that Senators may have the opportunity to study in detail the report of the Department of Defense with respect to prisoners of war in North Vietnam, I ask unanimous consent that the report be printed in the RECORD.

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

BRIEFING ON U.S. PRISONERS OF WAR AND MISSING IN ACTION PERSONNEL

The U.S. Government and the Government of the Republic of Vietnam have placed great emphasis on proper treatment of enemy prisoners of war held in South Vietnam. We have recognized the requirements of the Geneva Convention relative to the treatment of prisoners of war.

At the same time we repeatedly have expressed our desire that the enemy honor its

obligations under the Convention and that it properly treat U.S. personnel captured by them.

North Vietnamese and Viet Cong forces captured in South Vietnam are detained by the Government of the Republic of Vietnam in PW camps which are inspected regularly by the International Committee of the Red Cross.

In accordance with the Geneva Convention, sick and wounded prisoners have been released and repatriated to North Vietnam. We have provided such treatment not only because it is required by the Convention but also because it is the humane thing to do.

We have hoped that our adversaries would reciprocate. Regrettably, the North Vietnamese and the Viet Cong have not followed our example. There is clear evidence that the enemy is treating the U.S. prisoners it holds inhumanely.

On numerous occasions, the United States has appealed to the enemy to respect the requirements of the Geneva Convention which North Vietnam endorsed in 1957.

The purpose of this briefing is to express Secretary Laird's continuing and deep concern regarding treatment of U.S. servicemen listed as prisoners or missing in action in Southeast Asia.

Today, there are more than 1300 U.S. servicemen classified by the Services as either prisoners of war or missing in action.

Of the more than 1300, nearly 800 were downed over North Vietnam. Most are pilots and we believe a substantial percentage of the missing may be prisoners.

The families of these hundreds of servicemen have lived for months and years under the continuing anxiety and pressure of uncertainty as to the status and well-being of their loved ones.

Despite repeated attempts by the U.S. Government and neutral organizations, the North Vietnamese and the Viet Cong have consistently refused to release the names of those U.S. prisoners whom they hold.

Secretary Laird is deeply concerned by Hanoi's continued refusal to identify the U.S. prisoners whom it holds. On several occasions, he has expressed his respect for the magnificent patience and courage shown by the hundreds of wives, children and parents who for so long have hoped to learn about the status of their loved ones.

The magnitude of this unnecessary inhumanity has increased with each passing month. There now are more than 200 U.S. servicemen listed as prisoners or missing in action in Southeast Asia who have been in those categories for more than three and one-half years. This is longer than any U.S. serviceman was held a prisoner during World War II.

We now have more than 500 American servicemen who have been listed as PWs or missing for more than two years. The first U.S. pilot, whom we believe is still a prisoner, was captured in August 1964.

The North Vietnamese authorities have made statements, both publicly and privately, to the effect that American prisoners of war were being treated humanely. However, it has been impossible to verify such claims because North Vietnam adamantly has refused neutral inspections of the places of detention.

Hanoi's claims of proper treatment and its controlled visits with a handful of selected news people are not adequate substitutes for complete and impartial inspections.

Most information regarding the status of American prisoners has come in the form of propaganda films and photographs which the North Vietnamese have sold or made available to various news sources throughout the world. It is regrettable that we must rely on such often distorted information to determine the status of U.S. prisoners.

Many of these films and photographs have implied that our prisoners were being well treated, that they were permitted to communicate freely with each other, that they were allowed to correspond freely with their families, and that they were receiving proper medical treatment. Examination of this information, however, raises serious questions as to whether such has been the case. In fact, our analysis indicates that this is not the case, and that the provisions of the Geneva Convention are being disregarded.

In some instances, North Vietnamese propaganda has generated false hopes among American families because the identity of the prisoners shown could not be clearly determined. In one case, 20 different wives believed that a prisoner shown in a propaganda photo was her husband. This prisoner remains unidentified.

It now has been more than six months since the bombing of North Vietnam was halted. During that time we have had no releases and almost no information on American prisoners. In the past five years, North Vietnam has chosen to release only six pilots. All six had been held for relatively short periods of time, ranging from three to seven and one-half months.

Three of the six returned had been listed as missing in action and, thus, the announcement by Hanoi of their prospective release was the first indication that they were even alive.

Some of the propaganda photos made available have shown U.S. pilots alive on the ground after their capture by the enemy. Regrettably, no information has been received since their initial captivity, again causing severe and unnecessary anguish to the families involved. Commander A. C. Brady and Major W. S. Gideon are two such cases.

Another example is Major J. H. Kasler who was shown as injured when captured but has not been heard from since.

One propaganda film showed a display of 18 ID cards of pilots. This is an unacceptable substitute for determining the status of U.S. prisoners.

There have been indications that American prisoners in North Vietnam have been mistreated physically. In 1965 and 1966, captured U.S. prisoners were paraded through the streets of Hanoi. Some were seriously injured, as in the case of Lt. D. G. Rehmann, who suffered serious burns when downed in December 1966.

In addition, we believe that the great majority of American prisoners have been isolated from contact with the outside world.

Several propaganda photographs released have shown U.S. prisoners in such solitary confinement. All six pilots released by North Vietnam in 1968 confirmed that they had been held in isolation for varying periods of time.

Such isolation can have serious adverse effects on the long-term welfare of those detained under such circumstances.

North Vietnam released films also raise serious questions as to whether the prisoners are receiving proper medical care. Recent photographs show that some prisoners are continuing to suffer from injuries incurred at the time they were downed.

For example, several prisoners have been shown still using crutches after many months of captivity. LCDR H. A. Stafford injured his left arm and shoulder when shot down in August 1967. Today, his left arm appears to be noticeably smaller raising questions as to what medical treatment was offered.

One photo shows LCDR J. S. McCain, III, shortly after capture in October 1967. He was pictured in extensive casts because both arms and his right leg were broken. Hanoi has not indicated what his present condition is, and thus we are concerned about what treatment Commander McCain has received in the past 18 months.

One recent film included an elaborate spread of food which only two prisoners are shown carrying. Neither is shown actually eating the suspiciously large portions.

Recently, an Italian journalist met Lt. Robert Frishman, who was captured in October 1967. In the interview, published in L'Europeo a few weeks ago, Frishman stated that his right arm is significantly shorter than his left. He also stated that he had lost a substantial amount of weight since his capture. He, too, confirmed that he had been held in isolation by indicating that the reporter was the first person he had spoken to in almost a year and a half.

Weight loss by other prisoners has also been confirmed in propaganda films. One such case is Seaman D. B. Hegdahl who weighed over 200 pounds at the time of capture and obviously has lost considerable weight in the past 18 months. We observe similar indications in photographs of Lt. J. Crecca, Jr., and Colonel R. Risner.

In viewing the propaganda information which the North Vietnamese have chosen to release from time to time, the same few prisoners appear in the pictures. This raises the obvious question as to the status of the vast majority who are not paraded before the cameras.

We welcome any information concerning U.S. prisoners regardless of the source. However, we want to reiterate that these propaganda films are no substitute for the information and impartial inspections required by the Geneva Convention.

Propaganda films and photographs are misleading. One example was the distorted information released by North Korea during the captivity of the Pueblo crew. North Korean propaganda stated that the Pueblo crew was well fed, that they were permitted to exercise regularly, and that they could communicate frequently with each other and with their families.

We now know that these photos were staged and that, for the most part, the portrayed benefits occurred only when the photographs were actually taken.

We have seen similar "staged" photographs such as this scene of a purported capture of a U.S. pilot in North Vietnam. Other photographs have implied that our prisoners were permitted to attend religious services. However, recent photographs show only a handful of prisoners actually present for such services. And, it is noted that they are carefully separated which suggests either that Hanoi wants the room to appear full or that the men are kept apart so that they cannot communicate.

Another film attempted to indicate that the prisoners were enjoying recreational activities by playing table tennis, but the facial expressions and lack of animation are positive indications that it is a staged event.

Regular exchange of mail between prisoners and their families is a guaranteed provision of the Geneva Convention. Such a flow of mail simply has not been permitted by the North Vietnamese.

In the past five years, less than 100 prisoners have been allowed to write to their families. Even at that, the frequency of writing for this limited number of prisoners averaged less than two letters per year.

If these few writers had been allowed to write the number of letters and cards as permitted under the Geneva Convention, their next of kin would have received 18,000 letters and cards. Thus far, they have received less than 600.

We have no indication that any letters were received by families from September 1968 until late April 1969. Since then, some dated in late 1968 were received by families.

A recent North Vietnamese propaganda film suggested that U.S. prisoners had received Christmas mail and were permitted to celebrate the Christmas season. In the

first place, the film shows only a handful of prisoners.

Secondly, the film purports to show prisoners opening Christmas mail when, in fact, they are reading letters dated in March, April and July of 1968. In two cases, the film indicated that the prisoners were opening Christmas cards when, in fact, the mail shown were Easter cards sent months before.

In December 1968, U.S. next of kin forwarded more than 714 Christmas packages. We have no confirmation of whether any were actually received by the American prisoners.

As part of the Secretary of Defense's concern for these men, he has directed a thorough review of the benefits available to the families involved. It is his intention that the military services and the Office of the Secretary of Defense must do all that is possible for the next of kin.

On several occasions, Defense Department officials have met with groups of wives and parents whose husbands and sons are listed as prisoners or missing in action. We can attest to the bravery and personal courage of these dedicated American families.

Secretary Laird and the Department of Defense continue to hope for meaningful progress in the Paris discussions and progress leading to the release of all American prisoners.

In the meantime, however, we appeal to North Vietnam and to the Viet Cong to respect the rights of prisoners of war and to comply with the Geneva Convention.

Specifically, we urge them to take the following humanitarian actions:

1. Release all U.S. prisoners whom they hold. The seriously sick and wounded should be returned immediately.

2. Assure that all prisoners receive proper medical care and adequate food.

3. Permit regular impartial inspections of prisoner of war facilities.

4. Allow a free flow of mail between the prisoners and their families.

AMERICAN OVERCOMMITMENT

Mr. TYDINGS. Mr. President, the National Commitments Resolution, Senate Resolution 85, authored by the Senator from Arkansas (Mr. FULBRIGHT) and the Committee on Foreign Relations, is scheduled to come before the Senate for a vote shortly. This is an extremely important resolution, one that I wholeheartedly support.

The realities of international relations are continually shifting. To be effective, the foreign policy of a nation must constantly be reappraised and revised to meet these new realities.

I am deeply disturbed by the distressing evidence that American foreign policy has failed to adjust to developments that have radically altered the international community over the past decade.

Following World War II, the United States stood alone as the sole deterrent to Soviet ambitions to fill the power vacuum resulting from the destruction of Europe and the disintegration of the colonial system is Asia and Africa. America was compelled to bring her power to bear in every corner of the globe to create a new balance of world power. To have done less would have been irresponsible and dangerous.

However, by 1960, the world was no longer a bipolarized community. A new Europe had emerged. Japan and China confronted each other once again as major powers in Asia. Latin American and African nations were struggling to chart their own destinies free from the domination and direction of outside powers.

The result of these developments is a world today in which every conflict is no longer a test of strength between Washington and Moscow. Many international disagreements simply do not constitute major threats to our security.

In addition, we have learned in Vietnam—at the terrible cost of nearly 40,000 lives and $100 billion—that we are relatively powerless to work our will in certain types of situations far from our shores.

Our inability to perceive these changes and adjust accordingly has led to an expensive and dangerous overextension of U.S. foreign commitments.

We have tragically intervened in two civil wars in the Dominican Republic and in Vietnam. We are on the verge of falling into the same folly in Thailand, where we currently have stationed more than 40,000 troops.

We have a quarter of a million American troops stationed in Europe 25 years after the end of World War II. We have 50,000 troops in Korea 15 years after the end of the Korean war. We have more than 2 million military-connected Americans stationed abroad. We have 343 major bases and 1,927 minor bases outside the country—many of which are obsolete and irrelevant—occupying 4,000 square miles of foreign soil at an annual operating expense of $13.5 billion.

The cost of this overcommitment is high. It is responsible for our balance-of-payments deficit and our gold drain. As a major component of our defense budget, it prevents us from reordering our national agenda to attack many domestic problems that challenge us at home.

Most important, this overextension of American commitments threatens to involve us in conflicts throughout the world in which we do not belong and in which American boys will needlessly lose their lives.

A thorough review of our present policies and international commitments is long overdue. If American security and world peace are to be preserved, the President and Congress can delay no longer on this pressing matter. By enacting the national commitments resolution, Congress will be taking a major step toward reclaiming its constitutional responsibilities over the conduct of our foreign relations.

HUMAN RIGHTS COMMISSION ADOPTS SPECIAL COMMITTEE PROCEDURE

Mr. PROXMIRE. Mr. President, Mrs. Rita E. Hauser, the U.S. Permanent Representative to the U.N. Commission on Human Rights recently was the keynote speaker at the 63d annual meeting of the American Jewish Committee. Pointing out that this country had acceded to only two minor treaties among the many human rights conventions developed by the U.N. Human Rights Commission and other U.N. bodies, Mrs. Hauser called the U.S. position "anomalous," "most distressing," and "illustrative of a roadblock to international human rights in countries where political power is decentralized and local prerogatives treasured."

The most serious roadblock to human rights progress, Mrs. Hauser declared, is "the slow development of implementing machinery in the growing body of human rights law."

However, she hailed as a "landmark not only for the United Nations, but for international law" the procedure adopted at the last session of the Human Rights Commission in March which allows for a special committee to review petitions from individuals or groups alleging violations of human rights. This committee will report to the Commission those petitions that reveal a consistent pattern of gross violations, she explained, and the Commission may then, with the consent of the State concerned, conduct a confidential investigation of the charges. Mr. President, I am very much pleased to see that Mrs. Hauser is taking such an early and active interest in the need for the ratification of the Human Rights Conventions, and I hope that the Senate will follow soon.

THE NEW YORK TIMES ENDORSES DDT BAN AND PESTICIDE COMMISSION

Mr. NELSON. Mr. President, this morning the New York Times joined the campaign to improve sanctions on the use of persistent pesticides, including a ban on the use of DDT.

Heeding the warnings of many scientists, biologists, ecologists, and conservationists that the continued use of persistent, toxic pesticides are contaminating the total environment, the New York Times commended Dr. Lee A. DuBridge, President Nixon's science adviser, for giving the pesticide problem top priority on the agenda of the new Environmental Quality Council.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the New York Times, June 2, 1969]

CURBING DDT

Dr. Lee A. DuBridge, the President's science adviser, has placed the problem of DDT high on the agenda of the new Environmental Quality Council of which he has been named executive secretary. So much is already known about the damage inflicted by DDT that the Council should waste no time in mapping a program to control the use of this dangerous pesticide.

The Food and Drug Administration has had to seize a batch of coho salmon from Lake Michigan with far higher residues of that compound than the five parts to a million considered safe. Assistant Secretary of the Interior Leslie L. Glasgow told the Senate Commerce Subcommittee about shrimps imperiled by high DDT levels in their nursery areas; of the failure of Lake George trout to reproduce because of DDT in the eggs; of the extermination of "many thousands of robins" infested with the same substance; and of the decline in health of mallards and pelicans that had fed on DDT-contaminated fish.

The bald eagle—symbol of this country—is approaching extinction largely because of the effect of DDT on its fertility. David Brower, the California conservationist, recently testified before a House committee that the

average person carries more DDT in his body than is permitted in the meat he eats, with consequences that caused Senator Hart to wonder whether Americans are not already "an endangered species."

DDT has been an extremely useful weapon against malaria, encephalitis, and other historic scourges of man, but the question today is whether the dangers it poses do not outweigh the benefits. We think they do—especially since less harmful substitutes for DDT are available.

What Senator Gaylord Nelson, chairman of the Senate subcommittee, has in mind is, first, a complete ban on the interstate shipment of DDT, and, second, establishment of a National Commission on Pesticides. This would be a continuing agency, made up of representatives from the appropriate government departments and from citizens in the fields of science, conservation, agriculture and private enterprise. Its task would be to investigate problems arising from the use of pesticides, to monitor the build-up of their resides in the environment, in fish and wildlife, and in man, and to stimulate development of compounds that would break down more rapidly after use than those now known.

For pesticides in general this approach is rational and the objective unimpeachable. As for DDT, it is in no further need of study. Sweden and at least two states, Arizona and Michigan, have prohibited its use. Its harmful effects are by now scarcely more debatable than the use of ground glass in the public reservoirs.

WILLA CATHER COMMEMORATIVE STAMP

Mr. HRUSKA. Mr. President, it is with a sense of pride that I have joined my distinguished colleague from Nebraska (Mr. CURTIS) in introducing a bill (S. 2279) to provide for the issuance of a special commemorative stamp marking the 100th anniversary of the birth of a great writer, Miss Willa Cather, of Red Cloud, Nebr.

Few writers receive the widespread acclaim of literary critics and the general public. Such recognition is limited to only the best. That Miss Cather was one of the best is evidenced by the following facts:

First. She enjoyed widespread circulation of her works among the general reading public.

Second. She was awarded, among other honors, the following: the Pulitzer Prize in 1923 for "One of Ours"; the French award, Prix Femina Americaine for "Shadows on the Rock" in 1931; the Mark Twain Society Silver Medal in 1934 for "My Antonia"; and the Gold Medal, American Academy of Arts and Letters.

Further evidence of Miss Cather's greatness is found in the fact that all of her works are still in print and selling even though it is over 22 years since her death.

Miss Cather's works, which are widely studied in schools throughout the country, have always been popular in other countries. In fact, her works are widely available in translations and still enjoy great popularity in many European countries.

Mr. President, in view of Miss Cather's accomplishments it is only proper that we honor her memory by issuing a stamp marking the 100th anniversary of her birth which was December 7, 1873.

Mr. President, although Miss Cather was greatly admired and loved by people throughout the Nation and world, she holds a very special place in the hearts of Nebraskans, because she was one of us.

Although she was born in Virginia, she grew up in Nebraska; she was educated in Nebraska; she wrote and published her first works in Nebraska; and she always looked on Nebraska as her home. Miss Cather's strong feeling for our State is reflected in the fact that six out of her 12 novels were set in Nebraska.

Mr. President, I respectfully urge that all Senators join with us in this effort to honor a great American, a great Nebraskan, and a great lady on the occasion of the 100th anniversary of her birth.

THE DRUG PROBLEM

Mr. MURPHY. Mr. President, the drug problem is one of the most serious facing our Nation. It is particularly important because of its growing influence among the country's youth. In some instances, there are reports that the drug problem is reaching the elementary school grades. This is shocking! Every parent, every school, every church, and every community in this country should educate themselves to this problem, be alert to the signs of its use, and be prepared to truthfully and frankly answer questions that young people might have on drugs.

The growing concern over the drug problem is evidenced by the fact that I have received resolutions adopted by over 100 California cities urging Congress to consider closing to minors the State's border with Mexico unless they are accompanied by a parent or a responsible adult. I wrote to the Senator from Texas (Mr. YARBOROUGH), chairman of the Committee on Labor and Public Welfare urging that hearings be held in southern California on the drug problem. I am hopeful that our committee will soon be able to go to California and take a look at the situation firsthand.

Mr. President, I ask unanimous consent that my letter to Senator YARBOROUGH be printed at this point in the RECORD.

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

APRIL 22, 1969.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: As a member of the Senate Subcommittee on Health and Drug Abuse, I congratulate you for calling hearings to spotlight the growing drug problem in this nation. You may be assured of my full cooperation.

There was a time when the drug problem was a phenomenon that we associated with the slums. This is no longer true today, for drug abuse has clearly spread to the suburbs. More recently, there has been growing national concern with the use and abuse of drugs by our college students. As alarming as this was and is, we now hear that drug use has spread to our high schools and our junior high schools. We even hear reports that it has reached the elementary level. The explosive use of drugs represents a "clear and present danger" to America and to its youth.

California is particularly alarmed. I have received, at last count, resolutions from 92 cities in California and another resolution from the State Legislature expressing great concern over the drug problem and urging the Congress to hold hearings in Southern California on the drug problem. Particularly, these resolutions urge that Congress consider the closing of the California-Mexican border to minors unless they are accompanied by a parent or responsible adult. In view of the great interest and the seriousness of the drug problem in California, I would be most grateful if the Committee would hold hearings in San Diego and, perhaps, Los Angeles, to investigate the drug problem.

I appreciate very much your cooperation.

Sincerely,

GEORGE MURPHY.

Mr. MURPHY. Mr. President, Dr. Hardin B. Jones, professor of medical physics and physiology and assistant director of the Donner Laboratory of the University of California at Berkeley, has written a paper entitled "What Parents Should Know About the Drug Problem." Because of the critical importance of the subject, I ask unanimous consent that the article be printed in the RECORD.

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

WHAT PARENTS SHOULD KNOW ABOUT THE DRUG PROBLEM

(By Hardin B. Jones, Donner Laboratory, University of California, Berkeley)

Social pressures among the young to use the dangerous drugs are widespread and, unless the trend is reversed, as much as half of this generation of young people may acquire crippling drug addiction or habituation. Although the effects of some of these drugs are said to be mild, there is reason to doubt the accuracy of such statements and more reason to accept the growing evidence of long-range harm. Every community and every school has been infected to some extent by this newly unleashed social disease. Parents must become informed about the drug movement and use their considerable influence to increase the possibility that their children will decline use of drugs, or to help them to stop if they have become habitués. Most parents with such problems do not become aware of the situation as soon as they might if they understood the common signs of use and the way people are drawn into the habit.

FACTS ABOUT DRUG HAZARDS

Drug use is not new. Mind affecting substances, especially alcohol, have been used commonly since the most ancient times. Marijuana and opiates have a long history but they are both associated with the socially impaired. Inaccurate claims are made that drugs of the present craze (marijuana, the amphetamines, LSD, etc.) are less harmful, or no more harmful, or just as socially justified as whiskey and tobacco. The intoxication produced by marijuana ("pot") is relatively mild when compared to the amphetamines, LSD, and the hard narcotics, morphine and heroin. Perhaps unfortunately, unlike alcohol, marijuana does not induce staggering or other easily visible symptoms and does not interfere noticeably with control of the muscles. The alcoholic drunk is partially protected by not being able to hide his condition or to carry out his deluded inclinations.

Pot, unlike alcohol, produces no hangover effect nor any known danger to the liver. But it does affect the mind and there is evidence that personality may be permanently changed and that effects are cumulative. Many users claim the change is for the better; they see only escape from the

problems, challenges, and satisfactions of the real world. Most chronic pot users are incapable of having long-range goals of accomplishment and some of them hold this aimless existence to be ideal.

The defense of marijuana by comparing it with alcohol or tobacco is shallow. As most parents know, alcohol and tobacco cause harm; but the measure of that harm is not widely understood. Each year about 25,000 deaths from automobile accidents (half the total of traffic deaths) are attributed to drivers under the influence of alcohol. About half of the 2,400,000 traffic injuries per year are similarly attributable to drivers affected by alcohol; more than 200,000 of the injured are left with partially impaired bodies as long as they live. Each year about 50,000 persons die from liver disease of a type which is almost exclusively the result of chronic overuse of alcohol. Heavy chronic use of alcohol is also a contributing factor to many other deaths.

Alcohol is the commonest cause of irresponsible and even criminal conduct in the adult population. It may soon be displaced in this role, however, by the mind-disorienting drugs. Alcohol has dulled many minds and kept those persons from achieving top performance; the new drugs are much more of a hazard in this way and, in comparison, the severe effects of alcohol are probably relatively negligible. But it is obvious that alcoholism is no small problem.

Tobacco and alcohol probably rank one and two, respectively, as causes of death, if we consider their direct and indirect effects and weigh the years of life lost by their victims through relatively early deaths. It is shocking to realize that both are elective diseases. Nearly one death in three in the adult population can be attributed to the fact that half of the adult population smokes and that the risks of all degenerative diseases are more than doubled for smokers. Furthermore, smokers impair the quality of their lives, since they are always less vigorous and have twice as much chronic disease as nonsmokers of the same age. There statistics indicate the serious consequences of two habits that have captured most of our adult population.

Even if marijuana were no worse than tobacco or alcohol, it would be a grave threat to future generations to let them saddle themselves needlessly with another such habit. In fact, however, drugs impart still greater hazards. The hippie cult started four years ago with sweet, naive young people being induced to "expand their perceptions." Many of them today look aged and sick. They are. A result of this kind could have been anticipated from a consideration of the physiological hazards of drug use.

Since marijuana is the most widely used drug, consider its characteristics:

1. It is habit forming.

2. With continued use, it is addictive, perhaps more so than cigarette use.

3. Although it does not lead to use of harder narcotics through *chemical* addiction, it promotes an attitude of curiosity about them and its use increases the chance of exposure to them.

4. Its effect is cumulative. One indication of this fact is seen in that usually, in initial trials, no response is noted; hallucinatory intoxication may require the use of 3 to 5 marijuana cigarettes. In later trials, intoxication can be induced with a single cigarette or less.

5. It is very mild in *immediate* harmful effects, and its harmful effects are small in comparison to the effects of the amphetamines, LSD, or Opiates and other hard narcotics. Since it does interfere with normal perception, it can place the user in situations dangerous to himself or others.

6. Long-range *physical* effects have not been established but are almost sure to include the cancer-producing result of inhaling the products of combustion and distillation of vegetable matter, as in the case of tobacco. *Mental* effects of the cumulative impact of repeated hallucinations are spectulative but probably real. Hallucination by definition is misevaluation of sensory information and disturbs the reference memory.

7. Marijuana use tends to cause the abandonment of goals and ambitions.

Some exaggerations about marijuana effects by well-meaning opponents of the drug fad have added to propaganda for its use as those points were discredited. Harm from misuse of all drugs is nevertheless evident. Exaggeration about the degree of harm is unnecessary and should be avoided lest it discredit proper cautionary views.

The drug user is unprepared to understand the long-range hazards of drugs. As with Russian roulette, which is safe until it is fatal, the individual whose personal experience with drugs has not yet created a serious problem for him is usually convinced that drug use is safe. Apparently only those who have had a frightening experience with drugs give them up readily.

Drives to satisfy hunger and sexual desire are powerful forces which can condition reasoning and decision-making. The hard narcotics produce sensual experiences that resemble these appetites. The marked linkage between drug sensation and sexual sensation may relate to the nature of some drugs and the inner workings of the brain. The claim by some drug users that drugs enhance sexual pleasure may merely reflect the fact that *any* psychological conditioning in that direction can enhance sexual enjoyment. Regardless of the mildness of the starting point, as drug use continues there is greater cumulative probability that the person will try harder, more addictive drugs. Drugs are habituating and sensually conditioning as well as addictive. Addiction to hard drugs and to tobacco can be broken, but the person remembers the sensual conditioning. Former smokers often "dream of smoking."

Although many thousands of drugs are known through discoveries from ancient times to the present, none have been found which impart sustained benefits to normal individuals. Drugs may correct certain deficiencies and abnormalities; but no drugs enhance normal function in those who are well or make the body as fit as it can be made through simple hygienic principles. No drugs increase learning, or the speed or accuracy of problem-solving. All these processes are so complex chemically and so delicately and well balanced in persons of good health that it is unlikely that any random tampering with the chemistry of the brain will ever produce beneficial changes. We expect no superpersons to emerge from drug use now or in the future.

The claim by some that marijuana does not lead to heroin use is explained as a simple matter of arithmetic. Before 1964, it was apparent that many heroin users had "graduated" from marijuana use. Since that time, marijuana use has increased by several hundred times. The limited heroin supply has increased about three times, but this increase is negligible in contrast to that of marijuana. There simply is not enough heroin to supply the potential users who have tried marijuana and want a bigger kick. They have turned instead to the amphetamines, LSD, and most recently to barbiturates. But throughout the whole recent pattern, heroin use is noted to be increasing. Heroin use seems to be limited only by the supply. Current information about increased production of opiates in China and the Middle East points to a massive danger from heroin in the immediate future due to international economic advantages from drug traffic.

FORCES PUSHING THE YOUNG TOWARD DRUGS

In the past, our culture rejected drug addiction as improper, foreign to our way of life. The drug addict was an unpopular outlaw. The general attack on all authority that is part of the recent sweep of revolutionary forces has created a pressure to use drugs of all kinds and a specific drive to liberalize restrictive laws, including legalization to use of marijuana. Supporters of this anti-establishment front choose to link drug use to protestation of the war in Vietnam. Typically, when an adult member of the academic community is cornered about his support of drug use, he immediately counters with the *non sequitur*, "But isn't the war in Vietnam a worse horror?" One such colleague at Berkeley recently said to me, in answer to my complaint about his attitude toward drugs, "This country is on the wrong side in the Vietnam War, and as long as it is, we will alienate the youth of this country."

It was once unthinkable that a segment of the educational profession, however alienated from society privately, would start the drug craze and keep it going. The schools and colleges have been flooded with drug information: how to do it and what to expect, together with suggestive phrases such as mind-expansion. Mind shrinkage would be a more accurate term, but cautionary information has, for the most part, been minimal. Timothy Leary and other high priests of the drug cult have unchallenged access to many young people.

HOW PARENTS CAN RECOGNIZE POSSIBLE DRUG USE

1. Marijuana produces redness of the eyes. Some drugs cause dilation or constriction of pupils. The facts that youngsters get red-eyed easily from lack of sleep, too, and that they have wide pupils when they are not out in the sunlight make these symptoms uncertain by themselves.

2. Some drugs produce drowsiness and clumsiness. Since most normal young people don't bump into things often, these may be signs of trouble.

3. Marijuana and LSD commonly produce abrupt changes in goals and work habits. Those who have the hardest drive for goals and performance seem to be the most affected. This is an important clue, but youngsters are changeable for many normal reasons also.

4. Know the smell of marijuana smoke and the appearance of "grass." Your police department can arrange for you to recognize this evidence. The smell is hard to hide; at illicit pot parties, there is often an attempt to cover the characteristic sweet odor by burning incense. Therefore, burning incense is often a clue.

5. If your youngster is reported to be nude in a public place or to be generally incoherent, he is possibly intoxicated with LSD.

6. A succession of disappearances of articles of value from your household would be reason to suspect that someone with access to these things has become addicted to hard drugs.

7. Diet pills are usually composed of one of the amphetamines. Drug users often take a number of pills at a time for the mental intoxication sought. An amphetamine user has an abnormal feeling of power. He is easily triggered into violence. In San Francisco's Haight Asbury hippie community, there have been nearly thirty murders in the first four months of 1969, all believed to be linked to amphetamine intoxication.

8. Barbiturates are the active substances in most sleeping pills. They are currently being used on a massive scale to induce intoxication. Their chief symptom is drowsiness.

You are more likely to pick up information about drug use by other families' children than about your own. If so, you have an urgent obligation to see that those parents are informed quickly, privately, and confidentially.

AVAILABLE COUNTERMEASURES

The greatest safeguard is candor. Today's generation is direct; most will not hide information except to protect another person. Parents have to make an effort to keep the confi-

dence of their children. Communication is always possible and success depends, in large part, upon two-way honesty.

Parents should be aware of some specific precautions and be ready to take certain measures that are of the nature of prompt first aid. If your child appears to be under the influence of LSD, don't leave him alone for whatever time it may take for his recovery. He may fatally injure himself unless closely supervised. If he seems to have taken any of the amphetamines, remember that he will tend to feel like Superman and may therefore endanger himself and others. No amphetamine user should drive a car. Many alcoholics switch to barbiturates because the cost is less and the intoxication lasts longer. If you have barbiturates at home, keep them out of reach.

If you face a drug use problem, seek help from your minister, your physician or local medical society, the juvenile authority, or some professional organization. Community associations are being formed to help with these problems. But be certain that your source of aid has a solution acceptable to you. Some plans to rehabilitate drug users involve substitution of sensual conditioning such as sensitivity training, itself controversial.

It will be unwise for you to cope with a drug addiction problem by hiding it. Most drug addicts become sly and deceitful. You will need professional assistance.

In combating marijuana use, a community effort is helpful, with coordinated efforts from other parents, physicians, schools, churches, and youth organizations such as Scouts. The law enforcement agencies are sympathetic, well informed, and usually willing to help parents confidentially by identifying evidence of drug use and suggesting local professional help.

No countermeasure is as effective as prevention. Be alert to possible dangers and offer solid opportunities to the young to participate responsibly in useful activtiy.

Let the school or college administration responsible for your child know that you expect to be informed about any use of drugs and that you hold the school responsible for giving reasonable cautionary advice on the subject.

ENCOURAGEMENT TO PARENTS

Parents and other adults have confused feelings about their own kinds of shortcomings. Smokers and drinkers are generally aware, when challenged, that these habits are unhealthful, but they rarely face the problem. Their children see the hazards easily when they are six to eight years old and worry about their parents intensely, but the parents are "hooked" on their cigarettes and liquor. Since they can't stop, except by great effort, they rationalize and minimize the problem. They don't understand enough about their plight to discuss it with their children intelligently.

At a little older age, when children are trying to find out how to be adults—and they all want to be adults—they, too, are likely to take up smoking and drinking if this is the pattern of their parents. This behavior pattern existed long before the drug craze began. Teenagers had already swung to hard liquor ten years ago, when unsupervised teenage parties began to be the fashion as a result of the cult of permissiveness. The youngsters were just mimicking the more obvious characteristics of the less responsible part of adult society. Adults are now really dismayed about the drug hazard; but many of them are in a poor position to guide their children about it since they understand little about the problem and have not done well themselves with alcohol and tobacco. For example, fifteen years ago when the first clear information became available that smoking had serious harmful consequences equivalent to rapid aging, 70% of physicians but only 45% of all adult men were smokers. Today, it is estimated that 55% of adult men smoke but only 7% of physicians have continued the habit. This is evidence that the average adult doesn't understand the facts about cigarette smoking effects.

Why shouldn't the average adult be confused about the smoking problem? His personal experience says he is alive in spite of it, the ads in his newspapers and magazines and on TV encourage him to smoke, and his rare casual encounter with scientific evidence to the contrary has added only apprehension and not real understanding. There is little he can discuss about the matter to the satisfaction of his children.

Parents have great impact on their offspring. Most parents have successfully imparted a set of values, a sense of purpose, and some reason for life. In today's turmoil, parents must do more.

Parental preparation has kept most students from being swept into the wave of sexual permissiveness. College surveys show about the same fraction of "sexually liberated" students now as in former decades. The difference is that the sexually liberated are advertising their activities and organizing groups to promote similar activities. The moral fiber of our people is a good deal tougher and of higher purpose than suggested by accounts of depraved behavior. Generally, parents can still reach their children—even as young adults—if they are accurately informed, objective, and truthful in their approach and convincing by their example.

Most teachers, most of the time, in most locations, have goals of morality and purpose which are similar to those of the average parent. Parents and school administrators should see that misguided teachers, such as the irresponsible former professor, Timothy Leary, do not have opportunities to preach the cult of drug use. If depraved behavior is unopposed or condoned, it is likely to spread. To prevent that spread, parents must be alert to recognize the condition and must learn to oppose these influences and give sound advice to their children.

Parents tend to exaggerate the hazards of drugs because they are more concerned than informed. They must become knowledgeable if for no other reason than the fact that no argument loses more quickly than that which is revealed to lack accuracy. Besides, there are so many frightful factual statements to be made about the drug problem that there is no need to exaggerate.

It isn't the parents' fault not to have anticipated this destructive wave of drug use propaganda. But parents and all responsible persons must oppose the propaganda and the drug clique. The current political disorders, of which the drug movement is a facet, involve various conflicts between the generations. The conflicts must not be allowed to grow deeper. Most youths are not alienated but only struggling to find their independent way of life.

Those of the parental generation must always impart to the young the will to achieve useful life. Today's achievement is largely through mental effort, so that disorientation of the mind threatens the individual's greatest asset. Youth can falsely perceive its vigorous, new body as indestructible, and its agile mind rejects the notion that it, too, will eventually slow to the mental pace of old age. They should be concerned to think that they will slow down faster and to even lower levels through use of drugs. The will to live for high purpose needs to be taught to the young, and it must be taught by resolute, not dissolute, adults.

"WHAT AMERICA MEANS TO ME"—ESSAY CONTEST IN WICHITA FALLS HIGH SCHOOLS

Mr. TOWER. Mr. President, every year the Rotary Club in Wichita Falls, Tex., sponsors an American Essay Contest in that city. Members of the senior classes of the five high schools in Wichita Falls are invited to submit a short essay explaining "What America Means to Me."

Because these essays express the feelings of intelligent young people in the Wichita Falls community, and because I believe they represent the unspoken sentiments of a majority of young Texans, I ask unanimous consent that the five winning essays, written by Mr. Jerry Hays, of Hirschi High School; Miss Sherley Simons, of Notre Dame High School; Mr. Tony Lynn Edwards, of S. H. Rider High School; Miss Annie Ruth Webster, of Booker T. Washington High School; and Mr. Mel Horany, of Wichita Falls High School, be printed in the RECORD, as follows:

There being no objection, the essays were ordered to be printed in the RECORD, as follows.

WHAT AMERICA MEANS TO ME

(By Jerry Hays, Hirschi High School, Wichita Falls, Tex.)

Just recently I went down and reported to my local selective service board, in short I signed up for the draft. When I signed that little slip of paper I did no more than wiggle my hand in the preprogrammed plan of writing my name. That was purely physical. In principle I was doing much more. I was putting my name down in representation of me as saying, "I will serve the United States of America if called upon." In this I am vowing to finally repay to a very small percentage all of the friendships, happiness and freedoms that this country has given me in the past eighteen years. Pay for these with my life if necessary. For fighting for the United States would be like fighting for a brother, or more rightly a father. America is my life.

The very word America stands for everything that I do every day. It stands for waking up to the sun, not barred by iron or shadowed by fear. It stands for being able to take a deep breath without having to hide my actions. And even more important, America stands for being allowed, with that first breath or any breath, to say what comes to my mind. This makes the air a million times sweeter. Make that over a billion times sweeter, because that is how often, every day, an American draws in a free breath and exhales a free thought. Everything that I do is American. My walk, free, creative, individual. Not uninformed and wide as in the march of the communist. The way that I salute my country is American. Hand over heart, warm and close, into me. Not stiff and rigid away from me, away from the individual. Not a salute of power but a salute of friendship. Tnese are the things that I do every day as an American. But there is one day on which I do these things that is more important than any other day anywhere in the world. That is Sunday. The day when an American can not only say what he wants, but he can believe what he wants. No forced marches to the church, no state religions, just freedom. What I feel on Sunday is God. And shouldn't I? For the United States of America is God's country. That is what America means to me.

WHAT AMERICA MEANS TO ME

(By Shirley Simons, Notre Dame High School, Wichita Falls, Tex.)

George Orwell, in his story, "Animal Farm," depicts a life of hard manual labor forced upon the animals. The animals win their freedom but as the years pass they find they must work from dawn til dusk and take orders from the pigs. Soon they realize that their dream of freedom is gone.

Freedom has never been a dream to me. It was given to me with no strings attached because I was born in America. Since then,

freedom has always been the value shaping me as an American.

When I wake up in the morning I can see the sun clearly through my window and as I say my prayers I can truly thank God for all He has given me.

Freedom is usually considered a privilege or a right. Of course freedom is this but it means more to me. It is something I can build on and believe in. Speaking, worshipping and believing as I wish are all guaranteed by freedom and these are the ideals that make me a proud American.

In today's society I find it necessary to know the people around me. I do this by communicating with them. This would be almost impossible if I could not speak freely. Freedom of speech is not only guaranteed in the United States Constitution but, more impressive, it is guaranteed in every free American.

I also cherish freedom of religion. Having the right to believe in God and worship Him as I want is important to me as an American. Looking at a tree or a river, I sometimes wonder what I would see if I were not living in a free country. The tree, I imagine, would be destroyed and the river would be used to transport fighting soldiers. Then, as I drift back to reality, I hear myself say, "God, please do not let it happen here." And at that instant I know how fortunate I am to be an American.

A third freedom I enjoy is believing in my purpose. Before I can share my ideas with others I have to believe that they are worthwhile. I have to believe in myself and as an American I can do this.

Finally, and most important, I possess the freedom to live. This may sound strange at first but many people cannot live. A small child born in Biafra is surrounded by hate before he has a chance to love. He lives in poverty and so many times he never even hears the word freedom. I do not consider this living.

Yet I can live. I am free to obtain any education. I am qualified to work for myself and others. And because I am an American I can walk proudly down the street every day.

Don Black, a noted composer, summarizes freedom in these words: [1]

"Stay free where no walls divide you.
You're free as a roaring tide,
So there's no need to hide.
Born free and life is worth living,
But only worth living if you're born free."

WHAT AMERICA MEANS TO ME

(By Tony Lynn Edwards, S. H. Rider High School, Wichita Falls, Tex.)

America means several things to me, not the least of which are the freedoms I can enjoy as a citizen of this country. There are an infinite number of freedoms, both great and small, which are fundamental to the American way of life. I wish to speak of but four of these freedoms which I hold most dear. The first, and possibly the most vitally needed freedom, is the freedom to worship as I please. This freedom is vital in that is supplies an important need to the human spirit, that of seeking something greater than man. It is in America that I am able to worship with the greatest freedom and without fear of persecution. On the other hand, if I do not wish to worship, I am not forced to do so. Thus, the choice of whether or not to worship is left up to the individual and not some government.

The second important freedom is the freedom of education. There is no other country in the world which offers such vast educational opportunities as does America. The teachers are well trained and educational facilities are the most modern anywhere. The most important part of this educational system, though, is the fact that I have the freedom to decide if I wish to take advantage of it. This is not always the case in other countries such as the Soviet Union or other communist countries. Under Communism, I would be forced to either go to a graduate school or a trade school after competing high school. In America, though, I could decide whether or not to go to college, or, if I did not want to go to college immediately, I could travel, or I could go to work. In any event, I would be able to make the choice as to my educational pursuits.

The third freedom I wish to discuss is the freedom of opportunity. As the saying goes, "Nowhere but in America can a man be born a pauper and grow up to be a President." This is what makes America the "land of opportunity." The right to decide what you want to do and the right to strive for this goal is possessed by all American citizens. I, as an American, can choose my life's work, whether it be to own a business, to explore space, or to lead the country. I have the chance to do these things or a thousand others because of the freedom of opportunity.

The final freedom I wish to discuss is the freedom of expression. Freedom of expression is important because it is one of the basic rights of people upon which America was founded. It is a necessary part of our democratic form of government in that democracy is government of the people, by the people, and for the people. To have this kind of government that is representative of the people, it is essential that the people be able to express their ideas and criticisms freely and without fear of reprisal. For example, if I felt that a law was endangering my constitutional rights as a citizen, I could express my feelings in this matter and attempt to get the law changed, all without fear of government reprisal. America is one of the few countries in the world where such criticism is allowed. Thus, freedom of expression is what makes American government truly a government of the people.

America means many things to me, but above all it means a land of freedom and opportunity where all people can live their lives as they please.

WHAT AMERICA MEANS TO ME

(By Annie Ruth Webster, Booker T. Washington High School, Wichita Falls, Tex.)

What does America mean to me? According to Webster's *New Collegiate Dictionary*, Americanism is defined as an attachment to the United States, its traditions, its interest, or ideas. But to me, as a senior in high school, Americanism stands for many gifts: justice, equality, individuality, unification, but more important—freedom.

Freedom, if applied incorrectly however, is the most dangerous gift anyone can receive. It can be a two-edged sword that will destroy me as an American unless I learn how to use it. Unlike my ancestors, who had only to fight for freedom, I face a greater challenge for I must live with it. As I look at the country today, I see all around me a drastic decline in morals: cheating, where once there was honesty, promiscuity, where once there was decency, crime, where once there was respect for human rights. Everywhere there seems to be a growing laxness, an indifference, too much permissiveness and a lack of integrity that terrifies people, including me, who think about these declines in morals.

Since our country won its independence, something in Americans view authority with suspicion. "Give us more freedom!" has been our constant cry. This was valid when it was directed against tyranny or oppression, but the concept of freedom has been pushed beyond that. The freedom now claimed by Americans has come to mean freedom from all unpleasantness: from hardship, from discipline, from the stern voice of duty, from the pain of self-sacrifice, from all the ideals that our country was originally based on.

As a nation, we have clamored for total freedom. Now we have just about reached that place and I have to face the bleak and chilling truth that we have discarded one external restraint after another and have not learned how to restrain ourselves. Some of the outcries for total freedom are: "Give us fewer rules, or more elastic ones!" This demand has weakened our courts of justice and has shaken the foundations of our churches. "Give us more leisure time and less work!" This one sounds inviting and alluring, but at the end of the road lies boredom. "Give us freedom to decide moral questions for ourselves!" This cry ignores the fact that, once morals become relaxed, it is hard to justify any morality at all.

It is this truth that causes, deep in my soul, the uneasiness that I feel despite America's prosperity and power. It is the knowledge that Americans have abandoned their ancient certainties and so far have found nothing to replace them. It is the premonition that unless Americans learn to control themselves, this climate of ultra-freedom may be replaced by a climate of repression. It is the fear that, if we do not learn to guard and preserve our own best values, then some form of tyranny will surely attempt to take them from us. This is no idle fear; it took Babylon one thousand years and Rome five hundred years to decline and fall, but we have no such comfortable margin. Time and distance have diminished; the clock of history ticks faster.

Therefore, I am not going to think so much about the freedom from tyranny that my ancestors won, but I will think about the chaos that freedom will bring to me if I do not use it wisely. I am going to face the fact that, in the proportion to which I dismiss my external restraints, I have a solemn moral obligation to restrain myself.

This can never be easy but the time has come when I, as an American, must look straight at some of the ugly areas of our society: the divorce statistics, the crime statistics, the weakening of family ties, the swirling clouds of racial hatred, the sex permissiveness on our campuses, the grim persistence of alcoholism, and the increase use of drugs.

Also I should ask myself, to what extent do these things stem from a distorted concept of freedom which leaves men free to be selfish, free to be weak.

If personal freedom of choice is my goal and America's ideal as a nation, then our first and fundamental choice must be not to abuse that freedom. This is what independence truly means: self-discipline. And this, we Americans would do well to remember when we see the flag we love blazing against the sky, symbolizing Americanism.

WHAT AMERICA MEANS TO ME

(By Mel Horany, Wichita Falls High School, Wichita Falls, Tex.)

If I were to say to someone foreign to this great land, "I am proud to be An American." He would probably reply, "Sure, but why, what's so great about America?"

Other than the inalienable rights, such as life, liberty, and the pursuit of happiness, America has many other qualities which are prominent, and meaningful to me. One cannot point out freedom as the basis for our country without understanding the respect that Americans have for it, and the mutual respect for other's freedom. Through the ages, Americans have lived and died for the cause of freedom; now in this contemporary world men continue to die, but as I see it their deaths are not only for the preservation of our freedoms but the freedoms of others as well.

I think America is making positive strides for the improvement of the fundamental beliefs we all enjoy, and those that America stands for such as, equality, self-improvement, and most important—peace. To say that America is faultless, or guiltless in respect to all matters of worldly concern is ridiculous, but to put the blame chiefly on

[1] "Born Free," composed by Don Black.

America is absurd. America is the heart of the free world, take her away in isolation, and the rest of the free world dies. Why, because here in America we know of no better form of government, and her people will not allow a change which might take away from their basic freedoms. Of course, not all Americans are completely satisfied that this is the best system, and those who have openly expressed their dissatisfaction are trying to cause a collapse of what I believe is the finest place on earth to live.

No, in my eyes America is not perfect, we have our share of civil strife and trouble among ourselves, but ours is not the first generation to have faced such problems, and those who advocate a separate society to solve our problems are leading us toward the greatest hypocrisy America could fall into. America has always been a symbol of the respect for all men, and equality of opportunity, and equality before the law. To separate would be an open declaration of our deceitfulness. America means to much to too many to allow misguided few to lead us astray.

Nor do I believe that youth lie at the center of the turmoil and trouble we sometimes have to endure. Today, America is youth, and youth is America, and to deny the young people their opportunity to question the established lines of thinking, would be a vicious blow to democracy. But to permit destruction of almost 200 years of learning and improvements would be an even more detrimental blow.

Yes, America is a conglomerate of many years learning, added to man's ability to think optimistically and all built on a base of compromise. I think that America is and always will be a vast compromise—white—black, rich—poor, Christian—Jew, and many other forms of people who have learned to cooperate with one another. Without compromise America would have been lost long ago, but because of it we all can claim a share in its never ceasing development.

We Americans have much to be thankful for, and for this reason we all should strive for continued lines of communication between people not only in our nation, but in other nations as well. I believe in America, and I believe in her people, and for this reason I will gladly tell anyone, "I am proud to be an American."

THE NEW CONSERVATION

Mr. NELSON. Mr. President, the Capital Times of Madison, Wis., recently published an excellent article profiling the activities and philosophy of the Environmental Defense Fund, an organization that is building the case around the country for an ecological ethic in law which gives due consideration to the impact of our activities on the environment.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Capital Times, May 19, 1969]

"NEW MILITANCY" IS TYPIFIED BY EDF: CONSERVATIONS ESCALATE FIGHT TO SAVE ENVIRONMENT

(By Whitney Gould)

Not long ago, the term "conservationist" was apt to evoke images of grey-haired ladies in sensible shoes, who planted pansies along sterile boulevards, and ruddy-faced souls who took pack trips into the Rockies.

Not that these activities were by any means unworthy. But they tended to reinforce the suspicion that conservationist were talking primarily to themselves. They were always interested in clean air and in saving the red woods, but rarely did they have an effective lever to translate their concerns into action, relying, in their confrontations with decision makers, more on moral persuasion than anything else.

Now, as the sulfurous fumes of big-city air take their toll in economic as well as physical terms; as pollutants deaden lakes and waterways; and as commerce encroaches on beauty spots—conservationists are beginning to realize that moral force, and even aggressive lobbying, are not enough.

"The sense of being fenced in—it's so obvious now," says Mrs. Owen (Lorrie) Otto of Milwaukee, one of the state's impassioned conservationists, "Before, it seemed that there was always somewhere you could go to get away from things. Now even those places are being spoiled."

Mrs. Otto's sense of urgency is shared by many. And it is at the root of a growing militancy in the conservation movement.

The movement has developed a broader base—with lawyers and environmental scientists, as well as citizens who are simply interested in conservation—and a pragmatic thrust.

Unique among the "new conservationists" is the Environmental Defense Fund, Inc., of Brookhaven, N.Y., an alliance of ecologists and lawyers who literally take their opponents to court. Their motto: "Sue the bastards."

At Mrs. Otto's instigation, the EDF, with its crusading attorney, Victor J. Yannacone of Patchogue, N.Y., was invited last year to handle the case for petitioners for a ban on the use of DDT in Wisconsin. Hearings on the petition are expected to conclude this week before the state Natural Resources Department.

Though up to now it has failed to win actual court decisions, EDF's earlier battles eventually led to a prohibition on DDT spraying for mosquito control in Suffolk County, N.Y., and a similar prohibition against DDT use for Dutch elm disease in 55 Michigan cities. (The state later banned the pesticide outright.)

When arguments in the Wisconsin case are completed some time this summer, the group will pursue its air pollution fight against a Missoula, Mont., paper pulp mill.

In its efforts to protect the environment through legal action, EDF has picked up support from older conservation groups which up to now have not been identified with such aggressive tactics. The National Audubon Society lends financial backing to EDF through a grant from its Rachel Carson Fund; the Wisconsin division of the Izaak Walton League of America is one of the petitioners in the Wisconsin DDT fight, along with the Michigan Audubon Society and the Citizens Natural Resources Association of Wisconsin. (The Wisconsin petitioners will be discussed in the second of these articles.)

EDF relies on litigation rather than lobbying for legislation because, in Yannacone's words, 'sad experience has shown that at this time in American history litigation seems to be the only civilized way to secure immediate consideration of basic principles of human rights . . . . All of the major social changes which have made the United States of America a better place to live have their basis in fundamental constitutional litigation. Somebody had to sue somebody before the legislature—in enlightened self interest—took long overdue action."

In pressing suits in courts of equity, EDF taps from its reservoir of scientists throughout the country, who are competent to testify on everything from pesticides to air pollutants. The group is also beginning to marshal an army of attorneys and law professors and students who are, in essence, writing a whole new body of common law, through which citizens can assert what Yannacone believes is their fundamental constitutional right to a clean environment.

At the core of that law is the conviction that "this generation holds all of its natural resources as a kind of trust for future generations," as Yannacone puts it.

"There is absolutely no justification," he says, "other than pure survival-of-the-fittest theory, to permit a user of water to convert a crystal brook into a sewer."

EDFers are accused, among other things, of fighting progress.

"But we're not," insists executive director Dr. Joseph Hassett, of the University of New Mexico. "We're only against progress when it leads to the degradation of the environment and the belittling of man himself."

Yannacone challenges the purveyors of this sort of "progress" to calculate the cost of replacing or restoring an ecologically unique area like the Everglades to its original state. "Come into court," he invites polluters, "and show us you have considered the long-range damage you may do."

Hassett also questions the old notion of the sanctity of property.

"A legal title," he says, "brings social responsibility, so that a piece of land is not simply 'mine,' in the capitalistic sense, but mine to use as long as it is not detrimental to someone else's rights."

The industrialist whose factory daily spews toxic compounds into the air, even though he may be turning out one useful product after another, clearly violates the right of others to a clean environment, Hassett believes.

"We have this love affair with technology," he laments. "And industry thinks it's doing you a big favor, no matter how much it degrades the environment."

EDF's "call to arms," in short, is for a redefinition of values—the surrender of the notion that man is continually at war with nature and is charged with subduing it, to the realization that he is only a small part of the total environment, and must live in it.

"We have come a long way from the days when man could move only as fast as his legs could carry him, when his house was close to the earth and his food was only what he himself could pluck or kill," writes ecologist Barry Commoner of Washington University in St. Louis, in the March issue of "Environment."

"Man knew then that he was dependent upon nature, and was a part of it. We pride ourselves on the technological marvels that make our cities the tallest, our travel the swiftest, our living conditions the most comfortable and our weapons the deadliest of any man has created. Bemused by our own accomplishments, we forget that like our primitive ancestors, we are dependent on the rest of nature.

"Unless we learn to match our technological power with an increased understanding of what it is doing to the natural world, we may stress the living environment to the point of collapse, and find that it will no longer support us."

ENVIRONMENTAL QUALITY: A GOOD START

Mr. TYDINGS. Mr. President, last Thursday, President Nixon created an Environmental Quality Council in the Executive Office of the President. Its purpose is to coordinate the many Federal activities affecting the environment and to provide a top level study group to focus on particular areas of immediate concern. The President's action is a welcome step in the difficult effort to restore and enhance the quality of man's environment. As one who is deeply concerned with conservation, I am delighted to see the President move forward in this area.

The President's action reflects the deep desire of the American people to put a

stop to the pollution of our air, land, and water. It recognizes the growing public dismay over the adverse impact that our private and public development programs have had on the environment. Too often roads, electric power plants, and other examples of our industrial and technological progress have been constructed without first considering how, and to what extent they will disturb the delicate ecological balance.

The President's action recognizes the need for the coordination from a conservation point of view of Federal projects and policies. With a government so large, the left hand often does not know what the right hand is doing and the result is governmental programs that are contradictory in purpose and harmful to the environment.

The question arises, however, if this interdepartmental council will in fact provide the coordination required. Interdepartmental councils and commissions tend to issue compromise recommendations that are so watered down to suit everyone involved that they in fact mean very little. Members, understandably perhaps, seek to protect the interests of their own departments and thus no significant common policy is achieved. I wonder whether this will happen here.

I wonder, too, whether the President can find the time to preside over this council. His time is precious and the demands of the office so great that I am afraid he simply will not be able to pay adequate attention to the council. An office in the White House concerned with environmental quality needs a chairman whose sole concern is environmental quality, who wears no other hats and can devote full time to what will be a most difficult position. He should be an individual appointed by the President with the advice and consent of the Senate to serve at the pleasure of the President.

There can be no doubt that an "overview" environmental council of this type is definitely required. I feel strongly though, that the council or agency responsible for protecting our environment should have greater muscle than that proposed by the President for his council. Both concern and coordination are indeed vital. But standing alone, they are insufficient to achieve a quality environment.

The council or agency should have the authority, as a matter of course, to review all governmental policies and programs prior to their implementation. Additionally, it should have the power to delay for a limited time specific projects deemed particularly harmful. It should operate in the area of conservation much like the Bureau of the Budget operates in the field of executive spending.

Nevertheless, the establishment of this council is a step in the right direction. The task of restoring the quality of our environment is most difficult and the President's action is most welcome. I feel strongly, however, that the authority of the council should be increased to include the power of review and delay.

On April 15, I introduced legislation, S. 1818, to create such a council by legislative action to be chaired by a full-time director. It would be called the Office of Environmental Quality and be located in the Executive office of the President. The Committee on Public Works will hold hearings on this bill and others of like intent within a few weeks and it is my hope that on the basis of these hearings the Congress will pass legislation establishing a fully staffed Environmental Quality Council with the vital, additional authority to review all governmental programs with an eye to their environmental impact and to delay specific projects which would be harmful.

OCEAN EXPLORATION AND DEVELOPMENT

Mr. MURPHY. Mr. President, on May 20, I introduced S. 2204, a bill to establish a National Oceanic Agency. At that time, I expressed my strong convictions that I felt that we should be moving ahead with ocean exploration and development. It is my contention that both economic and national security considerations compel us as a nation to look seaward.

On May 28, the Oakland Tribune, in an editorial entitled "To Reap the Sea's Resources," endorsed the establishment of a National Oceanic Agency. As the editorial observed:

Although 1969 may well be best remembered as the year man sets foot on the moon, national legislation introduced by California Senator George Murphy could be the starting point of a program of exploration and development which could conceivably have a far greater impact on mankind than a moon landing.

Earlier, on May 6, the Long Beach Press-Telegram in an editorial said that it is "time to use the riches of the oceans."

Mr. President, I ask unanimous consent that both editorials be printed in the RECORD.

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

[From the Oakland Tribune, May 28, 1969]

TO REAP THE SEA'S RESOURCES

Although 1969 may well be best remembered as the year man sets foot on the moon, national legislation introduced by California Sen. George Murphy could be the starting point of a program of exploration and development which could conceivably have a far greater impact on mankind than a moon landing.

Senator Murphy proposes the establishment of a National Oceanic Agency, designed to reorganize the United States' oceanography program and to coordinate an assortment of programs now being undertaken by 23 separate government agencies.

Oceanography, generally considered one of the lesser sciences, has been elevated within recent years to a place of far greater prominence.

The reason is the vast potential that oceanography promises, a potential to yield sea food and minerals of untold abundance to a world half underfed and already being depleted of its land resources.

The world's population is outracing its food supply and extensive famine is feared as early as the next decade in Africa, Asia, the Middle East and Latin America.

There is hope—indeed, perhaps the only hope—that massive famine can be avoided by a far greater reaping of the resources of the sea.

The proposed National Oceanic Agency would concentrate and coordinate activities in such areas as marine food products, mineral extraction, pollution, water supply, medicinal raw materials, exploration and mapping.

Creation of a National Oceanic Agency as proposed by Sen. Murphy would be an important first step toward assigning oceanography the national priority it deserves.

[From the Press-Telegram, Long Beach (Calif), May 6, 1969]

TIME TO USE THE RICHES OF OUR OCEANS

The oceans have long been said to contain "untold" riches.

The fact that these riches are "untold" outlines the problem facing scientists and educators interested in the relatively young field of oceanography.

This information gap is a serious one which has held back ocean development, not only in the United States, but throughout the hungry world.

Today in Long Beach a group of educators and scientists from all sections of the United States and Mexico are meeting in the second day of a three-day conference dealing with the oceans, industry and education.

Sponsored by the Pacific Western Region, American Society for Oceanography, whose president is Louis F. Jobst Jr., director of marine development for the city and port of Long Beach, the conference is a major attempt to assess the present status of education for marine science and technology in the United States and the requirements of industry for trained personnel in the field.

Discussions at the conference are ranging over all aspects of oceanography—industry and commerce, engineering-science, data, recreation, military, food and minerals.

Such wide-ranging talk is important for little is really known about what is needed to develop our ocean resources. Even such a simple thing as an up-to-date inventory of known resources would, in fact, be highly useful.

Some hard decisions are going to have to be made in this country—and the rest of the world, too, for that matter—about developing and exploiting the oceans.

As a nation we have faced up to the problem of conquering space. Certainly we can no longer neglect our last big frontiers on earth—the oceans.

Hopefully this conference—in a city which has jumped wholeheartedly into the oceanographic swim—will not only provide some obviously-needed answers but will raise some new questions—questions which will lay the groundwork for developing a national commitment to learn about and to utilize the oceans of the world.

A TIME OF TESTING

Mr. McGEE. Mr. President, the Wall Street Journal recently published an excellent article written by Mary Joan White of the Washington bureau of the Deseret News, Salt Lake City. In it, she retraced the history—at least a portion of it—which has lead the Nation to a time of testing. Now is such a time, as certainly as were Lincoln's days. There are many who would divide the American people, sure in their own minds that only their view is moral, convinced in their attitudes that they would rather ruin society if they cannot rule it. The parallel to earlier days of testing is well drawn and I ask unanimous consent that Miss White's article, entitled "A Time of Testing," be printed in the RECORD.

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

[From the Wall Street Journal, May 20, 1969]

A TIME OF TESTING—TODAY'S TENSIONS PARALLEL THOSE OF THE PRE-CIVIL-WAR PERIOD

(By Mary Joan White)

". . . our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in . . . testing whether that nation, or any nation so conceived and so dedicated, can long endure. . . ."

With the omission of nine words, the opening paragraphs of Lincoln's Address at Gettysburg are forever relevant to the United States of America. Their validity in our own time is sobering.

This nation is undergoing a period of testing of a nature that it has not faced since Lincoln spoke. The parallels are sufficient to recall Hegel: "Peoples and governments never have learned anything from history, or acted on principles deduced from it."

In the 1860s the question of the place of the Negro in America society was the tinder that ignited public discourse and left the rule of law ashes in the fires of unreason. Good men saw certain questions as matters of higher moral law to which even the principles embodied in the Constitution should bow. Radicals at both extremes used the race issue to stir public passion, obscuring fundamental principles of democracy and implying that, in the immediate crisis, they were of only secondary importance. The moderates allowed it to happen. Each side practiced rule-or-ruin politics. To gain its own legitimate or illegitimate ends, each was ready to sacrifice the ideal of a people governing themselves by majority rule, one side in order to prevent its application, the other to extend it.

Between the extremes, the center itself divided. James Buchanan was still President when South Carolina seceded. Believing no minority had the right to override the majority or destroy the union, he nevertheless held that the majority could not coerce the minority as a matter of principle or of national survival.

The most frightening present-day parallel to the ante-bellum period is the tendency to permit modern radicals to divide society on the basis of "morality" instead of promoting debate on the nature of the problems confronting society and the most effective means of solving the problems.

As long as slavery was a political, economic and social problem (albeit with moral overtones), the states were able to deal with it; its extension was limited and the trade curtailed. There was hope for eventual solution as late as 1850. But when the problem was forced beyond the political arena and became a moral issue, compromise and patience were no longer possible. Where once an *institution* had been condemned, subsequently fellow citizens were castigated as immoral or evil. The government of the people ceased to exist on a national basis and only war restored it.

In that war more than 617,500 men died. Legal slavery also died. Whether slavery could have been abolished short of war is questionable, but it is certain that the methods employed by the radicals stirred public passions to the point that leaders who tried to work through to a peaceable, just solution were cut off. Nor did the fearful price buy true freedom for the Negro. The nation has not finished with the bitterness, political division and racial injustice that survived the war.

Instead of sectional lines, racial and generational lines are being drawn today. Militant blacks and radical youth are attacking the problems of an admittedly imperfect society in terms of moral issues and with any means at hand. Viewing problems primarily as moral issues, however, has major drawbacks; Oneself and one's own solutions are necessarily seen as right. Anyone who does not support one's programs is at least blind; those who oppose or offer alternatives are not only wrong but immoral. If one's opponents are immoral, why quibble about the tactics used against the ungodly?

WHERE RESPONSIBILITY RESTS

Society must not permit itself to be divided into factions, each seeing itself as the guide on the only road to light. Moderates must speak out in defense of justice, but also in defense of fair and legal roads to justice. Legitimate authority must act judiciously to curb excesses of those who would reject all authority but their own. Whether we be parents, teachers, university administrators or government officials—or simply law-abiding, tax-paying, caring voters—we are responsible.

If a diverse people are to rule themselves, the majority (or its delegates) must decide and the minority must submit, even if the decisions are repugnant or hurtful. The minority can only try by persuasion to alter the balance. If the minority refuses to submit, society fragments and chaos results: Either the majority enforces its will by any means necessary, including war, or a period of anarchy ensues, historically followed by a tyranny of those most willing and able to use extreme measures. Self-government is dead. The founders of this nation did temper the harsh requirements of majority rule in the cause of individual liberty. Perceiving the danger implicit in "the greatest good for the greatest number," a possible tyranny by the majority, they wrote into the Constitution certain safeguards.

In their attitudes and strategy, the young radicals and black militants are the direct descendants of both the abolitionists and the Southern radicals, an uneasy mix surely. Like the abolitionists, they have a rather arrogant assurance that they are so right, that they are above the law in their choice of means to their ends. Like the Southern radicals, they are so committed to their own view of the issues that they insist on being allowed to rule or ruin the system. Their attitude and more extreme methods are absolutely totalitarian.

Latter-day Buchanans find it difficult to condemn illegal methods employed in the name of reform. Like Buchanan, they deplore the excesses but deny society's responsibility to curb them.

FINDING THE PROPER COURSE

What is the proper course for a minority that finds some aspect of national or institutional policy accepted by the majority to be morally and ethically repugnant? Must conscience be sacrificed to majority will? Or must punishment be accepted as the price of exercising one's conscience? That dilemma accounts for much of the current hesitance to act in cases of clear violation of the law.

No very agreeable solution has been found. The dissenter can stifle his objections, exile himself, accept punishment—or limit his protest to legal forms. Society, of course, can ignore the violation of its laws, but it does so at its peril. Particularly when the minority is a sizable one, to ignore disobedience of the law is to encourage wholesale disrespect for the rule of law. To excuse a violation committed in the name of conscience is to set each man's conscience above that of the majority.

The response must be to examine the issue of the individual's right to heed his conscience in relation to the importance of a people's right to self-rule. The collapse of free democratic government that safeguards basic liberties ends the individual's free exercise of conscience. The obverse does not hold. The doctrine of individual nullification is no more valid in the 1960's than was its states' rights ancestor in 1795.

Harsh as it is, the paramount importance of the right of a majority to govern must be defended—even at the cost of the use of force.

The contemporary protest movement was born in the Rev. Martin Luther King's Montgomery bus boycott. Its current form is a perversion of those unquestionably legal, peaceful and productive origins. Now the movement embraces seizure or destruction of property; violence or threat of it against persons; the systematic harassment of law-enforcement personnel; the denial of the right of others to free speech and legitimate action; the impairment of academic freedom. Current tactics differ not only in degree but in nature from Dr. King's non-violent civil disobedience that constituted no threat to the persons or rights of others or the rule of law. He never demanded amnesty for violating the law; He broke only those laws whose legality he wished tested against Constitutional principles, thereby forcing the law to live up to its ideals.

Where authorities do not make the mistake of using undue force against illegal forms of protest (thereby casting the protesters in the role of innocents whose demands must be granted in recompense), legal protest will serve as well and gain more of significance: Concessions rationally evolved in a spirit of community and cooperation stand more chance of being effective, leave no residue of bitterness and division, establish no precedents of disrespect for the rights of others.

In the closing days of the Convention of 1787, many of the participants were less than perfectly satisfied with their efforts at creating a Constitution. It was understood that some of the leading political figures of the day would oppose its ratification. Nearly at the end of his public service, Benjamin Franklin rose. Addressing the dissidents, he called on each to "doubt a little of his own infallibility . . ."

As for the rest, Franklin recognized that all had some fault to find with the Constitution, yet he urged support for it because he said, "I expect no better, and I am not sure it is not the best."

ABM VITAL TO AMERICA

Mr. FANNIN. Mr. President, there has been a great deal of irresponsible and ill-considered talk on the current issue of development and deployment of the ABM to protect America from nuclear blackmail. None of this talk ever explains why it is proper for the Soviets to deploy an ABM system, but improper for us to do so.

The usual double standard regarding news seems to apply—responsible proponents of the President's system get short shrift and back pages, while any little voice raised in opposition rates at least a 20-point headline and often more.

I have mentioned this before, Mr. President, in several speeches on the Senate floor, that some ABM opponents play fast and loose with statistics; they even contradict themselves. Just a few weeks ago one voice was raised saying that ABM could ultimately cost $400 billion. This morning's press carries reports of a critic saying the cost could be $20 billion. I think the contrast and conflict speaks worlds for the value of this kind of information, Mr. President.

My colleague from Arizona (Mr. GOLDWATER) has long been a responsible voice in this vital area His reasoned and calm approach to the problem of national defense gets far fewer headlines, however, than some of the semi-hysterical screaming or half-baked notions of passing curbstone "defense experts."

In order that the record may show some balance and a measure of reason,

I ask unanimous consent that two excellent presentations on the intricacies of the ABM issue be printed in the RECORD.

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

CAPITOL NOTES: ABM SYSTEM VITAL TO UNITED STATES

(By Senator BARRY M. GOLDWATER)

If Sen. Edward Kennedy were somehow to find himself President of the United States tomorrow, the chances are strong that he would go along with an anti-ballistic missile system like the Nixon administration's Safeguard or something very similar.

The same goes for such other staunch opponents of the ABM as Sens. J. William Fulbright (D-Ark), Albert Gore (D-Tenn) or John Sherman Cooper (R-Ky).

The reason is simple: No president and no secretary of defense can afford the risk involved in leaving the American people without any semblance of missile defense.

It is one thing to stand outside the arena of direct responsibility and inveigh against the large expenditures that would be required for an American ABM system; it is quite another to be personally responsible for the safety of 200 million Americans.

The awesome decision responsibility to forego the construction of a defense system comparable to what the Soviets already have deployed is one that neither President Johnson nor former Defense Secretary Robert McNamara could bring himself to face.

McNamara delayed several years after intelligence reported the beginning of the Russian ABM system before he proposed the "thin" ABM system known as the Sentinel.

Raising objection to huge expenditures proposed by an administration is very easy when the responsibility does not belong to the person doing the objecting. But when you consider that the lack of a missile defense could mean the difference between losing or saving more than 60 million American lives, you get some idea of the problem confronting Nixon and Defense Secretary Melvin Laird.

It makes no difference whether the ABM opponents actually convince themselves that the Safeguard system will fail to function. It is better to gamble on perfecting a workable system than to be charged with needlessly risking 60 million or so lives.

There are many paradoxes. One of the strongest reasons the Nixon administration wants to go ahead with a Safeguard ABM is the belief that such action is the surest way to bring about meaningful arms-control talks with the Soviet Union. Ironically, Senate opponents argue that its approval would provoke the Soviets, endanger the prospects for productive negotiations, and result in escalation of the arms race.

Conveniently, these senators skip the fact that the Soviet Union showed no interest in engaging in arms-control negotiations until the United States decision to go forward with the Sentinel ABM system. The Soviet Union initiated the opportunity to have arms-limitation talks just four days after the Sentinel system was announced.

The Russians no doubt believe they have an advantage over us with their well-advanced ABM system. Our best intelligence indicates that they presently have 67 ABM missile sites deployed around Moscow.

The Soviets are now in the third phase of their ABM deployment: They deployed first in 1962 in the Leningrad area; they launched the second phase in Moscow some years later and are presently developing a third generation of ABMs.

Sen. Henry Jackson (D-Wash), chairman of the Senate subcommittee on atomic weapons, reports that the Russian system deployed in the Moscow area covers far more than the capital city of the Soviet Union.

He described the Moscow deployment as an "area defense covering hundreds of miles" which is presently being modified so that it can be oriented and used against missiles coming from China as well as other geographic locations.

REMARKS BY SENATOR BARRY GOLDWATER OF ARIZONA BEFORE THE NEW JERSEY BANKERS' ASSOCIATION, ATLANTIC CITY, N.J., MAY 22, 1969

Good morning, ladies and gentlemen. It is with a great deal of pride and gratitude that I appear before you today to try and add my small contribution to your very important proceedings. I believe it is a temptation of every public official when addressing a meeting of bankers to feel that he must, per force, confine his remarks to questions of a financial nature. The mind jumps automatically, it seems, to questions of monetary policy, money supply, tax proposals, interest rates so on and so forth. But I am not convinced that this is a good idea. I'm sure I don't have to come here and relate to you, actually as an amateur in many of these subjects, what the latest developments are. I know that you all read and keep up with the statements of such experts as William McChesney Martin, Arthur Burns, David Kennedy, Congressman Wilbur Mills and all the other public officials who are at this moment contributing to and formulating economic and fiscal and monetary policies for the future.

No, today I should like to talk to you about a different, if related, subject. My reference here is to a subject which more and more is beginning to engross the attention, not only of the Congress and of the public media, but also of the American people. My subject is the anti-ballistic missile proposal. Now here we have a subject which I don't believe is being sufficiently and adequately explained to the American people by our newspapers. For example, it is difficult to find in the public print the very incisive and important pronunciations by such people as Admiral H. G. Rickover and Professor Eugene Wigner, who holds all of the big four scientific awards that this world has to offer. Nor do we see in the public press any great deal of attention given to statements by members of the Joint Chiefs of Staff and of experts in the Nixon Administration's defense establishment.

No, the emphasis is in the other direction. For example, just let Senator Edward Kennedy get two known opponents to the ABM system to prepare a lengthy report, which weighs about ten pounds and contains nothing new, and you will find papers like the *Washington Post* devoting eight and ten columns of space to its contents. The difference between this report and the great multitude of treatises and papers which have been presented in support of the ABM is that Mr. Kennedy's boys are against it. Now they use a variety of arguments, one of which is that it would cost too much. I submit the Russians have been building a missile defense for five years, and we have known about it for five years. Suppose we had started, even a year after the Russians. Think of what it would have meant in dollars and cents, when you count in inflation and what inflation has done to defense costs in the last four years. I submit that it may be costly to go ahead with the Safeguard today, but at our present rate of increase and inflation, think of what it would be if we had to start one five or ten years from now.

No, on the cost factor I cannot credit the opponents of the ABM system. And for one very important reason. You cannot estimate a cost on millions of lives and the possibility of their being wiped out in an enemy attack on this country. You cannot estimate the cost of millions of lives or even one life in dollars and cents that might, if they didn't go to an ABM system, be channeled into American ghettos.

Now, understand me well. I am not for expending this nation's entire substance in military hardware to the exclusion of welfare, to the exclusion of rebuilding our cities, to the exclusion of increasing the level of health and welfare for our many underprivileged people. No, I'm not at all. But I say to you that the welfare of these people will mean nothing at all unless they are safe.

Now it's a wonderful thing to dream of a world in which everyone is so reasonable and so civilized and so dedicated to co-existence that expenditures for defense against possible nuclear attack are unneeded. Unfortunately, we do not live in such a world. We do not have an adversary who is mellowing. Despite all the statements from the left, Soviet Russia is getting tougher and stronger by the minute. Czechoslovakia is a case in point. The Soviets' increased armaments, their growing Navy in the Mediterranean, their arming of the Arab nations, their emphasis on more and better and heavier explosives, metatonage, ICBM's—all of these things point to an adversary of ours who is arming to the teeth and deploying a defense against any possible missile attack from outside its border.

Now against this backdrop, we are told that if we go ahead with a skeleton, rudimentary type missile defense system that the Russians will regard it as provocative. Well, I'll be darned. Wouldn't that be too bad. Actually, the Russians wouldn't. Kosygin has said time and again when asked about the ABM, "Oh, that's a defensive system. That's not provocative; that doesn't mean anything." That's the way the Russians regard an ABM system.

Actually the American opponents to the ABM system want to skip the hardware of a military missile defense system and try for a political miracle instead.

The miracle, of course, would be the negotiation of an airtight arms limitation agreement with the Soviet Union protected by adequate inspection provisions.

The word "miracle" is used advisedly in the light of the long Soviet record of broken agreements plus our experience in trying to negotiate past agreements which included provision for inspection on Soviet soil.

This total reliance on the possibility of reaching mutual agreement as opposed to the deployment of even a skeleton missile defense is not just one man's argument. It was the basic theme running through each and every argument presented to the Senate Armed Services Committee for rejection of the Nixon Administration's Safeguard ABM program.

Scientists such as George W. Rathjens and W. K. H. Panofsky, for example, spoke of the possibility of agreement as though it might be just around the corner. Indeed Rathjens saw a Soviet-American agreement to curtail the strategic arms race as "the least costly, highest confidence measure of all." Panofsky told the committee that agreed limitations or reduction of armaments "appears at last to be in sight."

These assurances certainly have no basis in fact. No evidence has been brought forward to indicate any possibility of an arms limitation agreement with the Soviet Union.

And even if there were, the lack of an American counterpart to the Soviet's Galosh missile defense would have the United States entering into such an agreement from a position of comparative weakness. Of course, the opponents of the ABM system do not see it that way. For example, Abram Chayes, Harvard Law School Professor, had this to say before the committee:

"I conclude that from the standpoint of achieving strategic arms limitation agreements, we are much better off in the position we are now in—with no ABM on our side and an obsolete one, difficut to upgrade, on theirs—than if each side were engaged in competitive deployment."

If we are to accept this conclusion, we must accept a Harvard Law Professor's estimation that the Soviet ABM system, now in its third stage of advanced deployment, is obsolete. I, for one, am not willing to accept any such conclusion. It calls for a gamble that can be counted in millions of lives.

But even should we accept this argument, we have Mr. Rathjens' assurance that it cannot be accepted with confidence. He testified as follows:

"The sad fact is that while we can have almost no confidence in an ABM system working, an adversary can have almost no confidence that it will not work. Thus, we must expect the Soviet Union to react to even a "light" or "thin" deployment . . . not because an ABM system will be effective and not because it will be expanded, but simply as a conservative hedge against those possibilities."

One of the ironies of the present debate is the great emphasis the scientific community (or the most vocal part of it) is placing upon the impossibility of our even knowing whether the Safeguard ABM system would work. This is the same group which supported so strongly the Nuclear Test Ban Treaty which is what makes it impossible for us ever honorably to discover if a missile defense system is workable.

It should be recalled that the Russians made their high altitude missile tests prior to agreeing to the Test Ban Treaty. Therefore, their scientists and military men have the required knowledge to know what does work and what does not work.

It should also be recalled that the Nuclear Test Ban Treaty was supposed to facilitate and hasten the conducting of meaningful arms limitation talks with the Soviet Union. It has been some years since we ratified that treaty, but nothing has transpired to hasten the kind of talks it would take to bring about any reasonable and safe mutual reduction of arms.

One particularly baseless argument of the ABM critics is the one that states that an effort by the United States to catch up with the Soviet Union in the area of missile defense would signal the start of a new arms race. The plain fact is that our delayed decision to go ahead with an ABM was *not* the start of a new arms race; rather it was a decision not to lose a race already in progress, and one in which the Soviets threaten to leave us far behind.

It is my considered opinion that we are now debating in this country the most important question to come before this Congress in many years. I say this because, despite its many technical aspects and its possible non-workability, we are speaking here about an ultimate system to protect this nation's deterrent capabilities and to defend 200 million American lives against the possibility of an enemy attack. I am not convinced that Safeguard is the final answer, nor am I convinced that Safeguard is the most effective ABM device we could proceed with at this time. It may well be that Safeguard will not be the system ultimately deployed.

But we are not here talking about alternatives. The critics of Safeguard offer no substitutes in the form of defensive hardware. They would like us to reject Safeguard and rely on Soviet intentions. No, let us make no mistake about this. What this issue boils down to is whether this country is to have even a rudimentary counterpart to the elaborate, three-stage, Soviet defense system known as Galosh. The argument is over whether we have something to match against Soviet defenses or nothing at all. And let's make it very clear we are not here talking about an offensive weapon system.

As I see it, this controversy has a symbolic nature as well as a pragmatic side. I begin to sense that the ABM controversy arises at a time when we are actually at a crossroads in this nation's approach to the entire subject of national security and worldwide commitments in the name of freedom.

In effect, our choice is either to move ahead and keep abreast of the times, or hearken back to that period in the 20's and 30's when isolationism, disarmament and the downgrading of the military and the ROTC were being pushed the same as they are now. And conditions today have some marked similarities. People are tired of war. Many yearn for the comforting isolated days of an earlier era. Many want to risk again the dangers of unilateral disarmament in the face of rising armed strength in the potential enemy camps.

This is completely understandable, but it is regrettable that the opponents of Safeguard must appeal to this human temptation in their determined and deliberate attempts to achieve what they mistakenly believe would be a more comfortable balance of power between this country and the Soviet Union. The forces which today are mounting a concerted attack on almost every item in this nation's defense budget are also making a test case of the ABM controversy.

Thus, we are seeing all of the arguments against military activity, defense projects, security measures, lumped together in the attempt to defeat Congressional approval for an American ABM.

We are today hearing the same kind of arguments that were used twenty years ago in a futile attempt to get this nation to forego the development of a hydrogen bomb while our Russian adversaries in the Cold War pushed ahead with their own H bomb. The critics of an American ABM system tell us "ad nauseam" that if we are to approve even the most rudimentary ABM system that we will single-handedly become responsible for escalating the nuclear arms race. These so-called experts overlook conveniently—seldom even mention—the fact that the Russians have been building their own ABM system for five years without provoking escalation of the arms race. When the Russians began their deployment, our Defense Department scarcely moved a hair. In fact, it took Secretary McNamara several years even to concede what the Armed Services Committees of both the House and Senate and all intelligence agencies throughout the world knew for a fact: That the Russians had begun to erect a system for defending Leningrad, Moscow and other areas of Russian territory from the possibility of an attack from beyond her shores. It wasn't until last year, when the Russians began an advanced phase of their ABM deployment that Mr. McNamara saw fit to recommend that maybe it would not be a bad idea to explore the idea of a little protection for the United States.

I have sat through many hours of testimony in the Senate Armed Services Committee on the question of whether it is feasible for the United States to proceed with the Safeguard ABM. In addition to that, I have read a great many thousands of words on this subject and a large percentage of what I have heard and read has been arguments against the Nixon Administration's first major defense project. And I am struck by the similarity of the arguments that run through all the papers and treatises that have been presented, especially those from the scientific community and the academic world in opposition to this proposal. Boiled down, they all come around in various degrees of directness to an expressed fear that something we do in the field of defense may upset or irritate the Soviet Union. We are told with an amazing, if questionable, certitude that approval of the Safeguard ABM system will destroy the possibility of our engaging in arms limitation talks with the Soviet Union. This has no basis in truth. The fact of the matter actually is that the Russians didn't even entertain the idea of such negotiations until after we announced our determination to build a missile defense.

If the Russians are truly interested in arms limitation agreements, they can demonstrate this interest easily enough. All they have to do is to remove or destroy their own ABM system so that we will not have to build one to reach that level of "parity" about which Secretary McNamara and his aides always spoke. I must remind you that we have to assume that the Russians are sincere if we are going to credit any of the arguments of the American left which claim that the true road to peace in our times lies through speedy negotiations with the Soviet Union. We have to believe that they are as desirous of avoiding an escalation of the arms race as are the opponents of the American ABM system. And the only sound and logical way for the Russians to avoid such escalation is for them to stop building defense systems which the United States may not be permitted to duplicate.

THE PESTICIDE PERIL—XII

Mr. NELSON. Mr. President, recent claims that DDT is "absolutely safe" were refuted by a University of Wisconsin Medical School professor at hearings held by the Wisconsin Department of Natural Resources on a petition filed by various citizens groups to ban DDT in Wisconsin as an environmental pollutant.

Dr. Theodore Goodfriend, as assistant professor of internal medicine and pharmacology, said that a compound could not be determined absolutely safe until a long list of specified tests was made on the compound. Such tests would have to determine the effect of the compound on hormones, adrenal reaction, carbohydrate metabolism, and many other aspects. Those for hormones alone would have to be on fetus and embryo effect, lactation of the mother, secondary sex characteristics, and more, he said. And it would require observations over several generations to learn the effects on fertility.

Dr. Goodfriend's testimony disagreed with that of Dr. Wayland J. Hayes, formerly chief toxicologist for the Public Health Service, who claimed that DDT is "absolutely safe" after conducting experiments in which he increased the dosages of DDT for humans and no detectable clinical effect had been produced.

Dr. Hayes also said that his experiments revealed that any effects from DDT decreased when the dosage was lowered or withdrawn. This was a direct contradiction to earlier testimony from Dr. Alan B. Steinbach, a neurophysiologist from the Albert Einstein College of Medicine in New York City, who reported that the effects of DDT are irreversible.

In laboratory experiments on insects and shellfish, Dr. Steinbach found that DDT caused tremors and death or an inability to make a desired motion. He said these effects were similar to those of other toxins such as poisonous spiders or novocain in that they disrupt the passage of an impulse along a nerve. However, whereas the effects of the other toxins wear off, DDT does not.

Mr. President, I ask unanimous consent to have printed in the RECORD articles published in the Milwaukee Journal and the Milwaukee Sentinel, reporting on the testimony of Dr. Goodfriend, Dr.

Steinbach, and Dr. Hayes at the Tuesday, May 20, hearings in Madison, Wis.

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

[From the Milwaukee (Wis.) Sentinel]

DDT EFFECT DEBATED

(By Quincy Dadisman)

MADISON, WIS.—Nothing occurring in nature has the same effect on nerves as DDT, a New York scientist told the natural resource department hearing on a proposed ban on the insecticide Tuesday.

Alan Steinbach, a neurophysiologist, said that the toxin of botulism, which had been suggested as a cause for the decline of predatory bird populations around Lake Michigan, affects the nerve terminals, but that DDT affects the Axon conduction process in the nerve itself.

"It does not act the same as DDT," he said. "There is no reason to expect any naturally occurring toxin to act like DDT."

Steinbach testified earlier that the effect of DDT on nerves in laboratory experiments was to interfere with the passage of sodium ions through the cell membranes, either slowing the passage of nerve impulses or causing nerves to "fire repeatedly."

Steinbach said that other experimenters had worked with a polychlorinated biphenyls, compounds used in industry, which have been suggested as a cause of some of the effects laid to DDT.

He said that those experimenters had reported the effects of the compounds on nerves were different from the effects of DDT.

Wayland J. Hayes, a former head of a United States public health service toxicology laboratory and now of Vanderbilt university, Nashville, Tenn., returned to the stand for cross examination. His interrogation turned into a battle of semantics between him and Victor J. Yannacone, jr., the attorney for the petitioners for the DDT ban.

Yannacone drew from Hayes a statement that DDT is "absolutely safe."

Questions and answers were traded, with Yannacone questioning Hayes' use of "safe" while Hayes attempted to point out that by safe he meant "showing no clinical signs of effects."

Hayes said, "There's no evidence that DDT reacts chemically in the tissues. There is some evidence that it acts physically on the nerves, but there is not enough evidence to know what happens."

Hayes disagreed with Steinbach's remarks and said the "Clinical effects of DDT are clearly reversible, both as regards effects on the nervous system and changes in the cells of the liver. When DDT is removed, changes regress."

[From the Milwaukee (Wis.) Journal, May 21, 1969]

MEANING OF SAFETY ARGUED AT DDT HEARING

(By Richard C. Kienitz)

MADISON, WIS.—Arguments over the words "absolutely safe" occupied most of Tuesday's testimony at the natural resources department hearing on whether DDT can be banned in Wisconsin as an environmental pollutant.

Dr. Wayland J. Hayes, Nashville, formerly a chief toxicologist for the public health service, repeated that in tests on prisoners and DDT plant workers, DDT had been shown to be absolutely safe.

However, Dr. Theodore Goodfriend of the University of Wisconsin medical school said a compound could not be called absolutely safe unless a long specified list of tests was made. He is an assistant professor of internal medicine and pharmacology.

TWO MEDICAL DOCTORS

Hayes returned to the stand Tuesday for cross examination after having been called earlier by Atty. Willard Stafford, Madison, representing the DDT manufacturers.

The two are the only medical doctors to have testified in the hearings.

Hayes said the way to determine effect was to increase dosages until it was determined what might happen. He said this was done with DDT in tests and it produced no detectable clinical effect.

"The point is," Hayes said, "a latent effect is only latent until you can measure it in someone. We've already gone into it at (such) great length that we did try to find effects."

THE 19 YEARS OF TESTS

Any subclinical effects would have produced some observable evidence in the 19 years of his tests, he said.

Goodfriend was called as a rebuttal witness by Atty. Victor Yannacone, Patchogue, N.Y., representing the Citizens Natural Resources association, which petitioned for the declaratory ruling to get the hearing.

Goodfriend said that before he could say a compound was absolutely safe, he would have to know its effect on hormones, adrenal reaction, carbohydrate metabolism, among other things. Each would require a series of tests, he said.

Those for hormones alone would have to be on fetus and embryo effect, lactation of the mother, secondary sex characteristics, and more, he said.

Then, in regard to fertility, he said, observations over several generations would be needed.

There was a dispute over whether Goodfriend was qualified to testify on the subject. He said that while he had taken part in only one experiment with DDT, he was thoroughly familiar with the necessary methods through his other work. He has been doing research on measurement of small quantities of hormones that regulate blood pressure and blood vessels.

Hayes disagreed with another Yannacone witness on the effect of DDT on nerve muscle reactions.

Alan B. Steinbach, a New York neurophysiologist, had declared that in comparison with novocain, curare and other toxins, DDT's effect was irreversible with the result that it prolonged damage.

Hayes said that in his experience any effects from DDT decreased when the dosage was lowered or withdrawn.

He said this happened with most chemicals. Asked about radiation, he admitted that clinical evidences of damages turned up years later.

THE YOUTH VOTE

Mr. McGEE. Mr. President, despite the new left's disdain for our democratic processes, and its efforts to dissuade the young from participation in these, figures show that voting among younger voters actually improved in the 1968 election. Still, we could all wish that the actual turnout of younger voters had been better than the 50.6 percent.

Yet the record should show that, as Columnist Bruce Biossat recently wrote:

The militants are high on the decibel count but short on real influence.

I ask unanimous consent that Mr. Biossat's column, which I have taken from the Wyoming State Tribune for May 21, be printed in the RECORD.

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

MYTHS ABOUT THE YOUTH VOTE

(By Bruce Biossat)

Of the 78.5 million Americans who voted for president last November, just 7.4 per cent were under 25 years of age.

A small part of that percentage represents people under 21. In Georgia and Kentucky, eligibility begins at 18. In Alaska it is 19, in Hawaii 20.

The rest, 7.2 per cent, were in the 21–24 age bracket.

No doubt the young militants of the New Left will contend that these figures represent an effective boycott by young voters against the establishment's voting processes—or against the available major candidate choices.

Sorry. Some 50.6 per cent of the people in the 21–24 age category turned out to vote for president. That may not sound too impressive when set against the total national turnout of 67.3 per cent of the eligibles, but it is better than young voters were doing back in the 1950s—when 40 to 45 per cent was a good showing.

The fact is that young people never have had a very good voting record. Militants who try to argue that they engineered a stay-away movement will have to explain, however, why the figures are a shade better this time.

Four years ago, when the choices were Lyndon Johnson and Barry Goldwater, people under 35 accounted for 24 per cent of the Presidential vote. This time, with the choices President Nixon, Hubert Humphrey and George Wallace, people under 35 represented 25.8 per cent of the total. Those at the lower end of the age spectrum obviously contributed to this modestly improved showing.

The reasons why the young do not vote in impressive numbers have less to do with angry militancy or disillusionment than with such simple facts as extreme mobility preoccupation with either late college or early job efforts, military, and attention to the other distractions of the young.

It is interesting, too, to see how the younger population brackets vote. According to the Gallup poll, voters under 30 went 47 per cent for Humphrey, 38 per cent for Nixon, 15 per cent for Wallace. Voters lumped by Gallup in the 30- to 49-year bracket were a few points weaker for Humphrey and stronger for Nixon, with Wallace exactly the same.

Thus if Gallup's age breakdowns matched the Census Bureau's source of other figures in this report, the proportion under 35 voting for Humphrey would be down a bit from the pollster's "under 30" category.

Nevertheless, the Humphrey vote stands out as strong. The figures make it hard to remember that the young militants' ugly, disruptive noise in the 1968 fall campaign was directed heavily toward the Democratic nominee.

Most of the time the disrupters left Nixon entirely alone. And much, though not all, of the anti-Wallace noise in the campaign halls was produced by young blacks.

So, for all their noise, the Young Uglies did not prevent young people in America from voting for Humphrey by a substantial margin. And they did not stop Wallace from doing slightly better with the younger elements than he did in the population as a whole.

The conclusion has to be that the militants are high on the decibel count but short on real influence. They expended a great deal of energy for very little effect—positive or negative.

More than a year and a half ago, election expert Richard Scammon told this reporter that the proportion of Americans under 35 voting for president in 1968 would rise to about 26 per cent from the 24 per cent level reached in 1964. He made the forecast before he knew that even one young college autocrat would be out in the streets in 1968 trying to shout Hubert Humphrey down. And he missed the actual percentage figure by .2 per cent only.

HILLSDALE COLLEGE COMMENCEMENT

Mr. GRIFFIN. Mr. President, on Sunday, June 1, I was privileged to deliver

the commencement address at Hillsdale College at Hillsdale, Mich. It was an inspiration to meet members of the faculty and the student body at this outstanding small college.

That the Hillsdale campus has experienced no student disruptions in recent months is due in part. I am sure, to the quality of leadership and administration provided by President J. Donald Phillips.

I ask unanimous consent that a copy of my commencement address be printed at this point in the RECORD, and that it be followed by a letter from President Phillips dated July 22, 1968, which was sent last summer to all students and prospective students of Hillsdale College.

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

COMMENCEMENT ADDRESS BY THE HONORABLE ROBERT P. GRIFFIN, U.S. SENATOR, HILLSDALE COLLEGE, JUNE 1, 1969

President Phillips, distinguished guests and officials of the College, members of the faculty and graduates:

I am pleased to see that all 200 members of this graduating class are still in their seats. As yet, no one has walked out—and no one is shouting obscenities or even carrying a sign.

Since this is such a peaceful and orderly setting—at the moment—Hillsdale College may not seem like the place for a commencement speaker to focus upon the current wave of student unrest and violence that has aroused the Nation. But I submit that this is an ideal place to discuss such a topic—for a number of reasons.

First of all, let me remind the graduates here that you are about to become members of the alumni association. If not already, you are soon to be taxpayers and parents—in short, part of the "establishment" that is under attack. Very soon you will be looking at the "generation gap" from the other side of the divide.

Mark Twain once wrote:

"When I was a boy of 14, my father was so ignorant that I could hardly stand to have the old man around.

"But when I got to be 21, I was astonished at how much he had learned in seven years."

My purpose today is not to condemn the aggressive impatience of youth. Rather, I thought I might take this opportunity to welcome you into the ranks—and, perhaps, to provide a bit of insight and perspective concerning the challenge which you are about to face as new members of the "establishment."

Within the past two weeks, state troopers had to clear Dartmouth's administration building; 45 students were fined and sent to jail for 30 days.

At Purdue, state police moved in with chemical mace to disperse demonstrators. Tear gas was necessary in the Nation's capital when 100 students occupied buildings at Howard University.

Needless to say, the list is longer. Here in Michigan, student violence has rocked the campus at Ferris State.

At Berkeley, the Hamburger Hill of higher education—thousands of national guard troops are necessary to maintain order.

Movement leaders who demanded free speech several years ago are the very ones now who deny free speech through violence to any one who opposed their views.

Surely, the greatest shock of all for the Nation came with the appearance of guns in the hands of students on the campus at Cornell.

Some who assess the current scene believe that a mood of violence has spread across our land—that a kind of madness is loose which threatens our very existence as a nation. In this season of bewilderment, there is an unfortunate rush to generalize—to indict all college administrators and to condemn all college students. Surely, this is a time to keep your head—even when those about you seem to be losing theirs. This is a time to reach for solid ground—to maintain some perspective.

As we survey with deep concern the violence disrupting our society today, it is no consolation to note—but still it is a fact—that violence is not peculiar to our nation or to our time.

Back in 1741, more than 30 years before the Boston tea party there was a terrible riot. When it was over, 13 Negroes had been burned alive, more than 100 Negroes and whites were convicted of arson, and 22 people were hanged.

In 1863, during the Civil War, some poor Irish immigrants started a riot in New York City. They complained bitterly that the burden of the draft fell inequitably upon them, and they feared the loss of their jobs to newly-freed Negro slaves.

When the riot was over, 1,000 people had been killed, more than 8,000 were injured, and vast areas of New York City had been put to the torch.

Our times are new, our circumstances are different, and our problems are more complex. But it may be important—though certainly not comforting—to keep in mind that even such violence as we have known is nothing new.

Today, in different ways, young Americans are saying to their elders: "You have failed us."

And in a very real sense, they are right. But, let me suggest that, throughout human history, no matter how great the progress, each generation has always fallen short of its own hopes—as well as the expectations of the new generation.

As brand new members of the "establishment," perhaps you may not fully appreciate an explanation provided by the thoughtful, liberal George Kennan. But I'll bet your parents will. He wrote this:

"In most of the reproaches with which our children shower us, there is an element of justification.

"But there is a point somewhere along the way in our adult lives when enthusiasm flags, when idealism becomes tempered, when responsibility to others—yes, and affection for others—compel greater attention to the mundane demands of private life.

"There is a point when we are impelled to place the needs of our children ahead of a defiant idealism, and to devote ourselves to the support and rearing of these same children—in order that at some future date they may have the privilege of turning upon us and despising us for the materialistic faint-heartedness that made their maturity possible."

We hear a great deal today about the "generation gap." There is, and there has always been, a generation gap. Incidentally, every reliable study and survey confirms that the new generation of Americans is not only more "hip" and "hippie," they are more intelligent, better educated, more interested in politics and government, and they have greater potential than any generation in the history of our nation.

Although it may not have been apparent to those who read the newspapers or watched television newscasts during the past several weeks, nevertheless it is a fact that the vast, overwhelming majority of the nearly 7 million college students in this nation were not involved in riots. Instead, they have been very busy preparing for final exams.

And it seems important to point out that while there are more than 2,500 colleges and universities in the United States, only about 20 have been hit by violent disruptions.

At the same time, it could be a serious mistake to take too much comfort from historical comparisons or such statistics. A national Gallup poll, released only a week ago, indicated that a majority of college students today are in sympathy with goals of the revolutionaries. Thus, it is possible that we may have seen only the beginning—or a part of the iceberg, so to speak.

It is important to recognize that the current crop of college students is not only blessed with higher IQs—but their circumstances are quite different from their predecessors in other important respects. For the first time in our history, most college students are not preoccupied today with concern about bread and butter for themselves. They are products, and live in the environment of, an affluent society. Not having to worry about their own economic survival, they have the time and opportunity—as well as the burning desire—to concern themselves with the problems of others.

College students today are issue oriented. In many cases, their relative affluence, youthful enthusiasm, and genuine idealism have generated a deep, personal concern about the Vietnam War, the thrust of nuclear war, the importance of the individual, those who live in poverty, as well as the plight of our cities and other social, political and economic issues of the day. Many are appalled by the gap between the promise and the performance of our society.

Of course, most students simply have not experienced many of the things that make their elders a bit more cautions. Living through a depression has had an indelible imprint on those over 50. The rationing of gas and sugar during World War II is still a memory for those over 30. But a vast majority of those in college today have known only affluence and relative economic security.

In a sense, then, the unrest and dissatisfaction of our campuses today is a phenomenon of our affluent society—a byproduct, if you please, of the very progress and economic success which the older generation has produced.

This should not be a problem. Instead, this concern, this enthusiasm and idealism of youth—this unselfish eagerness to deal with the needs of others—can, and should be, a great blessing for our nation—rather than a curse.

The challenge before us is to make sure that will be the case.

We would take a long step in that direction, I submit, if somehow we could focus a little more attention on what's right about our society.

We hear a great deal about the few who destroy. But there is plenty of evidence that the energy and idealism of today's youth is being channeled in positive, and constructive activities.

Let me read from an editorial which appeared recently in the student newspaper at Allen University:

"The student body has united to initiate a plan to build up Allen University, rather than tear it down. The plan originated because one senior had a dream. He dreamed that Allen had new buildings, a broader curriculum, a larger student body, and was an accredited institution.

"Being aware of the turmoil on college campuses today, Allen students realize that this is a reverse twist, but we have decided to work with the administration to make Allen University one of the top-rated schools in the nation. . . .

"We have announced that instead of protesting and throwing bricks, we are joining hands, and with the help of God and our college president, raising $100,000 for the preservation and uplifting of our Alma Mater.

"Certainly we could demonstrate, boycott classes, occupy an administration building but what would be achieved? . . . We believe that activism in the manner of a positive program will result in far more progress than would the negative program of violence and demonstration. . . .

"Be assured that we, the students of Allen University want to be heard . . . But we feel that we will be heard because we don't have to shout above the clatter of the militant battle cries. We are not accepting what the militants are saying, which is to fight the establishment.

"Yes, we have to admit that we are different.

"The difference is that we are thinking about ourselves and for ourselves, and we are proud of the difference.

"We are also proud of being black. We, too, think that black is beautiful. We are also proud of our black schools; proud of our black ancestors who toiled to build and maintain a black university: a university owned and operated by blacks. If we tear it down, we will not be fighting the establishment; we will only be fighting ourselves."

The other day, I put another item in the Congressional Record. It revealed that administration eyes were lifted several weeks ago at Kalamazoo Valley Community College when a flyer began circulating on campus, which began like this:

"When a college has a poor administration, it is the right of the students to protest."

And the flyer continued as follows:

"Further, if a college has a good administration and faculty, it is the right of the students to show their appreciation."

Whereupon, to make a long story short, the 1,500 students in that small college proceeded to demonstrate peacefully their appreciation for the wonderful education they have been receiving.

Not a building was occupied, not an office was ransacked, not a single non-negotiable demand was made.

All in all, I guess you'd have to say that they seem to be a pretty square bunch of students and professors at Kalamazoo Valley Community College—square, that is, in the very best sense of the word.

I do not suggest that we can ignore or seek to minimize the danger posed by some elements on some campuses today. Ordinarily, it is not easy to shake the indifference of the vast silent majority in this country. But, as James Reston pointed out in a recent column, the sight of guns and endless headlines about campus violence has aroused them—the middle aged and the middle class—those who are caught in the middle between rebellious kids and aging parents—between the mounting burdens of inflation and taxation. It is not surprising that this silent majority is putting great pressures on Congress to get this movement of student violence under control.

I do not say that there is nothing that Congress can, or should, do about the situation. Senator McClellan's Permanent Investigating Sub-committee, of which I am a member, is currently undertaking an in-depth investigation of the organization, the financial support and objectives of the S.D.S. and other extremist groups which have been involved in campus disorders.

But, at the same time, I raise a concern that under the strong emotional pressures of the moment, there is some danger that Congress could over-react—that Congress could go too far in subjecting education to the control and direction of a centralized government.

Perhaps we can pass some new laws. But what good will that do, if laws already on the books are not enforced. It seems clear to me that any meaningful answer depends necessarily upon the existence and support at each college and university, of an enlightened, understanding but firm administration.

Whatever the politicians may say or promise, in the final analysis, each college and university must decide for itself whether it will be a center of learning or a battleground for undisciplined rebels.

I'm extremely proud to be here today, on this beautiful campus at Hillsdale College, and to commend President Phillips, the board of trustees, the faculty and the student body for the splendid example which all of you, working together, are providing for the rest of the Nation.

And, now, at the cost of being considered a bit square, I should like to conclude by sharing with you some words of hope expressed by Gen. Douglas MacArthur to the members of another graduating class:

He said:

"I hope your education . . . has molded you for your roles as custodians of the Republic; that it has taught you to be strong enough to know when you are weak, and brave enough to face yourself when you are afraid; that it has taught you to be proud and unbending in honest failure, but humble and gentle in success; to learn to stand up in the storm but to feel compassion for those who fall; to have a heart that is clear and a goal that is high; to master yourself before you seek to master others; to learn to laugh, yet never forget how to weep; to reach into the future, yet never neglect the past; to be serious, yet never to take yourself too seriously, and, finally—in all these ways—that it has taught you to be a good citizen of your country and the world."

Thank you.

HILLSDALE COLLEGE,
Hillsdale, Mich., July 22, 1968.

To Our Hillsdale College Students:

We are looking forward to greeting you in September and hope that the summer has been good to you.

The following expression is probably quite unnecessary for any of our students and is not made because of any special knowledge or expectation. But, these increasingly tense and complex times seem to require that we know in advance what the college position will be in certain areas.

Attendance at Hillsdale College is a privilege and not a right!

Hillsdale College is dependent financially on the philanthropy of alumni, business and industry, trustees and friends. Their support comes from knowledge and approval of the college's purposes, methods and products. It is this philanthropy which has paid the difference between the actual cost of your education and the amount which you pay.

Such historical support must identify, even to a casual observer, certain continuing moral obligations. Furthermore, there is a legal continuing obligation to the States which gives our college the corporate right to exist.

These obligations can only be fulfilled if the administration of the affairs of the college remains with the duly nominated officers and offices: The Board of Trustees, the President, other administrative offices and the faculty.

Wisdom would direct that in these fast-changing and complicated times, and with the improved preparation of young people for college, their ideas, suggestions, and desires should be sought and should be thoughtfully considered. But, organized society calls for the use of representatives by reason of the fact that insufficient time would be available to deal with each student separately on each idea that may develop.

Therefore, the Student Federation is the vehicle through which students should typically find the means of having their ideas heard, discussed and transmitted. In addition, many faculty an administrative committees, where appropriate, will invite student representation in order to give greater assurance that the ideas of students get into the main stream of thoughts for the management of the college. Nor will any individual student be denied access to a hearing of his ideas within available time.

The author of this statement has been a national spokesman in defense of the good intent and high purposes of today's youth. No one believes more strongly nor deeply in the intelligence, the high ideals, and the good objectives of youth. But, this conviction does not accept anarchy as a solution, nor does it permit turning over the authority of the campus to youth or adults who lack the experience to carry out the avowed purpose and responsibility of Hillsdale College.

The right of dissent has been an honored American tradition. That privilege has always been and will be respected at Hillsdale College.

But, the administration may never deny the rights of those students whose principal objective is the peaceful and orderly use of the resources of personnel and facilities of the college for gaining their formal education. Nor has the administration the legal or moral right or privilege to delegate governance of its institution to students whose intelligence and creativity is earnestly respected but whose perspective for and experience in organizational management is yet far too limited to take on the management of affairs of the college.

Therefore, let it be known that any act of violence or intimidation, any seizing of any portion of property or any unauthorized activity which prevents the normal operation of the college in any way by any individual or groups of individuals will be considered in direct opposition to the necessary operation of the college, and action sufficient to the cause will be taken immediately, including the possibility and probability of suspension or expulsion, regardless of the number involved. Similar action will be taken against those who advocate such described activities.

This statement is made to clarify any remaining doubt of what our policy shall be regarding this phase of our relationships. It is submitted now in order that any student may still have adequate time to select another college if the above terms are not acceptable. Moreover, the college shall use its offices to help such a student find a college or university more acceptable to his or her personal purposes.

Cordially,

J. DONALD PHILLIPS.

ECONOMICS OF ST. LAWRENCE SEAWAY

Mr. PROXMIRE. Mr. President, Eric Schenker, associate dean for social sciences at the University of Wisconsin, is one of the foremost authorities on the economics of the St. Lawrence Seaway. As associate director of the Center for Great Lakes Studies, Dean Schenker has devoted a great deal of time and energy to the manifold problems confronting the Seaway-Great Lakes system.

At a recent appearance before the Canadian Transportation Research Forum, Dean Schenker delivered a paper entitled "The Future of U.S. Great Lakes Transportation With Particular Reference to Containerization and General Cargo." His paper includes a detailed analysis of traffic forecasts for the seaway over the next few decades, and considers various approaches toward improving the traffic picture on the seaway. Among other things, Dean Schenker concludes that any across-the-board hike in seaway tolls would not be advisable at this time.

I ask unanimous consent that Dean Schenker's analysis of the St. Lawrence Seaway be printed in the RECORD.

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

The Future of U.S. Great Lakes Transportation With Particular Reference to Containerization and General Cargo*

(By Eric Schenker, professor of economics and associate director, Center for Great Lakes Studies; project assistant, Stephen M. Hagins)

In any discussion of the future of transportation on the Great Lakes, general cargo and containerization assume unique roles, the former because of its effect on the port and community, the latter because of its untold potential. It is the purpose of this paper to inquire into the roles of general cargo and containerization in the future of Great Lakes overseas shipping, and to point out some of the policy issues which must be resolved for Great Lakes Seaway transportation to have a bright future.

Although general cargo represents only ten per cent of Great Lakes-Ocean shipping, "general cargo traffic has the greatest impact upon the port and the community. It produces the highest revenue per ton for the dock workers, shipping services, and the port—generating an estimated $23 per ton of direct community income." [1]

While the stream of benefits from general cargo traffic on the Great Lakes has been substantial since the opening of the St. Lawrence Seaway in 1959, containers and their substantial cost advantages have not yet made really significant appearances on the Great Lakes. By permitting more efficient handling of cargo, containers substantially reduce the time necessary for ships to be unloaded and reloaded; since the majority of transport cost is incurred while the ship is in port, the fast turnaround offered by containerships can itself cut costs by 25 per cent.[2] In addition, containerization substantially lowers packing costs, the incidence of damage to cargo, losses due to pilferage, and therefore insurance rates. It is not unreasonable that efficient use of containerships at modern container facilities could cut the costs of shipping to 25 per cent of the cost now incurred by conventional vessels at conventional terminal facilities.[3]

The future of containers however bright, is not without its problems. The efficient use of containerships and containers requires a specialized terminal facility, with an open quay, a large apron, and an open marshalling area of ten to twelve acres; such a berth would presently cost about *$4.5 million.*[4] While it is true that conventional ships and conventional general cargo facilities can handle some of the smaller containers, much of the efficiency and much of the resulting cost reduction are lost. In addition, the cost of deadheading necessitates that there be some reasonable balance in trade between container-using areas. A similar problem arises in delivery of containers from the port to respective consignees.

With this brief background for general cargo and containers as a starting point, it is appropriate for us to turn our attention to the present and future of general cargo and containers. The U.S. Army Corps of Engineers has compiled an excellent analysis [5] of Great Lakes-Overseas general cargo traffic and projections for overseas general cargo traffic at individual U.S. Great Lakes ports.

Assuming (1) that there will be no major wars, national or world-wide depressions, (2) that the controlling depths at major Great Lakes harbors will be deepened to the 27 foot depth of the Great Lakes connecting channels, the Welland Canal, and the St. Lawrence Seaway, (3) that canals and waterways between Lake Erie and Lake Ontario and in the St. Lawrence River will be adequate to handle the projected volume of traffic, (4) that terminal facilities will be available to accommodate berth service ocean vessels, and (5) that *certeis paribus,* an overseas shipment will move by the most economical route, the Corps of Engineers makes the following projections:

Footnotes at end of article.

TABLE I.—PROSPECTIVE TOTAL DIRECT GREAT LAKES-OVERSEAS GENERAL CARGO TRAFFIC[6]

[In thousands of short tons]

Ports and harbors	1,975	1,985	1,995	2,005	2,015
All harbors	5,600	6,700	7,600	8,450	9,200
Some selected harbors:					
Oswego, N.Y.	65	80	95	108	120
Rochester, N.Y.	35	50	60	65	70
Port of Buffalo, N.Y.	305	355	395	435	475
Erie, Pa.	130	160	183	204	224
Ashtabula, Ohio	100	120	125	130	130
Cleveland, Ohio	565	720	825	930	1,035
Rouge River, Mich.	310	345	380	410	440
Saginaw River, Mich.	95	15	130	145	160
Muskegon, Mich.	86	99	111	122	133
Burns, Ind.	165	240	285	330	370
Port of Chicago, Ill. (including Calumet Harbor and River, Lake Calumet, and Chicago Harbor)	2,080	2,330	2,520	2,710	2,900
Kenosha, Wis.	61	68	73	77	80
Milwaukee, Wis.	615	715	805	885	960
Manitowoc, Wis.	5	6	7	7	8
Green Bay, Wis.	152	185	198	207	215
Other harbors	831	1,112	1,408	1,685	1,880

Source: U.S. Army Corps of Engineers, Great Lakes-Overseas General Cargo Traffic Analysis, North Central Corps of Engineers, Chicago, Ill., March 1967, p. 133.

[6] These figures exclude the commodity classification of iron and steel scrap from general cargo.

Another study was made for the Department of Commerce by the Stanford Research Institute in November, 1965. Their projections, made in terms of high and low estimates for general cargo traffic on the St. Lawrence Seaway are summarized in Table II below:

TABLE II.—PROJECTED SEAWAY GENERAL CARGO TONNAGE

	Short tons
1970:	
High	5,500,000
Low	4,100,000
1975:	
High	6,700,000
Low	4,900,000
1980:	
High	7,600,000
Low	5,600,000
2000:	
High	11,200,000
Low	7,400,000

Source: Stanford Research Institute, Economic Analyses of St. Lawrence Seaway Cargo Movements and Forecast of Future Cargo Tonnage, U.S. Department of Commerce, 1965, p. 83.

In January, 1969, the Department of Transportation issued a set of traffic forecasts for the St. Lawrence Seaway prepared by the EBS Management Consultants, Inc.[7] This was an exhaustive study which included 1980 traffic projections for all major groups of commodities which are transported via the Seaway. The EBS estimates of 1980 cargo traffic on the St. Lawrence Seaway are summarized in Table III.

The reader will note that there is a slight problem which arises in the comparison of Corps of Engineers, SRI, and EBS estimates. The Corps of Engineers' definition of general cargo excludes iron and steel scrap. The SRI estimates include this commodity. In addition, iron and steel products represent such a large part of general cargo traffic that EBS saw fit to make separate projections for these commodities; therefore, when comparing EBS figures to the others, it is necessary to consider "Iron and Steel" and "General Cargo" as general cargo. It is also important to bear in mind that the Corps of Engineers projections do not include Canadian general cargo estimates while both SRI and EBS estimates include Canadian traffic in their analyses.

TABLE III.—1980 TRAFFIC FORECASTS FOR THE ST. LAWRENCE SEAWAY

[In thousands of short tons]

Major commodities	1966 (actual) base year	1980 (estimate)			
		Present system			
		Unchanged competitive position	Expected competitive position	4-week extension	Enlarged system
Wheat	11,191	10,335	11,160	11,445	11,160
Corn	3,388	7,070	6,535	6,785	6,725
Barley and rye	1,495	1,765	1,765	1,840	1,765
Soybeans	1,230	2,325	2,140	2,655	2,239
Minor grains and oilseeds	1,280	815	740	740	740
Iron ore	15,506	14,500	14,500	14,620	14,500
Coal	1,225	1,350	1,350	1,350	1,350
Fuel oil	2,085	3,150	3,150	3,150	3,150
Other bulk	966	2,445	2,445	2,445	2,445
Iron and steel	3,422	4,945	4,606	4,606	4,606
General cargo	7,462	9,300	5,676	6,337	5,676
Total	49,250	58,000	54,067	55,973	54,356

As is obvious from Table III, EBS made several different projections, the first being based upon the assumption that the competitive position of the Seaway relative to railroads, Atlantic, Pacific, and Gulf coast ports would remain stable. Their second projection took into account their estimate of the change in competitive positions by 1980. It is noteworthy that the EBS projection, after estimated diversions to competing modes of transportation, is substantially higher than either the Corps of Engineers or SRI projections.

Additional projections were made for the St. Lawrence Seaway Authority of Canada by the firm of Kates, Peat and Marwick.[8] The KPM projections were in terms of total tonnages, and not broken down into bulk cargo and general cargo figures, so that those forecasts are of limited usefulness in our present discussion. The Battelle Institute has made estimates for future general cargo and container-suitable traffic at the port of Cleveland [9]; while informative, these projections were based on a less rigorous analysis than the Corps of Engineers or EBS study. Prior to the publication of the EBS study, we carried out an estimation of the future

container-suitable general cargo traffic on the Great Lakes. Since the Corps of Engineers projections lay between the SRI high and low projections, we deemed it reasonable to conduct our study in terms of the Corps of Engineers' estimates.

Certainly not all of the general cargo traffic will be suitable for containerization. To project the level of container-suitable traffic on the Great Lakes, as shown in Table IV below, this general cargo was divided into three categories: (A) goods that will fit into a container and are of sufficient value to warrant the expense of using a container for their overseas movement, (B) low-valued goods that would physically fit into a container but, because of their relatively low value, would only be containerized in order to fill boxes that might otherwise move to or from a port empty, and (C) general cargo that won't fit into a container, is of very low value, or that for some other reason would not be containerized. It is important to remember, however, that in 1964 fully 657,927 short tons, or 21.8 per cent of general cargo traffic at the ports of Chicago, Cleveland, Detroit, Milwaukee, and Toledo were container-suitable,[10] but only a small amount of this container-suitable traffic was actually shipped in containers.

TABLE IV.—ESTIMATED CONTAINER-SUITABLE TRAFFIC ON THE GREAT LAKES

[In short tons]

Year	Imports	Exports	Total
1975	756,000	616,000	1,372,000
1985	905,000	737,000	1,642,000
1995	1,026,000	836,000	1,862,000
2005	1,141,000	930,000	2,071,000
2015	1,242,000	1,012,000	2,254,000

Source: Eric Schenker, The Effects of Containerization on Great Lakes Ports, Center for Great Lakes Studies, University of Wisconsin—Milwaukee Special Rept. No. 2, 1968.

On the basis of the Corps of Engineers' estimates of 6,700,000 tons of general cargo traffic on the Great Lakes in 1985, we have projected that 1,642,000 tons, or 24.5 per cent, would be container-suitable. A similar percentage of the EBS 1980 projection of general cargo traffic would be 3,800,000 tons of container-suitable traffic. Therefore it would seem that the opinion expressed by EBS [11] that 3,400,000 tons of general cargo traffic would be diverted from the Seaway because of containerization would seem to approach an absolute maximum in losses of cargo due to a deterioration of the Seaway's competitive position.

Perhaps more important to our discussion of the future general cargo traffic on the Great Lakes than the projected level of container traffic on the Lakes is the distribution of this container traffic among the major Great Lakes ports. These projected figures are presented in Table V.

As pointed out by the above projections, general cargo traffic and containers have a great potential on the Great Lakes; however, realization of the potential depends on the favorable solution of a large number of problems which currently face the Seaway. The following discussion attempts to point out some of the controversial issues which have arisen in the Seaway's first ten years, but this list should by no means be considered complete.

PUBLIC INVESTMENT

While this paper will not enter into the long standing debate over the relative merits and demerits of public enterprise, it must be pointed out that in the absence of public investment, Seaway trade would be almost non-existent. The Federal government invested over $400 million in the Seaway route.[12] In addition, the U.S Army Corps of Engineers has undertaken costly dredging operations at Great Lakes harbors, so that deep-draft ocean vessels may be accommodated. At present, the Canadian government is discussing a $180 million project of twinning locks on the Welland Canal, in order that recently experienced traffic jams of ships waiting to pass through the canal might be avoided.

TABLE V.—PROJECTED CONTAINER—SUITABLE GENERAL CARGO TRAFFIC AT PRINCIPAL GREAT LAKES PORTS

[In short tons]

Port	1975	1985	1995	2005	2015
Chicago	478,000	536,000	580,000	623,000	667,000
Cleveland	175,000	223,000	256,000	288,000	320,000
Detroit	171,000	205,000	233,000	258,000	282,000
Milwaukee	169,000	196,000	221,000	243,000	264,000
Toledo	97,000	117,000	133,000	148,000	160,000

Source: Eric Schenker, The Effect of Containerization on Great Lakes Ports, Center for Great Lakes Studies, University of Wisconsin—Milwaukee Special Rept. No. 2, 1968.

TABLE VI.—U.S. GREAT LAKES PORT DEVELOPMENT EXPENDITURES 1946–70

[Dollar amounts in thousands]

Year	Grand total outlays	Average annual outlay	Outlays for general cargo facilities	Average annual outlay for general cargo facilities	Outlays for special purpose facilities	Average annual outlay for special purpose facilities	Percent of annual outlays going for general cargo facilities	Percent of total outlays going for special purpose facilities
1946–55	$97,840	$9,784	$10,840	$1,084	$87,000	$8,700	11	89
1956–57	49,196	24,598	15,474	5,737	33,722	16,861	31	69
1958–60	50,089	20,036	27,965	11,186	22,124	8,850	56	44
1961–62	17,622	7,049	13,296	5,318	4,326	1,730	75	25
1963–65	35,891	11,964	14,541	4,847	21,140	7,147	41	59
Projected 1966–70	11,500	2,300						

Source: American Association of Port Authorities, Port Development Expenditure Survey, Washington, D.C., table III, p. 10A.

Local governments, too, have invested millions of dollars in port facilities to serve and attract overseas traffic. Port development expenditures since 1946 are summarized in Table VI. Not only are the proposed expenditures for the 1966–70 period the lowest (in terms of average annual expenditure) for the Great Lakes since World War II, they will be much smaller than the proposed expenditures for the development of competing ports on the Atlantic, Pacific and Gulf coasts.

In 1966, of the 63,905,553 tons of Canadian cargo traffic that passed through the St. Lawrence Seaway and the Welland Canal, only 1,403,452 short tons, or 2.2 per cent, were general cargo.[13]

Furthermore, there are no fully integrated container facilities on the Great Lakes, nor are any planned. Toronto and Hamilton, however, have stressed container needs at several new general cargo terminals, which emphasizes an unprecedented open dock area for boxes and vehicles.

SEAWAY TOLLS

Hand-in-hand with the issue of public investment goes the debate over Seaway tolls. Although the original agreement on tolls expired in 1966, the United States and Canada have agreed to maintain tolls at 1966 levels until 1970. However, Canada's share of toll revenues has been increased from 71 per cent to 73 per cent; this represents a decline in U.S. toll revenue of 7 per cent. In addition, Canada has begun charging lockage fees in the Welland Canal, fees which will be increased by $20 per annum per lock to a maximum of $100 per lock in 1971.

The legislation authorizing the development of the Seaway required that the Seaway be self-supporting and that the bonded debt incurred in construction of the Seaway be retired in 50 years. However, it is a long standing premise that all waterways in the continental U.S. be open to use without charge. Since the Great Lakes are forced to compete with toll-free facilities on the Atlantic Coast, on the Mississippi system, etc., some misallocation of resources is inevitable.

Whether the Seaway will be able to pay off its bonded debt in the required fifty years is an open question; the wisdom of paying off the debt within that time period is still another. It is often suggested that the way to make the Seaway pay for itself is to raise tolls. It is readily seen that for some commodities, notably wheat, barley, and rye, there is no effective competitor with Seaway transport. Therefore, it would not be anticipated that a change in tolls would cause a diversion of traffic of sufficient magnitude adversely to affect Seaway revenues, and, in truth, one would expect that Seaway revenues would rise. However, in the transportation of those commodities for which the Seaway faces strong competition, e.g., general cargo, a rise in tolls could be expected to cause a change in the volume of, say, general cargo, which could be sufficient in magnitude actually to decrease the revenue of the Seaway obtained from the transportation of general cargo. Therefore, it would seem that an across-the-board toll hike to raise Seaway revenues would be ill-advised.

GOVERNMENT CARGOES AND TRANSPORT REGULATION

The role of investor is not the only role that the Federal government plays in shipping on the Great Lakes. Military and related cargoes shipped by the Department of Defense and relief cargoes shipped by the Department of Agriculture constitute a considerable portion of the volume of Great Lakes-Overseas traffic. Although a large percentage of Defense Department exports are produced in the dense metropolitan areas of the Great Lakes region, relatively few of them up to now are shipped overseas from Great Lakes ports. The reason for this incongruous situation lies in the U.S. Cargo Preference Laws. These statutes prohibit Defense Department cargo from moving in foreign-owned vessels, when an American-owned vessel is in the same administrative district. This restriction is doubly detrimental to the Great Lakes shipping because (1) Great Lakes-Overseas traffic is carried predominantly in foreign-owned vessels, and (2) the Great Lakes ports lie within the same military administrative district as New York and other North Atlantic ports. There is no incentive for ships' captains to bring their vessels into the Great Lakes for government cargo when this cargo will be brought to them at Atlantic ports (at reduced rail rates as allowed under Section 22 of the

Footnotes at end of article.

Interstate Commerce Act). There exists an analogous problem with rail rates in general, for Eastern railroads often charge lower rates from the Midwest to the Atlantic coast than to closer Great Lakes ports. In one instance, it was cheaper to ship from Kalamazoo, Michigan to New York (750 miles) than to Muskegon, Michigan (75 miles).[14]

In January, 1969, the Department of Defense announced that military vessels would begin transporting cargo via the Great Lakes. The vigor with which this new policy is pursued and the future transportation needs of the Department of Defense will determine both the benefits reaped by the Great Lakes ports and the extent to which old inequities are rectified. However, it would be clearly premature to make any estimate of the change in policy at this time.

In addition, Great Lakes-Overseas shipping is currently hampered by a seasonal interruption in traffic. Freezing temperatures and other factors force a shutdown of the Seaway for about four months of the year. Whether the 370 miles of Seaway subject to severe ice problems can be kept ice free is a difficult technical question. Finding economic justification for such an undertaking is quite another one.

The EBS study included estimated costs of an extension in the Seaway season, as well as estimates of the costs of pairing all locks, and deepening channels. Summaries of those estimates are presented below.

After making the above capital cost estimates, EBS made annual cost estimates (assuming a 4.6 per cent rate of interest) and projected the annual benefits, based on their traffic projections, that would accrue from the following four projects.

Project A: Expanding the entire Seaway system to the maximum dimensions of the new Poe Lock, which are 1200′ x 100′ x 33′ with a channel depth of 31′ and a channel width of 600′.

Project B: Enlarging the system to 32′ channel depth throughout to permit vessels with maximum dimensions of 1200′ x 115′ x 30′.

Project C: Extending the Seaway season by four weeks.

Project D: Both B and C.

With the estimated benefits from each of the above projects discounted at a 4.6 per cent rate of interest, only Project C paid for itself within 25 years; the four-week extension of the Seaway season was estimated to pay for itself in (what seems to be a fairly rapid) seven years.

TABLE VII.—ESTIMATED CAPITAL COST OF EXTENDING THE SAILING SEASON OF THE PRESENT SEAWAY SYSTEM

Length of season extension	Total cost	Icebreaking	Locks, aids to navigation, etc.
2 weeks	$259,000,000	$246,000,000	$13,000,000
4 weeks	343,000,000	299,000,000	44,000,000
6 weeks	494,000,000	358,000,000	136,000,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System," January 1969, table VI–6.

TABLE VIII.—ESTIMATED CAPITAL COSTS OF ENLARGING TOTAL SEAWAY SYSTEM DIMENSIONS

Element	Channel depth		
	31 foot	32 foot	34 foot
Locks and channels	$2,950,000,000	$3,307,000,000	$4,402,000,000
Ports and harbors	343,000,000	413,000,000	544,000,000
Total	3,293,000,000	3,720,000,000	4,496,000,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternative to the St. Lawrence Seaway System," January 1969, table VI–5.

TABLE IX.—ESTIMATED CAPITAL COST OF EXTENDING THE SAILING SEASON OF AN ENLARGED SEAWAY SYSTEM

Season extension	Ship size permitted		
	1,000′ x 105′ x 29′	1,200′ x 115′ x 30′	1,400′ x 125′ x 32′
2 weeks	$3,595,200,000	$4,038,400,000	$5,281,200,000
4 weeks	3,688,800,000	4,136,700,000	5,381,700,000
6 weeks	4,001,600,000	4,492,700,000	5,773,100,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System," January 1969, table VI–7.

TABLE IXA.—ESTIMATED COST OF PAIRING ALL LOCKS IN THE ST. LAWRENCE SEAWAY SYSTEM

	Capital costs
Size of proposed locks:	
1,200′ x 110′ x 33′	$1,697,000,000
1,400′ x 125′ x 34′	1,838,000,000
1,600′ x 140′ x 36′	1,933,000,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System," January 1969 table VI–2.

Footnotes at end of article.

REGIONAL INTERESTS AND THE PORT PROMOTION PROBLEM

Conflicting regional interests sustain the political and regional competition controversies which surround the Seaway. Metropolitan areas near the Great Lakes are anxious to see the Seaway developed to its full potential. Atlantic and Gulf coast interests oppose development and extension of the Seaway, as they opposed the initial construction of this competing transport facility.

Great Lakes ports handle only one-tenth of the import-export traffic of their hinterland. When one considers that a shipment of one ton of general cargo creates between $35 and $50 of direct and secondary income for local workers, it is evident that increased hinterland traffic would provide enormous economic gains. Needless to say, such gains would be largely at the expense of Atlantic and Gulf coast ports.[15]

Since there is so much to gain by increasing the share of the Great Lakes imports and exports which its own ports handle, it is indeed surprising that the Great Lakes ports do not unify their promotional efforts to compete traffic away from the Atlantic and Gulf coasts. Table X summarizes the promotional expenditures of the Great Lakes ports.

There is some tendency for the Great Lakes ports to treat each other as competitors; they certainly compete for traffic in some areas of their hinterlands, but in truth, their fortunes rise and fall as one. While it might not be profitable for a ship to travel the Great Lakes only to call at a single port, it might be quite profitable to include stops

TABLE X.—SURVEY OF UNITED STATES AND CANADIAN GREAT LAKES PORTS ON TRADE PROMOTION PROGRAMS, CALENDAR YEAR 1968

	Erie	Detroit	Buffalo	Cleveland	Toledo	Duluth	Chicago—(City and regional)[1]	Rochester	Toronto	Hamilton	Milwaukee	Total
I. Salaries and wages:												
A. Managerial staff pro rata on promotion	19,200	24,909	None	22,000	70,000	25,000	----------	9,000	50,000	None	18,000	238,109
B. Full-time staff employees	9,000	21,930	20,250	30,000	97,550	10,100	----------	None	60,000	25,500	21,870	296,200
C. Part-time staff employees	None	None	None	None	5,400	None	----------	None	1,050	[2]	5,000	11,450
II. Travel and promotion, domestic	8,293	3,500	3,000	10,000	30,000	6,000	----------	6,000	25,000	3,000	4,000	98,793
III. Trade promotion offices (other than home):												
A. United States:												
1. Salaries	None	None	None	None	None	21,000	----------	None	4,200	None	None	25,200
2. Other expenses	None	None	None	None	None	10,000	----------	None	1,200	None	None	11,200
B. Overseas:												
1. Salaries	None	None	None	14,000	[3]	10,000	----------	None	16,000	None	3,000	43,000
2. Other expenses	None	None	None	[4]	7,000	2,000	----------	None	4,800	None	None	13,800
IV. Overseas trade missions	1,300	None	2,000	7,500	12,000	2,000	----------	None	[5]13,000	1,500	[6]None	39,300
V. Automobile rental and car allowances:												
New car furnished	Yes	No	No	No	No	No	----------	[8]	[8]	No	No	----------
Car allowance and maintenance	900	2,000	4,950	3,000	[7]	1,000	----------	[8]	[8]	2,050	1,350	15,250
VI. Printing and advertising:												
A. Bulletins, circulars, brochures, and tariffs	554	9,000	8,950	30,000	26,000	12,000	----------	None	15,000	4,300	4,500	110,304
B. Advertising space	2,641	6,419	7,500	35,000	9,800	3,000	----------	1,500	25,000	10,500	10,000	11,360
C. Other (matches, pads, novelties, etc.)	425	None	None	10,000	500	None	----------	None	[10]	800	1,000	12,725
Direct promotional total	42,313	67,758	46,650	161,500	258,250	102,100	----------	16,500	215,250	47,650	68,720	1,026,691

Footnotes at end of table.

TABLE X.—SURVEY OF UNITED STATES AND CANADIAN GREAT LAKES PORTS ON TRADE PROMOTION PROGRAMS, CALENDAR YEAR 1968—Continued

	Erie	Detroit	Buffalo	Cleveland	Toledo	Duluth	Chicago—(City and regional)[1]	Rochester	Toronto	Hamilton	Milwaukee	Total
VII. Miscellaneous:												
A. Subscriptions, books, and periodicals	150	1,035	150	2,000	2,500	1,000	----------	200	3,000	200	1,000	11,235
B. Membership dues and fees	496	1,482	300	2,500	2,300	1,000	----------	1,000	3,000	150	3,000	15,228
C. Telegraph, telephone, and postage	2,327	5,000	1,650	3,000	12,000	3,000	----------	2,000	6,000	2,400	3,000	40,377
D. Equipment rentals (other than autos)	None	None	600	None	250	None	----------	450	None	None	None	1,300
E. Special contract services, research, etc	None	None	10,000	2,300	13,700	None	----------	None	(2)	6,000	None	32,000
F. Official and promotional entertainment	(3)	None	400	1,000	9,500	1,500	----------	None	8,950	2,000	4,000	27,850
G. Other	None	None	4,950	None	None	None	----------	None	8,000	1,500	None	14,450
Indirect total	2,973	7,517	18,050	10,800	40,250	6,500	----------	3,650	28,950	12,750	11,000	142,440
Grand total	45,286	75,275	64,700	172,300	298,500	108,600	----------	20,150	244,200	60,400	79,720	1,169,131
Additional promotional expenditures (not budgeted on yearly basis)												
VIII. Films:												
A. Original production costs	None	None	125	5,000	3,500	6,500	None ----------		30,000	6,500	22,738	74,363
B. Distribution costs	None	None	None	None	(1)	1,000	None ----------		(9)	100	100	1,200

[1] No special funds allocated for trade promotion programs; Department of Economic Development, State of Illinois, has established a seaport development department for this purpose.
[2] See VII E.
[3] By contract.
[4] Included in I.
[5] Minimum.
[6] 1968.
[7] 11 cents per mile.
[8] Included in II.
[9] Included in VII F.
[10] Included in VI A.
[11] See VI C.

Source: Prepared by Robert K. Jorgensen, port traffic manager, board of harbor commissioners, Port of Milwaukee.

at several Great Lakes ports en route. It would therefore behoove the Great Lakes ports to embark upon a unified campaign promoting the Great Lakes as a transport facility. To make this need even more obvious, it is only necessary to point out that the $1.2 million that the Port of New York spent on promotional expenditures in 1964[16] is more than the 1968 expenditures of all the Great Lakes ports put together!

CONCLUSION

After a decade of operation of the St. Lawrence Seaway system, Great Lakes shipping faces a tremendous potential. The future of general cargo traffic, the container revolution, and Great Lakes ports offer great promise, but this promise cannot be realized until some substantial obstacles are overcome.

One of the greatest problems now facing the Great Lakes is the declining level of public investment. The nature of public investment is a discontinuous one; projects are undertaken and their results thoroughly scrutinized before new projects are contemplated. The future of Great Lakes shipping rests heavily upon the twinning of the locks of the Welland Canal, the building of container and other terminal facilities, perhaps some extension of the Seaway system, and other public projects. If the decline in public investment that we now observe is merely a momentary pause in the flow of investment funds, then it is possible that the potential of the Great Lakes may yet be reached; meanwhile, Atlantic, Gulf, and Pacific coast ports continue to improve their port facilities at a rate far greater than that of Great Lakes ports. If the decline in investment improvements in Great Lakes ports' facilities is not soon arrested and reversed, the outlook for Great Lakes overseas transportation will be indeed bleak.

While it is necessary to look ahead to new investment possibilities, we must also focus our attention on the repayment of debts incurred for previous projects, notably retirement of the bonded debt on the St. Lawrence Seaway. There is considerable disagreement over the sufficiency of present tolls to provide adequate funds for debt retirement. There is still further disagreement over the effect of a toll increase upon total Seaway revenues and the ability of the Seaway to meet its financial obligations. However, there is no doubt that higher Seaway tolls would result in less traffic through the Seaway than there would have been in the absence of the toll increase.

In addition to being a builder of transport facilities, the government is also a user and a regulator of them. The Departments of Defense and of Agriculture ship a considerable volume of cargo overseas; the future amount of this government cargo, and the share of it which is transported on the Great Lakes, will contribute significantly to either the growth or the stagnation of Great Lakes shipping. The share of government cargo which Great Lakes ports will handle depends on what action will be taken to eliminate inequities in the U.S. Cargo Preference Laws and in inland rail freight rates as permitted under present legislation and regulation.

Certainly any of the gains that the Great Lakes ports could realize from the alteration of government statutes and regulations might be made partially at the expense of other ports on the Atlantic, Gulf, and Pacific coasts. We therefore would expect, and indeed have seen, unified opposition to changes in the legal structure by other ports and railroads. It would appear to be in the interest of Great Lakes ports to lobby for favorable legislative changes, much as rival ports and railroads have done. In addition to promoting their own interests in the halls of Congress, it would behoove the Great Lakes ports to unite in promotion of the Great Lakes as a transport facility. Effective pursuance of their common interests on the part of all Great Lakes ports is a *sine qua non* for a prosperous future of transportation on the Great Lakes.

FOOTNOTES

*Research for this paper was supported in part by the University of Wisconsin-Milwaukee Sea Grant Program

[1] Eric Schenker, *Future General Cargo Traffic and Terminal Requirements at the Port of Milwaukee*, Center for Great Lakes Studies, University of Wisconsin-Milwaukee, Special Report No 5, September, 1968, p 3.

[2] Eric Schenker, *The Effects of Containerization on Great Lakes Ports*, Center for Great Lakes Studies, University of Wisconsin-Milwaukee, Special Report No 2, February, 1968, p. 2.

[3] A. Lyle King, "Port Operations and Planning of Facilities for Container Handling," *World Ports*, May, 1967, p. 15.

[4] Schenker, *The Effects of Containerization of Great Lakes Ports, op. cit.*, p. 4.

[5] U.S. Army Engineer Division, North Central Corps of Engineers, *Great Lakes-Overseas General Cargo Traffic Analysis to Accompany Great Lakes Harbors Study*, Chicago, Illinois, 1967.

[7] EBS Management Consultants, Inc., *An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System*, final report submitted to U.S. Department of Transportation, January, 1969.

[8] Kates, Peat, and Marwick, as quoted in *Committee on Canadian-American Studies, Writing on Canadian-American Studies*, Michigan State University, 1968, pp. 71–91.

[9] Battelle Memorial Institute, *Market Analysis Study of Container-Suitable International Traffic at the Port of Cleveland* to the city of Cleveland, Columbus, Ohio, May 22, 1967.

[10] Schenker, *The Effects of Containerization on Great Lakes Ports, op. cit.*, Tables #2 and #18.

[11] EBS Management Consultants, Inc., *op. cit.*, pp. 1–5.

[12] Otto Eckstein, *Water Resource Development*, Harvard Press, Cambridge, Massachusetts, 1958, p. 184.

[13] The St. Lawrence Seaway Authority and the St. Lawrence Seaway Development Corporation, *Traffic Report of the St. Lawrence Seaway*, 1966, Table 6, p. 7.

[14] Werner Viet, "The St. Lawrence Seaway and the World Trade," *The Torch*, October, 1965, pp. 50–54.

[15] Eric Schenker, *The Port of Milwaukee, An Economic Review*, University of Wisconsin, Chapters 2 and 9.

[16] *Wall Street Journal*, December 7, 1964.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON DONATION OF CERTAIN SURPLUS PROPERTY TO THE EAST CAROLINA CHAPTER, INC., NATIONAL RAILWAY HISTORICAL SOCIETY

A letter from the Under Secretary of the Navy, reporting, pursuant to law, the intention of the Department of the Navy to donate certain property to the East Carolina Chapter, Inc., National Railway Historical Society, Post Office Box 3096, Greenville, N.C. 27834; to the Committee on Armed Services.

PROPOSED FOREIGN ASSISTANCE ACT OF 1969

A letter from the Acting Secretary, Department of State, transmitting a draft of proposed legislation, to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development

within a framework of democratic, economic, social, and political institutions, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE OFFICE OF INTERGOVERNMENTAL RELATIONS

A letter from the Acting Director, Bureau of the Budget, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes (with accompanying papers); to the Committee on Government Operations.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

A letter from the Acting Director, Bureau of the Budget, transmitting a draft of proposed legislation to authorize appropriations for expenses of the President's Council on Youth Opportunity (with accompanying papers); to the Committee on Government Operations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration and effectiveness of the work experience and training project at the Gila River Indian Reservation, Arizona, under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on legislation needed to avoid servicemen's bearing war-time mortality costs under the Servicemen's Group Life Insurance Program, Veterans' Administration (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for reducing costs of hospitalization, medical services, and drugs provided to Federal employees for job-related disablements, Bureau of Employees' Compensation, Department of Labor (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Export-Import Bank of the United States for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY

A letter from the Acting Director, Bureau of the Budget, transmitting a draft of proposed legislation to authorize appropriations for expenses of the National Council on Indian Opportunity (with accompanying papers); to the Committee on Interior and Insular Affairs.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. JACKSON:

S. 2302. A bill to amend title 37, United States Code, so as to clarify the status of Guam with respect to pay and allowances of members of the uniformed services; to the Committee on Armed Services.

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

By Mr. MONDALE:

S. 2303. A bill for the relief of Mario Augusto Roca; and

S. 2304. A bill for the relief of Luis Arturo Espana; to the Committee on the Judiciary.

By Mr. MUNDT:

S.J. Res. 116. Joint resolution to authorize appropriations for the expenses of the President's Council on Youth Opportunity; and

S.J. Res. 117. Joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. MUNDT when he introduced the above joint resolution, which appear under separate headings.)

S. 2302—INTRODUCTION OF A BILL TO CLARIFY THE STATUS OF GUAM WITH RESPECT TO PAY AND ALLOWANCES OF MEMBERS OF THE UNIFORMED SERVICES

Mr. JACKSON. Mr. President, I introduce a bill "To amend title 37, United States Code, so as to clarify the status of Guam with respect to pay and allowances of members of the uniformed services."

The very able Representative of the Territory of Guam, Mr. Antonio B. Won Pat, has brought to my attention that section 101(2) of the 1962 Uniformed Services Pay and Allowances Act defines Guam as a "possession." Of course, Guam is and has been since 1950 an unincorporated territory of the United States. It would appear that the provision in the 1962 Uniformed Services Act relating to Guam was an oversight. In order to clarify the situation, Mr. Won Pat has requested that I introduce amendatory legislation.

I ask unanimous consent that the letter addressed to me by Mr. Won Pat, under date of April 23, 1969, be inserted in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2302) to amend title 37, United States Code, so as to clarify the status of Guam with respect to pay and allowances of members of the uniformed services, introduced by Mr. JACKSON, was received, read twice by its title, and referred to the Committee on Armed Services

The letter, presented by Mr. JACKSON, follows:

TERRITORY OF GUAM, U.S.A., OFFICE OF GUAM'S REPRESENTATIVE IN WASHINGTON,
Washington, D.C., April 23, 1969.

Hon. HENRY M. JACKSON,
U.S. Senator, Senate Committee on Armed Services, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: This letter is addressed to you in your dual capacity of a ranking majority Member of the Armed Services Committee and Chairman of the Committee on Interior and Insular Affairs. The subject matter involves the political status of Guam.

As you know, in 1950 the 81st Congress enacted Public Law 630 (64 Stat. 384), the Organic Act of Guam. The bill that became the law was worked out in the Senate Interior Committee on large measure by Senator Anderson, who headed an *ad hoc* subcommittee to consider the Organic Act bill which was submitted to the Truman Administration.

Sec. 3 of this Act provides:

"SEC. 3. Guam is hereby declared to be an unincorporated territory of the United States . . ."

This language is substantially that of the Virgin Islands Organic Act (See 48 USC 1541), and throughout the years, Guam and the Virgin Islands have been deemed to be on a basis of equality, politically speaking.

Yet, the realization recently has been brought home to us that the cited provision of the Guam Organic Act has been repealed, in some substantial aspects, by Section 101(2) of the 1962 Uniformed Services Pay and Allowances Act (76 Stat. 451; 37 USC 101). This Section states: "(2) 'possessions' includes the Canal Zone, Guam, American Samoa, and the Guano islands."

This provision reduces the political status of Guam, with respect to the Pay and Allowances Act at least, to that of the Guano islands despite the unequivocal declaration, in substantive language, in the Organic Act that we are a territory of the United States. It is perhaps significant to note that the status of the Virgin Islands is undisturbed by the Pay and Allowances Act, and is specifically recognized in Sec. 305 of the Act relating to foreign duty pay.

Manifestly, it is desirable that the Armed Services and the Armed Services Committees be aware of Guam's status as a "territory", and therefore I ask that, on behalf of the people of Guam, you introduce legislation to amend the Uniformed Services Pay and Allowances Act by striking the word "Guam" from the definition of "possessions" as set forth in Section 101(2). For your convenience, I have taken the liberty of drafting such an amendment, and respectfully submit it to you herewith.

Sincerely yours,

ANTONIO B. WON PAT.

SENATE JOINT RESOLUTION 116—INTRODUCTION OF JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

Mr. MUNDT. Mr. President, I introduce a joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity.

I ask unanimous consent to have printed in the RECORD a letter on the subject, together with a copy of the proposed joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection the letter and joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 116) to authorize appropriations for the expenses of the President's Council on Youth Opportunity, introduced by Mr. MUNDT, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 116

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for the expenses of the President's Council on Youth Opportunity, established by Executive Order No. 11330 of March 5, 1967.

The material presented by Mr. MUNDT follows:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., May 23, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a draft of a proposed Joint Resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity.

The President's Council on Youth Opportunity was established by Executive Order No. 11330 of March 5, 1967. The Council is responsible for coordination, evaluation and encouragement of Federal youth opportunities' programs and for assuring effective program planning for summer youth programs. The Executive Order designates the Vice President as Chairman of the Council and provides for a membership consisting of representatives of the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, the Interior, Justice, and Labor, the Civil Service Commission, and the Office of Economic Opportunity.

The President's Budget for 1970 includes an estimate of $357,000 for the expenses of this Council, the appropriation of which is dependent upon the enactment of authorizing legislation.

Accordingly, I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,

PHILLIP S. HUGHES,
Acting Director.

SENATE JOINT RESOLUTION 117—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE OFFICE OF INTERGOVERNMENTAL RELATIONS

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations.

I ask unanimous consent that a letter, and the attached proposed joint resolution, be printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the letter and joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 117) to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes, introduced by Mr. MUNDT, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 117

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for expenses of the Office of Intergovernmental Relations (referred to hereafter as the "Office"), established by Executive Order Numbered 11455 of February 14, 1969.

SEC. 2. (a) The Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal executive salary schedule.

(b) The Deputy Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for GS–18.

SEC. 3. The Director of the Office is authorized—

(a) to appoint and fix the compensation of such personnel as he deems necessary without regard to (1) the provisions of title 5, United States Code, governing appointments in the competitive service, and (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and to general schedule pay rates, *Provided,* That, except as provided in section 2 of this Act and subsection (b) of this section, no person shall receive compensation in excess of the rate now or hereafter provided for GS–15;

(b) to fix the compensation of two employees at rates of basic compensation not to exceed the rate now or hereafter provided for GS–17; and

(c) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS–18.

The material presented by Mr. MUNDT follows:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., May 23, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a draft of a proposed Joint Resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations.

The Office of Intergovernmental Relations was established by Executive Order No. 11455 of February 14, 1969. The purpose of the Office is to advise and assist the Vice President with respect to his intergovernmental relations' responsibilities as the President's liaison with executive and legislative officials of State and local governments.

The Executive Order places the Office under the immediate supervision of the Vice President and provides for a Director and Deputy Director of the Office to be designated by the Vice President. The proposed resolution would provide that the Director would be compensated at a rate not in excess of that for Level IV of the Executive Schedule and the Deputy Director at a rate not in excess of that for GS–18. In addition, the resolution would provide that compensation for two other positions may be at a rate up to the maximum pay for GS–17.

Upon signing the Executive Order establishing the Office of Intergovernmental Relations, the President stated that ". . . the Office will assure State and local officials access to the highest offices of the Federal Government, especially those having a direct impact on intergovernmental relations, so that Federal programs, policies and goals will be more responsive to their views and needs. It will seek to strengthen existing channels of communication and to create new channels among all levels of government."

I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,

PHILLIP S. HUGHES,
Acting Director.

ADDITIONAL COSPONSOR OF A BILL

Mr. SPARKMAN. Mr. President, at the request of the Senator from Kentucky (Mr. COOK), I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the bill (S. 1832) to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes.

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

SENATE CONCURRENT RESOLUTION 28—SUBMISSION OF RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE INCORPORATION INTO THE INTERSTATE SYSTEM OF U.S. ROUTE 219

Mr. SCHWEIKER, on behalf of himself, Mr. BYRD of West Virginia, Mr. JAVITS, Mr. RANDOLPH, and Mr. SCOTT, submitted the following concurrent resolution (S. Con. Res. 28); which was referred to the Committee on Public Works:

S. CON. RES. 28

Concurrent resolution to express the sense of the Congress with respect to the incorporation into the Interstate System of U.S. Route 219

Whereas U.S. Route 219 passes through the Appalachian Region of New York, Pennsylvania, Maryland, West Virginia, and Virginia where one of the most critical problems is the lack of good access into and through the area, and

Whereas making U.S. Route 219 a part of the Interstate System will help remove this portion of the Appalachian Region from its isolation, and

Whereas U.S. Route 219 passes through or is adjacent to more of the natural resources of America than any other highway east of the Mississippi River, and

Whereas U.S. Route 219 as a major north-south artery would play a key role in improving the national defense capability, and

Whereas the present U.S. Route 219 is largely inadequate, obsolete, and dangerous: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the State highway departments of those States within which U.S. Route 219 is located, together with the Secretary of Transportation, should designate, as soon as possible, such route as a part of the National System of Interstate and Defense Highways in accordance with, and for the purpose of, title 23 of the United States Code.

NOTICE OF HEARINGS ON MINING AND MINERALS

Mr. JACKSON. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuel of the Senate Interior Committee, I announce that public hearings on S. 719, for the establishment of a national policy on mining and minerals, has been scheduled for Thursday, June 12, at 10 o'clock in the committee room, 3110 New Senate Office Building.

This proposed legislation is of potential far-reaching importance to our national security and economic development as well as of immediate concern and interest to all of the mineral-producing States and the minerals industry.

The participation in the hearing of any Member of the Senate as well as that of other interested and informed persons will be welcomed.

S. 719 is sponsored by the distinguished senior Senator from Colorado, Senator ALLOTT, for himself and Senators BELLMON, BENNETT, BIBLE, CANNON, CHURCH, DOMINICK, FANNIN, HANSEN, HRUSKA,

JORDAN of Idaho, MCGEE, METCALF, MOSS, STEVENS, and YOUNG of North Dakota.

AUTHORIZATION FOR SECRETARY OF SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until noon, Thursday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives and that they may be appropriately referred.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that during the same period all committees be authorized to file reports, including all minority, individual, and supplemental views.

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

ADJOURNMENT TO THURSDAY, JUNE 5, 1969

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 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 1 o'clock and 40 minutes p.m.) the Senate took an adjournment until 12 o'clock noon, Thursday, June 5, 1969.

NOMINATIONS

Executive nominations received by the Senate May 29, 1969, under authority of the order of the Senate of May 29, 1969:

RENEGOTIATION BOARD

William Henry Harrison, of Wyoming, to be a member of the Renegotiation Board, vice Jack Beaty, resigned.

William Scholl Whitehead, of Virginia, to be a member of the Renegotiation Board, vice Herschel C. Lovelass, resigned.

COMMISSION ON CIVIL RIGHTS

Stephen Horn, of California, to be a member of the Commission on Civil Rights, vice John A. Hannah, resigned.

U.S. ATTORNEY

John P. Milanowski, of Michigan to be U.S. attorney for the western district of Michigan for the term of 4 years, vice Harold D. Beaton, resigning.

James M. Sullivan, Jr., of New York, to be U.S. attorney for the northern district of New York for the term of 4 years, vice Justin J. Mahoney, resigning.

U.S. MARSHAL

Frank M. Dulan, of New York, to be U.S. marshal for the northern district of New York for the term of 4 years, vice James E. Byrne, Jr., resigned.

James W. Norton, Jr., of North Carolina, to be U.S. marshal for the eastern district of North Carolina for the term of 4 years, vice Hugh Salter.

Walter J. Link, of North Dakota, to be U.S. marshal for the district of North Dakota for the term of 4 years, vice Anson J. Anderson.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 2, 1969:

EXPORT-IMPORT BANK OF THE UNITED STATES

John Conrad Clark, of North Carolina, to be a member of the Board of Directors of the Export-Import Bank of the United States.

DEPARTMENT OF THE TREASURY

Murray L. Weidenbaum, of Missouri, to be an Assistant Secretary of the Treasury.

SECURITIES AND EXCHANGE COMMISSION

Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1974, reappointment.

EXTENSIONS OF REMARKS

NEW EEOC CHAIRMAN SUPPORTS INCREASED POWERS TO ENFORCE CIVIL RIGHTS LAWS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. HAWKINS. Mr. Speaker, equal opportunity for all Americans is a goal with which I am greatly concerned. During this and the preceding Congress I have introduced legislation to remedy a salient weakness in Federal civil rights law—the inability of the Equal Employment Opportunity Commission to enforce its decisions.

There is a pressing need for this legislation. Millions of our citizens still suffer under discriminatory employment practices that while prohibited, manage to survive because the relevant law has no teeth. As a result, these people see the Federal commitment to equal opportunity as empty, surely not a healthy situation in a democratic society.

Hopefully, a meaningful law will be passed. In the meantime, we have been assured that the limited powers presently available to EEOC will be vigorously implemented. William H. Brown III, the new EEOC Chairman, has forcefully indicated that despite recent political rumblings by some Members of Congress, he does not intend to soft-pedal the Commission's efforts. This is as it should be.

Mr. Brown's personal style combines the diplomatic and legal arts that are suitable to his position, and not incidentally, will be absolutely necessary when the Commission gets "cease and desist" powers. His views were the subject of a very informative article in the Christian Science Monitor of May 21, which I include in the RECORD so that it will be available to all concerned. The article follows:

JOB BIAS CHIEF SETS RIGID GUIDES

(By Lya Shepard)

WASHINGTON.—If the public can expect anything from William Hill Brown III, the slender, soft-spoken Philadelphia lawyer insists, it is that "the law is going to be enforced—vigorously and fairly."

That sort of assurance hardly makes news when uttered by most federal agency heads. But the case of Mr. Brown is special.

The onetime postman and taxicab driver has just replaced tough-talking Clifford L. Alexander Jr. as chairman of the embattled Equal Employment Opportunity Commission.

Mr. Alexander, target of Senate conservatives over alleged "harassment" of businessmen, never minced words in attacking job bias to which minority workers were subjected.

By contrast, the man tapped by President Nixon to head the five-member EEOC lacks the outgoing Democrat's fiery style, but not his fervor for civil-rights causes.

During an interview in his 12th-floor office near the White House, Mr. Brown indicated that his sense of EEOC priorities is very much in line with that of Commissioner Alexander.

"Too many times people in business have tended to equate the idea of hiring hardcore [unemployed] workers with "equal employment,'" he said, gazing through a window at the Potomac and the faraway hills of Virginia.

"They've forgotten about the many, many thousands—if not the millions—who have been employed steadily at jobs without hope of being upgraded. This is an area of prime concern to me."

Mr. Brown, now the holder of a $38,000-a-year post, may have been recalling his own father who has worked as an elevator operator and starter in a Philadelphia department store for most of the past 40 years.

"So many times," he observed, "the businesses are willing to employ people at entry-level positions. But as you move up the ladder to skilled and white-collar positions, the percentage of minority workers drops off dramatically."

In its controversial Los Angeles hearings this March, the EEOC found what Mr. Brown terms "horrendous examples" of such black ceilings in the areospace and filmmaking industries.

BARRIERS DEPLORED

During these hearings even the mild-mannered Mr. Brown joined Mr. Alexander and Commissioner Vicente T. Ximenes in deploring the barriers facing blacks and Mexican-Americans.

"If you think you've done a good job," he scolded one television network spokesman, "then not only ABC but the country is in bad shape."

Last week in a Denver speech before electrical-power executives, the new EEOC chairman charged that the industry was "the worst employer of minorities of any industry grouping."

The same accusation was leveled a year ago. Since then, Mr. Brown said, "we have seen more motion than action by most of you, and I am not disposed to see another such year go by."

Though Mr. Brown is a Republican (appointed to the EEOC by President Johnson), Sen. Everett McKinley Dirksen (R) of Illinois sought at first to block his confirmation. A meeting between the two men arranged by Sen. Hugh Scott (R) of Pennsylvania managed to persuade the GOP floor leader to relent.