the University of Hawaii.) He wants ADB to start cautiously and establish a record of success that will make capital contributions flow more freely in the future.

Such is the face of the international war on poverty.

The United Nations declared the 1960s as an international development decade but has fallen short of its goals.

Now it has declared the 1970s as a second such decade.

The voices heard in Honolulu in recent weeks are typical of a growing feeling among free world leaders that the battle must be undertaken and can possibly be won.

When and if the Vietnam war is ended, President Nixon will be increasingly urged to see that the world's richest nation plays its full part.

UNICEF TO AID NORTH VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. RARICK. Mr. Speaker, the United Nations Organization, through one of its propaganda agencies recently announced that it will honor V. I. Lenin as the UNESCO international humanist. Now another UNO indoctrinational agency, UNICEF, proposes an aid program for North Vietnamese children and, of course, no opposition is dared because to do so might be construed as being against little children.

American children have trudged around from house to house begging money for UNICEF because they have been told they are helping poverty-stricken and underprivileged children. Any dillusionment at learning that these efforts are really helping the active enemy of our country—releasing Ho Chi Minh's resources to kill Americans—will perhaps be balanced by their happiness in learning that, according to the UNO, there are no poverty-stricken or underprivileged children in this country needing assistance. Who is in error—politicians out to make hunger-hay or the UNO world politicians, out to aid communism?

I include several UN news clippings in the RECORD:

UNICEF AIDE GOING TO HANOI

(By Robert H. Estabrook)

UNITED NATIONS, June 3.—A representative of the United Nations Children's Fund will go to Hanoi this month to discuss a possible aid program for North Vietnamese children, UNICEF announced today.

Dr. Boguslav Kozusznik of Poland will make the trip about June 15 as the representative of UNICEF's executive director, Henry R. Labouisse, following months of confidential negotiations in Paris. Kozusznik, a physician, is second vice president of the UNICEF executive board.

A U.N. spokesman confirmed that this will be the first official contact between North Vietnam and the United Nations. Secretary General U Thant has met several times with North Vietnamese representatives, but always as a private individual.

In its annual meeting at Santiago, Chile, the UNICEF executive board approved an initial allocation of $105,000 from a Dutch contribution to inaugurate a program if North Vietnam accepts the agency's criteria. The board authorized up to $500,000 more from additional sources later.

Sweden is understood to have agreed to staff a UNICEF operation in Hanoi. UNICEF has worked closely with the League of Red Cross Societies, and the league's Swedish president, Henrik Beer, was in North Vietnam last week.

In agreeing to accept a UNICEF representative, North Vietnam did not specify his nationality. The choice of a Pole was made by UNICEF.

The Netherlands contribution is to be used for all children in Vietnam. Part has been used to reconstruct hospital facilities in Danang, South Vietnam.

FUNDS FOR UNICEF

UNITED NATIONS.—Christmas cards, a Halloween trick-or-treat collection and a special appeal for Nigeria-Biafra relief put $7,773,500 into the U.N. Children's Fund last week. The money came in a check from the U.S. Committee for UNICEF.

SENATE—*Thursday, June 5, 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 God, the source of our being, and the guide of our pilgrim days, we would hush our busy thoughts that we might learn in silence the mysteries of our being, and behold beyond the bounds of vision the goal toward which all history moves. We thank Thee for every thought that lifts us to Thyself, for the strength of reason and the inner kingdom of the mind, for beauty, goodness, and truth; for every noble desire and every holy impulse. O God, our life, our hope, our strength, keep us so close to Thee that in daily duties we may see beyond the tangle of human affairs, the pathway of Thy higher kingdom.

Bless our Nation, our leaders, and all the people, and make us a blessing to all mankind.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 2, 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 June 2, 1969, the Secretary of the Senate, on June 4, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received on June 4, 1969, see the end of proceedings of today, June 5, 1969.)

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 2, 1969, the Secretary of the Senate, on June 3, 1969, received a message from the President of the United States.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States on the Radiation Control for Health and Safety Act of 1968. Without objection, the message will be printed in the RECORD, without being read, and appropriately referred.

The message was referred to the Committee on Commerce, as follows:

To the Congress of the United States:

In accordance with Section 360D of the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602), I am herewith transmitting to you the first annual report on the administration of this Act. This report, prepared by the Department of Health, Education and Welfare, describes activities undertaken to carry out the purposes of this Act during the 1968 calendar year as well as plans for further implementation of the Act during the current year.

RICHARD NIXON.

THE WHITE HOUSE, *June 2, 1969.*

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 2, 1969, the following favorable executive reports of nominations were submitted:

On June 4, 1969:

By Mr. LONG, from the Committee on Commerce:

Peter Thomas Aalberg, and sundry graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign;

Frederic J. Grady III, and sundry Reserve officers to be permanent commissioned officers in the Coast Guard in the grade of lieutenant;

Cluese Russell, and sundry officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W-4;

Charles A. Vedder, and sundry officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W-3; and

Gerald T. Victor, and sundry officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W-2.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 2, 1969,

The Secretary of the Senate, on June 3, 1969, received the following message from the House of Representatives:

That the House had passed, without amendment, the following bill and joint resolutions of the Senate:

S. 1995. An act to provide for the striking of medals in commemoration of the 150th

anniversary of the founding of the State of Alabama;

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 537. An act for the relief of Noriko Susan Duke (Nakano); and

S.J. Res. 77. Joint resolution to authorize the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 692. An act to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States;

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegener;

H.R. 2208. An act for the relief of James Hideaki Buck;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Millonzi;

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes;

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3006. An act to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948;

H.R. 3044. An act for the relief of Rodric Stewart Pence (Joo, James);

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability;

H.R. 3166. An act for the relief of Aleksandar Zambeli;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz;

H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter;

H.R. 3376. An act for the relief of Maria da Conceicao Evaristo;

H.R. 4744. An act for the relief of Mrs. Ezra L. Cross;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources;

H.R. 9979. An act for the relief of Choi Sung Joo;

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects; and

H.R. 11102. An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions and they were signed by the Vice President:

S. 537. An act for the relief of Noriko Susan Duke (Nakano);

S. 1995. To provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama;

S.J. Res. 13. To provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 77. Joint resolution authorizing the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America";

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap.

HOUSE BILLS REFERRED OR ORDERED TO BE PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes; to the Committee on Rules and Administration.

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegner;

H.R 2208. An act for the relief of James Hideaki Buck;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Millonzi;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3044. An act for the relief of Rodric Stewart Pence (Joo, James);

H.R. 3166. An act for the relief of Aleksandar Zambeli;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz;

H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter;

H.R. 3376. An act for the relief of Maria da Conceicao Evaristo;

H.R. 4744. An act for the relief of Mrs. Ezra L. Cross;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9979. An act for the relief of Choi Sung Joo; to the Committee on the Judiciary;

H.R. 692. An act to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States;

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities;

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability;

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans homes;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources;

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects; and

H.R. 11102. An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions; to the Committee on Labor and Public Welfare.

The following bill was read twice by its title and ordered to be placed on the calendar:

H.R. 3006. An act to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. 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.

NEW BEDFORD STORAGE WAREHOUSE CO.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the passage by

the Senate of the bill (S. 868) for the relief of the New Bedford Storage Warehouse Co., on June 2, 1969, be rescinded and that the bill be indefinitely postponed.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H.R. 3480, a companion bill to S. 868, and that the Senate proceed to the consideration of H.R. 3480.

The VICE PRESIDENT. Without objection, the committee is discharged, and the bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3480) for the relief of the New Bedford Storage Warehouse Co.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

CORRECTION OF ENROLLMENT OF A JOINT RESOLUTION

Mr. KENNEDY. Mr. President, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The concurrent resolution will be stated.

The legislative clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives in signing the enrolled resolution (S.J. Res. 35) to provide for the appointment of Thomas J. Watson, Junior, as Citizen Regent of the Board of Regents of the Smithsonian Institution, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the resolution with the following change, namely: in line 6 of the enrolled resolution strike out the word "Hunsacker" and insert in lieu thereof "Hunsaker".

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 29) was considered and agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. 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.

NATIONAL POLL REVEALS SUPPORT FOR ABM SYSTEM

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a national poll by a citizens' group which shows that 84 percent of Americans back the ABM defense system.

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

REPORT ON NATIONAL POLL OF PUBLIC ATTITUDES ON MISSILE DEFENSE AND "SAFEGUARD" SYSTEM

(Conducted by Opinion Research Corp., Princeton, N.J., between April 25, 1969 and May 2, 1969)

Overwhelmingly, the American public believes that the United States should have some sort of ABM defense system.

This point of view is held to the same extent among Democrats, Republicans, and Independents, and among Humphrey voters as well as Nixon voters. As a matter of fact, all subgroups of the population show overwhelming support for this type of national defense.

Almost three fourths of the public also believe that Congress should approve President Nixon's proposed Safeguard system.

Approval for the Safeguard System also shows no difference by party affiliation or vote in the 1968 election. Once again, large proportions of all subgroups of the population register approval of President Nixon's proposal.

Results of these two questions are summarized below for the total public and shown in detail as follows:

Should the United States have some sort of ABM defense system?

[Total public, in percent]

United States should have ABM defense system	84
Should not have	8
No opinion	8

Should Congress approve the Safeguard System?

Congress should approve Safeguard System	73
Should not approve	10
Depends	3
No opinion	14

"AS FAR AS YOU KNOW, DOES RUSSIA ALREADY HAVE SOME ABM'S IN PLACE AND READY TO USE?"

[In percent]

	Yes	No	Not yet, but will	Don't know
Total public	63	3	1	33
Democrat	61	4	1	34
Republican	67	3	2	28
Independent	67	2	1	30
Men	66	5	2	27
Women	60	2	*	38
White	66	3	1	30
Nonwhite	48	2	2	48
21 to 25 years of age	69	3	0	28
26 to 29 years of age	72	3	1	24
30 to 39 years of age	65	3	1	31
40 to 49 years of age	67	3	2	28
50 to 64 years of age	55	3	1	41
65 years and over	57	4	3	36
Under $5,000 income	55	3	2	40
$5,000 to $9,999	64	3	1	32
$10,000 and over	71	4	2	23
High school incomplete or less	54	2	2	42
High school graduate	66	3	1	30
Some college	73	4	2	21
Union households	68	3	1	28
Nonunion households	61	3	2	34
Catholic	64	4	1	31
Protestant	62	2	2	34
East	62	4	1	33
Midwest	66	2	2	30
South	55	3	2	40
West	73	4	1	22
Cities 1,000,000 and over	67	3	1	29
Cities 500,000 to 999,999	66	3	3	28
Cities 25,000 to 499,999	67	2	2	29
Rural and small towns	58	4	1	37
Metro areas, central city	65	3	1	31
Outside central city	64	4	1	31
Outside metro areas	60	3	2	35
Voted Nixon in 1968	67	3	1	29
Voted Humphrey	64	4	2	30
Voted Wallace	69	0	1	30
Rate administration excellent or good	64	3	2	31
Rate administration fair or poor	66	3	2	29

"PRESIDENT NIXON HAS COME OUT FOR A LIMITED ABM SYSTEM—CALLED THE SAFEGUARD SYSTEM—WHICH IS SUPPOSED TO PROTECT OUR ABILITY TO STRIKE BACK AT AN ATTACKER. DO YOU THINK CONGRESS SHOULD APPROVE THIS SYSTEM, OR SHOULD NOT?"

[In percent]

	Yes, should approve	No, should not approve	Depends	No opinion
Total public	73	10	3	14
Democrat	73	12	2	13
Republican	76	8	3	13
Independent	68	16	3	13
Men	73	14	3	10
Women	73	8	2	17
White	72	12	3	13
Nonwhite	75	5	1	19
21 to 25 years of age	80	12	1	7
26 to 29 years of age	73	12	2	13
30 to 39 years of age	75	10	3	12
40 to 49 years of age	78	9	3	10
50 to 64 years of age	70	11	2	17
65 years and over	65	11	3	21
Under $5,000 income	68	9	3	20
$5,000 to $9,999	77	9	2	12
$10,000 and over	73	15	3	9
High school incomplete or less	72	6	2	20
High school graduate	77	9	2	12
Some college	70	19	4	7

"PRESIDENT NIXON HAS COME OUT FOR A LIMITED ABM SYSTEM—CALLED THE SAFE GUARD SYSTEM—WHICH IS SUPPOSED TO PROTECT OUR ABILITY TO STRIKE BACK AT AN ATTACKER. DO YOU THINK CONGRESS SHOULD APPROVE THIS SYSTEM, OR SHOULD NOT?"—Continued

[In percent]

	Yes, should approve	No, should not approve	Depends	No opinion
Union households	76	12	1	11
Nonunion households	72	10	3	15
Catholic	72	14	3	11
Protestant	75	8	2	15
East	72	12	3	13
Midwest	73	11	2	14
South	75	7	2	16
West	71	13	6	10
Cities 1,000,000 and over	75	14	3	8
Cities 500,000 to 999,999	68	9	4	19
Cities 25,000 to 499,999	74	10	2	14
Rural and small towns	72	9	3	16
Metro areas, central city	75	11	2	12
Outside central city	73	12	3	12
Outside metro areas	71	9	3	17
Voted Nixon in 1968	77	8	3	12
Voted Humphrey	72	16	3	9
Voted Wallace	75	10	4	11
Rate administration excellent or good	75	10	3	12
Rate administration fair or poor	73	13	2	12

"DO YOU THINK THE UNITED STATES SHOULD HAVE SOME SORT OF ABM DEFENSE SYSTEM, OR SHOULD NOT?"

[In percent]

	Yes, should	No, should not	No opinion
Total public	84	8	8
Democrat	83	10	7
Republican	84	8	8
Independent	88	6	6
Men	83	11	6
Women	84	6	10
White	83	9	8
Nonwhite	85	4	11
21 to 25 years of age	88	7	5
26 to 29 years of age	83	10	7
30 to 39 years of age	87	6	7
40 to 49 years of age	89	6	5
50 to 64 years of age	80	10	10
65 years and over	77	10	13
Under $5,000 income	82	6	12
$5,000 to $9,999	86	7	7
$10,000 and over	82	14	4
High school incomplete or less	83	5	12
High school graduate	85	8	7
Some college	82	15	3
Union households	86	9	5
Nonunion households	83	8	9
Catholic	83	10	7
Protestant	86	6	8
East	80	10	10
Midwest	84	9	7
South	86	6	8
West	84	11	5
Cities 1,000,000 and over	81	11	8
Cities 500,000 to 999,999	84	4	12
Cities 25,000 to 499,999	87	8	5
Rural and small towns	84	8	8
Metro areas central city	85	7	8
Outside central city	83	10	7
Outside metro areas	83	8	9
Voted Nixon in 1968	86	7	7
Voted Humphrey	82	12	6
Voted Wallace	87	8	5
Rate administration excellent or good	85	8	7
Rate administration fair or poor	84	10	6

TECHNICAL SURVEY DATA

The universe studied

The universe for this survey was defined as all persons 21 years of age or over living in private households in the continental United States.

Selection of sampling areas

Individuals with whom interviews were conducted were selected entirely by area probability sampling procedures. Through a series of sampling steps, a known probability of selection was assigned to each person in the survey universe. Probability procedures predesignated both households to be included in the survey and specific individuals to be interviewed, removing such choices from the hands of interviewers.

a. The entire area of the United States was divided into about 1,700 primary sampling units. With a few minor exceptions, a primary sampling unit consists of a county or a group of contiguous counties.

b. All primary sampling units were allocated to 86 strata. Each stratum consisted of sets of primary sampling units as much alike as possible with respect to such characteristics as geographical region, size of central city, rate of population growth, and economic characteristics.

c. Because of their size, 22 large metropolitan areas were in strata by themselves and were automatically included in the sample as "self-representing" areas. One sample area was selected in a random manner from each of the remaining 64 strata. Within a stratum, the probability of selection of any one primary sampling unit was proportionate to its estimated population.

Sample segments

A total of 160 sample segments, or interviewing locations, was allocated to the 86 sample areas. Sample segments were small land areas that included an estimated minimum of 80 dwelling units. In urban areas, sample segments were defined as blocks or groups of blocks; in rural areas, sample segments were defined by recognizable boundaries such as roads, streams and other distinct landmarks.

Within a sample area, the probability of selection of a sample segment was proportionate to its estimated population. Several sources were used in estimating the size of each segment. These included Bureau of the Census block statistics and mapping materials as well as special field visits to subdivide Census enumeration districts into segments.

Individual respondents

For each sample segment, the interviewer was provided with a detailed map and instructions for following a specific route through the segment. Each interviewer was required to obtain a specific number of interviews with men and women in each sample segment and was provided with rules for the selection of the respondent in each household contacted. No deviation from the specified procedures was permitted.

Distribution of sample

The number of interviews obtained in each population subgroup of the national sample

Total public	1,508
Democratic	744
Republican	557
Independent	143
Men	750
Women	758
White	1,280
Nonwhite	228
21 to 25 years of age	175
26 to 29 years of age	146
30 to 39 years of age	289
40 to 49 years of age	285
50 to 64 years of age	323
65 years and over	281
Under $5,000 income	467
$5,000 to $9,999	581
$10,000 and over	440
High school incomplete or less	599
High school graduate	496
Some college	413
Union households	396
Nonunion households	1,112
Catholic	401
Protestant	944
Jewish	54
East	385
Midwest	437
South	436
West	250
Cities 1,000,000 and over	437
Cities 500,000 to 999,999	120
Cities 25,000 to 499,999	320
Rural and small towns	631
Metro areas—central city	537
Outside central city	400
Outside metro areas	571
Voted Nixon in 1968	589
Voted Humphrey	450
Voted Wallace	80
Other, did not vote	366
Rate administration excellent or good	763
Rate administration fair or poor	587

Sample reliability

Since the findings presented in this report are based on a sample, they are subject to some error. The table below shows approximate sampling tolerances for various percentages at the 95% confidence level. For example, if we consider a result of 50% based on the total sample of 1508 interviews, we can be 95% sure that the true result is contained within the range 47%–53% (three percentage points above or below the sample result). When percentage results for subgroups of the total sample are being considered, the possible error due to sampling is somewhat greater.

Size of sample on which survey result is based	Approximate sampling tolerances for a survey percentage at or near these levels				
	10 or 90 percent	20 or 80 percent	30 or 70 percent	40 or 60 percent	50 percent
1,500	2	3	3	3	3
1,300	2	3	3	3	3
1,100	2	3	3	4	4
1,000	2	3	4	4	4
900	2	3	4	4	4
750	3	4	4	4	4
600	3	4	5	5	5
550	3	4	5	5	5
500	3	4	5	5	5
450	3	5	5	6	6
400	4	5	6	6	6
350	4	5	6	7	7
300	4	6	6	7	7
250	5	6	7	8	8
200	5	7	8	8	9
150	6	8	9	10	10
100	7	10	11	12	12

CITIZENS COMMITTEE FOR PEACE WITH SECURITY

Current committee members, committee information:

Alan K. Abner, Robert B. Abplanalp, William M. Acker, Albert B. Aldelman, Carl B. Anderson, Louis R. Aragon, Hoyt Ammidon, Fred F. Auerbach, Mrs. Marie Baker, Murray Baron, Ford Bartlett, Travis Beeson, Karl R. Bendetsen, B. E. Bensinger, John J. Bergen, Gerhard D. Bleichen, Elmer Bobst, Fred Bohen, John W. Bricker, Mackintosh Brown, Peter Campbell Brown, Raymond Brown, Courtney Burton, W. Sherman Burns, D. Bruce Burns.

Doug Cairns, E. N. Calhoun, Roy Campanella, Bill Carter, William J. Casey, George Champion, Owen R. Cheatham, Leo M. Cherne, Lucius duB. Clay, Edward J. Clinton, Jr., Gordon S. Clinton, J. D. Stetson Coleman, John V. Connorton, J. E. Corette, L. David Cudlip, Daniel J. Cullen, Francis L. Dale, Paul Davies, William L. Day, Mrs. Gordon Dean, Russell De Young.

George S. Eccles, Dr. Inez C. Eddings, William Elmer, Christopher Emmet, Thomas B. Evans, Jr., Thomas W. Evans, Bayard Ewing, William Ewing, William Ewing, Jr., Paul F. Feffer, James A. Fitzpatrick, Horace C. Flanigan, Lewis Flinders, J. Simon Flour, Robert Flour, J. Clifford Folger, J. Keith Funston.

Joseph F. Gagliardi, Robert W. Galvin, Edward H. Gauer, Harry D. Gideonse, J. T. Gilbride, Harold V. Gleason, Grady Gore, Barbara (Mrs. Robt. W.) Gunderson.

Leonard W. Hall, Ellison L. Hazard, George L. Hinman, Jack K. Horton, Bryan Houston, Walter Hoving, R. Gordon Hoxie, Arthur Hug, Herbert Humphreys, William H. Hunt, Glen L. Jermstad, Sam H. Jones, Donald M. Kendall, Edward H. Lane, William S. Lasdon, Bernard Lasker, Cy Laughter, Morris I. Leibman, Barry T. Leithead, J. P. Levis, Gustave L. Levy, Lawrence Lewis, Jr., Preston Locher, Carl M. Loeb, Jr., Vince Lombardi, Mrs. Oroswald Lord, Clare Boothe Luce, Edgar F. Luckenbach, Jr.

David Mahoney, David H. Marx, John A. McCone, Neil McElroy, Malcolm A. McIntyre, Martin B. McKneally, B. F. McLaurin, Colin Male, Ralph Marcarelli, Jeremiah Milbank, Jr., Roger Milliken, John Mitchum, Arch Monson, Jr., George G. Montgomery, Mrs. Margaret Moore, Alfred J. Moran, Edwin A. Morris, Clinton Morrison, Robert Moses, John Mosler, Henry T. Mudd, John A. Mulcahy, William Hughes Mulligan, Robert D. Murphy.

Leonard J. Nadasdy, Edward Nicholson, James W. Nugent, William J. O'Hara, Frank A. Plummer, Thomas A. Plummer, Martin Pollner, John J. Powers, H. Irving Pratt, Herman P. Pressler, Edwin J. Putzell, Jr., Walter M. Ringer, John W. Rollins, John A. Roosevelt, Richard M. Scaife, J. Fred Schoellkopf IV, John M. Shaheen, Robert F. Six, Spyros P. Skouras, Robert Snodgrass, Mansfield D. Sprague, Edward J. Stack, W. Clement Stone, Lewis L. Strauss, John A. Sutro.

Charles Thomas, Donna H. Tibbertts, E. Mcl. Tittman, Harry Torizyner, Jacques Torizyner, Frank N. Trager, Holmes Tuttle, David Van Alstyne, Jr., Walter E. Van der Waag, Joseph Virdone, Harry Von Zell, Donald S. Whitehead, Richard E. Wiley, King Wilkin, Walter Williams, Nelson Works.

CRIME AND VIOLENCE ON TELEVISION

Mr. PASTORE. Mr. President, recently, as chairman of the Subcommittee on Communications, I wrote to the Secretary of Health, Education, and Welfare, Robert Finch, and requested him to have the Surgeon General appoint a committee to determine whether the presentation of crime and violence on television affects behavior of the viewing public, and the mental health, emotional and social development of the Nation's children.

President Richard Nixon, in a letter dated March 24, 1969, endorsed this program; and on Tuesday, June 3, 1969, the Surgeon General's committee to conduct this study was appointed, and I ask that the announcement listing the individuals be printed in full at this point in the RECORD.

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

Eleven nationally prominent scientists have been named to serve on a committee which will, according to Secretary of Health, Education, and Welfare Robert H. Finch, determine whether the presentation of crime and violence on television affects behavior of the viewing public, and the mental health, emotional and social development of the Nation's children.

Appointed by the U.S. Surgeon General William H. Stewart as members of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior are:

Dr. Ira H. Cisin, George Washington University, Washington, D.C.

Dr. Thomas E. Coffin, National Broadcasting Company, New York, New York.

Dr. Irving L. Janis, Yale University, New Haven, Connecticut.

Dr. Joseph T. Klapper, Columbia Broadcasting System, New York, New York.

Dr. Harold Mendelsohn, University of Denver, Denver, Colorado.

Dr. Charles A. Pinderhughes, Tufts University, Boston, Massachusetts.

Dr. Ithiel de Sola Pool, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Dr. Alberta E. Siegel, Stanford University, Stanford, California.

Dr. Anthony F. C. Wallace, University of Pennsylvania, Philadelphia, Pennsylvania.

Dr. Andrew S. Watson, University of Michigan, Ann Arbor, Michigan.

Dr. Gerhart D. Wiebe, Boston University, Boston, Massachusetts.

Dr. Eli Rubinstein, Assistant Director for Extramural Programs and Behavorial Sciences at the National Institute of Mental Health, has been designated to coordinate the work of the Surgeon General's Committee and the studies it will initiate. The Committee's first meeting will be held in mid-June to consider organizational and research plans for the study.

Senator John O. Pastore of Rhode Island and Secretary Finch are expected to attend the initial meeting. Senator Pastore, Chairman of the Senate Subcommittee on Communications, has a keen interest in the development of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior, and has discussed structure and scope of the study with Secretary Finch. Senator Pastore's recommendations have received the explicit endorsement of President Nixon.

As the Secretary noted in announcing the study, the broadcast industry has been invited to consult in development of this research.

The business sessions of the June meeting will be attended only by the Committee members and the full-time staff connected with the project. Richard A. Moore of Pasadena, California, a special assistant to Secretary Finch, will attend and will maintain liaison with the Surgeon General's Committee for the Secretary's office. Mr. Moore, a lawyer, spent 20 years in television broadcasting, including station and network operations.

The Committee will confine its studies solely to scientific findings, and will make no policy recommendations. It will draw on studies already accomplished and on information now available in the field. The emphasis of the work of the Committee will be to arrive at more definitive results in identifying what the relationships are between television content and social behavior.

Additional information on members of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior:

Cisin, Ira H.—Professor of Sociology and Director, Social Research Project, George Washington University, 2400 H Street N.W., Washington, D.C. Ph.D., 1957, American University. Special interests: Development of mathematical models and improvement of measurement technique for social science.

Coffin, Thomas E.—Vice-President, National Broadcasting Company, 30 Rockefeller Plaza, New York, N.Y., Ph.D., 1941, Princeton University. Special Interests: Propaganda and attitude; social-psychological effects of television.

Janis, Irving L.—Professor, Department of Psychology, Yale University, 333 Cedar Street, New Haven, Connecticut. Ph.D., 1948, Columbia University. Special interests: Psychological reactions to objective danger situations; attitude change, decision making.

Klapper, Joseph T.—Director of Social Research, Columbia Broadcasting System, Inc., 51 West 52nd Street, New York, N.Y. Ph.D., 1960, Columbia University. Special interests: Mass communication; attitude change; public opinion; social science methodology.

Mendelsohn, Harold—Professor, Department of Mass Communication and Director, Communication Arts Center, University of Denver, Denver, Colorado. Ph.D., 1956, New School for Social Research. Special interests: Sociology of Mass Comunication; motivation; attitude; public opinion.

Pinderhughes, Chas. A.—Associate Clinical Professor of Psychiatry, Tufts University; and Lecturer in Psychiatry Harvard Medical School. 82 Marlborough Street, Boston, Mass. M.D., 1943, Howard University. Special interests: Effects of ethnic group concentrations on the education process.

Pool, Ithiel de Sola.—Professor and Chairman, Political Science Department, Massachusetts Institute of Technology, Cambridge, Mass. Ph.D., 1952, University of Chicago. Special interests: political opinion and propaganda.

Siegel, Alberta E.—Associate Professor of Psychology, Department of Psychiatry, Standford University Medical School, Standford, California. Ph.D., 1955, Standford University. Special interests: Methodology in child study; social psychology in childhood.

Wallace, Anthony F. C.—Professor and Chairman, Department of Anthropology, University of Pennsylvania, Philadelphia, Pennsylvania. Ph.D., 1950, University of Pennsylvania. Special interests: Human behavior in disasters and other stress situations.

Watson, Andrew S.—Professor of Psychiatry and Professor of Law, University of Michigan. M.D., 1950, Temple University. Special interests: Theory and treatment of family emotional problems.

Wiebe, Gerhart D.—Dean, School of Communications, Boston University, Boston,

Massachusetts. Ph.D., 1942, Ohio State. Special interests: Mass media, communications research.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

DEEP TROUBLE OF OUR RAILROADS

Mr. YOUNG of Ohio. Mr. President, last month marked the 100th anniversary of the joining of the Central Pacific Railroad with the Union Pacific Railroad. This was the first great step in the unification of all the States and territories of the United States. For the first time in our history there was direct and comparatively rapid transportation connecting States along the Atlantic Ocean with sister States and territories in the Far West. That meeting at Promontory Point, Utah, May 10, 1869, when a golden spike was driven in a railroad tie of the Union Pacific Railroad, marked the historic advent not only of unification but ushered in a new era of unparalleled growth and settlement of all States and territories of our Nation.

Unfortunately, but surprisingly, a century after this great historic achievement all the railroad corporations in our country are in trouble—big trouble. Railway stations in cities, towns, and villages throughout the Nation are practically deserted. During the past 10 years more than 1,000 passenger trains have been discontinued. It is a fact that highways, both intrastate and interstate, and turnpikes extending through many States have fast become overcrowded by interurban buslines and nationwide bus companies and with millions of automobiles taking entire families on pleasure trips for the reason that riding on trains is far from a pleasure. Our highways and turnpikes are really becoming crowded with traffic just as quickly as these roads are completed. Also, at the same time, airports and air terminals in practically every city of the United States are very frequently crowded beyond capacity, and air traffic both of passengers and freight has been steadily increasing throughout the past 30 years with more airlines regularly scheduling more intercity passenger planes in operation.

Virtually nothing seems to have been done on the part of railroad officials and members of the Interstate Commerce Commission and the governing officials of our 50 States to reverse this trend and to correct this problem of a lack of passenger coaches on our numerous railroads. An experimental high-speed metroliner has been installed between Washington, D.C., and New York City, but this constitutes only a small beginning toward what must eventually be done to preserve our railway passenger system.

With our population growing by more than a million people every year, our railroads should be expanding each year instead of eliminating or diminishing their services.

Crowded, poorly ventilated, dirty coaches give convincing evidence that railroad officials regard passengers as necessary evils. They make their money carrying freight. Their attitude is, to quote the statement of a pioneer railroad magnate, William H. Vanderbilt, "The public be damned." Many coaches on our passenger lines are candidates for the junk heap. An undue length of time is consumed in traveling from one city to another and schedules are poorly observed. Trains invariably arrive at their destinations behind schedule time.

Recently, three of my constituents, a couple and their grown daughter, whom I know personally, made a trip to California. Although they usually travel by air, they decided that it would be an enjoyable change to take the scenic route advertised by the Great Northern Railway. They anticipated a very leisurely, relaxed, and enjoyable trip. May I relate their actual experience.

The bedrooms assigned to them on the train were so cramped that it was necessary for all three to take sleeping pills in order to have a decent night's sleep. They informed me that the food was not as good as that purchased in any moderately priced restaurant in Cleveland, but that the prices were exorbitant. The coaches were untidy and uncomfortable. As if this were not enough, the train arrived in San Francisco 7 hours late. This is just one example of thousands which I am sure could be related by other railroad passengers. It is no wonder that people shy away from traveling by train whenever possible and utilize more comfortable and reliable modes of transportation.

In contrast, in Italy it is a pleasure to ride on the Rapido, a bullet-shaped train making the long trip from Rome to Milan in 6 hours. This train is beautifully decorated, has new coaches with artistic panels, and passengers are offered expresso coffee and excellent food. The cost of making this 400-mile trip is less than air fare. It is a trifle more than passengers pay on slow trains.

The relatively new railway in Japan linking Tokyo and Osaka is the world's most modern system of rail transportation. The new trains, powered by electricity, travel at a top speed of 125 miles an hour. They have reduced by a third the time it takes to travel the 250 miles between Japan's two greatest cities. It constitutes the ultimate in efficiency and economy in passenger train service. Considering the time required to travel from cities to their airports, this train can transport 978 passengers between these two cities in the same length of time that a Boeing 727 jet can fly 124 passengers. The Tokyo-Osaka line makes most of our railway systems as outdated as flintlock muskets, ladies' bustles, mustache cups and Civil War cannons.

One would think that under our free enterprise system railroad presidents would be ahead of officials of Italian and Japanese railroads. In efficiency and comfort, there is no comparison.

In the State of Ohio, railroads employ more than 55,000 men and women. Their annual payroll exceeds $80 million. An important part of this industry's materials and supplies, totaling a billion and a half dollars annually, are manufactured in Ohio. Their contribution to the welfare and prosperity of the State is important. To Ohioans, and to all Americans, it is of the utmost importance that railroad problems be solved—that railroad officials respond to the demands of the times, offer good and fast service to people, attempt to accommodate prospective passengers, and go all out to keep travel on a reasonably accurate schedule.

Mr. President, evidently our railroad officials, who are as far behind the times as are governing officials and people of underdeveloped countries to which we send Peace Corpsmen, should ask our Government to invite officials of Italy and Japan to send a reverse of the Peace Corps to the United States to teach our backward railway officials and operators how to take proper care of passengers, and thereby earn money for dividends for their stockholders. Why, in a country which sent men into outer space and returned them safely, have we failed to provide comfortable railroad trips from Cleveland to Cincinnati, and from New York to Washington, and from Washington to San Francisco, to cite examples?

Passenger train service is more and more becoming a greater necessity, especially in our large metropolitan areas. Unless railroad executives immediately begin taking action to improve and expand this service, we may soon find ourselves in a transportation crisis of great severity.

Mr. President, in the May 10, 1969, edition of the Akron Beacon Journal, one of the great newspapers of Ohio and the Nation, there appeared an excellent editorial entitled "Meeting of the Rails," deploring the present condition of our railway passenger service and of our vanishing passenger trains. I commend this editorial to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

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

MEETING OF THE RAILS

Today at Promontory, Utah, history fans and railroad buffs are reenacting one of the most notable events in American history, the completion of the Pacific railroad on May 10, 1869. At 12:47 p.m. the telegraph was to spell out the same message that electrified the nation a century ago:

"Done! The last rail is laid. The last spike is driven. The Pacific railroad is completed. The point of juncture is 1,086 miles west of the Missouri River and 690 miles east of Sacramento City."

The picture of this historic event is familiar to almost every school child—the Central Pacific diamond-stacked engine on the left and the Union Pacific's on the right, with trainmen sharing drinks on the cowcatchers of each engine. A host of dignitaries were there to drive the golden spike, last of the tons of spikes that held the miles of rail in place. The spike, now in Stanford University's museum, bears these words: "May God continue the unity of our country as this railroad unites the two great oceans of the world."

Actually the spike-driving ceremony was a farce. President Leland Stanford of the Central Pacific tried and failed. Union Pacific's Thomas C. Durand picked up the maul and missed the spike. An unidentified professional gandy dancer finally drove the last iron spike home.

The meeting at Promontory Point ushered in the golden age of American railroading. Passengers in palace cars, and some not so palatial, raced across the nation at 22 miles an hour. Mail, freight, food and livestock moved by rail.

East and West were linked in commerce and in progress.

A century later, American railroads face a crisis. During the last ten years more than 1,000 passenger trains have been discontinued. Railroad stations are practically deserted. Chicago is abandoning its elegant, marble-floored Grand Central station. Highways are jammed. Airports are crowded.

Railroads depend upon freight for 90 pct. of their $10.8 billion operations. There is hope, however, in the high speed metroliners in carefully selected runs. And there are still many persons who, like Mrs. Mamie Eisenhower, prefer train travel to the auto and the jet aircraft. But the number is dwindling.

Americans in a hurry are the losers. For a truly enjoyable transcontinental trip, the remaining passenger trains offer comfort and sometimes a measure of luxury, plus the fact that one can really see the country from a train window. Those who fly far above Raton Pass miss the thrill of the Santa Fe's climb over the Rockies, and the glimpses of Indian life deep in the reservations. Only those who travel by Denver and Rio Grande Western's trains can fully appreciate the glorious, awe-inspiring beauties of the Royal Gorge as it slices through the mountains.

How can one vicariously relive the Wild West of Dodge City, Abilene and Medicine Bow from a jet five miles up? Or watch cowhands working cattle, or a flock of sheep moving to higher grasslands? It can be done by car, of course, with even longer layovers, but train travel is less hazardous and less tiring.

On this anniversary of the meeting at Promontory Point, may we suggest a vacation trip by train? Take it now. In a few years, it could be just a memory.

THE COMMENCEMENT ADDRESS BY WILLIAM AMORY UNDERHILL AT STETSON UNIVERSITY COLLEGE OF LAW, ST. PETERSBURG, FLA.

Mr. HOLLAND. Mr. President, the Honorable William Amory Underhill, a former Assistant Attorney General of the United States and now a prominent Washington attorney, recently delivered at St. Petersburg, Fla., the commencement address at the Stetson University College of Law of which he is a distinguished alumnus. Mr. Underhill's address entitled, "A Point of Order," was so timely and well received that I should like for all Senators to have an opportunity to read it. Accordingly, I ask unanimous consent that the address be printed in the RECORD.

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

A POINT OF ORDER

(Remarks of William Amory Underhill before the graduating class, commencement exercises, the Stetson University College of Law, St. Petersburg, Fla., May 31, 1969)

Let us assume that, instead of being at this commencement exercise this morning, we are attending a convention of 200,000,000 Americans. The purpose of the convention? To consider ways—means—and procedures to establish justice—to provide for the common defense—to maintain domestic tranquility—and to secure the blessings of liberty to ourselves and our posterity.

Because of the crowds, we have a portable television set to follow the action. Let's tune in to the coverage of this convention. We see a delegate rising to his feet to be heard. The Chairman says, "The Chair recognizes Mr. Militant," Mr. Militant speaks:

"Mr. Chairman, America is a sick society. Every delegate to this convention must get a gun and take part in the revolution. We must free our brothers, who are the prisoners, having been arrested for alleged crimes by 'honky' cops. We must fight against racism and imperialism. The Government of the United States is racist and imperialistic. Therefore, we must take arms and fight against the Government of the United States."

Shouting begins.

The Chairman—raps for order—then recognizes another delegate.

"Mr. Chairman" begins this member. "The other speaker is right. Power is the only solution to our problems. There have been no meaningful social changes without violence and war.

"In addition, no American should be required to serve his country militarily or otherwise unless he voluntarily chooses to do so. Every citizen should have the right—to obey—only those laws which they personally consider just, and totally disregard those with which they disagree."

Hissing begins along with amens.

Another delegate on the floor grabs a microphone—"Mr. Chairman—Mr. Chairman" he begins. "Mr. Chairman what we need are more protections for people charged with a crime, more safeguards for the individual, against the oppressive forces of the State, more lenient treatment of those who commit crimes, and total citizen control of the police and courts so that we can then subject them to the will of each one in the community. Due respect—we'll think about that later."

The convention breaks into noise and confusion—brother against brother—faction against faction—each pressing his point of view—but wait—

The television cameras pick up a man coming to the rostrum—who—it is—Lincoln—no—Roosevelt—no—Mr. America—yes—

He speaks—"Mr. Chairman—I rise to a *point of order*—I represent the overwhelming majority of the delegates to this convention. Keeping in mind the purpose for which this convention was called—how are we going to unite for the common defense when delegates here propose—battle of citizen against citizen—and race against race? How can we establish justice for all, if we, as prior speakers have suggested, take the law into our own hands, obey what we like—oppose all others—so that the criminal is not only protected but is encouraged to continue his career and to recruit others into his well-paid, well-protected, secure profession? How are we to maintain domestic tranquility if each citizen may disregard laws with which he does not agree, even though he violates the rights of others? And, how long will any tranquility endure when delegates advocate armed rebellion and destruction of this republic? How will we secure the blessings of liberty to ourselves and our posterity if proposals of the previous speakers are adopted?

Mr. Chairman, I rose to speak on a point of order, but as some previous delegates have spoken out in attempting to gain control and leadership of this convention—I now ask that *for once* this convention hear the voice of the law-abiding citizens of this country, who though usually silent, possess the power of this nation.

Ladies and gentlemen, I ask you—have we today—reached a point of order—legal or non-legal—in our society? Is each citizen secure, in his home—streets—community? Can he assume that the orderly processes of business, Government, and his private affairs can be reasonably expected to proceed with interruption by violence, or unlawful trespass by others?

I maintain it is clear we are not a house in order.

Professions—Lawyers—Judges—Mr. Average Citizen have made unprecedented progress in the last century of this nation. But, at the same time, there are those among us who oppose with such unbridled force and vigor, the individual freedoms and constitutional guarantees upon which this nation was founded, that it is sounding the alarm—wake up America. You must do something about—campus riots—crime in the streets—shyster lawyers and crooked judges.

Even with the superior accomplishments of the Attorneys General—The F.B.I.—The Secret Service—Sheriffs and local law enforcement agencies—serious crimes have reached the staggering rate of over three and three-quarter million, each year. We now average more than one murder each hour, three burglaries each minute, around the clock, every day. During the time I am speaking to you this morning, thirty automobiles will be stolen. In addition to the soaring crime rate, we are experiencing levels of disrespect for law and legal processes unparalleled in our history. Personal and property rights don't even exist.

One of the things I am referring to that has placed us on the road to anarchy is the doctrine of civil disobedience. There are those, as you have experienced in this convention, who proclaim that the only effective means of making social changes is through violence. They would cite you—The American Revolution and the Boston Tea Party, as examples. Their efforts in this regard are nothing more than an attempt to legitimatize violence by stating it's effectiveness. Those who hold that there have been no meaningful reforms in the world without violence have a tremendously distorted and biased view of history.

The American Revolution and The Boston Tea Party were not concerned with reforming the existing Governmental structure: they were concerned with the total destruction of existing Governmental relationships and total replacement of that Government with the formation of a new, free nation. Those who advocate violence and thereby attempt to legitimatize it by stating its effectiveness are not aiming at adjusting the social inequities in our society, they are aiming at it's total destruction.

Has civil disobedience made a significant contribution to the crime problem? Will it fester and foster criminal activity in the next generation? I would answer, yes, definitely. Statistics are unavailable, but logic confirmed by law enforcement's long experience says simply this: any creed or action which promotes disrespect for law and encourages disobedience to constituted authority produces law breakers.

Those who point out Olde England's Pickpocket on Tyburn Hill lifting purses from the crowds attending public hangings and point to todays repeat offender as the basis for the proposition that punishment is not a deterrent to crime, lose sight of the fact that it is the certainty of punishment, more than the degree of punishment which is the deterrent.

For example, assume 100 burglaries have been committed and reported to the police. Current statistics show—20 will be solved by identification and arrest. Of those 20 only 15 will go to court, the charges on the other 5 will be dropped due to lack of evidence, illegally obtained evidence, lack of a prosecution witness, or other similar circumstances. Of the 15 taken to court, only 8 will be convicted, and, of this 8, 4 will receive leniency in some form—such as probation or a suspended sentence. This leaves 4 out of the original 100 who will actually be confined. The other 96 will join those others on the streets, including those who commit burglary which was not discovered by or reported to the police, and 74 percent of these individuals will repeat their crime within 30 months.

This ladies and gentlemen, is the fabric

from which the pattern of today's crime rates are cut.

To change this pattern will require a willingness to change it, or, even more, an enthusiastic determination to change our present methods and renew our dedication to law and due process because the institutions which carry out and give life to our basic principles have been neglected for far too long. These principles themselves are under attack today. It is not the principles which are wrong—it is the manner of their application. Our principles and our institutional concepts were sound in 1776—and they are sound in 1969.

There are those who cannot conceive that America could disappear—yet, history records nations have disappeared, that civilizations have died, that nations once strong have faded into oblivion. But—history also tells us that great nations perished not because of overwhelming external forces but because of internal decay, because of the inability of the people and the institutions to preserve their laws and moral standards and to pass them along to each new generation.

We are becoming indifferent to moral law and greedy about financial status. We accept the advantages but do not maintain the standards. Our lives are becoming frustrated and if we do not call a halt and start reaching for attainable ideals like sincerity and integrity, we will certainly lower ourselves into flabiness, boredom and self-destruction. America is very rich, but we are not very happy—we are not having a good time. Our lives may sink into a vacuum—empty of the kind of purpose and effort that gives to life its true meaning and flavor.

If our institutions, our concepts, our principles have all proven sound—what is wrong with the manner of their application? The administration of criminal justice should very naturally be of a deep and abiding concern to you as lawyers, because you are, or should be, the architects of the law. Both our substantive and procedural laws determine when—where—why—how and manner of the application of our basic principles.

The civil disobedients of today are not attempting to reform the criminal law. They are not peacefully violating a single statute in order to satisfy the procedural requirements of having a case or controversy which can be brought before a court of competent jurisdiction to adjudicate the constitutionality of a statute. These few are attemping to enforce their will upon the majority by violence, mob pressure, and hoodlum tactics.

The legal profession, the architects of the law, can stop this rushing tide of violence by insuring that orderly procedures for change are available to the citizenry. For example, perhaps we should explore the possibility of a procedure whereby the constitutionality of a statute can be judicially determined without the statute having to be first violated by a citizen. Perhaps we should consider declaratory judgment criteria in the field of criminal law.

In addition, we should insure that reasonable, effective procedures are available which will greatly increase the certainty of apprehension and punishment should a constitutional criminal statute be violated. There are many avenues to be explored in this area. For instance, many feel that unanimous jury verdicts put the prosecution to a stronger test than the reasonable doubt standard: that the test becomes one of beyond any doubt whatsoever. Also, in most, if not all, States, an officer cannot secure a search warrant for items which the courts call 'mere evidence', of a crime, even though the Supreme Court has said it is constitutionally permissible for the officer to do so. In some States, an officer cannot secure a search warrant for a gun used as the murder weapon even though he positively knows where the gun is located.

To reduce violence between the police and the individuals whom they are attempting to arrest, should we not give consideration to changing the general rule that an individual has the right to resist an unlawful arrest and may use such force as is necessary to effect his escape?

Some prominent individuals and legal scholars, even judges and prosecutors, have said that court decisions have no effect on crime—one has said 'court decisions have about as much effect on the crime rate as an aspirin does on a tumor of the brain'.

I know of no diplomatic way to say those statements are false. Court decisions do affect crime rates. I don't mean that after the decision, criminals sit down and study the opinions to figure out loopholes to commit crimes. Not at all.

What I mean is this: when courts release criminals back to the streets through technicalities and new rules of evidence, we know from experience and recidivism and studies by the F.B.I. and other authorities that over 80 percent of those acquitted or dismissed will commit a new crime and be rearrested within 30 months as will 47 percent of those released on probation.

In addition, when an admitted criminal is turned loose on technicalities, citizen respect for legal processes suffers a tremendous setback. The average citizen, though he may be law abiding himself, sees this as a direct violation of his sense of right and wrong, and he begins to feel contempt for the administration of justice.

There is a great deal of talk today about reforming the police, about manpower and equipment, better training and higher salaries. These are definitely necessary, but Sir Robert Peel, the great founder of Anglo-Saxon police organization and techniques, long ago noted the profound inter-relationship between a reformed criminal law and a reformed police. Asked to consider plans for rationalizing police protection in England he first found it necessary to undertake a major reform of the criminal law itself. As a leading British police historian noted:

"Peel realized what the criminal law reformers had never done, that police reform and criminal law reform were wholly interdependent: that a reformed criminal code required a reformed police to enable it to function beneficially, and that a reformed police could not function effectively until the criminal and other laws which they were to enforce had been made capable of being respected by the public and administered with simplicity and clarity."

There is also a profound relationship between human values and property values and this relationship today is being twisted, rationalized and subverted. The relationship between human and property values manifests itself in many ways in our republic. For example, the right of free speech and free expression under the first amendment is supported by the right to own and publish a newspaper, to own pen and paper, books and materials. The right of free worship is a hollow right unless you are permitted to have a church and a place to worship. The right to assemble and petition is severely curtailed if there is no place for the concerned citizen to gather. All human rights are supported by and find meaning in property rights. A totalitarian government strips the individual of his property right and he cannot, therefore, exercise his human rights. The total disregard by many people in cities across the land for the property rights of others effectively destroys their human rights and therefore effective liberty under the law. This trend toward anarchy must be reversed as we know anarchy is the rule of a thousand tyrants and anarchy welcomes tyranny as a respite."

All of us have a responsibility—but the lawyers of this nation should be held especially accountable to make the delegates to our imaginary convention see the law as a creative power—not as a repressive force. This is particularly true of the criminal law. Our people must understand, and the criminal law must reflect, the proposition that the criminal law creates and secures freedom rather than suppresses individual liberty.

The delegate representing the majority at our hypothetical convention spoke of a point of order. We should also speak of a point of disorder. I am certain there is a point of lawlessness beyond which a free society cannot stand. There is a point where disrespect for law, disobedience to authority, and fear of criminal action will so erode the rule of law that democratic institutions cannot survive. Exactly where that point is, or when, or if it will be reached, no one can say. We now have about 2 victims of serious crimes for each 100 persons in this country. Perhaps the breaking point will be reached when we have 5, 8 or 10 citizens per 100. Again—I warn you—no one knows the exact breaking point. *But it is there.*

Let's again turn our attention to the convention floor. The delegate of the majority is still speaking. Let's listen:

"Mr Chairman, I rose not only to a point of order, but to plead for order. Many of the delegates who have been heard are not representative of the people. They carry fraudulent credentials. They seek their own selfish ends—not humanity's progress. They serve tyranny—not liberty. They advocate anarchy—not justice. Mr. Chairman, we must repudiate these delegates and their positions of lawlessness. We have given them a forum from which to speak and to petition, but in return, they advocate reducing the forum to ashes beneath our feet. They preach not liberty, and justice under law—but—disorder under anarchy.

What is the law for one must be the law for all. Adherence to the law must be the first insistence of a democracy. Law is both the mother and father of freedom and liberty—peaceful order runs interference for progress.

True—there are outdated laws—they should be changed by legislation. There are injustices—they should be corrected by legitimate, lawful dissent. Improvements—are always needed—they should be brought about by rational debate—by casting ballots in a free election—not—by throwing molotov cocktails or student riots.

Mr. Chairman, I ask that we re-state our dedication to the purposes for which this convention was called—namely—to repudiate anarchy—revolution—and civil disobedience as the road to peace and order—to insist that everyone be made certain that he will be held responsible for the natural and probable consequences of his acts. And—to demand that the law be swiftly, effectively and impartially applied in all cases within a modern—logical—system of justice."

If every delegate to this convention were polled and asked to cast a secret ballot—what—would the returns show?

I am firmly convinced that this delegate speaks for the overwhelming majority of our citizens, and I sincerely believe he correctly states the requirements for our society to reach and maintain a point of order. Of course, we will never reach that point without the complete support and dedication of the law-abiding citizens—law enforcement acting alone, the courts acting alone, or the legislatures acting alone, will not bring us to that point. But the lawyers of this nation—the architects of the law—with their deep knowledge of democracy's structure, their pragmatic appreciation of liberty under law, and their deep commitment to due process—have the grave responsibility for, and the capacity for, *leading this nation*—to a point of peace—prosperity—and order.

POSTPONEMENT OF MINERALS HEARINGS

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee, I announce that the public hear-

ings on S. 719, to establish a national mining and minerals policy, have been postponed to July 9. This hearing was originally set for June 11.

This measure is sponsored by the able Senator from Colorado (Mr. 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.

The hearings will open at 10 o'clock on July 9, in the Interior Committee hearing room, room 3110, New Senate Office Building.

PRESIDENTIAL PANEL REPORT ON THE SANTA BARBARA OIL SPILLAGE

Mr. MOSS. Mr. President, recently, the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee held 2 days of public hearings on S. 1219, a bill sponsored by the very able junior Senator from California, Senator CRANSTON, to terminate all drilling for oil in the Outer Continental Shelf off Santa Barbara.

A number of experts and dedicated persons made vigorous presentations to the subcommittee setting forth diametrically opposed interpretations of the facts—there was even disagreement as to the facts—and sharply conflicting views on the Santa Barbara tragedy. Of primary concern to our subcommittee was what could be and should be done to remedy the present leak, and how to prevent a recurrence. The transcript of the hearings in the process of being printed, and the information and views in them will, I know, be most helpful to the Members of Congress in making decisions as to what course of action should be taken in the public interest.

Shortly after the Santa Barbara tragedy, a special panel to study the situation was appointed by President Nixon to study the leak, or blowout, on the Federal lease operated by the Union Oil Co. and from which the spillage originated.

This panel was under the direction of Dr. Lee A. DuBridge, science adviser to the President.

On Monday, Dr. DuBridge released the panel's report. So pertinent is this report to issues involved in the legislation now pending before the Congress that I ask unanimous consent to have the text of the report, together with Dr. DuBridge's statement and the panel membership printed in the RECORD.

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

NEWS RELEASE FROM EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY, JUNE 2, 1969

Dr. Lee A. DuBridge, Science Adviser to the President, today released a report which calls for the withdrawal of oil as rapidly as possible to reduce pressure and to "forever prevent future spillage" from the Repetto reservoirs off Santa Barbara, California.

The report and a memorandum to President Nixon were released by Dr. DuBridge at a Washington press conference. Dr. DuBridge was joined in the press conference by Dr. William Pecora, Director of the U.S. Geological Survey and Professor Hamilton M. Johnson, Chairman of Tulane University's Department of Geology. Dr. Johnson is a member of the special scientific panel formed to study the future of the Union Oil lease off Santa Barbara.

The study headed by Dr. John C. Calhoun, Vice President of Texas A & M University resulted from the oil blowout on January 29, which caused oil to spread widely over the Santa Barbara Channel and adjacent beaches.

Dr. DuBridge made the following statement:

"On April 7th the President, acting on the request of the Secretary of the Interior, Walter J. Hickel, directed me to assemble a special panel including suitable experts in geology, petroleum engineering and reservoir management to make recommendations to him about future steps that should be taken on the Union Oil lease. The President is deeply concerned over the necessity to preserve our national resources."

A panel of experts representing all phases of the problem was assembled and met in Los Angeles on May 12th and 13th. I instructed the Panel that "In evaluating the various plans highest priority must be given to the absolute need for the prevention of oil spillage resulting from drilling. Any plan must provide safety factors which will minimize hazards of further oil pollution.

"The Panel has completed its report and submitted it to me, copies are available. It is my conclusion that it has carefully considered the problem and I concur with its recommendations. I believe this plan is one which will reduce to the minimum present and future hazards of oil leakage. The report has been transmitted to the President and at his request I have transmitted it to the Secretary of the Interior for his consideration and implementation.

"I am aware that some have urged withdrawal from this oil bearing structure immediately. The Panel concludes that this would be hazardous at the present time, and would not provide a permanent end to the oil leak."

The Panel Report, a letter from Dr. DuBridge to the President forwarding the report and the list of Panel Members was made available at this time.

REPORT OF SPECIAL PANEL ON THE FUTURE OF THE UNION OIL LEASE

The Panel believes that it is less hazardous to proceed with development of the lease than to attempt to seal the structure with its oil content intact. In fact, the Panel is of the opinion that withdrawal of the oil from the Repetto zone is a necessary part of any plan to stop the oil seep and to insure against recurrence of oil seeps on the crest of the structure. The Panel concludes that it would be hazardous to withdraw from this lease at the present time.

It would be inappropriate for this Panel to recommend a detailed program to stop the seepage and reduce the formation pressures. It would be equally inappropriate to attempt to manage such a program from this Panel. Nevertheless, a definite order of priorities should be established. The Panel recommends the following order of priorities:

1. Contain and control oil seepage through the use of underwater receptacles or other suitable methods.

2. Seal off, or reduce as much as possible, the flow from existing seeps through a program of shallow drilling (above the "C" marker), pumping and grouting.

3. Review the possible earthquake hazards and take necessary actions.

4. Attempt, through an oil withdrawal program, to determine the degree of interconnection between levels of the Repetto formation.

5. Reduce pressure throughout the reservoir to hydrostatic or less and maintain pressures with water injection, if needed, to minimize subsidence.

6. Deplete all Repetto reservoirs as efficiently and rapidly as possible consistent with safe practices.

It may be that the first four or five priority items can be pursued simultaneously, but the Panel wishes to emphasize the order of importance. The Panel recommends that the program be carried out under close supervision of the Department of the Interior. The Union Oil Company should be asked to supply additional detailed information as necessary.

To implement the recommendation for close supervision of the lease development the Panel recommends that a smaller group of consultants be made available to the Department of the Interior on a continuing basis to assist and advise as detailed questions arise in the course of the program. We recommend further that the Department of the Interior consider whether additional supervisory personnel from the U.S. Geological Survey may need to be assigned to this particular program.

The Panel notes that this oil structure underlies the adjoining Sun Oil Company lease as well as the Union Oil Company lease. Good conservation practices require that the development of these leases be considered together. The Panel strongly recommends that unitization be practiced. Consideration should be given to pressure reduction from operations at the western end of the Sun Oil lease.

The Panel wishes to thank the staff of the U.S. Geological Survey and the Union Oil Company and their partners for cooperation and for the large amount of data made available to the Panel for consideration.

JOHN C. CALHOUN, JR.,
Chairman.

MAY 27, 1969.

MEMBERS OF SPECIAL PANEL ON THE FUTURE OF THE UNION OIL LEASE

Chairman: Dr. John C. Calhoun, Jr., Vice President, Texas A&M University.

Mr. Roy Bobo, Roy Bobo Engineering.

Mr. Lloyd S. Cluff, Woodward-Clyde and Associates.

Dr. John Craven, Chief Scientist, Special Projects Office, Navy Department.

Professor Murray F. Hawkins, Jr., Head, Department of Petroleum Engineering, Louisiana State University.

Professor Hamilton M. Johnson, Chairman, Department of Geology, Tulane University.

Mr. William R. Lorman, Naval Civil Engineering Laboratory.

Dr. Gordon MacDonald, Vice Chancellor for Research and Graduate Affairs, University of California, Santa Barbara.

Mr. Ross McClintock, Fluor Corporation.

Dr. Henry W. Menard, Scripps Institution of Oceanography.

Dr. Carl H. Savit, Western Geophysical Company of America.

OST Staff: Dr. John S. Steinhart, Mr. Howard H. Eckles, Dr. David A. Adams (Marine Science Council).

MEMORANDUM FOR THE PRESIDENT,
MAY 27, 1969

(By Lee A. DuBridge)

Subject: Santa Barbara Oil Problem.

You will recall that, at the request of Secretary Hickel, you authorized me to establish an expert panel to examine into the current oil drill operations in the Santa Barbara Channel and to recommend such actions, particularly on the part of the Union Oil Company and its associated companies, which would:

(a) reduce the present oil seepage, and

(b) give maximum possibility of avoiding future oil spills.

Our panel consulted at length with petro-

leum engineers, with members of the U.S. Geological Survey and other experts in the field, and their report is transmitted herewith.

The panel recognized at the outset that there are a variety of different procedures that might be considered ranging from:

(a) immediate suspension of all oil drilling and pumping operations in the vicinity of the Union Oil platform, sealing up if possible existing leaks and abandoning the operation to:

(b) proceeding to pump the oil as rapidly as possible to remove the oil and reduce its pressure and thus forever prevent future spillage.

There are, of course, a variety of intermediate procedures that might be examined.

The panel has concluded that the maximum safety would be attained by proceeding approximately in accordance with alternative b. Specifically, they recommend that suitable structures be placed over existing leakage areas so the oil now leaking can be contained and that removal of the oil from the various layers under the Santa Barbara Channel be expedited in order that pressures be reduced which force the oil upward into the ocean, with the eventual idea of removing the oil from the reservoir.

It is further recommended that all of these procedures be carried out under careful expert supervision by the Department of the Interior and especially the U.S. Geological Survey, together with such additional experts as are needed from nongovernmental sources.

I believe the OST panel has carefully considered the problem, and I concur with their recommendation and believe it is one which will reduce to a minimum current and future hazards of oil leakage.

This report is being transmitted to Secretary Hickel for his approval and implementation. I suggest also that the report be released by the Office of Science and Technology. The attached memorandum is for your approval.

WATER FOR A THIRSTY CONTINENT

Mr. MOSS. Mr. President, I wish to invite attention to an article entitled "Water for a Thirsty Continent" which appeared in the April 1969 issue of Irrigation Age. It is a condensation of the "Western States Water Augmentation Concept" by Lewis G. Smith. The condensation itself was prepared by Joe H. Smith, Jr.

The thesis of the augmentation concept is that the greatest challenge facing the country today, waterwise, is to overcome the scarcity of water in the western part of the United States. Its conclusion is that we must work together to bring water from water-rich areas like Northwestern Canada and Alaska to the United States.

It stresses that since Canada is faced with the same kind of water problems as the United States, we should join hands in intercontinental transfer of water so we can assure ample supplies to the Southern Canadian provinces, where water is short, and to the western half of the United States, particularly the southwestern area, where we will be out of water in a few years if we do not find some way to augment our supply.

As Members of this body well know, I have been advocating intercontinental transfer of water from areas where water is surplus and can be harvested on a sustained-yield basis, to areas which stand on the brink of a water famine through proposals such as the Smith plan or one of the other five or six proposals including one called the North American Water and Power Alliance—NAWAPA. The Irrigation Age article makes many of the same points I have made over and over again.

I ask unanimous consent to have the article printed in the RECORD.

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

WATER FOR A THIRSTY CONTINENT

(By Joe H. Smith Jr.)

If many parts of North America are to reach their full potential in supporting future generations, they must obtain more water. It is simple as that. Unless steps are taken and taken fast, to shift existing supplies from wet to dry regions, soon there will not be enough water or food to provide even creature comforts.

Man is responsible for the resources placed in his trust, and he can discharge this responsibility only by conserving what he has now and planning wisely for the future. Not only is he responsible for providing basic food and fiber, but for maintaining the beauty of his land—its mountains, streams, lakes—and valleys. Water is the key to a happy, prosperous future.

Water demands in the future depend upon three factors:

(1) Population;

(2) Average water consumption per person each day; and

(3) Proper management of water, both for primary use and recreation.

Population growth figures for North America and the world are staggering. Where will the people be in 20, 50, or 200 years from now? Why will they be there? Wherever they are, large amounts of water must be provided.

In 1965, 1900 gallons of water were needed each day for each person in the United States. To meet increasing critical demands, water will have to be reused as often as possible. Probably in years to come, water will be used four times on the average.

However, whether more water per person will be needed in the future is only a guess. It could be that inventions, education and research will make it possible for people to get along with less water. Where the centers of population are located in the year 2000, for example, will have an effect on water needs. But for present studies, facts known now will be used as a basis for predicting future water needs and what to do about those needs.

Man has always thought of water first when he planned a move, and water is still the magnet. But in the past, when population was no item, there was plenty of water for man to live in a wider range of choices. To relieve the crowded conditions in cities, however, man may be required to live in places he once passed up for one reason or another, because of climate, lack of building materials or transportation. But wherever he goes, water must be provided. It is reasonable to believe that many of the more thinly settled regions of the western half of the nation will soon become the newly settled parts of the country, if more water is obtained.

Population figures now prove that if people continue to shift from one area to another, as they have since 1950, much of America will be living in the western states—Idaho, California, Arizona, Washington, Oregon, Colorado, Nevada and Utah. And some of these states are not blessed with an abundance of water.

The greatest challenge today, water-wise, is the need to overcome the scarcity of water in the western half of the United States. This half of the country, for the most part, depends upon well water that is dwindling fast. Imported water is the only answer to many rich areas in America. Water cannot be imported unless people reason with one another and forget petty bickering over supplies in western streams and rivers.

Canada is faced with many of the same kinds of water problems as the United States. The rich wheat regions of the prairie provinces have scant rainfall, as compared to other sections of Canada—especially the north and northwest. The prairie provinces have been thought of as the future home for people crowded out of eastern Canadian cities, but these southernmost regions of western Canada will eventually need more water than is now available. Much of this can be solved by the combined efforts of the United States and Canada, if and when they will work together to bring water from the "water rich" regions of northwestern Canada. Part of this water could be channeled into the dry provinces and some of it could be brought into western United States.

Some people are opposed to large water importations because they feel that nature is being disturbed. But nature is disturbed constantly, when a tree is cut, grass is mowed, or a toilet flushed. Large water projects could improve upon nature. Lakes formed by dams, for example, can be beautiful creations and, at the same time, provide recreation, irrigation and power. Probably the time will soon come when the importation of large amounts of water will be as important to our welfare as national defense.

Water problems in any particular area are national problems because people have the freedom in America to move where they please. For this reason, part of water costs may have to be paid by a national financing program.

Not only is there a great challenge to provide water for western America, but the same is true on the midwestern plains—those states north of the Missouri and Ohio Rivers. The more widely these problems are known, the easier it will become to do something about them. All water problems in America are of national concern, not just for those who are running out of water. We are a union of states and in this all important struggle for plenty of water, we must act like a nation, not groups with different interests and personal wishes.

It has been said by some that the United States has enough water for the "forseeble" future, that U.S. consumption of water is only eight percent of that available. If this is to say that only better management is the key to sufficient water, something is wrong. This trend of thinking is that we have the water plus a great complex of pipelines, ditches, dams and rivers awaiting our needs. Unfortunately this is not true. Many of the 17 western states—possibly all except two or three—are now short of water, and people are flocking into them each year by the hundreds of thousands.

With these facts known, the United States and Canada can join hands to help all concerned. Water can be routed from the far north in Canada, down to their dry prairie provinces, with some brought into the United States. Canada could benefit from the U.S. dollars spent along the way, through hauling, materials, manufacturing and road building. Bridges and roads needed for the project could be used in many ways after construction is finished. Roads would lead into areas where new cities could be built. Recreation areas such as the world has never seen could be built at minimum cost after the area has been opened by construction crews.

Statistics show that water requirements for the western states, not counting Washington, Oregon and Idaho, by the year 2000, will be roughly 80 million acre feet annually. But after reuses are considered, only about 40 million acre feet will have to be imported. By the year 2217, approximately 107 million

acre feet will be needed, or 147 million acre feet more than is now required.

Three things must be done while America is waiting:

(1) Conserve existing supplies of water by any means;

(2) Encourage people to go where sufficient water is now; and

(3) Import water from whatever source possible until a major, final plan guarantees enough water from now on.

The great High Plains are now in desperate need of water. This area generally extends south of Nebraska, east of the Rocky Mountains and runs as far south as the Rio Grande River. This vast sprawling land, once the home of Indians and buffalo, receives generally fewer than 25 inches of rainfall each year. But, with plenty of water, it is the nation's greatest potential source of food and fiber. Not only that, but the possibilities of preplanned communities, built around the farming industry, are unlimited.

The High Plains are supported by layers of loose silt and sand and gravel—some places several hundred feet thick—that encase one of the world's largest underground water tanks. It's a tank capable of holding billions of acre feet of water. This formation, laid layer upon layer through the centuries, is called the Ogallala.

W. D. Johnson, in the 1899–1900 Twenty Second Annual Report of the U.S. Geological Survey, warned against pumping water in great amounts from this gigantic basin, for the simple reason that the tank would eventually go dry.

Irrigation has thrived in this area, especially south of the Canadian River in the Texas Panhandle. About seven million acre feet per year have been pumped from the ground water. Water is replaced in the same area in amounts from 50 to 75 thousand acre feet per year, and this is offset by seepage and springs at the edge of the plains. Many of these springs form the head of Red, Brazos, Colorado and Pecos Rivers.

If a new source of water could be brought onto the High Plains, water seeping downward into the Ogallala would gradually tend to restore the fast disappearing water table. Then water gain could be pumped from underground, and springs along the edge of the region would enliven the rivers and provide more water for down stream users. It has been estimated that at 1967 rates of pumping—seven million acre feet per year on the High Plains—present supplies will last about 30 years.

It will take about 30 years to bring water into the arid regions of North America. Nothing else can save the High Plains and let it continue to be one of the world's dependable food producers. It is especially important that this area be kept at peak production in view of the loss to urban development of some 25 million acres by year 2000.

High Plains people know what is happening to them. No farmer can watch his water production be reduced by several tubes each year without giving the problem a long and earnest look. Not only farmers, but bankers and merchants can read the "handwriting". Steps are being taken to do something about it, such as having Texas included in plans for getting water from the outside, most recently from the mouth of the Mississippi River. Other states are taking similar action.

The matter of fuels for the future are closely connected with water. Research indicates that rich coal deposits in Montana, North and South Dakota, Wyoming, Utah, Colorado, Arizona and New Mexico could be utilized to supply petroleum products that might be desperately needed in our jet expanding civilization. Processing of the coal will require water. Other industries connected with such projects would provide jobs and bring in enormous sums of money to the areas. Suggestions are that 20 such converting plants, within 50 years, would require about one million acre feet of water per year.

Many people in many places have tried to decide where gigantic amounts of water might come from to quench the thirst of America. Some of the areas are:

(1) Parts of British Columbia, the Yukon and Northwest Territories of Canada;

(2) Lower Columbia River;

(3) Northern flowing waters into James Bay in Canada; and

(4) Water from the Lower Mississippi, which might be pushed uphill westward to the high plains of Texas and New Mexico. Other sources are cloud seeding, water desalting and purification of otherwise unfit inland waters.

Since additional water will be needed long before major importations can be realized, all possibilities should be tried to relieve current shortages while awaiting the "main line." The last three possibilities mentioned, however, offer little at the present time. Take desalting for example. Hopes for a fast and economical way to use sea water were shattered when the estimated cost of such a project at Bolsa Island, Calif., rose from an estimated 444 million dollars in 1965 to an estimated 765 million in 1968. Considering that this plant would process only 150 million gallons per day, the cost would be too high. For enough plants to produce 40 million acre feet of water per year estimated needs of the 17 western states—the cost would be 135 billion dollars. And this price would be at shoreline. Transportation costs inland would be added.

Cloud seeding offers little to dry areas. Estimates are that man agitated clouds increase rainfall by approximately 15 percent and that is in the more rainy areas like mountains and humid coastal regions. No amount of cloud seeding is going to do much for the deserts. Atmospheric disturbances by artificial means might help some, but cannot be considered as a means of providing a great deal of water—certainly not in amounts needed.

The Mississippi River is being considered by the Texas Water Plan as a water source, especially for Texas, New Mexico and Oklahoma. But the Mississippi floats large boats and barges almost from end to end, and about the only hope for the dry southwestern states to get water from it would be below New Orleans, just before it empties into the Gulf of Mexico.

One problem facing Mississippi River planners, aside from politics, is silt that will accumulate in storage lakes while awaiting to be pumped westward. Most of the transported water would be taken at times when the silt content would be at its highest. And the water, because of upstream pollution, would have to be cleaned before it could be used for human consumption. Many problems must be solved in considering Mississippi River water—financing, cooperation by states, storage facilities on the plains after water is brought in and many others. But water from the Mississippi is a definite possibility.

Engineers in Canada believe that streams flowing northward into James Bay, a large southern part of Hudson Bay, are a good source of water for Canada and the United States. Proposals are to route the water through the Great Lakes. About 36 million acre feet annually would be available under this plan. Several plans have been advanced to keep proper levels in the Great Lakes. But some authorities point out that because of weather conditions relating to natural rainfall, the Lakes could create flooding problems hard to control. It has also been mentioned that because of the great surface area of the Lakes, combined with the small outlets, it would be unwise to consider adding water to them, unless an equal amount is withdrawn. There would be few problems, though, for water to pass through the Great Lakes to gathering systems outside.

Another tremendous source of water for the arid regions of North America and Canada are the Northwestern Territories, Southern Canadian provinces are in need of water. The Canadians are thinking of the great mass of water flowing into the Arctic Ocean through regions hardly used by man at all. They see the need to bring this water into their own prairies, and at the same time they realize the great benefits of selling their surplus to the United States. Canada could benefit several ways from such a program. A constant supply of money would flow into their treasury and this would go a long way toward paying for their own system. Arctic waters brought down the Rocky Mountain Trench, in eastern Columbia, could create a 960-mile long boating and recreational area that would be among the most beautiful on earth. Large tracts of land in Southern Arizona could be leased to Canadians, allowing them a two season farming operation.

Nations are generally not opposed to sharing with others their minerals, oils or woods, but with water it is a different matter. And water generally is a renewable resource. One reason for this is that electricity, for example, can be stopped immediately, or carriers carrying materials can be halted. But when large land areas begin to use imported water, that source must not be stopped. Too much depends on it. Because of tremendous costs involved with imported water, areas should not be allowed to grow if there is any chance for a "water cut-off". Therefore, any water imports from Canada must be guaranteed.

The richest source of fresh water in the Canadian northwest is the Mackenzie River, virtually a water wall that flows out of Great Slave Lake, runs about 750 miles northwest and empties into Beaufort Sea, flanking the Arctic. Water discharge rate at that point is about 325 million acre feet of water annually, including 60 million acre feet each year emptied into the Mackenzie by the Liard River. This junction is at Fort Simpson, about 150 miles northwest of Great Slave Lake. Probably this river system, so far from civilization, will prove to be one most acceptable to the Canadians for diverting water southward.

A west-wide North American water and collection system is outlined by Lewis G. Smith, water resource engineer, who believes that the project will form the most efficient water system possible with the least amount of money, with new water supplied to all of the areas of impending need. It will serve the areas with the greatest present needs as well as those with potential needs in the future. Smith gives attention to the fading water levels in the Pacific Southwest, the High Plains of Texas, and Oklahoma, Colorado, Kansas and Nebraska.

The guide used in locating the proposed aqueduct lines was a climate-income zone map of all irrigable areas in the west; it was made by the U.S. Bureau of Reclamation. The map indicates those lands suitable for irrigation, if water were obtained. These same lands appear to be the more desirable under several kinds of economic activity. The land is generally level, with no mountains, badlands or deserts.

Recreation, once considered a side issue in water planning, could be an important factor all along the route and could help pay a large part of the bill.

Generally, the aqueducts would be routed to serve the desired areas by the most direct means, which would in some cases, mean enlarging natural stream channels. Overland open canals would be used when advisable, and siphons would cross canyons and river

valleys. A series of pumping stations, lifts and drops would be used.

Lakes and reservoirs along the route would provide "water banks" to be drawn upon during peak pumping seasons, or furnish places to empty the line in case of trouble, without causing flooding and loss of water. Underground lines would be used in areas where pollution might be a problem.

"Toward a National Water Plan", prepared by Lewis G. Smith, cites the more abundant Mackenzie River source as the best for bringing water southward for the Canadian prairies and the Western United States. Through a network of natural streams and dams and pumps, the water would move south through the Rocky Mountain Trench. The Trench is a long, distinct narrow valley cut by the upper reaches of Fraser, Peace, Columbia and Kottenay Rivers. The low divides separating these streams could be channeled to allow the continued flow of water for about 960 miles to the United States-Canadian border.

Arctic water tagged for the prairie provinces of Canada would be carried eastward through Peace River, then introduced into an exchange system serving the prairie areas. At the upper end of Columbia River, water would pass through Columbia Lake and cross a low divide at Canal Flats into the Kottenay. After a free fall down the Kottenay into the reservoir behind Libby Dam, water would be lifted to a canal moving south across the Canadian-United States boundary near Roosville in Canada.

Water to be used in western United States would move through Northwestern Montana, cut southeast along the north side of Flathead Lake, move on south through Swan Valley and finally, after a few twists and turns, be stored in Centennial Valley of southern Montana. It is a natural basin at 7000 feet elevation that will hold approximately 50 million acre feet of water. From which the distributing system for western America would take off.

Lewis G. Smith makes this comment regarding his concept. "I believe that works of this type and scope will do more to improve the quality of living for man on this earth than exploration of the moon and other planets. High on the national priority list is the need to improve our large city environments, and even to build new ones. More water will, of course, be basic for such an objective. The future is never made by people of the future: it is always shaped by those who go before. Will this generation fulfill its obligations to mankind wisely?"

ONE HUNDREDTH ANNIVERSARY OF COMPLETION OF TRANSCONTINENTAL RAILROAD

Mr. MOSS. Mr. President, all Americans shared a moment of history at Promontory, Utah, on May 10, 1969. That date commemorated the 100th anniversary of the completion of the transcontinental railroad that joined together this great Nation East and West.

Thousands were present at the reenactment of the driving of the golden spike and in that number were representatives from the 16 Latin American countries participating in the Partners of the Alliance program. They had been especially invited by the Centennial Commission to attend the ceremony at Promontory. The fourth Inter-American Conference of the Partners of the Alliance commenced on May 10, 1969, in Salt Lake City, Utah.

The cochairman of the conference, Dr. Edgar Barbosa Ribas, of Brazil, at the opening plenary session, delivered a moving address which paid tribute to the pioneers who settled in Utah and he drew a vivid parallel to their efforts a century ago and the volunteer pioneering efforts that the citizens of the Americas are making today through the Partners of the Alliance program.

Mr. President, because of the timeliness of building strong relationships within this hemisphere, I ask unanimous consent that the remarks of Dr. Ribas be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY DR. EDGAR BARBOSA RIBAS

A little more than a century ago, a group of men and women settled down in this region.

They did not come in search of gold, since there was not enough gold in the world to compensate for their suffering. They were only anxious for a place where they could live in peace.

There was not time to recall the weariness of the trip nor to comment on the past.

Only the present and only the future existed.

The pioneers came here to stay and did so. Many of their grand children are present at this assembly.

Having taken possession of the land, they occupied themselves with the planting.

But, not only the soil was generous to the seed which germinated easily into the grain that nourished the body.

The sub-soil was full of riches waiting to be mined.

In addition, the beauty of the mountains and the extensiveness of the blue sky furnished the necessary stimulus for meditation.

But, they lived isolated.

Isolated, although knowing that beyond the horizon lay markets for their products and the promise of articles not produced locally.

It was necessary to conquer the mountain barrier.

It was necessary to avoid the great adventure of the importation of machinery from Chicago, which had to descend the length of the continent, go around Cape Horn and up to California, and from there, be transshipped to Utah.

More practical routes were necessary which would avoid the delays in Nebraska which extended for an entire winter until the frozen roads were re-opened.

The railroad was the big solution. It was helping in the conquest of territories and the establishing of the frontiers, and, above all, it agreed with the motto of the new region: Industry.

The railroad builders working toward the west came from Missouri, and those working eastwardly, came from California.

On May 10, 1869, they met at Promontory Point.

To celebrate the meeting of East and West and the end of isolation, a gold spike was driven into the last tie.

Today, exactly one hundred years later, we are symbolically carrying out a similar deed.

Ambassadors from Latin countries have come here with the object of materializing once and for all the joining of North and South.

We are also pioneers.

We identify with countries the size of continents, regions which until recently were separated by mountains of non-comprehension, by lakes of ignorance, and by valleys of misunderstanding.

Our ideas, until a short time ago, had to go through large distances in time and space, and when they reached their destination, either had lost the opportunity or were badly interpreted.

Today, we have new hope.

In this land of pioneering, we desire to put not a gold spike to mark the end of an era, but a symbolic spike of hope to identify the beginning of a better understanding among us.

And, in order that there may be better understanding, that there may be better comprehension and joint and constructive work, it is necessary to say something more.

We would like, for this reason, to complement here the concept of the four freedoms expounded by Franklin Delano Roosevelt in January, 1941:

Freedom of speech and expression.

Freedom of every person to worship God in his own way.

Freedom from want.

Freedom from fear.

We would do this, adding to the four freedoms, one right:

"The Right to be Heard".

How many times have we forgotten this! It is so common to think that which we judge to be the right thing for others is really the right thing.

It is also common for us to imagine that our solutions are the best way to solve the problems of others.

If we could simply listen to the other side before we make decisions!

Even though we do not agree with what they say, let us let them speak. It is thus better than to suffocate in silence an opinion that could be useful.

If we do this, our work will not be incomplete nor will it provoke disenchantment because of the lack of participation.

If this is common in human relations, why would it not be so among nations?

We all know it has been this way through the times.

Now things are beginning to change.

For the first time, the man of the South is being heard and even consulted.

We are waiting for the visit of an American representative for the first time—Nelson Rockefeller—who does not intend to tell us how to do things, but "how they can be done", as President Richard Nixon said at the Organization of American States.

Beyond any doubt, this is a good beginning.

We, the Partners of the Alliance, are ready to receive the formula already and participating in its elaboration.

And this gives us dignity, makes us feel useful and productive.

We are able to say yes when we really want to say yes, and no, when we really want to say no.

That is the basis of sincerity.

And, whoever is sincere can be a good friend and a good partner.

It is necessary at this time, that on agreeing with this, we assume an attitude in relation to the program of the Partners of the Alliance.

A program like this cannot and should not interest only a few thousand persons in the three Americas.

We do not have the right and cannot have the pretension of being here representing the 277 million North Americans, or the 22 million Central Americans, or the 172 million South Americans.

This program should and has to be amplified.

Amplified in such a way that our mountains and lakes and valleys be crossed by common sense that makes us understand, that basically we are all equal!

The differences that exist among us were not born with us; they were created by us.

They are the product either of ignorance, or of disease, or of misery, acting independently or together.

It is time to finish with these modern Horsemen of the Apocalypse.

And, to do this, not much is necessary. It is enough for us to converse on equal terms and we will already be beginning to solve our problems.

The Partners can do this.

However, it is necessary to amplify the program.

We can interest the good man; we can interest governments and leaders. By interesting everybody, we will be taking the initial steps toward better understanding.

And, if we do this, we can return to our countries and say, "We were in Salt Lake City, leaving there a seed that signifies a better future for all of us".

Only then will we be able to rest.

Because pioneers only rest when the highways have been opened up, the land cultivated, and the home built!

AEROSPACE RESEARCH AND DEVELOPMENT AND SOCIAL PROGRAMS

Mr. MOSS. Mr. President, on May 15, 1969, Mr. Robert L. Marquardt, group vice president for economic development operations of the Thiokol Chemical Corp., delivered an address before the Aviation/Space Writers Association meeting in Dayton, Ohio. The title of his speech was "Aerospace R. & D. and Social Programs."

Mr. Marquardt is a "graduate" of the aerospace industry. He functioned in this capacity most successfully for Thiokol before he took on the social programs to which this great company has turned its attention. Mr. Marquardt was uncommonly successful both as an aerospace man and now as an administrator in the social programs field. His observations along this line are particularly penetrating. We in Utah have noted the great success with which he is directing the Urban Job Corps Center at Clearfield, Utah. I ask unanimous consent that his most excellent speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AEROSPACE R. & D. AND SOCIAL PROGRAMS

(An address to Aviation/Space Writers Association, by Robert L. Marquardt)

Thank you, Mr. Chairman. Ladies, gentlemen, and guests. I don't think I will violate any traditions of a luncheon speaker if I start by telling you how pleased I am to be here.

But this is not only because I am gratified by your invitation. Your meeting here this week has afforded me the opportunity for a double reunion. As a veteran of the Aerospace industry—or, if you will allow it, a graduate—I have enjoyed meeting again with some old friends and eavesdropping on industry/government talk. It has been especially pleasant to chat with some of the journalists who keep a sharp and critical watch on the faults and failings of our industry, as well as on our accomplishments.

In addition, any meeting in Dayton is a reunion for me. My first after-college job was right here at Wright-Patterson with R & D. And it was here that I moved over to the industrial side of the famous military industrial complex by joining Thiokol Chemical Corporation.

While I am still associated with Thiokol, for the last three years I have led the company's considerable activities in the socioeconomic field, so I speak to you today from the perspective of an aerospace man who is deeply committed to the solution of pressing social problems.

I cannot, however, accept the increasingly widespread belief that progress in aerospace is necessarily in conflict with progress in the war on poverty or in solving other social ills. We are told more and more often that our industry (by "our industry" I mean aerospace) is distorting national priorities. The accusation has an appealing sound, but I am not sure it has much more than that.

For one thing it is based on the notion that all the money that we spend on defense and space must be subtracted from what we can spend on other needed projects. And vice versa.

These alternatives, however, do not accurately picture the real situation. The main weakness of the argument, in my view, is that it overlooks the creative role that expenditures on both space and social programs play in generating more resources than they consume.

The other day an economist who manages nearly $2 billion worth of investments for a group of mutual funds went on record with a forecast of full employment over the next decade. Why this rosy outlook? Why would he bet a $2 billion portfolio on this cheerful prognosis? Largely, he believes, because our economy will be able to exploit the developments of Aerospace technology and R & D.

But while Aerospace technology—and its fallout—will be creating much of the wealth we need to attack social ills, it does not follow that social programs will simply consume that wealth. Let me take a moment out to give you an example and a few figures.

I mentioned that my company is involved in socioeconomic programs. Among these are an Urban Men's Job Corps Center at Clearfield, Utah; the Para-Professional Institute in Utah; an Employment Training Center for Indian families, at Roswell, New Mexico; start up of new plants in urban ghettos and in rural areas for hiring the hard core unemployed; supporting HUD in home occupancy training and new low cost building materials; managing the Indian Police Academy and numerous other programs.

The role of these projects—to different degrees—is to help men and women who have suffered social, economic, or educational deprivation. We do this by assisting them in making social and personal adjustments, filling in educational and health gaps, providing vocational training, and helping in other ways to equip them for more fruitful and productive lives.

When they come to us, most enrollees are unmotivated as well as undereducated; a majority come from backgrounds of broken homes and welfare support. The prognosis, for most, is a dismal lifetime of the same and the great probability that their offspring will be equally alienated, deprived, and economically unproductive.

In less than three years, Thiokol's learning centers alone have placed more than 6,000 "hard core unemployables" in pretty good jobs. We have reason to believe that most of them—not all, unfortunately—will acquire the habit of working and that this will replace the previous habit of not working.

Now, if you assume the minimum starting wage rate of $1.80 an hour, each working individual will earn over $3,700 a year. If these 6,000 trainees remain at the starting wage level to age 65, their income will be approximately $1 billion.

The alternative? Welfare payments of $60,000 to $100,000 per person to age 65. For these 6,000 people, that would add up to $420 million of welfare.

The figures, of course, are subject to a lot of correction. Some trainees, we know, just won't make it and will drop out again. But on the other side we are currently placing an additional 300 enrollees a month from our various programs and we know that most of our placements will work up to better incomes. Indeed, many are now starting at considerably higher rates, and the least of my problems at the moment is finding good jobs for our graduates.

But even discounting growth of earnings, the Government's investment of some $2,700 in a job placement, for example, is repaid every five years in welfare savings and taxes on incomes.

I therefore can't buy the argument that our society cannot afford this expenditure because of Viet Nam, "distorted priorities," or any other reason. Humanity and social consciousness aside, it would be difficult to think of a more profitable or cost effective investment of public funds.

Perhaps all this sounds like a digression. I prefer to think of it as a slightly roundabout approach to my subject for this afternoon: The R & D Gap.

I use the term R & D Gap to express a concern for some of the things that are not being done today and for what this may mean for tomorrow. But as you may have gathered, my concern is not entirely critical. It is mixed, rather, with a large measure of pride.

I referred to myself a few moments ago as a graduate of the Aerospace industry. I want to assure you right now that I am proud of my alma mater, although, like a few others it has come in for a few knocks lately.

Given the premise that there can be no security in our troubled world unless we have a credible power to survive any attack and retaliate against any attacker, our industry must be credited with a towering contribution to the defense of America and of the free world.

Against this contribution I don't think we have to feel excessively humble about acknowledging that we have made mistakes. Our critics never fail to remind us that we have been wrong in some of our forecasts, timetables, budgets and technical developments. If it is any comfort to them, let me say now that we will make more mistakes in the future.

But, I would suggest that one of the greatest contributions of our technology lies precisely in this: We have given the world a new systems approach that allows meaningful decisions to be made not just for today, nor even for tomorrow, but for ten years or more in the future.

Most people, of course, can be a lot smarter about solving problems of the past than those of the future. Even the best systems approach can only allow for—but cannot eliminate—new circumstances, changes that may or may not occur, unexpected discoveries, or research programs that do not pan out. But even if you make no allowances for these hazards, I think it is fair to say that our technologists have been spectacularly—even unbelievably—right, far more often than they have been wrong.

In 1961 President Kennedy boldly promised that Americans would land on the moon within this decade. This year Aerospace technology will fulfill his promise in spite of the fact that most of the hardware and a good deal of the needed knowledge did not exist when the President spoke.

Our industry has helped to redeem a number of other "impossible" promises under equally "impossible" schedules. Development of the Minuteman was one that I remember with particular pride since I had the privilege of working on it. The Polaris is another industry blue ribbon. And the list could go on and on.

The significance of such tightly scheduled accomplishments has been completely overlooked by our critics and even by some of our friends. I think it may yet turn out that the greatest achievement of Aerospace technology lies *not* in the *conquest of space* but in the *conquest of time*.

The instrument of that conquest, as I have already indicated, is system technology the unique management approach forecast in the famous Von Neumann report and implemented by General Bernard Schriever in bringing much of our missile arsenal into being. It consists, essentially, of identifying all the elements of a large and complex problem (or as many of them as possible) and then parceling them out for coordinated and concurrent solutions. It makes use of whatever organizations or individuals seem best qualified to yield the necessary answers and to put the right equipment in the right place at the right time.

There are a number of advantages in utilizing a wide range of talents, wherever they may be found—in government, in public and private institutions, or in private industry. Not the least of the advantages is that this technique make it possible to exploit existing knowledge and tradition without being restricted by them. And because each contributor approaches a defined aspect of the problem in conventional and unconventional ways, work can move forward—even on pacing items—in broad and time-compressing waves.

This important fallout of aerospace, the ability to analyze complex missions, line up problems to be solved years in advance, and then to program the solutions, is almost as important as the solutions themselves.

And it is paying off. Industry and Government have been applying these management methods to a wide range of non-aerospace problems. It is not surprising to me that aerospace companies have either taken the lead or made important contributions in medicine and medical technology, in hospital systems, in environmental health and pollution controls, in weather forecasting and in weather modification, in developing new educational concepts and new teaching equipment, in transportation, in housing, and in developing and exploiting new food resources.

In two of the largest challenges that face our society, I confidently expect to see ever-increasing involvement of the systems and technologies that have grown out of the aerospace complex. One of these is that bewildering cluster of unsolvable problems that we call the urban crises, the other is the next great frontier for science and business—the oceans of the world.

Similarities between oceanographic and space research are pretty obvious. At this stage they involve comparable environments and hazards and are even alike in the way vast complexes of systems and people converge and focus dramatically on manned missions. Scott Carpenter, who switched from astronaut to aquanaut symbolizes much of this commonality.

It is in areas like these that we may be short-changing our future by failing to make adequate investments in research and development. For I believe that we now have many of the systems that will enable us to manage massive programs. The question that increasingly confronts us is: Do we understand the problems that need to be solved?

In-the-bank research will be needed to forecast possible problems as well as to solve them. It will be needed to buy the lead time that makes effective systems management possible. And it is needed not only to tell us what we can do, but also to warn us about things we had better not do, or that we should do differently.

Scientists tell us that within a relatively short time we will be able to make accurate long-range forecasts of the weather over large areas of the earth. And not long after that, we may be able to modify the weather. Losses caused by weather in the United States are estimated at 1,200 lives and $11 billion a year, so it would seem obvious that weather research is worth large expenditures. But here, too, I think we need a systems approach that will help us to define—and solve—some of the problems that could arise out of our technology. If this requires more money for research then budget and spend it.

It is possible, of course, that none of us will be around to worry about these future problems. Our environment is increasingly polluted by the by-products of modern life. We don't yet know the answers to air and water pollution or even to the hazards of our increasingly noisy lives. But it is certainly clear that these problems can only be dealt with as part of a complex of social, economic and technological innovations.

At least equally pressing, in terms of our future on this earth, is the prospect of nuclear holocaust. I have already mentioned one premise to which I subscribe, that safety at this time in history lies only in a credible deterrent. But this certainly does not mean that either deterrence or credibility can take only a single form, or that that form is fixed for all time.

Inescapably, armaments are part of the arsenal of diplomacy. The only thing we can be sure of is that diplomacy operates better for the side that has a bank of research knowledge as well as proven hardware in its arsenal. I can think of no greater disservice to the cause of peace than to have our diplomats learn about new weapons systems from the other side, or for them to be faced with new threats which our scientists have not analyzed and countered.

What I am trying to say here is that we need research not only to solve known problems, but also to deal with new problems that arise out of the solutions to old ones. We have been warned that mankind is outgrowing its food supply. But it is little appreciated that most food-short countries actually produce—and even harvest—more food than they consume. They break down, however, in methods of preserving, storing, transporting, and distributing a significant part of their harvests. In some ways progress can actually complicate this imbalance.

Agricultural research has been steadily increasing staple food output in many countries. India, for example now has some 40 million acres planted in new strains of rice that yield ten times as much as older strains. On paper at least, this chronically food-short country could be self-sufficient in staple foods within the next five years.

But there is a difference between sufficiency on paper and in the stomachs of people. Technologies for preserving and distributing food are relatively simple, but they won't just come about. These are jobs for systems management. They call for analysis of a wide range of related problems, the anticipation of developing needs, and arranging to have the necessary solutions available where and when they are wanted.

With so many urgent problems clamoring for attention, action, and money, it is hardly surprising that the partisans of one cause should feel hostile to those who advocate another. The talk we hear today about distortion of priorities is not new. It means now what it has always meant—that someone else's pet project is getting more attention than mine.

How many of us pushed aside the fine lunch we were served here merely because 20 million of our fellow Americans went without lunch today? How deeply do we feel our responsibility for the fact that so many of our fellow citizens are living in poverty where malnutrition is evident and increasing?

Left in untroubled comfort, it might be quite a while before we spontaneously decided to take any major action to change this condition. Yet I'm sure that academically and intellectually we all know that hunger is wrong and intolerable.

In the great capitalist tradition, some of the underprivileged have lately taken to lobbying for their interests. In 1966, and twice in 1967, fire and civil disturbance raged just blocks from this hotel.

I hope I don't have to emphasize to you that I thoroughly disapprove of such lawlessness, that I hold no brief for looting, burning, and the destruction of property. But I am even less sympathetic to the idea that we can deal with the growing malignancy of poverty in this country merely by denying it or by suppressing the protestors.

And while I have been emphasizing here the need for broad research in great clusters of problems, I want to make it clear that this should never be an excuse for sitting on our hands. Even before we have fully defined all the elements that need attention, we can and should address ourselves to those that are immediately visible.

Within the small frame as well as in the large, systems management can yield important benefits while helping to define the broader areas of investigation. It can, in fact, greatly alter our conception of the problems to be solved. Let me give you an example.

At the time we began our Job Corps operations, we naturally studied hard what educators and social scientists knew about the problems we would be facing and the people we would be working with. On the basis of the best available research at that time, Job Corps headquarters in Washington took the position that no more than 5 percent of the Corps population had the social or educational background to attain high school educational certification. We were advised to structure our programs accordingly.

Naturally we listened. But we didn't stop there. One of the lessons we had learned in the aerospace business was to be serious about research, but not solemn or uncritical. We decided to take nothing for granted. In the past, when we went into those remote areas that are most suitable for testing big rocket engines, we had had to recruit propellant technicians out of populations of beet farmers and shrimp fishermen. We had been quite successful in training our employees in new skills; we even thought our experience might have ben as relevant as that of the educational experts since all our training work has been tailored to the needs of adults.

One of the first things we learned in setting up our educational programs for the Job Corps was that Ph. D. instructors were not necessarily the best choice for articulating with fifth-grade dropouts. So in many cases we recruited production workers and trained them to be teachers. We adopted and adapted educational devices and teaching aids, and when we couldn't find suitable ones we invented our own. We concentrated on motivation and the pacing of education to the vocational needs of the individual.

In brief, we followed much of our old rule book: In an R & D project you must first try to identify the problem. You determine what isn't working, and why. You examine the state of the art and relate available technology to the function to be performed. You decide whether new technologies are needed and try to figure out how to develop them. You quantify your answers in explicit detail and plan a program to achieve the defined objectives.

How has this approach worked? Today, 20 percent of the young men who pass through our Clearfield Job Corps Center earn high school diplomas or equivalency certificates. This is *four times* what conventional educational research had told us was possible. The diplomas and certificates, I might add, are issued by Utah county and state educational agencies so we have no opportunity to load the results in our favor. Nor do we have to color another fact: More than 200 of our past dropouts have already entered college on scholarships.

Our brief experience in this field has made us confident that systems approaches can break through conventional educational and

motivational barriers. We are betting thousands of dollars on it. Since the first of this year we have been operating the Clearfield Job Corps Center on an incentive contract, the first ever written for the educational program. We guaranteed performance.

Does the term sound familiar? It ought to. Incentive contracts are borrowed directly from the aerospace industry. We think the idea of quantifying educational results has revolutionary implications for the entire knowledge industry. And we know some disinterested educators who feel even stronger about it than we do.

Much of the aerospace industry is active in these new frontiers. Lockheed has applied aerospace management techniques to hospital systems, Avco has applied them to water resources management. LTV to business and vocational schools, General Dynamics to waste disposal, Westinghouse to the training and ground transportation areas and scores of other companies have attempted solutions to scores of other social problems.

Unfortunately the idea seems to be around that expenditures for R & D are just sly ways of dipping into the pork barrel. It is not always easy to disprove this notion, especially when we are working on problems that may not even become visible for five or ten years.

But that, in essence, is what R & D is all about, or at least, a large part of it. If we had not solved those invisible, or barely visible problems years in advance and had research stored, Apollo would not be streaking for the moon this year.

The urban and environmental problems that now face us are greater than any we have encountered in the past in aerospace. Yet in many areas R & D funding is actually diminishing instead of expanding to the new needs and opportunities.

Recognizing all the difficulties created by conflicting pressures and priorities—and by the need to support our commitment in Vietnam until it can be safely reduced—it seems to me that lowered levels of R & D funding could turn into very expensive savings.

Ongoing programs for discovering opportunities, as well as for solving problems will become increasingly essential to our physical well-being as well as to our survival and freedom. And on the record of history, R & D spending is the best investment America can make.

Thank you very much.

FARM PAYMENTS LIMITATION UNWISE

Mr. HRUSKA. Mr. President, last year, when the Senate debated a bill to extend the Food and Agriculture Act of 1965, one issue which received considerable attention was whether a limitation on payments to individual farmers was proper. Two amendments to the bill were introduced, one limiting payments per farm to $25,000, and the other limiting payments per farm to $75,000. After useful debate, both amendments were defeated.

The Congress faces this question again this year. Last week the other body voted by 224 to 142 to impose a $20,000-a-year ceiling on payments to individual farmers under the 1965 act. The limitation was an amendment to the 1970 agriculture appropriations bill, which has also been passed by the House, and has been sent to the Senate.

Mr. President, although I do not believe that the present farm programs are helping the small farmers of America, on the other hand, if this amendment were adopted under the existing programs, the small farmer would be even more adversely affected. I do not believe we should disrupt this program except by enactment of new legislation. A limitation of payments only undermines the existing program without offering any effective substitute.

Our farms have great capacity for overproduction, and producers will have to use that capacity if our ability to pay them to limit production is curtailed. If this ability to pay larger farmers to remove land from production is curtailed, we will have to look to smaller farmers for the needed production adjustment. This could force the small farmers off their farms because they would become uneconomic to operate. Also, the increased production would force the low prices even lower, and make the impact even more severe on small farmers.

Of equal importance is the strong likelihood that new farm legislation will be sent to Congress by the Department of Agriculture in the early fall of 1969. Secretary Hardin has indicated that some kind of a payment limitation that is responsible and constructive can be included in such legislation. It would be far better, in my opinion, to await such legislation permitting an orderly transition from the existing programs. Forcing farmers to endure the ravages of overproduction and increasingly unstable markets by imposing a makeshift payments limitation is a harsh punishment for the farmers when the culprit is the 1965 act.

Mr. President, an editorial in the Lincoln Evening Journal of May 28, 1969, clearly and concisely discussed the disadvantages if a payment limitation is imposed without devising a new and sound farm program in conjunction with it. I ask unanimous consent to have this editorial printed in the RECORD.

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

LIMITING FARM PAYMENTS

On the surface, it might seem reasonable to limit the amount of crop control payments that can be made to a single farm owner. At least it seemed so to the House which voted 112–100 to slap a $20,000 a year ceiling on such payments.

Closer examination suggests, however, that it not only is unreasonable but very likely injurious to the national economy, to agriculture and, specifically, to Nebraska and the Midwest.

If it were to have the desired effect, this policy would remove the only real incentive for the largest, and most productive, farming operations to hold part of their land out of production. It would, in other words, almost surely give rise to greatly expanded agricultural production by those operations best equipped with the resources and the capital to expand.

It doesn't take much of an economist to foresee the ruinous impact this would have on farm prices—and thus, undoubtedly, on the total economy.

For Nebraskans, there is a further consideration. The biggest impact of the payment ceiling would be on the large cotton producers in the South. If they were restricted in their compensation for leaving land idle, it is quite likely that they would turn to growing soybeans, feed grains, grass for cattle raising or other crops in direct competition with those that make up Midwestern agriculture.

With its climatic advantages, the South is a big enough threat to Midwest farm producers without providing added stimulus.

Attention has been called to the incongruity of extending large payments to farmers to restrict food production while people go hungry in this country and abroad. But this is a problem of distribution and of financing the care of the poor, and not the fault of present farm programs.

Whenever the leaders and the taxpayers of this country decide to pay the cost of feeding the hungry, the productive capacity is there. But farmers cannot be expected to make this sacrifice themselves, by producing food at giveaway prices.

In the meantime, the U.S. Senate should consider very carefully the risks in wrecking the present farm program which at least has staved off serious problems for the national economy.

FOREIGN GOVERNMENTS DEMAND FURTHER CONCESSIONS FROM INTERNATIONAL OIL COMPANIES

Mr. LONG. Mr. President, in my speech of March 12 of this year, I pointed out that foreign governments in oil producing nations never miss an opportunity to squeeze the profits of international oil companies.

I documented my statement with a memorandum giving a history of nationalizations, expropriations, threats, exorbitant tax and royalty demands, and other nationalistic moves by the so-called host governments.

As further evidence of the foreign nationalism which often makes international oil companies the "whipping boys" for a sheik's or dictator's political ambitions, I ask unanimous consent to have printed in the RECORD several newspaper articles pointing out the problems the international oil companies are facing in Iran, Bolivia, and Colombia.

I would just like to read one paragraph from the article on Bolivia because it is revealing of the "exploitation syndrome" which is catching fire in underdeveloped nations. It states:

The new President Siles' grip on the presidency is far from secure, and there is always the possibility that he might seize on the time-worn tactic of attacking foreign "exploitation" as a means of diverting attention from his other problems.

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

[From the Washington (D.C.) Post, May 5, 1969]

IRAN OIL NEGOTIATIONS COULD AFFECT MARKET

(By A. D. Horne)

The government of Iran and the international consortium that produces 95 per cent of the country's oil have a date in Teheran next Saturday for negotiations that could have critical impact on world petroleum markets.

The last time they met, in March, Shah Mohammed Reza Pahlevi warned the consortium that Iran's need for oil revenue required much greater annual production increases than 1968's 9 per cent.

In fact, the Shah and lesser officials later elaborated, if production did not grow enough to produce $1 billion in government oil reve-

nues in the current fiscal year (by industry reckoning, an increase of more than 17 per cent), Iran would be forced to take over 50 per cent of the consortium.

Industry sources say the consortium cannot come anywhere near that large an increase. World production is growing at only about 7.5 per cent a year and world prices are declining, they say. Demand is inflexible and drastic shifts of production from one area to another, they insist, are impossible.

Moreover, the continued closing of the Suez Canal has boosted the cost of shipping oil from Iran and other Persian Gulf producers to the West. New areas coming into production have transportation advantages; one of these, Libya, has used the added advantage of low sulphur content to displace Kuwait as the world's fifth-ranking producer, behind the United States, Venezuela, Iran and Saudi Arabia.

To arguments such as this, which add up to "We can't," Iranian officials reply simply, "You must." The $1 billion target has been assigned as the oil consortium's share of the second year of Iran's current $11-billion, five-year development plan. The oil firms, they say, must weigh the importance of maintaining the social and economic progress of a nation of 27 million against the attractions of doing business in tiny sheikdoms. If world production cannot expand, the Iranian officials say, it must be shifted.

On top of this, they warn that if Iran, a pillar of pro-Western stability since the CIA-aided overthrow of the oil-nationalizing Premier Mohammed Mossadeq in 1953, should legislate "participation" (their word for 50 per cent nationalization) of the oil consortium, what would keep the Arab states, many of whom are rabidly anti-Western, from doing the same or worse?

To the budget question, industry sources reply that the 1954 consortium agreement gave the government no right to set oil revenue levels. It did obligate the consortium—British Petroleum (40 per cent), Royal Dutch Shell (14 per cent), Gulf, Mobil, Jersey Standard, California Standard, and Texaco (7 per cent each), the French CFP (6 per cent) and Iricon, a combine of five smaller U.S. firms with a total of 5 per cent—to guarantee that its Iranian production would keep pace with the average growth of other oil producing areas.

To the threat of "participation," the industry's response is a question: Where would Iran find markets for the additional oil it hopes to produce?

The oil revenue issue first came to a head in 1968, first year of the current five-year plan. The Shah asked then for a 12 per cent increase, to meet a budget requirement of $865 million, with a total obligation of $5.9 million in oil revenues over the five years of the $11-billion development plan.

The 1967 increase had been a spectacular 22 per cent, largely because Iranian production filled the void left by Arab states' attempt to shut off the flow of oil to the West after the Arab-Israeli war. The 1968 result was about $850 million, some $15 million short of the government's target but a $100 million increase from 1967.

The Iranian government gets a 12.5 per cent royalty on every barrel of crude oil pumped by the consortium, and also levies a 50 per cent tax on the consortium. Since this tax is figured on 1960 "posted prices" that are far above current world prices, the industry figures it is paying the equivalent of an 80 per cent tax in Iran. U.S. firms, however, are able to deduct their share of all these taxes as a credit against their domestic tax liability.

At present, Iran and the consortium seem to be far apart. But independent observers feel that both sides have too much to lose to allow an open breach.

"Why," one asked, "would they want to kill the goose that lays the golden eggs?"

[From the Washington (D.C.) Post, May 12, 1969]

BOLIVIANS EYE FOREIGN OIL—CONTROVERSY INVOLVING GULF HOLDINGS MAY COME TO A HEAD

(By John M. Goshko)

LA PAZ, May 11.—The sudden death of President Rene Barrientos could bring to a boil the simmering controversy over the Gulf Oil Company's $141 million investment in Bolivia.

Gulf's extensive activities in the exploitation of Bolivian oil and natural gas have long been a source of irritation and resentment to Bolivian nationalists.

In recent months, their sniping against Gulf has increased in tempo because of neighboring Peru's action in expropriating the holdings of another American-owned oil firm, the International Petroleum Company.

Barrientos personally favored Gulf's continued operations, and stated that Gulf could not be touched because it was operating legally under agreements made with previous Bolivian governments.

SILES' VIEWS UNCLEAR

But the new president, Luis Siles, has not yet made clear his views on the matter. He is regarded in some circles as having considerable sympathy for the nationalist argument that all exploitation of natural resources should be under the control of the state.

In addition, Siles' grip on the presidency is far from secure, and there is always the possibility that he might seize on the time-worn tactic of attacking foreign "exploitation" as a means of diverting attention from his other problems.

Finally, presidential and congressional elections are scheduled for May, 1970. As the time approaches, there is certain to be an ample supply of politicians who see Gulf as a good campaign issue.

The controversy goes back to 1956 when the then Bolivian government, finding itself close to bankruptcy, promulgated a liberal petroleum code to lure foreign oil companies into explorations. About a dozen U.S. companies did come in, but Gulf was the only one to have any success, finding both oil and natural gas in eastern and southern Bolivia.

Today, Gulf dominates the Bolivian petroleum industry, producing about 12 million barrels of oil annually. Of this amount, about nine million barrels are exported to U.S. refineries through the northern Chile port of Arica.

SECOND TO TIN

As a result, Gulf's exports, together with those of the smaller Bolivian national monopoly, have put petroleum second only to tin as an earner of foreign exchange for Bolivia. During 1968, Bolivia's earnings from petroleum exports were $32.3 million.

In addition, Gulf and the Bolivian firm have recently concluded a joint-venture agreement for the construction of a 334-mile pipeline from the eastern Bolivia natural gas fields to the Argentine border to distribute natural gas in Argentina which will give Bolivia an estimated $340 million in gross revenues over the 20-year life of the contract.

Nationalists, however claim that Gulf's concessions give it the right to develop oil but not gas and that the company has no warrant to sell gas abroad.

ATTACKS IN PRESS

These arguments are hammered at repeatedly in an accelerating campaign of press attacks on the company. Hardly a day goes by, for example, without the publication of an anti-Gulf article or a cartoon depicting the company as an octopus.

Until now, Gulf has tried to stay on good terms with the government by allowing a whittling away of the liberal privileges that came with its original concessions and last year it voluntarily gave up its oil depletion allowance—a factor that boosted its annual tax payments to the government from about $6 million to $8 million.

But, despite such conciliatory gestures, most neutral observers here feel that public sentiment is running against the continued presence of foreign oil companies like Gulf.

Last year, for example, the government issued a decree forbidding the granting of further concessions for exploration or exploitation under the 1956 code. Moreover, the decree made the point that the government should begin intensive negotiations with foreign firms "to improve the participation of the state."

It is things such as this that convince most observers here that Bolivia is moving toward eventual state control of its oil resources and that Gulf's days here are numbered.

AROUND THE WORLD: OIL ROYALTIES INCREASED FOR COLOMBIA

BOGOTÁ.—A Gulf-Texaco oil consortium has agreed to increase its royalties to Colombia from 3 to 11.5 percent on oil taken from the new Orito oilfield, Colombian President Carlos Lleras announced yesterday.

The field, described as one of the richest in Latin America, went into production a few days ago and is producing 50,000 barrels daily, a volume expected to double within a few months. Experts said reserves have "yet to be measured."

Lleras also said the new agreement stipulates that the U.S. firms will turn over full control to Colombia of the 2.5-million-acre oilfield in the southwest of the country after 40 years instead of the original 70. He said the consortium made the agreement "showing cordiality, understanding and a spirit of justice."

IRANIAN OIL

TEHRAN.—Western oil companies operating in Iran opened talks with the government on Iranian demands to increase oil production and raise Iran's royalties "not less than $1 billion" this year.

The consortium of American, British, French and Dutch companies is reported to have offered a 12 percent increase in oil production plus low-interest credits. The Iranian demand amounts to a 16 percent increase over last year.

PRESIDENT NIXON'S COMMENCEMENT ADDRESS AT THE U.S. AIR FORCE ACADEMY

Mr. BYRD of Virginia. Mr. President, yesterday the President of the United States delivered the commencement address at the Air Force Academy.

His speech, I thought, was timely and well handled. While none of us will agree with every sentence, I feel he said some things which needed to be said.

I want to mention several paragraphs of the President's address, and then I will ask unanimous consent that the entire speech be published at the conclusion of my remarks.

The President rightly, I believe, took issue with those who "assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would dis-

appear and the chances for peace brighten."

The Senator from Virginia does not believe that the United States can police the world. I doubt the wisdom of our commitment to the defense of 44 different nations. But I agree with President Nixon that peace never will be attained if the United States weakens its forces.

I know of no evidence, nor apparently does the President, which justifies the opinion that American military strength blocks the road to peace.

In speaking to the members of the graduating class who today begin their careers as professional military officers, the President made this assertion:

> The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

This fits well with my own thinking and my own activity in recent days. I have defended the military from the condemnation it has received for carrying out policies imposed upon it by civilian leaders.

Yet, I have spoken somewhat harshly of the Department of Defense, particularly the Air Force, for what appears to me to be a careless handling, if not mismanagement, of tax dollars, particularly in regard to certain procurement contracts.

So, like the President, I feel the American Defense Establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

Near the conclusion of his speech the President brought out an interesting point when he said that since 1941, "this Nation has paid for 14 years of peace with 14 years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined."

Yes, the United States has been involved in three major wars during the past 25 years—counting World War II. I doubt that any other nation in history has been involved in three major wars in such a short period of time.

Americans yearn for peace; it is, I think, our Nation's foremost desire. I feel it is President Nixon's prime consideration.

I ask unanimous consent that the text of President Nixon's address delivered at the Air Force Academy yesterday be printed at this point in the RECORD.

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

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY, JUNE 4, 1969

For each of you, and for your parents and your countrymen, this is a moment of quiet pride.

After years of study and training, you have earned the right to be saluted.

But the members of the graduating class of the Air Force Academy are beginning their careers at a difficult moment in military life.

On a fighting front, you are asked to be ready to make unlimited sacrifice in a limited war.

On the home front, you are under attack from those who question the need for a strong national defense, and indeed see a danger in the power of the defenders.

You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous.

It is open season on the armed forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States.

This paradox of military power is a symptom of something far deeper that is stirring in our body politic. It goes beyond the dissent about the war in Vietnam. It goes behind the fear of the "military industrial complex."

The underlying questions are really these:

What is America's role in the world? What are the responsibilities of a great nation toward protecting freedom beyond its shores? Can we ever be *left* in peace if we do not actively assume the burden of *keeping* the peace?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend they are mere matters of degree.

One school of thought holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms—as a demonstration of our "good faith."

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II, and they argue that we are as much responsible for the tensions in the world as any adversary we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten.

America's presence on the world scene, they believe makes peace abroad improbable and peace in our society impossible.

We should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home." "Let's first solve our own problems and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy to buy some popularity by going along with the new isolationists. But it would be disastrous for our nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine what would happen to this world if the American presence were swept from the scene. As every world leader knows, and as even the most outspoken of America's critics will admit, the rest of the world would be living in terror.

If America were to turn its back on the world, a deadening form of peace would settle over this planet—the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

Programs solving our domestic problems will be meaningless if we are not around to enjoy them. Nor can we conduct a successful policy of peace abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. America has a vital national interest in world stability, and no other nation can uphold that interest for us.

We stand at a crossroad in our history. We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

This is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources; and they despair. When the first vessels set out from Europe for the New World, these men would have weighed the risks, and stayed behind. When the colonists on the Eastern seaboard started across the Appalachians to the unknown reaches of the Ohio Valley, these men would have calculated the odds, and stayed behind.

Our current exploration of space makes the point vividly: Here is testimony to man's vision and man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice.

I know that every member of this graduating class is, in that sense, an idealist.

In the years to come, you may hear your commitment to America's responsibility in the world derided as a form of militarism. It is important that you recognize that strawman issue for what it is: The outward sign of a desire by some to turn America inward—to have America turn away from greatness.

I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishments, who demand clear answers on procurement policies, who want to make sure a new weapons system will truly add to our defense. On the contrary, you should be in the vanguard of that

movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

As your Commander-in-Chief, I want to relay to you as future officers of our armed forces some of my thoughts on these issues of national moment.

I worked closely with President Eisenhower. I know what he meant when he said ". . . we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex."

Many people conveniently forget that he followed that warning with another: "We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

And in that same Farewell Address, President Eisenhower made quite clear the need for national security. As he put it: "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

America's wealth is enormous but it is not limitless. Every dollar available to the Federal Government has been taken from the American people in taxes. A responsible government has a duty to be prudent when it spends the people's money. There is no more justification for wasting money on unnecessary military hardware than there is for wasting it on unwarranted social programs.

There can be no question that we should not spend "unnecessarily" for defense. But we must also not confuse our priorities.

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment. After a complete review of our foreign and defense policies I have submitted requests to the Congress for military appropriations—some of them admittedly controversial. These requests represent the minimum I believe essential for the United States to meet its current and long-range obligations to itself and to the free world. I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and to honor our obligations. I will bear the responsibility for these judgments. I do not consider my recommendations infallible. But if I have made a mistake, I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

Mistakes in military policy can be irretrievable. Time lost in this area of science can never be regained. I have no choice in my decisions but to come down on the side of security. History has dealt harshly with those nations who have taken the other course.

In that spirit, let me offer this credo for the defenders of our nation:

I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.

I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.

I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help ensure a sound prosperity and high employment.

I believe that moderation has a moral significance only in those who have another choice. The weak can only plead magnanimity and restraint gain moral meaning coming from the strong.

I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.

I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms, in the context of other specific moves to reduce tensions around the world.

I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.

And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength, in creating a just world order that will bring an end to war.

Let me conclude with a personal word.

A President shares a special bond with the men and women of the nation's armed services. He feels that bond strongly at moments like these, facing all of you who have pledged your lives, your fortunes and your sacred honor to the service of your country. He feels that bond most strongly when he presents a Medal of Honor to an 8-year-old boy who will not see his father again. Because of that bond, let me say this to you now:

In the past generation, since 1941, this nation has paid for fourteen years of peace with fourteen years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined. In terms of human suffering, this has been the costliest generation in the two centuries of our history.

Perhaps this is why my generation is so fiercely determined to pass on a different legacy. We want to redeem that sacrifice. We want to be remembered, not as the generation that suffered, but as the generation that was tempered in its fire for a great purpose: to make the kind of peace that the next generation will be able to keep.

This is a challenge worthy of the idealism which I know motivates every man who will receive his diploma today.

I am proud to have served in America's armed forces in a war which ended before members of this class were born.

It is my deepest hope and my belief that each of you will be able to look back on your career with pride, not because of the wars in which you served but because of the peace and freedom which your service made possible for America and the world.

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

Mr. BYRD of Virginia. I yield to the distinguished Senator from Tennessee.

Mr. GORE. Under the Constitution, what responsibility does the Congress have with respect to the Armed Forces of the United States?

Mr. BYRD of Virginia. I think the Congress has a responsibility in regard to general policy. The President, as Commander in Chief, of course, has control over the Armed Forces.

Mr. GORE. Does not the Constitution provide and place upon the Congress the duty and responsibility for providing for the common defense and raising and supporting an army?

Mr. BYRD of Virginia. It certainly does. I think Congress, in many cases—not in this particular case, of which the Senator from Tennessee is speaking, but in many cases—Congress has surrendered its constitutional prerogatives.

Mr. GORE. Is there any way that the Congress can surrender its prerogative and duty of levying taxes and appropriating public funds?

Mr. BYRD of Virginia. I would certainly hope not.

Mr. GORE. Does the President have any power either to levy taxes or to appropriate public money?

Mr. BYRD of Virginia. The President has no such power.

Mr. GORE. Well, then, what would be the Senator's comment upon this statement in the President's speech:

> The question in defense spending is how much is necessary. The President of the United States is the man charged with making that judgment.

According to the Senator's answer to my interrogation, it is the responsibility of the Congress to make appropriations, to decide how much to appropriate, for what purposes, and to designate how it shall be used.

Mr. BYRD of Virginia. Of course, the Senator from Tennessee is correct in that assertion.

The President of the United States, however, is correct in what I believe he intended in that statement—that he has an obligation and responsibility to submit his views and submit a budget as to what he thinks is necessary to operate the Armed Forces of the United States.

That does not mean Congress will necessarily concur in those views.

I myself voted for substantial reductions in the military budget last year, when President Johnson was President. I expect to vote for cuts in the present budget. But that does not relieve the President of the United States from delivering a budget to the Congress.

Mr. GORE. I would agree with that, but that is not what the President said. The President said:

> The President of the United States is the man charged with making that judgment.

It seems to me that it is a little too fashionable around Washington these days to assume that only the President, or perhaps his Secretary of Defense, has responsibility with respect to the security of the country. I see the distinguished Senator from Mississippi (Mr. STENNIS) on the floor. It seems to me he has some responsibility with respect to a judgment as to the amount of money that should be appropriated for the armed services of the United States.

The security of the country is a matter for which responsibility is shared by Congress and by the President. Anyone who has served in the Congress, anyone who is an astute lawyer and a student of the Constitution, should recognize the responsibility of Congress in this matter.

I know that the President has many responsibilities. When the White House puts out the word that the President is going to make a major address to the Nation and the world on the role of the military and the policy of the United States, his remarks should be prepared with great care.

I read another sentence from the President's address:

It is open season on the Armed Forces.

Now, in my view, that was an injudicious remark.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of Virginia. I ask unanimous consent that I be permitted to continue an additional 5 minutes.

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

Mr. GORE. "Open season" is a term that refers to a period of time when birds may be shot, when deer may be hunted with rifles. I am sure the President did not intend to say that anyone was trying to attack the military with weapons. It is not an open season; and I know of no Member of this body who regards the present period, or has regarded any period, as an open season on the military.

The distinguished Senator from Virginia has just stated that he expected to vote for reductions in the budget this year. I take it he intends to search out areas to identify what he considers to be waste and extravagance, and he may again call attention to such instances, as I have heard him do many times. When he does that, does the Senator think he is indulging in an open season upon the military?

Mr. BYRD of Virginia. I would say to the distinguished Senator from Tennessee that I do not think that any item in the budget submitted by any President is sacrosanct.

I think it is the responsibility of Congress to review carefully the budget that is submitted by a President, and to exercise its judgment in accordance with the way it views the general situation.

I do not interpret the President's remarks in the quotation the Senator from Tennessee read first in the same way that the Senator interprets his remarks. I interpret those remarks to mean that he has a responsibility—which I do think he has—as Commander in Chief and as Chief Executive of our Nation, to submit a budget.

Most Presidents, in my judgment, submit too large a budget. Certainly President Johnson did.

I might say, in that connection, since we are talking about budgets, that during the 8-year period of the Kennedy-Johnson administrations, Federal spending doubled.

I think that most of those budgets were too high, and I think the present budget can be reduced.

So, while I do not know exactly what the able and distinguished Senator from Tennessee is driving at, as far as I am concerned, as long as I have been in the Senate I have raised my voice whenever I felt it desirable to point out items in the budget that I felt should be reduced, and I expect to continue to do that.

I do not, however, deny to the President, whoever he might be, the right to submit his own budget recommendations. I think that is his responsibility

Mr. GORE. Mr. President, I did not raise a question about the budget, or about the right of the President to make recommendations. I agree with the Senator that he has acted as he has described, and I fully anticipate that he will continue so to do, and so shall I. But I do not like my actions in that regard to be referred to as "an open season on the military."

I ask the distinguished Senator one thing further: Does he know of anyone who has attacked the cadets of the U.S. Air Force Academy? Does he know of a Senator or Representative who has leveled an attack against the senior class of the Air Force Academy?

Mr. BYRD of Virginia. I am not aware of any attack on the senior class at the Air Force Academy.

Mr. GORE. Nor am I. Yet the President says, in addressing the graduates:

On the home front, you are under attack from those who question the need for a strong national defense.

Mr. President, I know of no one who has attacked the cadets, and I know of no one in the Senate who has questioned the need for a strong defense. I do not know what the President was talking about.

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

Mr. GORE. Will the Senator from Virginia yield me a moment further?

The President says further:

Your critics—

Now, who are the critics of the cadets at the Air Force Academy? Members of this body appointed many of them. I have not heard of anyone criticizing them. I am saying that this was an intemperate speech made yesterday by the President of the United States.

He referred to unilateral disarmament. I know of no Member of this body or the other body who now advocates or has ever advocated unilateral disarmament. That is not the question at all.

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

Mr. BYRD of Virginia. I yield to the Senator from Louisiana.

Mr. LONG. Has the Senator ever heard of the Students for a Democratic Society?

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. LONG. I ask unanimous consent that the Senator have 3 additional minutes.

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

Mr. BYRD of Virginia. Yes, I have heard of that group.

Mr. LONG. Does he agree with me that they are about the scum of the earth?

Mr. BYRD of Virginia. I do not know whether I would use the same phraseology the Senator uses.

Mr. LONG. They are about the most contemptible people I know of. They are the most overprivileged group in this country. Is the Senator familiar with the fact that the parents of those people have put up the money to pay all their expenses, and buy soap for them, but they refuse to take baths? That they have put up the money to buy them razor blades, but they refuse to shave? That they have put up the money to buy food for those children, and they spend it on marihuana? They are the most sorry, contemptible, overprivileged people in the world, and I say that kind of people are a good element for the Communists to move in on.

Is the Senator familiar with the fact that some Senators have stood on this floor, some of them day after day, making speeches in favor of the SDS in connection with their part in the riots in Chicago last summer?

Mr. BYRD of Virginia. I have some familiarity with what the Senator is speaking of. I would say I am in disagreement with the SDS. I do not know that I would use the same phraseology in describing their activities, but I do not look upon them in favor.

Mr. LONG. I say to the Senator that if I had any influence—and I have very little around here—I would take those people out of college and put them in the penitentiary at hard labor, and I would not encourage them, or say that the way to stop their rioting and tearing down the flag and burning it is to yield to their demands. I would throw them out of school and put them in the Army or put them in jail. I would not give them the opportunity to just lie around in a jail bed all day long. I would put them out there on a rock pile, to do hard work or get shot.

Mr. BYRD of Virginia. Speaking of getting thrown out of school, I thought it rather significant and interesting that at Cornell, the president of the university has been thrown out.

He lost his job because of the way that he permitted the students at Cornell to arm themselves with shotguns and rifles to take over the buildings, and then he made an agreement with them to capitulate to all their demands, even to the extent of agreeing that he would not reprimand them.

So as a result of that action, while the students were not thrown out—and I think they should have been thrown out, when, with shotguns and rifles, they take over an administration building—the president of the university himself has been thrown out by those mature members of the faculty and trustees who realize you can have only chaos when you have administrators of that type.

Mr. LONG. Is the Senator aware of the fact that the SDS was the outfit that waged that riot in Chicago in August, and that we have had Senators on this side of the aisle, one in particular, making speeches encouraging that kind of people in that kind of activities?

Mr. BYRD of Virginia. The Senator from Virginia was not at Chicago.

Mr. LONG. Well, I was there. I knew what it was like. They put enough stink

bombs inside the elevators so that any time you came in and went out, you thought you had been to a place to relieve yourself, and you carried a smell with you wherever you went that lasted for hours after you went in and out of your hotel. I survived that. I saw them do those kinds of things, and I saw them assault the police, and then I heard Senators stand on this floor making speeches in favor of that bunch, sometimes day after day. I saw them commit their crimes, and I saw the police; in fact, I went up and shook the hands of the policemen and thanked them for protecting my life.

There are Senators who make speeches giving aid and comfort to those people.

I think that kind of people ought to be in jail.

When the President of the United States chose not to give aid and comfort to that kind of people, he made this speech to those young people who have volunteered to give their lives to their country.

I do not claim to be an astute lawyer. My name is on the school building where I went to school. That is an indication that I was a fairly good student. I was an associate editor of the Law Review.

I know, however, of those who are intellectual perverts. I have seen some of that kind of people go to the Supreme Court. One has resigned.

I applaud the Senator from Virginia for having printed in the RECORD the speech delivered to those who have volunteered to go beyond the call of duty.

I point out that when one volunteers to go in the first boat to go ashore against the enemy, he had better not tell his crew or he will be shot from the rear.

If one had that kind of experience, he would applaud the kind of speech that the President made. I suppose that I am an outdated war veteran. The sort of old fashioned patriotism that appeals to the Senator from Louisiana seems to appeal also to the Senator from Virginia.

The kind of riots which have been permitted to take place at the eastern colleges have not been permitted to occur at the old war school where I achieved two degrees.

That school was closed when General Sherman was the president of the university at the time the States went to war. He resigned to become general of one of the northern armies. He was a great general, and he would have been President of the United States had he been willing to run for that office.

General Sherman resigned to fight for the Union States and to do his duty as he saw it. The entire cadet corps quit school to go to war for the Confederate States. They then had to close the war school. Every one quit.

As I say, I applaud the President's speech. I do not claim to be an astute lawyer. Although you can find my name inscribed on the law school building, I do claim to have some old-fashioned patriotism.

Mr. BYRD of Virginia. The Senator from Louisiana is both an astute lawyer and an astute Senator.

Mr. LONG. I applaud the distinguished Senator from Virginia for having the speech printed in the RECORD.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Louisiana.

I think that what President Nixon is concerned about as reflected in his speech of yesterday, and what many Americans should be concerned about, is the future of our military organization.

Those Senators who have served with me in the last 3½ years are aware that I have been at times very critical of the Defense Department.

I think one of the great tragedies of the many tragedies of the Vietnamese war is the fact that the war was run by civilian leadership from Washington. As a result, the war was prolonged and the casualties increased.

Another result of that action has been that the public has tended to lose confidence in our military leaders. Yet, it was not the military leaders who laid down the policies under which our soldiers and airmen have had to fight.

I frankly feel it was a great error in judgment to become involved in a ground war in Asia.

But this Nation did become involved, and it was the policy of the Government to have the decisions made by the then Secretary of Defense, Mr. Robert S. McNamara. And his policy was to conduct what he called a limited war.

It has been limited in the sense that it has not gone much beyond the boundaries of South Vietnam. It has hardly gone to the boundaries of North Vietnam.

But it has not been limited insofar as the American people are concerned.

It has not been limited so far as those 2,100,000 Americans who have been sent to Vietnam to fight the war; 2,100,000 Americans have done duty in Vietnam since this war was started. It has not been limited for them.

I want to mention again the casualties, as I have been doing almost every week for 3½ years.

This Nation has suffered great casualties in Vietnam.

Since the bombing of North Vietnam was stopped on last April 1—April 1, 1968—by President Johnson, a period of 14 months, the United States has suffered 112,000 casualties.

That is 43 percent of all the casualties that our Nation has suffered during the tragic history of this long war. Of the total casualties, 14,000 were killed and 98,000 wounded.

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

Mr. BYRD of Virginia. I yield.

Mr. GORE. Mr. President, I just read on the Associated Press ticker that 261 Americans were killed in Vietnam last week. More than 1,800 were wounded. I would like to suggest to the able Senator from Virginia that the military services are doing a magnificent job in saving the lives of the wounded. Except for the rapid evacuation and the competent medical care that our wounded servicemen are receiving, the ratio between killed and wounded would be much more unfavorable.

I applaud the armed services for providing this rapid evacuation and this efficient medical care.

I have not made any reference to the SDS, and I do not now wish to do so. I am not acquainted with any person, so far as I know, who is now a member of the SDS or who has ever been a member of SDS. I do not know exactly what point that has in the colloquy.

What I rose to suggest to the Senator, in line with the statistics which he is keeping, was that he will find that since January 19, 5,722 American soldiers and servicemen have been killed in Vietnam and approximately 32,000 have been wounded according to the latest reports, as of the end of the previous week.

When the casualties of the present week, assuming they continue, are added, it will bring the total casualties since January 19 to approximately 40,000.

When we are now locked in a tragic war such as this, I think it is regrettable that the President of our country would make an intemperate and injudicious speech, raising questions by innuendo as to the motives and the patriotism of Members of the Senate who have raised critical questions with respect to the military, with respect to its extravagant use of funds, and with respect to the deployment of new but highly questionable missile systems.

I do not wish to impose upon the time of the Senator from Virginia, but I should like to read, if he will be so kind as to permit me to do so, two additional sentences from the President's speech. He refers to some who follow a particular school of thought. I do not know whether he wishes to attribute to me that school of thought or not; he does not say; neither does he fully describe or identify it. But he says:

> They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise.

I know of no Member of the Senate, either serving now or who has ever served in the Senate, who has ever taken such a position or who now takes such a position. Here is the second sentence:

> They—

Who is "they"? No Member of this body. But:

> They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Is there anyone in this body who entertains such a view?

I do not wish to trespass further upon the Senator's time. I wish to suggest to him that I prepared an address with respect to the Midway conference in which I propose to uphold the President's hand as he goes to Midway—as unwise as the decision to go there appears.

The speech about which we have been in colloquy is an ill omen; but I hope it was what I judge it to be—a speech to the preparation of which the President did not give very much personal attention.

I shall not ask the Senator to yield further, but I invite him to listen to my speech later, in which I will make some remarks with respect to Vietnam.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President,

I ask unanimous consent that I may proceed for 3 additional minutes.

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

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

Mr. BYRD of Virginia. I shall yield in a moment.

I always enjoy listening to the distinguished senior Senator from Tennessee, and I shall listen to him with interest this afternoon, when he delivers his address to the Senate. He always has a contribution to make to the thinking of this body.

I do not interpret President Nixon's address the same way in which the distinguished Senator from Tennessee interprets it. Of course, each individual is privileged to interpret any speech the way he wishes to interpret it.

I do not regard the speech as intemperate or injudicious.

I do not recall the President indicating an intention to refer to Members of the Senate. Perhaps some felt it was directed at them. I do not know anything about that.

The President of the United States was addressing the cadets of the Air Force Academy, and he was expressing his alarm and concern at the fact that our military organization has been brought into some jeopardy, primarily as a result of the Vietnam war.

Although he may not have mentioned it, I would think that the reason for this jeopardy is that the war has been fought in a way that has prolonged it and has increased the casualties. But that has not been the fault, as I see it, of the professional military people; because they were operating under policies and under procedures laid down by a civilian Secretary of Defense in Washington.

I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, might I say to the Senator from Virginia that I heard the speech. It was my good fortune that the distinguished senior Senator from Tennessee was willing to preside at a hearing where I was the chairman, and he did a magnificent job, as he always does. I saw this as an opportunity to slip out and go to the Senate gym and get a little exercise, enjoy a moment's swim, and a massage on my head, because my hair keeps falling out.

While this was going on, the boys in the gym turned on the speech on the radio, and it sounded magnificent. It never occurred to me that the Senator from Tennessee would find it necessary to defend himself against that speech.

I just happened to hear the speech. I did feel that a couple of things in that speech sounded as though the President was talking about folks like me, who volunteered to fight for the country, and proudly did so. That would come as no surprise to a man from Tennessee, which is known as the Volunteer State—I suppose because Andy Jackson came from there.

Mr. GORE. No. I want to educate my friend, the Senator from Louisiana. Tennessee is called the Volunteer State because in one conflict after another in which our country has been involved, a larger percentage of our sons have volunteered than from any other State.

Mr. LONG. The University of Tennessee would have difficulty beating the Louisiana State University, because 100 percent of the latter volunteered. That is hard to beat. We gave the North their most efficient generals, without whom they never would have won the war. Everybody else fought for the Confederacy. So we fought both sides of it courageously and efficiently.

It sounded to me as though the President was talking about the old-fashioned patriotism that seemed to be common to Andy Jackson and the Louisiana Tigers.

I regretfully say that even though we are willing to fight, we have not been able to defeat the Tennessee football team only once in our history. Even when we had the No. 1 team in America, we were not able to beat them, although I must confess that we got some bad calls from the referee that day. [Laughter.]

I do not believe anything in the President's remarks refers to the Senator from Tennessee. He had someone else in mind.

Mr. GORE. Who?

Mr. LONG. I think he had people in mind like the Students for a Democratic Society; the overprivileged group, the people who pay for them to go to college; and they spend their time giving aid to our enemies in Vietnam, rather than trying to get an education, and spend their time hauling down the American flag and burning it in shame, rather than volunteering to fight for the United States.

I admire the boys from Canada who come to fight for this country, rather than those who go to Canada to avoid fighting for this country, or who stay in school forever to avoid putting on a uniform. I think we should repeal the draft exemption which permits these young fellows to avoid their duty.

In my judgment, half the protest movement is an inner reaction of people who do not realize that they are cowards. They have been encouraged by the women in their families and by the girls they go with not to fight for their country. So they drape the white cloth of humanitarianism across their yellow stomachs, and then they proceed to pretend it is an immoral war, a dishonorable war, and so forth.

It is too bad that people have to do that; but I think it is a psychiatric situation, and in my judgment, somebody could straighten them out. The first move should be to put them in the penitentiary, where you can work on them. Even so, those people should not be encouraged to do that kind of thing.

I think the President chose the right audience when he chose men who volunteered to fight for their country. My impression is that that tradition is not uncommon in the State of Virginia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. LONG. There have been many, such as Patrick Henry, who said, "Peace, but there is no peace." He seemed to be aware of the fact that somebody was fighting in Boston, and he thought the people in Virginia should take up arms and join their friends in Massachusetts to fight for a common cause. He said, "Give me liberty or give me death."

He was not smoking marihuana when he made that speech. That man was speaking for the kind of patriotism which is common in Virginia. A man named Thomas Jefferson came from that State. The Red Coats almost caught him at Monticello, and he was lucky enough to escape. Mr. President, what do you think they would have done to Thomas Jefferson if they had caught him? They would have hanged him if he was lucky. Otherwise they would have chopped his head off and been on their way.

Virginia has produced men like George Washington, Thomas Jefferson, Patrick Henry, James Madison, and James Monroe. Some of the Byrds have been volunteers. They have not been afraid to fight for their country.

Mr. BYRD of Virginia. I am proud of all those men that the Senator has mentioned who were born in Virginia, but I am equally proud of Louisiana because my wife was born there.

Mr. LONG. I thank the Senator. The Long people migrated through Virginia on the way to Louisiana, and I am proud to represent the State that produced the wife of the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, in conclusion, I am glad that the Senator from Tennessee inserted in the RECORD the casualty figures dating from the early part of January. The figures show casualties totalling roughly 37,000 killed and wounded.

I think it is so vitally important that our Government have a sense of urgency in bringing this war to a conclusion.

I believe in this regard that the Paris peace talks, which have been going on for over a year now, including preliminary talks, have tended to lull the American people into a false sense of security. They are not aware of the tremendous casualties that have occurred in the last 14 months since the talks first began.

During that same period of time, from April 1 of last year to this date, 43 percent of all U.S. casualties have occurred; and that is the same period of time our government was attempting to show good faith by curtailing and eliminating all bombing of North Vietnam.

Therefore, I think our Government, under both President Johnson and President Nixon, has gone a long way in trying to show good faith. But the enemy does not respond to the good intentions, U.S. casualties continue.

It is important that the American people realize this.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOCATION, NATURE, AND ESTIMATED COST OF CERTAIN FACILITIES PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Properties and Installa-

tions), reporting on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve, to be accomplished within the uncommitted balance of lump sum authorization provided by the Reserve Forces Facilities Acts; to the Committee on Armed Services.

REPORT ON AMOUNT OF EXPORT-IMPORT BANK INSURANCE AND GUARANTEES ISSUED IN APRIL 1969 IN CONNECTION WITH U.S. EXPORTS TO YUGOSLAVIA

A letter from the Office of the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank insurance and guarantees issued in April 1969 in connection with U.S. exports to Yugoslavia; to the Committee on Banking and Currency.

REPORT ON PRINCIPAL NATURAL GAS PIPELINES IN THE UNITED STATES, 1968

A letter from the Chairman, Federal Power Commission, transmitting, under separate cover, a map of "Principal Natural Gas Pipelines in the United States"; to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on savings by routing cargo through the military port at Subic Bay in the Republic of the Philippines, dated June 2, 1969 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

ADJUSTMENT OF STATUS OF JOSE MORENO AND MARIA MORENO

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of an order relating to the adjustment of the status of Jose Moreno and Maria Moreno (with an accompanying paper); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR THE HIGHWAY BEAUTIFICATION PROGRAM FOR FISCAL YEAR ENDING JUNE 30, 1971

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the highway beautification program for the fiscal year ending June 30, 1971 (with accompanying papers); to the Committee on Public Works.

PROPOSED LEGISLATION TO PROVIDE FOR THE CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964

A letter from the Director, Office of Economic Opportunity, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO PROVIDE A FORMULA FOR APPORTIONMENT OF STATE AND COMMUNITY HIGHWAY SAFETY FUNDS FOR FISCAL YEAR 1970 AND THEREAFTER

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide a formula for apportionment of State and community highway safety funds for fiscal year 1970 and thereafter (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By Mr. PASTORE (for himself and Mr. PELL):

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on Commerce:

"H. 1660

"Resolution memorializing Congress with respect to the adoption of a standard, year round daylight saving time program

"Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to make such amendment to the federal law so as to permit a standard, year round daylight saving time program.

"Resolved, That the secretary of state be and hereby is requested to transmit to the senators and representatives from Rhode Island in the Congress of the United States only, certified copies of this resolution in the hope that each will use every endeavor to influence a favorable action by Congress upon this matter."

"AUGUST P. LA FRANCE,
"Secretary of State."

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on Interior and Insular Affairs:

"H. 1860

"Resolution memorializing Congress to establish a national cemetery in Glocester, R.I.

"Whereas, Rhode Island, one of the most densely populated states in the country, has no national burial facilities; and

"Whereas, Adequate and proper burial facilities for Rhode Island's honored veterans are badly needed and earnestly desired; and

"Whereas, In every other region of the country there are at least four national cemeteries, but in New England there are none; and

"Whereas, It is grossly unfair that the New England area which gave birth to this nation and particularly Rhode Island, the first of the original American colonies to formally renounce allegiance to Great Britain, remains without a national cemetery; and

"Whereas, The historically rich state of Rhode Island, which has contributed so much to the greatness of this nation, should be permitted a national cemetery within its boundaries; now therefore be it

"Resolved, That the general assembly of Rhode Island and Providence Plantations hereby respectfully requests congress to enact such appropriate legislation to establish a national cemetery in Glocester, Rhode Island so that veterans can be properly laid to rest in a cemetery befitting their service to this country; and be it further

"Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the congress of the United States in the hope that they will give this matter their personal attention.

"AUGUST P. LAFRANCE,
"Secretary of State."

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"S. 624

"Resolution memorializing Congress to enact H.R. 165, a bill amending the immigration quotas

"Whereas, In 1965 congress enacted an immigration law to resolve some inequities in the immigration system; and

"Whereas, The new law, in attempting to eliminate the discrimination of the old national origins quota law, has now created a new class of unfair immigration policies; and

"Whereas, In order to resolve the inequities of this present discriminatory law congress now has before it for consideration H.R. 165, commonly known as the 'Ryan Bill;' and

"Whereas, The 'Ryan Bill' provides in substance that any country whose immigration has dropped below seventy-five per cent (75%) of its yearly average during the ten years base period from 1956 to 1965 be allocated additional places in excess of the worldwide quota sufficient to bring its total to 75 per cent of the base period average; and

"Whereas, Said Bill also provides that notwithstanding the above states provisions no country shall be alloted more than 10,000 places; and

"Whereas, The aim of this Bill is to resolve a discriminatory practice of the United States government; now therefore be it

"Resolved, That the state of Rhode Island and Providence Plantations through its general assembly, now requests the congress of the United States to enact H.R. 165 to remove the inequities of the immigration laws; and be it further

"Resolved, That the senators and representatives from Rhode Island in said congress be and they are hereby earnestly requested to use concerted effort to enact the so-called "Ryan Bill," to delete discriminatory practices of the immigration system; and the secretary of state is hereby authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in said congress.

"AUGUST P. LA FRANCE,
"Secretary of State."

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on Public Works:

"S. 408

"Resolution memorializing Congress to act upon an amendment of Public Law 89-272 of the 89th Congress entitled 'Solid Waste Disposal Act'

"Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to act favorably on an amendment to Public Law 89-272 providing for the inclusion of construction funds in the appropriation under the 'Solid Waste Disposal Act' and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit to the senators and representatives from Rhode Island in Congress of the United States duly certified copies of this resolution in the hope that each will use every endeavor to have favorable action taken by the Congress on this matter.

"AUGUST P. LA FRANCE,
"Secretary of State."

By the PRESIDING OFFICER:

Three House joint memorials adopted by the Legislative Assembly of the State of Oregon; to the Committee on Agriculture and Forestry:

"HOUSE JOINT MEMORIAL 3

"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

"Whereas the Fifty-fourth Legislative Assembly of the State of Oregon created an Interim Committee on Public Lands to study, among other subjects, the role of this state in the management of public lands; and

"Whereas the Interim Committee on Public Lands conducted extensive hearings and commissioned a study regarding forest management goals and objectives; and

"Whereas the Interim Committee on Public Lands found that forest yields can be increased dramatically through application of intensive forest management techniques such as fertilization, genetic improvement, and thinning; and

"Whereas the Interim Committee on Public Lands concluded that intensive forest management practices are not now being applied to public forests because current federal laws remove from this state a part of the income from forest operations which should be retained within the state for investment in forest roads and improved forest management; and

"Whereas the Interim Committee on Public Lands determined that achievement of intensive management practices on public forests depends upon retaining within this state sufficient income from timber sales and other forest operations to invest in and fund progressive forestry practices; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to make available to the United States Forest Service a fixed percentage of the revenue from National Forest lands for investment in intensive forest management practices and roads in order to increase the productivity of the National Forests.

"(2) The Chief Clerk of the Oregon House of Representatives shall send a copy of this memorial to the presiding officer of each house of the Congress, and ot each member of the Oregon Congressional Delegation.

"Adopted by House April 10, 1969.

"WINTON L. HUNT,
"Chief Clerk of House.

"ROBERT F. SMITH,
"Speaker of House.

"Adopted by Senate April 25, 1969.

E. D. POTTS,
"President of Senate."

"HOUSE JOINT MEMORIAL 14

"To the Honorable Senate and the House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

"Whereas the federal Wholesome Meat Act and the Wholesome Poultry Products Act prohibit interstate shipment and sale of state inspected meats and poultry even though such meats and poultry are produced under inspection programs which are determined to be equal to federal standards; and

"Whereas foreign produced and inspected meats are permitted to be shipped and sold in interstate commerce if on a par with federal standards; and

"Whereas the adequacy of surveillance over foreign programs and plants approved for importation of meat into this country is subject to question and much more difficult to maintain than is surveillance over state inspection programs; and

"Whereas the law provides a double standard, one for foreign countries and one for the several states of the United States, which is inequitable and does not adequately protect the consuming public, and works to the serious disadvantage of Oregon's valued and important livestock and meat processing industries; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to amend the existing Wholesome Poultry and Wholesome Meat Acts to permit the interstate shipment of Oregon inspected meats and poultry which meet federal inspection standards.

"(2) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the presiding officer of each house of Congress, to each member of the Oregon Congressional Delegation, and to the administrator of the Consumer and Marketing Service of the United States Department of Agriculture.

"Adopted by House February 28, 1969.

"WINTON L. HUNT,
"Chief Clerk of House.

"ROBERT F. SMITH,
"Speaker of House.

"Adopted by Senate April 29, 1969.

E. D. POTTS,
"President of Senate."

"HOUSE JOINT MEMORIAL 24

"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

"Whereas the estimated inventory of western Oregon alder timber resources is 10 billion board feet; and

"Whereas the 1967 harvest presently is estimated at 42.2 million feet from the federal, state and private timber lands; and

"Whereas the existing milling capacity is estimated at 75.25 million board feet annually and would afford a $3,600,000 annual payroll. All but three of these mills are located in rural areas; and

"Whereas the existing mills are frequently out of production because of a shortage of logs due to lack of available timber to meet their requirements; and

"Whereas approximately 75 percent of the alder timber reaching the market comes from private timber lands in spite of the fact that 50 percent of the total volume grows on public lands of the United States Forest Service, Bureau of Land Management, and State of Oregon lands; and

"Whereas the State of Oregon lands administered by the State Board of Forestry have provided more than their share of available alder timber as compared with their much smaller inventories of alder timber than the federal agencies, Bureau of Land Management and United States Forest Service, and have converted these lands by planting to a higher producing coniferous timber; and

"Whereas the estimated annual growth of alder on all lands of the western Oregon area is approximately 200 million board feet on perpetual sustained yield cutting; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to direct the Secretary of Agriculture and the Secretary of the Interior to direct the United States Forest Service and the Bureau of Land Management, respectively, to establish an annual harvest volume for alder and other hardwood timber on the lands under their jurisdiction.

"(2) A workable hardwood management program should be evaluated and established by the United States Forest Service and the Bureau of Land Management in conjunction with their current conifer management program.

"(3) Immediate action should be taken by the Secretary of Agriculture to add a member of the Northwest hardwood industry to the Pacific Northwest Advisory Committee to the Regional Forester to the end that such a knowledgeable member would assist the Committee in a review of hardwood timber sales procedures through competitive bidding on federal lands.

"(4) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the presiding officer of each house of the Congress and to each member of the Oregon Congressional Delegation.

"Adopted by House April 10, 1969.

"WINTON L. HUNT,
"Chief Clerk of House.

"ROBERT F. SMITH,
"Speaker of House.

"Adopted by Senate April 25, 1969.

"E. D. POTTS,
"President of Senate."

A House joint memorial adopted by the General Assembly of the State of Colorado; to the Committee on Appropriations:

"HOUSE JOINT MEMORIAL 1004

"Memorializing the Congress of the United State to appropriate sufficient funds to construct the Mount Carbon Dam

"Whereas, The United States Army Corps of Engineers has recommended the construction of a flood control project at the Mount Carbon site on Bear Creek, east of the Town of Morrison, in the County of Jefferson, and the State of Colorado; and

"Whereas, There have been twenty-two floods on Bear Creek between the Town of Morrison and the South Platte River in the Denver Metropolitan area since 1900, the most recent of which have been in 1957, 1958, and 1965; and

"Whereas, Said floods have caused forty-five deaths and massive destruction to property; and

"Whereas, Due to unusually heavy rainfall in the last two days, Bear Creek is running over its banks, and, as a result thereof, the Denver Metropolitan area is again being threatened with the possibility of being struck by a flood; and

"Whereas, The cost of the construction of the Mount Carbon Dam is far outweighed by the cost of the destruction which is caused by a major flood of the Denver Metropolitan area; now, therefore,

"Be It Resolved by the House of Representatives of the Forty-seventh General Assembly of the State of Colorado, the Senate concurring herein:

"That the Congress of the United States is hereby respectfully, but urgently requested to appropriate sufficient funds to construct the Mount Carbon Dam in Jefferson County, Colorado.

"Be It Further Resolved, That a copy of this Memorial be transmitted to the President and Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the members of Congress from the State of Colorado.

"JOHN D. VANDERHOOF,
"Speaker of the House of Representatives.

"MORRAINE LOMBARDI,
"Chief Clerk of the House of Representatives.

"FAY DEBUARD,
"President pro tempore of the Senate.

"COMFORT W. SHAW,
"Secretary of the Senate."

A joint resolution adopted by the General Assembly of the State of Tennessee; to the Committee on Appropriations:

"HOUSE JOINT RESOLUTION 125

"A resolution to memorialize the Congress of the United States to approve the appropriations contained in the Second Supplemental Appropriations bill for the fiscal year 1969, relative to Section 235, Section 236 of the Housing and Urban Development Act of 1968

"Whereas, the Ninetieth Congress of the United States, passed the Housing and Urban Development Act of 1968, which contained appropriations in the sum of Seventy-Five Million Dollars for Section 235, low income home purchase program and Seventy-Five Million Dollars for Section 236, low income rent program; and

"Whereas, of the sums appropriated for the fiscal year 1968, under the Housing and Urban Development Act of 1968, only Twenty-Five Million Dollars has been released for each such program; and

"Whereas, the Twenty-Five Million Dollars released for each such program under the Act was sufficient to establish only a pilot program, the primary programs under the Act being inoperative due to the lack of sufficient funds, and

"Whereas, the primary provisions contained in the Housing and Urban Development Act of 1968, are in need of immediate implementation to relieve the critical shortage of adequate housing for our low income citizens;

"Now, therefore, be it resolved by the House of Representatives of the Eighty-Sixth General Assembly of the State of Tennessee, the Senate concurring, That by this Resolution we memorialize the Congress of the United States to approve the appropriations contained in the Second Supplemental Appropriations bill for the fiscal year 1969, relative to Section 235, Section 236 of the Housing and Urban Development Act of 1968; and

"Be it further resolved, That copies of this Resolution be forwarded to the President of the Senate, Speaker of the House of Representatives, the House Appropriations Committee, the Sub-committee on Independent Offices and Department of Housing and Urban Development of the Congress of the United States, and Home Builders Association of Tennessee, and the National Association of Home Builders in Washington, D.C.

"Adopted: May 9, 1969

"WILLIAM L. ———,
"Speaker of the House of Representatives.

"FRANK C. GORRELL,
"Speaker of the Senate.

"Approved: May 9, 1969.

"BUFORD ELLINGTON,
"Governor."

A Senate memorial adopted by the Legislature of the State of Florida; to the Committee on Banking and Currency:

"SENATE MEMORIAL NO. 504

"A memorial to the Congress of the United States to amend title 12, U.S. Code, section 548, to allow the State of Florida to collect sales and use taxes, documentary stamp taxes, and intangible taxes from national banks

"Whereas, a three-judge United States District Court for the Northern District of Florida, in the case of The First National Bank of Homestead and Okaloosa National Bank at Niceville, v. Fred O. Dickinson, Jr., Comptroller of the State of Florida, and The Florida Revenue Commission and J. Ed Straughn, Director of Revenue, State of Florida, enjoined the above-named Defendants from levying, assessing or collecting (a) sales and use taxes levied on goods, services and rentals purchased by Plaintiffs, (b) intangible personal property taxes on mortgages owned and recorded by Plaintiffs, and (c) documentary stamp taxes on notes, mortgages, or other evidences of debt held by Plaintiffs, and on shares of stock and capital debentures issued by Plaintiffs, and

"Whereas, the Comptroller of the State of Florida requested Honorable Earl Faircloth, Attorney General of the State of Florida, to prosecute an appeal of the decision of the United States District Court, which appeal was filed in the United States Supreme Court, and

"Whereas, the United States Supreme Court, in a memorandum decision on January 20, 1969, affirmed the judgment of the United States District Court for the Northern District of Florida, and

"Whereas, a petition for rehearing was filed by the Attorney General of the State of Florida, at the request of the Comptroller of the State of Florida, which petition was denied by the United States Supreme Court on February 25, 1969, and

"Whereas, the Comptroller of the State of Florida requested an opinion from the Attorney General of the State of Florida as to the applicability of the decision in the case of Dickinson, Comptroller, v. First National Bank of Homestead to state banks and received on March 14, 1969, the Attorney General's opinion to the effect that "by virtue of Section 192.54, Florida Statutes, State of Florida chartered 'banks, trust companies and Morris Plan banks' enjoy this same immunity," and

"Whereas, the effect of the decision of the United States Supreme Court will cost the State of Florida millions of dollars annually in total revenue at a time when Florida is facing record-breaking requests for funds to support public services, and

"Whereas, the Directors of the Florida Banker's Association have urged their congressional representatives to close up a loophole which exempts them from paying state sales taxes, documentary stamp taxes, and intangible property taxes, and

"Whereas, the Cabinet of the State of Florida on February 4, 1969, unanimously adopted a resolution to be delivered by the Comptroller of Florida to the Congressional delegation of Florida, urging Congress to act to amend Title 12, U.S. Code, Section 548, and

"Whereas, a bill entitled H.R. 9794 was offered in Congress on April 1, 1969, by the Florida delegation, to clarify the liability of national banks for certain taxes, as follows: "sales tax, use tax, personal property taxes, intangible personal property taxes, and documentary stamp taxes," and

"Whereas, the Legislature of the State of Florida is acutely aware and concerned with the need for additional revenues necessary to finance the ever increasing responsibilities and needs of a fast growing state, and

"Whereas, the loss of any tax revenue would seriously affect the ability of the state to meet its growing financial requirements and commitments, and

"Whereas, immediate action is urgently needed so as to clearly allow the levy and collection of sales and use taxes, documentary stamp taxes, and intangible taxes from national banks, now, therefore, be it resolved by the Legislature of the State of Florida:

"That the Congress of the United States is hereby requested to adopt the bill introduced by the Florida delegation in the House of Representatives which provides as follows: 'A national bank has no immunity from any sales tax, use tax, personal property taxes, intangible personal property taxes, and documentary stamp taxes which it would be required to pay if it were a bank chartered under the laws of the State or other jurisdiction within which its principal office is located.'

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

"Filed in Office Secretary of State May 27, 1969.

"TOM ADAMS,
"Secretary of State."

A Senate memorial adopted by the Legislature of the State of Florida; to the Committee on Government Operations:

"SENATE MEMORIAL 1102

"A memorial to the Congress of the United States requesting transfer of certain federal property in Avon Park to the State for continued use as a state correctional institution

"Whereas, the State of Florida, through the Division of Corrections, has been operating the Avon Park Correctional Institution since April, 1957, on lease from agencies of the Federal Government, and

"Whereas, continuous efforts have been made to obtain this property on a permanent basis, and

"Whereas, the State of Florida has expended in excess of seven hundred fifty thousand dollars ($750,000) to maintain this property since April, 1957, and

"Whereas, the maintenance has prevented the institution from deteriorating and rather than depreciating in value its value has actually appreciated, and

"Whereas, the property has been declared surplus by the Federal Government and made available for sale to the State of Florida, and

"Whereas, the General Services Administration of the Federal Government has placed a valuation of six hundred fifty thousand dollars ($650,000) on the property, and

"Whereas, the appraiser contracted by the State of Florida has placed a valuation of three hundred three thousand five hundred dollars ($303,500) on this property, and

"Whereas, the State of Florida vitally needs this property in order to house seven hundred twenty (720) inmates of its correctional system, and

"Whereas, the location of an institution on the Avon Park Bombing Range serves the Air Force and other agencies stationed on this base, now, therefore, be it resolved by the Legislature of the State of Florida:

"That the Congress of the United States be and it is hereby requested to transfer and donate that portion of the Avon Park Bombing Range located in Polk County, Florida, which has been declared surplus to the needs of the Federal Government, to the State of Florida for use by the Florida Division of Corrections as a correctional facility.

"Be it further resolved that copies of this Memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

"Filed in Office Secretary of State May 27, 1969.

"TOM ADAMS,
"Secretary of State."

A resolution adopted by the Council of the City of Pittsburgh, Pa., memorializing the President of the United States to reconsider the anti-ballistic-missile plan; to the Committee on Armed Services.

A resolution adopted by the Retired Officers Club of Long Island, praying for enactment of a bill in favor of pay equalization for retired officers of the armed services; to the Committee on Armed Services.

A resolution adopted by the German-American National Congress, Inc., praying for a just peace and reunification of Germany; to the Committee on Foreign Relations.

A resolution adopted by the New Jersey State Federation of Women's Clubs, dealing with prayer and Bible reading; to the Committee on the Judiciary.

A petition for redress of grievances, submitted by the Universal Exchange for All People, the Peacemaker, praying for enactment of legislation creating the Universal Exchange Corp.; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 7206. An act to adjust the salaries of the Vice President of the United States and certain officers of the Congress (Rept. No. 91-226).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1708. A bill to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes (Rept. No. 91-227).

AMENDMENT OF TARIFF SCHEDULES OF THE UNITED STATES SO AS TO PREVENT PAYMENT OF MULTIPLE CUSTOMS DUTIES BY U.S. OWNERS OF RACEHORSES PURCHASED OUTSIDE THE UNITED STATES—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (REPORT NO. 91-225)

Mr. LONG. Mr. President, from the Committee on Finance, I report favorably, with an amendment, the bill (H.R. 4239) to amend item 802.30, Tariff Schedules of the United States, so as to prevent payment of multiple customs duties by U.S. owners of racehorses purchased outside of the United States, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Tennessee (Mr. GORE).

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Louisiana.

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. DIRKSEN (for himself and Mr. PERCY):

S. 2305. A bill to extend the time for the initiation and completion of construction of an additional bridge across the Mississippi River by the Rock Island Bridge Commission; to the Committee on Public Works.

By Mr. HRUSKA:

S. 2306. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Finance.

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

By Mr. FANNIN:

S. 2307. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; and

S. 2308. A bill to amend title 38, United States Code, in order to provide for the payment of an additional amount of up to $100 for the acquisition of a burial plot for the burial of certain veterans; to the Committee on Finance.

By Mr. TOWER:

S. 2309. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

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

By Mr. GURNEY:

S. 2310. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title; to the Committee on Finance.

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

By Mr. SCOTT:

S. 2311. A bill to amend the act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes; to the Committee on Commerce.

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

By Mr. SCOTT (for Mr. CASE) (for himself, Mr. GRAVEL, and Mr. MOSS):

S. 2312. A bill to establish a Department of Conservation and the Environment; to the Committee on Government Operations.

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

By Mr. HATFIELD:

S. 2313. A bill to amend the Tariff Schedules of the United States to provide that the amount of groundfish imported into the United States shall not exceed the average annual amount thereof imported during 1963 and 1964; to the Committee on Finance.

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

By Mr. JACKSON (by request):

S. 2314. A bill to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. Moss, Mr. CHURCH, Mr. MAGNUSON, and Mr. BIBLE):

S. 2315. A bill to restore the "Golden Eagle" program to the Land and Water Conservation Fund Act; to the Committee on Interior and Insular Affairs.

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

By Mr. DODD:

S. 2316. A bill for the relief of Prakong Chotsiri; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 2317. A bill to amend title 10 of the United States Code to provide for the advancement of certain former members of the Armed Forces on the retired lists; to the Committee on Armed Services.

By Mr. EAGLETON:

S. 2318. A bill for the relief of Gertrude Soriano Mauban;

S. 2319. A bill for the relief of Prof. Anthony D'Souza;

S. 2320. A bill for the relief of Abdollah Rahmatian; and

S. 2321. A bill for the relief of Dr. Manuel M. Mendez; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. HANSEN):

S. 2322. A bill for the relief of Robert L. Miller and Mildred M. Miller; to the Committee on the Judiciary.

By Mr. McGEE:

S. 2323. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 079626); to the Committee on Interior and Insular Affairs.

By Mr. McGEE (by request):

S. 2324. A bill to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308, relating to the Government Employees Training Act of 1958;

S. 2325. A bill to amend title 5, United States Code, to provide for additional positions in grades GS-16, 17, and 18; and

S. 2326. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. McGEE when he introduced the above bills, which appear under separate headings.)

By Mr. YARBOROUGH (for himself and Mr. TOWER):

S. 2327. A bill to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MURPHY:

S. 2328. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; and

S. 2329. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURPHY when he introduced the above bills, which appear under separate headings.)

By Mr. TALMADGE:

S. 2330. A bill for the relief of Dr. Yilmaz Zerbes; to the Committee on the Judiciary.

By Mr. CANNON:

S. 2331. A bill to continue in effect the unified system of annual and user fees for Federal recreation areas; to the Committee on Interior and Insular Affairs.

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

By Mr. THURMOND:

S. 2332. A bill to amend title 28, United States Code, to prohibit the rendition by justices and judges of the United States of certain personal services for compensation; to the Committee on the Judiciary.

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

By Mr. SCOTT:

S. 2333. A bill for the relief of Mamerto C. Comia; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2334. A bill for the relief of Yim Wan Ting; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2335. A bill to authorize the District of Columbia to enter into the Interstate Compact on Juveniles; to the Committee on the District of Columbia.

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

By Mr. TYDINGS (by request):

S. 2336. A bill relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CURTIS (for himself, Mr. HRUSKA, and Mr. THURMOND):

S.J. Res. 118. A joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

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

By Mr. FULBRIGHT (by request):

S.J. Res. 119. A joint resolution to authorize appropriations for expenses of the U.S. section of the United States-Mexico Com-

mission for Border Development and Friendship; to the Committee on Foreign Relations.

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

S. 2306—INTRODUCTION OF THE INTERNATIONAL LIVESTOCK QUARANTINE STATION ACT

Mr. HRUSKA. Mr. President, today I introduce a bill entitled the "International Livestock Quarantine Station Act," and ask that it be appropriately referred. It provides authority for the Department of Agriculture to establish and operate an international animal quarantine station within the territory of the United States, and, in connection with the station, permits the movement of animals into the United States which would otherwise be prohibited or restricted under the animal quarantine laws.

Every necessary protection for our livestock is contained in this proposal. First, the quarantine station must be located on an island carefully selected by the Department of Agriculture to permit the maintenance of maximum animal disease and pest security measures. Second, under the act movements of the imported livestock to other parts of the United States must be done in accordance with conditions determined by the Department of Agriculture to be adequate to prevent the introduction or dissemination of livestock or poultry diseases and pests from foreign countries.

The Tariff Act of 1930 contains an absolute prohibition against the importation of all livestock and all fresh, chilled or frozen meats of such animals from countries declared by the department to be infected with foot-and-mouth disease or rinderpest. An exception is made for wild zoo animals, which can be imported under very stringent restrictions.

The prohibition of the Tariff Act would remain in effect for all importations of livestock except those that pass through the international quarantine station under the restrictions imposed by the Department of Agriculture.

The construction and operation of a quarantine station adequate to prevent the introduction of livestock diseases from foreign countries will be difficult, but it certainly can be done. Other countries of the world, notably Canada, have similar quarantine stations which have operated effectively.

The Canadian Government has two animal quarantine stations, one at St. John's and one at Grosse Ile. When animals are imported into Canada from countries with continuous affliction, such as France, the animals must pass through a strict procedure of maximum security. No animal carrying foot-and-mouth disease has ever been released from these centers.

The U.S. Department of Agriculture has been working closely with the Canadian Government in the animal supervision and testing at the Canadian stations. Much has been learned. In order to continue using the Canadian experience to fullest advantage, the International Livestock Quarantine Station Act would permit the Secretary of Agriculture to cooperate, with other North American countries, as well as with individuals, breeders' organizations or similar organizations within the United States, regarding importation of animals.

The Agricultural Research Service of the Department of Agriculture has carefully studied this matter and has determined that an international livestock quarantine station is feasible and desirable.

Among the reasons cited by the ARS to explain why an international livestock quarantine station is needed are the following:

First. Livestock products, particularly beef. are in high demand by consumers.

Second. Consumer desires in meat and milk are changing. There is interest in less fat but high content of other desirable nutrients.

Third. Producers are under stress from high production costs and they need to find ways to reduce costs, and to increase efficiency and returns.

Fourth. The nature of production makes it difficult for producers to adjust quickly and to respond to consumer desires by patterning products to meet those consumer desires.

Fifth. Opportunities to adjust production practices, types of animals, and product characteristics are limited and require time.

Sixth. One important course of action is to breed and develop animals which are more productive and which can efficiently produce more desirable products.

Seventh. The genetic base of some classes of livestock now available in the United States is narrow. It is based on only a few of the many breeds of the world. In some cases our present breeds are based on a relatively few animals introduced from northern Europe 60 to 80 years ago.

Eighth. Science has demonstrated high potential of crossbreeding to increase reproduction, vigor, growth, and efficiency in production. In some cases it can also bring about, more rapidly than any other breeding procedure, changes in the character and composition of the product.

Ninth. Science has further shown that the wider the genetic diversity of the parent stock used in crossing the greater the benefits from hybrid vigor and the greater the possibility for changing production and product characteristics.

Tenth. Exotic germ plasm of plants from all over the world introduced in the United States has been a most important factor in bringing about the phenomenal new varieties of high-yielding crops of numerous kinds that are in everyday use on farms and ranches.

Eleventh. Observations and preliminary investigations suggest that potential benefits are probable in livestock, especially the meat-producing species, in the order of magnitude observed with crops through the importation and organized use of exotic breeds of animals.

Twelfth. The use of certain exotic breeds likely can bring about desirable changes much faster than the same changes could be achieved within present United States breeds through long years of selection.

Thirteenth. The United States needs to provide a safe, orderly way to make the world's livestock population available for use in improving its livestock and livestock products.

The potential benefits in our livestock production, especially of meat-producing animals, from the importation and organized use of exotic breeds of animals can be expected to promote more rapid growth of livestock and enable producers to market them sooner. Some of the improvements in livestock production would include beef cattle—an increase in weaning weight, postweaning growth rates, and muscularity and a decrease in carcass waste fat; and improved fertility and calf survival; dairy cattle—an increase in milk production, fertility, and calf survival; sheep—an increase in lambing rate, lamb growth rate and muscularity and a decrease in carcass waste fat; and swine—an increase in prolificacy and muscularity, and improved efficiency of gain.

While seeking to achieve the benefits that can be derived from new livestock blood lines, the Department of Agriculture's primary responsibility under the act will continue to be the prevention of livestock and poultry diseases and pests gaining entry from foreign countries. The importation of new and different animal breeds from foreign countries must not be done at the risk of introducing diseases and pests not now present in this country. Both objectives can be obtained by this establishment of an international animal quarantine station under the direct control of the Secretary of Agriculture.

The International Livestock Quarantine Station Act would require appropriations of approximately $5.5 million exclusive of any costs which may be involved for land acquisition. Of this total amount, approximately $4.2 million would be on a nonrecurring basis for the construction of facilities, and $1.3 million for initial operating expenses. After the first year, however, it is expected that expenses for operating the quarantine station would be financed largely by the collection of fees from importers.

These costs are very reasonable when compared to the possible benefits. On the basis of available information, the ARS has estimated that the year 1980 and thereafter annual benefits to the livestock producers and the public could amount to from $1 billion to $1.5 billion.

On October 11, 1968, I made a statement on the floor of the Senate entitled, "Quarantine Center for Livestock Imports Into United States." I concluded those remarks by stating:

Mr. President, in an age when population growth of our Nation and of the world requires a constantly increasing demand on protein sources for healthy people, and when America is so blessed with a livestock industry capable of meeting the needs of our people with the greatest source of high protein meats and dairy products, which are a luxury and unattainable commodity in many lands, we must provide that industry with the necessary new blood lines to improve its livestock, but, on the other hand, we cannot, and we must not expose this great industry to, and must protect it from all risks

of this smallest of virus which could cause the greatest of tragedies.

A quarantine center owned and operated by the United States for all livestock imports from diseased areas of the world would be an ideal solution.

I stand by that conclusion.

Mr. President, I request unanimous consent that the text of the bill I introduce today be printed at the close of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2306), to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animal quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exits, and subsequently moved into other parts of the United States, in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poultry diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropriate, with other North American countries or with breeders' organizations or similar organizations or with individuals within the United States regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

Sec. 2. The provisions and penalties of 18 U.S.C. 545 shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States contrary to the conditions prescribed by the Secretary in regulations issued hereunder.

Sec. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

S. 2309—INTRODUCTION OF A BILL TO ESTABLISH THE AMISTAD NATIONAL RECREATION AREA,

Mr. TOWER. Mr. President, I introduce today, for the appropriate reference, a measure to establish the Amistad National Recreation Area in the State of Texas along its border with the Republic of Mexico. The establishment of this area will be a fitting monument to the great deeds of the Amistad Treaty with Mexico and will further the purposes for which the treaty was consumated: Amistad—in English "friendship"—is the State motto of Texas and it is fitting that the area along the border with our sister republic should be so named.

Mr. President, during the last session of Congress, a companion to this bill was cleared by the House Committee on Interior and Insular Affairs; unfortunately, however, it was cleared too late for any floor action. The interests of our Nation in furthering its most important relations with the Mexican Republic will be greatly served by approval of this measure. The State of Texas and the Nation will be served by the preservation for recreation, hunting, and camping of some of the most ruggedly beautiful areas remaining. It is certainly my hope that the Senate Committee on the Interior will give quick approval to the measure, and likewise the entire Senate, so that the acquisition of the site may be started and the area preserved.

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

The bill (S. 2309) to establish the Armistad National Recreation Area in the State of Texas, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2310—INTRODUCTION OF A BILL TO REMOVE THE LIMITATION UPON THE AMOUNT OF OUTSIDE INCOME WHICH AN INDIVIDUAL MAY EARN WHILE RECEIVING BENEFITS UNDER TITLE II, SOCIAL SECURITY ACT

Mr. GURNEY. Mr. President, today I am introducing legislation to completely eliminate the income limitation placed on social security recipients.

Our social security system was never intended to be the sole means of support for all retirees. It was designed to supplement other retirement plans, and to round out the income from savings and whatever other financial preparations a person may have made for his retirement years.

Our older Americans are finding it more and more difficult to make ends meet in view of our present high cost of living and inflation. To meet their financial obligations, many social security recipients find it necessary to hold full-time and part-time jobs to supplement their social security pensions. Of the more than 18 million Americans over the age of 65, over 3 million are productively employed.

Under existing law, these recipients are restricted to $140 a month in earnings. For every $2 earned above $1,680, they lose $1 in benefits. Beyond $2,880 all social security benefits are lost. It is wrong to penalize these people who want to work and keep from them social security benefits toward which they have contributed for years.

These retirees are not asking for a free ride. They merely want a chance to help themselves. By lifting the outside income limits on these recipients, we can give them that chance.

It should be remembered that this $1,680 limit only applies to those who add additional income to their social security benefits through wages. There is no limit on the amount a senior citizen can earn through dividends, investments, and property. This has resulted in the strange paradox of millionaires drawing full social security benefits while many who cannot subsist on the benefits must continue to work and forfeit their social security benefits.

I am hopeful that the 91st Congress will take early action to ease the plight of the beleaguered retiree, and at least allow him to help himself, by enacting this legislation.

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

The bill (S. 2310) to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, introduced by Mr. GURNEY, was received, read twice by its title, and referred to the Committee on Finance.

S. 2311—INTRODUCTION OF A BILL TO PROVIDE FOR A PROGRAM OF FEDERAL FINANCIAL ASSISTANCE TO ESTABLISH HUNTER SAFETY PROGRAMS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to provide Federal financial assistance for State hunter safety and wildlife conservation programs.

At the present time, the Federal Government levies two taxes on firearms. The first tax, on arms and ammunition, currently brings in $37 million a year. These funds go directly into the Department of the Interior's wildlife restoration fund. The second tax, on pistols and revolvers, brings in approximately $4.7 million yearly. This money now goes into the General Federal Treasury. My bill would channel this revolver and pistol tax directly into the wildlife restoration fund, thus providing additional revenue for worthwhile projects.

The Department of the Interior's wildlife restoration fund provides money for State wildlife preservation and game management programs. Under my bill, the wildlife restoration fund would distribute the additional pistol and revolver tax revenue to the States. Each State would have the option of using the entire amount for wildlife conservation, or up to half of the new funds in hunter safety programs and the rest in wildlife conservation projects.

Pennsylvania has long been one of the leaders in wildlife conservation programs. Last year, the Commonwealth re-

ceived $1.2 million from the Department of the Interior's wildlife restoration fund for its food and cover and farm game project. These funds were used in Pennsylvania to build small marshes, improve access to private and public game lands, and arrange for constant game feeding in forest areas. Wildlife restoration fund money also financed studies of the ring necked pheasant, the wild turkey, and the white tail deer. These studies will help insure a continuous supply of game for State outdoorsmen. Other States have used wildlife restoration fund money for land acquisition, wildlife habitat control, and game husbandry research. My bill would provide an additional source of revenue to finance more of these worthy wildlife restoration projects. Sportsmen pay the tax on pistols and revolvers. They deserve to derive the benefit. This is what my bill would accomplish.

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

The bill (S. 2311) to amend the act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes, introduced by Mr. SCOTT, was received, read twice by its title and referred to the Committee on Commerce.

S. 2312—INTRODUCTION OF A BILL TO CREATE A DEPARTMENT OF CONSERVATION AND THE ENVIRONMENT

Mr. SCOTT. Mr. President, Senator CASE, of New Jersey, is necessarily absent from the Senate today and on his behalf I introduce, for appropriate reference, a bill to create a Department of Conservation and the Environment.

I ask unanimous consent that the text of the bill be printed in the RECORD and that a statement by Senator CASE accompanying the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 2312) to establish a Department of Conservation and the Environment, introduced by Mr. SCOTT (for Mr. CASE, for himself, Mr. GRAVEL, and Mr. MOSS), 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. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Department of Conservation and the Environment Act".

(b) It is hereby declared to be the policy of the Nation that the safety and general welfare of the people require that the environment of the earth on which we live must be protected; that the people have a right to the preservation of their neighborhoods and communities; to the enjoyment of natural areas and the wildlife indigenous thereto; and to the wise and prudent use of all natural resources for the benefit of existing and future generations.

TITLE I—DEPARTMENT OF CONSERVATION AND THE ENVIRONMENT

ESTABLISHMENT OF DEPARTMENT

SEC. 101. There is hereby established at the seat of government as an executive department of the United States Government, the Department of Conservation and the Environment (hereinafter referred to in this Act as the "Department").

SEC. 102. (a) There is hereby established within the Department a Federal Air and Water Resources Administration; a Federal Land Resources Administration; and a Federal Parks and Recreation Administration. Each of these components shall be headed by an Administrator. The Administrators shall be appointed by the President, by and with the advice and consent of the Senate. In addition to such functions, powers, and duties as are specified in this Act to be carried out by the Administrators, the Administrators shall carry out such additional functions, powers, and duties as the Secretary may prescribe. Each Administrator shall report directly to an Assistant Secretary. The functions, powers, and duties specified in this Act to be carried out by each Administrator shall not be transferred elsewhere in the Department unless specifically provided for by reorganization plan submitted pursuant to statute.

(b)(1) The Federal Air and Water Resources Administrator shall carry out the functions, powers, and duties of the Secretary transferred to him pursuant to subsection (a) and paragraphs (1), (2), (3), (4), and (5) of subsection (b) of section 104 of this title.

(2) The Federal Land Resources Administrator shall carry out the functions, powers, and duties of the Secretary transferred to him pursuant to paragraphs (6), (7), (8), and (12) of subsection (b) of section 104 of this title.

(3) The Federal Parks and Recreation Administrator shall carry out the functions, powers, and duties of the Secretary transferred to him pursuant to paragraphs (9), (10), (11), and (13) of subsection (b) of section 104 of this title.

PERSONNEL OF THE DEPARTMENT

SEC. 103. (a) There shall be at the head of the Department a Secretary of Conservation and the Environment (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Conservation and the Environment who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Conservation and the Environment (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary of Conservation and the Environment or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall have the responsibility of approving all civil work projects of the Corps of Engineers of the Department of the Army, and shall perform such other functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries of Conservation and the Environment and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as the Secretary shall prescribe from time to time.

(d) There shall be in the Department three Administrators, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as are prescribed by this Act and as may be prescribed by the Secretary.

(e) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 104. (a) The functions of the Secretary of Health, Education, and Welfare under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Solid Waste Disposal Act (42 U.S.C. 3251), and all other air pollution control functions of such Secretary are transferred to the Secretary of Conservation and the Environment.

(b) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1)(A) by the Federal Water Pollution Control Administration, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Administration;

(2)(A) by the Environmental Science Services Administration, Department of Commerce; or

(B) by the Secretary of Commerce, insofar as the functions related to functions transferred under this paragraph from such Administration;

(3)(A) by the Bureau of Reclamation, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions related to functions transferred under this paragraph from such Bureau;

(4)(A) by the Soil Conservation Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service.

(5)(A) by the Office of Noise Abatement, Department of Transportation; or

(B) by the Secretary of Transportation, insofar as the functions relate to functions transferred under this paragraph from such Office.

(6)(A) by the Bureau of Land Management, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

(7)(A) by the Bureau of Mines (except with respect to oil and gas), Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

(8)(A) by the Geological Survey (except with respect to oil and gas), Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Survey.

(9)(A) by the National Park Service, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Service.

(10)(A) by the Bureau of Outdoor Recreation, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

(11) (A) by the Bureau of Sports Fisheries and Wildlife, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

(12) (A) by the Forest Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service.

(13) (A) by the Office of the Highway Beautification Coordinator, Department of Transportation; or

(B) by the Secretary of Transportation, insofar as the functions relate to functions transferred under this paragraph from such Office.

(e) In addition to the functions specifically transferred to the Secretary by this title, there are hereby transferred to the Secretary, except to the extent otherwise specifically provided by this Act, all functions which were carried out immediately before the effective date of this Act by the Secretary of the Interior, including all functions of the Secretary of the Interior being administered by him through an agency, service, bureau, office, board, administration, or other entity of the Department of the Interior.

SEC. 105. (a) There is hereby established within the Department the Council of Environmental Advisers, which shall be composed of nine members, appointed by the President of the United States from individuals in private life who by virtue of their experience or training are specially qualified to serve on the Council.

(b) Members of the Council of Environmental Advisers shall be appointed for terms of three years; except that, of the members first appointed, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years.

(c) The Council of Environmental Advisers may employ a staff to be headed by an executive director. The executive director, subject to the discretion of the Chairman, is authorized to—

(1) appoint and fix the compensation of such staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(d) Any vacancy in the Council of Environmental Advisers shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) The President shall designate one of the members of the Council to serve as Chairman and one to serve as Vice Chairman.

(f) The members of the Council of Environmental Advisers shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Council, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Council.

(g) (1) It shall be the duty of the Council of Environmental Advisers—

(A) to receive reports, communications, notices, or petitions from private individuals, organizations, or agencies setting forth complaints to the effect that the construction of any project or facility, issuance of any license or the approval of the expenditure of any Federal funds in connection with the construction of any such project or facilities, or other activity, by any Federal instrumentality may have an adverse effect on the environment; and

(B) to assist and advise the Secretary with respect to matters under his jurisdiction and to make recommendations with respect thereto.

(2) The Council of Environmental Advisers shall investigate and consider any complaints received by it pursuant to paragraph (A) and shall report to the Secretary, in writing, its views and recommendations with respect thereto.

SEC. 106. (a) There is hereby established, in the Office of the Secretary, the Environmental Security Council, which shall be composed of—

(1) the Secretary, who shall be Chairman of the Council;

(2) the Under Secretary of Conservation and the Environment who shall be Vice Chairman;

(3) each of the four Assistant Secretaries;

(4) the Administrator of the Federal Air and Water Resource Administration;

(5) the Administrator of the Federal Land Resources Administration;

(6) the Administrator of the Federal Parks and Recreation Administration;

(7) the Commandant of the Coast Guard or his designee; and

(8) the Secretary of the Army or his designee.

(b) It shall be the function of the Environmental Security Council to advise and assist the Secretary, as he may request, in connection with matters of an emergency nature involving or relating to the environment.

(c) The Council may employ a staff to be headed by an executive director. The executive director, subject to the direction of the Chairman, is authorized to—

(1) appoint and fix the compensation of such staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 107. (a) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

(b) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury of the United States in a separate fund and shall be disbursed upon order of the Secretary.

(c) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(d) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

SEC. 108. (a) Except to the extent otherwise herein provided, no Federal instrumentality shall carry out any construction in connection with any project or facility, issue any license or approve the expenditure of any Federal funds in connection with the construction of any such project or facility, or carry out any program, policy, or activity, if the head of that instrumentality has received written notification from the Secretary that the carrying out of such construction, program, policy, or activity may have an adverse effect on the environment. After being so notified, the head of such instrumentality shall forward to the Secretary a detailed report with respect to such construction, program, policy, or activity, as the case may be. The Secretary, after receiving such report, shall make or cause to be made a review of such construction, program, policy, or activity.

(b) Following any such review referred to in subsection (a) of this section, the Secretary, if he determines that the carrying out of such construction, program, policy, or activity would not adversely affect the environment, shall immediately notify the head of the instigating instrumentality of that fact and such instrumentality, if otherwise authorized, may proceed to carry out such construction, program, policy, or activity (including the issuance of such license or the expenditure of such funds). If, however, the Secretary determines, following such review, that the carrying out of such construction, program, policy, or activity would adversely affect the environment, he shall file a detailed report, in writing, with the President of the United States and the Congress concerning such construction, program, policy, or activity and his views and recommendations with respect thereto. Such report shall be made within 120 days following the receipt by him of the report from the head of such instrumentality as provided in subsection (a) of this section. Upon the expiration of a period of 120 calendar days of continuous session of the Congress following the receipt by it of the report made by the Secretary under this subsection, the head of the instigating instrumentality, may, if otherwise authorized, proceed to carry out such construction, program, policy, or activity (including the issuance of such license or the expenditure of such funds).

(c) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment or more than three days to a day certain are excluded in the computation of the 120-day period.

(d) The provisions of subsections (a) and (b) of this section shall not be applicable in any case in which the President of the United States has certified to the Speaker of the House of Representatives and the President of the Senate that any delay in the carrying out of any such construction, program, policy, or activity would have an immediate and serious effect with respect to the national security.

(e) The Secretary shall, as soon as feasible following the effective date of this Act, review and appraise projects and facilities, existing on such date, which he determines may affect environmental quality. Following such review and appraisal, the Secretary shall file a written report with the President and the Congress setting forth his views and recommendations with respect to such projects and facilities.

(f) As used in this section and section 105(g), the term "construction" includes the remodeling, renovating, or expanding of any existing project or facility, the completion of any project or facility commenced prior to, but not completed on, the effective date of this Act, and the commencing of any project or facility on and after the effective date of this Act.

ANNUAL REPORT

SEC. 109. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

CODIFICATION

SEC. 110. The Secretary is directed to submit to the Congress, within two years from the effective date of this Act, a proposed codification of all laws which contain functions transferred to the Secretary by this Act.

TITLE II—MISCELLANEOUS TRANSFER OF FUNCTIONS TO OTHER DEPARTMENTS

SEC. 201. (a) There are hereby transferred to the Secretary of Agriculture all functions which were carried out immediately before the effective date of this Act—

(1)(A) by the Bonneville Power Administration, the Alaska Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Defense Electric Power Administration, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this subsection from such Administrations.

(b) There are hereby transferred to the Secretary of Commerce all functions which were carried out immediately before the effective date of this Act—

(1)(A) by the Secretary of the Interior relating to oil and gas, the Office of Oil and Gas, the Geological Survey relating to oil and gas, the Oil Import Administration, the Oil Import Appeals Board, the Office of Minerals and Solid Fuels relating to oil and gas, the Bureau of Mines relating to oil and gas, and the Bureau of Commercial Fisheries, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this subsection from such Office, Administration, Board, or Bureau.

(c) There are hereby transferred to the Secretary of Health, Education, and Welfare all functions which were carried out immediately before the effective date of this Act—

(1) (A) by the Bureau of Indian Affairs, and the Office of Territories, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this subsection from such Bureau or Office.

TITLE III—SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICES

SEC. 301. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings, pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) The provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any Federal instrumentality or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such instrumentality is transferred, or

(B) any function of such instrumentality or officer is transferred,

When such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the instrumentality or officer, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such functions by any other officer of the United States pursuant to this Act.

(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions were so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such functions prior to their transfer pursuant to this Act.

TRANSFER OF AGENCIES AND OFFICES

SEC. 302. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act, shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

(c) The transfer of personnel pursuant to subsection (d) shall be without reduction in classification or compensation for one year after such transfer.

TECHNICAL AMENDMENTS

SEC. 303. (a) Section 19(d)(1) of title 3, United States Code, is amended by deleting "Secretary of the Interior" and inserting in lieu thereof "Secretary of Conservation and the Environment".

(b) Section 101 of title 5, United States Code, is amended by deleting "The Department of the Interior" and inserting in lieu thereof "The Department of Conservation and the Environment".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by deleting "(6) Secretary of the Interior" and inserting in lieu thereof "(6) Secretary of Conservation and the Environment".

(2) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"(8) Under Secretary of Conservation and the Environment".

(3) Section 5315 is amended (1) by deleting "(18) Assistant Secretaries of the Interior (5)." and inserting in lieu thereof "(18) Assistant Secretaries of Conservation and the Environment (4).": and (2) by deleting "(42) Solicitor of the Department of the Interior." and inserting in lieu thereof "(42) General Counsel, Department of Conservation and the Environment.".

(d) The first sentence of section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting immediately before the period a colon and the following: "*Provided further*, That no license affecting the comprehensive plan of any river basin commission developed pursuant to the Water Resources Planning Act shall be issued until the plans of the dam or other structures affecting any such comprehensive plan have been approved by the Secretary of Conservation and the Environment".

DEFINITION

SEC. 304. As used in this Act, the term—

(1) "function" or "functions" includes powers and duties; and

(2) "Federal instrumentality" means any executive department of the United States or any agency, bureau, office, service, board, administration, or other entity therein.

DELEGATION OF FUNCTIONS

SEC. 305. Except to the extent otherwise provided in this Act, any Secretary of any executive department of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable and may make such rules and regulations as he may determine necessary to carry out such functions.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 306. (a) This Act shall take effect ninety days after the date of its enactment.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 103 of title I of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated

from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

STATEMENT BY SENATOR CLIFFORD P. CASE IN INTRODUCING HIS BILL TO CREATE A DEPARTMENT OF CONSERVATION AND THE ENVIRONMENT

Mr. CASE. Mr. President, I introduce, for Senator Moss, Senator Gravel, and myself, a bill to create a Department of Conservation and the Environment.

While the Department our bill establishes will include most of the present functions of the Department of the Interior, it does far more than rename this existing agency. Our bill is designed to create within the Federal Government a single, effective instrumentality for the protection of our environment.

Today that environment is in grave danger. With the aid of technological and scientific developments we have accelerated the pollution of the soil, the air, and the waters to a point where irreparable harm to the health and livability of our surroundings is a distinct possibility.

Yet nowhere in the Federal Government is there any one top official or department charged with restoring the quality of the environment as a whole. Rather there is diffusion of responsibility and authority. According to a report issued jointly by the Senate Interior Committee and the House Science and Astronautics Committee, some 90 Federal agencies spread over the spectrum of the Government "contribute a substantial share of their time and operating effort to administration and study of environment-oriented programs."

The disarray can and does cause conflict between and even within agencies, frustrates effective enforcement and results in inconsistency in federal planning and action.

Can anyone forget that while the last administration proclaimed a "new conservation," the Bureau of Reclamation in the Department of the Interior lobbied for the construction of "cash register" hydroelectric dams in the Grand Canyon of the Colorado?

Or witness the decision of Agriculture's Forest Service, charged with protecting our forests, to turn over Mineral King Valley in California to private developers for a monstrous, and probably very profitable, recreational complex.

In the latest horrible example, the Federal Aviation Administration—Department of Transportation—is supporting the construction of an international jetport on the edge of the Florida Everglades while the Under Secretary of the Interior and others warn that the project will have a "disastrous impact on the water ecology of this priceless area.

As though this were not enough, the Bureau of Public Roads and the Office of High Speed Ground Transportation, both in the Transportation Department, may do battle for the right to serve the jetport with an interstate highway or a $100 million high speed rail link, either of which will rip up more of this unique area.

Surely, the creation of a Department of Conservation and the Environment is an idea whose time has come. It is a concept implicit in Senator Moss' bill to create a Department of Natural Resources—a measure I have joined in sponsoring.

While governmental reorganization by itself is no panacea, I believe it is a necessary first step in any concerted attack on environmental pollution.

In recent years, for example, Congress established new departments to deal with mounting crises in urban affairs and transportation. As one of the first to introduce legislation to create a Transportation Department, I well remember the need to pull together the then patchwork of transportation programs, and also to separate promotional from regulatory functions.

Unlike our urban affairs and transportation departments, which were started virtually from scratch, the Interior Department already exists. But Interior started out as, in effect, a Department of the West and never has lost its western orientation. Moreover, its hodge-podge growth has ill-equipped it to do battle against environmental deterioration.

Under our bill the present Interior Department will be abolished and its primary conservation and environmental functions, such as parks, recreation, and water pollution will be absorbed by the Department of the Environment, or DOE, as I call it. Such conservation and environmental activities as air pollution, forest and soil management, noise abatement and highway beautification will be transferred to DOE from other departments.

In addition, the civil works activities of the Army Corps of Engineers would be subject to DOE approval before execution.

Primarily promotional or non-conservation activities carried out by the Interior Department will be moved to departments other than DOE. For example, commercial fisheries and oil and gas functions will be transferred to the Commerce Department; the Bureau of Indian Affairs and the Office of Trust Territories will go to HEW.

Our bill creates a nine-member, presidentially appointed Council of Environmental Advisors to give the Secretary of DOE independent advice on environmental matters. This Council and its staff also would receive and investigate complaints from the public about federal activities that may threaten the environment.

Our bill also creates within the new Department an Environmental Security Council headed by the Secretary and including the Secretary of the Army and Commandant of the Coast Guard. The Council will have responsibility for formulating and carrying out the Department's response to environmental emergencies of more than local consequence.

The Environmental Security Council might, for example, be activated to deal with a major oil spill or air pollution crisis. Through its staff the Council can, in cooperation with state and local governments and our universities, develop an "early warning system" to head off or lessen environmental contamination.

Our bill provides the Secretary with new authority to delay any federal or federally assisted activities which may adversely affect the environment, including neighborhoods or communities. The Secretary's authority would extend to any proposed, planned or on-going projects and programs, as well as to expansion or renovation of construction projects already completed.

Our bill provides exceptions for national security activities, but requires that in those instances the President must certify to Congress that any delay "would have an immediate and serious effect with respect to the national security."

Under the delay provision in our bill the Secretary of DOE would have 120 days to review any potentially "offending" project. During that period he would be required to decide whether to give the project a green light, or make an adverse report to the President and the Congress.

If the Secretary made an adverse report, the project could be delayed an additional 120 days while Congress decided whether further action is required.

This is a strong provision, to be sure. But the environment cannot be protected by half-way measures. I am confident that if this provision is enacted the various agencies of the Federal Government will include environmental protection in planning a project rather than risk costly delays at a later date.

Each day seems to bring news or warning of environmental contamination. Only recently the Federal Food and Drug Administration seized 22,000 pounds of Lake Michigan Coho Salmon because the fish contained dangerous levels of DDT. A few months ago a massive oil leak off Santa Barbara, California, alarmed the nation.

Scientist Barry Commoner of Washington University in St. Louis told a Senate Subcommittee recently: "The new technological man carries strontium-90 in his bones, iodine-131 in his thyroid, DDT in his fat, asbestos in his lungs." At the present rate of contamination, says Mr. Commoner, the environment may be irreparably destroyed in perhaps 50 years.

The choice before our nation is clear: We can reverse the tide of environmental destruction while there still is time, or we can permit apathy, ignorance or downright stupidity to bring on a nightmare that may rival nuclear war in its horrors.

I am certain that most, if not all, Americans will opt for saving our environment while there still is a chance to do it. If this is the course we choose, as I believe we should, then the first step must be a decisive re-organization and strengthening of the federal structure and authority that will carry the burden of salvaging and safeguarding the environment.

S. 2313—INTRODUCTION OF A BILL TO PROVIDE THAT THE AMOUNT OF GROUNDFISH IMPORTED INTO THE UNITED STATES SHALL NOT EXCEED THE AVERAGE ANNUAL AMOUNT THEREOF IMPORTED DURING 1963 AND 1964

Mr. HATFIELD. Mr. President, the offshore fishery industry is of tremendous importance to the State of Oregon, as well as to other coastal States of our country. In recent years the fishing industry of our Nation has suffered heavily because of foreign imports of groundfish or bottom fish.

Pertinent evidence of the growing threat of groundfish and bottom fish imports is considerable. For instance, according to a March 1969 report of the U.S. Department of the Interior, imports of groundfish and ocean perch fillets were 87.6 percent of the supply in 1968. The 1968 imports figure was 390 million pounds, which is 180 million pounds above the 5-year average of 210 million pounds for 1960–64. On the other hand, the U.S. production in 1968 was 55 million pounds, which was the lowest production year of the last 20 years, and represented only 12.4 percent of the supply.

In Oregon the fishing boats are on limits as to what they can bring in because imports are taking over in our marketplace. According to Dr. E. W. Harvey, administrator of the Otter Trail Commission of Oregon, the annual Oregon trawl landings of fish have decreased from 33 million pounds in 1965 to 20 million pounds in 1968.

Thus, there is convincing evidence that the marketing power of our fishery industry faces even further deterioration unless legislative action is taken to prevent unreasonable and disabling competition by foreign competitors, who enjoy lower labor costs and who in many instances are favored by subsidies.

Legislation to assist the groundfish and bottom fish industry has been introduced in the House of Representatives.

I introduce at this time a bill to amend the Tariff Schedules of the United States to provide that the amount of groundfish imported into the United States shall not exceed the average annual amount thereof imported during 1963 and 1964.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2313) to amend the Tariff Schedules of the United States to provide that the amount of groundfish imported into the United States shall not exceed the average annual amount thereof imported during 1963 and 1964, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the headnotes to part 3 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding at the end thereof the following new headnote:

"(5) Notwithstanding any other provision of the schedules, the aggregate number of pounds of fish which may be entered under item 110.20, 110.47, 110.50, 110.55, or 110.60 in the calendar year 1970 or in any subsequent calendar year shall not exceed the average annual number of pounds of fish described in such item entered during the calendar years 1963 and 1964 (as determined and published by the Secretary of the Interior). Of the aggregate number of pounds of fish permitted by the preceding sentence to be imported into the United States during any calendar year under any item, not over ¼ shall be entered during the first three months, not over ½ during the first six months, and not over ¾ during the first nine months of that year. For the purposes of applying this headnote, item 110.20 shall be treated as not including salmon."

S. 2315—INTRODUCTION OF A BILL TO RESTORE THE "GOLDEN EAGLE" PROGRAM TO THE LAND AND WATER CONSERVATION FUND ACT

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to restore the popular "Golden Eagle" program for admission to Federal outdoor recreation areas.

The Members of the Senate will recall that in the 90th Congress I sponsored S. 1401, which provided new sources of revenue to assist the States in their outdoor recreation programs and for the acquisition of additional Federal areas. The measure also granted the Secretary of the Interior administrative powers with which to meet land escalation costs which threatened growth of State and Federal activity with respect to outdoor recreation.

The 1964 act established a uniform system of entrance and user fees for all Federal outdoor recreation areas as one of the sources of revenue for the fund. An annual fee of not more than $7 was authorized which would admit the payer to all Federal recreation areas during the year. Such areas now number more than 3,000.

This provision for payment of a single annual fee for general admission was designated the Golden Eagle program.

During the course of consideration of S. 1401, the committee had before it proposals to abolish the entrance and user fee system entirely. One such proposal was embodied in S. 2828, 90th Congress, which was sponsored by Senators HARRIS, MCCLELLAN, and MONRONEY. It would have prohibited the collection or receipt of any entrance or user fees at any of the many Corps of Engineers projects.

However, the committee, after weighing the pros and cons at some length, reached the following decision, as set forth in our unanimous report on S. 1401:

In view of the disagreements as to the facts and the controversy as to the policy, the committee believes the entire fee system under the act should be the subject of comprehensive legislative review. This bill, which is in the nature of emergency legislation to provide aid to the States and Federal agencies to save their outdoor recreation programs, is not the proper legislative vehicle for such consideration, the committee believes.

Therefore, the fee system will be given the full and careful study required in separate legislation.

The present bill is an outgrowth of this commitment.

The Senate in the 90th Congress concurred with the committee, and as we passed S. 1401, the entrance and user fee system, with the Golden Eagle, was left intact. The House, however, abolished the program forthwith. In conference, we were able to get a year's extension for the program, or until March 31, 1970. This is the form in which the 1968 amendment to the Fund Act was enacted. The bill I am introducing today would repeal the provision by which the Golden Eagle program goes out of existence next year. It is, as I have stated, based on the independent study to which the Interior Committee committed itself last year.

Admittedly, the Golden Eagle program did get off to a slow start, because, in part at least, of a prohibition in the law against the use of any of the funds for publicity or public education purposes. Certainly, in the first years of the operation, revenues did not come up to expectations, and at some facilities there may have been some basis for the charge that the costs of collection exceeded the revenues.

However, with more than 3,000 Federal outdoor recreation facilities now available in 47 States in all parts of the country, and with more and more Americans finding physical and spiritual refreshment in them, the popularity and use of the Golden Eagle pass has grown by leaps and bounds. Revenues from it increased from $633,600 in 1965 to $4,846,200 in 1968. The Bureau of Outdoor Recreation estimates that at least $5,200,000 will come into the fund from the program during this year.

The Golden Eagle is particularly popular with retired and elderly persons, and others who have the opportunity to visit extensively a number of the outdoor recreation areas to which the pass provides admission. Clearly the program furthers the use of our magnificent outdoor recreation areas for the benefit of our citizens.

Mr. President, I am convinced that the repeal of the Golden Eagle program was a mistake and I urge prompt, favorable consideration of this measure to restore it to the American people. The cost to the individual is small indeed and the funds aid both State and Federal activities. I hope the Senate will agree with me and with the very large number of concerned citizens who have urged the retention of this worthwhile program.

Mr. President, joining me as cosponsors of this measure are Senators CHURCH, MOSS, MAGNUSON, and BIBLE. The Senator from Idaho is necessarily absent from the Senate today, and I ask unanimous consent that a statement prepared by Senator CHURCH on this bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 2315) to restore the "Golden Eagle" program to the Land and Water Conservation Fund Act, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I am happy to join with the distinguished Senator from Washington (Mr. JACKSON) and others in support of this bill to extend the life of the Golden Eagle Passport.

I have received scores of letters from my constituents urging the extension, Mr. President, and I believe it has been solidly demonstrated that the passport has performed an essential service. In addition, although revenue from the passport in its first year was little more than half a million dollars, its sale has since steadily increased, and last year alone returned almost $5 million to the land and water conservation fund.

Even if the revenue were not significant, Mr. President, it is obvious from the mail received—not only by myself—but by the Bureau of Outdoor Recreation and other Senators, that the Golden Eagle program has been a success. It has been of major benefit, as an example, to thousands of our senior citizens, who in their retired years have found great pleasure in traveling to our many fine national parks and recreation areas. In short, this is a public service which should be continued, a purpose which this bill would accomplish.

This is in line, Mr. President, with the legislative history of Public Law 90–401, which indicates that by extending the life of the Golden Eagle Passport until March 31 of next year, there would be time for the Congress to consider the public attitudes and advantages and disadvantages regarding the Government's outdoor recreation fee system. It is quite apparent that the Passport has wide acceptance and support.

I would also like to comment that much of the mail which I received linked the projected termination of the Golden Passport with the consideration being given by the National Park Service to turning over the operation of major campgrounds to private concession-

aires. Most of the passport users vigorously oppose such a changeover, fearing that greatly increased fees will result.

To illustrate this, and the need for continuation of the Golden Passport, Mr. President, I ask unanimous consent that three of the typical letters which I have received on this matter appear at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COEUR D'ALENE, IDAHO,
March 25, 1969.

DEAR SIR: I just want to ask you to help save our *Golden Eagle Pass.*

We bought it every year. It is the only pleasure a lot of poor people can afford with a load of kids, gas & food—Please don't let them take this away too. Money's at the bottom of this. So stop the small camp owners from killing a cheap vacation for Poor People. Thank you.

Sincerely,

MRS. HARRIET J. ERICKSON.

POCATELLO, IDAHO,
May 21, 1969.

Senator FRANK CHURCH,
Washington, D.C.

HONORABLE SIR: Through the news media we are informed it is the intention of the Forest Service to do away with the Golden Eagle Pass and contract the care and operation of our National Forests and Parks camping grounds, and recreational facilities, and they in turn charge the users $2.50 and up per day for these accommodations.

We urgently request you do all you can to discourage and prevent this being done and to encourage the continuance of the Golden Eagle pass, as to contract the management of these facilities can only lead to ultimate down grading of the facilities and profiteering on the part of the lessee to the detriment of the facility and the prohibition of use and enjoyment of them by that mass of the public who may not be able to afford the increased charges.

Respectfully,

JOSEPH C. KORTUM,
ABBIE C. KORTUM.

EMMETT, IDAHO,
May 12, 1969.

HON. FRANK CHURCH,
U.S. Senator,
Boise, Idaho

DEAR SENATOR CHURCH: It has come to our attention that the Golden Eagle Passport is to be cancelled after this year, and the facilities at the National Parks to be turned over to concessionaires.

We feel that this will soon run into so much extra cost that the lower income families and retired people will not be able to visit the Parks.

When the Golden Eagle was imposed, most people here greatly resented having to pay to get into what they felt was their own tax-maintained, God-given right. Many families have purchased their own picnic tables and chairs to carry along so that they won't have to pay the Camp fee. Now you know what this means: Every car-turn-off place and stream in the entire West will be littered and polluted until it will be impossible to clean up.

Perhaps the Government feels it cannot afford to build and maintain more Parks and camp sites . . . but, can it afford not to, when in these times it is so important for city-stressed people to be able to get out and away for a weekend, or even a Sunday picnic? Does the Government REALLY want its citizens to vacation in their own country?

If those who actually use the Parks must be the ones to help pay for their upkeep, then, surely, the Golden Eagle Passport should be enough payment. Let those who demand more expensive facilities seek privately owned camps.

Let's build more and better camp and picnic areas for the increasing population, and PLEASE, not impose concessionaires, or more costly fees.

Sincerely yours,

Mr. and Mrs. CLARK AMOS.

Mr. MOSS. Mr. President, I announced some weeks ago that I would introduce a bill to extend the Golden Eagle passport. Since that time I have been working closely with the Senator from Washington (Mr. JACKSON) and the Senator from Idaho (Mr. CHURCH) and other members of the Senate Interior Committee in the preparation of such a bill. We have decided that the best approach is legislation which will provide for the continuation of the Golden Eagle passport beyond the date now set for its expiration—March 31, 1970. This is the measure I take pleasure in sponsoring today.

I realize that others have rushed in with Golden Eagle passport bills which make some changes in the program, but it is my opinion that a direct extension of the program as it now exists is the more realistic and comprehensive approach.

There is no doubt in my mind that the American people want to see this particular American Eagle kept alive. Since 1965, the passport has allowed the bearer and everyone riding with him in his private vehicle to enter any federally operated recreation area without paying the fees charged at any of these areas.

Although the passport idea was resisted to some extent when it was first inaugurated, it has more than proved itself in the past 5 years, and its popularity, in my part of the country at least, is substantial It has been an "open sesame" to wider admittance and greater use of our Federal recreation areas for many American families, and I predict its use will soar as more and more people become aware of its low cost and convenience.

The first year the passport was in operation—fiscal year 1965—it brought in only $663,000 in revenue to be deposited in the land and water conservation fund, and apportioned among the National Park Service, the Forest Service, and the Bureau of Sport Fisheries to acquire national outdoor recreation lands and waters, and for matching grants to the States to acquire and develop recreational areas and facilities.

In fiscal 1966, sale of Golden Eagle passports brought $2,819,000; in fiscal 1967, $3,795,000; in fiscal 1968, $4,846,000 and in fiscal 1969, through April 30, $3,294,000, with the heaviest use months yet to come.

It is impossible to know how many people were admitted to our recreation areas under these passports, or how many used the camping grounds or other facilities, because the Golden Eagle is a family-type permit, and a car with one of them could contain as many as six or even more persons when it passed through the entrance gates and often does. We do know that the number of permits issued grew from only 90,000 in the first full year in which the permit was in effect to 692,000 in the last full year, fiscal 1968. In the first half of fiscal 1969, over 400,000 were issued.

I understand there has been some disappointment in the Department of the Interior because the amount of revenue generated from the passport has not lived up to projections. I suggest first that perhaps the projections were too ambitious, and second, that the figures I have just quoted indicate that the use of the passport, and the revenues from it will continue to grow—and grow substantially—if it is not terminated. Also, there are many people who would be more than willing to pay more—even $10 or $15 a year—for the privilege of buying one passport which would admit them to about 3,000 Federal recreational areas.

I have received many letters from people in Utah who explain far better than I am able to do so what the Golden Eagle passport means to them and their families. I ask unanimous consent to place excerpts from several typical letters in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

DEAR SENATOR MOSS: I have had the pleasure of using the Golden Eagle Passport since it came into existence. In fact I purchase three each year. One for each of our two children and their families and one for ourselves.

It has just come to my attention that Congress has silently, with very little notice and with lack of sufficient information to the majority of people affected, voted the pass discontinued as of April 1, 1970.

It is hard to understand when the program was expanding so rapidly in the direction in which it was originally intended, for the purchase of additional recreational land, having increased from 90,000 in 1965 to 692,000 in 1968, why the Golden Pass was made a scapegoat in such a manner and eliminated. * * * I remember the years before the Golden Pass when one could not even find a place to stop to eat a picnic lunch without being exploited by individuals who had been given concessions or the right to charge a fee just to stop for a short while. I feel there should have been more public notice of the final impending action against the Golden Eagle Pass so that residents who favor it could have brought favorable pressure to bear. * * *

A. E. GARNER.

NORTH OGDEN, UTAH.

DEAR SENATOR. MOSS: I have purchased the Golden Eagle Passport each year since its inception and I'm sure that millions of others have done likewise. I think that this in itself indicates that the American people are concerned about their National Park Service and are willing to support its growth and improvement. I believe that the abolishment of this passport is a rebuttal of the faith of the American people.

Let's keep our Forest Service Rangers and other essential personnel in these parks and if we need more, let's get more. I'm sure that most citizens that use the parks would be more than glad to pay an additional one or two dollars for their passports if the increase is justified.

Sincerely yours,

DONALD R. BROOKS.

SALT LAKE CITY, UTAH.

DEAN SENATOR MOSS: In regard to the Golden Eagle Program, we feel at this time we would like to express our interest in keeping the Golden Eagle Passport in force, and would appreciate anything you could do. * * * We are a couple of travelling people. We have supported the Golden Eagle from the beginning.

We, and all our friends, would be willing to pay more than $7. In fact, we have heard that it will probably be impossible to go camping, because the costs will be prohibitive if the Government allows private enterprise to take over.

Sincerely yours,

VELMA and EARL JOHNSON.

SALT LAKE CITY, UTAH.

DEAR SENATOR MOSS: It has come to my attention that the Golden Eagle Pass will go out of existence next year, according to a law passed by our present Congress * * *

We have been a trailering family for six years now and belong to a small trailer club. We use these Federal parks at least once a month during the summer months, and really enjoy them. We also spend a two-week vacation this way each year. And really, I think the Golden Eagle Pass is the thing for this type of vacation. Where otherwise we could not afford two weeks away from home * * *

We wish to thank you for any help you may give us toward the repeal of this recent law passed by Congress which would eliminate the Golden Eagle Pass. Even a raise in price to $10 would not be out of line at this time.

Yours truly,

LEONARD L. ROSS.

OGDEN, UTAH.

DEAR SENATOR MOSS: Much to my disappointment and surprise I find that "The Golden Eagle Passport" has been silently shot down while our backs were turned. The article that I read indicated that it may be too late to submit a protest, but I am surely going to appeal to you personally to use your influence to discourage this action if at all possible.

This has done more for outdoor people like myself than anything that has ever happened in the past in the way of encouraging people to spend more time in the great outdoors..

The facilities that have been provided for us through this program have been absolutely fabulous. We need more of them and I think that the Golden Eagle Passport will get them for us.

Please don't let them discontinue this program.

Sincerely,

FLOYD YATES.

MAGNA, UTAH.

DEAR SENATOR MOSS: This letter is written in protest of the manner in which the Golden Eagle Passport was voted out of existence as of 1 April 1970. I am an ardent recreational vehicle enthusiast and outdoorsman and subscribe to numerous hunting and fishing periodicals, trailer and camper magazines and it was not until recently that I became aware that the Golden Eagle Passport was no more. Apparently no one can offer a reasonable explanation except that certain groups silently and "sneakily" pressured their Congressman to vote the passport out. * * *

The Golden Eagle Passport was probably the greatest single piece of assistance the Federal Government ever gave to vacationing families, hunters, fishermen and all those who love the outdoors. No recreational boom in history compares with the current interest in camping. It is estimated that 50 million Americans will indulge during 1969. * * *

It is absolutely essential that a national camping program provide more education to our urban population in the care and use of our wonderful natural environment.

This plan should provide for the enlargement of regional vacation areas, with more surrounding state parks, private campgrounds and resorts to serve the ever rising tide of recreational travelers. Certainly local communities have a great responsibility to relieve the intolerable pressure on national and state parks. * * *

May we respectfully ask that you indicate to us what your feelings are in this regard and advise what you intend to do now and in the future.

Very truly yours,

(Signed by some 80 Utahans).

Mr. MOSS. Among those who would be most seriously hurt if the Golden Eagle passport is not continued are older people who have retired. Many of them have saved for years to buy trailers and camping equipment so they might see as many of America's national parks and monuments and forests and other recreational areas as possible, and if they have to pay separate entrance fees to each one of them, they simply cannot afford to go.

I also ask unanimous consent to place excerpts from several letters in the RECORD which explain how people already retired—or soon to retire—feel.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

DEAR SENATOR MOSS: We want to add our voices to the thousands of others who are protesting the cancellation of the Golden Eagle Passport to our National Parks and Recreation Areas. * * *

It makes one lost what little faith there was left in the fairness of our government.

We have paid taxes all of our lives and we think the Golden Eagle is the fairest thing ever, especially for retired people and others of moderate means. We have purchased one every year and with its help we have managed to see a little bit of 45 of the 50 states. By the time of retirement from U.S. Forest Service work, we had managed to acquire a comfortable camper outfit, and hoped to be able to see all we could of our beautiful outdoors. Now with the elimination of the Passport it looks doubtful.

Even if we have to pay more for the Golden Eagle, at least we would know what to expect. * * *

Please, Senator Moss, use whatever influence you have to either renew or replace with a pass equally fair, before the Golden Eagle Passport expires.

Thank you,

Mr. and Mrs. E. L. BROWN.

SALT LAKE CITY, UTAH.

DEAR SENATOR MOSS: Again I am writing you concerning the Golden Eagle Pass. It has come to my attention that the present Congess has voted the pass out of existence and I want to strongly protest this unfair action. * * *

My husband and I plan to retire in three years and have long looked forward to the time when we could travel and see this beloved country of ours, with the convenience of our travel trailer. Being able to spend some time in our National Forests is a cherished dream which we certainly cannot afford on retirement pay if we have to pay unreasonable prices to park our trailer. * * *

Thank you very much,

Mr. and Mrs. WESLEY H. MOORE.

CLEARFIELD, UTAH.

Mr. MOSS. Mr. President, an excellent case can be made for continuing the Golden Eagle passport beyond the expiration date of May 31, 1970, and we are taking the first step here today in the introduction of the bill which is sponsored by the Senator from Washington, the Senator from Idaho, and myself. The next step will be hearings in the Senate Interior and Insular Affairs Committee, and I am confident they will be scheduled at an early date.

S. 2324—INTRODUCTION OF A BILL TO REPEAL THE REPORTING REQUIREMENT CONTAINED IN SUBSECTION (b) OF SECTION 1308, RELATING TO THE GOVERNMENT EMPLOYEES TRAINING ACT OF 1958

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to repeal subsection (b) of section 1308 of title 5, United States Code, which requires that the Civil Service Commission report annually to the President for physical transmittal to Congress a report of those employees who, during a designated fiscal year, participated in training in non-Governmental facilities in courses that were over 120 days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

A summary of the information contained in these forms is also included in the annual report of the Civil Service entitled "Report on Agency Training Activities." The repeal of this subsection will not eliminate the necessity for each agency to report to the Civil Service Commission, but would eliminate the necessity of the preparation of a report transmitting the forms to the President and the Congress.

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

The bill (S. 2324) to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308, relating to the Government Employees Training Act of 1958, introduced by Mr. McGEE (by request), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2325—INTRODUCTION OF A BILL TO PROVIDE FOR ADDITIONAL SUPERGRADES IN THE CLASSIFIED CIVIL SERVICE

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to amend title 5 to provide for additional supergrades in the classified civil service.

This legislation was submitted to the Senate by the chairman of the U.S. Civil Service Commission on behalf of the administration. It provides for additional supergrades to be administered by the Civil Service Commission and for special allotments to the Federal Bureau of Investigation, the General Accounting Office, the Library of Congress, and the National Security Agency.

Earlier this year legislation was introduced to provide a special allotment of supergrades for certain officers of the Smithsonian Institution. I anticipate that early hearings can be scheduled on this legislation.

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

The bill (S. 2325) to amend title 5, United States Code, to provide for additional positions in grades GS–16, 17, and 18, introduced by Mr. McGEE (by request), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2326—INTRODUCTION OF A BILL RELATING TO CIVIL SERVICE RETIREMENT

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to amend title 5, United States Code, to revise the civil service retirement system.

This legislation is identical to the bill pending on the calendar of the House of Representatives at the present time, and I hope that early hearings can be scheduled so that enactment of significant reforms, particularly in regard to retirement benefits for Federal employees as well as improved financing for the retirement fund can be enacted before Congress adjourns this year.

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

The bill (S. 2326) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, introduced by Mr. McGEE (by request), was received, read twice by its title and referred to the Committee on Post Office and Civil Service.

S. 2327—INTRODUCTION OF A BILL TO AUTHORIZE THE CONSTRUCTION OF EXTENSIONS OF THE AMERICAN CANAL AT EL PASO, TEX.

Mr. YARBOROUGH. Mr. President, I introduce a bill for myself and my colleague (Mr. TOWER) to authorize construction of extensions of the American Canal at El Paso, Tex. This irrigation canal replacement is requested to complete the series of public facility projects in El Paso contemplated as a part of the boundary relocation involved in the settlement of the Chamizal dispute with Mexico.

Enactment of this bill will allow construction of a new American-Franklin Canal some 13 miles long, of a size to assure U.S. water users their share of the Rio Grande water allocation to them by the United States-Mexican Treaty of 1906. Part of the proposed new canal is being constructed as a necessary part of the Chamizal boundary relocation; this bill authorizes construction of the remaining needed sections.

Of special importance to me is the fact that this new canal will be completely fenced for its entire length. The old canal, now to be replaced, runs through the city of El Paso, and is inadequately equipped to restrain children from attempting to swim in its waters. This lack of protection has been a source of tragedy for many El Paso families over the years. I am assured that the construction plans for this new canal include complete fencing the length of the canal. This desirable improvement alone is enough to justify the project, but the project is well justified in its conservation of scarce water.

U.S. water users have suffered serious shortages of water in the Bureau of Reclamation Rio Grande project above and below El Paso, Tex., during the past 15 years. The shortages have been in part due to the fact that although the entire supply of water originates in the United States, a portion of the supply—up to 60,000 acre-feet per year in years of normal runoff, is allocated to Mexico by the Treaty of 1906. Such reduction in supply to U.S. users for international causes should be repaired to the extent practical.

Estimating the value of waters conservatively at $20 per acre-foot, the total value of the water which could be saved amounts to $420,000 per year. The annual cost of the proposed canal extensions, including amortization over 50 years with interest at 4½ percent and operation and maintenance, amounts to $250,000, or about $12 per acre-foot. The economic justification and practicability is therefore favorable by a benefit-cost ratio of 1.7 to 1.

This bill is a companion to H.R. 4870 introduced by Representative RICHARD WHITE, of El Paso.

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

The bill (S. 2327) to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes, introduced by Mr. YARBOROUGH (for himself and Mr. TOWER), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2328—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. MURPHY. Mr. President, today I introduce a bill to authorize the Secretary of the Interior to engage in feasibility studies of two proposals, the Amargosa project in the Amargosa River Basin in the vicinity of Beatty, Nev., and Death Valley Junction, Calif., and the Santa Barbara Desalination project, in the vicinity of Santa Barbara, Calif.

The first of these undertakings, the Amargosa project, is designed to provide for the drilling of additional wells and the construction of the necessary distribution system to provide a water supply for 21,000 acres of irrigable lands and for anticipated municipal and industrial development.

A recent reconnaissance study indicates there are approximately 93,000 acres of arable land in the Amargosa Valley and that much of it is underlain by a ground-water aquifer that could be developed to serve a substantial part of that land. A limited amount of irrigation has been developed by privately owned wells or springs, but due to the high cost of the wells and conveyance facilities, private development is beyond the financial resources of most of the potential irrigators. As a result, the area is dependent to a high degree on tourism and the local economy is subject to considerable fluctuation. Moreover, the irrigation that has taken place is widely dispersed, the tax base is very limited and, as a result, the roads and other services are entirely inadequate. The existing developments have demonstrated adequately, however, that irrigated farming can be a very successful enterprise and would make a major contribution to the economic growth of the area. The only practical approach to developing the land and water resources is a Federal reclamation development. The next step in accomplishing that objective would be a feasibility study which reconnaissance findings clearly indicate to be fully justified.

The residents of the valley have formed the Amargosa Valley Improvement Association, Inc., for the purpose of dealing with the problems and needs encountered in efforts to improve general conditions within the valley. Residents of the valley have expressed an interest in obtaining Federal assistance in development of the resources of the Amargosa Valley.

The second undertaking, the Santa Barbara desalination project, is in support of the program being carried out by the Office of Saline Water, which involves the evaluation of the feasibility of prototype desalting plants. The feasibility study effort to be authorized by this legislation will be carried out in close cooperation with the Office of Saline Water in order to help that Office evaluate the engineering and economic feasibility of a large-scale prototype dual-purpose sea water desalting plant in the vicinity of Santa Barbara, Calif.

On the basis of preliminary studies completed in December 1967, the proposal is to study the feasibility of locating such a plant on the coast about 15 miles west of Santa Barbara. It would have a production capacity of 100 million gallons per day—approximately 95,000 acre-feet annually—with a power generating capacity of 860 megawatts. The desalted water would be used to meet the rapidly increasing demands for municipal and industrial water in Santa Barbara and Ventura Counties.

An engineering and cost study of the proposed Santa Barbara desalination project was completed in 1967. The study indicated the project could provide water and power at costs that are favorable for the area and that detailed consideration of the proposal is warranted.

The population of Santa Barbara and Ventura Counties has increased rapidly in recent years. A substantial part of this is related directly to the U.S. Navy facilities at Point Mugu and Port Hueneme, Vandenberg Air Force Base and defense-related services and research and development industrial facilities. The 1965 population of 432,600 is expected to increase to 694,400 in 1980 and to 1,450,000 by the year 2000. Surface and ground water resources have been developed extensively by local interests. The Cachuma and Ventura River reclamation projects, which complement local developments, provide about half the surface water utilized in Santa Barbara and Ventura Counties. The presently available dependable annual water supply in the area is estimated at 280,000 acre-feet and consists of 182,300 acre-feet of ground water annually and 97,600 acre-feet of surface water annually—including 18,000 acre-feet imported from metropolitan water district. Present demands exceed the total dependable developed water supplies.

The underground water in the Oxnard Plain and the Lower Santa Ynez River Valley are being overexploited to meet present needs. This has led to ocean water intrusion with resulting degrada-

tion of ground water quality of the Oxnard Plain. Serious water quality problems also are present in the Lower Santa Ynez River Valley. All sources in the area, often even with treatment, are below desirable quality.

The estimated supplemental needs for the area to meet anticipated growth are 67,000 acre-feet by 1970, 71,000 acre-feet by 1980, 102,000 acre-feet by 1990, and 176,000 acre-feet by 2000. Conventional development of all remaining local water sources could produce approximately 53,000 acre-feet of water to assist in meeting these needs. In addition, Santa Barbara and Ventura Counties are in a position to obtain about 77,700 acre-feet of water annually from the California Aqueduct. The estimated cost of developing the remaining local resources and utilizing California Aqueduct water will be from $75 to $125 per acre-foot. Preliminary 1967 studies indicated that, based on available technology, the water from the Santa Barbara plant would be competitive.

One alternative or complement to the limited conventional water development is an ocean water desalting plant situated on the Santa Barbara channel coast so that the water produced at the plant could be integrated with existing conveyance and distribution facilities of the area.

Fundamental to any consideration of a dual-purpose water desalting-electric powerplant will be the proposed uses of the large quantities of electric power generated. Energy requirements within economical transmission distances from the Santa Barbara channel coast are increasing annually at a phenomenal rate. In southern California alone, projected additional energy needs will require the construction of 950 megawatts each year between 1970–75; 1,200 megawatts each year between 1975–80; and 1,300 megawatts each year between 1980–85.

Time for major water development decisions by the local interests is rapidly approaching. Action will have to be taken within 5 years to meet the area's water needs. To permit an informed decision concerning future plans, a realistic evaluation of the desalted water alternative should be made available to the area as soon as practicable.

The Colorado River Basin Project Act directs the Secretary of the Interior to develop a general plan for meeting the future needs of the Western United States. The Secretary is to take into consideration all possible means of augmenting the water supplies of water-deficient areas, including desalination, re-use of waste water, and other methods. The Santa Barbara study would contribute valuable knowledge regarding the feasibility of large-scale desalination in meeting the water needs of the West.

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

The bill (S. 2328) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2329—INTRODUCTION OF A BILL TO AUTHORIZE AND DIRECT THE SECRETARY OF THE INTERIOR TO RELINQUISH ANY TITLE TO LANDS IN SAN BERNARDINO COUNTY, CALIF.

Mr. MURPHY. Mr. President, I introduce, for appropriate reference, a bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the County of San Bernardino, State of California, as follows:

Sections 1 to 36, inclusive, township 19 north, range 12 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, and those portions of Sections 25 to 30, inclusive, lying south of the San Bernardino County line, township 20 north, range 11 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, and those portions of Sections 25 to 30, inclusive, lying south of the San Bernardino County line, township 20 north, range 10 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, and those portions of Sections 25 to 30, inclusive, lying southerly of the San Bernardino County line, township 20 north, range 9 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, lying southerly of the San Bernardino County line, township 20 north, range 8 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, lying southerly of the San Bernardino County line, township 20 north, range 7 east, San Bernardino Base and Meridian, and

Sections 34 to 36, inclusive, and that portion of Sections 33, lying easterly of State Highway No. 127 and southerly of the San Bernardino County line, township 20 north, range 6 east, San Bernardino Base and Meridian, and

Sections 35 and 36, and that portion of Section 34, lying easterly of State Highway No. 127 township 19½ north, range 6 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, township 19½ north, range 7 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, township 19½ north, range 8 east, San Bernardino and Meridian, and

Sections 1, 12, 13, 24, 25 and 36, township 19 north, range 8½ east, San Bernardino Base and Meridian, and

Sections 7, 17 to 22, inclusive, and 27 to 36, inclusive, township 19 north, range 13 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 11 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 7 east, San Bernardino Base and Meridian, and

Sections 1, 2, 12, 13, 24, 25, 36 and those portions of Sections 3, 10, 11, 14, 23, 26 and 35, lying easterly of State Highway No. 127, township 19 north, range 6 east, San Bernardino Base and Meridian, and

Those portions of Sections 1, 2, 12, 13, 24, and 25 lying easterly of State Highway No. 127, township 18 north, range 6 east, San Bernardino Base and Meridian, and

Sections 1 to 28, inclusive, 34, 35 and 36, and those portions of Sections 30, 32 and 33, lying northerly of State Highway No. 127, township 18 north, range 7 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 11 east, San Bernardino Base Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 12 east, San Bernardino Base and Meridian, and

Sections 19 to 36, inclusive, township 18½ north, range 12 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 13 east, San Bernardino Base and Meridian, and

Sections 6, 7, 8, 16 to 22, inclusive, and 26 to 36, inclusive, township 18 north, range 14 east, San Bernardino and Meridian, and

Portions of Sections 6, 17, 18, 19, 30 and 31, lying westerly of State Highway No. 466, township 17 north, range 15 east, San Bernardino Base and Meridian, and

Sections 1 to 35, inclusive, and that portion of Section 36 lying northerly and westerly of State Highway No. 466, township 17 north, range 14 east, San Bernardino Base and Meridian, and

Sections 19 to 36, inclusive, township 17½ north, range 13 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 13 east, San Bernardino Base and Meridian, and

Sections 1, 12, 13, 24, 25, 36, township 18 north, range 12½ east, San Bernardino Base and Meridian, and

Sections 1, 12, 13, 24, 25 and 36, township 17 north, range 12½ east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 12 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 11 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 and 2, 12, 13 and that portion of Sections 3, 4, 10, 11, 14, 24, 25 and 36, lying easterly of State Highway No. 127, township 17 north, range 7 east, San Bernardino Base and Meridian, and

Sections 1 to 5, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, and 33 to 36, inclusive and those portions of Sections 6, 7, 18, 19, 30 and 31 lying easterly of State Highway No. 127, township 16 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 16 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 16 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 16 north, range 11 east, San Bernardino Base and Meridian, and

Sections 1 to 23, inclusive, 29 and 30, and those portions of Sections 24, 25, 26, 27, 28, 31 and 32, lying northerly of State Highway No. 466, township 16 north, range 12 east, San Bernardino Base and Meridian, and

Sections 1, 12, 13 and that portion of Section 24 lying northerly of State Highway No. 466, township 16 north, range 12½ east, San Bernardino Base and Meridian, and

Sections 1 to 12, inclusive, and those portions of Sections 13, 14, 15, 16, 17, 18 and 19, lying northerly of State Highway No. 466, township 16 north, range 13 east, San Bernardino Base and Meridian, and

Sections 2 to 11, inclusive, 15 to 22, inclusive, 27 to 30, inclusive and those portions of Sections 1, 12, 13, 14, 23, 26, 31, 32, 33 and 34, lying northerly and westerly of State Highway No. 466, township 16 north, range 14 east, San Bernardino Base and Meridian, and

Those portions of Sections 5 and 6, township 15 north, range 12 east, San Bernardino Base and Meridian, lying northerly of State Highway No. 466, and

Sections 3, 4, 5, 6, 7, 8 and those portions of Sections 1, 2, 10, 9, 17 and 18, township 15 north, range 11 east, San Bernardino Base and Meridian, lying northerly of State Highway No. 466, and

Sections 1 to 12, inclusive, 14 to 20, inclusive and 30 and those portions of Sections 13, 21, 22, 23, 28, 29, 31 and 32, township 15 north, range 10 east, San Bernardino Base and Meridian, lying northerly of State Highway No. 466, and

Sections 1 to 36, inclusive, township 15 north, range 9 east, San Bernardino Base and Meridian, and

Section 1, 2, 3, 11, 12, 13, 14, 23, 24, 25 and those portions of Sections 4, 10, 15, 22, 26 and 36, lying easterly of State Highway No. 127, township 15 north, range 8 east, San Bernardino Base and Meridian, and

Those portions of Sections 1, 12, 13, 24 and 25, township 14 north, range 8 east, San Bernardino Base and Meridian lying easterly of State Highway No. 127, and

Sections 2 to 6, inclusive, 7, 8, 9, 17, 18, 19 and those portions of Sections 1, 10, 11, 12, 15, 16, 20, 21 and 30 lying northerly and westerly of State Highway No. 466 township 14 north, range 9 east, San Bernardino Base and Meridian, and

That portion of Section 6, township 14 north, range 10 east, San Bernardino Base and Meridian, lying northerly and westerly of State Highway No. 466 and that all said aforementioned land is known as "Valley Wells Ranch" as recorded in the various official records of the county recorder, county of San Bernardino, State of California.

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

The bill (S. 2329) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2331—INTRODUCTION OF A BILL TO CONTINUE IN EFFECT THE UNIFIED SYSTEM OF ANNUAL AND USER FEES FOR FEDERAL RECREATION AREAS

Mr. CANNON. Mr. President, in 1898, John Muir, the farsighted pioneer of nature preservation, wrote:

Thousands of nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life.

With much the same appreciation of the importance of our magnificent public estate of parks and forests I introduced earlier this year a bill which would eliminate park entrance fees for our older citizens. That bill S. 819 has met with an overwhelmingly favorable response. I have been joined by 27 of my colleagues in cosponsoring the measure. Many of the older citizens of this country have written to say how helpful this gesture would be.

Others have written also, to discuss a related issue—the scheduled demise of the Golden Eagle passport. As you know, the passport enables the bearer to enter any of our national recreational park or forest lands with his family without paying the individual unit entrance fee each time. Rather, his one-time payment of $7 makes available the entire Federal recreational complex for a full year.

The authority for the sale of these Federal recreation area permits is scheduled to expire on March 21, 1970. So that this permit, which has been referred to as "the greatest single recreation bargain available today" does not disappear, I am now introducing legislation which would prolong the authority for the Golden Eagle passport.

I am certain that many of my colleagues have also received mail from interested, concerned constituents who wish to have the present system continued.

Among the reasons given for discontinuing the permit approach is that in some cases the costs of administering the program exceeded the revenues generated. It is my understanding that studies are now being carried out to determine whether this is indeed the case, and if so, just how serious a problem it has been. It is important to point out, I believe that whatever the studies reveal, the purpose of our system of national parks and national forests as well as the remainder of our recreational estate is not to produce profit, but to the pleasure and an understanding of the natural world.

I say that if we have a method which provides an efficient, relatively inexpensive means for the American public to enter and enjoy our recreational lands—and we do have such a method in the Golden Eagle passport—then we should insure that this is maintained.

I now introduce, for appropriate reference, my bill to continue in effect the unified system of annual and user fees for Federal recreation areas.

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

The bill (S. 2331) to continue in effect the unified system of annual and user fees for Federal recreation areas, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2332—INTRODUCTION OF A BILL TO PROHIBIT THE RENDITION BY JUSTICES AND JUDGES OF THE UNITED STATES OF CERTAIN PERSONAL SERVICES FOR COMPENSATION

Mr. THURMOND. Mr. President, much has been said in the past few weeks about the role of Justice Douglas in the Parvin Foundation, from which he recently resigned as president. Relatively little attention has been given to the Justice's role in the Center for the Study of Democratic Institutions and its parent organization, the Fund for the Republic, Inc. For all practical purposes, the center and the fund are identical. In a brochure published by the center, the following appears as the definition:

The Center for the Study of Democratic Institutions is an independent educational institution devoted to continuing examination of basic issues confronting a democratic society.

Its corporate entity is conducted by The Fund for the Republic, Inc., a non-profit corporation.

Justice Douglas has been the chairman of the board of directors of the Fund for the Republic since 1961. He has been listed as a consultant to the Center for the Study of Democratic Institutions since 1959.

This is not the sole extent of Justice Douglas' association with the center. According to various newspaper accounts, at least $90,000 has been given to the center between 1965 and 1968 by the Albert J. Parvin Foundation, from which the Justice recently resigned as president. In addition, the board of directors of the Fund for the Republic and the Parvin Foundation both include Justice Douglas, Robert M. Hutchins, and Harry S. Ashmore. Mr. Ashmore and Mr. Hutchins are listed also as "fellows" of the center, and both have been among the most active participants in the center's activities. Mr. Ashmore at one time served as secretary and spokesman for the Parvin Foundation. Obviously, there appears to be a close working relationship between the center and the Parvin Foundation.

In addition, the center has paid Justice Douglas $500 a day for participating in its seminars. In the month of January 1969 this compensation amounted to $4,000 alone, plus $865 in expenses for two seminars.

I question the propriety of an Associate Justice of the U.S. Supreme Court being so deeply committed to the activities of this institution. While it is true that many fine citizens of varying opinions have participated in the activities of the center, the crucial distinction in this case is Justice Douglas' role as the principal officer of the center; namely chairman of the board. As such, he has allowed his prestige as Associate Justice for the Supreme Court to be exploited to support the work of a private institution. The center is not a purely objective and professional academic institution. It is engaged in activities designed to propagandize certain points of view. The results of its work are published not in professional scholarly journals, but in pamphlets and recordings which are distributed throughout the country. It avowedly seeks to disseminate provocative material.

I would like to quote from the center's own definition of its activities:

Many viewpoints are represented in the output of the Center, but the Center adopts none as its own. Nor does the Center seek consensus or unanimity in its publications and audio tapes. It produces materials which promise to add new dimensions to the general discussion—in statements of conventional wisdom. Each staff member speaks his personal point of view. The Center is responsible for determining that the material it produces should be presented to the public as

a contribution to the dialogue about a free society.

Despite the disclaimers, I do not think that anyone, even the center itself, really believes that this group is giving a balanced presentation. One has only to look over the list of fellows and consultants officially appointed to the center to recognize its bias. Now, it is perfectly all right for an institution of this sort to have a bias, if it chooses, and to propagandize its views, if it chooses; but what is not all right is for this bias to be propagandized under the auspices of an Associate Justice of the U.S. Supreme Court. A judge is supposed to be a model of objectivity. He must not only be objective but also have the appearance of being objective; and he cannot have this objectivity when he has personal commitments to ideological and political causes and has his name attached as the chairman of an institution which propagandizes for controversial and provocative views. The question here is not the question of free speech but the question of the indulgence which is allowed to a judge or Justice. This continuous vigorous and active participation in the center's activities disqualifies him from many, if not most, of the vital questions which may come before the Court.

However, if it were only a question of controversial topics upon which good citizens may have divergent views, the situation would be bad enough. But Justice Douglas has lent the prestige of the U.S. Supreme Court to some highly dubious enterprises which emanated from the center. Indeed, Justice Douglas, despite his position as chairman, made no public dissent from the use of the center as a vehicle for dubious causes. He cannot hide behind the disclaimer that the views propagated by the center are the views only of the supporters themselves and not his own.

Let me take up just two examples of official publications published by the center. One of these is entitled "A Constitution for the World," published in 1965. This so-called world constitution is the fruit of long and serious discussions at the center concerning a constitution for world government. Many people may say that this so-called constitution for the world is a gauzy and impractical plan which will never be implemented. That, no doubt, is true. The real point is that the publishers of this constitution are seeking to do away with national sovereignty and to put the United States into a structure of world government.

Such a proposal is manifestly a proposal to abolish the U.S. Constitution as the fundamental law of the land; in fact, the principle of the so-called world constitution says:

> The Governments of the nations have decided to order the separate sovereignties in one government of justice, to which they surrender their arms; and to establish, as they do establish, this Constitution as the covenant and fundamental law of the Federal Republic of the World.

This is not the time and place to discuss the merits or demerits of world government or even the value of the constitution proposed by the center. The point is: What may be valid speculation for the ordinary citizen is not valid speculation for a Justice of the Supreme Court who may have to pass on the constitutional questions involved. If the United States should choose to abrogate our sovereignty under the U.S. sovereignty, the U.S. constitutional system puts forward the mechanism for making even that drastic change. It is highly improper for a Supreme Court Justice to lend his prestige to such a center.

The second example which I will give comes from a booklet published by the center in 1967 entitled "Students and Society." This booklet consists of a transcript of a 3-day seminar held in Santa Barbara, Calif., late in August 1967. This conference was described by Tom O'Brien, staff writer for the Santa Barbara News-Press on August 24, 1967, as "a master plan of how best to destroy the American university system as it is today."

I do not know whether this conference was indeed a "master plan." In the 2 years which have followed, many of our universities have exploded in disruption and riot. A conference of this sort is a dangerous game. No doubt many of the young radicals that the center gathered together in August 1967 were already bent on creating havoc and revolution. However, some of the group were listed as "junior fellows" of the center, indicating that they were officially connected with the center.

In December 1967, the center published an edited transcript of the 3-day proceedings, along with some of the working papers. It is important to realize that the quotations which I am giving to you were published after being edited, a process which presumably would involve the removal of objectionable or irrelevant material.

One student spoke as follows:

> I think we agree that the revolution is necessary and that you don't conduct a revolution by attacking the strongest enemy first. You take care of your business at home first, and then you move abroad. Thus, we must make the university the home of the revolution. . . .

There was a great amount of talk about revolution at this conference. Another student summarized it as follows:

> I am going to say loudly and explicitly what I mean by revolution. What I mean by revolution is overthrowing the American Government and American imperialism and installing some sort of decentralized power in this country.

This same student went on to say:

> I'll tell you the steps that I think will be needed. First of all, starting up 50 Vietnams in Third World Countries. This is going to come about by black rebellions in our cities, joined by some white people. People in universities can do a number of things to help it. They have access to money and they can give these people guns, which I think they should do. They can engage in acts of terrorism and sabotage outside the ghetto. Negro people have trouble getting out because they cordon those areas off, but white activists can go outside, and they can blow things up, and I think they should.

Another student wrote as follows:

> We have the power to bring the American Juggernaut to a halt. Let us paralyze the university; let us ball up the economy. One day some Congressmen and the President may petition us, not we them. Let us therefore disrupt. We have nothing to lose.

I suppose that this kind of talk is what the center calls dialog. We must remember that these statements were edited and published in an expensive pamphlet and sent all around the country. These are not quotations from the so-called underground press. These are quotations from an institution which has an Associate Justice of the U.S. Supreme Court as its chairman. There is no notice in the pamphlet that the Associate Justice dissented from these statements. It may be, as the center claims its general policy to be, that they are not responsible for any of the opinions expressed at their seminars. But it seems to me that someone has to take the responsibility for publishing these statements and sending them around the country to fan the flames of revolt. And when we go up the order of hierarchy at the center, we find at the top, as the man ultimately responsible, Justice Douglas, who as president of the Parvin Foundation, I remind you, also donated $90,000 to make the publication of such statements possible.

Such activity is clearly improper for a man who has the double duty, not only of representing the majesty of the law, but who has also taken an oath to uphold the U.S. Constitution. A Supreme Court Justice does not have the same freedom of action and freedom of speech that the ordinary citizen would have. Many citizens would say that the authors of these statements had trampled upon free speech and were calling for an end to free speech. But surely a Supreme Court Justice cannot go so far as providing the vehicle for conveying these statements to the public.

Mr. President, a news item of May 23, 1969, said that Carl F. Stover, president of the National Institute of Public Affairs, based here in Washington, said that he was resigning as a consultant to the Center for the Study of Democratic Institutions. Mr. Stover said he was resigning because the center had accepted money from the Parvin Foundation which received its money in large part from gambling interests. Mr. Stover asserted that these gambling interests consisted both of legal and illegal gambling activities. Mr. Stover said:

> This has been nagging at my conscience ever since. The Justice Douglas situation brought it to a head.

In resigning from the center, Mr. Stover said that Justice Douglas should resign from the center also.

In my opinion, Mr. Stover himself does not go far enough. Justice Douglas' activities as chairman of an institution propagating revolutionary changes are incompatible with the lofty role of a Supreme Court Justice. Justice Douglas should immediately resign from the Court in order to help make some amends for the disgrace which he has brought upon the judicial branch of our Government.

Mr. President, it is the responsibility of the Congress to establish the national policy in many areas and certainly it is our duty and responsibility within the jurisdiction of this body to establish a policy with regard to the interest of members of the Federal bench which

may be in conflict with their responsibilities as jurists.

No policy has been established by the Congress and yet recent circumstances clearly indicate that there needs to be some delineation of those personal activities and practices which if engaged in by Justices or judges of the Federal bench will be considered improper and shall be deemed grounds for removal from office by the process of impeachment.

Mr. President, I am introducing a bill which if enacted into law will clearly set and establish types of compensation that would and would not be receivable by a Justice or judge of the United States.

This bill would prohibit any member of the Federal bench from practicing a profession, serving as an officer of a business enterprise, serving for compensation as an officer, or acting for any business, trust, foundation or institution, or delivering any speech for compensation.

If a jurist, while acting as a Justice or judge, did any of these enumerated things, then he would be guilty of a high misdemeanor.

The bill makes an exception for acts which a judge is required to perform as one of the duties of his office, and it makes exceptions for compensations received for written matter of a professional literary nature which compensation comes from a publisher and it is not in excess of the amount customarily paid by a publisher to an author; and he may receive compensation which is reasonably incurred directly and incident to his travel subsistence and other expenses actually and reasonably incurred in connection with the delivery of a speech or an address.

Mr. President, I introduce a bill to amend title 28, United States Code, to prohibit the rendition by Justices and judges of the United States of certain personal services for compensation and I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2332) to amend title 28, United States Code, to prohibit the rendition by Justices and judges of the United States of certain personal services for compensation, introduced by Mr. THURMOND, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 454, title 28, United States Code, is amended to read as follows:

"§ 454. Personal activities of Justices and judges

"(a) Any Justice or judge of the United States who, while serving as such—

"(1) engages in the practice of law or the practice of any other profession;

"(2) serves as an officer, director, agent, or employee of any business corporation, or as a member of a business partnership;

"(3) serves for compensation as an officer, director, agent, or employee of, or otherwise renders personal services for compensation to, any business or other trust, foundation, or institution; or

"(4) delivers for compensation any speech or address to or before an organization, an institution, or a group of individuals,

shall be guilty of a high misdemeanor.

"(b) Nothing contained in this section shall be deemed to prohibit any Justice or judge of the United States from—

"(1) performing any act which is required by law for the performance of the duties of his office; or

"(2) receiving compensation for written matter of a professional or literary nature, from a publisher regularly and primarily engaged in the business of publishing books or one or more periodicals for distribution to the public, in an amount or at a rate not in excess of that customarily paid by such publisher to other authors for similar written matter.

"(c) As used in this section, the term 'compensation' means any money or any other valuable consideration, except that when used in relation to a speech or address such term does not include reimbursement for travel, subsistence, and other expenses actually and reasonably incurred directly incident to the delivery of such speech or address.".

(b) The item relating to section 454, title 28, United States Code, contained in the table of sections of chapter 21 of that title is amended to read as follows:

"454. Personal activities of Justices and judges.".

S. 2335—INTRODUCTION OF A BILL TO AUTHORIZE THE DISTRICT OF COLUMBIA TO ENTER INTO THE INTERSTATE COMPACT ON JUVENILES

Mr. TYDINGS. Mr. President, nearly 3 decades ago, Congress enacted legislation to give its general consent to all the States to enter the so-called Interstate Compact on Juveniles. Subsequently, all but three States and the District of Columbia have entered the compact, which provides for the extradition of juveniles who have fled their State of residence.

Today I am introducing legislation which would have the effect of putting the Uniform Interstate Compact on Juveniles into effect in the District of Columbia.

District of Columbia adherence to this compact will provide an essential element in the law enforcement procedures of the Washington metropolitan area.

District of Columbia adherence to the compact has been recommended by the Metropolitan Washington Council of Governments' Public Safety Policy Committee, which notes that both Maryland and Virginia have entered the compact, while the District has not.

My attention was drawn to this situation by Prof. William W. Greenhalgh, who testified before the District of Columbia Committee's oversight hearings on crime in the National Capital. I asked him at those hearings what the present procedure was for extraditing juveniles from the District of Columbia. He replied:

You take the juvenile to the county line and tell him to get over it.

As Professor Greenhalgh also said:

That is not the right way to handle it.

Enactment of the legislation I am introducing today will cost no money. It simply provides legal procedure now lacking for returning juveniles to their own States when such juveniles have illegally fled their own States and are found in the District.

The interstate compact on juveniles has four major purposes:

First. To provide for the return to their home States of runaways who have not as yet been adjudged delinquent.

Second. To provide for the return of absconders and escapees to the State from which they absconded or escaped.

Third. To permit out-of-State supervision of a delinquent juvenile who should be sent to some State other than the one in which he got into trouble and who is eligible for probation or parole.

Fourth. To authorize agreements for the cooperative institutionalization of special types of juveniles such as psychotics and defective delinquents.

The bill I am introducing today is one of several which have already been introduced as a result of oversight hearings on crime in the National Capital which the Committee on the District of Columbia is pursuing. As our hearings proceed, such additional legislation as is shown to be needed will also be prepared and introduced.

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

The bill (S. 2335) to authorize the District of Columbia to enter into the interstate compact on juveniles, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

SENATE JOINT RESOLUTION 118—INTRODUCTION OF A JOINT RESOLUTION RELATIVE TO THE BALANCING OF THE BUDGET

Mr. CURTIS. Mr. President, on behalf of myself, my senior colleague from Nebraska, Senator HRUSKA, and the Senator from South Carolina (Mr. THURMOND), I introduce a joint resolution proposing an amendment to the Constitution of the United States.

The purpose of this proposed constitutional amendment is to put the Government of the United States on a pay-as-you-go basis and also provide for some payment on the national debt every year.

In case of a declaration of war or a grave national emergency determined by the Congress on a rollcall vote, the provisions of my amendment against deficit financing could be waived for a year at a time. This is sensible and necessary. It would be foolish to write a provision into our Constitution that would make it impossible for the Nation to defend itself in an emergency.

Mr. President, I believe that it would be of great advantage to our country if the word went out that the United States was going to put its financial house in order; that hereafter Government expenditures would not exceed Government re-

ceipts, and that some payment would have to be made on the national debt every year.

I firmly believe that we have no right as a people to refuse to pay our grocery bill or our hotel bills, or for the automobiles that we drive, and leave such bills to be paid by future generations. By the same token we have no right to avoid paying the annual costs of running our Government and leave a portion of that cost with its enormous burden of interest charges to future generations. To do so is immoral.

Many people pay lipservice to the pay-as-you-go system. Too often they say it's a good thing but not right now. I think the time is now. To contend that there is always a valid excuse for not paying the costs of government on a current basis is deceptive.

Mr. President, this proposed constitutional amendment would require the President to submit to the Congress a balanced budget within 15 days after the beginning of each regular session of Congress. If a President asks for estimated expenditures beyond estimated receipts, he should include his recommendation for increased taxes.

This proposed constitutional amendment has written into it the necessary provisions to make it self-enforcing. First, it provides that Congress cannot adjourn if it has authorized expenditures in excess of the estimated receipts for any fiscal year until it has taken such action as is necessary to balance the budget and provide for some reduction of the national debt. This action could be in the form of either a reduction in expenditures or an increase in taxes.

Several years ago this formula was suggested. Up to that time Congress usually adjourned by Labor Day. To prohibit an adjournment until the budget was balanced appeared then to be an effective method of enforcement. In recent years, however, Congress has been in session all, or nearly all, of the calendar year. This means that a prohibition against adjournment as an enforcement feature is not effective. Therefore, the proposal submitted today further provides that if estimated expenditures authorized by Congress exceed estimated receipts, neither House of Congress may, after October 15, enact any other legislation, except legislation to balance the budget and provide for a reduction in the debt. After the balanced budget and debt reduction were provided for, the Congress could, of course, resume its other legislative programs. In other words, under this proposal Congress would be without authority to either adjourn or enact any other measures until our financial house was in order. If this were made a part of our Constitution it would effectively bind the Congress and the Executive to the end that our Government would operate on a pay-as-you-go basis.

Mr. President, I urge that this proposal be given committee hearing in the near future and that it be passed by the Congress and ratified by the States.

It will be noted that in this proposed constitutional amendment we deal with expenditures and receipts exclusive of trust funds. This would prevent the intermingling of trust funds with the general fund of the Government and would guarantee that revenues would have to be available for the general fund to meet all of the expenditures from such fund.

Mr. President, I ask unanimous consent that a copy of my proposal be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 118) proposing an amendment to the Constitution of the United States relative to the balancing of the budget, introduced by Mr. CURTIS (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 118

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall include an amount for a reduction of the public debt and which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, or if it fails to provide for a reduction of the public debt during such fiscal year, neither the House of Representatives nor the Senate shall—

"(1) adjourn for more than three days at a time; or

"(2) subsequent to October 15, enact any bill or joint resolution other than a bill or joint resolution the purpose or effect of which is to increase revenues, reduce expenditures, or reduce the public debt;

until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year and to provide for a reduction of the public debt during such fiscal year. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget and for reduction of the public debt for periods, either successive or otherwise, not exceeding one year each.

"SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

SENATE JOINT RESOLUTION 119— INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE U.S. SECTION OF THE UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a joint resolution to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship.

The proposed joint resolution has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated May 21, 1969.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and the letter will be printed in the RECORD.

The joint resolution (S.J. Res. 119) to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for the expenses of the United States Section of the United States–Mexico Commission for Border Development and Friendship, which Commission was established by an exchange of notes between the Government of the United States and the Government of Mexico in November and December 1966, pursuant to a meeting between the Presidents of the two countries in April 1966.

The material, presented by Mr. FULBRIGHT, follows:

DEPARTMENT OF STATE,
Washington, May 21, 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 the expenses of the United States Section of the United States-Mexico Commission for Border Development and Friendship.

The Commission was established by an exchange of notes between the United States and Mexico in November and December of 1966 pursuant to a meeting between the Presidents of the two countries in April of

that year. Their joint statement included the following:

"The two Presidents expressed their determination to improve the relations between the frontier cities of both countries and to elevate the life of those who live in the border region. They agreed to create a Commission which would study the manner in which these objectives could be realized by cooperative action to raise the standards of living of the respective communities from a social and cultural as well as a material point of view."

The United States Section of the Commission consists of representatives of the Departments of State, Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, Interior, Labor, and Transportation, the Office of Economic Opportunity, the Office of Emergency Preparedness, and the Inter-Agency Committee on Mexican American Affairs.

Appropriations for the expenses of the United States Section are dependent upon the enactment of the proposed authorizing legislation.

Accordingly, the Department urges early and favorable consideration of the enclosed draft resolution.

The Bureau of the Budget has advised us that this legislative proposal is consistent with the Administration's objectives.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

ADDITIONAL COSPONSORS OF BILLS

Mr. SAXBE. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS), I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 60) to create a catalog of Federal assistance programs, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON) I ask unanimous consent that, at its next printing, the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of S. 88, to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Wyoming (Mr. MCGEE), the Senator from Iowa (Mr. MILLER), and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of the bill (S. 472), to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 1277), to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty.

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

Mr. SAXBE. Mr. President, on behalf of the Senator from North Carolina (Mr. ERVIN) and the Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent that, at its next printing, the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of the bill (S. 1461), to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

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

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of the bill (S. 1952) to establish in the Executive Office of the President an independent agency to be known as the Office of Executive Management.

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

Mr. BYRD of West Virginia. I ask unanimous consent that, at its next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of the bill (S. 1933) providing for Federal railroad safety, and the bill (S. 1938) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

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

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Utah (Mr. BENNETT) be added as a cosponsor of the bill (S. 2071) to amend the National Labor Relations Act to prohibit certain secondary boycotts in the construction industry which impede technological progress in such industry and unduly restrict the design professional's freedom in selecting the best and most efficient materials to accomplish construction projects.

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

Mr. SCOTT. Mr. President, at the request of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor of the bill (S. 2093) to exclude certain property from the Mount Jefferson Wilderness.

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

Mr. SCOTT. Mr. President, at the request of the Senator from Florida (Mr. GURNEY), I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska (Mr. CURTIS) be added as a cosponsor of the bill (S. 2111) to require the termination of Federal financial assistance to colleges and universities that fail to properly support reserve officer training programs.

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

Mr. BYRD of West Virginia. At the request of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added to the list of cosponsors of the bill (S. 2146) to encourage the flow of credit to urban and rural poverty areas in order to stimulate the rate of economic growth and employment in those areas, and to provide the residents thereof with greater access to consumer, business, and mortgage credit at reasonable rates.

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

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. BELLMON) be added as cosponsors of the bill (S. 2259) to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons.

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

Mr. PASTORE. Mr. President, on April 29, 1969, I introduced S. 2004, a bill which would amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

Since that time I have been contacted by many Senators urging early hearings on the legislation, and as well as an opportunity to cosponsor the bill.

Hearings on this legislation have been scheduled by the Subcommittee on Communications for July 15 and 16.

I ask unanimous consent that the following Senators be listed as cosponsors of the bill: Senator NORRIS COTTON, Senator GORDON ALLOTT, Senator HUGH SCOTT, Senator VANCE HARTKE, Senator JAMES B. PEARSON, Senator FRANK E. MOSS, Senator ROMAN L. HRUSKA, Senator CARL T. CURTIS, Senator JOHN SPARKMAN, Senator HERMAN TALMADGE, Senator MARLOW W. COOK, Senator HOWARD H. BAKER, JR., Senator HOWARD W. CANNON, Senator MIKE MANSFIELD, Senator JOHN STENNIS, Senator ROBERT J. DOLE, Senator WARREN G. MAGNUSON, and Senator EDWARD W. BROOKE, and that their names appear as cosponsors on the bill at its next printing.

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

Mr. PASTORE. I ask unanimous consent to have printed in the RECORD a letter that I received from Senator SCOTT outlining his position on this measure.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., May 22, 1969.

Hon. JOHN O. PASTORE,
Chairman, Communications Subcommittee, U.S. Senate Commerce Committee, New Senate Office Building, Washington, D.C.

DEAR JOHN: I am writing to advise you of my wish to co-sponsor and support S. 2004, your bill to establish orderly procedures for the consideration by the Federal Communications Commission of applications for the renewal of television and radio broadcast licenses. I also want to express especially my hope that it will be possible for our Senate Communications Subcommittee to hold hearings on this legislation in the near future.

Like yourself, I am concerned by the problems in the license renewal area which were outlined for the Subcommittee during our hearings earlier this year on matters of FCC procedure. Although perhaps well-intentioned, I am not persuaded that a policy which encourages the filing of a multiplicity of competing applications, often from groups unknown, actually serves the public interest. Such a policy would seem to favor precariously the weight of promise over the weight of past performance. Moreover, it might be effectively argued that the resulting administrative burden on the small number of FCC personnel having license renewal responsibilities could preclude thorough consideration in those relatively few instances where a challenge to the existing licensee is clearly warranted.

It appears to me that S. 2004 is designed to deal fairly and realistically with this situation. In essence, this proposal would give the current license holder the benefit of the doubt warranted by his previous investment and experience. First consideration would be given, by statute, to the existing licensee, but only with the safeguard provided by the bill's repeated mandate to the Commission to consider past performance specifically in the context of "the public interest, convenience, and necessity." I am aware, too, that S. 2004 contains a change from earlier drafts of this proposal to require absolutely that the Federal Communications Commission "shall" deny renewal to those licensees for whom it finds renewal would be contrary to the public interest. I believe this revision further serves to ensure that this legislation would be entirely consistent with the Congressional concern for the public interest embodied in the Federal Communications Act.

S. 2004 has been the object of considerable interest and support in my Commonwealth of Pennsylvania. I am pleased to join in urging its early and favorable consideration.

Sincerely,

HUGH SCOTT,
U.S. Senator.

INTERAGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS—AMENDMENTS

AMENDMENTS NOS. 26 AND 27

Mr. GOLDWATER submitted amendments intended to be proposed by him, to the bill (S. 740) to establish the Interagency Committee on Mexican-American Affairs, and for other purposes; which were referred to the Committee on Government Operations and ordered to be printed.

ANTIOBSCENITY LEGISLATION—AMENDMENTS

AMENDMENTS NOS. 28 THROUGH 35

Mr. GOLDWATER submitted eight amendments intended to be proposed by him, to the bill (S. 2073) to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors, which were referred to the Committee on the Judiciary and ordered to be printed.

(See the remarks of Mr. GOLDWATER when he submitted the above amendments, which appear under a separate heading.)

FEDERAL COAL MINE AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 36 AND 37

Mr. COOPER submitted two amendments, intended to be proposed by him, to the bill (S. 1300) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

(See the remarks of Mr. COOPER when he submitted the above amendments, which appear under a separate heading.)

ANTIOBSCENITY LEGISLATION—AMENDMENTS

AMENDMENTS NOS. 28 THROUGH 35

Mr. GOLDWATER. Mr. President, it is with great satisfaction and hope that I take note of the growing willingness of Congress and the administration to come to grips with the problem of protecting children from exposure to the degrading, obscene material which is flooding the mails and channels of commerce.

In March I expressed my strong concern in this Chamber that the present situation had reached the state of a national menace. I further stated that there must be prompt and effective action taken at the highest levels of Government to put a stop to the kind of trash that is invading American homes.

For my part, Mr. President, I was pleased to be a coauthor with Senator ALLEN, and 19 other Senators, of the first bill to be introduced in the Senate that is aimed squarely at the protection of children. Since that time other measures have been introduced along this line—chief among which is the bill proposed by President Nixon in his message of May 2.

Mr. President, as is natural, much of the interest nationwide has been devoted to the bill drafted by the administration. Here in the Senate, the measure has been sponsored by almost 40 Members. In recognition of the prominent role gained by the administration's proposal, I believe there is a good possibility that it is the vehicle which will be used by the Congress for enacting a law in this area. For this reason, I have decided to offer a series of eight amendments that are designed to increase the effectiveness of the bill in the event it should become law. My amendments are presented at an early time so that Members will have an adequate opportunity to study and be familiar with them during all stages of legislative proceedings in this area.

The first amendment I submit today is intended to tighten up the definitions used to describe just what type of matter it is that the bill would restrict. Unfortunately, it appears that certain essential elements that are traditionally required by the courts as a test of obscenity have been left out of the administration bill.

For example, the statute would allow the material under question to be considered standing alone, although the usual court standard is to view the objectionable matter in the setting in which it appears. Obviously, the omission of this element can cause a significant difference in the decision of whether or not an item is obscene. Looked at by itself, one picture in a magazine or one line in a book may appear indecent. But when taken in the context of the article or story to which it belongs, it may seem proper.

For this reason, I am afraid that unless the bill is changed it will be applicable on its face to many legitimate magazines, newspapers, and books that no one wanted to cover. As an example, I mention an article on nudity in the theater which appeared recently in one of the Nation's top weekly magazines. Some of the pictures used were questionable if isolated from the article which they accompanied. But surely it would be a mistake—not to say a violation of the first amendment—to prohibit a social commentary of this nature. Consequently, I have proposed an amendment that would aim the bill directly at the crude, hardcore pornography that clearly impairs the ethical and mental development of youth, but avoid any unfortunate applications which might undermine the constitutional validity of the entire statute.

Mr. President, the second amendment I submit is also designed to keep the impact of the bill on target. For some reason, the bill is not directed specifically at those who would exploit youngsters for gain. In fact, the language is so broad that the literal meaning of the measure is that relatives and friends who communicate with each other by mail could be guilty of committing a serious crime.

For example, the way the law is now drafted, it would bring within its reach the case of a student at college, or a serviceman overseas, who happens to send a questionable slide or photo home to his younger brother. Now this kind of thing may show poor judgment, but I really must wonder about its being included as the subject of a Federal offense.

Mr. President, to close up this loose language, my amendment would clearly direct the law at perversion for profit.

On the other hand, Mr. President, the next amendment I wish to submit would significantly add to the coverage of the bill's criminal provisions. For it appears to me that the only person covered by the law is the one who deposits matter in the mail or transports matter in commerce. The result of this oddity is that any maker of obscene films or printer of pornographic literature who wishes to evade the penalties of the law can do so by hiring an independent distributor to handle the actual mailing or shipping of his product. This situation would be properly corrected, however, if my amendment is adopted.

The fourth amendment which I submit would remove two provisions from the statute that are likely to encumber and impede the successful operation of the law.

These two provisions actually balance each other out anyway. The first is subsection (c) of the new section which pur-

ports to raise a presumption that matter is sent for delivery to a minor whenever there is a minor residing at the address shown on the envelope or wrapper. The presumption will arise unless the mail or package is "clearly, specifically, and personally addressed to an adult" and is sent in a completely concealed envelope or wrapper.

Among the questions raised by this provision are the following: How is the sender supposed to keep up the running account of each birth and change in family situations that he must be aware of in order to know at which residences children are residing? And, if a minor does live at a residence, can it fairly be said that the mail is designed for delivery to him if he is only 10 months old? For that matter, what is a "residence"? The term is not defined in the bill. Is it an apartment building with post office boxes situated in the lobby? And, does the presumption take effect if there are children living anywhere in the entire building?

Also, according to the provision, a person who does address a letter or package specifically to an adult will nevertheless be guilty unless the contents are completely concealed. Thus, an open corner on a magazine or package will become the decisive factor in determining the guilt or innocence of a defendant.

And, finally, Mr. President, in connection with this provision, I suggest that the courts may have a difficult time understanding the separate meanings of the requirements that the container be "clearly, specifically, and personally addressed." I assume that an envelope that is "personally addressed" will show the name of the person to whom it is directed. But what difference in construction can the courts give to the other terms? Webster's defines "specific" to mean "precise" or "accurate." Will this result in a person's conviction because of a misspelled name or an erroneous initial? As to "clearly," what could be more clear than the personal name of the addressee? Perhaps the judge looking over this term will decide that Congress meant for all envelopes or wrappers to be free of smudges and marks. Under these conditions, a person can be guilty of the commission of a major Federal offense because of his messiness.

Mr. President, it seems doubtful to me that the courts will allow the lawmakers to pull themselves up by the bootstraps in this manner in an attempt to shortcut the usual elements that must be proven to constitute a crime. Thus, it would appear better to me to remove the provision rather than to open the statute to attacks that might prejudice the entire law.

The second provision that should be removed from the statute is one that may unnecessarily create a giant loophole that the purveyors of filth will leap through to their considerable advantage. The source of my concern is the provision in subsection (d) that creates a complete defense to a charge of violating the crime for any defendant who has received a declaration from the addressee stating that he is an adult. The only condition is that the defendant believes that the declaration was made by the addressee.

Now, to me this means that every smut-maker will be given a ready-made defense whenever a minor fills out a coupon on which he has lied about his age. Why in the world we must make this concession is beyond my understanding. I seriously doubt that the courts would write into the law such a horrendous device for evading the statute, particularly if contrary evidence is supplied by the Government. Consequently, I believe the wisest thing for Congress to do would be to drop this provision fast.

The fifth amendment I submit would expand the meaning of the phrase "interstate commerce" so that Federal jurisdiction will extend to the full bounds of permissible reach. This amendment would include within the scope of the law any transportation that moves between points within the same State but involves travel through any place outside that State.

Likewise, the sixth amendment that I wish to submit will bring into the law a feature that one normally finds in an act establishing a Federal crime. I speak, of course, to the fact that there is no provision to protect State laws whose application may overlap with that of the Federal crime. The question of whether Congress intends to occupy the field to the exclusion of State and local laws should not be left for the courts to interpret. I propose to nail the matter down with specific language that will preserve the validity of State and local jurisdiction.

Seventh, I suggest the insertion of a provision to give a specific immunity to the distribution of matter that is to be used for legitimate scientific or educational purposes, such as for biology instruction or an art display. Again, my reason for recommending such a provision is to try to eliminate any room for challenge that may affect its constitutional validity.

Mr. President, the final amendment which I submit would add a new means whereby this objectionable mail can be kept out of the hands of youngsters. For by the simple technique of requiring a uniform label on the cover of mail which includes material harmful to children, parents who are watchful will be able to pick out this trash at a glance and destroy it without the need to open it. And, very importantly, this device will put a parent in a position where he can notify his post office that all mail with such a marking should be sorted out and not be delivered to his residence under any circumstances. My amendment would establish such a procedure in an orderly, workable fashion by authorizing the Postmaster General to prescribe uniform regulations for the labeling of the material to which the provision applies.

The amendment contains one other feature to protect against the delivery of smut mail to children. This is the requirement that any matter sent through the mails with this kind of marking shall not be delivered unless the postman obtains a receipt signed by an adult. Thereby, provision is made against its being delivered indiscriminately to whomever might open the mail first.

Mr. President, these two procedures are clearly reasonable in light of the interest of Congress in protecting the healthy and normal development of the American youth. Also, they are practices that Congress has used before in other areas.

In summary, Mr. President, I wish to repeat my strong conviction that we must act soon to meet the growing demands of American parents who resent the intrusion into their homes of this unsought and unwelcome trash. There is no question that the Government has both an interest and an obligation to protect the welfare of our children. Many competent medical witnesses have appeared before committees of the Congress in the past to verify the harmful influence of obscene material on juvenile behavior. One of the worst possible relationships was discussed by Dr. Benjamin Karpman, then chief psychotherapist at St. Elizabeths Hospital, who has stated that—

> You can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystallize and settle their habits for the rest of their lives. If they are not exposed to that, they may develop to perfectly healthy, normal citizens. It is here that objection comes upon pornographic literature.

It is my wish that the amendments which I have submitted today might offer a new thought or a new procedure, which otherwise may be missed, by which the law which we frame will serve as a workable and successful means to assist parents in protecting against this harm to their children.

Mr. President, I ask unanimous consent that the amendments which I have introduced be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed in the RECORD, and appropriately referred.

The amendments were referred to the Committee on the Judiciary, as follows:

AMENDMENT No. 28

On page 2, line 11, strike out "is" and insert ", taken as a whole,".

On page 2, line 12, after "(A)" insert "is patently".

On page 2, line 13, after "community" insert "as a whole".

On page 2, line 14, strike out "and".

On page 2, line 15, after "(B)" insert "is".

On page 2, line 16, strike out the period and insert "; and".

On page 2, between lines 16 and 17, insert the following:

"(c) predominantly appeals to the prurient, shameful, or morbid interest of minors.

AMENDMENT No. 29

On page 2, line 17, after "knowingly" insert "and for compensation or any other commercial purpose".

AMENDMENT No. 30

On page 2, line 17, immediately preceding "deposit" insert "(1)".

On page 2, line 21, immediately preceding the period, insert ", or (2) print, publish, create, manufacture, or reproduce any such matter intending or knowing that such matter will be deposited in the mail or transported in interstate or foreign commerce in violation of clause (1)".

AMENDMENT No. 31

On page 2, beginning with line 22, strike out all through line 16, on page 3.

On page 3, line 17, strike out "(e)" and insert "(c)"

AMENDMENT No. 32

On page 2, line 4, strike out "and" and insert the following:

"(iii) 'interstate commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; or (B) between points within any State or the District of Columbia, but through any place outside thereof; and

On page 2, line 5, strike out "(iii)" and insert "(iv)".

AMENDMENT No. 33

On page 3, line 21, strike out the quotation marks.

On page 3, between lines 21 and 22, insert a new subsection as follows:

"(f) nothing contained in this section shall be construed to indicate an intent on the part of Congress to occupy the field in which any provision of this section operates to the exclusion of any State or local law on the same subject matter; nor shall any provision of this section be construed to invalidate any provision of State or local law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

AMENDMENT No. 34

On page 3, line 21, strike out the quotation marks.

On page 3, between lines 21 and 22, insert a new subsection as follows:

"(f) It shall be an affirmative defense to a charge of violating this section that the delivery was to institutions or individuals having scientific, educational, or other special justification for possession of such material."

AMENDMENT No. 35

On page 2, between lines 21 and 22, insert a new subsection as follows:

"(c) No person shall knowingly deposit or cause to be deposited for mailing or delivery by mail any matter which is harmful to minors, or matter constituting or containing an advertisement or information as to where or how such matter may be obtained which is not labeled as such matter on the envelope or outside cover or wrapper in accordance with regulations prescribed by the Postmaster General under section 4061 of title 39."

On pages 2 and 3, redesignate the succeeding subsections accordingly.

On page 4, after line 3, insert the following new section:

"SEC. 3. (a) Chapter 53 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"'§ 4061. Matter harmful to minors

"'(a) Matter labeled in accordance with section 1466(c) of title 18 shall not be delivered from any post office or by any letter carrier except (1) to an addressee who is age eighteen or over, or (2) to a person age eighteen or over accepting delivery on behalf of an addressee age eighteen or over, and expect upon the signing by such addressee or person of a receipt for such matter which states that the person whose signature appears thereon is age eighteen or over.

"'(b) The Postmaster shall prescribe regulations for the uniform labeling and handling of material to which this section applied. Such regulations may require the payment by the sender of special fees to cover the additional costs of such handling.'

"(b) The analysis at the beginning of Chapter 53 of title 39, United States Code, is amended by adding the following new item:

"'4061. Matter harmful to minors'."

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, June 5, 1969, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 537. An act for the relief of Noriko Susan Duke (Nakano);

S. 1995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama;

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 77. Joint resolution authorizing the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

ANNOUNCEMENT OF HEARINGS ON HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969

Mr. YARBOROUGH. Mr. President, for the information of Senators, I wish to announce at this time that on June 12, 17, and 19 the Subcommittee on Health of the Committee on Labor and Public Welfare, of which I am the chairman, will hold hearings on the Hospital and Medical Facilities Construction and Modernization Amendments of 1969, which revises, extends and improves the program established by title VI of the Public Health Service Act. The subcommittee will hear witnesses on S. 2182 and other bills relating to hospital and medical facilities construction modernization.

There is presently a health crisis in this Nation, and part of that crisis lies in the urgent national need for increased funds to modernize obsolete health facilities and to construct new health facilities. Innovations which will encourage a better utilization of limited health resources, improve the delivery of health services, and reduce the costs of medical care are also necessary. It is my firm belief that these hearings will constitute an important step toward the goal of better health care for all Americans.

ANNOUNCEMENT OF HEARINGS IN SAN ANTONIO, TEX., ON DRUG ABUSE AND NARCOTIC ADDICTION

Mr. YARBOROUGH. Mr. President, for the information of Senators, I wish to announce at this time that the Subcommittee on Health of the Committee on Labor and Public Welfare, of which I am chairman, will hold a hearing on drug abuse and narcotic addiction in San Antonio, Tex., on June 13. In particular, we will again look into the effects any closing of the Fort Worth Clinical Research Center would have. This facility serves all States west of the Mississippi River and Puerto Rico. It is my opinion, and I am supported by numerous witnesses, that such a closing would be disastrous. This is all the more true for the city of San Antonio. San Antonio has 72 patients at Fort Worth, more than any other city.

The hearings held in April on this subject proved conclusively that the problem is nationwide in scope and is exploding. We need legislation to control and prevent drug abuse and narcotic addiction by funding research, training personnel, expanding facilities and starting a program of public education about drugs.

Yet we find this effort to close down the oldest two Federal facilities in the country, the one in Lexington, Ky., which all States east of the Mississippi River use, and the one at Fort Worth, Tex., for States such as the people in the Dakotas, Oregon, Washington, and California set up in the mid-1930's. With the explosion we have in this country in the use of dangerous drugs by youngsters, often going into the use of hard narcotics, these centers are needed worse than ever before.

Twenty years ago, the average narcotic addict was 30 years of age. Today he is under 21 years of age.

Mr. President, we still need to find out more about this complex situation; therefore, we will go to San Antonio on June 13. Father Brosnan and his Patrician Movement in San Antonio were awarded one of the first Narcotic Addict Rehabilitation Act contracts in 1968. He stated at the Fort Worth hearings that there are approximately 3,000 hard-core addicts in San Antonio. He also said that a conservative estimate of the cost of addiction to the citizens of San Antonio is $87 million. In the last 2 years, 850 of them have gone to Father Brosnan of their own volition, saying, "I am hooked. I need help."

No compilation of statistics or facts, however, can bring home the problem as well as the knowledge of an actual case. Mrs. Dorothy Edge has written an excellent series of case histories for the Fort Worth Press including statements made by a 15-year-old "pusher" who was set up in business by an adult; the 15-year-old "model daughter" who sold drugs, knew about the teenage prostitution ring at school, and "turned on" with overdoses of her mother's reducing pills; and the young Vietnam veteran who stated, "War is hell—drugs are worse."

Mr. President, the Subcommittee on Health wishes to be of assistance to these individuals strong enough to ask for help. We must show concern for all those affected by drug abuse and addiction, and this subcommittee's continued striving both to find possible solutions to our drug problems and our efforts to keep the Fort Worth Clinical Research Center open are means to this end.

Mr. President, I ask unanimous consent to have printed in the RECORD the article written in the Fort Worth Press by Dorothy Edge of the Scripps-Howard newspapers telling about the problem of the 15-year-old getting into this drug business and what is happening in this explosion of the use of dangerous drugs.

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

TEENAGE DOPE PUSHER

(By Dorothy Edge)

The heavy door of the police station opened wide as the buxom woman barged through, her reluctant teen-age daughter lagging in her wake.

Belligerently the attractive matron stomped toward the officer who politely summoned her by telephone less than an hour before.

In a shrill voice which resounded through the station, the protective parent began the defense of her 15-year-old offspring before the complacent officer could explain the reason for his call.

Her daughter was a model child . . . attended church every Sunday morning . . . made good grades in school. Besides, the mother continued, she knew where her daughter was every minute of the night and day.

The patient officer didn't interrupt, but his expression didn't change.

Finally aware that her tirade was having little or no effect on the authorities, the mother demanded a chance to call her lawyer.

But when the telephone was extended without comment, she declined.

Then came the officer's big big question directed to the bespectacled, half-frightened girl before him:

"I think you know why I call you down here, Margie. Now, will you tell me in your own words what you know about dope in the schools and the teen-age prostitution ring?"

There was an urgency in his manner which demanded an answer before the mother could intercede. The studious-looking girl responded quickly.

"I know all about the ring . . . but how else do you think some of the girls could afford to buy the stuff."

The girl's face flushed, and in a lower tone, she asked to talk with her mother alone.

The woman stiffened momentarily, then settled back in the chair.

Her answer was unexpected to everyone. "If you know anything about all this, you'd better go ahead and tell this officer now."

The girl swallowed hard, and unfolded the sordid story.

She had started smoking marijuana two years ago "just for kicks." Her first "reefer" had been given to her at school by a friend. Once she had been questioned by a law enforcement agency after police had raided a teen-age pot party. But she had pleaded innocent, and was released. Her parents had not been notified.

This first warning was easily dismissed. Margie continued to smoke pot regularly and introduce others to the weed which she was able to buy in quantity.

She and her friends liked the grown-up feeling when they got high on pot, she told police. They enjoyed the devil-may-care freedom they experienced after smoking a joint or two, she calmly said.

A few of the kids got a little bolder and asked for something stronger.

Margie made a contact, obtained many kinds of drugs, including LSD, for resale.

She also discovered a convenient source of stimulating drugs in her own home which she used to her advantage. Her mother's reducing regime included an amphetamine (stimulating) drug.

Taken as directed, in controlled doses, this, particular amphetamine, offered pep, a new alertness, and decreased the appetite.

Taken in excessive doses, Margie learned the drug really "turned her on."

Margie was cautious, and thrifty, too. Regularly she took the capsuled drug from her mother's supply, mixed it with a baby talc which closely resembled the amphetamine. Then she stuffed it into empty capsules she purchased at a local drug store. She sold the capsules to her eager friends for $1.50 each.

Margie told of selling "acid" (LSD) to some of the "heads" (drug addicts). But she kept insisting that she had never used LSD herself.

The kids always paid cash for the "stuff" she said. The boys often had to "pop hubcaps" and steal tape decks to get the money to buy what they called "chemical happiness." The girls sometimes had to turn to prostitution.

Margie insisted that she did not know personally how many of the girl drug users "went all the way."

Were any of her customers occasional prostitutes? Margie refused to say.

The conference, for the most part, coincided with previous reports the officer had received from Margie's associates. But he was surprised to hear her say, "I knew you were going to get me one of these days . . . a friend of mine said my name was on your list."

That list became a little longer as the junior high student voluntarily gave a written statement concerning her part in the teen-age dope racket in the schools.

Maybe part of Margie's problem is solved. Her mother's loving arms encircled her as the officer told them they were free to go.

Then, hand in hand, mother and daughter slipped humbly away from the bright lights of the station, into the night.

"WAR IS HELL—DRUGS ARE WORSE"; GI HOOKED ON "POT" WHILE IN VIETNAM

(By Dorothy Edge)

It started on the battlefields in Vietnam.

It ended in a psychiatric ward of a local hospital.

The marijuana habit made the horrors of daily warfare bearable for a young, frightened GI. Now it makes his re-adjustment as a civilian unbearable.

He couldn't adjust to a normal way of life. So he upped his daily portion just for kicks.

He couldn't concentrate when high on "pot." Yet he couldn't give it up.

His frustrations soon overcame his self-respect and he turned to more potent drugs.

His became a topsy-turvy world, revolving crazily after each bout with drugs.

He couldn't take the pressure of an ever-watchful mother. So he moved away from home.

He couldn't take the pressure of college routine. So he dropped out of school.

His whirlwind existence reached the panic stage six months after his discharge from service. Doctors helped the aches and pains of his drug-tormented body, but couldn't ease his troubled mind.

It was the zero hour . . . and he knew it.

Between convulsions, curled up on a local physician's office floor, he took the first step back to normalcy:

"I've got to get off this stuff," he screamed. "Get Ken Martin over here—I want to talk to him!"

Martin, the Richland Hills police officer credited with the rehabilitations of many youthful drug abusers, came.

"Listen to me, please," the terrified ex-G.I. begged, with tears in his eyes. "I know I'm going to lose my mind if you don't get me straightened out!"

There followed a series of weird, gutteral sounds. A word or two got through. It was the same old story that Martin had heard hundreds of times before. The setting was different, the circumstances changed.

But basically it was just another version of the drug pattern so painfully familiar to law enforcement officers everywhere. Marijuana. Amphetamines. LSD. Mescalene. Psilcybin. Good trips. Bad trips. The bottomless pit.

It wasn't easy convincing this veteran that professional help was what he needed first and foremost.

One minute the drug crazed youth would agree to treatment.

The next instant he shied away from everyone, shouting "You're all trying to put it on me."

Martin took the irrational boy to the hospital in his own car and stayed with him until the initial treatment for drug dependence was administered.

But specialists say the response to the treatment is too slow, that shock therapy may be necessary.

He is emotionally unstable. His moods change quickly without warning and apparently without provocation.

One minute he is raving. The next, he sits quietly away from the others in the crowded ward, absent-mindedly strumming a tune on his guitar.

Martin visits with him often. They talk of many things—flying, baseball, the past, brighter days in the future. And they talk about his favorite subject—the war in Vietnam.

He recalls the waving fields of marijuana growing wild in Vietnam. The drug, legalized for the Vietnamese, is restricted for GI use but many soldiers smoke grass, he claims.

Because it is as accessible as a pack of cigarets, many service men buy it and take it back to their barracks, he added.

For one week he has been locked up in the psychiatric ward. His twisted mind labors to explain.

"War is hell," he says in a rational period. "But these drugs are worse. . . ."

NOTICE OF HEARINGS ON THE SMALL BUSINESS ADMINISTRATION

Mr. BIBLE. Mr. President, for the information of the Members of the Senate and other interested persons, I announce that hearings have been scheduled by the Select Committee on Small Business on the Organization and Operation of the Small Business Administration for June 10, 11, and 12. The hearings will be conducted in room 5302 of the New Senate Office Building at 10 a.m. daily.

The Small Business Committee will be happy to hear from any Member of the Senate or any interested person who wishes to make any observations or comments directed at the operation of the SBA particularly and the American small businessman generally.

NOTICE OF HEARING ON EVERGLADES NATIONAL PARK

Mr. JACKSON. Mr. President, informational hearings on the Everglades National Park are scheduled for Wednesday, June 11, before the Full Committee on Interior and Insular Affairs. The hearing will begin at 10 a.m. in room 3110 of the New Senate Office Building.

The June 11 hearing is a continuation of a hearing held on June 3. At the previous hearing, the committee heard witnesses from the Federal Government and the State of Florida. Testimony from public witnesses and representatives of conservation organizations will be taken at the June 11 hearing.

NOTICE OF HEARINGS ON EDUCATION BILLS

Mr. PELL. Mr. President, I announce that the Subcommittee on Education of the Committee on Labor and Public Welfare intends to start its hearings on the 1969 amendments to the Elementary and Secondary Education Act and related bills on June 11. It is expected that our first witness will be Secretary of the Department of Health, Education, and Welfare, Hon. Robert H. Finch, accompanied by the Commissioner of Education, James E. Allen.

All persons who wish to appear before the subcommittee, or who wish to file statements for inclusion in the record, should contact Stephen J. Wexler, Counsel Education Subcommittee, room 4228, New Senate Office Building, Washington, D.C., telephone 225–7666.

THE LIFE AND SPIRIT OF ROBERT F. KENNEDY

Mr. HARRIS. Mr. President, 1 year after his death we should pause to remember our late colleague, Robert F. Kennedy.

Old men are remembered for the things they have done; young men are usually remembered for the things they might have done. Robert F. Kennedy will be remembered for both.

Yet, perhaps it is those things he left undone, because of his untimely death, which will be his greatest legacy. A year has dulled the shock and sorrow at his death, but has not lessened the challenge of his dreams, his ideas, his goals for this country.

These live because they were for the people of his country. He had the unique capacity to lend people hope who had given up, to give people direction who had no destination, to make people care who were unconcerned.

These countless Americans are a living memorial to the life and spirit of Robert F. Kennedy. The commitment and dedication he passed to them may prove to be the greatest contribution he has made to his country.

CAMPUS VIOLENCE AND DISORDERS MUST STOP

Mr. DODD. Mr. President, on Sunday, June 1, I made an appearance on WHNB–TV in Hartford, Conn., concerning the violence and disorders on the Nation's college and university campuses.

Of nearly 7 million college students in this country, only about 2 percent or roughly 140,000 are regarded by school authorities to be in the activist revolutionary category

This tiny core of power-motivated destroyers behave like criminals. They resort to force against criticism. They use and abuse constitutionality to protect their illegality.

Mr. President, the time for coddling criminals, masked as students, is over. Tolerance by many well-intentioned college officials and laymen, motivated by their concept of liberalism, has eroded.

Look what it has produced. A young vandal is as guilty as an old one. There are laws to protect society from them. Let them be applied.

Dissent, yes. Disorder, no.

I ask unanimous consent to have printed in the RECORD at this point the text of my remarks, and an editorial on this subject that appeared in the Farmington Valley Herald on Thursday, May 29, 1969.

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

REMARKS OF SENATOR THOMAS J. DODD ON WHNB–TV, "WASHINGTON REPORT," JUNE 1, 1969

A disturbing school year, riddled with planned disruption and nasty noise, is coming to an end.

But it is by no means the end of upheavals on college campuses across the country and here in our own state.

Self-styled revolutionaries and arrogant activists, lusting for power through ugly, totalitarian means, threaten to turn academic communities upside-down with their own version of a long, hot summer.

They boast that they are preparing for bigger, uglier scenes and turmoil in the forthcoming autumn semester. This we cannot permit. Nor can we tolerate contrived destruction by a violent minority to dislocate the future of this nation.

For it is our schools of higher education that provide the lifestream and the sinews of the United States.

Stifling the flow of brainpower through an *evolutionary* process is like strangling someone to death.

The time, late as it is, has arrived to see what is happening, what can be done and how we must recognize what the stakes are for all of us.

There are nearly 7 million students at colleges throughout the United States. Of this vast and growing number, only two per cent are regarded by academicians and school authorities to be in the activist revolutionary category.

Just think of it. Two per cent; maybe in round figures, 140,000 of 7 million. Yet they have, by organized disruption, threats to the vast majority of students and indeed, physical violence, created combustible conditions.

In the newspapers, on radio and television, we read, hear and see all the clamor caused by these self-proclaimed destroyers.

Rarely, if at all, do we hear from and about the many millions of students who I call the "Invisible Youth." Quite a few of them want change, too.

They ask for it in reasoned, non-violent terms.

They do not wreck buildings, manhandle professors, and loot school records. So, they are largely ignored. Hard and dedicated work is undramatic.

The violence of conflict and disruption commands a spotlight. It is the nature of melodrama that keeps an audience on the edge of its seat, breathlessly hanging on the outcome.

Just as crime, in all its sordid aspects, attracts spectacular notoriety, so do the self-proclaimed destroyers bent on smashing and crushing all our institutions of higher learning.

Let us be blunt. The tiny core of power-motivated destroyers behave like criminals. They resort to force against criticism. They use and abuse constitutionality to protect their illegality.

For years I have dealt with the problems of juvenile delinquency. I also have been absorbed with the delicate problems of gun control.

Marauding bands that close down classes and create tumult on the campus are juvenile delinquents, many of whom resort to weapons to show they mean grim business to achieve their objectives by hook or crook.

Two principal elements lead these same self-styled revolutionaries. One is the nearly all-white so-called Students for a Democratic Society. They are hardly students since attending class has become abhorrent to them.

And they oppose democracy violently. You are the enemy and should be eliminated if you disagree or criticize. Students for a Democratic Society, indeed!

Then there are the so-called Black Militants. They demand studies for blacks that lead to segregation. Separation from whites, total isolation, is their goal. And they do not shrink from violence or armed threat to achieve what they say they want.

The Federal Government does not cherish the idea of going in where campus violence is committed to impose law and order. Colleges, traditionally, have been determined to maintain their own tranquility.

They should, if they could. The time for coddling criminals, masked as students, however, is over. Tolerance by many well-intentioned academicians and laymen motivated by their concept of liberalism has eroded.

Look what it has produced! A young vandal is as guilty as an old one. There are laws to protect society from them. Let them be applied. Dissent, yes. Disorder, no!

[From the Simsbury (Conn.) Farmington Valley Herald, May 29, 1969]

A FRESH BREATH OF AIR

With the noise, the furore and the confrontations making the news from the nation's college campuses, the record of Central Connecticut State College's new President in handling campus disorders is like a breath of fresh air. F. Don James, in his first year as President, has faced his share of problems, and while they do not appear to be of the magnitude or intensity of other campus disorders, they have been as potentially dangerous as any. And the particularly pertinent fact of the matter is that his handling of a succession of situations has minimized the disruptions, and is testimonial in itself to his wisdom.

It is somewhat of a surprise, therefore, to read an attack on him in the daily press, in spite of the fact that the newspaper account was based on a single instance out of a succession. The criticism came as an aftermath of a threatened demonstration against the decision not to rehire a professor in the Department of Education, and the reports that students "proposed a referendum on using student funds to hire Mr. Mulcahy back."

President James made his position explicit; on the recommendation of the Department Head and the Dean, his decision was not to appoint him to the position open in the Department next year. Presumably, his decision was supported by the Trustees. When the students suggested using student funds and making the professor an employee of the students, James refrained from rejecting their proposal out of hand, suggesting that "we would look into it," asking quietly for an opinion from the Attorney General as to its legality. He did not back from his original position that the authority for making Administrative decisions lies with the Administration, but he did make it clear, as he has done right along, that he would *listen* to student complaints, judge them with wisdom, and correct justifiable complaints.

In this instance, his willingness to "look into it" was interpreted by some as complete agreement or "backing away from their position," and reported as such, when it was a matter of 'not shouting, but listening.'

We think Dr. F. Don James, deserves a lot of credit, for he is one college president who is unafraid to draw the line between legitimate protest or complaint, and violation of the rights of others (as he has done repeatedly), and even more unafraid to participate in meaningful discussions of the issues and problems that concern students. When they are off-base, he is willing and patient enough to point out their error and when they are on-target, he is willing to effect corrective change (as he has done repeatedly).

As such, he has set an uncommonly fair (and successful) example for others to follow. Congratulations, President James. We are proud of you, not only in your position, but also as a Valley resident.

PROFESSOR BRZEZINSKI'S WARNING

Mr. DODD. Mr. President, Prof. Zbigniew Brzezinski is widely recognized as one of this country's foremost scholars of Soviet affairs. To his scholarship, he also brings an impressive personal experience in the practical conduct of foreign policy, which he acquired as a foreign policy adviser to President Johnson.

Recently Professor Brzezinski wrote an article captioned "Peace and Power"

for the British monthly, Encounter. I want to call this article to the attention of my colleagues, first, because Encounter has a very limited readership in this country, and, second, because I consider the article a work of outstanding quality.

There are some points on which my own assessment differs somewhat from Professor Brzezinski's. But on the whole, I consider "Peace and Power" one of the most remarkable articles I have come across dealing with political probabilities and dangers over the coming years.

It is not a very cheerful article. Essentially, it is a warning that we are entering into a period of grave crises and difficulties. And this warning carries all the more weight because it comes from a man who has earned a reputation for moderation as well as scholarship.

These are some of the essential points that Professor Brzezinski makes in his article:

First. Instead of detente after the Vietnam war, there will probably be intensified competition.

Second. The Soviets have probably achieved or are at the point of achieving strategic parity.

Third. Until now we have been able, with our overwhelming nuclear superiority, to enforce deterrence. But deterrence may not work as well in a world where the Soviets have nuclear parity.

Fourth. In every previous crisis we have been fortified by the knowledge of our own superiority. We have never yet had to face a crisis with the Soviet Union in the setting of parity.

Fifth. Greater Soviet capacity to become involved in the world's trouble spots will in all probability stimulate greater temptations to become so involved.

Sixth. A domestic crisis in America, and especially a panicky disengagement from world affairs because of frustrations caused by the Vietnam war, would have a catastrophic effect on world stability.

Seventh. Although the chances for arms control are not very bright, we must continue to seek agreements.

Eighth. We must try to persuade the Soviet Union "of the futility of its strategy of conflict in international politics," and we must hold up the goal of a community of developed nations, embracing the Atlantic states, the Soviet Union, Japan and other nations.

Ninth. Until such time as workable arms control arrangements are agreed upon, it will remain necessary for the United States to seek to maintain a qualitative advantage in deliverable weapons, and to develop new weapons systems so that Soviet leaders may not become tempted to take calculated gambles.

Tenth. In seeking to induce Soviet cooperation, there must be a strict insistence on reciprocity.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the full text of Professor Brzezinski's article, "Peace and Power." It is a long article but I earnestly hope that my colleagues will find the time to read it.

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

PEACE AND POWER

(By Zbigniew Brzezinski)

(NOTE.—Professor Brzezinski has recently returned to Columbia University after a period in Washington as a Foreign Policy adviser. In this article he looks towards the 1970s and analyses the problems that surround the construction of a system of international co-operation and a community of the developed nations, East and West.)

Power tempts—not only serves—policy. In the coming decade, the power of the two super-states will begin to overlap globally and, because of this, the competition between the United States and the Soviet Union could become more intense and less stable, especially as conditions in some areas come to offer inviting targets for big-power involvement. Both powers may then be drawn into hostile confrontations, even though they may not actually desire them. The termination of the Vietnam war, far from ushering in a new era of *détente* between Washington and Moscow, might be followed by a more complicated phase in international politics, unless thought is now given how to construct a new framework for peace in the 1970s.

The nature and implications of the new phase are more readily perceived if approached from a historical perspective. The last few years have seen a striking change in the respective attitudes of the two powers towards each other. The United States has come to stress the theme of 'peaceful engagement' and, by and large, the Soviet Union is no longer portrayed as the principal threat or enemy. The Soviet Union, on the other hand (particularly since the fall of Khrushchev), appears to be adopting towards the United States a stance reminiscent of John Foster Dulles' towards Moscow: moral condemnation is combined with emphasis on 'containment' of Washington's allegedly unbridled ambitions.

The change in official American attitudes was initiated in the last days of the Eisenhower Administration by both J. F. Dulles and Christian Herter. To the established notion of containment, the theme of collaboration was added. This additional element was given high priority by the Kennedy Administration, especially after the Cuban confrontation of 1962. The American University speech, with its stress on the need for 'a new start,' was clearly designed to communicate to Moscow the new American interpretation of the relationship. President Johnson continued along the same path and on 7 October 1966, despite the growing acrimony between Washington and Moscow over Vietnam, appealed for broad East-West reconciliation. In so doing, he revised substantially some key U.S. concepts: he stressed that Europe's reunification would have to precede that of Germany and he called for closer relations with both the Soviet Union and Eastern Europe, implicitly moving away from the tactic of separating the East Europeans from Moscow.

Underlying the emerging American posture was not only a simplistic yearning for US-Soviet accommodation. It reflected increasing concern that Moscow must be 'educated' into sharing a sense of nuclear responsibility in a world possessing increasingly numerous and devastating nuclear weapons. Thus the United States continued to seek to expand its tenuous links with Moscow, even as the war in Vietnam intensified; it continued to exercise restraint in language, even in the face of increasingly violent anti-American abuse from Moscow, much of it personally directed at the President, abuse without parallel since the early 1950s; it continued to exonerate the Soviet Union of any desire to prolong the Vietnamese war, even though Soviet arms shipments were increasingly designed to assist the waging of the war in the South and not merely to defend the North; it avoided exploiting the Soviet invasion of Czechoslovakia to fan anti-Soviet sentiments; it continued its policy of cautiously calibrating its defense programmes, lest they precipitate excessive Soviet concern.

Perhaps, more generally, the break-up of the Stalinist monolith and the Sino-Soviet dispute encouraged American hopes of a major evolution in the Soviet outlook, and the US posture was clearly designed to encourage such evolution. Previous fears, tempered by a sense of nuclear security, thus gave way to hopes, only occasionally clouded by Soviet rocket-rattling.

If the change of American attitude can be traced—in a relatively steady line—over a period extending close to a decade, Soviet posture towards the United States has zigzagged more pragmatically. In some ways, the removal of Khrushchev in the fall of 1964 can be considered the most significant recent turning point. Though in the preceding years Khrushchev's policy had been far from consistent, it appeared to put a priority emphasis on the American-Soviet relationship. Having learned at some risk during the Cuban missile crises that there was no short cut in the long road to replacing the USA as the preponderant world power, Khrushchev was apparently willing to settle down to a longer period of US-Soviet quiescence or even accommodation, at least until Soviet arms development had erased the imbalance revealed in 1962.

In the pursuit of the Soviet-American priority he was even willing to sacrifice his relations with the more militant Communist states. On the eve of his fall Khrushchev was obviously preparing the ground for a final split with China, and a few months earlier he almost literally disowned the North Vietnamese, after they had had their first taste of US aerial bombardment.

The new Soviet leaders—as revealed by their speeches and actions—came to power with a rather different set of priorities. Though concerned with keeping American-Soviet relations on an even keel (and they made a major effort to communicate that intent to Washington), they were more preoccupied with repairing international Communist unity and with shoring up the domestic authority of the ruling Communist bureaucracy. Themselves middle-aged bureaucrats of Stalinist vintage (most of them obtained their first major promotions during the painful days of the 'Great Purge'), they were inclined to cultivate the more radical parties of North Vietnam and North Korea; they were disinclined to push the Chinese into a final split; and they saw in the restoration of some ideological unity direct implications for political stability at home.

These priorities interacted with actual developments, and in the course of the next two years the new Soviet attitude toward Washington crystallized. First of all, it continued to rest on an intelligent recognition of the Soviet stake in maintaining a working relationship with Washington. It is noteworthy that, despite the Vietnamese war, more US-Soviet agreements were successfully negotiated during this time than during the preceding decade. It should be noted, however, that these were primarily treaties designed to enhance specific bilateral interests, or common negative ones (such as the Non-Proliferation Treaty), without any broad accommodation on the more conflicting issues—the arms race, Berlin, etc. At the same time the new Soviet leaders, convinced that the United States was about to move out of Vietnam, energetically strove to establish Soviet presence in Hanoi. Evidently they hoped to help shape a settlement that would formalize the American setback, and thus permit Moscow to obtain some 'revolutionary credit', without jeopardizing its relationship with Washington. In a way, Moscow hoped to 'have its cake and eat it too', much as Washington hoped to continue 'improving

relations with Moscow' while bombing a Communist state.

There also matured in the Kremlin a strong conviction that the United States, particularly under President Johnson's stewardship, was pursuing an increasingly assertive policy, based on its recently acquired long range air- and sea-lift capabilities. The new Soviet leaders were accordingly inclined to dismiss initiatives such as President Johnson's speech of 7 October 1966, as deceptive 'window dressing' for more belligerently anti-Communist policy. That was the official interpretation shared by Moscow with its East European allies, some of whom had been tempted to respond more positively to the American plea for East-West reconciliation.

It would appear that by 1967 the Soviet leaders reached the conclusion (which they then shared with many foreign Communist leaders) that the Communist forces were faced with a new imperialist offensive, led by the United States. The Soviet leaders argued—as Brezhnev did during the fiftieth anniversary celebration, or Suslov to the international Communist meeting in Budapest in March 1968—that events such as the killing of Lumumba, the fall of Goulart, the denigration of Sukarno, the Dominican intervention, the Greek coup, and even the Israeli surprise attack on Egypt, were all part of a very deliberate USA-engineered political offensive. Symptomatically, these views were repeated by Tito after talks with Moscow. They were also systematically developed in the theoretical organ of the Italian Communist party (*Rinasciata*, 4 August 1967), which asserted:

"For the policy of the *status quo* and the attempts to divide the world into zones of influence between the two super-powers, US imperialism is gradually substituting a revised and corrected re-edition of the old policy of *roll back*, giving birth, within the framework of nuclear coexistence with the USSR (caused by reasons of *force majeure*), to a series of local interventions (economical, political, military) designed to modify the world equilibrium by means of setting up reactionary regimes, or by support given to them, and liquidation of the progressive forces and movements in individual countries."

The Soviet concern was exacerbated by the realization that effective 'containment' of the USA was not possible through reliance purely on the apocalyptic power of the Soviet military establishment. The Soviet leaders recognized that the United States, having developed its long-range conventional capabilities, had ceased to be an apocalyptic nuclear power and was in effect a global power. The Khrushchevian reliance on rocket threats (much like Dulles' 'massive retaliation') was too awesome to be credible in situations requiring moderate but effective military pressure. Hostility, frustration and concern were thus important ingredients of the new analysis, and they reinforced ideological biases that shaped the over-all Soviet perspective on world affairs.

These considerations provided the general framework within which the Soviet leaders reacted to specific dilemmas. Thus, in respect to China, the new Soviet leaders showed a special concern over the possibility of American-Chinese collusion. Russian concern over such a "new encirclement" is historically understandable, but the new Soviet leaders, precisely because they were less inclined to split with China and less concerned with improving US-Soviet relations, were more prone than Khrushchev to fear US-Chinese collaboration. During the last three years, Soviet diplomats in the United States have made repeated probes to establish if any serious thought was being given in official circles to such collaboration. By the same token, they must have been reassured by several very high-level US statements which appeared to go out of their way to present China as "the number-one threat to peace." These statements also had the effect of encouraging the Soviet leaders to be patient in their relations with Peking—in the hope that they might be repaired after Mao's death.

With the passage of time, the war in Vietnam became increasingly the central issue in Soviet-American relations. At first the Soviet concern was that the United States should not escalate the war too rapidly, thereby posing for Moscow some difficult dilemmas. The US did not do so, and the Kremlin was doubtless reassured by the highly measured pattern of US escalation (which also inured the North Vietnamese to its consequences). So reassured, and at the same time concerned with improving its relations with the more radical parties, the Soviet Union gradually increased its own involvement, becoming in time the key factor in supplying the actual war effort in the South.

Soviet commitment grew parallel to the Soviet reassessment of the war's international implications. The Kremlin's initial concern—perhaps it was even an ambivalence—gradually gave way to a growing appreciation of the relative political benefits of the war to the Soviet Union and of its political cost to the US. By 1967, the Soviet leaders must have concluded that the war was straining bonds of amity between the United States and Western Europe; that it was paralysing any progress in the policy of "peaceful engagement" on the East-West front and making it easier for the Soviet Union to maintain its position in Eastern Europe; that it was intensifying domestic and financial strains in the United States; that it was consuming roughly the equivalent of the annual US GNP growth advantage over the Soviet Union; and that it was diverting Chinese hostility away from the Soviet Union.

To be sure, the Soviet leaders were doubtless aware that the war involved some liabilities for them as well. It was embarrassing to see a Communist state bombed day after day, without an effective Soviet response. US military were obtaining the needed experience and testing. The war did cost the Soviet Union economically, and it certainly reduced the chances of increased East-West trade. But on balance, unless a direct US defeat could be attained, a continuation of the war seemed preferable to an American victory. It may be safe to assume that the Soviet leaders, as realists, knew that a true compromise solution was about as feasible as in the Spain of 1938, and that at the present time it could only be a thinly transparent mask for one side's victory and the other's defeat.

Soviet strategy was hence primarily concerned with limiting the risks of the war while politically exploiting its continuation—a point which so far among statesmen only U Thant came close to making in his February 1968 declaration and Lord Avon in his March 1968 Cornell speech. Naturally, the Kremlin could not stop Hanoi from deciding on peace and it would certainly be willing to serve as the diplomatic midwife for a settlement favourable to Hanoi. But short of that, the major thrust of Soviet diplomacy in the last two years has been to contain the risks of the war while exploiting it politically against the United States. (It is noteworthy that the occasional and short-lived bursts of Soviet interest in promoting negotiation have generally corresponded to times of heightened expectations of US escalation.) These considerations should temper any excessive optimism concerning the likely Soviet role in the peace negotiations initiated in late March 1968 by President Johnson.

The official US posture made it easier for the Soviet Union to maintain this attitude. On the one hand, some American spokesmen talked of Vietnam as a 'global crucible'—hence involving Soviet interests as well—while simultaneously exonerating the Soviet Union for the war's continuation and reassuring it about the risks involved. The result was that the Soviets gradually became more deeply involved without having to pause and weigh the consequences of transforming a purely regional problem into a direct US–Soviet confrontation.

Elsewhere in the world, one discerns in the Soviet behaviour (rather in contrast to Khrushchev's) the absence of a grand pattern, though a quick willingness to exploit specific opportunities. Soviet policy in Europe thus seems in abeyance. The Soviet leaders apparently have not decided whether to reverse their standing hostility towards Bonn and to seek to capitalize on growing West German frustrations. A policy of accommodation could contain some grave risks for the Soviet position in Eastern Europe. It appears that a majority in the Soviet leadership counselled a conservative posture, pointing to 'growing German influence' in Rumania and Czechoslovakia, and warning that an about-face on Bonn could have grave repercussions in Warsaw and East Berlin. The Soviet ambivalence and conservatism have been classically shown in the Czechoslovak case. Fearful of democratization, the Soviets acted—but their military operation was not matched by a clear-cut political conception.

In Latin America, current Soviet policy bears a striking resemblance to American policy in Eastern Europe: a region where one must tread lightly, speak softly, carrying not a 'big stick' but only gifts. Hungary in 1956 and the Dominican Republic in 1965 both reasserted for each major power the principle of 'geographic fatalism'—excessive change in an area immediately contiguous to the respective major power provokes an overwhelming response. Hence one must rely on courting the established élites, count on gradual change and avoid encouraging revolutions, while developing closer economic and cultural links with the ruling circles. Pursuit of this policy chilled Soviet relations with Fidel Castro in a manner very much like the frost which Kennedy's Eastern policy caused in his relations with Konrad Adenauer.

Although events in the Middle East in June 1967 initially represented a major setback for the Soviet Union, the Soviet leaders exploited both American and Israeli ambiguity concerning the specific conditions of an eventual settlement and managed to maintain their links with the ruling governments. This has permitted Moscow to advance both the traditional Russian interest in establishing a direct presence in the Mediterranean and its Communist stake in radicalizing the Arab élites and masses. It may be calculated that the basic Soviet tactic is to prevent a new war, which could only lead to another Arab defeat, and a real settlement, which doubtless would require active U.S. diplomatic participation.

The rest of Africa, and also Asia, with the important exception of India, seems to interest the present Soviet leaders less than it did Khrushchev. His policy of undifferentiated political-economic offensive has given way to a much more selective approach, concentrating Soviet resources on only a few targets. Apparently the conclusion has been reached that a longish process of evolution will be first required before most of the new states become "ideologically ripe for socialism". The abortive revolutionary spasm of Indonesian Communism must have been thoroughly examined in Moscow. Though Soviet military assistance programmes are still extended, and they do enable the Soviet Union to exploit such conflicts as that in Nigeria, one gets a sense on the whole of lesser expectations and lowered interest in Third World problems.

The only exception is India. The Soviet stake in Indian stability is, in all likelihood, a function of Sino-Soviet relations. Soviet assistance has accordingly grown, and India represents perhaps the ony major region in the world where tacit U.S.-Soviet cooperation to enhance both political stability and economic development is actually taking place.

Finally, to conclude this quick overview of the Soviet posture in the context of Soviet assessment of U.S.-Soviet relations, the Soviet leaders have made the first major effort in years to forge anew some Communist unity on an "anti-imperialist" basis. The last such effort was made in 1957. The subsequent 1960 international Communist conference was more ambivalent and dominated by the Sino-Soviet dispute. The Budapest meeting in early 1968 was keynoted by anti-U.S. themes, and though the new "anti-imperialist" front is still more verbal than real, it would be an error to dismiss it as involving mere semantics. Seen in a larger framework, it represents yet another symptom of the current Soviet mood.

CHANGING STRATEGIC BALANCE

The political change is accompanied by a gradual shift in the American-Soviet strategic balance. A mere six years ago (i.e., during the Cuban missile crisis of 1962) the Soviet Union already had the second-strike capacity to inflict on the USA the loss of several tens of millions lives—but at the cost of its national existence. Today, though the US still possesses the capacity to inflict on the Soviet Union the ultimate penalty of national extinction, the Soviet Union can destroy more than a hundred million Americans. Thus, in effect, parity in non-survivability almost exists and, as Soviet missile strength reaches US levels, it will shortly be attained.

This is a major shift. It is misleading to argue that the potential loss half-a-dozen years ago of twenty or thirty million American lives was already then unacceptable to the United States. Naturally so from the American point of view, and from a moral standpoint certainly so. But, looking at the American-Soviet confrontation from Moscow, the then existing asymmetry did have a crucial political import: it lent some credence to US threats and it imposed restraints on Soviet bluffing. The Soviet leaders knew that the cost of miscalculation was still qualitatively different from the Soviet Union than for the United States. The United States would certainly feel most concerned if the situation was reversed.

The deployment of Soviet ICBMs to a level matching that of the United States, the introduction of the FOBS (Fractional Orbit Bombardment System), the possibility that some recent Soviet space experiments are designed to develop a MOBS (Multiple Orbit Bombardment System), the Soviet interest in ABMs and civil defence—and the expected rapid development by the United States of MIRVs (Multiple-Individually-Targeted-Re-entry Vehicles), the implacement of some ABMs, perhaps the development of the spectrum bomb, will all contribute to an increasingly complex posture, defiant of clear-cut calculations and inimical to psychological self-assurance. Whether this condition will lead to greater mutual restraint or, on the contrary, prompt more manoeuvre and bluffing cannot be answered with certainty, but there may be some reason for entertaining some pessimism.

The emerging American-Soviet relationship involves potentially a fateful incompatibility between the emerging balance of forces and the structure of the international system. During the last twenty years, there was a harmony of sorts. Two rather homogeneous blocs were led respectively by a relatively *status quo*-oriented superior nuclear power and by an anti-*status quo*-oriented inferior nuclear power, with the rest of the world by and large quiescent. We are now moving into a setting in which the two blocs are beginning to dissolve, in which during the next decade the inferior and essentially apocalyptic nuclear power will also become militarily (though not yet in other respects) a global power, and in which the Third World threatens to dissolve into sporadic violence and international anarchy.

Until now peace was safeguarded through asymmetrical deterrence. US self-restraint and one-sided deterrence ("we can do fundamentally more damage to you than anything you can do to us") interacted with the Soviet instinct of self-preservation and Moscow's deliberately fostered ambiguity and even exaggeration of its own power. That system worked for twenty years. It is being replaced by a novel state of symmetrical deterrence, in which US instinct of self-preservation and rationality ("we can do to you what you can do to us") interacts with the Soviet instinct of self-preservation and rationality. Perhaps that, too, will suffice to promote restraint, but the fact is that until now deterrence was unbalance, and the United States never had to face a crisis with the Soviet Union in the setting of parity.

In the past, there had been many warnings against becoming obsessed with the allegedly evil character of Soviet intentions, and admonitions to concentrate primarily on Soviet capabilities. Today the tendency is to rely more on the allegedly peaceful character of Soviet intentions and to downgrade the importance of increased Soviet capabilities. Yet the scope of capabilities does make a difference, irrespective of motives. One does not know how the Soviet leaders retroactively interpret the Cuban missile crisis, but might they not now speculate that the U.S. leadership would have acted differently if symmetrical deterrence existed? On reading the record, one might well wonder. And could not one speculate that the Soviets might have responded differently to the US nuclear threat? During the Cuban missile crisis, the US asserted its interests not only in Cuba but in Berlin—where they were tactically inferior but which they protected by their nuclear superiority. In the setting of parity, a counterblockade of Berlin might well have been the Soviet response.

Not having faced a crisis in the setting of nuclear parity, we have not had to think seriously in post-deterrence terms. Subconsciously, we have assumed that deterrence will work because it has to. But this restraining imperative imposed itself more strongly on the weaker party in the nuclear equation. Hence deterrence may just not work as well in the future. To say that is not to predict a comprehensive nuclear war, but it is to note that, added to Third World instability, symmetrical deterrence could have lower effectiveness in avoiding war.

It can be argued that the new situation will have the positive effect of creating in Washington and Moscow a sense of shared destiny. It could reduce the fears of the weaker and the self-assertiveness of the stronger. To some extent, that is true already. But the argument would be more reassuring if in all other respects—attitude, ambition, interests—the two powers were truly similar, and if the international context and the arms race were both relatively stable.

There is still another imponderable to be considered. The 1970s will see for the first time in history the presence of two overlapping global military powers. US and Soviet intercontinental weapons, perhaps space weapons, as well as marines and air-borne intervention forces, will criss-cross, float side by side, and rub shoulders. One does not need to assign aggressive designs to the Soviets and purely pacific intentions to the United States in order to ask whether global peace can be preserved with two overlapping global military powers pursuing conflicting global policies in a dynamic setting of Third World instability. In the past, imperial systems were territorially confined; overlapping fluid (or mobile) imperial power is new. The present international system appears ill-equipped for containing it.

To be sure, for the next few years considerable disparity will continue to exist in relative long-range air- and sea-lift capabilities. But here, too, the Soviet Union appears determined to offset its current weakness. The Antonov-22 troop airships, the three helicopter carriers under construction, and the current expansion of the Soviet marine infantry strength, all provide self-evident clues to the thrust of Soviet military programming and to the kind of role that the Soviet Union envisages itself playing in the world.

It is unlikely that changes in international climate will alter the picture. It can be said with some confidence that the expansion of Soviet military power has a momentum of its own, subject obviously to technological and fiscal restraints but not to oscillations in international atmospherics. The occasional periods of *détente* did not slow down Soviet military development, and some decisions which could perhaps be labelled as involving "aggressive" or "destabilizing" consequences (for example, the Soviet ABM programme), appear in fact to have been made during periods of *détente*. Moreover, given the traditional impetus of international relations, the Soviet leaders are naturally determined to match and perhaps, or even probably surpass what the United States can develop and deploy.

Greater capacity to become involved in the world's trouble spots will, in all probability, stimulate greater temptations to become so involved. The Soviet Union was generally excused for not becoming directly engaged in the Vietnamese conflict because even militant Communists knew that it could not. It would have been much more difficult for the Soviet Union to avoid becoming the prisoner of its power if it demonstrably possessed the means for long-range intervention. There is thus no *a priori* reason to exclude the possibility that in ten years from now Soviet marines could be landing in Nigeria or Ceylon. Accordingly, as Soviet long-range air- and sea-lift capabilities grow, the probabilities of a new type of confrontation—a direct one between U.S. and Soviet intervention forces—will similarly grow. Indeed, apprehension over this possibility could increase the inclination of each of the major powers to move in first, in the hope that by "staking out" a claim it will discourage the other from moving. But the implicit premium on pre-emption would mean a spiral of intervention.

The foregoing discussion takes for granted Soviet staying power in the international rivalry involving the two super-states. It also assumes staying power for the United States. A domestic crisis in America, and especially a panicky disengagement from world affairs because of frustrations spread by the Vietnamese war, would have a catastrophic effect on world stability. It would probably result in a wave of upheavals that could not but stimulate a dangerously erratic sense of optimism in Moscow, conceivably precipitating the Soviet Union into courses of action that so far Moscow has been careful to eschew. A belated, extreme right-wing reaction in the United States would then have the effect of polarizing a world which had become even more unstable and chaotic.

Soviet staying power could also be sapped by growing contradictions, between the Soviet political system and Soviet society. Today that society has the wherewithal for further social development, and it rebels against many of the dogmatic restraints imposed by the ruling élite. Those concerned with rapid economic development call for major economic reforms; others desire more intellectual freedom; still others reach out for greater autonomy for the non-Russian 50 per cent of the Soviet population. It is obvious from recent East European experience that socio-economic reforms cannot be long compartmentalized, and giving in to the economic reforms opens the doors dangerously to reforms in other spheres.

Yet not to open the doors at all also has its dangers. Stagnation in the Soviet economy would impinge ominously on the Soviet relationship with the United States. By 1985,

assuming a US growth rate of about 3 to 5 per cent, the US GNP will be *circa* 1.5 trillion dollars; even with 5 per cent growth, the Soviet will be only about 800 billion, and thus the gap in absolute figures will have widened. If the Soviet rate of growth should decline, the contrast would be even more startling, with grave implications for the Soviet position in the relative power balance.

The need for reforms does not mean, however, that reforms will follow. Given the political realities in the Soviet Union, one cannot altogether ignore the possibility that instead of evolving towards a more moderate posture the Soviet political system could pass into the hands of a more dogmatic chauvinist leadership, resting on an alliance linking the *Agitprop*, some party *apparatchiki*, and the miltary. This, too, would have a polarizing effect on the world scene.

THE CHINA PROBLEM

An additional factor of uncertainty concerning the future Soviet orientation is injected by China. A complete break in Sino-Soviet relations, not to speak of open hostilities, could compel the Soviet leaders to seek greater accommodation with the West. Similarly, a moderate China, responding to co-operative overtures from Washington, could make the Soviet Union more aware of its stake in better East-West relations. But short of these extremes, China tends to induce a more rigid posture in the Kremlin. Mao's verbally militant China creates pressures on Moscow to prove its own orthodoxy by creating the new 'anti-imperialist front' and giving support to North Vietnam and North Korea. A post-Mao, somewhat more moderate China could increase the Soviet temptation to seek accommodation with Peking, which again would involve further stiffening in the Soviet posture toward the West. Finally, a China disintegrating domestically could prompt both Soviet and American efforts to promote the interests of favoured contenders, thereby creating another new focus of competition.

To be sure, in some areas there may be growing co-operation. India, as already noted, may be the one example. The space race, after the moon has been reached, may become another. The two countries will, in all probability, continue to expand those ties that result in direct benefits for each. It is also possible that Europe, reacting against the two "hegemonies" (a feeling exacerbated by US passivity in the face of the Czech invasion), could opt out of the Cold War and become *de facto* a neutral zone.

All this is a far cry, however, from real and positive international co-operation. It is unlikely that the Soviet Union will soon become a partner of the United States in creating international stability. The Soviet mediation in Tashkent between India and Pakistan had a very specific purpose in mind, given Soviet concerns with China's position; before such cases are generalized to reveal some fundamentally new Soviet attitude toward Third World stability, recent Soviet behaviour in the Middle East ought to be taken into account.

For the time being, the Soviet attitude remains essentially guided by tactical principles that can be labelled 'risk reduction and opportunity exploitation'. It was applied to the Middle East, to Vietnam and even to the *Pueblo* incident. In each instance the Soviet Union attempted to extract the maximum political advantage at US expense, while striving to contain the possible risks. The Soviet concern with reducing risks is in itself a welcome and positive element; but the first factor in the tactic should be assessed before the second is construed as revealing a widespread identity of interests with the United States.

Open conflict in the American-Soviet relationship may become more frequent if some Third World countries degenerate into anarchy because of social fragmentation, bred by failures in economic development and continued inefficiency of political leadership. That dismal prospect appears likely to be the case for at least several of the developing states. Sporadic violence, in the context of a premium on preemption, may have a suction effect on US and Soviet intervention forces, resulting by the '70s in some unprecedented confrontations. At the minimum, at least one "Fashoda"[1] is to be expected. The question is, of course, whether in the context of the new nuclear equation an American-Soviet "Fashoda" will work out as peacefully as the Anglo-French one did in the late 19th century.

The issue is made more urgent because the nuclear equation is likely to remain a highly dynamic one. It is improbable that a system of US–Soviet arms control, or weapons freeze, can be arranged in the foreseeable future. It is sometimes suggested that parity may make it more feasible. The problem, however, is how to define parity, given different felt needs, different commitments, different industrial-population distributions and different historical perspectives. Indeed, it could be argued that an artificially contrived parity arrangement could encourage a false sense of calculable certainty, and thus stimulate rash risk-taking.

Both powers are also likely to continue feeling that there is utility from the standpoint of peace in maintaining the present advantage over other nuclear aspirants, such as China, and this they can only do by matching advances in their own weapons systems. Furthermore, since formally contrived parity appears unlikely, it is to be expected that the Soviet Union will seek to undo what remains of US strategic superiority and, in the process, whatever the Kremlin's actual calculations, will inevitably appear to be seeking superiority. This will exact its price in ideological and psychological terms, making peaceful adjustments of conflicting interests more difficult.

REDUCING HAZARDS

How to construct an international system geared to reducing these new hazards? This will be the central question of the coming decade. Definition of the new goal will require creative vision, capable of mobilizing the minds and spirits of peoples who sense drift but who are unable to define the needed response. Past conflicts and present suspicions will make this task even more complicated than it already is. Nor is it clear what the specific objective ought to be and who can take the lead in seeking it. Europe is in a mood of withdrawal, in spite of the reactions produced by the Soviet occupation of Czechoslovakia. The Soviet Union, more hostile to the USA and preoccupied with its crumbling position in Eastern Europe, may seek solace in its increasing military power. The USA, frustrated in Asia, absorbed by domestic problems, and increasingly unable to say anything attractive to the Europeans, may—out of sheer inertia—simply opt for more of the same in foreign affairs. Yet it should be clear by now that *more of the same simply will no longer do.*

The needed response should involve an effort to forge a community of the developed nations, embracing the Atlantic states, the more advanced European Communist states (including the Soviet Union), and Japan. This need not be—and for a very long time could not be—a homogeneous community, like the EEC or the once-hoped-for "Atlantic community". But deliberately seeking to define certain common objectives in the fields of development, technological assistance and East-West security arrangements could help to stimulate a sense of common involvement and the growth of some rudimentary institutional framework (for example, through formal links in the economic sphere between OECD and CEMA; in the security sphere between NATO and the Warsaw Pact; or the creation of an informal political consultative body).

Progress in that direction would have the important effect of helping to terminate the civil war among the developed nations that has dominated international politics for the last hundred and fifty years. The nationalist and ideological disputes among these nations have less and less relevance to the real problems of mankind, yet their persistence has precluded a constructive response to the human dilemmas that both democratic and Communist states increasingly recognize as being the key issues of our times. The absence of a unifying process of involvement has kept alive old disputes and has clouded the purposes of statesmanship.

To postulate the need for such a community—and to define its creation as the task for the coming decade—is not Utopianism. Mankind is moving steadily toward larger-scale co-operation, under the given economic, scientific and technological pressures. All of human history, despite periodic reverses, clearly indicates progress in that direction. The question is whether a spontaneous movement will suffice to counterbalance the dangers already noted. And since the answer is probably no, it follows that efforts to accelerate the process of international co-operation among the advanced nations are needed and represent a realistic response to the present challenge.

Movement towards the larger community of the developed nations will necessarily have to be piecemeal, and it will not preclude more homogeneous relationships within the larger entity. The Soviet Union and Eastern Europe, or the OECD countries, not to speak of EEC, for a long period will continue to enjoy more intimate relationships among themselves. The Soviet Union is in a conservative mood and is not likely to be initially responsive. The point, however, is to develop a broader structure, linking the foregoing in various regional or functional forms of co-operation. Such a structure would not undo the basic reality of US–Soviet nuclear confrontation, which would remain the axis of world power. But in the broader co-operative setting, the conflicts between the United States and the Soviet Union could become reminiscent of late 19th century Anglo-French colonial competition; 'Fashoda' did not vitiate the emerging European *entente.*

The Soviet Union would be more likely to become involved in such a larger framework because of the inherent attraction of the West for the East Europeans, whom the Soviet Union would have to follow lest it lose them altogether, and because of the Soviet Union's own felt need to collaborate more in the technological and scientific revolution. That the Eastern Europeans will be moving closer to West Europe is certain. Recent events in Czechoslovakia are merely an augury of what will follow; Soviet power can only slow down—but not stop—the process. It is only a matter of time before individual Communist states come knocking at the doors of EEC or OECD, and hence even for Moscow wider East-West arrangements may become a way of maintaining some effective links with the East European capitals. Last but not least, the threat from China could also have the desirable effect of inducing in the Soviet leaders a less doctrinaire outlook.

Very important, too, is the consideration that a broad community of the developed nations, involving a variety of links among the various powers and sub-communities (such as EEC or CEMA), avoid a semblance of a bilateral U.S.-Soviet deal. Such a deal would be resented by most Europeans, both West and East, and they would work against it. Furthermore, it is unlikely that the Soviet Union could be seduced into a direct U.S.-Soviet arrangement as long as it feels itself weaker and poorer than the United States. A Soviet Union that is becoming stronger

[1] The 1898 Anglo-French colonial expeditionary confrontation, with the French eventually backing down.

against the United States would be less tempated by such an arrangement, and that United States' attitude could also become more ambivalent.

The definition of the broader goal would also have other beneficial effects. For one thing, it is likely that initially the Soviet Union would be hesitant or even hostile. An approach based on the bilateral concept, favoured by many critics of US policy, could thus quickly prove to be abortive, and the consequence presumably would be increased tension. Efforts to create a larger co-operative community have the advantage that they need not be halted by an initial Soviet reticence nor can they be easily exploited by Moscow to perpetuate a cold war. On the contrary, Soviet reticence would only result in more costly Soviet isolation. By 1985, the combined GNP of the United States, Western Europe, and Japan will be roughly somewhere around 3 trillion dollars or four times that of the Soviet Union (assuming a favourable rate of growth for the Soviets). With some Eastern European states gradually shifting toward greater co-operation with the EEC and the OECD, the Soviet Union could abstain only at great cost to its own development and world position.

AMERICA'S PATH?

Much of the initiative and impetus for an undertaking of so grand a scale will have to come from the United States. Given the old divisions in the advanced world and the weaknesses and parochialism of the developing nations, the absence of a constructive American initiative would mean, at the very best, the perpetuation of the present drift in world affairs. The drift would certainly not be halted if the United States were to follow the paths which nowadays it is so fashionable to advocate, mainly that of disengagement. Even if America could do so—despite the weight and momentum of its power—there is something quaintly old-fashioned in the eloquent denunciations of US global involvement, especially when coming from Europeans, whose record for successful maintenance of world peace is not exactly admirable. Moreover, even the most brilliantly contrived, though one-sided, indictments of US policy, for example Stanley Hoffman's *Gulliver's Troubles* (1968), cannot erase the fact that the United States, despite its allegedly long record of errors and misconceptions, has somehow become the only power that thinks in global terms and actively seeks constructive world-wide arrangements. It is revealing in this connection to note that initiatives such as the Test Ban Treaty or the Non-Proliferation Treaty were opposed by governments that some critics of global involvement usually praise. The fact that the US commitment to international affairs is now on a global scale has been decided by history. It cannot be undone, and the only relevant question that remains is what will be its form and goals.

One of the important functions of the States in the process of shaping the new structure will be to help convince the Soviet Union of the futility of its strategy of conflict in international politics. The Soviet leaders must learn that concentration on either rebuilding an anti-imperialist Communist community (which in any case present East European trends defy) or heavy reliance on military development will not serve the long-term interests of the Soviet Union itself. This means that in the process of striving to create a broader framework from which the Soviet Union could only abstain at a disadvantage to itself, and until such time as workable arms-control arrangements are mutually agreed upon, it will remain necessary for the United States to seek to maintain what might be called asymmetrical ambiguity in the nuclear relationship, i.e., a qualitative advantage in deliverable weapons (though no longer a clearly calculable superiority in survivability), and to develop new weapons systems, so that Soviet leaders may not become tempted to take calculated gambles based on the new equilibrium.

In general, the effort to induce co-operation and to limit hostility will require an intricately nuanced balance between courtship and reciprocity. The latter, it must be said bluntly, is a necessary component, lest a premium be put on unco-operative behaviour, thereby strengthening the case of the more dogmatic elements in the Soviet leadership who argue that a unilateral policy involves few, if any, costs. That reciprocity, to be educational yet not escalatory, must be calibrated very precisely. The most educational form it can take is to duplicate as exactly as possible the action to which it is a response, be it a matter of an arbitrary and one-sided cancellation of previously contracted exchanges or abuse of diplomatic privileges. Even then, such necessary steps should not be taken in the spirit of cold war conflict but as regrettable reactions to unilateral actions.

Finally, persistent efforts will be necessary to 'de-demonize' the US-Soviet relationship. Much progress has been made on both sides since the 1950s but strong suspicions linger. A useful device—both symbolically and practically—would be to initiate the practice of holding annually an informal two-day working-discussion between American and Soviet heads of governments, in addition to regular meetings with friendly or allied governments. The meeting need not always have a formal agenda, and it should not involve official state visits. Indeed, it would be best to hold it in places that minimize public exposure and avoid fanfare: one year in Alaska, another in the Soviet Far East, etc. Its purpose would be to provide the heads of the neighbouring two leading nuclear powers with a regular opportunity for personal exchange of views and for the maintenance of personal contact. If held regularly—even at times when the two powers may be disagreeing over some major issue—it would avoid generating false expectations and wrong impressions (such as conveyed by the appearance of excessive eagerness on President Johnson's part in August 1968), while perhaps stimulating gradually a sense of mutual involvement in world affairs and a new, more mature pattern in the relationship between the world's two principal powers.

We live in a time of an emerging global consciousness. This consciousness, still timid and uncertain, inevitably clashes with perspectives shaped by the last hundred and fifty years of national and ideological conflicts. The national policy of the first global power must be in keeping with this trend toward a universal awareness. It must reflect the decisive need of mankind to terminate conflicts whose historical roots and objectives belong to another era. Thus, irrespective of initial Soviet responses, it behooves the United States to move beyond doctrines shaped by the recent confrontation and to seek broader solutions and more ambitious goals than those that have dominated American foreign policy during the last twenty years. In the short run, it would also be good tactics. Most Europeans (and the Japanese) would welcome a broadly gauged effort to create a new structure and this, in itself, would be a step towards shaping a new core for international policies. For the longer run, it represents the imperative strategy of peace in the age of overlapping total power.

PRESIDENT NIXON'S SPEECH AT THE AIR FORCE ACADEMY

Mr. DODD. Mr. President, I have listened to the statements that my colleagues have made this morning with respect to the President's speech yesterday at the Air Force Academy.

I myself read the President's speech for the first time yesterday evening. I read it with great care, because there was a compelling quality to its logic and clarity. This morning I reread the speech twice. My considered opinion is that it is a truly outstanding speech and one that badly needed to be made.

I cannot understand why anyone should take offense at it.

It was not my impression that the speech was directed toward any Member of the Senate. This is something that I cannot read into the speech and I have gone over it three times.

In underscoring the dangers of neo-isolationism and unilateral disarmament and of downgrading our military, the President was simply pointing up certain things that have been troubling the American people.

If I read the polls correctly, 65 per cent of the American people agree with the President. And that is a pretty good rating.

The dangers of which the President spoke are not new.

The President's speech, indeed, reminded me that I was one of the first Members of the Senate to speak on the floor on the dangers of "the new isolationism". This I did in a speech on the floor on February 23, 1965. Perhaps it is worthwhile to quote a few paragraphs from my remarks on that occasion because they will help to illustrate the stubborn persistence of the problem.

I said to the Senate that day:

There has been developing in this country in recent years a brand of thinking about foreign affairs which, I believe, can aptly be described as "the new isolationism." This internal phenomenon is, in my opinion, potentially more disastrous in terms of its consequence than the major external problems that confront us.

The corollaries of the new isolationism are many. It is contended that we should deemphasize the cold war and reverse our national priorities in favor of domestic improvements; that we should withdraw from South Vietnam; that we should cease involvement in the Congo; that we should relax the so-called rigidity of our Berlin policy; that foreign aid has outlived its usefulness and should be severely cut back; that our Military Establishment and our CIA, organizations that seem particularly suspect because they are symbols of worldwide involvement, should be humbled and "cut down to size" and stripped of their influence in foreign policy questions.

The defense of the free world rests on a very delicate balance. The key elements in that balance are American power and American determination. If we lack the power to maintain that balance then certainly all is lost. If we reveal that we lack the determination, if we, for instance, allow ourselves to be pushed out of Vietnam, such a humiliation may indeed be the second shot heard around the world; and a dozen nations might soon throw in the sponge and make whatever accommodation they could with an enemy that would then seem assured of victory.

But I say to you that if our foreign affairs are going badly, no aspect of internal welfare is secure or stable. And if we cope successfully with the great problem, the cold war, no internal problem can long defy solution.

Although the phenomena of which the President spoke are not new, they have unquestionably become far more acute since I spoke in early 1965.

And the President was aware of this and his speech was therefore much

more complete and informative than my effort in 1965.

I am very glad that the President made this badly needed speech.

In doing so, he was exercising leadership in the best tradition of the American Presidency. And I am confident that the American people will respond affirmatively to his leadership.

The prayers of the American people go with President Nixon in his new voyage, this time to Midway Island, in his difficult and continuing quest for peace.

RETIREMENT OF WILLIAM J. DRIVER

Mr. LONG. Mr. President, at the end of last month, William J. Driver left the post of Administrator of Veterans' Affairs. I deeply regret the loss of this public servant, for Mr. Driver typifies the very best in the career civil service. He has served his country under arms with great distinction, both in World War II and during the Korean war. He first joined the Veterans' Administration after the Second World War, and with the exception of his military service during the Korean war has served in the Veterans' Administration continually since he started his career there, in positions of increasing responsibility. He served as Chief Benefits Director and as Deputy Administrator before President Johnson submitted his nomination as Administrator in January 1965.

It has been my personal pleasure to have worked closely with Mr. Driver for many years. To cite but one instance, I recall the many times I struggled to reopen the National Service Life Insurance program to veterans. Time after time I obtained the Senate's agreement, but I was never able to convince the House Veterans' Affairs Committee how worthwhile my proposal was. Mr. Driver was instrumental in arranging for the very limited reopening that we were finally able to get the House to accept.

All of us in the Congress who worked with him are well aware of Mr. Driver's competence and thorough knowledge of all aspects of the Veterans' programs. His was a talent that will be sorely missed.

The veterans of the United States have lost the service of one of their greatest friends and most effective spokesmen.

As a Member of this body, and as chairman of the Committee on Finance which handles most of the veterans bills, I wish to salute Bill Driver and wish him the best in his new employment. His new employment will be much more remunerative from a financial point of view, but I am sure he has some disappointment that he will not be able to do as much for his fellow men as he did in his prior capacity.

Mr. TALMADGE. Mr. President, on April 2 Senator ALAN CRANSTON and I wrote a letter to President Nixon urging that he reappoint William J. Driver as Administrator of Veterans' Affairs. I quote from that letter:

> As Chairmen of the Senate subcommittees responsible for almost all legislation affecting veterans, we believe it is urgent at this point that Mr. Driver's excellent leadership of the Veterans' Administration be reconfirmed by you so that the VA will be released from the inevitable period of limbo in which it now finds itself because of uncertainties about Mr. Driver's retention.
>
> Mr. Driver has the support of every national veterans' organization as well as bipartisan support on the House Committee on Veterans' Affairs. Given the broad range of viewpoints which these organizations, Congressmen, and we represent, and given the importance which we attach to the continuation of career leadership for the Veterans' Administration, we strongly believe that Mr. Driver's re-appointment at the earliest possible time is clearly necessary to the basic interests of the administration of veterans' affairs for the country.

Sad to say, the President did not take our advice. At the end of May, Bill Driver left his post after 23 years of service in the Veterans' Administration. He was the first career Federal employee to be named as Administrator, and in my opinion he was the best Administrator we have ever had. A veteran himself, he served with distinction in World War II, and again during the Korean war. He holds the Legion of Merit, the Bronze Star, the Order of the British Empire, and the Croix de Guerre. He served in a number of positions in the Veterans' Administration, taking on increasing responsibilities. In January 1958 he became the Chief Benefits Director, and 3 years later he was named Deputy Administrator, second in command of the Veterans' Administration. From January 1965 until last month, he was Administrator of Veterans' Affairs. No other Administrator has had his combination of knowledge of the veterans' programs and sensitivity to veterans' needs.

It has been a pleasure for me to have worked with Bill Driver in the years I have known him. I recall in 1965, shortly after he became Administrator, I obtained Senate approval of my bill which was to become the legislation authorizing the servicemen's group life insurance program. Bill Driver played an important role in obtaining House approval of this measure in the closing days of the first session of the 90th Congress.

This is just one of the incidents showing Bill Driver's concern for veterans. His achievements will be sorely missed.

I would like to extend to Mr. Driver and his family my best wishes for the future.

MAFIA IN MEDICAID?

Mr. LONG. Mr. President, newspaper stories about the preliminary investigation by the Committee on Finance into the medicare and medicaid programs have generated a large number of letters from citizens concerned about fraud and other abuses of the two programs. Some of these letters describe abuses in general terms while othere contain detailed and often documented allegations. Wherever warranted, we are seeing to it that the allegations are appropriately investigated.

One particularly disturbing letter alleges a multimillion-dollar fraud involving dental services provided under the medicaid program in a large city. The writer names the individuals involved, the precise methods employed, amounts of payoffs and so forth. The tone and description indicate strongly that this letter did not come from any crank. The most serious allegation of all is that the Mafia is involved in this particular operation to the tune of hundreds of thousands of dollars a year. As far as this Senator is concerned one thing we do not need is organized crime infiltration in our Federal health programs. Accordingly, I have requested that the Department of Justice investigate this situation to determine the validity of these shocking allegations.

I want to assure Senators that the Committee on Finance will continue to do all possible to expose fraudulent activity and other costly abuses in medicare and medicaid.

THE NOMINATION OF CARL GILBERT

Mr. LONG. Mr. President, on June 1 there appeared in the Washington Post an article by Mr. Warren Unna, entitled "Senators' Whims Delay Appointments." This article takes on the sheen of a smear campaign against certain Senators who are carrying out their constitutional responsibilities. Among those who were at the receiving end of this smear campaign was the junior Senator from Louisiana and the senior Senator from Connecticut. The title of the article made it appear that it was the whim of the junior Senator from Louisiana that was causing the delay in the nomination of Mr. Carl Gilbert to be special trade representative.

Mr. Unna, the author of the article, did not show me the courtesy of discussing the matter before he wrote his article. Had he done so, I think he would have realized that it was not a personal whim of the junior Senator from Louisiana that was holding up the nomination.

There are some serious reservations over this nomination which are not peculiar to the junior Senator from Louisiana. Many members of the Committee on Finance have expressed their reservations to me. As chairman of the Committee on Finance, I have a responsibility to speak for the committee on occasion and this is one of those occasions.

I would like to take this opportunity to discuss the issues involved and what has transpired in the Senate on the nomination of Mr. Gilbert.

First of all, there is the jurisdictional question. Normally, when the President nominates a person for a position with respect to which the advice and consent of the Senate is required, the nomination is referred to the committee which created the position, particularly if that committee also has legislative responsibility for the program which it is intended the nominee will administer. I have consulted with the Parliamentarian, and he assures me that this is the normal procedure.

Applying this rule to the Office of Special Representative for Trade Negotiations, the nomination of an individual to be that Special Representative should be referred to the Committee on Finance. The position was established by section 241 of the Trade Expansion Act of 1962, which I helped to pass, and which emanated from the Committee on Finance. The program to be administered by the Special Representative was the Kennedy round of tariff-cutting talks authorized by the 1962 act, and "such other nego-

tiations as in the President's judgment require that the Special Representative be the chief representative of the United States."

With the international trade of the United States in the sad posture in which we find it today, it is particularly important that the committee charged with responsibility for legislating our trade policy should consider the qualications of the individual who is nominated by the President to recommend a trade policy and to implement it. That is the responsibility of the Committee on Finance.

Unfortunately, the Committee on Finance was bypassed and the most recent nomination to the office of special representative was referred to the Committee on Foreign Relations. Apparently, the reason for this erroneous referral is that the two prior nominations to this post—since it was created by the 1962 act—were referred to the Committee on Foreign Relations and those referrals now seem to have become a precedent of the Senate, even though they are wrong. It is a fact that the earlier nominations were not referred to the Committee on Finance.

As near as I can determine, no effort was made by the Committee on Finance in 1963, when the first Special Representative was named, to assert its jurisdiction over the nomination. If one studies the matter, I believe it will be clear why no jurisdictional question was raised.

First, President Kennedy had made a magnificent choice in his selection of the first Special Representative. He was to be Christian Herter, who had previously served with great distinction as Secretary of State under President Eisenhower. With the credentials he could bring to this position, it was apparent that there would be no controversy over his nomination. He could have been confirmed the day it came in. So it was referred to the Foreign Relations Committee and no one gave it any concern. It was assumed he would be affirmed by acclamation, which he was—no problem.

The great work he had done as Secretary of State in the prior Republican administration earned him the support of every Republican in the Senate. He was the personal selection of President Kennedy, and this carried with it the support of every Democrat in the Senate. It was a foregone conclusion that he would be confirmed for the job, whatever committee considered his nomination. And he was—without even the bother of a record vote in the Senate. No one cared what committee it went to—they could not care less.

What we had at that time was a brandnew trade policy, a brandnew office to administer it, and brandnew and highly regarded former Secretary of State to head up that office. Under the circumstances of his appointment, procedural questions were the last thing on anybody's mind.

In 1967, after Governor Herter had died, William Roth, who had served as Deputy Special Representative, was named to succeed him. It was generally understood that Mr. Roth was going to carry on the work of his old colleague and leader, and that he was not bringing a new look to trade policies in general. We were still negotiating the Kennedy round and he had been at that task from the beginning, serving under Herter. In that situation—a promotion from within to fill a vacancy caused by the death of an incumbent—procedural roadblocks would have been improper and would have unnecessarily disrupted the final crucial stages of the Kennedy round negotiations.

Today, the situation is vastly different. The Kennedy round is over. The negotiating policy fixed in the Trade Expansion Act of 1962 has expired. We are witnessing the deterioration of the huge trade surpluses which influenced our legislative approach to the reciprocal trade program for two decades. We have run deficits in our international balance of payments for 18 years running. Our gold reserves are virtually exhausted. To a considerable extent, I am convinced that our trade policies have contributed to this sad state of affairs.

The multinational business complex, once practically unheard of, is now a fixture in international trade circles. Often what we sell abroad is sold to our own oversea subsidiaries, and in many cases what we buy from abroad comes from U.S.-owned plants over there. This phenomena of the multinational business, which has never been fully analyzed, raises many new questions.

Basic industries such as steel and textiles are besieged with competition from imported goods produced at wage scales only a fraction of what employees must be paid in this country. That gives an impossible advantage to the foreigner. But on top of that advantage, many countries also give business a tax subsidy on their exports. That stimulates exports to this country.

Then they turn right around and impose a special border tax on their imports from us. And if that does not deter U.S. competition, they call on their variable levies, quotas, and a host of nontariff restrictions to give the sort of protection to their industry that we have denied to our own.

Trade must be reciprocal, but today it is definitely not reciprocal. We are at a serious disadvantage, and, in large measure, our policies of the past have contributed to the situation in which we now find ourselves. We have played Santa Claus to the point that now we must play beggar.

Today, when both Congress and the administration are groping for the right path to follow in fixing our trade policy for the future, it is doubly important that the Senate committee responsible for shaping that policy should also review the nomination of the person who is to serve as Special Representative for Trade Negotiations. That is why the Committee on Finance must assert jurisdiction over this nomination at this time if it is to meet its responsibilities to the Senate.

As I have said, the practice of the Senate is to refer nominations to the committee which created the post to which the nomination is made, and this is particularly true when that same committee has legislative jurisdiction over the program the nominee is to administer.

The post of Special Representative was created by the Trade Expansion Act—a Finance Committee matter. The program to be administered by the Special Representative, generally speaking, is the reciprocal trade program and tariffs, import quotas, and related matters. All these areas are specifically within the jurisdiction of the Committee on Finance.

Now, during an executive session of the Committee on Finance, on Friday, April 15, jurisdiction over the nomination of the Special Trade Representative was discussed in the presence of the chairman of the Foreign Relations Committee, who is also a member of the Committee on Finance. It was pointed out to the chairman of the Foreign Relations Committee that the position of Special Trade Representative was established by section 241 of the Trade Expansion Act of 1962, which emanated from the Committee on Finance. The program to be administered by the Special Trade Representative is created by legislation for which the Committee on Finance is constitutionally and historically responsible. In turn, the chairman of the Foreign Relations Committee agreed that the Finance Committee has a responsibility in this area, but noted that the Foreign Relations Committee, having responsibility for foreign affairs matters, wanted to look at the nomination. I had no quarrel with the Foreign Relations Committee sharing jurisdiction over the nomination, and I thought that the chairman of the Foreign Relations Committee had no quarrel with the Finance Committee sharing jurisdiction over the nomination. Other members of the Finance Committee who were present during that executive session thought the two chairmen had reached agreement over sharing the jurisdiction. Subsequently, however, I found out that the interpretation which the distinguished chairman of the Foreign Relations Committee gave to the discussion was far different from what other members of the Finance Committee and myself understood. Evidently, he concluded that the Finance Committee was only interested in a hearing of Mr. Gilbert's nomination, but not in sharing the jurisdiction for the nomination itself. This is not correct. We of course could always invite Mr. Gilbert before our committee without getting any clearance from the chairman of the Foreign Relations Committee. The members of the Finance Committee wanted to share in the jurisdiction. Subsequent to that, I discussed the matter with the chairman of the Foreign Relations Committee, who informed me that he was concerned that the nomination would be held up by the Committee on Finance. I gave him my assurance that we would report the nomination within a month after receiving it.

At that time, I thought this satisfied the chairman of the Foreign Relations Committee. But I am not sure of that. I informed the distingished majority leader of my conversations with the chairman of the Foreign Relations Committee, and on Monday, June 2, after discussing it with the Democratic leadership, I waited a whole hour on the floor of the Senate for the chairman of

the Foreign Relations Committee to discuss the matter further, but he never appeared. Therefore, the nomination continues to be held up. However, it is not a personal whim of the Senator from Louisiana that is holding it up. There are important substantive issues involved in this nomination which should be resolved prior to Senate confirmation.

I resent the smear articles that obviously are designed to put pressure on the chairman of the Finance Committee to withdraw his objection to this nomination. I have been around long enough to know that these kinds of smear campaign articles are usually planted by those who have an interest in the matter, and seek to foster that interest by making its opponents look bad. If Mr. Gilbert or any of the free-trade organizations around town feel that newspaper articles aimed at putting pressure on the Finance Committee will help his nomination, he is sorely mistaken. In fact, these activities can only do harm to Mr. Gilbert's prospects, although to this date I have no reason to assume that any member of our committee will object to his confirmation.

It would seem to this Senator that the nominee, who is going to have to work with the Committee on Finance during his term in office—if he ever gets there—could do much to further his own situation by going to those who feel they are protecting him from the Committee on Finance, and advising them that he is not ashamed to discuss his foreign trade philosophy and credentials with the Committee on Finance and that he is perfectly willing to have the Committee on Finance—the proper Senate committee—consider his nomination. It might be that he will find the gulf between his own attitudes and those of the Committee on Finance is not as wide as he might think. Our basic concern is equity and fairness in international trade, and if that is not a concern he shares, then we certainly should know it before the Senate acts on his nomination.

On the other hand, it might work out that after he has matched views with the Committee on Finance, he will not want to serve in the post to which he has been nominated.

Other matters concerning this nomination should be checked into. When Mr. Gilbert was nominated for the Special Trade Representative post, the White House assumed that he needed no Senate confirmation. The White House press release on Gilbert read:

> The President today announced the appointment of Carl J. Gilbert.

Contrast that with another White House press release issued the same day, which said:

> The President today announced his intention to nominate Dr. Thomas K. Cowden.

Thus, it was obvious that the White House aides knew how to draft a press release for a Presidential choice who needed Senate confirmation.

I am not criticizing the President for that. There is nothing new about a new President trying to do the best he can to find his way around, and hiring some persons who are competent and some who are not competent to help him with his job. That is par for the course.

One day after the White House announcement on Gilbert, he was whisked to Europe as part of Secretary Stans' team to discuss trade policies issues with Europeans. Here we have the Government paying the expenses of a private citizen to become privy to highly sensitive international discussions. That is highly irregular and one would have thought that Mr. Gilbert would have pointed this out to the White House, before he undertook to help the Government, at public pay, while he was still a private citizen and not capable of representing the Government. He went along for the ride at public expense. That is illegal, but I am not going to quarrel about that.

I ask unanimous consent to include, after my remarks, a newspaper article by Mr. Robert Barr discussing this and other points and concluding:

> The Senate Finance Committee might have a better claim to the Gilbert confirmation hearing than the Foreign Relations Committee.

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

(See exhibit 1.)

Mr. LONG. That is true, but I do not want to argue about that. That committee can have all the jurisdiction it wants to, but after it gets through, let the committee who has the appropriate jurisdiction have an opportunity to examine the man.

Mr. President, we have had difficulties with Mr. Gilbert's predecessor in the Office of Special Trade Representative, principally because he entered into negotiations and reached agreements on matters for which he had no legislative authority. Not only did they have no legislative authority, but the Senate told them specifically in Senate Concurrent Resolution 100 that they should not negotiate certain agreements without getting this authority. That resolution passed the Committee on Finance and the full Senate before they negotiated these agreements. The American selling price agreement which was negotiated in the Kennedy round to change domestic law, and in direct repudiation of the Senate, is one case in point.

The Senate has not had an opportunity to express its will on that agreement because it was killed in the House during the last session of Congress.

If the House had not killed it, the Senate would have killed it. The Senate did not have a chance to do it. The House killed it first.

If it is ever introduced again by the administration, and should it by some chance pass the House, I am sure the Senate will tell the President what it thinks of this improvident agreement that this man negotiated without authority.

Another agreement negotiated by the Office of Special Trade Representative in past years was the so-called International Antidumping Code. That was an executive agreement negotiated without prior authority, which had the effect of changing domestic law. Last year, in an amendment to the Renegotiation Act extension bill, the Senate and the Congress told the President that the agreement could not go into effect. We forced him to sign that bill and publicly concede that he had exceeded his authority. These were two very serious matters where the Office of Special Trade Representative exceeded its authority and presented the Congress with fait accomplis.

That is what we are concerned about. We want a man who will abide by the law and respect the constitutional prerogatives of the Congress in this area. We do not want a man who flouts the will of the Congress or trespasses on its authority.

Mr. Gilbert has expressed approval of these highhanded attitudes in the negotiation of these agreements, despite the fact that the Constitution delegates plenary authority to the Congress—not to the President—"to lay and collect taxes, duties, imposts, and excises and to regulate commerce with foreign nations." This man has also expressed himself very clearly on a number of trade policy issues which come under the jurisdiction of the Committee on Finance. For example, Mr. Gilbert has expressed opposition to quotas on steel and textiles. He even took exception to one of the recommendations made by his predecessor concerning the development of a more effective escape clause.

I ask unanimous consent to have printed in the RECORD at the end of my remarks an article entitled "Voluntary Quotas Or," written by David R. Francis and published in the Christian Science Monitor of May 23, 1969, discussing Mr. Gilbert's views.

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

(See exhibit 2.)

Mr. LONG. The article points out the obvious inconsistency between Mr. Gilbert's views on the textile import problem, for example, and those of Secretary of Commerce, Mr. Maurice Stans.

It is the responsibility of the Committee on Finance to help determine a national policy on trade and tariff matters. It is only fitting therefore that the Committee on Finance should have jurisdiction over the executive position which it created and which must administer the programs and policies established by the Congress through the committees. Therefore, it is not a question of personal whim that has delayed the nomination of Mr. Gilbert, but very serious substantive questions which must be resolved. It is not even a question of whether Mr. Gilbert agrees with my views or those of other members of the Finance Committee. The committee wants to determine whether the man will faithfully carry out the legislative intent of the law he is assigned responsibility to administer, and for which the Committee on Finance has jurisdictional responsibility.

Mr. President, I will say right now that I am aware of the fact that Secretary Stans made the statement that he had discussed these matters with Mr. Gilbert, and that they were in complete accord. There is a history of statements by Mr. Gilbert, however, which would indicate he is strongly opposed to any form of trade restriction, including voluntary agreements on steel and textiles. Mr. Stans is a Cabinet member, which Mr. Gilbert is not, and in the final analysis, Mr. Stans has the ultimate responsibility for trying to balance our international accounts, increase our exports, and save

our gold. The President's adviser on these matters will be Mr. Stans. It is logical that Mr. Stans should play a major role in trade policy. If Mr. Stans wants to have Mr. Gilbert as an adviser then there will be no argument, as far as I am concerned.

If President Nixon wants to carry out the policy he advocated when he ran for President of the United States, and we are advised that Mr. Gilbert is going to try to help him do that, there is no argument. But there are many things in this man's record that cause one to suspect that this is either a case of one retreating from his pledged word to the American people, or a jurisdictional question, where the advisers of the President would do well to advise him that the nominee to the job which we created—which has expired, in my judgment—might use it to confuse or worsen our very unhappy situation with regard to balance of payments and foreign trade.

EXHIBIT 1

[From the Women's Wear Daily, Apr. 14, 1969]

COMMITTEE FEUD SHAPING IN SENATE OVER GILBERT

(By Robert Barr)

WASHINGTON.—A Senate feud is shaping up over Carl Gilbert, President Nixon's choice for special representative for trade negotiations.

The feud will be over whether the Senate Foreign Relations or Senate Finance Committee should handle the confirmation hearing on Gilbert.

Nixon aides may be shocked to learn Gilbert needs Senate confirmation, and shocked again to realize Gilbert, with no status except private citizen, has been dispatched to Europe on the big trade mission headed by Commerce Secretary Maurice Stans.

The quarrel over the confirmation hearings will stem from the fact that the post involves trade matters, although the man holding the post bears the rank of ambassador.

When Christian Herter was the first man nominated for this post, the Foreign Relations Committee held the confirmation hearing and the subsequent ones for other holders of the post.

Congressional sources noted this was because the previous Finance Committee chairman, the late Harry Byrd, Sr., never made an issue of the matter.

No matter how the feud is resolved—by a backstage compromise or an open Senate fight—it may be embarrassing to Nixon aides.

The announcement of Gilbert's appointment assumed he needed no Senate confirmation. This raised the problem.

That misconception was continued in oral checks with White House press aides when Fairchild News Service questioned that point at the time of the announcement. The answer was that no confirmation was needed.

The White House press release on Gilbert read, "The President today announced his appointment of Carl J. Gilbert . . ."

Contrast that with another White House Press release, issued the same day, which said, "The President today announced his intention to nominate Dr. Thomas K. Cowden . . ." for an assistant secretary post in the Agriculture Department.

Thus it was obvious that White House aides knew how to draft a press release for a Presidential choice who needed Senate confirmation. The "intention to nominate" is standard phrasing for such choices.

But the press release and subsequent verbal comment from a White House press aide made clear there was a misconception, within the White House and someone thought Gilbert could be installed in the trade post without Senate confirmation.

The Senate Finance Committee might have a better claim to the Gilbert confirmation hearing than the Foreign Relations Committee.

EXHIBIT 2

[From the Christian Science Monitor, May 23, 1969]

VOLUNTARY QUOTAS OR

(By David R. Francis)

WASHINGTON.—Commerce Secretary Maurice H. Stans, in trips to Western Europe and the Far East, has been engaged in trade brinkmanship.

He has been trying to persuade nations exporting woolen and man-made textiles to the United States to limit the growth of these exports with voluntary quotas.

There are no international trade rules requiring such quotas. And so far, the textile-exporting nations have shown great reluctance to grant such a favor.

Thus Mr. Stans suggests a threat.

If there isn't voluntary action, he warned Tuesday, "Congress will take the play away from us." In other words, Congress will enact unilateral quotas against imports that will be worse than those offered by the administration on a "voluntary" basis.

As one trade official argued, "It is in their own interest."

Up to now, the Commerce Secretary has used Congress as the threat.

POSITION CRITICIZED

The danger, however, goes beyond unilateral quotas. If Congress does impose quotas, textile-exporting nations would be free to retaliate by restricting United States exports. It could result in a major trade war. That is the brink ahead.

Former acting special representative for trade negotiations, John B. Rehm, terms Mr. Stan's position "an outrageous line. It is so disingenuous."

Now a Washington lawyer, Mr. Rehm holds that with the election over, the congressional drive for relief from imports is not as fierce as it was last year. The Johnson administration, with the help of the powerful chairman of the House Ways and Means Committee, Rep. Wilbur D. Mills (D) of Arkansas, last year successfully blocked an attempt to attach quota legislation to the tax surcharge bill. This would have made a presidential veto unlikely.

The new administration, he argues, could also stop a textile quota bill. Thus Mr. Stans is presenting "false fatalism."

He added: "It is a total abdication of executive responsibility."

However, Mr. Stans maintains there is a "strong movement" in Congress to pass a quota bill.

Furthermore, he said that if there was no progress toward voluntary quotas within 90 days, the administration would have to review the situation. He hinted that the administration might back unilateral quotas, though it favored voluntary quotas reached on a multilateral or bilateral basis.

RESULTS REPORTED

The Commerce Secretary reported Monday to President Nixon on the results of his trip to Japan, Taiwan, and Hong Kong. He said he will present a program of action to the President in two weeks.

Textile-exporting nations now have the problem of deciding whether to go to the brink themselves. They must judge whether Congress really would risk a major trade war to please the industry. They must guess whether the administration will support, stand aside, or veto quota legislation.

Mr. Stans said administration action on a quota bill would depend "on the framework of the bill and all the circumstances at the time."

Just before Secretary Stans left for Japan, Mr. Mills introduced a bill that would roll back textile imports. It also would base quotas on value, rather than by product or fiber. This was regarded as an effort to provide Mr. Stans with a bargaining weapon. However, it did not succeed—at least, not immediately.

Most countries, Mr. Stans admitted, did not even want to discuss textile quotas.

"Most countries hoped the situation would go away, rather than have to deal with us on it. We made it quite clear that it would not go away."

CAMPAIGN PROMISES MADE

During his campaign, Mr. Nixon promised to try to extend international voluntary quotas to textiles made of wool, man-made fibers, and blends. Quotas already apply to cotton textiles through the long-term international cotton-textile arrangement. It permits a gradual increase in imports in line with growth of domestic demand.

This cotton arrangement expires on Sept. 30, 1970. A review of its terms must get under way one year ahead of that date. Possibly this would open the way for consideration of all textile exports at the same time.

Mr. Stans pointed out that no action was likely before September. He had hoped multilateral talks under the General agreement on Tariffs and Trade could start in Geneva in June.

Several observers have charged that Mr. Nixon's campaign pledge was a promise to Sen. Strom Thurmond, the South Carolina Dixiecrat who helped make possible Mr. Nixon's nomination at the Republican convention by rounding up Southern delegates. A large amount of textile manufacturing is located in the South.

In a letter earlier this month to Morton H. Darman, board chairman of the National Association of Wool Manufacturers, Mr. Nixon reaffirmed his preelection commitment.

Again, however, Mr. Nixon spoke of an "international solution." He has not yet proposed mandatory controls by Congress.

David J. Steinberg, economist for the Committee for a National Trade Policy, an organization that backs liberalization of trade, charges that the administration has "badly handled" the textile issue.

Before seeking quotas, he said, the administration should have first ascertained to what extent the textile industry is suffering from imports. Next it should have seen if domestic policy changes could have helped, such as more liberal assistance for textile firms hurt by imports or through tax changes that would benefit the industry.

CONFIRMATION AWAITED

"Then, and only then, do you know the extent to which you have to resort to restriction of trade by quotas," he said.

Curiously, Carl J. Gilbert, former chairman of Mr. Steinberg's group and President Nixon's nominee for special representative for trade negotiations, took a similar position earlier this year.

In the report of the previous special representative, William M. Roth, on future U.S. foreign trade policy, Mr. Gilbert inserted a footnote that international trade-restrictive agreements should be negotiated "only in emergency cases and as temporary measures of last resort." He was a member of an advisory committee on trade policy.

Mr. Gilbert is still awaiting confirmation in his new job by the Senate. As an ambassador, he was cleared by the Committee on Foreign Relations. Now the Finance Committee, with jurisdiction over trade, wants a crack at him. Chairman Russell B. Long (D) of Louisiana is trying to work out a procedure to get his nomination removed from the floor for hearings in his committee. Mr. Gilbert is expected eventually to get Senate clearance.

SYNTHETICS JUMP

In the meantime, however, Mr. Stans' tough position on textiles puts Mr. Gilbert,

with his liberal trade viewpoints, in an awkward position for future trade negotiations.

Mr. Steinberg holds that this tough stance is "folly," since it "fuels the fires of protectionism in Congress."

Mr. Roth charges that the administration's position on textile imports is "counterproductive in terms of the best overall interests of our economy." He is currently a fellow at the Kennedy Institute in Cambridge, Mass.

First of all, he says, the textile industry is "doing quite well" and does not need quota protection.

Wool-textile imports provide 25.5 percent of domestic consumption. The figure for cotton is 10.5 percent and for man-made fibers, 4.5 percent. Imports of foreign synthetics, however, went up 54 percent last year and appear to be increasing as rapidly in 1969.

Domestic consumption of man-made textiles, however, is also rising rapidly. Sales on noncellulose fibers were up 6 percent last year. Rayons and acetates gained 11 percent after a 6 percent decline the previous year.

Total dollar sales of the domestic textile industry last year jumped 12 percent. Profits after taxes were up to about $664 million from $540 million in 1967. The 1968 figure represents a profit on stockholder equity of 9.1 percent, compared with the average for the manufacturing industry of around 11.8 percent.

Second, any quotas, even if voluntary, will be purchased at a cost, Mr. Roth says. Japan probably would slow down removal of its restrictive practices against trade and investment. It would be harder to resist European protectionist measures in agriculture.

DUAL ROLE ATTEMPTED

"It is very difficult to talk liberal trade on one hand and seek protectionist measures with the other," the former special representative said.

During his tours, Mr. Stans attempted this schizophrenic role. He urged negotiations to reduce nontariff trade barriers as well as discussing the textile issue. He wants everyone to lay on the table all their nontariff barriers. Japan promised to exchange such a list in 60 days

Then, presumably, there could be negotiations for their reduction.

However, the administration at this point has only limited negotiating power. It has not yet introduced its major trade legislation. And it knows that until the textile question is settled, textile interests would probably seek to block such legislation in order to bring pressure for textile protection.

Mr. DIRKSEN. Mr. President, I wish to congratulate the distinguished chairman of the Finance Committee for his frank and thorough discussion of the Gilbert nomination. It is not the personal whim of any Senator which is holding this nomination up. As the distinguished chairman of the Finance Committee pointed out, that committee has jurisdiction in the Senate over the legislation which would give authority to Mr. Gilbert to act on behalf of the United States in negotiations with foreign governments. The Finance Committee created the job of Special Trade Representative, and it is only fitting that it should have a voice in the confirmation of the man who is to administer the policies established by Congress in this area.

ORDER OF BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent to proceed for 15 minutes.

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

THE MIDWAY MEETING

Mr. GORE. Mr. President, I arise to wish for President Nixon the greatest measure of success toward a negotiated settlement of the Vietnam war.

I have never thought, nor do I now think, it wise for a President of the United States to journey thousands of miles to a point in the Pacific Ocean to meet a President of South Vietnam in order to determine policy or to coordinate strategy or either war or peace.

Such a meeting tends to equate the two Presidents, which we know to be an assumption out of all proportion to reality, and tends to place a premium on a joint communique, thus giving leverage to Mr. Thieu, the current President of South Vietnam, which in reality he does not have and which should not be accorded him. Nevertheless, such a meeting, or confrontation, as the case may be, is to occur on Midway next Sunday.

Were the President meeting with our adversaries in the Vietnam war, I might feel inclined to comply with the injunction of the distinguished senior Senator from Montana (Mr. MANSFIELD) to avoid further speeches until the conference is concluded, but, Mr. President, this is not a meeting with an adversary; rather it is a meeting with Mr. Thieu, who is President of South Vietnam under known U.S. sponsorship. I have no hesitation, therefore, in expressing some views with respect to a conference of our President with him. Moreover, the lives of many are at stake.

The key question at Midway is whether the United States will continue to equate its own security interests with the interests of the current Saigon regime. Midway will be a watershed. The outcome of that conference will in my opinion determine whether the tide of events will flow in the direction of a negotiated peace, or toward "more of the same"; whether President Nixon will pursue the policy stated, however tenuously, to his countrymen on May 14; or whether Mr. Thieu will lead us into a piecemeal withdrawal coupled with a commitment to perpetuation of his Saigon regime.

President Nixon's statement on May 14 is his only statement on Vietnam policy since becoming President. Since January 20 through last week, we have suffered some of the heaviest casualties of the war—5,722 killed and almost 32,000 wounded.

Mr. President, I had occasion last week to visit a U.S. Army hospital. To observe the mangled, the crippled, the blind, and the insensate is enough to make one physically sick. As I said earlier today, the armed services are doing a magnificent job of rapid evacuation and competent medical care of the wounded. They are doing the best job in this regard that has ever been done in our history. I applaud them. Were this not true, the ratio between killed and wounded would be far more unfavorable.

But, Mr. President, many of the wounded are killed so far as their useful life is concerned. Indeed, many of them are killed as far as knowing that they still breathe.

So the President's statement was anxiously awaited by the American people.

After carefully reading and rereading the President's statement, I addressed the Senate on May 20. At that time I said:

If my view of the speech is correct, President Nixon must have reached a decision to extricate the U.S. from the Vietnam War as quickly as he can, as best as he can, as honorably as he can.

On that date I also said:

I must acknowledge that as I listened to the President's speech on the radio, I was impressed that there was a very little difference, if any, in what he had said from what he had previously said or from what former President Johnson or his Secretary of State had said.

It was only when I started examining what he had not repeated and what he did not say that it began to occur to me that a decided change had been made, but made very subtly, and that perhaps the President was speaking the Johnson-like hard rhetoric largely for home consumption, while the message to both Hanoi and Saigon was to be found in the omissions from the speech or, in other words, from what he did not say. Perhaps that is an explanation as to why our distinguished Secretary of State, Mr. Rogers, was dispatched to be in Saigon at the time of the President's speech, and perhaps there to explain and, if possible, to placate the Saigon generals. Apparently he was not too successful, because President Thieu has demanded a personal meeting with President Nixon which, according to the announcement today, is soon to occur.

I cite this without criticism, but in the hope to bring public understanding of the developments which are now occurring and for which I wish the greatest good fortune.

Mr. President, specific references in the President's speech, along with certain omissions therefrom, caused me to take heart for a negotiated peace.

I wish it known that I now specifically refer to the President's speech to the American people on last May 14. Earlier today I made reference to an unfortunate speech, in my view, which the President delivered to the Air Force graduating class on yesterday.

This latter speech, if it had any reference whatsoever to the Midway Conference, is certainly an ill-omen. I do not know that it had such reference. Therefore, I shall confine my remarks for the present to the speech specifically on Vietnam policy delivered on May 14.

In the speech, President Nixon said:

All parties would agree to observe the Geneva Accords of 1954 regarding Vietnam and Cambodia, and the Laos Accords of 1962.

For 5 years I have been suggesting to the Senate and to President Johnson and President Nixon that the Geneva Accords to which the United States gave its consent, and to which other nations with security interests in the area consented, constitute the most reasonable and practical basis for peace.

So, I am pleased that President Nixon now makes this reference.

The President also said:

We seek no bases in Vietnam.

The President said:

We insist on no military ties. We are willing to agree to neutrality if that is what the South Vietnamese people freely choose.

The President said:

We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without use of force or intimidation.

We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

Mr. President, I keep quoting from the President's speech in this way because these statements which I quote do not appear seriatim in the President's speech. I am stating it in this way so as not to do prejudice to the President's statement. I found his statement, as I have said, encouraging.

The President said:

As soon as agreement can be reached all non-South Vietnamese forces would begin withdrawals from South Vietnam.

The President said:

An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

Also, the President said:

As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

President Nixon eschewed a military victory, making no reference whatsoever to victory. Indeed, he said:

We have ruled out attempting to impose a purely military solution on the battlefield.

Mr. President, if a military solution is "ruled out," by the Commander in Chief, for what do U.S. soldiers fight in Vietnam? Wars either end in a military victory or in a political settlement. So, it would appear that, a military victory having been ruled out, only the negotiation of a political settlement remains as a means of ending this bloody conflict.

The President did not rule out a coalition government, as he had done something more than a year ago when he said:

A coalition with the Communists is like putting a cobra and a mongoose together. They try to eat each other.

For on the contrary, the series of points heretofore quoted add up to an interim arrangement of some sort—call it what one wishes, "agreed upon between the two sides" to hold elections "under agreed procedures under the supervision of the international body."

As I understood the passages from the President's address, they refer to elections to be conducted under the supervision of an international body rather than under the supervision of the current South Vietnamese regime, and not necessarily under the terms of the constitution of South Vietnam. Clearly, President Nixon held open the possibility that the oft-repeated goal of self-determination for the people of Vietnam might mean something other than self-determination by the Saigon generals.

Mr. President, I fully support what appeared to me, and what still appears to me, to be a constructive approach, both stated and implied, in President Nixon's address to the American people on May 14. In eschewing a military victory and in emphasizing the political aspects of the problem, he had, I felt, made the basic decision that would permit negotiation of a termination of this conflict. I believe the American people will support such an approach as being constructive and in the best interest both of ourselves and of those countries associated with us in Vietnam.

Since May 14, the President has not spoken further to clarify his views. But others have been talking.

President Thieu, in an obvious effort to forestall any prospect of a political settlement that would not insure retention of power by his regime, went to South Korea to make common cause with the leader of that United States client state. In militant language, he decreed in Seoul that allied troops—including U.S. troops—should not withdraw until the "aggressor forces withdraw." He instructed the South Koreans that "as long as we have no guaranteed peace, you have to stay with us." When asked about the possibility of a coalition government, he was quoted by the Associated Press as replying "I want to make my answer short for your convenience. Never." He then added, "Are you satisfied?"

Then President Thieu went to Formosa where he both unleashed Chiang Kai-shek and made still other statements in an effort to box President Nixon into an abandonment of the Nixon peace plan finally revealed to the American people on the evening of May 14, 1969.

Meanwhile, in Paris, an apparently harried Ambassador Lodge has been walking a tight rope. On the one hand, he sought to keep open the prospect of further discussion on some of the points about which Hanoi was reported to have been asking probing questions. The New York Times reported on May 30 that Hanoi's negotiators had evidenced interest in President Nixon's statements about withdrawal of troops into enclaves, and had raised questions about who would organize the elections, as contemplated under President Nixon's proposal. Ambassador Lodge was quoted as saying:

Each significant group in South Vietnam should have a real opportunity to participate in the political life in the nation.

The official U.S. spokesman in Paris, Mr. Harold Kaplan, was asked if he considered the National Liberation Front as a "significant political group" and was quoted as replying:

There is no question whatsoever that the Front is a going concern, an unfortunate concern in my view for South Vietnam, but a going concern.

On the other hand, Ambassador Lodge was quoted on the same day as saying:

A political settlement cannot be arrived at without the full participation and agreement of the legitimate duly-elected government of the Republic of Vietnam.

In his speech, President Nixon said:

The South Vietnamese Government recognizes, as we do, that a settlement must permit all persons and groups that are prepared to renounce the use of force to participate freely in the political life of South Vietnam. To be effective, such a settlement would require two things: First, a process that would allow the South Vietnamese people to express their choice; and second, a guarantee that this process would be a fair one.

It will be noted, Mr. President, that in the passage just quoted, President Nixon did not specify an election as a means of self-determination, but, rather, indicated that the self-determination process might be reached by other processes. The President said:

We do not insist on a particular form of guarantee. The important thing is that the guarantees should have the confidence of the South Vietnamese people, and that they should be broad enough and strong enough to protect the interests of all major South Vietnamese groups.

This, then, is the outline of the settlement that we seek to negotiate in Paris.

Promptly after President Nixon's address of May 14, a Saigon spokesman issued statements saying that any election must be of course conducted "in accordance with the constitution" of South Vietnam. Among other things, this constitution, which was promulgated by Thieu-Ky regime with U.S. support, bars neutralists as well as the Vietcong from voting in any election. Under this constitution, any election would be conducted by the Thieu-Ky regime. I can understand, then, why the President did not specify that self-determination of all the people of South Vietnam must be conducted by the Thieu-Ky regime.

To put the matter bluntly, no election conducted by the present Saigon regime could, under its constitution, constitute self-determination by all the South Vietnamese people if the South Vietnam Constitution is observed. And as long as Hanoi and the Vietcong have the power to resist militarily, I doubt that they will consent to a political settlement based upon the outcome of an election to be run by the Thieu-Ky regime in accordance with President Thieu's concept of self-determination, which, incidentally, he asserts has already occurred. So I took some heart, Mr. President, that President Nixon steered clear of this pitfall for a negotiated peace. He advocated, rather, a carefully drawn peace plan in which I took encouragement.

Thus far, U.S. policy has in practical effect supported Saigon's view of self-determination. It was the President's speech of May 14 that diverged from that. Heretofore, U.S. spokesmen have referred to the South Vietnam Constitution as an historic document insuring basic human and political rights. The election of President Thieu was hailed as a showcase election in which the will of the people prevailed, even though he received only a small minority of the votes of that portion of the South Vietnamese people who were permitted to vote. This attempted legitimatization of the Saigon regime, incidentally, was consummated in another mid-Pacific meeting. As a result, peacemaking is even tougher medicine now, a bitter pill to swallow.

Yet, the question which the President must face up to is whether the United States is at long last prepared to utilize the overwhelming presence of the United States in South Vietnam to persuade acceptance of the kind of political settlement that may now be attainable in South Vietnam, thus permitting 540,000 American boys to come home, or to accept the Thieu plan of permitting a

piecemeal withdrawal of U.S. troops—50,000 to 60,000 sometime this year has been mentioned in Saigon for months—along with a commitment to keep many, many U.S. soldiers in Vietnam indefinitely to maintain President Thieu in office. The Thieu plan is not a formula for peace but for prolonged war and a long time commitment to a costly, bloody South Korea type client state.

I hope President Nixon will be firm with Mr. Thieu. I hope he will not permit our own ideological preferences, on the one hand, to be confused with our true national interests, on the other. Naturally, we would prefer that the people of South Vietnam adopt economic, political, and social institutions similar to our own—the more nearly in our own image, the better to our preference. But it surely does not follow that our own national security and well-being is tied to Vietnam.

It is time for us to admit that the Thieu-Ky regime does not represent democracy as we understand it. A regime that makes a mockery of the right to free speech and freedom of the press, and which throws into jail political and religious leaders who advocate either neutrality or a coalition government of all the people of South Vietnam, subverts the very principles for which we profess to be fighting.

In February 1966, President Johnson met in Honolulu with General Thieu, then the Chairman of the National Leadership Committee of South Vietnam, to issue a joint pledge "to the goal of free self-government."

In October 1966, a seven nation summit conference was convened in Manila to pledge that we would withdraw after a military victory was won.

Mr. President, according to President Nixon's speech a military victory is now "ruled out."

In March 1967, President Johnson met with Generals Thieu and Ky in Guam to put the U.S. stamp of approval on the new South Vietnam Constitution.

In December 1967, President Johnson met with President Thieu in Canberra, where they pledged joint dedication to the principles of self-determination in accordance with constitutional processes.

In July 1968, President Johnson met with President Thieu in Honolulu to review the progress that had been made and to express high hopes for the future.

And now, on June 8, President Nixon will meet with President Thieu on Midway Island.

A report from Paris published in the New York Times on May 30 stated that "both American and South Vietnamese officials are determined that the June 8 meeting on Midway Island between President Nixon and the South Vietnamese President Nguyen Van Thieu, will be used to demonstrate allied solidarity."

Mr. President, I hope that the June 8 meeting does result in allied solidarity. But if it is President Thieu's brand of solidarity as reflected in his statements in Seoul, there will be scant hope of achieving a political settlement in Paris.

I hope that President Thieu will be told clearly and firmly that he will not be permitted to dictate U.S. foreign policy. This is what he presumes to do. I hope further that the basic shift in U.S. policy, which seemed to me to be implied in President Nixon's address on May 14 will survive the Midway conference. I wish, and I believe most Americans wish the President the greatest success toward a negotiated settlement. The war will not be ended on Midway—this is not a peace conference—but a decision for a negotiated peace should be taken, one that will permit not 50,000 American boys, but 540,000 to come home.

Now that the President has "ruled out" a military victory, the war can only be ended by a political settlement. And the sooner the better. Lives are more precious than political face.

Our people would have but little patience with a war policy which promises neither success nor end.

So, Mr. President, President Nixon can be assured of strong support in a strong policy of peace, and sure, too, that the conference on Midway will be attended with our anxiety and prayers.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Meeting Midway" written by Art Buchwald, which was published in the Washington Post.

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

MEETING MIDWAY—AN EXCLUSIVE ADVANCE LOOK AT HOW PEACE WAS WON

(By Art Buchwald)

The Vietnam war, after a brief absence, is back in the news. President Nixon is going to Midway Island to see if he can get President Thieu to agree to what President Thieu supposedly agreed to before Mr. Nixon made his speech.

President Thieu is going to Midway to get President Nixon to say that what he said on television is not what he really meant. And they'll probably come out of their conference with a joint statement saying they are both resolved to have an honorable and just peace in Vietnam and that their meeting was "very helpful."

Then President Thieu will go back to Saigon and say that President Nixon assured him that he would back the Saigon government and would not support any other form of government. President Nixon will go back to Washington and assure the American people that as soon as Hanoi comes to terms, the South Vietnamese people will be able to choose their own destiny.

This will cause consternation in Saigon and President Thieu will demand to see Ambassador Ellsworth Bunker to have him clarify what President Nixon said when he got back.

Ambassador Bunker will assure President Thieu that President Nixon has the interests of the South Vietnamese government at heart, and nothing President Nixon said changes the desire of the United States to see that the elected government of South Vietnam is protected in any peace settlement.

President Thieu will then tell reporters that he has been assured that he is head of the legal government of South Vietnam, and nothing the United States says will have any effect on what the United States agrees to in Paris.

This will cause some discussion in Paris, and Ambassador Henry Cabot Lodge will ask President Nixon if he can proceed in trying to negotiate the settlement despite Thieu's hard line.

Ambassador Lodge will receive instructions to proceed toward a settlement according to President Nixon's original five-point program.

When Lodge follows his orders, the South Vietnamese delegate to Paris will fly back to Saigon and report to the South Vietnamese that the United States is trying to sell them out in Paris.

President Thieu will call in Ellsworth Bunker and demand to know what the United States is doing in Paris. Bunker will assure Thieu that Ambassador Lodge is only doing what Thieu and President Nixon agreed upon at Midway. Thieu will tell Bunker that he and President Nixon did not agree on anything except to bring the war to a just and honorable finish.

Bunker will then cable President Nixon that he needs help in reassuring Thieu that the Saigon government's interests will be protected.

President Nixon will send out Secretary of State Rogers and Secretary of Defense Laird to mollify Thieu about the United States' intentions.

After their meeting, President Thieu will report to his cabinet that he has the promise of President Nixon that under no condition will the NLF have any role in a future South Vietnamese government.

This story will leak to the press and President Nixon will be asked to explain how President Thieu's views of negotiation differs from his. President Nixon will say that the views of the United States and the South Vietnamese are the same: the United States will continue to stress that the South Vietnamese people must decide their own destiny and that they are the only ones who can say what kind of government they want, whether it be the present one, a neutralist one or even a coalition with the NLF.

Thieu will immediately demand a meeting with Ambassador Bunker.

Meanwhile, back on Hamburger Hill . . .

ROTC MEN IN SPACE

Mr. MURPHY. Mr. President, we have heard considerable debate in recent weeks about the ROTC on our college campuses. Now, Mr. John Chamberlain, King Features' fine columnist, presents us with what he says, insofar as he was able to determine, is information about two of our Apollo 10 astronauts which has not appeared in print.

Both Comdr. John Watts Young and Comdr. Eugene Andrew Cernan received their first military training in ROTC. Should this not give us pause, Mr. President, when we read daily of the demands of the Students for a Democratic Society to eliminate ROTC from our campuses?

I would recommend that the members of the SDS might study and hopefully emulate the achievements of Comdr. John Young and Comdr. Gene Cernan.

I ask unanimous consent that Mr. Chamberlain's column, published in the Los Angeles Herald-Examiner on May 31, be printed in the RECORD.

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

ROTC MEN IN SPACE

(By John Chamberlain)

It might be of interest on Memorial Day, when we are supposed to indulge in the anachronistic convention of rendering homage to our patriotic heroes, that two of the Apollo 10 astronauts received their first military training in ROTC. Navy Comdr. John Watts Young, the commander of the ship which remained in a 70-mile-high orbit of the moon while "Snoopy," the lander module, was making its exploratory descent to within 10 miles of the lunar surface, was a member of the Naval Reserve Officers Training Unit at Georgia Tech. And Navy Comdr. Eugene Andrew Cernan, who was in the two-man Snoopy crew, was ROTC at Purdue in Indiana.

As of the moment of writing this column,

I have looked in vain through our so-called mass media of the written word to find any mention of the fact that ROTC contributed to the training and the discipline of two of the three men chosen to make the most perilous space voyage to date. But practically every issue of the media contains some long account of the fumbling and temporizing and double-talk of college administrations who are bowing to the demands of Students for a Democratic Society to kick the ROTC off campus. Memorial Day, hah! What were the soldiers of the Blue and the Gray in the war between the states but a "bunch of stooges" for the military-industrial complex of Abe Lincoln's and Jeff Davis' day?

You feel like asking what's the matter with our college presidents, deans, faculties and trustees in not facing up to the SDS antipatriots. But you also wonder about the failure of the services to provide good P.R. work in defending the ROTC institution that helps produce men like Navy Comdr. Young and Navy Comdr. Cernan. Why aren't we told how many men in the moon-shot program are ROTC graduates? There is a positive side to the ROTC question that was never once brought out by the Navy or by NASA (National Aeronautics and Space Administration) when the radicals at Columbia University, for instance, were agitating to throw out the local Naval ROTC program.

The biographies of Cmdr. Young and Cmdr. Cernan ought to be rubbed in the faces of the college faculty members who have bowed to the demands of the SDS. The face-saving argument heard at Harvard and at Yale and at Stanford is that ROTC courses lack "intellectual content." This is a fine thing to be bringing up at this point in the history of American university course substance. You can study hotel management at Cornell (and I'm not against it), you can get credit for a course in fly-casting at some of the Middle Western universities, you can turn innumerable courses in so-called sociology into a year's participation in totally unscientific bull sessions. If this sort of thing gets the blessing of the SDS, there is absolutely no argument against the "intellectual content" of ROTC even when it doesn't give the student any rigorous appreciation of the fine points of Clausewitz on the relations between war and diplomacy.

While some of our faculties and university administrations are busy abolishing academic credit for ROTC, other Paladins of the higher learning are letting students have their way about dispensing with required courses. From the University of South Carolina comes a report that students are allowed to have their choice of courses on love-making, premarital sex, bar-tending and witchcraft. Love-making, so the report says, is the most popular course among the new electives. Says one student, "There won't be any labs though, just theory." One wonders how the "intellectual content" of such a course will shape up in comparison to ROTC.

Congress is so angry that it is cracking down on giving federal money for scholarship grants to campus rioters. At the rate we are going it will be doing any boy or girl a favor if we make it impossible for him (or her) to attend college. The boy or girl of the future will get more "intellectual content" just by avoiding certain of the learned ones of our college faculties who don't seem to know that there is such a thing as the law of trespass, or the law of assault and battery.

THE SAFEGUARD ABM SYSTEM

Mr. MURPHY. Mr. President, as the debate on the President's proposed Safeguard ABM System continues, many confusing facts and figures have been reported in the press. I would like to compliment the Los Angeles Times, which recently carried a lengthy two-part series on this issue, for another objective and instructive presentation as contained in an editorial of June 1, 1969.

I feel that this analysis by the Times does much to dispel some of the misconceptions which have surrounded the entire debate on the ABM. Mr. President, I ask unanimous consent that the editorial from the Times of last Sunday be printed in the RECORD, and I strongly urge my colleagues to take the time to read it.

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

[From the Los Angeles Times, June 1, 1969]

ABM DESERVES "YES" VOTE

For weeks a national debate has raged over whether Congress should vote "yes" or "no" on President Nixon's proposal to go ahead with the prototype phase of the so-called "Safeguard" system of antiballistic missile defense.

The Times, after careful weighing of the arguments on both sides, urges Congress to vote "yes."

This recommendation is based on the conviction that such action offers the best hope of preserving the credibility of our strategic deterrent without jeopardizing prospects for an arms limitation agreement with Moscow.

Although the fact has tended to get lost in the confusion and acrimony of debate, Mr. Nixon is in full agreement with the ABM critics on the fundamental importance of a Soviet-American accord on arms limitation.

Such an agreement, negotiations for which are expected to begin in July or August, would enable us to channel more money into education, housing, urban transportation, job training, etc., without any impairment of our national security.

If past experience means anything, however, the talks are likely to drag on for years. Meanwhile, we cannot rationally ignore the potential peril represented by the continuing Soviet buildup in offensive missiles and missile-firing submarines.

The great attraction of the Administration's Safeguard proposal is that it offers the President a relatively inexpensive means of keeping his options open in a period when nobody knows whether the Russians will opt for arms control or an intimidating nuclear capability.

No one, least of all President Nixon, questions that as of now we could absorb a surprise Soviet missile attack and still have enough missiles and bombers left to destroy the Soviet Union in retaliation.

But, as the President has observed, the Russians may be "substantially ahead of us in overall nuclear capability" by 1972 or 1973—if we stabilize our forces at present levels while they continue building ICBMs and Polaris-type submarines at the recent rate.

At best, U.S. acceptance of an inferior power position would leave the world vulnerable to nuclear blackmail on the part of the Soviets.

At worst, it could tempt the Soviet Union into believing that it could make a surprise nuclear attack on the United States without suffering devastation in return. Obviously, the problem is to keep them convinced otherwise—but by means which will not endanger an arms control agreement.

President Nixon's answer is Safeguard—a limited ABM system which admittedly could not protect U.S. cities from a Soviet saturation attack, but which is designed to insure the survivability of enough Minuteman ICBMs to deter the Russians from making the gamble.

Safeguard's total cost is estimated at $8 billion, including warheads, if it proves necessary to build the whole system. But President Nixon has made it amply clear that he hopes it will not be necessary.

In essence, the President is asking congressional approval to go forward on two prototype installations for completion by 1973. Cost of the prototypes is estimated at $2.1 billion—or an average of $400 million annually for five years, which is just about one-half of 1% of our total defense budget.

Whether the rest of the system ever would be built depends upon the progress of arms control talks. Construction even of the prototypes could be halted anytime a workable system of arms limitation is agreed upon.

A number of prominent scientists have expressed skepticism that Safeguard will actually work. But equally prominent scientists are convinced that it will.

The Russians are unlikely to gamble on who is right. As one eminent scientist put it, "They will be deterred by the very fact that it might work"—and deterrence, after all, is the name of the game.

Another charge by the critics is that Safeguard will endanger the arms control talks. But the Kremlin, which already has an ABM of sorts around Moscow, has given no such indication.

Several alternatives to Safeguard have been proposed, but none appear to offer the same combination of protection for our deterrent and consistency with the goal of arms control.

We could, for example, step up deployment of offensive missiles to offset the Russian buildup, but this might indeed look provocative to the Kremlin and impair chances of ending the arms race.

Another alternative, previously favored by The Times, would be to hold off on approval of Safeguard pending a reading on the progress of the arms control talks.

But the negotiations may go on a long time. And the Administration argues persuasively that if Safeguard does not go forward now, costs would go up and it could not be built in time for the potential period of peril beginning in 1973.

In the absence of a "compromise" that will satisfy this objection, Congress should vote "yes" on Safeguard.

ONE-HUNDREDETH ANNIVERSARY OF SETTLEMENT OF JAPANESE IMMIGRANTS IN CALIFORNIA

Mr. MURPHY. Mr. President, June 7 of this year marks a significant historic milestone for Japanese Americans and for all Californians.

On this date, the 100th anniversary of the first settlement of Japanese immigrants in California will be observed. To commemorate this centennial event, a California historical landmark will be dedicated at Gold Hill, in El Dorado County. A bronze plaque will be fitted into a 17-ton granite boulder and will bear the inscription:

Wakamatsu Tea and Silk Colony. Site of the only tea and silk farm established in California. First agricultural settlement of pioneer Japanese immigrants who arrived at Gold Hill on June 8, 1869. Despite the initial success, it failed to prosper. It marked the beginning of Japanese influence on the agricultural economy of California. California Registered Historical Landmark No. 815. Plaque placed by the State Department of Parks and Recreation in cooperation with the Japanese American Citizens League and the El Dorado County Historical Society. June 7, 1969.

While obviously this centennial celebration is of unusual significance for American citizens of Japanese ancestry, it is also important for all Californians and all Americans, for the contributions of Japanese Americans to our way of life have been great indeed.

In a recent issue of the Pacific Historian, the publication of the University of the Pacific in Stockton, there appeared a feature article written by Henry Taketa describing this centennial year.

Mr. President, I ask unanimous consent that this article be printed in full in the RECORD, together with a proclamation signed by Governor Reagan to honor this first-recognized settlement of Japanese immigrants to the United States.

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

THE CENTENNIAL YEAR—"1969"

(By Henry Taketa)

Refrain of rock-a-bye, heard in far away land,
Okei, just seventeen, why did she cry?
As she quietly sang the Lullaby
Of her native land, why did she cry?
Refrain of rock-a-bye, distant clouds swept by,
In the lonely sunset, her heart searched afar,
Only in her dreams could she return home,
Toward her beloved Aizu, she watched the stars.
The song of rock-a-bye, she sang as she cried,
Gentle Okei, longing and waiting in vain,
As winter fled and spring had arrived,
For glad tidings from home, which never came.

(Interpretation of Okei's Lullaby).

For persons of Japanese ancestry, the year 1969, will bear special significance in that it has all the birthright of a centennial year for those Japanese immigrants of long ago who chose to leave behind their island homes and seek their fortune, gainful employment and a new life in the United States. They had the making of hardy pioneers, which in fact they were. With pride, hope, industry and patience, they not only survived but successfully overcame the many natural obstacles and man's prejudices of their time and made possible a better world of today for themselves, their children and children's children. Many have since gone their parting ways and, for those still among us, most are in their twilight years. In our sober moments, we give thanks for all that they have done and pray for their deserving reward.

If 1969, is to be a true and meaningful centennial for our Issei generation, the pages in the book of time must be turned back a full century. Search and research undertaken must prove without a shadow of any doubt the timely arrival in 1869 of the Japanese people, not by accident or misfortune as would be the case of a shipwrecked sailor or fisherman or on temporary leave from Japan by a student, traveler or trader, but for permanent settlement somewhere in the United States. Over the past forty years, bits of evidence had been gathered and, as pieces from here and there and out of the past were put together, they gradually brought to light the Wakamatsu Tea and Silk Farm Colony of Gold Hill, El Dorado County, California, and its people of a hundred years ago.

This episode of early California is little known because the Colony was ill-fated and short-lived. At best, the records are fragmentary and meager, but everything about the Colony and the colonists miraculously fell into its proper place. Through persistence and industry on the part of a few researchers, the story of the coming of the Wakamatsu colonists; their arrival at Gold Hill in June, 1869, and venture into farming; the abandonment of the farm colony and the exodus of its people; Okei and her grave, Matsunosuke Sakurai, and other people and events of the time can now be unfolded and told with exactitude as it happened. Hereafter, new discoveries will serve to refine what is already known and not to establish the very existence of the Wakamatsu Colony and its people.

On December 9, 1966, an application was submitted by the writer in behalf of several sponsors to have the "Wakamatsu Tea and Silk Farm Colony of Gold Hill" recognized as an episode of historical significance by the Historical Landmark Advisory Committee of the Division of Beaches and Parks. The application was unanimously approved at the conclusion of the hearing on December 16, 1966, with the understanding that the plaque and monument dedication be deferred until sometime in 1969, "the 100th anniversary of the Colony's founding." At this point the biographical portion of the application may adequately serve to bring to the readers the story of the Wakamatsu Colony, its people and their brief but memorable existence:

WAKAMATSU TEA AND SILK FARM COLONY OF GOLD HILL

"The most notable contribution of the pioneer immigrants from Japan to the economy and industry of the State of California and the United States has been in the field of agriculture. With utmost patience, perseverance and industry, they cleaned, leveled and irrigated land and brought crops to bear in soil which had previously remained idle or had been put to limited use for pasturage and grazing.

"Japanese immigration of any consequence to the United States was in the late 1890s and early 1900s, and their influence upon California's farming industry was in direct ratio to the number of new arrivals. However, it is most significant that its humble beginning was with the coming of a small but proud and determined group from Aizu Wakamatsu in Japan to Gold Hill, El Dorado County, on or about June 8, 1869, to establish a farm settlement, although this venture lasted less than two years and ended in tragedy.

"Aizu Wakamatsu, led by its last feudal lord, Katamori Matsudaira, and a number of other ruling clans had the misfortune of supporting Tokugawa Shogunate in its conflict against the followers of Emperor Meiji who favored centralized imperial power and had suffered a crushing defeat. Chaos reigned for a time in Japan, and there was genuine fear for life and property among the losers. Either at the suggestion of Eduard Schnell, a trader of Dutch or German descent and a long-time confidant of the lord of the Aizu Wakamatsu, or to prepare for a possible sanctuary or refuge if it became necessary to flee the homeland. Lord Matsudaira made plans for the first organized emigration to the United States and brought into existence the ill-fated and short-lived Wakamatsu Tea and Silk Farm Colony of Gold Hill.

"Between nine to ten persons under the leadership of Eduard (John Henry Schnell) constituted the first vanguard of several groups of contingents. Sixteen more were soon to follow, and others (including Okei, nursemaid to the Schnell household, Matsu and Kuni) were to arrive at the Colony later. Gold Hill of El Dorado County may have been selected for this colonization for its scenic and topographical similarity to their Japanese homeland or because many early settlers were from Holland or Germany as was Schnell. Many of the colonists were farmers and those in the trades, but several were samurai followers of Lord Matsudaira. Six Japanese women, including Mrs. Schnell, and four young children were with the pioneer colony. Two of the children were the daughters of Mr. and Mrs. Schnell, and the remaining two were daughters of Japanese families. The original party arrived at San Francisco aboard the sidewheeler, "China", of the Pacific Mail Steamship Company on May 27, 1869, proceeded to Sacramento by riverboat, and thence wagoned to Placerville and Gold Hill where Eduard Schnell had arranged to purchase 160 acres for the farm colony. With them came 50,000 three-year old mulberry trees for silk farming, a large quantity of bamboo roots for food and craft industry, tea seeds, wax tree stocks, grape seedlings and other varieties of plants and seeds of their native land. Also, sizeable shipments of cuttings and plants were to be received at Gold Hill after initial preparations had been completed. However restrictive or limited, the Japanese people were now traveling between California and their homeland of Japan in the interest of their agricultural undertaking at Gold Hill, El Dorado County.

"Immediately upon their arrival, the settlers set out to build their homes and clear and plant their crops on the land purchased from Charles M. Graner, and for over a year it appeared that they would be rewarded for their determination and many sacrifices. However, combination of dry climate of the area, scarcity of irrigation water, lack of funds and failure of financial assistance to come from Japan as promised doomed the pioneer project in less than two years. Beset with money problems and other problems, Eduard Schnell left the colony with his Japanese wife and two minor daughters with assurance to the colonists that he would return with much needed funds, but he failed to do this and thus abandoned his Japanese followers to their own fate in a strange and often hostile land.

"As dictated by necessity and self-preservation, the settlers sold most of their valuables and belongings to ward off hunger while patiently waiting for their leader who never returned, and ultimately each was compelled to go his own way. Some were able to return to Japan and others moved elsewhere where employment was more promising. From every indication, only Matsunosuke Sakurai, a samurai, and Okei Ito, nursemaid to the Schnell household, remained behind at Gold Hill where they were befriended and employed by the early pioneer family of Francis Veerkamp. His descendants are to be found in the Gold Hill-Coloma area where they are engaged in farming and business. Okei is said to have died of fever at the age of 19 in the spring of 1871, and was buried at the knoll of a hill which she frequently climbed to watch the setting sun and gaze in the direction of her homeland. Her headstone reads both in English and Japanese, "In Memory of Okei, died 1871, Aged 19 years, a Japanese Girl." Matsunosuke Sakurai faithfully served the Veerkamp family until his death on February 25, 1901, and he now lies at rest in the Vineyard Cemetery at Coloma, the historical site of Marshall's gold discovery and a few miles from Gold Hill.

"With its tragic ending, the colony soon passed into oblivion, and its very existence was lost and forgotten until after World War I. Unquieted rumor persisted that a Japanese girl, who died in the gold-rush period, was buried at Gold Hill near Coloma. A search was undertaken by several Sacramentans, and the first person they interviewed was the 75 year old Henry Veerkamp, son of the pioneer settlers who befriended and gave shelter and employment to Okei Ito and Matsunosuke Sakurai, the last of the colonists to remain at Gold Hill. He was a year older than the Japanese girl he knew as "Okei San" and, in vividly recalling the past, he told the story of the tea and silk farm, its Japanese pioneers and their hopes, industry, disappointments, suffering, hardships and ultimate abandonment of the colony. He pointed out the site of the settlement and the location of Okei's grave, and thus the Wakamatsu Tea and Silk Farm Colony was rediscovered."

Understandably, 1969 will be a climactic year for those who had indulged in time-consuming and painstaking research on the Wakamatsu Colony and for others who have come to love this phase of California's early history. For them it has been one of constant vigil to keep the delicate story of the first immigrant group from Japan of a century ago from again fading away and passing into oblivion. Over the years, not all words were kind or complimentary on the subject of this writing, and it was looked upon as "much ado about nothing." In recent times

and noticeably within the last several months, more persons concerned with or interested in the heritage of the Japanese people of America have come to the realization that with the dawn of 1969 will come the Centennial Year not only for the early pioneers of the ill-fated Wakamatsu Tea and Silk Farm Colony of Gold Hill, El Dorado County, but for all Japanese who chose to make some place in America their home. The last paragraph of the Historical Landmark application sincerely expressed the minds and hearts of its sponsors and may imbue the readers with the same sense of spiritual tribute for the people of Wakamatsu Colony and their dramatic but short-lived venture and others who took leave of Japan a few years later and made possible, through hope, pride, patience and industry, our world of today:

"Although the Wakamatsu Tea and Silk Farm Colony was short-lived and suffered its tragic ending it signaled the coming of Japanese pioneers to America and the beginning of their notable contribution of the agricultural industry of California. During the past three-quarters of the century, they have left their marks in the teeming valleys throughout the length and breadth of this great State. Many descendants are carrying on the work of their pioneer forebears with the same devotion, determination and skill which helped to make California the most productive farming state in the United States and the greatest agricultural region in the world. Thus it is befitting that the land which was once the Wakamatsu Tea and Silk Farm Colony be historically recognized as the site of (a) the only silk and tea farm in this State and (b) the first venture into agriculture by Japanese immigrants in the United States and (c) where the important participation of the pioneers from Japan to California's agriculture had its beginning."

Two major events are now being scheduled and planned for 1969 on the theme of the "Centennial Year." There undoubtedly will be anncuncement of others. Coloma-Lotus Boosters Club sponsors of the annual Gold Discovery Celebration at Coloma Gold Discovery State Park, El Dorado County, has dedicated the 1969 celebration in tribute to the Wakamatsu Colonists of Gold Hill and in honor of all Japanese people of America on the occasion of their one-hundredth anniversary. Coinciding as closely as possible to the day John Marshall discovered gold at Sutter's sawmill, 1969 celebration will take place on Saturday and Sunday, January 25 and 26, with emphasis on the latter. Five Japanese American communities, represented by Stockton, Marysville, Placer County, Florin and Sacramento JACL Chapters, will marshal their talents and resources to bring a bit of history of the Japanese people of America, their culture and other subjects of interest. The story of the Wakamatsu Tea and Silk Farm Colony and the hopes and tribulations of its people, girl "Okei" and her lonely grave at Gold Hill, other immigrants from Japan to follow, contribution of the Japanese people to California's agriculture and general growth, the other matters representative of the life of the Japanese people will be told by means of displays and exhibits. Other active participations will be bonsai and flower arrangement demonstration and displays, doll displays and accompanying lecture, kendo and judo exhibitions, Japanese cookery, pamphlets on Japanese culture and values, music and dancing.

The deferred dedication of the Historical Landmark Plaque in recognition of the Wakamatsu Tea and Silk Farm Colony of Gold Hill as an important episode in California's early history will take place on a day yet to be announced in June 1969. Other complementary activities and events are being discussed and planned, and Northern California—Western Nevada District Council will oversee the programing and financing in behalf of all sponsors. Gold Trails Grammar School, which is part of what was once the Wakamatsu Colony Farm, has been tentatively approved and selected for the placement of the Historical Monument. Dedication will have civic and religious overtone and may be followed by appropriate social and festival program and activities.

People of Japan, and in particular the City of Aizu Wakamatsu, have long revered the legendary story of the Japanese pioneers of a century ago to Gold Hill, El Dorado County, and are said to be moving ahead with plans to commemorate 1969 as the Centennial Year in honor of the Japanese people of America. A memorial was dedicated in 1957 to the girl "Okei" and others of her Wakamatsu Colony at a site known as "Gold Hill" located on a plateau of the mountain overlooking the City of Aizu Wakamatsu. The monument is a replica of Okei's gravestone at Gold Hill, El Dorado County.

Aizu Wakamatsu is the home of "Byakkotai," the lengendary boy warriors of the civil war which spawned the Wakamatsu Colony of Gold Hill, and the girl "Okei" now has been given an immortal place in the hearts of its people. Almost total destruction was inflicted upon the community in the civil war, and, therefore, no source material remained to enable its historians to tell the story about the Wakamatsu Colony at a place called Gold Hill in distant America. The history of their own people who ventured forth in 1869 has now been enriched by such records, documents, reprints and other pertinent matters recently contributed by local researchers. History belongs to everyone. Our historians were pleased to share their knowledge with the community of Aizu Wakamatsu.

The history of the Japanese people of America has had its beginning, however humble and of short duration, with the arrival of the Wakamatsu Colonists at Gold Hill in June, 1869. Our heritage goes back to these early pioneers and others who were soon to follow and give so much of themselves to their adopted country. Wise and timely advice has been given by persons in positions of knowledge and authority to the effect that 1969 is about to present a "golden" opportunity of a lifetime, and only fools would permit the year to slip by without doing something both meaningful and deserving. They warn that the next centennial year is a full century away. With a little reminder and ado, every one with a feeling for those people of early California could give remembrance or observance, each in his or her own way, during the same June weekend to be assigned for the Historical Landmark Plaque Dedication at Gold Hill, El Dorado County, California. Thus, by so doing, we shall spiritually help to make the year of 1969 a simple but a memorable Centennial Year in honor of the pioneers of America from Japan of the past one hundred years.

AUTHOR'S NOTE

Although the Wakamatsu Colony and its colonists were the principals in this episode of California's Early West, others were to have vital roles as their neighbors, friends and benefactors and in conserving and perpetuating their history over the last one hundred years. Without these people, the story of the early Japanese settlers could have become forgotten as being just another of many events or incidents of very little significance. However, because the connecting links were provided by them, we are now able to tell the story of the Wakamatsu colonists as to how it happened and when it happened.

Mr. and Mrs. Francis Veerkamp, neighbors to the colony, befriended and gave employment to Okei and Matsu, the only two who stayed behind at Gold Hill after its abandonment, and provided for the burial of the young Japanese girl on a knoll of a hill which was a part of the colony farm. Matsu continued to reside with the pioneer Veerkamps and their descendants until his death in 1901, and the latter arranged his final resting place at Coloma's Vineyard Cemetery. It is said that Mr. and Mrs. Veerkamp had given permission for the burial of an infant child of a Japanese couple, who were returning to Japan, next to Okei. It fell upon Henry Veerkamp, the eldest son, to reveal and tell the story of the colony, its people and the Japanese girl he remembered as "Okei-San" after a lapse of more than fifty years.

With its rediscovery, Okei's grave has become a spiritual memorial to the early pioneers from Japan with their hopes, determination, industry, patience, suffering and frequent tragedies. For more than forty years, first with Henry Veerkamp and more recently with Malcolm L. Veerkamp, uncounted thousands of Japanese people from near and far places have been privileged to make pilgrimage to Okei's grave. Other Veerkamp descendants have shown utmost understanding of the impact which the episode of the Wakamatsu Colony has had on the Japanese people here and abroad. In their own quiet and dignified ways, the Veerkamps of the past were, and those of the present are also, a part of the people and events which have given to us the story of the Japanese pioneers of early California.

As the year of 1969 approaches and with it the Centennial Year for the Japanese people of America, I dedicate my brief article in recognition of the latent but kindly participation by the pioneer Veerkamps and many of their descendents in the history of the Wakamatsu Tea and Silk Farm Colony of Gold Hill of a century ago and the courtesies of many years which they have extended to the Japanese people for visitation and pilgrimage to Okei's grave.

PROCLAMATION

Whereas, in May 1869, the first Japanese in California arrived in San Francisco aboard the sidewheeler "China" and proceeded to Sacramento by riverboat, thence to Placerville by wagon and on to Gold Hill, El Dorado County, a few miles from the site of Coloma, where gold was discovered in 1848; and

Whereas, these early Japanese pioneers set up a colony to grow silk and tea as the Wakamatsu Tea and Silk Farm, which through a series of tragedies, lasted less than two years; and

Whereas, on December 16, 1966, California's Historical Landmarks Advisory Committee, Division of Beaches and Parks, did recognize the Watamatsu Tea and Silk Farm colony of Gold Hill as an episode of historical significance in the history of early California, and will dedicate the historical landmark plaque at the site of the farm colony on June 7, 1969; and

Whereas, the Coloma Gold Discovery Day on January 26, 1969, celebrated the arrival of these first Japanese pioneers by focusing on Japanese arts and crafts; and

Whereas, May, 1969, is the centennial of the first arrival of Japanese in California; and

Whereas, with patience, perseverence and industry, the Japanese have contributed much to California, particularly in agriculture, for the past decades since their arrival in the Golden State, adding to our heritage and history.

Now therefore, I, Ronald Reagan, Governor of California, do hereby proclaim the year 1969 as Japanese Centennial Year, urging all Californians to study the contributions of the Japanese to our California way of life.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed here this 3rd day of February, One Thousand Nine Hundred Sixty Nine.

RONALD REAGAN,
Governor.

FRANK M. JORDAN,
Secretary of State.

By H. P. SULLIVAN,
Deputy Secretary of State.

SOUTHERN CALIFORNIA EDISON CO.

Mr. MURPHY. Mr. President, recently, the people at the Southern California Edison Co., the Nation's fourth largest operating electric company, were portrayed in an article in Barron's business and financial weekly as being "unusually spunky." The reasons for this notable and well-chosen designation were then outlined in the article, and they are so interesting and thought provoking that I feel they should be made available to as many persons as possible.

Therefore, I ask unanimous consent to have portions of the Barron's article printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MONEY TALKS: TODAY IT COUNSELS RESTRAINT IN CAPITAL SPENDING

Perhaps because everyone west of the Rockies is living dangerously—"day after day/ . . . the whole place's slipping away"—the people at Southern California Edison Co., from the meter readers to top management, strike us as unusually spunky. Thus, during the mud slides and floods that wreaked widespread havoc last winter, company personnel and equipment worked round the clock to maintain and restore service. Field employees received a "Certificate of Appreciation" from the Orange County Sheriff's Department for "assistance in rescuing and evacuating citizens from Silverado Canyon in the recent flood disaster." Unlike some effete Eastern colleagues, moreover, SoCal Edison's chairman of the board, Jack H. Horton, is not afraid to call a spade a spade. At last month's stockholders' meeting, Mr. Horton sharply criticized the so-called Electric Power Reliability Act of 1969.

In an expansionist era, where inflation and the pressure to hedge against rising prices and costs have become a way of life, it also takes guts to retrench. Yet twice within the past year, Southern California Edison Co. has made this hard choice. Last summer, for example, it cancelled plans for a $750 million project on the ground that costs had risen far beyond the original estimates. Ten days ago the company disclosed that it was pulling out of a proposed scheme to build, at a cost of nearly $1 billion, six coal-fired generating stations in Arizona and New Mexico. Said the outspoken Mr. Horton: "The size of this investment at a time when the cost of capital is at its highest level in 40 years" forced the company to conclude that the project "isn't a sound business venture for Edison and its customers."

From the head of one of the top-rated utilities in the country, that's quite a comment. Southern California Edison Co., after all, ranks as the fourth-largest U.S. operating electric company; prior to 1968, earnings had advanced uninterruptedly for a decade, while, over the same span, sales of energy enjoyed a compound annual growth rate of nearly 10%. Yet even this highly successful concern has drawn the line at today's towering interest rates and construction costs. The example strikes us as singularly instructive. For one thing, it tends to indicate that disinflationary policies, pursued long and hard enough, sooner or later start to work. What's bad for Southern California Edison Co. ought to give pause to a good many other concerns. Dollars-and-cents calculations should cut equally deep in the public sector, which no longer can afford to play fast-and-loose with the taxpayer's money. Onward and upward and hang the expense, has been the exuberant watchword. Now sober second thought suggests that return on capital is what really counts.

Non-pecuniary factors, such as corporate pride and prestige, doubtless contributed to the original decision to participate. For by any yardstick these were extraordinary ventures. The first—cancelled last July—called for the construction of two nuclear power plants and a 40-acre man-made island off the California coast, on which would have arisen "flash evaporator" facilities, capable initially of desalting 50 million gallons of sea water per day. Southern California Edison would have shared the commitment, originally put at $444 million (in 1965), with San Diego Gas & Electric and the Los Angeles Department of Water and Power; the U.S. Atomic Energy Commission, moreover, had pledged $72 million for the "demonstration project," which the White House loftily conceived of as the first of a "whole family" of facilities designed to make the desert bloom. The blueprints scrapped the other day were even more ambitious: six coal-fired generating stations (three near Page, Ariz., and three at Four Corners N.M.), with total capacity of five million kilowatts and an estimated cost of $920 million. On this one, the Bureau of Reclamation had promised a $105 million advance in return for future delivery of 475,000 kw.

Federal involvement in both projects may have influenced management's final rejection. As Mr. Horton cryptically remarked, his company concluded that it "would have lacked a satisfactory degree of control over the planning, construction and operating aspects of that portion of the project upon which it would have depended to serve its customers." The basic reasons for bowing out, however, were plainly financial. In particular, the nuclear desalting installation, which originally weighed in at $444 million, wound up on the drawing boards last Spring at an estimated $765 million. By the same token, to finance its share of Four Corners-Page, SoCal Edison, as a double-A-rated utility, could scarcely have sold 20- or 30-year bonds at less than 7½% in today's capital market, terms at which the chairman of the board understandably boggled.

So tight money is having an impact, one that is apt to grow more pronounced. Thus, S. Jay Levy, noted economist, points out in the latest issue of Industry Forecast: "There are several indications that weakness in profits, expectations that the economy will turn sluggish, and the high returns on top-grade corporate bonds are discouraging capital investment." With the effective cost of money for most private borrowers pushing 10%, they certainly ought to. Similar forces should be at work in the bloated public sector, where input-output and return on investment traditionally have carried scant weight. On this score, it's worth noting that the bureaucracy, in computing fixed costs of federal prospects, uses not the going rate of interest but a fictitious one tied to the average yield on outstanding, long-term government bonds. This figure went from an absurdly low 3¼% to 4⅝% on January 1; come July 1, it's slated to inch up to 4⅞%, still far short of what the Treasury is paying on 90-day bills.

Again, whereas most private utilities, use depreciation schedules which, in effect, write off facilities in approximately 30 years, officialdom has fixed the useful life of federal facilities at a century (a nice round figure which former Secretary of the Interior Udall arbitarily chose to replace the former 50-year span). During his long and costly tenure, Interior also opted for capitalizing, in calculating ratios of benefits to costs, such dubious assets as recreation, aid to wildlife and freedom from water pollution. Pork-barrel projects constituted an extravagant use of natural resources in the best of times. Today they are an unbearable waste.

SUCCESS OF TITAN III

Mr. MURPHY. Mr. President, we have heard much of the failures—real or imagined—of the so-called military industrial complex of late. I am old enough to remember that it was once referred to as the industrial-military-scientific complex. Unfortunately, it is not often that the success or accomplishment of great technical aims is reported by the press. Of course, photographs and accounts of the flights of our astronauts are fully reported, but there are many elements that go into the flights which are ignored.

It is, however, with special pride that I direct attention today to the Air Force's highly successful Titan III launch vehicle program. I am proud that many of my constituents have participated in this truly significant project and have had a great deal to do with its success. I, therefore, believe that they should be congratulated publicly.

On April 10, 1969, American Aviation Publication's Aerospace Daily devoted its attention to the Titan III and I ask unanimous consent to have this important article printed in the RECORD.

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

AIR FORCE'S HIGHLY SUCCESSFUL TITAN III R. & D. PROGRAM NEARING COMPLETION

The 17th and final launch in the Titan III research and development program is scheduled for May 23 at Cape Kennedy. The payload will be two Vela nuclear detection satellites and three small research vehicles.

Assuming the four-stage launch vehicle continues its outstanding record of success, the R&D process which began with Department of Defense go-ahead on Dec. 1, 1962, will post a record unparalleled in U.S. space and missile development.

Not the least of the Titan III's records will be the fact that the R&D phase will be closed out with total program R&D expenditure only "6% over the cost figures defined seven years earlier," according to Col. Walter R. Taliferro, deputy for launch vehicles, Air Force Space and Missile Systems Organization (SAMSO).

Total program cost will be approximately $1.06 billion against a 1962 target of $850 million—a 30% increase—but all except some $51 million of the increase can be directly traced to two factors beyond the control of SAMSO.

First of these is the cost of the Viet Nam war and its effect on the original Titan III development schedule, which resulted in a DOD-directed stretchout.

SE ASIA COMMITMENTS TAKE TOLL

Secondly, the same Southeast Asia commitment cut heavily into the monies available for the many military space system development and space experiments postulated for the late 1960s. Payloads became few and far between resulting in yet another order to stretch out the launch series.

Indirectly, however, this additional stretchout was due in part because of the Titan III's phenomenal success. Although, until the 17th launch is accomplished the program still is an R&D effort, with the exception of three launches on which ballast was carried, both the Titan III A and C vehicles have carried multi-million dollar research and operational satellites.

In this area also, millions have been saved the American taxpayer in terms of the "free rides" given such systems as the Initial Defense Communications Satellite Program (IDCSP) spacecraft, Vela spacecraft, the huge Taccomsat (world's largest communications satellite), Lincoln Experimental Satellite

(LES), very high and ultra high frequency communications experiments and the Gemini B heat shield qualification test.

With the IDCSP satellites alone some $1 million per satellite was saved using the multiple launch capability of the Titan IIIC as opposed to launching them single with a vehicle like the Thor Delta. Cost of a Titan IIIC including hardware, "typical payload integration costs", launch services and preliminary tracking through orbital injection is $20 million. Authoritative sources put the cost of a Thor Delta at $1.5 million for the Thor, $.9 million for the Delta stage, $.1 million for the injection stage required for synchronous equatorial orbit, and launch costs from $1 to $1.8 million—aproximately $3.5 million to place one IDCSP satellite in orbit as compared with $20 million for eight-at-one time with Titan IIIC.

Taking a closer look at the 6% increase over the 1962 cost estimate of $850 million for a 45-month development effort, the management fortitude and expertise of the Titan III team becomes even more significant. It becomes clear this also includes the costs of the "product improvement program" which has resulted in the production prototype subsystems flown on the last Titan IIIC and included in the eight-vehicle follow-on production order now in force. These included a new universal payload shroud, a new monopropellant attitude control system for the transtage, a lighter transtage and cost-reduction/reliability improvements to the solid rocket motors.

Col. Taliferro, who along with Maj. Gen. Joseph S. Bleymaier (then colonel) and Brig. Gen. David V. Miller (also then a colonel) is a former Titan III System Program Director (SPD), credits the success of the program to "the fact the 'powers that be' gave us enough men of the caliber necessary to adequately monitor the program." Taliferro feels strongly that it is not enough to enunciate to the industrial contractor team what you want to accomplish in terms of defining and then maintaining costs.

"You've got to be right there to see that they do it," he declares.

With the 17th launch out of the way, Titan IIIC looks ahead largely to supporting military programs at Cape Kennedy most of which will be classified to one degree or another. All that Taliferro can say is that continued shortage of R&D dollars in the future can be expected and thus the launch rate for the production vehicles will be correspondingly slow. In the offing, however, is the fact NASA has said it plans to use the Titan IIIC for the Viking program (Mars 1973). Informed sources say NASA probably also will use the Titan IIIC for ATS F & G. In addition Comsat Corp. still is considering the Titan IIIB (unmanned version using Agena upper stage and without strap-on solid motors) for Intelsat.

At Vandenberg AFB, Calif., the Titan IIIB now supports classified military launches and next year the Titan IIID/B version with strap-ons is expected to begin launching "bigger and better" military payloads. A fifth version of the Titan III—the M for the MOL—also is under development and the first unmanned launch now is scheduled for early 1971 from Vandenberg.

LATEST SUPREME COURT DECISION CURBING PRIVATE CLUBS

Mr. THURMOND. Mr. President, the Supreme Court has taken another step toward an end which is most distressing to all Americans who believe in the personal freedom of individual citizens of this country; that is, a grant of power to the Federal Government to regulate the personal activities of private individuals to virtually any extent.

Using as its authority the beleaguered commerce clause, which has now been prostituted beyond belief, the Court has determined that a recreational area in Arkansas which had been operating as a private club can no longer choose its membership because it may have served food which at one time traveled in interstate commerce.

Mr. Justice Black, the lone dissenter, stated:

> This would be stretching the commerce clause so as to give the Federal Government complete control over every little remote country place of recreation in every nook and cranny of every one of the fifty states. This goes too far for me.

Mr. President, it goes too far for me, also.

Every time I read one of these fantastic decisions, I feel that it must be the ultimate, that surely the Court will not attempt to go any further; but then a case such as this is handed down. In taking the reasoning in this decision to its logical conclusion, we can see that there is very little we do which does not "affect commerce" as that term has been defined by the Court.

Mr. President, the Court has used the commerce clause of the Constitution to attempt to cure any and all situations which they feel amount to social injustice. It matters not that some may agree that such an attempt is very laudatory. The fact is that the Court has no right—much less duty—to use a portion of the Constitution as a panacea for any social ills which may beset the country. Authority in this area lies with the legislative branch, and I, for one, am tired of seeing that authority subverted by the Supreme Court.

In yesterday's Evening Star, David Lawrence has an excellent article which clearly demonstrates the far-reaching implications and the inherent dangers of the precedent set forth in this decision.

Mr. President, I ask unanimous consent that the article, "Curbing of Private Club Ominous" by David Lawrence, published in the June 4, 1969, edition of the Evening Star be printed in the RECORD.

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

CURBING OF PRIVATE CLUB OMINOUS

(By David Lawrence)

The Supreme Court of the United States has just rendered a significant decision which could someday be interpreted as meaning that Congress has an almost unlimited right to regulate the private lives of the American people.

While the objective of the decision—to prevent racial discrimination—is a worthy one, the grounds on which the high court based its ruling are bound to be viewed as an intrusion into the personal relationships of individuals.

The case at issue arose because, in an isolated area of Arkansas, a private recreation center was established, and the owners felt they had a right to select their members or visitors. Under the Civil Rights Act of 1964, Congress prohibited discrimination or segregation at places of public accommodation whose operations "affect commerce." Included in these are "any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment." The question was whether the Lake Nixon Club in Arkansas was a public place of entertainment or a private club exempt under the act.

The majority opinion of the court declared that the power of Congress to "regulate commerce" means that any facility can be regulated if it serves food that comes from other states and if any interstate travelers frequent the premises. In this case, the recreation area consists of a swimming pool, a snack bar, some paddle boats and other recreational facilities.

The fact that the club in Arkansas sold food and leased boats which may have come from outside the state, and that some visitors might have crossed state lines, was enough to bolster the court's contention that the club was actually subject to the congressional power to "regulate" interstate commerce.

Justice Black, in a minority opinion, challenged the reasoning which had been used in invoking the commerce clause. He said:

"It seems clear to me that neither the paddle boats nor the locally leased juke box are sufficient to justify a holding that the operation of Lake Nixon (Club) affects interstate commerce within the meaning of the (Civil Rights) Act. While it is the duty of courts to enforce this important act, we are not called on, nor should we hold subject to that act this country people's recreation center, lying in what may be, so far as we know, a little 'sleepy hollow' between Arkansas Hills miles away from any interstate highway.

"This would be stretching the commerce clause so as to give the federal government complete control over every little remote country place of recreation in every nook and cranny of every precinct and county in every one of the fifty states. This goes too far for me."

Justice Black indicated clearly his belief that the commerce clause cannot be "stretched" to cover everything that happens in "interstate commerce." For if it can be, then Congress can use it to rearrange the whole pattern not only of business life but of individual recreation. It could even be argued that the operations of certain companies, however local in character, affect "interstate commerce" and that they must hire individuals on a quota basis. The mere suspicion that discrimination might have motivated the choice of their employes would appear, according to this latest decision, to be adequate to make such requirements.

If the crusade against discrimination by reason of race, religion or color is to be carried to the point of including every business or home which purchases something from outside the state, then restrictions can be imposed not only to regulate the sale of private property but also to govern all private club or organizations which directly or indirectly use any goods manufactured in other states.

The "stretching" of the Constitution in the latest case can be remedied by Congress, which could clarify its own meaning in the Civil Rights Act of 1964 and state specifically that the rights of the individual shall not be impaired, even though the worthy objective of abolishing discrimination is being sought.

PRESIDENT NIXON'S SPEECH AT AIR FORCE ACADEMY

Mr. THURMOND. Mr. President, yesterday, the President of the United States took the opportunity of addressing the graduates of the U.S. Air Force Academy to lay down his basic vision of the world today. It is vitally important that our international policies be based upon a realistic outlook. We must see the world as it really is. We must not look at the world with the rosy glasses of

wishful thinking. The President's message was a message that stirred the sentiments of all men who know that progress must be based upon realism.

In his address, the President launched an attack against the defeatists and the isolationists. He stressed that our policies could be built only on a clear assessment of the enemies' capabilities. He said:

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

Such talk is indeed refreshing. President Nixon, as a candidate, promised this Nation respite from unrealistic foreign policy. Here he has laid down some basic principles. As the weeks go on, we will have an opportunity to see these principles in action. We have major questions before us—the settlement of the Vietnam war, and arms talks with the Soviet Union. We have never before heard such refreshing realism on the eve of such discussions.

But the President went beyond such immediate questions. He touched the issue of a nation's greatness, and what causes the national spirit to expand. He said:

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

Mr. President, we have waited a long time to hear such words. It is wonderful to hear something truly inspirational. This address indicates that a new spirit is invigorating our country.

THE CURRENT CONTROVERSY INVOLVING ASSOCIATE JUSTICE DOUGLAS

Mr. CURTIS. Mr. President, there is a growing concern in the country about our courts. It is imperative that all the facts be presented. The vast, vast majority of our judges are men of integrity and the highest character. We owe it to the judges who have conducted themselves properly to pinpoint the wrongdoing and thus avoid blanket criticisms of our entire Federal bench. I wish to speak on the current controversy involving Associate Justice Douglas.

Recent comments in the daily press have indicated that, first, Justice Douglas criticized the investigation by the Internal Revenue Service of the Parvin Foundation as a "manufactured case", and, second, gave advice and counsel on how the Parvin Foundation finances should be handled in the future. These acts and utterances by Justice Douglas are not surprising as he was the paid president and director of the Parvin Foundation at an annual stipend of $12,000.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "What Did Douglas Say?" and published in the Washington Daily News on May 28, 1969.

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

WHAT DID DOUGLAS SAY?

Let's look closely at the latest developments in the case of Supreme Court Justice William O. Douglas' involvement with the Parvin Foundation, which until recently owned stock in Las Vegas gambling casinos.

The other day Albert Parvin, millionaire Los Angeles businessman who created the Parvin Foundation in 1960, made many of the foundation's records available to a New York Times reporter.

Mr. Parvin's purpose, according to The Times' report, was to show that "nothing the foundation has done is in any way wrong."

Mr. Parvin may have done well by this strategy for his foundation.

But, the way it looks to us, he certainly delivered a double-whammo to his erstwhile colleague, the Supreme Court Justice, who had been serving as president and director of the foundation at $12,000 per year since its founding. (Justice Douglas' resignation from the foundation was announced last Friday.)

From in the records laid before him, the reporter spotted a letter from Justice Douglas to Mr. Parvin dated May 12 of this year in which the Justice was said to have written that the Internal Revenue Service's investigation of the Parvin Foundation was a "manufactured case" intended to force him to leave the bench.

The reporter also wrote that Justice Douglas insisted in his letter that the allegations of the revenue service must be fought and gave advice on how foundation finances should be handled in the future to unquestionably set them aside from Mr. Parvin's control or the implication of control.

Now if what the reporter said Justice Douglas wrote is true, grave questions of judicial propriety are raised.

How could a judge with such feelings toward the IRS rule on any tax case involving the IRS in the future? And as Rep. H. R. Gross of Iowa has said, there are laws that bar a Supreme Court justice from giving legal advice.

Justice Douglas has insisted thru a spokesman that he "knew very little" about the foundation's tax problems. Well, if not, how was he able to call it a "manufactured case" as he was said to have stated in the letter?

The justice says he has no objection to release of any documents in the foundation's possession but his successor as foundation president says the letter is a personal communication between Justice Douglas and Mr. Parvin.

This letter is most important. It involves the fitness of Justice Douglas to continue on the nation's highest bench.

It should be produced by the individuals involved, or obtained by the Justice Department. And publication should make clear whether another resignation should be speedily forthcoming.

Mr. CURTIS. Mr. President, what is most disturbing, however, is the relationship and connection between Justice Douglas, Albert Parvin, the Parvin Foundation, the Parvin-Dohrmann Corp., and two individuals who appeared as witnesses before the Senate Rules Committee during the Bobby Baker investigation. These witnesses, one of whom took refuge behind the fifth amendment and refused to testify, are Edward Levinson and Edward Torres. What is most disturbing is that both Messrs. Levinson and Torres were on the same payroll with a Justice of the U.S. Supreme Court. Not only have Torres and Levinson been employed by and owned an interest in the Parvin-owned Fremont Hotel and gambling casino in Las Vegas, but Torres also owns 63,000 Parvin shares. This information comes from the Washington Post article of May 22, 1969.

The relationship between these four men, Justice Douglas and Messrs. Parvin, Levinson, and Torres, does not stop at the point where they are all receiving money from gangster-operated Las Vegas gambling casinos.

In a letter dated May 12, 1969, from Douglas to Parvin, the Justice is reported to have said the IRS's investigation of the Parvin Foundation was a "manufactured case" intended to get him—Justice Douglas—off the Supreme Court.

At this point, the tax problems and the records of Justice Douglas' associates, Messrs. Levinson and Torres, should be examined.

Mr. Levinson has a long record linking him with the numbers rackets, bookmakers, and gambling interests. He appeared before the Senate Rules Committee on Monday, March 2, 1964, and acknowledged that he was being investigated by agencies of the executive branch of our Government but declined to testify. Specifically, Mr. Levinson refused to tell our committee, first, whether he knew Bobby Baker—which he did; second, whether he was an officer, director, and stockholder in Bobby Baker's Serv-U-Corporation—which he was; and third, whether he was involved with Fred Black, Jr., and Bobby Baker in business transactions with the Farmers and Merchants Bank of Tulsa, Okla., the District of Columbia National Bank and North American Aviation—which he was—and generally refused to answer all questions propounded to him except that he had an office in the Fremont Hotel in Las Vegas.

Subsequent to his appearance before the Rules Committee, Levinson pleaded "no contest" to a charge of helping file falsified income tax forms and was thereafter fined $5,000. The question is how Mr. Levinson's dispute with the Internal Revenue Service would have fared on appeal to the Supreme Court? Would Justice Douglas, who was on the same Parvin payroll as Levinson, have had the fortitude to disqualify himself?

Additionally, Ed Levinson's problems with the law, and his connection with the Cosa Nostra, have been given wide national publicity. The September 8, 1967, issue of Life magazine carried an article by Sandy Smith entitled, "Mobsters in the Marketplace." That publication alleged:

The true bonanza the Mob has struck in legitimate business is "skimming"—diverting a portion of cash receipts off the top to avoid taxes. Chiefly for this reason the tycoons of Cosa Nostra tend to flock to any enterprise that has a heavy flow of cash—vending machine companies, jukebox firms, cigarette machine routes, some box offices and ticket agencies (the scalping of sports and theater tickets is a form of skim), and, of course, licensed gambling casinos. Then they proceed to steal large sums before they can be entered on the books and come under the eye of the IRS.

It follows that the money derived from the skim is ideal for greasing the wheels of organized crime. It pays off politicians, crooked cops and killers. It is also used as tax-free bonuses to persons with no gang connections at all—only greed. One well-known film star, for example, received $4,000 under the table in addition to his one-week contract price of $20,000.

A single jukebox or cigarette machine business may yield thousands in skim. FBI agents in Chicago discovered that Eddie Vogel in a period of a few months skimmed $130,000 from his music and vending machines. He and Momo Giancana actually counted it up amid the linens and tomato paste in a back room of an Italian restaurant, the Armory Lounge.

The biggest skim yet discovered took place in the legalized gambling casinos of Las Vegas from 1960 to 1965; many details of it are being disclosed here for the first time. Its breakup by federal agencies has sent the Mob scurrying all over the world—to places like England, the Caribbean, Latin America and the Middle East—in search of a bonanza to replace its profits. Some $12 million a year was skimmed for gangsters in just six Las Vegas casinos: the Fremont, the Sands, the Flamingo, the Horseshoe, the Desert Inn and the Stardust.

One notable example of a skimming transaction concerned $75,000 owed to the Fremont and Desert Inn by Alexander Guterma, a celebrated swindler. The money was collected, but never reached casino ledgers. It was conveyed as skim through Panama branches of Swiss banks by Eusebio Antonio Morales, at that time Panama's alternate delegate to the United Nations. (Currently Morales is Panamanian ambassador to the United Kingdom.)

Las Vegas is one of the so-called "open" territories agreed upon by the Mob, where all Cosa Nostra families are relatively free to operate and invest. The carving up of the gambling skim among various Cosa Nostra leaders follows a ratio determined by each mobster's secret interests in the casinos. Each hidden share of a casino was priced in underworld markets at $52,500. The dividend on each share was $2,000 a month—or about 45% annual return.

During the lush years of 1960–65, Gerardo (Jerry) Catena's gang in New Jersey split up some $50,000 a month. Meyer Lansky and Vincent Alo, the Cosa Nostra shadow assigned to keep Lansky honest with the brotherhood, picked off some $80,000 a month. The Catena-Alo-Lansky money came from four of the six casinos—the Fremont, Sands, Flamingo, Horseshoe. Momo Giancana's take, from the Desert Inn and the Stardust, exceeded $65,000 a month. From the same two casinos, the Cleveland gang chief, John Scalish, received another $52,000 a month.

Skimming in Las Vegas, from casino counting room to Swiss bank, has always been overseen by Lansky, the Cosa Nostra Commission's most important non-member—always with the Cosa Nostra heavies peering over *his* shoulder. As cashier and den father of delivermen, Lansky has remained the indispensable man.

A recurrent problem for Lansky's Las Vegas front men and accountants has been the reconciliation of the interests of a casino's owners-of-record, who hoped to profit, and its secret gangster owners, hungrily awaiting their skimming dividends. "How can you steal money and pay dividends?" Ed Levinson, chief of the Fremont Casino, once besought one of his partners. "You can't steal $100,000 a month and pay dividends. If you steal $50,000. Well, maybe . . ."

Each month, when the skim was running smoothly, the bagmen shuttled between Las Vegas and Miami with satchels of cash. The couriers also brought the skim from Bahamian casinos to Miami. There Lansky counted it all, took his own cut and then parceled out the rest to the couriers who were to carry it to the designated Cosa Nostra hoods, or to the Swiss banks where they have their accounts.

Lansky's bagmen have been a diverse and colorful lot. Among his all-stars from 1960 to 1965: Benjamin Sigelbaum, 64, business partner of Robert G. (Bobby) Baker when Baker was secretary of the Democratic majority in the U.S. Senate. Sigelbaum is a man with general affinity for political connections.

What makes the allegations in the Life magazine article most disturbing is that Parvin, with Douglas on the payroll of his foundation, bought into the Fremont in 1966, and maintained a business relationship with Levinson and Torres for the continued operation of the Fremont and possibly other gambling casinos. It would seem almost inconceivable that Parvin and even possibly Justice Douglas did not know of the skimming operation taking place at the Fremont, when everyone who reads Life magazine knew what was going on. Justice Douglas might want to comment on his knowledge of Parvin's involvement with these "mobsters," and the public might well wonder how much Mrs. Fortas, Parvin's tax lawyer, knew of his financial connections in the Las Vegas gambling arena.

Justice Douglas may wish to comment on why he continued on the Parvin Foundation payroll 20 months after the Life magazine article appeared. Edward Torres, when appearing before the Rules Committee on Thursday, February 27, 1964, also gave his address as the Fremont Hotel in Las Vegas.

Mr. Torres told the committee he was, first, a friend of Ed Levinson; second, an officer in the Fremont Hotel and Casino in charge of the business operation; third, a stockholder in the Serv-U-Corp., and that he made $50,000 on the sale of that company's stock; and, fourth, that he had heard Ed Levinson say that Bobby Baker and Fred Black, Jr., were good friends of his.

Unfortunately, Mr. Torres did not tell our committee about a possible grand jury investigation of his financial affairs.

It would seem that Mr. Torres could have violated title 18, United States Code, section 1621—the perjury statute—during the course of a civil suit instituted by the Bank of America to recover on a $25,000 note issued by Mr. Torres.

There was information to suggest that the Bank of America became the "holder in due course" of the note, which was merely a sham and a fiction by which Mr. Torres could provide himself with a legitimate and accounted-for source of funds with which he could use to purchase an interest in the Fremont Hotel and Casino. Again, query: How a perjury conviction of Mr. Torres, a Parvin employee and associate, would have fared on appeal to the Supreme Court?

An article entitled "Parvin Foundation Made Huge Profit on Casinos" appeared in the Washington Daily News, June 4, 1969. Mr. President, I ask unanimous consent that that article be printed in the RECORD at this point.

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

DOUGLAS WAS DIRECTOR: PARVIN FOUNDATION MADE HUGE PROFIT ON CASINOS

Newly disclosed tax records show that the Albert Parvin Foundation earned a 10-fold profit by selling its interest in Las Vegas gambling casinos while Supreme Court Justice William O. Douglas was its director.

Records made public by the Internal Revenue Service showed the foundation began selling its stock in the Parvin-Dohrmann Co. last November. The first sale was 9,500 shares for $468,533.

The Parvin-Dohrmann Co. owns the Stardust, Freemont and Alladin hotels and gambling casinos in Las Vegas. Foundation spokesmen said they have disposed of the remaining shares in the firm this year for an estimated $2 million.

The $2.5 million total sale price represents a 10-fold increase in the value of the stock over that listed in prior tax returns.

The latest tax return also records that the foundation continued to pay Justice Douglas the $12,000 annual salary for serving as its director during 1968. The foundation also made a $20,000 grant to the Center for the Study of Democratic Institutions, which Justice Douglas also serves as a director.

RESIGNED POST

Justice Douglas resigned from his post with the Parvin Foundation last month.

The stock sale by the foundation does not end its ties with the Parvin-Dohrmann firm or with the casinos, according to the records.

The returns showed the foundation owned a $49,000 "interest in Hotel Flamingo custodian account trust," as well as owing the firm a $700,000 balance on an earlier loan.

Internal Revenue Service spokesmen would neither confirm nor deny that the loan was under investigation as possibly bearing on the foundation's tax-exempt status.

The return also listed nearly $59,000 in fellowships for foreign students at Princeton and the University of California at Los Angeles.

Mr. CURTIS. Mr. President, why was there such a close tie between Justice Douglas and Mr. Ralph Ginsberg, the publisher of a magazine called Agvant Garde? The record seems clear that Mr. Ginsberg has been convicted 28 times for offenses relating to pornography. One of his convictions was reversed by the Supreme Court on a 5-to-4 decision with Justice Douglas voting with the majority.

There seems to be no dispute over the fact that Mr. Ginsberg has paid Justice Douglas for at least one article appearing in this publication. I would like also to call attention of the Senate to a full-page ad which appeared in the New York Times on Saturday, May 24, 1969. This was an advertisement for the Avant Garde. As part of its selling argument it stated that the magazine would carry some engraving called "Picasso's erotic engravings." This full-page ad describes these engravings as "a series of pictures portraying every aspect of sexual pleasure." An interesting factor in this paid ad is that it lists some of the contributors to Avant Garde articles; included in the list is the name "William O. Douglas." The same ad was run in the New York Times as a full-page ad on Sunday, June 1, 1969. In the June 1 ad, the name of "William O. Douglas" is omitted from the list of contributors.

If it was wrong for a Justice of the Supreme Court to lend his name to a pornographic publication on June 1, why was it all right to do it on May 24?

This record before the Senate today raises many questions about Justice Wil-

liam O. Douglas. Moreover, the record demands a thorough disclosure and exposure of all of the facts and circumstances surrounding any and all contacts between Mr. Justice William O. Douglas and Albert Parvin, his foundation and corporations which were connected with organized gambling, and Edward Levinson and Edward Torres. Every American has a right to have confidence in the integrity of our judicial system, and the integrity of the judges who comprise our courts.

Mr. President, an editorial entitled "Deeper and Deeper," concerning Mr. Justice Douglas, was published in the Omaha World-Herald on May 30, 1969. I ask unanimous consent that the editorial may be printed in the RECORD.

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

DEEPER AND DEEPER

Supreme Court Justice William O. Douglas is getting into controversy over his outside activities. It appears that the questions raised by his association with Albert Parvin and the Parvin Foundation have not been answered satisfactorily by his resignation from the presidency of the foundation

The latest development is publication of some of the details in a letter written by Douglas to Parvin May 12.

Douglas is reported to have urged Parvin to fight allegations made by Internal Revenue Service agents investigating the foundation's handling of funds from its investments.

In the view of Iowa Congressman H. R. Gross, this advice appears to amount to practicing law, which Douglas is prohibited by federal statute from doing.

In another section of the letter, Douglas is reported to have written that the IRS probe of the foundation is a "manufactured case" designed to force Douglas to resign from the Supreme Court.

The IRS has countered with the statement that it has been examining the foundation's affairs for "several years."

So far neither Douglas nor Parvin has denied the authenticity of the reporting of the contents of the letter. Fred Warner Neal, who succeeded Douglas as president of the foundation, has acknowledged that Parvin showed a copy of the letter to a New York Times reporter.

Even though Douglas has formally severed his official ties with the foundation, there remains a large question as to the propriety of his having been associated with it in the first place. The direct connection of Albert Parvin and the foundation to Las Vegas gambling interests should have made the whole enterprise off limits to a judge of normal discretion.

There also is the question raised by Rep. Gross as to the propriety and legality of Douglas' advice to Parvin as to how he should conduct himself in the IRS investigation.

There also is a question relating to Douglas' attitude toward the IRS. If he believes that the agency is out to get him, as he indicated in the letter, his impartiality in court cases involving the IRS might be suspect.

Finally, there is the suggestion made this week by Sen. Paul Fannin, R-Ariz., that Douglas may have received outside income from sources other than the Parvin Foundation.

Fannin said he is investigating this new line of inquiry, and described himself as "concerned" about Douglas' other sources of income. The senator said he will decide early next week whether he will ask for a formal investigation by the Senate Judiciary Committee.

An investigation seems to be very much in order. So much has been revealed or suggested about Douglas that a shadow has been cast on his judgment and discretion. No Supreme Court justice can function effectively with such a shadow over him.

THE PROPOSED OIL REFINERY AT MACHIASPORT, MAINE

Mr. KENNEDY. Mr. President, some time ago, an excellent article, dealing with the conflict over the proposed refinery at Machiasport, Maine, and the overall structure of the oil import program and the oil industry, generally, appeared in Business Week magazine. This article is one of the most comprehensive and objective studies of the industry and the privileges it enjoys that has ever appeared in a national magazine.

I recommend it to all Senators who share an interest in the protection of the taxpayers and consumers interests and I ask unanimous consent that it be printed in the RECORD.

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

THE YEAR OIL GETS ITS LUMPS

Eight weeks ago the president of Gulf Oil Corp., the chairman of Humble Oil & Refining Co. and independent operators from Michigan, Ohio, and Pennsylvania—as well as Texas and Oklahoma—flew into Washington for what they trusted would be a ritualistic defense of oil's special position in the Internal Revenue code.

Presidential candidate Richard Nixon had publicly backed the 27½% depletion allowance, mainstay of a system of tax preference worth (depending on who's counting) anything from $1.6-billion to $3-billion a year. And taking the oath of office had no discernible effect on his views. Though Treasury officials were hard at work on a tax reform package, the word had quietly gotten around that oil would not be one of their major targets.

Ranged before the House Ways & Means Committee, the oilmen comfortably expected that their traditional arguments would get traditionally friendly reception on Capitol Hill. Never in the 43 years since the depletion provision was first written into the tax code had the Ways & Means Committee made the slightest threatening gesture toward it.

Before long, however, the oilmen were not feeling so comfortable.

Revolt. "I don't think I have ever been so startled," one major company vice-president recalls. "There was Johnny Byrnes acting just like Bill Proxmire." Representative John W. Byrnes of Wisconsin, the ranking Republican member of the tax writing group, long had been considered a tested "friend of oil." Now, like his fellow Wisconsinite, Senator William Proxmire, he was complaining about giant oil companies that paid little or no taxes.

In recent weeks, Ways & Means Chairman Wilbur D. Mills (D.-Ark.) has taken the same line. In public statements and in private talks with oil lobbyists, he has made quite clear that the petroleum industry will figure prominently in any broad move toward tax reform. "Depletion has become a symbol," Mills says, and must get at least a "symbolic reduction."

Nothing safe. The defection of Byrnes and Mills is only the most recent, if perhaps most serious, evidence of oil's ebbing political fortunes. A "taxpayers' revolt" focusing on the industry's privileged tax position; a raucous public fight with New England over a foreign trade zone at Machiasport, Me.; an off-shore drilling accident that spilled thousands of barrels of crude into the Santa Barbara channel; all these have turned the tide against the industry that once had the most formidable position in Washington.

"There has been a sharp change in the political environment facing the oil industry," says Frank Ikard, a former Texas congressman who left a seat on Ways & Means seven years ago for the presidency of the American Petroleum Institute. Another old Washington hand put the matter more succinctly: "This is the year we get our lumps."

Nothing appears to be safe in the boiling controversy that surrounds the politics of oil. The tax incentives that have sustained the industry since 1926, the prorationing system that since 1933 has kept surplus crude off the market, the import quotas that have insulated domestic producers from foreign pressures for the past decade, all suddenly have become very open questions. And how well they stand up in Washington over the next six months or so may determine the shape of the oil business for years to come.

LOOKING AT THE TAB FOR THE QUOTA SYSTEM

More than anything else, it has been the "Battle of Machiasport" that has given critics of oil their rallying ground. But in return no issue in years has so united the often feuding segments of the industry.

It started last May with a complex proposal by Occidental Petroleum Co. to build a 300,000-bbl.-a-day refinery at the tiny fishing village of Machiasport, Me. Stripped to essentials, it was a bold plan to use the device of a foreign trade zone to carve out a special place in the oil import program for New England—and, of course, for Occidental itself. Somehow, it seemed to stretch all of the weak seams in a quota system that had already developed almost intolerable strains.

Cure for surplus: That system—officially, the Mandatory Oil Import Program—was instituted in 1959 to insulate the U.S. domestic industry from the effects of a world-wide oil glut.

By the late 1950s the Middle East had come into its own, with major finds in Kuwait and Saudi Arabia and the rapid buildup of production in Iran and Iraq. The European market had been pretty well saturated; Japan was being taken care of. The next logical move for Arab oil was to the U.S. East Coast.

The prospect appalled the purely domestic producers, who were groaning under surplus capacity themselves.

Disappointed. The quota system provided a breakwater against the expected wave of foreign crude. Imports were restricted to a set proportion of domestic demand—12.2% for the area east of the Rockies, for example. Import licenses, or "tickets," were widely dispersed among refiners so that it was no longer feasible to design a plant to run entirely on foreign crude.

One after another, the majors junked plans to build refineries on the East Coast. Without guaranteed access to foreign crude it was better to build near the oilfields and ship the products.

It was natural for New England to resent the oil import program. It found itself on the tail end of a long, expensive transportation line that began, New Englanders figured, at refineries they had lost to Texas. As the price of home heating oil, the major petroleum product sold in the region, rose from 15.37¢ a gal. in 1964 to 17.57¢ in 1968; New England seethed.

Battle cry. Into this emotional cauldron came Occidental Chairman Hammer, with a promise to build one of the world's largest refineries and to reduce heating oil prices by a healthy 10%. New England welcomed him with open arms—and its politicians agreed to fight for his plan in Washington. A major battle was inevitable.

The oil import "ticket" is a valuable commodity being, in effect, a license to import oil at $2 a bbl. that is worth about $3.25 as

soon as it clears customs (the duty is only 10½¢). With about 1.5-million bbl. a day allowed, this means that domestic refiners—who get tickets in rough proportion to their plant capacity—share a subsidy worth about $600-million a year.

Occidental's Machiasport proposal was widely regarded as a bold raid on this kitty. Under the existing program Occidental could have looked for a quota equal to about 9% of its refinery runs. Now it was asking for tickets equal to about one-third. This could be done by reducing the share of the other companies.

Turnabout.—Almost without exception, oil companies jumped on Machiasport to prevent the oil import program from collapsing in a competitive melee for import tickets. Independent producers were worried about maintaining prices; independent refiners were worried about the subsidy, which for some represents their margin of profit; and the giant international oil companies were as anxious as anyone else to maintain the import wall around the U.S. market.

This somewhat surprising turnabout by the internationals stems from a basic change in the world market—international oil's version of the cost-price squeeze.

STRANGE BEDFELLOWS

The enormous oil reserves of the Middle East, together with major finds in Libya and now Nigeria, have had their inevitable effect on prices. Posted prices have remained steady, largely because of pressure from the Organization of Petroleum Exporting Countries. But the price at which crude actually is traded internationally has dropped to as low as $1.20 a barrel—and product prices have followed in Europe and Japan.

The cost of production from the Middle East fields has remained ridiculously low—no more than 12¢ a bbl., figures MIT economist Morris A. Adelman. But the Arabs have proved demanding hosts: Their take now is about 85¢ a bbl. and due to rise under a recent agreement. According to First National City Bank, the earnings on Middle East oil dropped from 77.1¢ a bbl. in 1957 to 37.5¢ in 1967.

The upshot is obvious. Suddenly, even to the free-trading international oil companies, a protected U.S. market looks good. What they lose by having their excess crude kept out of this country, they gain back by having profits floor under their extensive U.S. operations. Besides, keeping the U.S. nearly self-sufficient in oil enhances their bargaining position with the producing governments.

Upping the ante. So crucial is the U.S. oil import program now to the international majors that some appear ready to give up the $600-million import quota subsidy as the price for maintaining the restrictions intact. It is not one the majors want to embrace publicly for fear of stirring up independent refiners.

Many in the industry also are convinced that it would be politic to do something special for New England—if, as one corporate president puts it privately "we don't have to swallow Armand Hammer." Meanwhile, however, the New Englanders have raised the ante and now seem more interested in knocking out the import program itself than in getting a single refinery built in Maine.

WHO PAYS THE BILL?

The debate over Machiasport has underscored how expensive the oil import program is for consumers. As most economists and anti-oil politicians see it, the restrictions cut the U.S. off from economic forces that might otherwise halve the price of crude oil. In effect, says MIT's Adelman, consumers pay $4-billion a year more for oil than they would in a free market.

"There must be a more efficient and more equitable way to safeguard the national security," says Senator Edward Kennedy (D–Mass.). "This is the only legal purpose the program has."

Confrontation. In hearings before the Senate antitrust subcommittee last March, leading academic experts on the oil industry questioned whether the national security required the current high-cost protection of the domestic oil industry.

"It is not just the consumer who pays the cost," says Walter Adams, professor of economics and acting president of Michigan State University. "The restrictions also hurt those American industries which use oil as a raw material and must then sell their finished products in competitive world markets."

The petrochemical industry has, in fact, begun to take its case against the oil import program to Washington—and this is another reason for oil's political difficulties. Petrochemical people have made a strong pitch to the Nixon Administration that unless they get access to cheap foreign feedstocks in the U.S. they will be forced to build plants abroad.

Next week the oil companies go before the antitrust subcommittee chaired by Michigan Senator Philip Hart, who has no particular love for them. They will be trying to answer the economists on Capitol Hill. But their real target will be Labor Secretary George P. Shultz, former dean of the School of Business at the University of Chicago.

Nixon has given Shultz a broad franchise to take a "fresh look" at the import program—and six months to come up with recommendations. It is a ticklish job, even for a skilled mediator. And, sooner or later, he will have to come to grips with the essential question of whether maintaining the present size and shape of the domestic oil industry is worth the cost to consumers.

This issue—the social cost of government policies that encourage and protect U.S. oil production—is at the root of the political turmoil surrounding the petroleum industry. Washington seems to have rediscovered the basic economic fact that if oil is getting special treatment, it's getting it at the expense of other sectors of the economy.

THE WALLS AROUND DOMESTIC PRODUCERS

Both the import program and the tax incentives that center around the 27½% depletion allowance are designed to foster the domestic oil producing industry. The first involves a transfer of $4-billion from consumers, in the form of higher prices; the second, according to Treasury estimates, involves a transfer of $1.6-billion from other taxpayers. Together, they total close to the net profits for the entire industry.

Yet, despite all the subsidies, direct and indirect, profits in petroleum are not inordinately high. The rate of return on equity for oil companies is about average for manufacturing—13%.

What does the industry do with all that money? Both economists and oil men come up with the same answer—though they draw strikingly different policy conclusions: mostly, it is "drilled up" in the search for excess reserves.

STATE REGULATION

With tax breaks and high prices, people have been encouraged to hunt for oil in less promising areas and to maintain production from marginal wells. The economic results are predictable: Since World War II there has been a persistent surplus of crude production capacity. And the burden of carrying this excess has steadily pushed average costs closer and closer to prices.

Most of the industry argues that this spare capacity is essential to national security—and well worth the public cost.

Still, few deny that the management of surplus reserves in the U.S. has unnecessarily reduced the economic efficiency of the industry. Market demand prorationing, says Alfred E. Kahn of Cornell University, "raises costs as well as prices."

Conservation. Prorationing is just about the only surviving descendent of the New Deal's National Recovery Act, which sponsored industry codes to put a floor under depression era prices. The complex system is run by oil-producing states but enforced nationally through the Connally "hot oil" Act, which makes it illegal to transport across state lines oil produced in excess of state allowables.

There is a conservation purpose behind much of the state regulation. Without some controls, operators tapping the same pool of oil would try to get the jump on each other. They would pump as fast as possible even if it meant decreasing pressures—and reducing eventual recovery. This is exactly what happened in East Texas before 1933.

But the two major oil states, Texas and Louisiana, regulate with one eye on the well pressures and the other on crude prices. They make sure that oil is not produced in excess of actual market demand—meaning that surpluses do not affect prices.

Low efficiency. Ultimately, the consumers pay through higher prices for keeping surplus oil in the ground. But producers also share the burden by not being able to extract oil at the optimum rate. High-cost "stripper wells," those running no more than 10 bbl. per day, are given full rein; low-cost flowing wells are shut in a good part of the time (about 50 percent in Texas). Oilmen say that this arrangement is necessary to prevent the loss of oil from marginal wells. But it also has the effect of raising the average cost of producing a barrel of crude.

Obviously, anything that knocked off the marginal producers would increase the economic efficiency of the industry. And this is just what opponents of the oil import program and percentage depletion are urging, even though many admit it means reducing the effective level of U.S. oil reserves. Ending import restrictions would lower domestic crude prices by as much as $1.25 a bbl. Ending depletion and other special tax incentives would, Treasury economists figure, have the same effect on oil profits as a price drop of 90 cents a bbl.

THE INDEPENDENT MIND

Everyone in the oil industry would be thrown for a loop. But the sector that would really take it in the neck would be the independent producers who have carved out a position in an industry that made the term "vertical integration" a household word only because of high crude prices and special tax privileges.

Most independents are, as Netus A. Steed, president of the Texas Independent Producers and Royalty Owners Assn. told the House Ways & Means Committee, "caretakers of the nation's . . . marginal production operations." By and large, they search for oil in places the integrated majors don't bother to look. (Partly this is because few can swing the huge outlays needed to explore in the most promising areas offshore and in the Arctic.) Already their importance is declining. Anything that disturbs the existing delicate balance will push many of them out.

Interestingly enough, the independents are less wedded to the 27½% depletion allowance than other oilmen. Recently Steed wrote President Nixon that if oil had to be the object of tax reform, "some reduction in the 27½% depletion factor might well be sustained without irreparable injury."

This departure from an industry article of faith is a tipoff that independents, like the majors, think that something may well be done about oil's special tax position. As long as everyone could assume that nothing would happen, the industry could present a united front. Now, as one Washington lobbyist sees it: "Everyone is going into the back room with a deal."

Little hurt. A small cut in the percentage would not hurt independents much because they are high-cost producers.

As the law reads, operators can deduct 27½% of the gross value of oil at the wellhead, but only up to 50% of the net income of the property. Marginal producers tend to bump up against this ceiling so that the actual depletion rate is less than the formal limit. It is not unusual for owners of secondary recovery wells to realize only a 10% depletion allowance.

The major oil companies, and some of the larger independents, own the "flush" wells where the margin between net and gross income is narrow. For them the 50% of net income limit is not a serious problem, and a cut in the official depletion rate would have an immediate impact.

Intangibles. The majors would like quietly to turn Washington's attention to the second strand in the web of oil tax provisions—the option of deducting intangible drilling costs (such as wages involved in operating a rig) as a business expense rather than depreciating them as capital charges.

To the independents, however, "intangibles" are the best thing they have going for them. They do a disproportionate share of exploratory drilling, and get a bigger chunk of the $300-million a year the industry saves in taxes through intangibles than they do of the $1.3-billion it nets through depletion.

Moreover, the intangible option allows them to write off costs in the first year, when the net income from newly discovered wells is relatively high. This gives them more leeway for the 50% depletion limit in later years when the ratio of net to gross income widens. All of this is in addition to the cash flow effect of fast write-offs, which is important to small businesses with restricted access to external financing.

Loopholes. For similar reasons, the independents are dead against the two reforms that the Nixon Administration is sponsoring—changes in the tax treatment of "carved-out production payments" and "ABC transaction."

According to the Treasury Dept., the oil industry uses production payments to evade the 50% limit on depletion. By selling a claim on future production in a year in which the ceiling is a real limit, an operator can boost his net income and realize more on depletion. The deal is frequently made so that the operator can take a tax loss while the carve-out is being paid.

Treasury figures that it will gain $200-million a year if the carve-out loophole is closed. The independents say that they will lose a valuable source of liquid capital. Similarly, independent producers claim that they would have the most to lose by restrictions on ABC transactions—complex tripartite deals in which wealthy individuals agree to finance the sale of a oilfield in return for access to the depletion allowance.

TIME AND EVENTS WORK AGAINST OIL

There was a time when reformers' discussions of these loopholes would have been academic. Oil had so many powerful "friends in court" that for every Proxmire that questioned the industry's tax status, a dozen congressmen of both political parties would have risen to oil's defense.

Today, oil confronts its political crisis with a power base that is considerably diminished, the result both of the vicissitudes of time and some basic changes in U.S. politics.

Turnover. Historically, the countryside had given the industry its muscle in Washington. With much of the nation's farmland under lease and some 30 states with producing wells, rural congressmen never had far to look to find a constituent interest in oil. And lobbyists carefully cultivated the sense of identity with campaign contributions and support for key committee assignments for the faithful.

Now Capitol Hill is showing the effects of court-ordered redistricting. The one man-one vote doctrine has replaced rural politicians with urban congressmen who just can't afford to be identified with the oil industry.

Turnovers in Congressional leadership also have weakened the industry's position. A decade ago, House Speaker Sam Rayburn, Senate Majority Leader Lyndon Johnson and Senator Robert S. Kerr (D-Okla.) formed a powerful triumvirate for the protection of oil's interests on Capitol Hill. Now about the only committed friend whose position makes him much of a help is Russell B. Long of Louisiana, the mercurial chairman of the Senate Finance Committee.

New group. The shift in Congressional make-up and the change in leadership are both reflected in the oil industry's inhospitable reception at the tax-writing Ways & Means Committee. It was always an open secret in Washington that Rayburn quizzed applicants on depletion before making assignments to Ways & Means—and the committee's vote always showed it. Since Rayburn's death in 1961, however, 11 of 15 Democrats have been replaced and 7 of 10 Republicans.

"It's a new group down there," says one lobbyist, "and they couldn't care less about the oil industry." Congressional insiders are convinced that in deciding to do something "symbolic" about depletion, Mills is reacting more to changes in his committee than to the thousands of letters from irate taxpayers.

The antis. It is not, however, the steady erosion of its friends that spells real political trouble for the oil industry. A much more foreboding development has been growth of a powerful Congressional bloc that is consciously and actively hostile to oil's interests.

Dozens of congressmen and senators seem eager to put their names on any piece of legislation—so long as it chips away at what they consider the structure of oil industry privilege. There are bills floating around Capitol Hill that would reduce the 27½% depletion provision, deny it on foreign operations, end federal cooperation with state prorationing, phase out the import control program. And there have been a stream of round-robin letters asking the Justice Dept. to investigate alleged "monopolistic" practices of the oil industry, with particular emphasis on the recent round of gasoline price increases.

The anti-oil forces include such perennial gadflys as Senator Proxmire and Senator John Williams (R-Del.). But they also include some of the most powerful men in American politics, such as Senators Kennedy of Massachusetts and Muskie of Maine.

Probably no other industry in the U.S. has had to withstand the political heat these men have generated over the past several months. But if current activity on Capitol Hill is any criterion, the oil industry hasn't seen anything yet.

The politics of oil will never again be quite the same.

DEFENDING THE RIGHT TO PRIVACY

Mr. HARTKE. Mr. President, the wise and distinguished junior Senator from Nevada (Mr. CANNON) has written an article of exceptional importance to all Americans. That article, published in the magazine Science & Mechanics for July 1969, is entitled "We Must Stop Snooping Into Our Private Lives." It deals factually, eloquently, and, I must say, frighteningly, with the burgeoning problem of electronic eavesdropping—a problem which is all too likely to constitute a major harassment for large numbers of Americans unless action is taken now to curtail it.

I commend this timely and important article to the attention of all Members of the Congress of the United States, and ask, Mr. President, unanimous consent that it be printed in its entirety at this point in the RECORD.

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

WE MUST STOP THE SNOOPING INTO OUR PRIVATE LIVES

(By Senator HOWARD W. CANNON)

Freedom is our most precious export, yet today at home we encourage practices that deny the freedoms we profess to prize. A free state, as we all know, is based on the privacy of its individuals; a police state on surveillance. Yet today we allow Federal and local police to tap telephones, bug homes and offices, survey almost every aspect of our citizens' lives—a trend that can lead to an Orwellian society here at home, where neighbor will spy on neighbor, child inform on parents, and a frightening Big Brother government strangle the freedoms of our people.

How can such a menacing situation exist? Crime in our day has multiplied. But in the past we have combatted it with traditional methods, methods commensurate with the climate of a free society. Today we apply a new method, the sophisticated wiretap, the bug. And developed through scientific research, the transistor, and the space industry's micro-miniaturization, we now have devices so subtle, so sophisticated they can go undetected yet "hear" through brick and steel, "hear" conversations thousands of miles away. And they fit into a pocket, a tie, a lapel, even a cuff-link or a martini so the overheard victim is unaware his conversation is recorded.

One is so tiny it could pass for an aspirin tablet. Another for an olive in a martini. Another is as thin as a dime. One the size of a postage stamp. A "fountain pen" can be clipped to a man's pocket and record a conversation; a "package of cigarettes" enclose a microphone and recorder; a watch on the wrist, a listening device. In an apartment or home, a lamp, an ashtray, an oil painting on the wall, a book on the table or in the bookcase can be "listening."

There is one parabolic microphone that will hear conversations blocks away. A spike driven into an apartment wall "hears" conversations throughout the apartment. A two-way mirror, consisting of a thinly-coated piece of plastic with a recording device attached can both "see" and "hear" persons in a room.

Most frightening of all, though, I believe, is the device that can record a conversation held in Los Angeles, three thousand miles away, in New York. As advertised in its manufacturer's catalogue: "Dial. Activate the beeper and you are listening to all conversations being held on the premises where the transmitter was installed. The phone in the room will never ring. Occupants have no way of knowing their every word is being transmitted to wherever you are."

Development of such devices has naturally encouraged their use. And while our Federal courts and most of our State courts have for 25 years resisted wiretapped evidence, by Federal law it is now permitted. And by more recent order, your home, your office, my home, and my office can be bugged if you are suspected of criminal activity. This activity does not need mean we are suspect of activity in organized crime, the purported target of our zealous enforcers. We could be suspect of illegal gambling, bribery, and embezzlement.

To comprehend what this may mean, let's take a look at the records gathered in recent exhaustive Senate Committee hearings. On February 28, 1964, former Senator Edward V. Long, then Chairman of the Senate Subcommittee on Administrative Practices and Procedure submitted a detailed questionnaire on invasion of privacy to all government agencies

not dealing with national security. Questions asked concerned purchases and use by civilian agencies of miniature recording devices, miniature transmitters and concealed microphones. The reluctant answers that trickled into the Committee revealed that *sixty Government agencies purchased and used snooping devices.*

Long's Committee discovered one agency, Internal Revenue, even sent its agents to school, taught them in a seven-week course how to pick locks, install hidden microphones, and monitor telephone calls. Upon graduation, some 30 agents a year were given wiretap kits, electronic surveillance devices and sets of burglar tools for breaking and entering. When asked the purpose of the tools, one graduate agent answered for "surreptitious entry." Asked if this didn't mean "breaking and entering" which is against the law, the agent answered he did not know, he was not a lawyer. But if he was "trained to wiretap" he assumed he was "expected to wiretap" as part of his "official duty."

Shocked and appalled, the Committee probed further. Revenue agents, they found, had at times purchased trucks from the Bell Telephone Company, repainted the trucks, equipped and disguised their men as Bell Telephone employees, then sent them out onto the highways to climb poles and tap telephone lines. Granted, some years ago Internal Revenue was instructed by the Justice Department to use all available electronic means to investigate tax affairs of major racketeers, but this zeal to combat crime should not encourage the enforcers themselves to break the law. Nor did this electronic snooping at the time stop at the crime level. As one of my colleagues put it, the victim of the resultant electronic anarchy was not the criminal, but the American citizen.

Revenue became so "observation-oriented" that the call of a taxpayer to an IRS agent was monitored by an IRS supervisor. When a taxpayer talked to an agent in a Government conference room, the conversation was bugged by a permanent concealed "listener." Our Senate Committee discovered it was official policy for "Revenue" to monitor its employees' telephone calls without their knowledge or consent.

Are these the tactics, the practices we expect in a free nation? Practices that utterly disregard the right of privacy so diligently protected by our forefathers? If these practices become flagrant in one agency of Government, certainly they can spread to others. And they have. In 1961 the Attorney General asked Congress for authority to tap telephones in a mammoth effort to combat organized crime. Memorandum IRD-94 was issued, not only authorizing surveillance of criminal cases, but setting up the Organized Crime Division in the Justice Department. Within weeks agents of some 26 agencies swung behind the new Division's efforts, and wiretapping and bugging became everyday duty for thousands of employees of the Federal Government. A field agent would request an OCD number—and few were refused—and the targeted person was immediately subjected to a massive investigation. "Justice" termed it the "saturation investigation." To some of the more zealous agents, a person tagged was guilty before a crime was cited.

This is flagrant reversal of our traditional law enforcement procedures and our citizens' Constitution-protected rights. Traditionally a crime is detected; the police then set out to find the person or persons who committed the crime. OCD spotted the suspect then extended its massive effort to find the crime the "criminal" was guilty of.

Our Pittsburgh Revenue agent told the Senate Committee he would not have thought of the consequences no matter what he was asked to do in this campaign. "Those of us who were in the organized crime drive all felt very proud to be a part of it." But when asked if he didn't think "surveillance," also meant "breaking and entering" and that this was against the law, he admitted he was "overzealous." He excused the fact he had been a party to illegally entering an office with, "We were trying to obtain evidence of this racket association."

Is this our way to fight crime? Do our law enforcement men believe because their intentions are good and their purpose is pure they are above the law themselves? Law enforcement is not a one-way street. This dangerous trend can, and has, seeped to lower local police levels.

One Revenue agent testified that when he had been a Detroit police officer he had set up a number of taps. He had tapped the phone of a gambling syndicate; he had gone into the basement of an apartment house to tap the phone of a house of prostitution. Another time he had climbed a pole in broad daylight to put a tap on a phone—collecting "basic intelligence," he explained to the Committee. His actions were sort of a "know-your-enemy" program. If he knew the weaknesses of the people he would know how to "work the case." In the house of prostitution he wanted to know where the girls came from. In tapping the syndicate office: "I established once and for all there is a national syndicate in this country. I also established in my mind the influence it has. I felt it was worth the effort to find this out . . . Once and for all, to prove it to myself!"

Did these explanations warrant violation of the Constitutional rights of our citizens? Even a suspected criminal is entitled to the protective procedures guaranteed in our Bill of Rights and Constitution. While we must move vigorously and unequivocally to wipe out violence, to meet the challenge of crime and keep our streets safe, the way to achieve these aims is not through breaking the law and trampling upon the rights of the accused.

Former Attorney General Ramsey Clark says enforcement of law is the first duty of government. But he believes our crime problem can be solved by giving our police forces the manpower they need, the training they need, the techniques and the faith they need. As Detroit Police Commissioner Ray Girardin put it, "Wiretapping is an outrageous tactic. It is not necessary and has no place in law enforcement." The only exception to him would be where the security of the nation is involved. "All this bugging flap and most of the time we get nothing," complained another prosecutor, while Attorney General of California, Stanley Mosk, now Justice of the California Supreme Court, says he is not for wiretapping and does not want it.

Ironically, the crimes which affect the lives of all our citizens and which aroused the Congress to the point where it had to consider such far-reaching federal legislation as the Omnibus Crime Control and Safe Streets Act of 1968, are not even touched by electronic surveillance methods. Our citizens are faced every day with the spectre of street crime, robbery, riots and violence; criminal activity which cannot be controlled or stopped by a "bug."

Clearly the case for wiretapping as a means of combatting crime has not been proved. What has been proved is misguided zeal for this method has exposed thousands of our citizens to indecent exposure of their Constitution-guaranteed privacy. In time we could see the confessional booth "invaded," along with the doctor's office, and the hospital. In San Francisco, the Pacific Telephone and Telegraph Company admitted to our Committee they had leased monitoring lines under the pretext of "service observations" to a hospital—a line that overheard conversations between doctors and patients, husbands and wives.

AT&T frankly admits it leases equipment to Federal agencies and private firms for "observation." The president of a bank, a newspaper, an insurance firm, anyone who cares to pay the price and install the system, can simply sit back in his air-conditioned office and listen in on the telephone calls of his employees.

An AT&T official admitted that until the time the Long Committee started probing "invasion of privacy," Bell Telephone Company operators listened in to personal telephone calls up to ten minutes in length. In 1965, their girls listened to over 39 million telephone calls. Here again, the private conversations of husband and wife, daughter and mother, doctor and patient, were all fair game under the guise of service-monitoring.

While AT&T says this practice is stopped now, recent developments have opened wide a Pandora's box of surveillance on our private lives. At least for 25 years there was some attempt to leash this fiendish practice. Wiretap evidence was forbidden in court; the practice officially condemned. Recently, though, this nefarious intrusion into our private lives has been given Federal blessing. Last June, Congress passed the Omnibus Crime Control and Safe Streets Act, finally permitting wiretap evidence in court.

More recently, Attorney General John Mitchell took a more frightening step. Government agents, if they suspect you or me or any person of any crime, not just major, organized crime, but any one of a long list of crimes ranging right down to illegal gambling, can now bug or tap your home and office for 48 hours, on suspicion. To continue after 48 hours they must go to a judge and get a warrant similar to a search warrant. Warrant in hand, they can bug or tap for 30 days. And this warrant can be renewed indefinitely. Our more critical lawyers already dub the preliminary period the "48-hour fishing expedition," and point to the loophole that if one judge refuses a Federal agent, the agent can "tap" another judge until the agent gets the warrant he wants.

While we are now told that this drastic new power to snoop into our private lives will be used judiciously, one critic points up that no one will know at any one time when his office or home is bugged or his conversation overheard, so, like the tax audit, it will keep us all on our toes! Is this the climate we choose to live in? The climate our forefathers fought so hard to establish? We must realize if America is to lose its freedoms, it will not be through war, but through our failure to act in time to stop such obnoxious practices as wiretapping and other forms of snooping which are foreign to the very spirit of the laws of this nation and the preservation of freedom itself.

As my colleague from Hawaii Hiram L. Fong puts it, we may soon, if the trend is not curbed, live in a nation of fear—a police state. We have already taken the "new road."

D-DAY PLUS A QUARTER CENTURY

Mrs. SMITH. Mr. President, tomorrow is the 25th anniversary of D-Day in World War II, when Allied forces under the command of Gen. Dwight D. Eisenhower stormed the beaches of Normandy and southern France to launch the crusade in Europe.

The Maine department commander of the American Legion has drafted a stirring statement commemorating this anniversary. While the statement is not for publication until tomorrow, I ask unanimous consent, since the Senate will not be in session tomorrow, that the statement be printed in the RECORD.

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

D-DAY PLUS A QUARTER CENTURY

(By Daniel E. Lambert, department commander, American Legion)

There probably is no more significant single day in the history of modern warfare than June 6, 1944, when Allied forces more than two and three quarter million strong, stormed the beaches of Normandy and Southern France to launch the Crusade in Europe.

As we note the 25th anniversary of this momentous event our thoughts go back to yesteryear, to gallant men whose life's blood was spilled on the soil they struggled to liberate from the grasp of the tyrant, and both very tender and very terrifying experiences crowd the memory.

The veterans of the nation also very sadly note the recent loss of the brilliant Supreme Allied Commander to whom the leadership was entrusted on D-Day, General of the Army, Dwight D. Eisenhower.

All the hell that is warfare was unleashed that day . . . and in the next eleven months it spread all across Europe. In less than a year it was all over, but in that short span of time the door to eternity opened to receive millions of God's children, friend and foe alike. The world was gravely wounded, but when it was over we worked to bind up the wounds, to heal humanity as quickly as possible, to start over as best we could.

The toll was staggering, but the world survived. A tyrannical force was obliterated and men who had labored under its yoke were once more privileged to breathe the sweet air of freedom. Even today, a quarter of a century later, men continue to try to assess the cost and to determine if it was worth it.

When we consider what the condition of mankind and of humanity might be today, had the victory not been ours, there should be little question as to whether or not it was worthwhile.

It is always our fondest hope and our most fervent prayers that man shall never wreak such havoc upon himself and such destruction upon God's earth.

And of those who fought along side of us in the battle for freedom, what shall we say of them? We shall never see their like again in our time . . . nor their courage and conviction. Theirs was the light that did not fail . . . and their courage an example which will live forever.

Let us have the courage to build a greater nation . . . and a better world . . . as a tribute to our gallant comrades in arms.

D-Day plus a quarter-Century . . . and time is running out. Can we do less than build for the future?

PUBLICATIONS EXPLANATORY OF THE TRUTH-IN-LENDING ACT

Mr. McGEE. Mr. President, I invite the attention of Senators to a little book, just 31 pages long, entitled "How Federal Truth in Lending Affects You and Your Business," published by Prentice-Hall and available for sale in Washington by Montag Associates. This book is a very excellent primer for individuals and some businessmen who need to know the meaning of the truth-in-lending statute enacted by Congress last year, Public Law 90–321. A companion to the publication is "What You Should Know When You Borrow Money or Buy on Credit," which is a pocket-sized pamphlet, just 11 pages long. It lays out clearly and very simply some basic rules on borrowing and lending under the provisions of the 1968 act.

I believe this would be of particular benefit to individuals who rely heavily upon credit in their ordinary lives or in their businesses, as a great many of us do, and I recommend it to the public.

DR. YUAN-LI WU, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR POLICY PLANNING AND ARMS CONTROL

Mr. GOLDWATER. Mr. President, this morning it was my pleasure to attend the ceremonies in the Pentagon at which Dr. Yuan-Li Wu was sworn in as Deputy Assistant Secretary of Defense for Policy Planning and Arms Control. I have known Dr. Wu for a number of years. I hold him in high regard as a citizen, a statesman, a scientist and a man. After the swearing-in, Dr. Wu asked that he be heard for a few moments, and he read a statement which he had composed before the ceremonies. That this man, who now occupies the highest position any Chinese-born American has ever held, would ask to express his feelings about his adopted country touched me to the point that I asked permission from him to have the statement placed in the RECORD, so that more people can know the type of man who is now helping in our defense.

I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT BY MR. YUAN-LI WU

I know of no other major country in the world that would accord an immigrant citizen the honor the United States has just accorded me this morning. I will do everything I can to deserve it. My obligation to this country and to my fellow citizens goes, however, far beyond this. For my wife and I were twice refugees in our lifetime, from the Nazis in the '30's, from the Communists in the '40's. The United States has given us a haven of liberty and personal security; my fellow Americans, in their generosity of spirit, have accepted us among them. We are not citizens by birth right; we have become citizens by adoption. Believe me, when I say that we know how precious is the gift to be Americans. It is this gift that I must seek to repay over and above the honor granted me today that I must earn to deserve.

Under the leadership of my superiors and in cooperation with my colleagues I shall endeavor to serve our country well. I shall follow the spirit of the few lines which I hope you will permit me to quote, and which are my favorite, from Micah, Chapter Six, Verse Eight:

"It hath been told thee, O man,
What is good and what the Lord doth require of thee:
Only to do justly, and to love mercy,
And to walk humbly with thy God."

SHOULD THE GUN CONTROL ACT OF 1968 BE AMENDED?

Mr. CURTIS. Mr. President, when the recent Gun Control Act was passed the intent was repeatedly expressed that the Congress should not burden the law-abiding citizen who wanted to engage in such lawful activities as hunting, trapshooting and the like. The expression was freely made that the acquisition and possession of firearms for such lawful purposes was not to be discouraged.

It appears that the protection anticipated for individuals in small businesses is not a reality under the Gun Control Act. For instance, one manufacturer of ammunition reports that the orders received this year for ammunition are from only one-half of the number of distributors that ordered in 1968. The distributors who have not ordered ammunition are grocery, sundry, automotive parts, and candy and tobacco wholesalers. It is wholesalers such as this who traditionally service the independent rural outlets for merchandise. It is apparent that the stores and gasoline stations selling merchandise in these rural areas have not been applying for licenses under the Gun Control Act.

Some may point out that the license fee for a small ammunition dealer is only $10. This is not the full story. The gun control law placed upon such dealer considerable burdens of recordkeeping such as registering the individual purchases of sporting ammunition by giving in addition to a description of the items purchased their name, address, and date of birth, which must be supported by identification. This becomes cumbersome when we remember that over 4 billion rounds of sporting ammunition are sold annually in units of 20 to 50. Many of these sales are of .22-caliber rimfire ammunition packaged in 60 million retail cartons of 50 each selling for less than $1. In some instances, the cost of the bookkeeping will exceed the cost of the merchandise. Certainly in all instances the cost of the bookkeeping exceeds the profit to be made from the sale of the ammunition.

Mr. President, will such burdensome regulation of law-abiding citizens decrease crime in the United States? Should not the appropriate committees of Congress give consideration to amending the Gun Control Act of 1968 by exempting sporting ammunition from its provisions? Should these burdens be continued on the legitimate sportsman, small operators, and the personnel of the U.S. Treasury without any meaningful benefit to crime prevention or law enforcement?

ADDRESS BY PROF. McKIM MARRIOTT, OF THE UNIVERSITY OF CHICAGO

Mr. McGEE. Mr. President, shortly before leaving his post in New Delhi after 6 years of sterling service as U.S. Ambassador to India, the Honorable Chester Bowles sent me the transcript of a talk delivered in New Delhi by Prof. McKim Marriott, of the University of Chicago.

Mr. Marriott is a social anthropologist. In this talk to the U.S. Embassy staff in New Delhi, he reported on his experiences with one conservative village in the Indian State of Utter Pradesh. Over a period of years, between Professor Marriott's first study of the village in the early 1950's and his recent return there, great changes have occurred. In this transcript he tells of the changes—of people learning to use new seed and fertilizer, of people becoming familiar with technology, of houses being lighted by electricity, and of more young people going to school and attending longer. All in all, he concludes, his story is one of what can work when people take over for themselves, as the people of this Indian village have done. It is a very encouraging report, Mr. President, particularly if we realize that it is but an example of the growth and development in India.

Mr. President, I ask unanimous consent that Professor Marriott's talk be printed in the RECORD.

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

CHANGES IN AN INDIAN VILLAGE

(Transcript of a talk by Prof. McKim Marriott, University of Chicago, in New Delhi, India, December 19, 1968)

I am a social anthropologist. In 1950 I went to Aligarh District in western U.P. to study a conservative village. It is 100 miles from New Delhi. I have now returned to that village for six months of study. I have been there for six weeks so far.

This was and is a very conservative place. I chose it because it was as far as I could get from a paved road, or railway station, or city. It is 14 miles from the nearest town—Aligarh city—14 miles south of Aligarh. It was and still is six miles from any road.

The economy of the village when I first arrived there—spring of 1951—was mostly based on barley, field peas, gram, some oilseed crops and unimproved wheat. The yields were poor. The villagers thought they were doing quite well, however; they thought they had very good land.

They did have a shortage of water. The water was 30 or 40 feet down in the ground. To get the water up to their crops they lowered leather buckets and raised them again by using the labor of several men and bullocks, and very slow work it was to irrigate the average holding.

The average farm was fairly small, around nine or ten acres. And there were about 850 people in the village then. There were 35 to 40 principal tenants in the village. It was a landlord village at the time, and most of the farmers were Brahmins.

The people were not getting very much food and we were always saying they were not getting enough food to eat. They ate twice a day. Mostly they had *roti*, bread, grain food, but in the morning they would eat carrots and have a little buttermilk if they had milk in the house.

About a third of the grain crops were sold outside for cash. Prices were rising at that time, and landlord tenures were being abolished. In the year I was there there was a great deal of official pressure, that is, the administrators of the province, the collectors and assistant collectors, etc., were coming in and demanding that the tenants pay 10 times their annual rent in order to buy out the landlord and become permanent owners with transferable rights. The tenants did not want to pay 10 times their rent. But they were threatened by court proceedings and eventually most of them paid.

People felt very worried about government officials; concerned about what government might do to them. In 1952, after looking at the technology of the village, I wrote a paper in which I said I thought there was a very narrow margin for realizing the changes that were being proposed. There were, of course, some ideas about community development in 1952. The Ford Foundation came in at that time, a power project had been begun, and there were suggestions about improved practices. But it seemed to me that in 1950–52 there was a kind of overdeveloped situation in which there just wasn't any margin.

I say overdeveloped rather than underdeveloped because everything was being used to the utmost. If you went to the village in the hot weather, in the month of May, you would find leaves cut off trees and every blade of grass dug up by the roots and fed to the animals because fodder was so scarce. You would find just a few fodder crops standing at that time, because the farmers were still busy threshing their crops from the winter harvest. It took a long time to do the threshing, and they didn't have the bullocks to raise water for crops that might have grown in the hot weather.

Everything was very scarce. Every last calorie seemed to be extracted from the environment. Manure, of course, was being used in the fields when it could be. I say "of course" because there was a belief that farmers in the Ganges valley generally didn't know about the value of things like manure. The farmers did know about it. It was just that it was necessary to burn a good part of it as fuel, because there was no other source of fuel.

There had been seeds around in government seed stores for some time, but there were objections to using them, because the terms of credit were very difficult. The villagers had to repay in kind on the date required, or else they suffered severe penalties. Also, the seeds that were offered were undesirable. They couldn't grind the grain in their stone grinding mills, they said they didn't like the straw that grew underneath the grain (they had to have something their animals could eat too), they didn't like the taste of the new wheat, etc.

So they were not going to use these seeds and the yields were not really that much better. It seemed to me, however, that they had looked at the possibilities. They were ready for technological improvements if somehow they could be made feasible and if they could trust the supplier to give them necessary flexibility in selling the crop.

I should say a little about the social organization. It was a very traditional village with 24 different castes.

A couple of landlords had large shares in the village produce, collecting taxes and putting a portion of that money in their pockets. But there was an elite then of about 25 per cent of the population that controlled all productive resources of the village. The remainder of the population was entirely dependent on those people and on each other for a living.

Many people in the village were then working as servants for the landowners, ritual servants of many kinds; about 15 different kinds of ritual services were provided in the village. The Hindu *jajmani* system (as it is called by sociologists, at least) was certainly well exemplified in that village. All sorts of little things, little bits of perfume, little bits of massaging and dusting, and obeisances of various kinds offered up; small gifts given to the servants, barbers, potters, and carpenters; several different kinds of religious mendicants, all of them trying to make a living off the farmer.

The farmer really didn't have a great deal of surplus, but he did divide it up according to traditional shares—little bits of food going to each one of the servants. There was then a kind of patronage system which was under strain because the farmers didn't really have enough to support all the hungry people in the village who were traditionally dependent on them.

The village council had very few powers then, though a *panchayat* had been passed in U.P. In the old village council the Brahmins, with the majority of the power in the village because of their land control, were effectively carrying on the village council's business by themselves and putting an official stamp on whatever they chose to do, despite the opposition of other factions.

I might say a little about the religion of the village and other cultural features. Everything was oral then. There were very, very few literate people in the village, perhaps 20 people in the village had gone as far as the fifth grade and there were no literate women. Stories were told on every festival—there were old women telling stories—they never had to look in a book, it was all in their heads. Only a couple of landlords had books, and they only had one or two sacred volumes.

There were about 15 festivals and most of them were very hard to connect with famous Indian festivals. Diwali, for example, had become a tradition. In oral tradition the four or five different characters in village stories don't appear in any of the Hindu sacred books; but they were the reason for celebrating that festival.

The kind of stories people told were dependency stories, like being good and getting along well with the gods, being good to your relatives with virtue accruing to you for doing so, or a woman worshipping her husband and bringing him back to life after death, and so on. And then there was one day in which everything was upset. All nice stories about how the castes behaved and women behaved and the lower people behaved to their masters were turned upside down at Holi, a spring festival, a very intense Saturnalia of about 5 days in which everybody did the opposite. The women beat the men and the low castes threw mud on the high castes and everybody got high on pot.

It was a nice kind of well-balanced social system, and it kind of delighted me as an anthropologist. Others might have said there was a great deal of room for improvement.

Well, I went away from this village for 16½ years. I read the newspapers a little, and I had a few letters from the village in the meantime. I didn't know much about what was going on, but when I read the newspapers I only heard about problems.

Things were terrible. Community projects were very slow in getting started and not adequate; personnel and supplies were very scarce. I didn't think that much would happen in this village of mine under those circumstances, because it was a sort of backwater on the edge of an administrative area and got very little attention from officials. Very few of them ever got there, because six miles was always just a little bit too far to come on a bicycle or walk.

Well, let me tell you a little about the changes that occurred. There had been the Village *Panchayat* Act in 1951 which had set up the village council. Nobody wanted to run for village council while I was there. The officer would come in and say, "Well, now, who do you want," and nobody would hold up his hand, and he would say "Who's got some land here, who are the elders," and he would write down some names and say, "Now you have to buy a one-rupee ticket in order to be a candidate for election," and nobody would want to pay the rupee. They were very reluctant to get into politics at all, and thought it was some kind of a hoax. They would sit around and say, "I have paid two rupees or one rupee and now what—you see, this is all nonsense."

That was 1951–52. Then came the zamindari abolition. I told you how the tenants did not want to have zamindari abolished, at least they didn't want to have it abolished if they had to pay for it. The Government of U.P. was very interested in collecting that 10 times price for development-fund purposes. They were pledged to pay off the landlords. They hoped to get a good deal of return from this money, but the tenants were very reluctant, and it was producing a lot of strain between the officials and the tenants.

In 1958 I learned that the lands had been consolidated. There were about 150 plots, I believe, and they were consolidated into something like half that number. That seemed interesting. I expected there would be a great deal of quarreling over that one, because hardly anybody's happy when he has to trade his land in for some other land.

In 1961 (now, I'm telling you what I learned when I came back to the village) the first government tube-well was put in. It was bored successfully, a lot of water came out of it. I think it was 1962 or 1963 when the first power line came through that would provide power to farmers who wanted to use it for tube-wells. The first private tube-well was built in 1962 using the government tube-well line, and since then eight or ten private tube-wells have been built in the village.

Each one of these represents an investment of something like seven to eleven thousand rupees, with credit from the local land banks, I believe.

In 1962 another important event occurred. A farmer moved into the village who had never lived there before—a relative by marriage to some people who had lived there before. He was an ex-landlord from another part of the district and he bought about 10 acres of land.

He had tried some improved seeds and new fertilizer in 1961 in his own village. In 1962 he tried it in my village and it was quite successful The next year eight or ten other farmers tried it, and they too were successful. By 1964 everybody was falling over himself to get the new seeds and new fertilizers.

The demonstration by one villager who had taken the initiative was extremely convincing. Tube-wells then began being built. Farmers say they can amortize the cost of one of the large tube-wells in as little as three years, so it is obviously a very profitable thing.

Their production has gone up—they say they are getting at least twice what they were getting before—and they are certainly getting more than twice the money because prices have been rising all along. The price is about three times what it was.

With more money the first thing the people did was build five new temples in the village. These were not very big temples but there hadn't been any temples in the village—only one very unimportant little structure.

They then bought some other things. They put a lot of money into new seeds, fertilizers, water, and into whatever it took to get the new crop started. There are a lot of new crops in the village. Barley has gone way down. Wheat has come up accompanied by a lot of corn (maize), a grain which was never used for human feed in 1952, but which is now the principal grain in the village.

This interested me—people were so fussy about exactly how the wheat tasted, and then they switched all the way over to corn. Most everybody eats corn every day. They found out it was cheaper—that was the explanation they gave—and then they got used to it. There is a lot of sugarcane now and there was practically none in 1952. A lot of cotton is being grown, and about 20 vegetable crops. They hardly had any vegetables at all in that village 17 years ago. People used the leaves of the mustard-oil plants, but they didn't grow vegetables except potatoes and carrots, which were used for animal fodder.

People are eating three times a day instead of two, and they are eating a rich diet. They are eating less *ghee,* but more vegetables and more grain. It is apparent when you look at the landless laborers in the village. In 1952 a man could get about 150 days of work on the average. There was a lot of unemployment. Now the laborers are all employed and they are eating as a result. As one crop comes out of the ground they start sowing a new one.

There are no empty fields these days. You see standing crops and people weeding and watering those crops. Labor is now being imported into the village. I met one farmer looking around the city trying to find somebody to bring back. He wanted to start a new tube-well and needed several laborers but couldn't find anybody in the village.

The village has increased in population. It now has about 40 per cent more people than it had 16 years ago. These are partly relatives, partly immigrants. More children have grown up but infant mortality is still extremely high and medical services have not improved.

Animals have gone up in number. I haven't got the exact count, but the lanes are now, in some places, quite crowded with buffaloes giving that good rich milk and manure. They weren't there before. Especially in the poorer section of the village you see quite a lot of them.

They are still thinking of new and better ways to do things. A lot of people are talking about tractors and some are talking about getting machines that will do fancy things like making ice-cream. They have cotton gins and electric mills that grind all the grain in the village. Only special cooking items are now ground by the women in their homes.

The houses are noticeably different and clothing has improved. People are wearing wool sweaters in the winter; before it was all cotton clothing. Earlier only one or two landlords had woolen clothing. There are about 40 new steel and brick and stone houses in the village that there weren't before. Some of these are very beautiful houses and are now lived in. Previously they were mostly houses with a presentation front, with people living in a mud house behind.

Of course, I think mud houses are much better myself. They are cooler in the summer and warmer in the winter than brick houses are, but the villagers have parted company with me. They think brick houses are the thing.

There is now more work for the carrying trade. The potters are doing extremely well. I thought they would be finished because of urban competition, cheaper prices in the bazaar, and so on. In fact, they are very busy.

In houses you see all sorts of interesting things that weren't there before. A little thing which interested me is a *tulsi* tree, the religiously sacred sweet-basil tree which stands for Vishnu in various forms (Krishna in this area). That has turned up in dozens and dozens of houses; there was only one before. And the houses have a lot more elegance about them.

Eighty houses now have hand-pumps. Nobody takes water out of a mud well any more, as most people were doing in 1952. Then they said they preferred mud wells. I can't prove it yet, but it appears that the hand pumps afford protection from waterborne diseases.

The social organization has taken some interesting turns. Those intercaste relations which were solidified by feasting—large feasts given by farmers at the time of weddings or a death in the family—seem to be smaller. Wedding parties, people say, are not so large, and people stay one day or a day and a half, instead of three or four. Perhaps now there is less chance for the caste to express rank order, which they do through feasting.

I am going to be looking into this some more, but it does seem to me that some very strange groups of people are eating together: Brahmins and non-Brahmins eating in the same line and sitting beside each other which they would never have done before. In fact, I was called in and had a ceremonial dinner at a temple festival sitting next to the priest. This couldn't have happened before.

The village headman is a Jat. He is the man who came in and first tried the new seed. The people elected him and he is doing very well. He has a very nice new brick house which he has given me to live in. He has completely, almost single-handedly, abolished the factions in the village, because he has so much largesse to give out. The spoils of his profitable enterprises are such that he put almost everybody in his pocket.

He was elected to the *Panchayat* and when the village common lands were turned over to the *Panchayat* there was a lot of land to sell. He gave them out to people who then became members of his faction. He sold them at low rates to the low castes, to the Muslims, who make a nice alignment against the Brahmins.

He put in quite a few paved streets and built a school. He has pleased people and they are eating out of his hand, but not in a dependent way—he has just got a good political base. The other faction really does not exist anymore. There are a few discontented people, but they are doing quite well with their grinding-mills and machinery. They simply don't have the land base that he has for power.

The village has become very politicized. Everyone votes and an election is a great event. When you go to one of these village *pradhan* elections—I did in the next village and they said it was just like my village—you find that it is a festival. Women come out in large groups and sing songs about the election just as they do in an old-fashioned festival. So far as I have seen, these elections are quite peaceful. A large amount is at stake because there is tax money to collect. Of course, part of a politician's staying power is not collecting taxes. But even though not all taxes are collected, there does seem to be something positive going on.

The main debates are not whether the taxes should be collected but whether money should be spent for a school, improved roads or lighting for the streets. Those are the hot issues which weren't even given priority in the old days.

I mentioned that there are five new temples. There are also about five new festivals in the village. You might expect this to be rather different. You might expect that with secularization and urbanization and technological changes you would lose a lot of the old village culture, but five new festivals have started up and they are quite "village" in style. There are folk tales told about them—women are still telling stories and they have invented a lot of new stories since I was there.

There is more participation and more paintings are being made. Religion is the women's province in this area. They always did paintings on the wall for each festival but now they are doing more elaborate ones. I was looking at some of these paintings and I found that their content has changed. There was one that was about the god Narayan and how he gives food to the earth. It all comes through him. You worshiped him, and then the earth was fruitful. That one has now become a committee of six. I asked whether they are all Narayans. I was told that the other five are the five Pandava Brothers. This is very interesting because in this region the *Mahabharata,* from which the Pandava story comes, was practically unknown. Almost all of the stories in the village were from the *Ramayana*—stories about Krishna. This new element has obviously come out of the schoolbooks.

About 50 per cent are now being educated. This may sound pretty poor, but it is a great improvement from 5 per cent. All the boys and girls of the landed families and some of the lowest caste are in school. Very few girls still are being educated, but there are, I think, something like 25 boys going beyond the fifth grade now.

Quite a few are going to high school—going about six miles in all directions to various high schools. There are about seven or eight in inter-college, using the village as a dormitory and coming back every night. There is one who commutes 14 miles a day to a university.

Every landowning family now has one or two sons in high school. This has become the standard pattern. One son, the eldest, always has to stay on the land because it is so productive. Here we have prosperity working against education, but the brothers are supposed to work together and they do complement each other. There is a perfect willingness on the part of many of these boys to come back and spend time in the village and to use their education on the land.

I have seen high school graduates who are extremely bright and doing very well in their studies say they really prefer not to take urban jobs. They prefer life in the village. They think it is much better now that they have a chance of making a prosperous living there. The village has a kind of pull, you might say. Previously people worried about the village a lot. They were hungry in it and they left. Now they think very hard before leaving.

There is expressive education in every sphere and more literature. There are nine school teachers living in the village, all local boys, and previously there were none. Nine schoolteachers, and more would like to be schoolteachers. They're writing songs about sanitation for their classes, and they're also enthusiastically helping me collect village folklore.

They realize that there is a difference between standard language and village language. They are interested in the old, unwritten village tales. There are also new dramas and new poems. I find that women are willing to tell me stories. It was very, very difficult to do that 16 years ago.

There is an awareness that there is something important in the village, an awareness of how their customs differ from other people, an acceptance of urban standards as different from village standards, and a sense that the two ought to be related and are related. New things are coming in and there is local creativity.

Let me conclude by saying that though I thought very little would have happened to this village, located where it was, with very conservative and proud people, in fact a great deal has happened. It has happened not directly, it seems, because of the agencies that were going to promote it, but by the initiative of the villagers themselves.

They go to the seed store, they run after the village level worker and ask him what number seed has come in, and whether the fertilizers are available at this place or that. They are constantly knocking at the doors of the block development offices trying to get things for themselves. There is a great deal of confidence about this.

People used to come to me and ask me to get things for them. They used to say, "You are our mother and father, you help us;" now they are telling me what to do. They say, "Would you like to get electricity for your house? Well, come along, I know the man who can get it for you." And so they do. He is a man selling bus tickets in the village. He has more power than any gazetted officer because he has given bus tickets to people at the right times. I was officially told, "You won't get an electric connection for 3 weeks," but he got it for me in six hours. The villagers know how to get things they want. There are several "fixers" in the village and they are prosperous.

They have learned so much about technology. I just got a letter from my wife, who bought a little land just outside of Chicago. She was keeping horses on it and wrote that she was cleaning out the barn and burning the horse manure. When they heard that (I was translating my letter), they said, "Oh, no, that is a great mistake." They all want to know about tractors, etc., and she is sending a catalog for them.

A lot of this seems to happen on its own power. The old society seems to have stepped up pretty much on the initiative of its own leadership, with a couple of new ideas here and there. It is a demonstration that it can work when people take over. And that is my story.

SAFEGUARD CRITICS AND SOVIET CAPABILITIES—ADDRESS BY SENATOR THURMOND

Mr. GOLDWATER. Mr. President, on May 12, the senior Senator from South Carolina (Mr. THURMOND), addressed the National Security Seminar of the Industrial War College, at Columbia, S.C. At this gathering of military experts, distinguished Reserve officers, and private businessmen, Senator THURMOND presented an excellent address outlining the need for the Safeguard anti-ballistic-missile system.

He took up one by one the objections presented by the Safeguard critics and knocked them down. He presented the objections and answers in capsule form, and then he contrasted this criticism with an analysis of the Soviet capabilities for war. He laid stress on the fact that the President must base his calculations for national defense on projections of Soviet capabilities, not upon estimates of the Soviet intent. But he also pointed out that, as far as we may judge the Soviets from their history and current pronouncements, their intentions toward us are not reassuring.

Mr. President, I suggest that the address may be of interest to Senators, and I commend it to their attention. I ask unanimous consent that the speech, entitled "Safeguard Critics and Soviet Capabilities," be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

SAFEGUARD CRITICS AND SOVIET CAPABILITIES

The great debate in the country today is about the deployment of the Safeguard Anti-Ballistic Missile Defense System. I have been studying the arguments put forward by the opponents of this program and it occurred to me that I had seen them all before. In fact, they are the same arguments that are put forward every time by people of short-sighted vision who basically don't want certain programs for emotional reasons.

A lot of these arguments are the same as the arguments that were first heard at Kitty Hawk when the Wright Brothers were at work. Of course the Wright Brothers weren't the only men experimenting with flight. Samuel Langley was another and only one week before the Wright Brothers flew for the first time, the *New York Times* carried the following editorial, and I quote:

". . . We hope that Professor Langley will not put his substantial greatness as a scientist in further peril by continuing to waste his time, and the money involved, in further airship experiments. Life is short, and he is capable of services to humanity incomparably greater than can be expected to result from trying to fly . . . For students and investigators of the Langley type there are more useful employments."

This was published in the *New York Times* on December 10, 1903.

A year after the flight of the Kitty Hawk, the experts still had all kinds of reasons why the airplane would never be practical. *Popular Science Monthly* in March, 1904 said:

"It is true that when high speeds become safe, it will require fewer square feet of space to carry a man, and that dimensions will actually decrease, but this will not be enough to carry much greater extraneous loads, such as a store of explosives or big guns to shoot them."

In the early days of science, even distinguished scientists could be found to say that new inventions were unreliable. Thomas Edison, for example, was strongly opposed to the use of alternating currents. In the *North American Review* of November, 1889, Edison wrote:

"My personal desire would be to prohibit entirely the use of alternating currents. They are unnecessary as they are dangerous. I can therefore see no justification for the introduction of a system which has no element of permanency and every element of danger to life and property."

Of course, when Edison's work was evaluated by certain legislative committees, he came in for his own knocks. The Committee of the British Parliament in 1878 reported Thomas Edison's ideas of developing an incandescent lamp to be "good enough for our transatlantic friends . . . but unworthy of the attention of practical or scientific men."

This has always been the reaction when new weapon systems are proposed, even when they have been demonstrated to be effective. In 1591, Colonel Sir John Smyth advised the British Privy Council as follows:

"The bow is a simple weapon, firearms are very complicated things which get out of order in many ways. (A firearm is) a very heavy weapon and tires out soldiers on the march. Whereas also a bowman can let off six aimed shots a minute, a musketeer can discharge but one in two minutes."

Robert Goddard, whose name is memorialized in the Goddard Space Center, faced the same kind of opposition, from those who could see no future in rocket research. A *New York Times* editorial in 1921 said:

"That Professor Goddard with his 'chair' in Clark College and the countenancing of the Smithsonian Institution does not know the relation of action to reaction, and of the need to have something better than a vacuum against which to react—to say that would be absurd. Of course he only seems to lack the knowledge ladled out daily in high schools . . ."

During the development of the atomic bomb, Dr. Vannevar Bush was completely convinced that the project was a waste of time. In 1945, a few months before Alamogordo, Dr. Bush told President Truman: "That is the biggest fool thing we have ever done. The bomb will never go off, and I speak as an expert in explosives."

About the ICBM itself, Dr. Bush said a few months later:

"I say, technically, I don't think anyone in the world knows how to do such a thing, and I feel confident that it will not be done for a very long period of time to come. I think we can leave that out of our thinking. I wish the American public would leave that out of their thinking."

So we can see that wishful thinking has played an important part in the opposition to the development of many of our principal weapons systems from the time of the crossbow and the musket to the present day. The President of the United States cannot afford to deal in wishful thinking. He has to be prepared to meet any threat of which our Nation's enemies may be capable. We cannot depend upon an analysis of our enemies' intentions. Their intentions may be good or their intentions may be bad. The President's decisions must be based upon what the enemy will be capable of doing five or six years from the present.

THE PRESIDENT'S DECISION

We cannot deny the President the right to make judgments about our security Congress cannot second-guess his estimates of the potential danger. We have to give the President the capability to keep his options open in dealing with the enemy, and that is what the Safeguard system does.

The President had four options when he reviewed our ABM need:

The first was to defend U.S. cities against Soviet attack by the deployment of a "thick" ABM for complete protection. This would have been a move beyond the capabilities of the Sentinel system authorized by the Johnson Administraton. The Sentinel system was to have been deployed only against the Chinese threat.

His second option was to make no deployment at all, but to continue Research and Development. This course was rejected because it provides no protection at all if the Soviets continue aggression.

His third option was to continue the Sentinel program around the cities. This program was rejected because it provides no protection against the increasing Soviet threat to our offensive ICBM's. The rapid construction program of the Soviet SS 9, and the threat of increased capability through multiple warheads warranted a change in our strategic plans.

That change was provided by the fourth option; namely, the Safeguard system to protect our ICBM's.

WHAT SAFEGUARD DOES

What does the Safeguard deployment do? When fully deployed, it will do the following:

1. The Safeguard protects our ICBM's, thereby guaranteeing to an aggressor that the U.S. would retain the power of retaliation if attacked.

2. The Safeguard posture avoids the suggestion that we may be preparing for a first strike, as might happen if our posture appeared to be that of protecting our cities against retaliation.

3. It provides early warning and area defense of our bomber bases, by protecting against a FOBS strike coming from the south. The FOBS is the Fractional Orbital Bombing System, which the Soviets have tested.

4. It provides an increased protection against Soviet increased deployment of submarine-launched ballistic missiles.

5. It protects against the accidental firing of a few missiles by the Soviets.

6. It will be relatively cheaper in the initial phases, giving time to work out any bugs before full deployment.

7. It gives the President time to see whether the Soviets are serious about negotiations, while not delaying protection.

8. It provides reasonable protection against the capability the Chinese will have by the mid-70's.

9. It gives the U.S. a protection which is similar to the protection which the Soviets have had for six years.

10. It helps to re-establish the symmetry of the strategic balance. The Soviets have increased their offensive capability. They have more ICBM's in being and under construction than we do, and they are beginning a rapid build-up of nuclear submarines.

These reasons alone show that Safeguard is a positive program.

OBJECTIONS TO SAFEGUARD

I would now like to turn to some of the objections which the opponents of this program have been raising.

1. The opponents say it won't work.

Our technology today is a sophisticated technology. The ABM does not make a heavy demand on the state of the art. With the exception of the Perimeter Acquisition Radar (PAR), all the components have been built and tested individually. The *Missile Site Radar* (MSR) has been built and tested at Kwajalein Missile Range, and it works. The *Spartan* missile is a scaled-up version of the ZEUS which has been fired many times and made several successful interceptions of ICBM's fired from the West Coast in 1962 and 1963. The Spartan itself was fired on March 30, 1968. The *Sprint* missile began test firings in 1965 and has been very successful in recent tests. The *Data Processing Subsystem* is well within the present technology. The reason why the PAR component has not been built is that its separate principles and functions are similar to existing functions. The prototype PAR is not necessary. The first installation will actually be a working part of the Safeguard system and it makes more sense to make the tests and checkouts at the site, rather than on an island in the Pacific.

I say that the Safeguard will work, just as the Polaris system works, just as the spacecraft systems have worked. The week-long Apollo trip, for example, came down less than one minute off predictions. I am confident that any bugs in the system can be worked out by intense application.

Dr. Edward Teller is the man who developed the H-Bomb when other scientists—many of the same scientists in the news today—were predicting that the H-Bomb could not be built. Recently he cited the case of the generation of electricity by nuclear power. Four years ago, the techniques were too expensive to be competitive. Nuclear electricity was just so much pie in the sky. Within two years time, the tide turned. It turned by a whole series of small inventions and improvements, a series that no one could have predicted. Today nuclear electricity is the coming thing. Fuel-scarce countries such as Britain, Germany and Japan will be utterly dependent upon it. You can't do something until you try.

2. The opponents say that the Safeguard would cost too much.

I ask, how much is too much? The entire Safeguard system would cost less than we were paying for protection against Soviet bomber systems in the mid-50's. The entire Safeguard appropriation for FY 69–70 is less than 1 percent of our military budget. It is only one-tenth of the current total of Federal-State public-assistance programs. (Incidentally, these welfare programs are presently costing $9.8 billion a year.) There is no point in having domestic programs if we were not prepared to defend them from those who would attack us from without. Moreover, as I have already pointed out, the graduated deployment and review techniques is a prudent fiscal procedure to keep costs down.

3. The opponents say that an ABM will escalate the arms race.

I do not understand how Safeguard will escalate the arms race when the Soviets have had an ABM for six years. They know the purpose of an ABM. Premier Kosygin has said frequently that their ABM is not provocative, and I agree. I don't think that the U.S. feels threatened by their ABM. The Soviets understand fully that the ABM is a purely defensive system.

4. The opponents say that our submarine launched and bomber launched missile systems make it unnecessary to protect our ICBM system.

I say that any defense strategy is best when based upon a "mix" of several systems. If we do not protect our fixed-silo ICBM's, we are, in effect, conceding that system to the enemy. We might as well not have it. Moreover, if we write off our ICBM's, the Soviets will concentrate their inventive efforts on the SLBM's and on our B–52's. I am sure that they will look upon our Polaris system not as 600 missiles, or 6000 warheads, if a multiple warhead system is used. They will look upon Polaris as 41 boats to be countered by some new tactic. Similarly, the B–52's are not 600 planes, but a few airbases to be attacked by FOBS. The numbers game can *de*scend as quickly as it can *a*scend.

5. The opponents say that we should rely upon our ICBM deterrent.

I think it is dangerous to reduce our options to the point where our only choice would be to unleash destruction upon Soviet cities. It would be dangerous to us, because we would have to rely upon a system of attack command meant for retaliation, rather than defense. Moreover, if the threat of such an attack fails to deter the Soviets, then we have no real chance to defend ourselves. Besides, we should get rid of the idea that it is wrong to defend ourselves. It is better to have a defensive system rather than be limited to ICBM's, which might trigger a nuclear exchange if launched.

6. The opponents say that an ABM would delay arms control talks.

The real obstacle to arms control talks is Soviet intransigence over a meaningful on-site inspection program. Besides, the Soviets formally announced their interest in arms control talks on the day after the original deployment of the U.S. Sentinel system was announced.

7. The opponents say that we shouldn't ascribe bad intentions to the Soviets.

I say that we can't plan our defenses solely on the basis of intentions, but rather on the basis of capability. The question is: What are the Soviets doing? We know what their weapons systems are, and how they are deployed. What we don't know is: Who will be in charge of those weapons systems four or five years from now? We can't base our defenses on the spirit of the moment or the hopes of the future. We must look at the whole history of Soviet policy. It may change, but we can't afford to be wrong.

The main point overlooked by the objectors is that the need for an ABM has been evaluated by two different administrations, led by two parties, and found necessary. Both administrations have carefully evaluated it and have judged that it will work. This is not a weapon, but a *weapons system*. No single expert, no matter how competent in his field, can undertake to evaluate whether the *system* is workable. It takes many specialists working in many fields to make a reasonable evaluation. I certainly wouldn't want to be one of the self-appointed critics who take upon their own shoulders the task of evaluating the whole system, and assume the responsibility for saying that we shouldn't proceed.

SOVIET CAPABILITIES

Turning now from the system itself, we must put the need for the ABM in the military-strategic setting. If we ever had any doubt about the Soviet desire for power, the past year or so should have cast those doubts away. The age of U.S. strategic superiority has passed. The age of parity has passed. In the past few months, the Soviets have dramatically stepped up their production and deployment of offensive weapons.

1. At the present time, the Soviets have 1140 ICBM's; we have 1056. Within the time frame of 5 years necessary to get the Safeguard ABM in operation, the Soviets have the capability of deploying 2500 ICBM's. In five years, the U.S. plans to have 1056 ICBM's.

Whether the Soviets will exercise their capability to produce 2500 ICBM's in five years is beside the point. We cannot afford to second-guess about intentions. It is noteworthy that the Soviets did not stop at parity, as many predicted.

Moreover, the Soviets have been concentrating production on the super-size SS–9 offensive missiles, capable of carrying up to a 25-megaton warhead or three warheads of 10 megatons each. One megaton is equivalent to 50 times the explosive power of the bomb dropped on Hiroshima. The Secretary of Defense says that the Soviets now have 200 SS–9s and will have 500 within the timeframe we need to get our ABM deployed.

2. At the present time, the Soviets are building one Polaris-type submarine a month. At this rate, the Soviets have the capability to exceed the 656 U.S. Polaris missiles by the end of Fiscal Year 1971. In addition, the Soviet Navy has a 2 to 1 nuclear advantage over the U.S. Navy in attack submarines. The most effective weapon against a nuclear submarine is the attack submarine. The U.S. position is even worse when we consider that nearly half of our attack submarines are of World War II construction, while almost all the Soviet attack submarines have been built within the past 14 years.

3. At the present time, the Soviets are testing the FOBS, or the Fractional Orbital Bombing System. If the same vehicle with refinements is launched at a different angle, then the FOBS can become a full orbital bomb. The U.S. has rejected the development of such a system.

4. At the present time, the Soviets have 700 medium and intermediate range ballistic missiles deployed against targets in NATO countries. The U.S. has no MRBM's or

IRBM's deployed against the Soviet Union. Because of our commitments to NATO, any assessment of the strategic balance must take into the equation the MRBM's and IRBM's. The combined total of ICBM's, IRBM's, MRBM's and SLBM's is 2,750 for the Soviet Union as against 1,710 for the United States.

5. At the present time, the Soviets have had an ABM system in operation for 6 years. The Soviet ABM is now in its third generation of improvement. Each time it has been carefully evaluated and tested before the new deployments were authorized. I cannot believe that the Soviets would continue to deploy system after system in their ABM defense if their ABM was, in the words of one critic, "A bunch of junk." I think that the Soviet scientists and military experts who actually had the opportunity to test and evaluate the equipment on the spot would be in a better position to judge the effectiveness of the equipment than those who have only guesses to go by.

6. There are indications that the Soviet Union has gone beyond anti-ballistic missile defenses and are testing anti-space defenses designed to immobilize satellites. Since the function of the U.S. satellites in space is to monitor preparations around the Soviet ICBM sites, it is clear that we would be in a dangerous situation if the Soviets achieve an effective way to counteract our intelligence-carrying satellites.

To sum up the Soviet capabilities, the Soviets are devoting 70 percent of their military budget to strategic forces. Secretary Laird says that they are out-spending the U.S. at the ratio of $3 to every $2 which we spend. In 1968, the Soviets passed the U.S. in expenditures for research and development. In Fiscal 1970, the U.S. will spend about $15 billion for R & D. The consensus of experts on the Soviet economy is that in the same period the U.S.S.R. will spend between $15 and $20 billion for research and development.

We must also look at these expenditures in terms of economic effort. The U.S. economy has a gross national product of more than twice that of the Soviet Union—about $900 billion as against $420 billion for the Soviets. In addition, the U.S. has a much greater technical base to use for weapons development. We are more sophisticated in electronics and technical production. We have more skilled technicians and greater experience in the production of delicate equipment. Nevertheless, the Soviets feel that it is necessary to devote such a large portion of their economy to weapons production and development.

SOVIET GOALS

The question remains, then, as to why the Soviets are putting on such a tremendous push in weapons development. Up to this point, I have said little about Soviet intentions. Our military planners must plan on the basis of their capability. We must plan to meet the Soviet capability not only at the present time, but 5 years from now. Historically, the U.S. has repeatedly underestimated the Soviet intentions and capabilities on critical offensive items such as Soviet development of the A-Bomb, H-Bomb, and advanced jet engines, long-range turbo prop bombers, airborne intercept radar and large-scale production of enriched fissionable material. At the same time, the Soviets have never displayed any serious interest in bilateral arms control agreements which would include effective on-site inspection.

But in the long run, in the light of such developments, it would be folly not to consider them as expressions of the Soviet drive for world domination.

The Soviets have always proclaimed that they would triumph over the West and they continue to prepare for that outcome. As recently as April 21, General Alexei Yepishev, Head of the Main Political Administration of the Soviet Defense Ministry, laid down the party line for all to follow. Yepishev is a close friend of Brezhnev and he wrote in the official journal of the Soviet Communist Party Central Committee. His article clearly expresses the highest policy sanction.

Echoing the speeches of Khrushchev, Yepishev declared that "The imperialists are hypocritically preparing for new world war," and he warned that "A third world war, if imperialism is allowed to start one, would be the decisive class conflict between two antagonistic social systems." He said that such a conflict would "guarantee the construction of socialism and Communism." Finally, he said that such a war "would be a continuation of the criminal reactionary aggressive policies of imperialists . . . From the side of the Soviet Union, it would be a legal and justified counter-action to aggression."

I submit that this is the voice of the Soviet Union that has been preparing for war, that has continued a tough drive to achieve strategic military superiority. In view of such an attitude, it would be folly not to consider the deployment of the Safeguard ABM System to be essential to our Nation's security.

POLLUTION CONCERN

Mr. NELSON. Mr. President, the signs are abundant that the American public is seriously concerned about the growing tide of pollution in our rivers and lakes. One more instance of the public concern is revealed in an excellent article published recently in the Wisconsin State Journal, reporting the attitudes of southern Wisconsin citizens on water pollution problems.

I ask unanimous consent that the article, a part of a full-page layout on the subject, be printed in the RECORD.

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

WATER POLLUTION: IT'S NO JOKE—PROBLEM CALLED A MAJOR PERIL

(By Steven E. Hopkins)

The people of Southern Wisconsin are worried about water pollution:

"Something should be done—the Rock River has garbage, even chicken feathers in it."

"Fish from the Wisconsin River taste rotten."

"I wouldn't swim in the Baraboo River anymore."

"The lake in Gov. Dodge State Park is terrible. You kind of hate to let your kids swim in it."

"Lake Mendota isn't very clean—it's a horrible crime to let a lake like that go."

"Even the small rivers like the Sugar River are dirty."

These are quotes from ordinary people talking about pollution in southern Wisconsin.

In an attempt to find out just how concerned people are about water and air pollution, a team of Wisconsin State Journal reporters in recent weeks interviewed residents of Dane, Green, Jefferson, Rock, Iowa, Sauk, Richland, and Columbia Counties.

The reporters talked to businessmen, fishermen, housewives, shoppers, and young people.

They asked questions like:

"How concerned are you about the pollution problem?"

"Is it the most important problem facing the nation today or less important than, for instances, the war in Vietnam, unrest in our colleges and universities, civil rights, taxes, poverty?"

"Is there water or air pollution here in your community and how serious is it?"

"How immediate is the problem?"

"How can the pollution problem best be solved? Can it be done on the community level or will it take a state or federal program?"

"Do you think people would be willing to spend the money to solve the pollution problem?"

They asked about air pollution, too, but most people apparently don't consider that a major problem here in Wisconsin.

Robert Emerson, a small engine mechanic in Sauk City, said, "I've only been here since November and this is great. The air is clean and everything is green. I came from California and the Los Angeles smog and never want to go back."

Tom Skala, a Dodgeville supermarket employe, said, "Air pollution may be more important on the national level, but in the Midwest it's water. When I was in San Francisco I could hardly see myself."

"If you're talking about Wisconsin, water pollution is the problem. In Chicago or New York it's air," said Madeleine Hage, a French teacher at Madison Area Technical College.

It's talking about water pollution that turns most people on. And everybody who lives near a lake or stream is aware that things just aren't like they used to be.

The survey showed that many people see pollution as a major national and local problem, ranking in importance with the Vietnam war, crime, taxes, civil rights, and civil disorder.

It showed that many are concerned about the future of the nation and its natural resources.

And many of those interviewed are the same people who, in April, approved two statewide advisory referenda on the ORAP-200 anti-pollution and recreation land purchase program. The anti-pollution question asked voters if $144 million in bonds should be issued for faster pollution control efforts.

Most people seem to feel that the pollution problem is too big for community control, and that it will take state or federal programs to do an effective job.

Many are concerned, but don't quite know what should or can be done. They realize that eventually pollution control will cost more and more tax money. And the survey indicated that they are, for the most part, willing to spend it.

"In the Midwest, the problem is something fierce," said Henry Edl, a young Ridgeway farmer. "Lake Michigan is pretty bad and Lake Superior is getting there."

Luanne Gould 18, a Richland Center High School senior, rated pollution behind "Vietnam, campus disorders, and traffic deaths. More should be done to bring the pollution problem to public attention," she said, "we don't think about it enough here."

John Hammerly, a Monticello High School senior, rated pollution second—after peace. Sally Marty, also a Monticello senior, rated it fourth, after crime, Vietnam, and poverty.

Many people would like to see the problem controlled at the local level, but see little hope for any solution that does not involve state or federal intervention.

"I hate to see the trend toward federal control," said Samuel Humbel, a Monroe paint dealer. "I'd rather see the state take a crack at it first."

Art Nelson, a Ft. Atkinson shoe store employe, figures it's a problem that can be solved only by hard work at every level—community, state, and federal.

Most people realize that it will cost money to control pollution and say they are willing to pay for it.

"I think people are willing to spend the money to solve the pollution problem," said Nordeen Offerdahl, a Stoughton furniture department manager and Third Ward alderman.

Howard Ehle, owner of an Enco station in Edgertan, said he doesn't own any land on Lake Koshkonong, but would be willing to pay a small tax increase to see it and other lakes clean up.

"I'm willing to spend all the money we

must to stop pollution," said Leland Chitwood Gotham, a teacher in the River Valley School system.

Brandon Rockwell, rural Ft. Atkinson, said, "I'm in favor of spending all the money it takes, but we should get everyone to help pay and get everyone to stop polluting."

Others have their own ideas about the causes of pollution. According to a Gotham woman who didn't want her name used, "Those missiles they are shooting all the time are polluting the air and it filters down and pollutes the water."

Still others feel that the authorities are picking on cheesemakers and other small polluters and are afraid to tackle large industries.

Said a woman bookkeeper from Prairie du Sac: "Small communities can't handle the problem because politics plays too big a part. Politicians are afraid to step on toes, and that's what it takes to clean things up."

"The size of the industry should have no bearing on the problem. Nothing should go into public waters," said Curt Mueller, operator of a Prairie du Sac chemical company.

Ralph Henderson, a Baraboo restaurant operator, said, "We hear about the paper companies polluting the rivers, but all anyone does is talk about it.

"They give the cheesemaker who is dumping a little whey into a creek just so much time to stop, but the big outfits just keep on dumping."

Irving Quam, a Dane County supervisor, owns a Stoughton electrical store and a marina on Lake Kegonsa. He was one of the leaders in a successful battle to get Madison to quit flushing its sewage down the Yahara River into Lakes Waubesa and Kegonsa.

He thinks the pollution fight is extremely important and sums it up this way: "We've got to save our natural resources, or some kids will never see or never know what the outdoors should look like."

TREASURY'S FAILURE TO ENFORCE COUNTERVAILING DUTIES LAW ENDANGERS DAIRY INDUSTRY

Mr. PROXMIRE. Mr. President, the economic health and well-being of our dairy industry are being threatened by, first, the danger of excessive imports from overflowing world production plants; and, second, failure of the U.S. Treasury to enforce protective laws.

Today, world milk production is up, resulting in mounting stockpiles of dairy products. Within the European Economic Community, for example, USDA reports that early 1969 stockpiles totaled more than 450 million pounds of nonfat dry milk and 675 million pounds of butter. And EEC countries are looking hard for a market for these surpluses.

To make the situation especially dangerous competitively, EEC countries heavily subsidize dairy products which are exported—some say "dumped" on the world market. The subsidies reach 60 cents a pound for butter; 9 cents a pound for nonfat dry milk, and 31 cents a pound for cheddar cheese.

Policywise, I fully understand the need for, and support, the expansion of international trade, when such trade is mutually beneficial to participating countries, not destructive, and conducted on a basis of fairness.

The Congress, however, has established some guidelines for such trade through a law for just and fair protection of domestic industry.

Section 1303 of United States Code 19 provides, in effect, that whenever any country subsidizes a product imported into this country, our regular import duty should be increased by the amount of the foreign subsidy.

Failure of the Treasury Department to enforce this statute in relation to dairy products increases the incentive for foreign nations to export products to the United States within the quota limitation established under section 22 of the Agricultural Adjustment Act. It also increases the incentive for foreign exporters to develop devious and ingenious ways to circumvent import quotas by shipping product mixes not covered by quota limitations.

The Treasury's failure to enforce the law results in: First, jeopardizing the domestic dairy industry by taking away markets; second, increasing the cost of our price support program.

I strongly urge other Senators to contact the Secretary of the Treasury, as I have done, to urge enforcement of this law to protect the dairy industry of this country.

SAFETY FACTORS IN THE NATION'S COAL MINES

Mr. SAXBE. Mr. President, strong charges recently were leveled against a proposed bill that I believe will greatly increase safety factors in the Nation's coal mines. I believe those charges were ill founded and I believe further that the bill's principal sponsor, the Senator from West Virginia (Mr. RANDOLPH) unquestionably had the best interests of those employed in coal mines foremost when he introduced the legislation. I asked experts from the coal industry for background information with reference to the charges. This information serves to bulwark my views. I am informed, for example, that one specific criticism of the proposed bill, S. 2118—dealing with greater illumination of the working places in a mine—was far off base. I am informed most safety experts agree that bringing more power to the coal face areas for the purpose of providing greater illumination would present a significant safety hazard. Anyone interested in mine safety constantly strives to minimize the potential sources of ignition at the coal face areas. Introducing additional power sources would be quite contrary to the goals we are seeking to achieve. Moreover, the blinding effects on an individual moving from a highly lighted area into darker areas has, from the experience of experts, proved to be a significant safety hazard. Mr. President, this is but one specific that I want to cite in contending that S. 2118, Senator RANDOLPH'S bill, has been the target of much unfair criticism.

CAMPUS UNREST

Mr. SAXBE. Mr. President, we need only to look to our newspapers or television sets to learn that student unrest is considerably more than a springtime malady today. The uprisings and unrest on our college campuses and even in our high schools are part of something much more complex. I have said that a lot of what is happening is a manifestation of a worldwide revolution. Tens of thousands of our young people today believe that a better standard of living is not enough of itself.

They are interested in a better way of life. Toward this end, I believe we should listen to what they are saying. We should also bend our efforts to understanding the reasons why student unrest is so widespread.

We must also remember, in condoning and upholding the rights of young people to dissent, that there is a tremendous difference between activism and violence; between dissent and anarchy. We must remember, too, that there is a difference between the exercise of authority and the exercise of raw power.

In a recent issue of the Washington Post, this subject was treated in an outstanding manner by Mr. Robert A. Nisbet, a professor of sociology at the University of California, Riverside. His remarks on the "why's" of student unrest, and the exercise of power contrasted with authority, were excerpted by the Post from the Montreal Star and the magazine Public Interest. I believe they will be of interest to my colleagues and should like to request at this time that Mr. Nisbet's article be printed in the RECORD.

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

WHEN AUTHORITY FALTERS, RAW POWER MOVES IN

(By Robert A. Nisbet)

(NOTE.—Nisbet is professor of sociology at the University of California, Riverside. His article is excerpted from the Montreal Star and the magazine Public Interest.)

The most striking fact in the present period of revolutionary change is the quickened erosion of the traditional institutional authorities that for nearly a millennium have been Western man's principal sources of order and liberty. I am referring to the manifest decline of influence of the legal system, the church, family, local community and, most recently and perhaps most ominously, of school and the university.

There are some who see in the accelerating erosion of these authorities the beginning of a new and higher freedom of the individual. The fetters of constraint, it is said, are being struck off, leaving creative imagination free to build a truly legitimate society. Far greater, however, is the number of those persons who see in this erosion the specters of social anarchy and moral chaos.

I would be happy if I could join either of these groups in their perceptions. But I cannot. Nothing in history suggests to me the likelihood of either creative liberty or destructive license for very long in a population witnessing the dissolution of the social and moral authorities it has been accustomed to.

I should say, rather, that what is inevitable in such circumstances is the rise of *power;* power that invades the vacuum left by receding social authority; power that tends to usurp even those areas of traditional authority that have been left inviolate; power that becomes indistinguishable in a short time from organized violent forces, whether of the police, the military or the paramilitary.

The human mind cannot support moral chaos for very long. As more and more of the traditional authorities seem to come crashing down, or to be sapped and subverted, it begins to seek the security of organized pow-

er. The ordinary dependence on order becomes transformed into a relentless demand for order. And it is power, however ugly its occasional manifestations, that then takes over.

To see the eruption of organized power as the consequence of a diminishing desire for liberty is easy. What requires more knowledge or wisdom is to see such power as the consequence or loss of *authority* in a social order. Authority and power: are these not the same, or but variations of the same thing?

They are not, and no greater mistake could be made than to suppose they are. Throughout human history, when the traditional authorities have been in dissolution, or have seemed to be, it is power—in the sense of naked coercion—that has sprung up.

A TISSUE OF AUTHORITIES

Authority, unlike power, is not rooted in force alone, whether latent or actual. It is built into the very fabric of human association. Civil society is a tissue of authorities. Authority has no reality save in the allegiances of the members of an organization, be this the family, a political association, the church or the university.

Authority, function, membership: these form a seamless web in traditional society. The authority of the family follows from its indispensable function. So does that of the church, the guild, the local community and the school. When the function has become displaced or weakened, when allegiances have been transferred to other entities, there can be no other consequence but a decline of authority.

Culture, too, as Matthew Arnold wrote memorably a century ago, is inseparable from authority. There is the authority of learning and taste; of syntax and grammar in language; of scholarship, of science and of the arts. In traditional culture, there is an authority attaching to the names of Shakespeare, Montaigne, Newton and Pasteur in just as sure a sense of the word as though we were speaking of the law. There is the authority of logic, reason and genius.

Above all, there is the residual authority of the core of values around which Western culture has been formed. This core of values—justice, reason, equity, liberty, charity—was brought into being through the union of the Greek and Judaic traditions 2000 years ago. Until the present age, it has managed to withstand all assaults upon it. In the 18th and 19th centuries, conservatives, liberals and radicals, however passionately they may have fought each other, nevertheless recognized the authority of such values.

The most dangerous intellectual aspect of the contemporary scene is the widespread refusal of thinking men to distinguish between authority and power. They see the one as being as much a threat to liberty as the other. But this way lies madness—and the ultimate sovereignty of power.

There can be no possible freedom in society apart from authority. "Men are qualified for civil liberty," wrote Burke, "in exact proportion to their disposition to put moral chains upon their own appetites." It is out of this disposition toward fruitful self-discipline that authority emerges and its legitimacy is recognized. Abolish the disposition and you equally abolish the capacity for liberty.

There are those, chiefly political romantics and sentimentalists, who think these "moral chains" are a part of man's own nature and that there is consequently no need to worry about their dissolution. But the horrors of our century should have taught us the precariousness of the virtue that romantics think to lie in man's germ plasm. In truth, man's virtue is inseparable from—is as precarious as—his culture.

THE DANGER IN BOREDOM

Boredom is one of the most dangerous accompaniments of the loss of authority in a social order. Between boredom and brute violence there is as close an affinity historically as there is between boredom and inanity, boredom and cruelty, boredom and nihilism. Yet boredom is one of the least understood, least appreciated forces in human history.

Nothing so engenders boredom as the sense of material fulfillment, of goals accomplished, of affluence possessed. It is such a boredom that goes furthest, I think, to explain the peculiar character of the New Left.

I do not deny that youth brings idealism in some degree to this movement; that disenchantment with the more corrupt manifestations of middle-class society plays its part. Youth is beyond question idealistic. But in our present society, youth is also bored. And it is from boredom that so much of the intellectual character of radical political action today is derived.

I should more accurately say nonintellectual character, for it is the consecration of the *act*, the cold contempt for philosophy and program and the increasingly ruthless behavior toward even the most intellectual parts of traditional culture that give to the New Left its most distinctive character.

It is boredom born of natural authority dissolved, of too long exposure to the void; boredom inherited from parents uneasy in their middle-class affluence and who mistake failure of parental nerve for liberality of rearing; boredom acquired from university teachers grown intellectually impotent and contemptuous of calling that explains the mindless, purposeless depredations today by the young on that most precious and distinctive of Western institutions: the university.

We do well to take seriously the university and what happens to its authority in our culture. For among its prime functions traditionally has been that of serving as arbiter to that age group that has, at least temporarily, outgrown the authorities of family, church and neighborhood. Potentially, this age group is the most revolutionary of all groups in society, far more revolutionary than, say, the workers, the unemployed, the impoverished.

High in intelligence, emotionally buoyant, at full physical tide, this is the age group that is channeled by the university into the several areas of the professions, that provides the intellectual leaders of society. In the university is acquired lasting motivations toward learning, toward profession, toward high culture, toward membership in the social order. But, by the same token, it is this age group in the university that has largely furnished the West with its steady supply of revolutionaries.

Who is to say that our society does not require its occasional infusion of revolutionaries? But in the present age, the revolutionaries have turned on the university itself, and this is not only destructive but totally self-destructive.

The university is the institution that is, by its delicate balance of function, authority and liberty and its normal absence of power, the least able of all institutions to withstand the fury of revolutionary violence. Through some kind of perverted historical wisdom the nihilism of the New Left has correctly understood the strategic position of the university in modern culture and also its constitutional fragility.

Normally, there are no walls, no locked gates and doors, no guards to repulse attacks on classroom, office and academic study. Who, before the present age, would have thought it necessary to protect precious manuscripts from the hands of revoltuionary marauders?

The New Left is free to say all that it wishes, but it has nothing to say. Its program is the act of destruction; its philosophy is the obscene word or gesture; its objective, the academic rubble.

FEAR OF THE VOID

It would all be a transitory charade, a tale told by an idiot, were it not for one thing: the fears aroused in a middle-class society that has lost its anchoring in natural authority. Fear of the void is for human beings a terrible fear, one that will not long be contained. And in this state of mind, it is only power that can seem redemptive, however stained with blood it may be.

The entire country watched last summer's confrontation between New Left and police in Chicago. It was violent, ugly, and could only have aroused the chill of fear in those who had chanced to see the rise of Nazism in Germany, the burning of the Reichstag and the beginnings of a police system that was in time to enclothe German society like a straitjacket.

But I know of no national poll or study that has shown other than approval of police actions by a large majority. The size of this majority will grow. Human beings, I repeat, will tolerate almost anything but the threatened loss of authority in the social order: the authority of law, of custom, of convention. The void does not have to be great, or seem, for the fears it arouses to become sweeping, for sanity in politics to disintegrate.

We are told by the polls that a large number of people watching their television screens that night in Chicago found even the berserk actions of police and pseudopolice gratifying, reassuring, healing to the sense of security. Let us not forget that there is a strong upswell of boredom in affluent middle-class society, too. And power, as history tells us, is as often the antidote to boredom in society as to anxiety.

We need, as Max Lerner recently wrote in a thoughtful column, a new social contract in our society, one that will do for our violence-torn social order what the doctrine of the social contract in the 17th century sought to do in that age, fresh as it was from the horrors of the religious wars. But the task will be far more difficult.

The institutions of Western society are less solid and encompassing than they were then. Two centuries of convulsive social change and of remorseless increase in centralized political and economic power have seen to that. We are plagued even by our achievements, for material progress has inevitably taken toll of traditional culture.

Above all, at this moment, we need a liberalism that is able to distinguish between legitimate authority—the authority resident in university, church, local community, family, language and culture—and mere power. Failure to make this distinction between authority and power can only result in the ever-wider replacement of the former by the latter.

If our liberalism can see no profound difference between the authority of an academic dean, however fallible this may sometimes be, and the power of the police riot squad, we shall find ourselves getting ever greater dosages of the latter. The impulse to liberty can survive everything but the destruction of its contexts; and these are contexts of authority—a legitimate authority that is inseparable from institutions.

ADJUSTABLE JUSTIFICATION FOR THE ABM

Mr. KENNEDY. Mr. President, among the many troubling aspects of trying to bring reason and enlightenment to bear on decisions involving major weapons systems is the fluid nature of the rationale for the systems. This has been called the "adjustable justification," by one commentator, the "problem of momentum" by another.

The thinking behind these phrases accurately reflects the problem. When a system is begun, on whatever justification, it acquires a momentum of vested interests. The contractor wants to keep building; the researcher wants to keep

researching; and the manager wants to keep managing. And those who made the justification in the first place do not wish to admit their misjudgment.

Consequently, the justification adjusts. In the case of the ABM, a China defense became a deterrent defense; in the case of the Poseidon missile, a defense penetrator became an offense destroyer. On this latter instance of the Poseidon missile, there has recently come to my attention a short paper analyzing the shifting nature of the discussions of Poseidon. Because of its relevance, I ask unanimous consent that it be printed in the RECORD.

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

SOME FACTS ABOUT THE POSEIDON MISSILE

An examination of recent testimony concerning the POSEIDON missile points up a number of interesting aspects of the adjustable basis for deploying various major weapons systems.

In testimony before the Senate Armed Services Committee, Dr. John S. Foster, Jr., Director of Defense Research and Engineering, Department of Defense, made the following statement:

"The POSEIDON program was started mainly because of the uncertainty of the TALLINN threat. But the program is being continued at a rapid pace to provide safety in hedging against the following possible threats:

"1. TALLINN might be converted quickly into a limited missile defense system.

"2. The Moscow defense system might be expanded fairly rapidly to other cities.

"3. A new terminal defense system could be deployed within (deleted) years after we first know of it.

"4. The MINUTEMAN force could be threatened by either rapid deployment of the current Soviet SS–9, or the MIRVing their existing missiles and improving accuracy." [1]

On March 19, 1969, in the same testimony in which he cited the dangers to the safety of the United States from the Soviet SS–9s, Defense Secretary Melvin R. Laird made the following statement:

"The increase of $12.4 million for the development of an improved guidance system for the POSEIDON missile will advance the IOC of that system by about six months. . . . This is an important program since it promises to improve significantly the accuracy of the POSEIDON missile, thus, enhancing its effectiveness against hard targets." [2]

When these two pieces of testimony are taken together, and compared, they suggest a number of implications:

First. The POSEIDON system was begun in response to a threat which never materialized—the TALLINN. The intelligence community now agrees that TALLINN is an anti-aircraft defense, with no capability against missiles, whether POSEIDON, POLARIS or any other.

Second. Although the threat—TALLINN—against which POSEIDON was continued. It was continued, presumably, as a hedge against other threats, including an expansion of the Moscow ABM (GALOSH), a potential Soviet terminal defense system (similar to SPRINT), and an accelerated deployment of the SS–9.

Third. The Safeguard ABM system is justified by Administration spokesmen as a hedge against the SS–9, but we now also have another hedge—a "hard-target" ABM.

Fourth. More ominously, we are designing a "hard-target" capability into POSEIDON. In Soviet eyes, therefore, POSEIDON may no longer be a missile designed to overcome a Soviet *defense* (TALLINN or GALOSH), but instead may be a counter-force of first-strike weapon, similar to the Pentagon's current view of the SS–9. Current plans call for 31 POSEIDON submarines, each with 16 missiles, and each, in turn, carrying 10 warheads, for a total of some 6,000 plus "hard-target" warheads.

The question might be raised as to whether or not we can actually get hard-target capability from the small warheads which the POSEIDON will carry. From the point of view of how the Soviets will be forced to react, it does not matter whether we actually get this kind of capability—for conservative planning purposes, they will have to assume that we can get it and build their forces accordingly. This kind of conservative planning is what we have been doing for many years. The Defense Department has already testified publicly that a large number of small warheads are more effective than a small number of large warheads against military targets. For example:

"Small warheads are even more effective against military targets. Compared to a missile armed with a single 10-megaton warhead, a missile with 10 50-kiloton warheads would, on the average:

"(1) Destroy (deleted) times as many (deleted) missile silos, if each missile were targeted against a single silo;

"(2) Destroy (deleted) times as many (deleted) missile silos, if each missile was targeted against 10 silos; and

"(3) Destroy (deleted) times as many bomber bases.

"If the military targets were defended with ABM's, the relative effectiveness of the small warheads would be even greater." [3] (even though the numbers are deleted for security purposes, the sense of the message comes through).

Another similar statement:

"Recently however as you also know we found ways of improving the accuracy of the MINUTEMAN and POSEIDON so as to be able to get much greater kill capabilities even though the warhead yields were reduced and so in fact we are beginning to get a rather effective damage limiting capability." [4] (Damage limiting capability means the capacity to hit enemy missiles with your own—i.e., hard-target capability.)

This short analysis is a clear example of the internal momentum a particular weapons system develops once it gets underway. POSEIDON was developed in response to TALLINN. Once TALLINN was discounted, a number of other threats emerged to justify its continuation. In its present life, POSEIDON is a weapons system of an entirely different nature than in its previous incarnations. When begun, POSEIDON was to overcome a missile defense system; now, it possesses first-strike capabilities.

This is a graphic illustration of the action-reaction cycle at work.

ADDRESS BY REPRESENTATIVE BARRY M. GOLDWATER, JR.

Mr. GOLDWATER. Mr. President, just before departing for Arizona for my annual series of graduation addresses with high schools and grammar schools around the State, which this year was topped off by an appearance before the Air Force Academy cadets of the class of 1970, my older son, the Representative from the 27th Congressional District of California, gave me a speech which he proposed to use at Oakwood Memorial Park in Chatsworth, Calif. After reading the speech several times I became convinced that its message was a real one, well thought out and well presented, so I presented it myself before the cadets at the Air Force Academy and ended by telling them that the speech was written by a young man who, like themselves, was going to do something in the way of service to his country.

I imagine that there have been times before when a father has asked that a speech of his son be placed in the RECORD, but I would like it to be my honor to insert in the RECORD my son's first speech since becoming a Representative. Therefore, I ask unanimous consent that the remarks prepared by Representative BARRY GOLDWATER, JR., be printed in the RECORD.

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

AMERICA'S SILENT MAJORITY

(By Congressman BARRY M. GOLDWATER, JR.)

Criticism, said Johnson, is a study by which some men grow important and formidable at very small expense.

I mean Samuel Johnson the English author, of course, not Lyndon Johnson the Texas rancher. Although I'm sure the latter would agree with what his 18th century English namesake had to say on the subject of critics.

Today, criticism of America is a favorite sport for political spokesmen looking for ways to grow important and formidable at small expense.

This is true not only overseas, but here at home. In fact, you can measure the progress of recent years by this standard:

In 1958, the Vice President of the United States was harassed in Caracas, Venezuela. But by 1968, thanks to nearly a decade of liberal leadership, the Vice President of the United States didn't have to travel overseas to be harassed. He could do it just trying to speak to a university audience here at home!

The decade of the sixties have been active years for our country's critics, both foreign and domestic.

Ten years ago, ambitious foreign leaders thought they could grow "important and formidable" simply by attacking America.

Today, there are those here at home who leave no stone unturned—or *unthrown*, in many cases—critizing American foreign policy, American institutions and the American economic system.

What do these critics say?

They tell us, and the world, that America's foreign policy is aggressive, imperialistic and even immoral.

They tell us, and the world, that America's political and social institutions are outmoded, unresponsive and even irrelevant.

They tell us, and the world, that the American economic system is inequitable, inefficient and even inhuman.

And finally, after repeating these charges for the evening television news cameras five times a week, they tell us, and the world, that America is a repressive society that won't tolerate dissent and that silences criticism.

Yet, the exact reverse seems to be true nowadays: in far too many cases the major-

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[1] Dr. John S. Foster, Jr., "Status of U.S. Strategic Power," Hearings Before the Preparedness Investigating Subcommittee of the Committee on Armed Services, U.S. Senate, 90th Congress, Second Session, page 52.

[2] Secretary of Defense Melvin R. Laird, "Defense Report," Statement before the Senate Armed Services Committee, March 19, 1969, DOD mimeograph, page 32.

[3] Dr. Alain C. Enthoven, Assistant Secretary of Defense for Systems Analysis, "Status of U.S. Strategic Power," Hearings, etc., page 122–123.

[4] Dr. John S. Foster, Jr., "Status of U.S. Strategic Power," Hearings, etc., page 60–61.

ity will is being silenced by the raucous voice of a dissident few.

Today, a Silent Majority exists in our communities and on our campuses:

A Silent Majority of Americans who are far from satisfied with the continuing burden of war and international crisis—but who know that the real enemy of peace and freedom is an aggressive, imperialistic and immoral Communism.

A Silent Majority of Americans who believe their country's political and social institutions are the finest instruments yet devised to achieve individual liberty, orderly change and equal justice for all men.

A Silent Majority of Americans who cherish the freedom that former generations of their countrymen earned by blood, sweat and sacrifice.

A Silent Majority of Americans who have the will and the courage to pay whatever price is needed to pass this heritage on to their children and their children's children.

A Silent Majority of Americans who are proud that our country's economic system is doing more to raise the living standard of more human beings than any economic system since the beginning of recorded history.

A Silent Majority of Americans who know our system isn't perfect—but who agree with Churchill that if the inherent vice of capitalism is the unequal sharing of blessings, the inherent virtue of socialism is the equal sharing of miseries.

This Silent Majority is composed of no single race, class or creed, but includes Americans of all races, classes, religions and origins; white, black and yellow Americans; Catholics, Protestants, Jews; Northerners, Southerners, Easterners, Westerners; the young, the middle-aged, our senior citizens; businessmen, working men—and yes, university administrators, faculty and students; Republicans, Democrats and Independents.

These are the Americans who have faith in our country and its institutions. These are the Americans who continue to believe in the ideal of their nation as "God's crucible, the great Melting Pot" for the races of all mankind.

For whatever the vocal few may claim, the Silent and overwhelming Majority of Americans still looks to a leadership which seeks not to divide, but to bring us together.

Now, I know that the critics would argue that all of this is mere flag-waving. And flag-waving is an unforgivable sin for speakers nowadays.

Of course, flag-burning is defended by the vocal few in the name of freedom of dissent. But they are far less generous regarding the Silent Majority's freedom to assent to the laws of the nation and the rules of the society.

Their word for this, in case you haven't heard, is "hypocrisy."

American society, they claim, is a hypocritical system based on double standards of justice and morality.

But, ask yourself—and ask them, if you can get a word in edgewise:

Who are the real hypocrites if not the vocal few who shout about a democratic society and a peaceful world—yet worship at the shrine of Mao Tse-tung and Fidel Castro?

Who are the real hypocrites if not the vocal few who shout about academic freedom and a "relevant" education—but seek to intimidate university administrators, faculty members and students who still consider the campus a place to learn, not to burn?

Who are the real hypocrites if not the self-indulgent few who talk about social commitment and human dignity—but who translate these terms into the right to smoke pot and scribble obscenities on public buildings?

Who are the real hypocrites if not the violent few who, like the Nazis in Germany four decades ago, seek to use rights themselves in order to deny rights to others?

And they talk about double standards and hypocrisy! Just recently a speaker told a West Coast chapter of the American Civil Liberties Union that he disagreed with that organization's position on free speech because he favored "censorship" of views dangerous to society.

Who was that speaker? None other than Dr. Herbert Marcuse, the ideological father and folk hero of the New Left builders of a "democratic society."

So much, then, for double standards and hypocrisy as defined and interpreted by America's critics of the New Left.

Yet, if the radical few among the nation's young people are disruptive, they are by no means the most influential of America's home front critics, that distinction still rests with the spokesmen of the Old Left—those leaders whose policies led to our current problems overseas and here at home.

During the Thirties, Forties and Fifties, these Liberal spokesmen chipped away at the structure of America's institutions. They claimed then that they alone held the answers to the problems of the 20th century.

The American system, the Old Left said in those days, was failing. The old order, they argued, was in crisis. Only *Liberal* policies, *Liberal* programs, *Liberal* panaceas could assure prosperity at home and world peace.

Finally, in the decade of the Sixties, the Liberals were given the opportunity to put their theories to the test—to lead America, as they phrased it, to a Great Society.

The failure of these programs is now history.

Liberal foreign policy-makers succeeded only in weakening the hand of America and the Free World in the global struggle against Communism.

Permissive Liberalism succeeded only in producing civil disorder and disrespect for law in American communities and on campuses.

Liberal bureaucrats squandered billions of tax dollars in domestic programs that failed to meet the needs of our people.

But far from learning anything from their failures, Liberal leaders today are more vocal than ever in prescribing remedies for the national ills their own policies produced.

Despite the latest repression of freedom in Czechoslovakia, Liberal spokesmen insist that Soviet leaders have mellowed.

Despite all evidence of an increased Soviet missile buildup, they continue to back policies which would weaken America's defense capabilities.

Here at home, despite all evidence that the road to chaos is paved with permissiviness, Liberals continue to urge policies which *handcuff* those charged with *enforcing* the law and *appease* those intent on *breaking* it.

And despite all evidence that centralized Government programs *aggravate* domestic problems instead of *solving* them, they call for even *greater* centralization and *more* spending.

The Bourbon family that once ruled France was said to learn nothing and forget nothing.

The Liberal leaders who governed the United States during the sixties differ only in one respect: *They* learned *nothing*—but would just as soon the *American people forgot everything* about the experience.

But will the American people—you, the Silent Majority—forget?

Having only recently arrived on the Washington scene, I make no pretence at being a political expert. And my jurisdiction as a spokesman extends only to the people of the Congressional District I represent. Yet, there are things I—and you, the members of this audience—might hope for in the days ahead:

We can hope that members of the Silent Majority begin to make their voices heard by those political opportunists who seek to exploit, not remedy, America's problems.

We can hope that members of the Silent Majority begin to assert *their* rights to free speech and assembly under the First Amendment through constructive activities like the recent Rallies for Decency held by young Americans throughout the country.

We can hope that members of the Silent Majority—through channels provided by our free institutions—insist that those who report the news give better balance to the *affirmative* side of what's going on in our country today:

This doesn't mean a Polyanna's view of daily events. But it is naive and unrealistic for the national media not to recognize that in many cases their facilities exaggerate the importance of the vocal few radicals in our communities and on our campuses at the expense of national and community interest.

We can hope, too, that the Silent Majority will continue to make its voice heard at the polls to strengthen the mandate for orderly change and progress.

Finally, we can hope that the Silent Majority will remember that all that is needed to guarantee the ultimate triumph of tyranny is for free men to do nothing.

The time has come—it is long overdue—for the Silent Majority to speak—to speak up, and make their voices heard for America and for the cause of freedom!

UNFORTUNATE IMPLICATIONS OF PRESIDENT NIXON'S AIR FORCE SPEECH

Mr. PROXMIRE. Mr. President, if one reads carefully the speech delivered yesterday by President Nixon at the Air Force Academy, the President, in my judgment, gave explicit recognition to the value of the work of the Subcommittee on Economy in Government of the Joint Economic Committee and others in Congress who in the President's words "reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies" and to those "with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind."

The President's speech, however, has raised some serious questions about the present inquiry of the subcommittee into the military budget and national priorities.

Because of the unfortunately strong language in the beginning of the President's speech, it has been interpreted as an attack on the patriotism of those who are questioning the basic need of this Nation for a military force as large and as burdensome as we now have. This language in the speech seems designed to intimidate those who question whether America's role in the world can be best served by a large and expanding military force instead of a more vigorous dedication of our resources to our domestic programs.

This subcommittee, Democratic and Republican members alike, in its unanimous report last month entitled "The Economics of Military Procurement" found that—

There is a pressing need to re-examine our national priorities by taking a hard look at the allocation of federal revenues between the military and civilian budgets. Indeed, the inefficiencies described in this report, in addition to being difficult to contend with, raise questions about the very nature and size of the Department of Defense, is place within the framework of the Executive branch of the Government, and its relationship and responsiveness to Congress. The real needs of

the nation, military and civilian, are too important to endanger through bureaucratic arrangements in an agency which in too many instances has been unable to control costs or program results.

The committee is trying to ask the right questions. Do we really need a new nuclear carrier task force at a cost of $1.8 billion when carriers are sitting ducks for missiles or modern submarines, merely because the Navy has always had 15 capital ships?

In an age of sophisticated missiles, do we need a new manned bomber to be delivered a decade from now at a cost of $12 billion or more?

Are we really strengthened when there are 10 supply troops for every man in a combat unit?

Do we really need more than 400 major oversea bases, many of which are kept open because of inertia or by historical accident?

Is this country strengthened when our military aid props up potentates or dictators?

And what about the priorities for houses, schools and jobs? For the extra $2 billion which will be paid for one cargo plane, this country could house 3.3 million poor families or 12 million people for 1 entire year. Which has the higher priority?

We must keep the country free by investing in people—in homes, in jobs, in schools.

Luxury military budgets weaken this country. Freedom is stifled when we ignore human needs. Let us get our priorities straight.

One final word. The current national debate on the size of the military budget, on the justification of a number of expensive weapons systems and force levels, and on the relative merits of other nonmilitary programs, must not be stifled by anyone even by the President of the United States. The false, sacred mantle has been lifted from this subject. The free and open debate occurring now over military needs is healthy—healthy for the military as well as for the taxpayer, healthy for national security needs as well as domestic needs.

The lid is off. It will not easily be replaced. And it should not be.

THE PESTICIDE PERIL—XIII

Mr. NELSON. Mr. President, legislation to ban the use of DDT is currently pending before Congress and several State legislatures. Both Arizona and Michigan have already banned the use of this persistent pesticide.

Now 60 west coast marine scientists have appealed to Gov. Ronald Reagan to ban the use of DDT in California.

According to this morning's New York Times, the 60 scientists, from 16 universities and marine research laboratories in California and Hawaii, expressed their concern at "the prospect of wholesale damage to important world fisheries, and by the possible loss of whole categories of animals which play important roles in preserving an environment suitable to man."

Included in the letter to the Governor were copies of eight recent scientific papers on the effects of DDT and copies of 15 recent newspaper and magazine articles. The letter stated:

DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides are less destructive to man's environment and food supply are now available to take its place.

I ask unanimous consent that the New York Times article be printed in the RECORD.

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

SIXTY WEST COAST SCIENTISTS URGE REAGAN TO SEEK A BAN ON DDT

(By Gladwin Hill)

LOS ANGELES, June 4.—Nationwide moves against the pesticide DDT gained impetus today as 60 West Coast marine scientists appealed to Gov. Ronald Reagan to ban the use of the compound in California.

In an open letter, the scientists said: "We are seriously concerned by the prospect of wholesale damage to important world fisheries, and by the possible loss of whole categories of animals which play important roles in preserving an environment suitable to man."

California, a leading agricultural state, uses more DDT than any other state. The principal manufacturer of it is the Montrose Chemical Corporation here, a subsidiary of the Stauffer Chemical Company.

Legislation to ban DDT is before Congress and several state legislatures, including California's. Michigan and Arizona have banned it, and Wisconsin is considering a ban after several months of hearings that ended two weeks ago. The Department of Health, Education and Welfare in April appointed a special commission to make a six-month investigation of DDT and other pesticides.

CALIFORNIA BILL BACKED

The 60 scientists, from 16 universities and marine research laboratories in California and Hawaii, urged in their "open letter to Governor Reagan and the people of California" support of the pending California legislation.

The group is headed by Dr. John H. Phillips, director of Stanford University's Hopkins Marine Station at Pacific Grove, Calif. Other institutions represented in the group include the University of California, the California Institute of Technology and the Scripps Institution of Oceanography.

The scientists sent Governor Reagan copies of eight recent scientific papers on the effects of DDT and copies of 15 recent newspaper and magazine articles.

"The scientific evidence now available shows beyond question that DDT and its residues have caused serious and irreparable damage to populations of beneficial birds and fishes," the letter said.

DDT SAVED MILLIONS

"It is true that since World War II, DDT has saved millions from death and malaria, typhus and other insect-borne diseases, and saved billions of dollars in food crops from insect pests. However, DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides are less destructive to man's environment and food supply are now available to take its place."

The chief objection to DDT is that it is persistent and largely insoluble in water. One pound of DDT, one scientist calculated, if spread evenly over the United States, would deposit one billion molecules of the substance per square foot. Production is now about 130 million pounds a year. It costs about 17 cents a pound.

ADDRESS BY PRESIDENT NIXON AT U.S. AIR FORCE ACADEMY

Mr. GOLDWATER. Mr. President, on the afternoon of June the 4th, at graduation exercises held at the U.S. Air Force Academy in Colorado Springs, President Richard Nixon made a speech that I feel all Americans should be acquainted with. In my opinion, he sums up what seems to be a growing prevalence of national mood and what the national mood should be in a few succinct and understandable words. He says so clearly what many of us have been trying to say as we have warned our Nation against the precipitate reentry into isolationism or the use of the quick tongue in unearned criticism against the men who make up our military forces. He warns that it does little good for us to solve all of our domestic problems which we all want to do and then not be around to enjoy our way of life. He points out very clearly what General Eisenhower meant when he used the words, "military industrial complex." I ask unanimous consent that the speech be printed in the RECORD, so that the people who read the RECORD and did not hear the speech can enjoy it as I have enjoyed it.

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

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY, JUNE 4, 1969

For each of you, and for your parents and your countrymen, this is a moment of quiet pride.

After years of study and training, you have earned the right to be saluted.

But the members of the graduating class of the Air Force Academy are beginning their careers at a difficult moment in military life.

On a fighting front, you are asked to be ready to make unlimited sacrifice in a limited war.

On the home front, you are under attack from those who question the need for a strong national defense, and indeed see a danger in the power of the defenders.

You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous.

It is open season on the armed forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States.

This paradox of military power is a symptom of something far deeper that is stirring in our body politic. It goes beyond the dissent about the war in Vietnam. It goes behind the fear of the "military industrial complex."

The underlying questions are really these: What is America's role in the world? What are the responsibilities of a great nation toward protecting freedom beyond its shores? Can we ever be *left* in peace if we do not actively assume the burden of *keeping* the peace?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend they are mere matters of degree.

One school of thought holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts

to a unilateral reduction of our arms—as a demonstration of our "good faith."

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II, and they argue that we are as much responsible for the tensions in the world as any adversary we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten.

America's presence on the world scene, they believe makes peace abroad improbable and peace in our society impossible.

We should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home." "Let's first solve our own problems and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy to buy some popularity by going along with the new isolationists. But it would be disastrous for our nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine what would happen to this world if the American presence were swept from the scene. As every world leader knows, and as even the most outspoken of America's critics will admit, the rest of the world would be living in terror.

If America were to turn its back on the world, a deadening form of peace would settle over this planet—the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms controls as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

Programs solving our domestic problems will be meaningless if we are not around to enjoy them. Nor can we conduct a successful policy of peace abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. America has a vital national interest in world stability, and no other nation can uphold that interest for us.

We stand at a crossroad in our history. We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

This is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources; and they despair. When the first vessels set out from Europe for the New World, these men would have weighed the risks, and stayed behind. When the colonists on the Eastern seaboard started across the Appalachians to the unknown reaches of the Ohio Valley, these men would have calculated the odds, and stayed behind.

Our current exploration of space makes the point vividly: Here is testimony to man's vision and man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice.

I know that every member of this graduating class is, in that sense, an idealist.

In the years to come, you may hear your commitment to America's responsibility in the world deride as a form of militarism. It is important that you recognize that strawman issue for what it is: The outward sign of a desire by some to turn America inward—to have America turn away from greatness.

I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapon system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

As your Commander-in-Chief, I want to relay to you as future officers of our armed forces some of my thoughts on these issues of national moment.

I worked closely with President Eisenhower. I know what he meant when he said ". . . we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex."

Many people conveniently forget that he followed that warning with another: "We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

And in that same Farewell Address, President Eisenhower made quite clear the need for national security. As he put it: "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

America's wealth is enormous but it is not limitless. Every dollar available to the Federal Government has been taken from the American people in taxes. A responsible government has a duty to be prudent when it spends the people's money. There is no more justification for wasting money on unnecessary military hardware than there is for wasting it on unwarranted social programs.

There can be no question that we should not spend "unnecessarily" for defense. But we must also not confuse our priorities.

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment. After a complete review of our foreign and defense policies I have submitted requests to the Congress for military appropriations—some of them admittedly controversial. These requests represent the minimum I believe essential for the United States to meet its current and long-range obligations to itself and to the free world. I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and to honor our obligations. I will bear the responsibility for these judgments. I do not consider my recommendations infallible. But if I have made a mistake, I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

Mistakes in military policy can be irretrievable. Time lost in this age of science can never be regained. I have no choice in my decisions but to come down on the side of security. History has dealt harshly with those nations who have taken the other course.

In that spirit, let me offer this credo for the defenders of our nation:

I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.

I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.

I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help ensure a sound prosperity and high employment.

I believe that moderation has a moral significance only in those who have another choice. The weak can only plead magnanimity and restraint gain moral meaning coming from the strong.

I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.

I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms, in the con-

text of other specific moves to reduce tensions around the world.

I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.

And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength, in creating a just world order that will bring an end to war.

Let me conclude with a personal word.

A President shares a special bond with the men and women of the nation's armed services. He feels that bond strongly at moments like these, facing all of you who have pledged your lives, your fortunes and your sacred honor to the service of your country. He feels that bond most strongly when he presents a Medal of Honor to an 8-year-old boy who will not see his father again. Because of that bond, let me say this to you now:

In the past generation, since 1941, this nation has paid for fourteen years of peace with fourteen years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined. In terms of human suffering, this has been the costliest generation in the two centuries of our history.

Perhaps this is why my generation is so fiercely determined to pass on a different legacy. We want to be remembered, not as the generation that suffered, but as the generation that was tempered in its fire for a great purpose: to make the kind of peace that the next generation will be able to keep.

This is a challenge worthy of the idealism which I know motivates every man who will receive his diploma today.

I am proud to have served in America's armed forces in a war which ended before members of this class were born.

It is my deepest hope and my belief that each of you will be able to look back on your career with pride, not because of the wars in which you served but because of the peace and freedom which your service made possible for America and the world.

BEAUTIFUL COLLEGE PARK

Mr. TYDINGS. Mr. President, I wish to commend the municipal government of the city of College Park in Prince Georges County, Md., for doing its fine efforts in bringing together all the groups willing to cooperate within the community-business, government, religious, educational, and the leaders of the civic, fraternal, and community organizations.

As part of their efforts to encourage community action, the Honorable William W. Gullett, mayor of College Park and the city council, established in 1965 a citizens advisory planning board under the chairmanship of Dr. Raymond W. Hoecker, with the assistance of Robert A. Edwards, city administrator of College Park, to advise the mayor and council through the research and studies of the citizens advisory planning board's five subcommittees on community renewal, improvement and beautification, long-range planning, public works, and zoning requests.

In this regard, I am pleased to recognize the efforts and achievements of the beautiful community of College Park which can boast of being the home of the University of Maryland, the cradle of American aviation with the oldest continually operated airport in the world where the earliest aeronautical experiments were conducted in the United States in 1907. This concern, of course, is not with their community alone. They acknowledge the privilege of being a vital part of our National Capital which was founded in beauty and is destined to preserve and expand our traditional concept of beauty in spite of its present vicissitudes.

One recent effort, which I particularly wish to recognize, is the recent campaign led by the beautification and improvement committee of the citizens advisory planning board—the "clean up, paint up, fix up" campaign.

Last year the beautification committee worked for total community involvement and secured the active efforts of the University of Maryland and 35 groups, including: civic clubs and associations, religious organizations, garden clubs, service clubs, fraternities, sororities, Boy Scouts, Girl Scouts, and the two fire departments.

For the second time, the city was able to use, as a courtesy of the Humble Oil Co., the big billboard at Route 1 and Rowalt Drive, to advertise the clean up, paint up, fix up campaign and the Rollins Outdoor Advertising Co. donated a 12-by-20-foot double-faced mobile sign.

The results were outstanding. The city of College Park was nominated by the Maryland Municipal League for an award by Keep America Beautiful, Inc., a public service organization, and subsequently, the city received the 1968 distinguished service citation.

The opportunities for beautification were undertaken by the improvement and beautification committee in such a diligent way that the city was also awarded a certificate of commendation by the Prince Georges County chapter of the Maryland Civic Federation, Inc., in recognition of exceptional service rendered in the field of beautification.

College Park was also a contestant in the national clean up, paint up, fix up contest and won a distinguished achievement award for cities under 25,000 inhabitants.

Again this spring, a beautification program is being conducted in College Park. Residents can feel proud to call this their "hometown," and I congratulate them.

CZECHOSLOVAKIA AND THE BREZHNEV DOCTRINE

Mr. JACKSON. Mr. President, the Conference of the World Communist Parties opened today in Moscow. Yesterday, on the eve of this conference, the Subcommittee on National Security and International Operations published a case study on the Soviet-led invasion of Czechoslovakia and the Brezhnev doctrine of limited sovereignty.

I recommend the entire study to the Senate and ask unanimous consent to have printed in the RECORD the introduction, which presents the principal findings of the study.

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

CZECHOSLOVAKIA AND THE BREZHNEV DOCTRINE—INTRODUCTION

(By Senator HENRY M. JACKSON)

In our ongoing study of the effectiveness of this country's national security methods, staffing and processes, we thought it would be useful to understand more fully the negotiating methods and *modus operandi* of the Soviet Union.

The importance of such understanding should be evident to all as we observe the tragic plight of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people. However sanguine anyone may have been about Soviet policy, the military assault on Czechoslovakia was a sobering experience. Since the invasion, the Russians have applied pressure to the helpless victim but slowly enough, as one Czech put it, so that no one would hear the bones crack. Czechoslovakia, a rueful Czech observed, is the most neutral country in the world; it does not even intervene in its own affairs.

President Tito has spoken of a new ghost that has appeared; he means the Brezhnev theory of limited sovereignty, which has emerged as the official Russian justification for the invasion and continued occupation of Czechoslovakia. The Brezhnev doctrine, in effect, asserts that among communist countries treaty obligations and pledges will be dismissed as mere legal abstractions whenever the Soviet Union finds them in conflict with the "class" laws of social development, and that it is Russia's right to intervene unilaterally by arms in "any socialist country."

This spectre now haunts the communist movement, and it haunts as well the rest of Europe and the free world. How far does the supposed right of Soviet intervention and suppression stretch? Other communist countries and parties and everyone else must now reckon with the Brezhnev doctrine in their assessments of Soviet intentions. And they must reckon with it at a time when Soviet military power is expanding and when Soviet capacity to exert its power for effective intervention is increasing.

The purpose of this publication is to provide in convenient form a selection of materials on the nature and implications of the Brezhnev doctrine. In preparing this compilation the subcommittee staff was fortunate to have the counsel of Sergius Yakobson, Senior Specialist for Russian Affairs, of the Legislative Reference Service of the Library of Congress.

Clearly, Brezhnev's theory of limited sovereignty is an ominous manifestation of Soviet international legal doctrine—a textbook case on the "heads I win, tails you lose" attitude of the present Soviet leadership. The doctrine is rooted in the assumption that law is a class tool, and international law as an extension of internal law must likewise perform its part in the struggle between classes.

In the 1930's some Soviet legal circles affirmed the existence of a specifically "socialist" international law and a "bourgeois" or "capitalist" international law. National sovereignty was characterized as "an abstract legal concept." By the mid-30's the USSR was assuming new international responsibilities, as a member of the League of Nations, and as the ally of Czechoslovakia and France. At that time foreign critics argued that the assertion of the existence of a "socialist" international law permitted Moscow to do anything, to set its own norms of conduct, and to go to any lengths to violate generally accepted international morality. Both to improve its credentials as a collaborator in international undertakings and to gain for itself the shield of established principles of international law, Moscow began to insist on the concepts of national sovereignty and noninterference with the rights of independent states. In 1934 Maxim Litvinov, then Soviet Foreign Minister, declared that the USSR would associate with other states under conditions that recognized "the extension to

every State belonging to such an association of the liberty to preserve . . . its State personality and the social economic system chosen by it—in other words, reciprocal noninterference in the domestic affairs of the States therein associated . . ."

Ironically, shortly after the August 1968 invasion, Litvinov's grandson, Pavel Litvinov, was sentenced to five years of exile in Siberia for defending Czechoslovakia's right to "the social economic system chosen by it."

Since the mid-30's the principle of "reciprocal non-intervention in the internal affairs of other states" had been a recurring concept in Soviet doctrine. As the number of countries calling themselves communist increased and divisions among them became more apparent, Soviet treaties, declarations and official writings had more and more tended to emphasize the "complete equality" of all socialist states and the strict observance among them of respect for independence and national sovereignty.

The 1943 Treaty of Friendship between the USSR and the Czechoslovak Republic pledges the two parties "to act in conformity with the principles of mutual respect for their independence and sovereignty as well as of non-intervention in the internal affairs of the other State." The Warsaw Pact of 1955 commits the Soviet Union and the other contracting parties "in accordance with the Charter of the United Nations Organization, to refrain in their international relations from the threat or use of force." The Declaration of 12 Communist Parties in November 1957 asserts: "The socialist countries base their relations on the principles of complete equality, respect for territorial integrity and state independence and sovereignty, and noninterference in one another's affairs." The Declaration of 81 Communist Parties in November 1960 states: "Every country in the socialist camp is ensured genuine equality of rights and independence."

During the early 1960's the idea of "different roads to socialism" had become respectable in discussions between the Soviet Union and its Warsaw Pact allies.

In December 1964, on the occasion of the renewal of the 20 year old Treaty of Friendship with Czechoslovakia, Kosygin declared: "The Soviet-Czechoslovak treaty was the first wartime international document to set forth the principles of a just, democratic alignment of postwar Europe. The treaty guaranteed the restoration of independence, sovereignty and freedom to the Czechoslovak Republic. . . ."

As late as August 3, 1968, Czechoslovakia and five of its Warsaw Pact allies led by the Soviet Union, joined in a communiqué at Bratislava stating "their firm resolve to do everything in their power for deepening all-around cooperation of their countries on the basis of the principles of equality, respect for sovereignty and national independence, (and) territorial integrity . . ."

Yet, seventeen days later, on August 20, suddenly, during the night, Czechoslovakia was invaded and occupied by the forces of those five Warsaw Pact allies, spearheaded by the Soviet Union.

So, all the treaties and the pledges were but "scraps of paper".

For some weeks there was a flurry of inconsistent Soviet explanations and rationalizations. Then, in a September 25 article, by Sergei Kovalev, *Pravda* said:

"There is no doubt that the peoples of the socialist countries and the Communist Parties have and must have freedom to determine their country's path of development. However, any decision of theirs must damage neither socialism in their own country nor the fundamental interests of the other socialist countries nor the worldwide workers' movement, which is waging a struggle for socialism. This means that every Communist Party is responsible not only to its own people but also to all the socialist countries and to the entire Communist movement. Whoever forgets this in placing sole emphasis on the autonomy and independence of Communist Parties lapses into one-sidedness, shirking his internationalist obligations. . . . The sovereignty of individual socialist countries cannot be counterposed to the interests of world socialism and the world revolutionary movement."

And as if to make certain that this instruction from the biggest communist country is well understood by citizens of smaller communist countries, the writer included this admonition: "V. I. Lenin demanded that all Communists 'struggle *against* petty national narrowness' . . ."

Pravda then asserted that Czechoslovakia's implementation of "self-determination" would "run counter to Czechoslovakia's fundamental interests and would harm the other socialist countries," adding: "Those who speak of the 'illegality' of the allied socialist countries' actions in Czechoslovakia forget that in a class society there is and can be no such thing as nonclass law. Laws and the norms of law are subordinated to the laws of the class struggle and the laws of social development. . . .

"The class approach to the matter cannot be discarded in the name of legalistic considerations. Whoever does so and forfeits the only correct, class-oriented criterion for evaluating legal norms begins to measure events with the yardsticks of bourgeois law."

Does this mean that among all socialist countries the "non-class" laws represented by the United Nations Charter and other treaties are mere abstract principles subordinated to whatever Moscow determines to be the "laws of the class struggle" and the "laws of social development"? So it seems.

Understandably, the *Pravda* thesis provoked widespread criticism in the communist movement and in the world at large. On November 3, in response to the objections, *Pravda's* political analyst, Viktor Mayevskiy, spoke disparagingly of the alarm over "some kind of new Soviet doctrine", and set the Soviet propaganda theme of a "quiet counter-revolution" in Czechoslovakia to restore a "bourgeois system".

A few days later, however, Leonid Brezhnev officially endorsed the *Pravda* thesis that countries ruled by communist parties can have only limited sovereignty, even in their internal affairs. On November 12, 1968, speaking to the Polish Communist Party Congress, Leonid Brezhnev laid it on the line in his capacity as General Secretary of the Soviet Communist Party: ". . . The CPSU [Communist Party of the Soviet Union] has always advocated that each socialist country determine the specific forms of its development along the road to socialism with consideration for its specific national conditions.

"However, it is known, comrades, that there also are common laws governing socialist construction, a deviation from which might lead to a deviation from socialism as such. And when the internal and external forces hostile to socialism seek to revert the development of any socialist country toward the restoration of the capitalist order, when a threat to the cause of socialism in that country, a threat to the security of the socialist community as a whole, emerges, this is no longer only a problem of the people of that country but also a common problem, concern for all socialist states.

"It goes without saying that such an action as military aid to a fraternal country to cut short the threat to the socialist order is an extraordinary enforced step, it can be sparked off only by direct actions of the enemies of socialism inside the country and beyond its boundaries, actions creating a threat to the common interests of the camp of socialism."

No doubt is now left that it is the men in the Kremlin who will determine what constitutes action deviating from the "common laws governing socialist construction" and who will decide when to intervene with arms in "any socialist country".

Moscow in essence is saying to a nation with leanings toward communism: if you think you have the right to independence and self-determination, think again! You haven't and we will make international law confirm it. You can have independence and self-determination if we consider it proper for you; you cannot have it, even in your domestic affairs, if we consider it improper, because we have a doctrine of law that says what is yours is mine and what is mine is mine.

Russia's supposed right of armed intervention in socialist countries obviously applies to all members of the Warsaw Pact—which bodes no good for Rumania with her long common border with the Soviet Union. General Secretary Nicolae Ceausescu got the message. On August 21 he denounced the invasion as a "flagrant violation of the national sovereignty of a fraternal, Socialist, free and independent State," and on August 30 stated: "We never thought that force would be used among Communists, among Socialist countries, to impose a certain point of view." In February 1969, Ceausescu delivered a major speech specifically rejecting the thesis of limited sovereignty.

Does the new thesis apply to Yugoslavia? President Tito, who for twenty years has fought Soviet schemes to control his party and country, warned that if the Soviets invade Yugoslavia they will be mired in a long and bitter guerrilla war. Tito denounced the limited sovereignty doctrine in March 1969:

"In the name of the alleged higher interests of socialism, attempts are made to justify even the open violation of the sovereignty of a socialist country and the adoption of military force as a means of preventing independent socialist development."

Does the Brezhnev doctrine also extend to Albania (a former member of the Warsaw Pact) and all other socialist countries? Even Fidel Castro, on August 23, criticized the Soviet Union for "illegality."

"What are the factors that created the necessity for a step which unquestionably entailed a violation of legal principles? . . . what cannot be denied here is that the sovereignty of the Czechoslovak State was violated. . . . And the violation was, in fact, of a flagrant nature. . . . Not the slightest trace of legality exists. Frankly, none whatever."

It seems to follow logically from the Brezhnev thesis that any country which in the future adopts a communist government, either by revolution or election, automatically becomes a part of the "socialist community" as defined by the Soviet Union, and as such is subject to the Soviet concept of intervention—military or otherwise—even against the will of the communist party in power. Once such an idea enters the minds of Italian, French, or Finnish voters, they have the most convincing argument yet produced for not voting communist!

It is not surprising that the reaction of the West European Communists against the Russian aggression was generally quick and firm. Out of 21 parties, only six took a pro-Soviet stand: the Luxembourg CP, the Greek party (KKE), the Portuguese CP (after initial wavering), the Cypriot AKEL (at the cost of internal dissension), the West German KPD, and the West Berlin SED (the last two are client parties—wholly dependent on the Ulbricht East German regime).

Most West European communist parties saw through Moscow's initial rationalization. The Kremlin could not prove its claim of "requested assistance" from Czech party and state leaders, and it failed conspicuously to produce the "quislings" who were supposed to have invited the foreign troops.

French, Austrian, Italian and British communist spokesmen have been particularly strong in rejecting Moscow's imperial claims.

One point West European communist parties have made with repeated emphasis: that they oppose the Soviet military intervention and the concept of limited sovereignty as a matter of principle. As communists, they say, they have to condemn the violation of norms accepted by the entire communist movement—the sovereignty of each socialist state, the autonomy and equality of all communist parties, the right of each national communist leadership to decide its own policies. Thus, André Wurmser spoke for the French Communist Party on September 4 in *France Nouvelle:*

"In truth, the tragic decision of this month of August is wrong not only according to our opinion but according to *our law*, the law of the Communist parties of the whole world. . . .

". . *who* took the responsibility for the intervention? Not *the* Communist parties, since the French Communist Party, the Italian Party, the very great majority of the 81 parties that signed the 1960 declaration, were opposed to it, as was that declaration itself, but *some* Communist parties, setting themselves up, on their own authority, as judges without appeal."

Austrian Communist Party Central Committee member Heno Kostmann, writing in *Volksstimme* of October 9, disavowed the new thesis as a danger to the survival of the world communist movement: ". . . no norm exists or has existed anywhere giving a socialist country or a group of such countries the right to intervene in a fraternal socialist country. Incidentally, such a right of intervention is in conflict with all existing norms of relations among fraternal socialist countries and among Communist parties. . . . On any basis other than . . . the basis of autonomy, a world Communist movement is not possible."

The Italian Communist Party General Secretary Luigi Longo, in an interview published September 8 in *L'Unita*, called the sending of the foreign troops into Czechoslovakia, in violation of proclaimed principles, a "tragic error." He insisted that the military intervention in Czechoslovakia was not only unnecessary—because Dubcek could safely have been trusted to remain in control of events inside Czechoslovakia—but that it also was a violation of the principles laid down in the declaration of the Soviet Government about Hungary (in October 1956). That declaration said that foreign military forces from other member states of the Warsaw Pact may be stationed on the territory of another member state only if two conditions are respected. These two conditions, proclaimed by the Soviet Government in 1956, and quoted again by Luigi Longo, are as follows: first that the country receiving the foreign troops must first consent to have them, and invite them; and second, that *all* the members of the Warsaw Pact must agree that the foreign troops should be sent to that country. Both these conditions, said Longo, were violated when the foreign troops entered Czechoslovakia. At the 12th Congress of the Italian Communist Party (February 8 to 15, 1969), Longo forcefully rejected the Brezhnev doctrine in these terms:

"Our position is consistent with the entire attitude of our party, which attaches principled value to full respect for the autonomy and sovereignty of every communist party and every socialist state, to the rejection of any guiding-state or guiding-party theory, and, therefore, to the rejection of any theorization of political struggle unity which is not, always and in every aspect, the result of free debates and free acceptance, without any interference and pressure."

Quite evidently, the challenge which the Soviet aggression and the Brezhnev doctrine pose to the political interests of Western and other communist parties is very direct and damaging. Most West European communist parties are trying to gain power by parliamentary means and they envisage a socialist democracy which would preserve "bourgeois liberties." To retain the credibility of their position a systematic repudiation of the theory and practice of imperialist communism appeared to be needed.

As early as September 15, Franz Muhri, in a report to the Austrian CP Central Committee, said: "We must begin a discussion on the deeper, more extensive problems, causes, lessons and conclusions"; and among the subjects he listed, with detailed commentary, were "the principles of relations between Communist parties and between socialist countries," the "problem of socialist democracy in the socialist countries," and the question of party autonomy and national roads to socialism.

Also the Italian, British, and French communists, among others, called for and are now engaged in discussions of totalitarian communism and in reassessments of the "real situation of the socialist countries."

And how is the Chinese Communist Party responding to Czechoslovakia's fate?

As early as August 23, Premier Chou En-lai described the Czech assault as "the most bare-faced and most typical specimen of Fascist power-politics played by the Soviet revisionist clique of renegades and scabs against their so-called allies." Significantly, Peking has blasted the doctrine of limited sovereignty as fascist and imperialist and linked it to Soviet aggression on China's border. An article by Fan Hsiu-ling in *People's Daily* on March 17, 1969 states:

" 'Limited sovereignty' in essence means that Soviet revisionism can encroach upon the sovereignty of other countries and interfere in their domestic affairs at will, and even send its aggressor troops into the territory of these countries to suppress the people there, while the people invaded have no right to resist aggression and safeguard their own sovereignty and independence. This is an out-and-out fascist 'theory'. . .

"The fascist theories of the Soviet revisionist renegade clique are of the same kind as the tsars' imperialist ones created to invade other countries. In exposing tsarist Russia's aggression against China, Lenin pointed out: 'Our government asserts first of all it is not waging war against China, that it is merely suppressing a rebellion, pacifying rebels; that it is helping the lawful government of China to reestablish law and order.' Didn't the Soviet revisionist new tsars behave in just this manner in Czechoslovakia? . . .

"They have also applied these measures to Asia, turning the People's Republic of Mongolia into their colony and making further attempts to encroach upon China's territory. The recent Soviet revisionists' extending of their claws to intrude into China's sacred territory of Chenpao Island is a major revelation of their frenzied aggressive ambitions and social-imperialist nature. . . ."

In apparent response to the continuing criticism, *Pravda*, on April 7, 1969, carried a restatement of the limited sovereignty doctrine, still defined as applicable to the "socialist community". It reads:

"Socialism and sovereignty are indivisible. Marxists-Leninists believe that when a threat arises to the revolutionary achievements of a people in any country, and thereby to its sovereignty as a socialist country, and a threat to the fraternal community, then the socialist states' international duty is to do everything to suppress this threat and to insure the progress of socialism and the strengthening of the sovereignty of all socialist countries."

In a further effort to justify its position in the face of the widespread objections, *Kommunist*, the "theoretical and political" organ of the Central Committee of the Communist Party of the Soviet Union, printed an editorial on April 21, 1969 denying the existence of "some kind of doctrine called the 'limited sovereignty' of socialist countries." Characteristically, however, a few paragraphs later in the same editorial, the doctrine is reaffirmed:

"True to the principles of proletarian internationalism, the Soviet Union and the other socialist countries have undertaken joint actions for the defense of the achievements of socialism in fraternal Czechoslovakia. These actions were directed toward the defense of the national sovereignty of Czechoslovakia and against the encroachments of domestic and foreign enemies on the social and national achievements of that fraternal nation, and toward insuring the conditions for the free development of a sovereign socialist country. . . ."

The international communist movement can get no comfort from this kind of doubletalk about defending sovereignty by denying sovereignty. The Brezhnev doctrine is vintage Russian power politics.

The similarities between Moscow's forcible methods and Nazi tactics and deeds are now fully visible to the peoples of the Warsaw Pact countries, and to the West European communist parties whose interests the Soviet leadership has deliberately disregarded.

If anyone had any doubt about the importance of Moscow's modern weaponry in implementing its political purposes the tragedy of Czechoslovakia should dispel the doubt.

In military terms, the Soviet thrust into Czechoslovakia proved what they can do overnight—when unopposed. The Soviet capability that was exercised so impressively in Czechoslovakia—under the protection of the powerful and expanding Russian nuclear-missile forces—is ready for employment on other tasks. And it is now clear that this Soviet military capability is available for use not only against long acknowledged adversaries in the free world, but against communist friends and allies as well.

How the Kremlin will exploit its formidable military position to advance its political ambitions is, of course, hard to foretell. But memories of August 1968 argue against any complacency that good sense will necessarily prevail in the decisions and actions of the Soviet Politburo.

MAY 22, 1969.

ESSAYS ON RURAL ELECTRIFICATION

Mr. CURTIS. Mr. President, the Nebraska Rural Electric Association has sponsored a youth tour to Washington for a number of years. The group is made up of those boys and girls who have been the winners of essay contests sponsored by their individual Nebraska rural power systems in cooperation with the Nebraska Rural Electric Association.

I ask unanimous consent to have five of these winning essays printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

(By Shelley Hanson, 17, junior, Wheatland Public School, Madrid, Nebr., father: Max Hanson, Elsie, Nebr.)

(NOTE.—Contestant sponsored by The Midwest Electric Membership Corporation, Grant,

Nebr., in cooperation with the Nebraska Rural Electric Association.)

There is a revolution taking place within our society today, have you noticed? People are seeking reform for this rapidly changing world. Electricity plays an important part in our revolutionary society today. Electricity will play an important part in tomorrow's society also. Rural electrification changes to meet the needs of the people.

Atomic power plants will be generating 150 million kilowatts of electricity by 1980. From 1965 through 1968 some 92 atomic plants were ordered including two in our own state of Nebraska. The total capacity of all electric generating plants in the United States in 1902 was 1.2 million kilowatts. By 1955, our capacity had grown to 114.5 million kilowatts. In the following 10 years, the capacity more than doubled. In 1965, about 235.6 million kilowatts were available to Americans. Electricity certainly seems to be meeting our needs.

Electric carpets will be on the market soon for those of you who complain of having cold feet. With the rising concern about air pollution and the fact that we may soon be poisoned by the air we breathe, electricity has come up with another idea—the electric car. At first, the idea was abandoned because it was impractical, but with years of research it has become a reality for the future.

We remodeled our home about five years ago. We replaced all our gas appliances with modern electric ones. Our home remains comfortable the year around with electric heating in the winter and electric air conditioning for hot summer days. Our kitchen is a joy to work in with modern electric appliances. It saves my mother a lot of time and energy and gives me more time to myself and to work on homework. The American housewife controls about 65 horsepower around her home just by turning on her electric switches. Since 22 men equal one horsepower, my mother has the equivalent of 430 men helping her around the house. That's what I call progress!

Not only has electricity revolutionized our home, but it has changed our method of farming entirely. Our main livelihood is the production of wheat. Wheat has to have a low moisture content before it can be stored. While waiting for the wheat to dry out, many years we have been hailed out. Now, with an electric drying bin, we are able to harvest earlier, thus many times saving the crop. Electricity also makes irrigation probable and profitable in rural areas. About 27% of Nebraska's more than 30,000 irrigation wells are powered by electricity and that number is growing constantly.

Rural electric systems are distribution agencies that buy wholesale power and sell it at retail to individual users. Tri-State Generation and Transmission Association of Denver is a wholesale power supplier for western Nebraska. There are 32 rural electric systems with headquarters in Nebraska.

Without the friendly presence of electricity in my home, I'm sure it would be very different. I think nothing of turning on the stereo, radio and television at the same time—to my parents' dismay. Our country is changing in many ways and I am happy that rural electrification has met its changing needs.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

(By Holly Snyder, 17, junior, Paxton Consolidated School, father: William P. Snyder, Paxton, Nebr.)

(NOTE.—Contestant sponsored by The Midwest Electric Membership Corporation, Grant, Nebr. in cooperation with the Nebraska Rural Electric Association.)

One Sunday morning, as I sat at the organ playing for church services, the electricity went off. The result was a weird, whinning sound as the organ ran down. The electricity was off for only a few seconds, but it was long enough for me to realize that all over my community people at worship services were depending upon electricity for light, heat and organ music.

This incident also made me wonder just how rural electrification got started. Was it all by accident? Hardly! It came about through the persistent legislative efforts of a few dedicated people. People like Senator George Norris of Nebraska and Representative Sam Rayburn of Texas who presented eloquent speeches in favor of the Rural Electric bill. As a result, Franklin D. Roosevelt signed the Rural Electrification Act in 1936.

Since that time REA has become not only a very important part of our daily lives, but also a dedicated philanthropic organization. Consider REA's donations to 4–H. In the main lodge at the State 4–H Camp at Halsey hangs a plaque which reads, "This lodge is completely heated by electricity. Equipment and installation were contributed by the rural electric systems of Nebraska through the Nebraska Rural Electric Association." REA donated over $7,000 to the camp.

At state fair, REA gives awards to 4–H'ers for posters and booths, and each year provides a plaque for the outstanding electric club. Also REA gives an electric drill to the outstanding 4–H leader and member. REA provides professional help and materials to the local 4–H programs for training young people. This provides additional incentive in the area of 4–H electrical projects.

These examples show that REA is a friend of both youth and the community.

REA benefits our home life in countless ways. This fact was driven home to me during a recent blizzard. Our home and farm were entirely without electricity for a time. We were without electric lights, electric cooking facilities, refrigerator, freezer, water, bathroom facilities, washing machine, dryer, TV and radio. The farm was without feed grinders, yard lights, barn and shed lights, heat lamps for baby calves, air and water pumps, welding equipment and battery chargers. REA workmen did their best to get electricity back to us as soon as possible, but we were without it long enough to realize what a treasure it really is.

What lies ahead for REA? It will continue to meet the numerous challenges of modern society. There will be a steadily increasing demand for power, due to increased population as well as income growth. More rural areas will require electricity for development, and a larger supply of electricity will be needed for larger farms. Soil and water will be treated by electricity, and the development of luxury items such as heated sidewalks and driveways, home elevators and lighting for outdoor sports and decoration is anticipated.

Our community knows the value of REA. It sees us through our daily lives, all the way from our religious services to the delivery of baby calves. May it continue to do so for countless generations.

DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

(By Dale Buescher, 15, sophomore, Lawrence High School, father: Don Buescher, Lawrence, Nebr.)

(NOTE.—Contestant sponsored by the South Central Public Power District, Nelson, Nebr., in cooperation with the Nebraska Rural Electric Association.)

In the past fifty years the development of electricity has completely changed the life of the rural family. One doesn't fully appreciate the value of electricity until it is shut off for a time and we are without the conveniences and labor-saving devices that electricity produces.

Many of us hear our parents talk of lighting their homes with kerosene lamps and how happy they were to have one room heated by wood or coal heaters. Did you ever stop and think how dangerous and unsanitary these methods were? All one has to do now is flip a switch or turn a thermostat and get the lighting or heat he desires in any room of his home. This is not only safe and sanitary but it is also economical.

Electricity now frees everyone to enjoy modern conveniences and gives him leisure time to take part in community affairs, church activities and to share in Nebraska's expanding recreational opportunities to the extent that our grandparents never did.

Our farms, electricity lights the homes and barns. Electric pumps supply water from wells to any part of the farm. Dairy farmers now can milk hundreds of cows with electric milking machines. Electric fences for our convenience serves as a temporary fence and we have electric fans for drying grain and power tools for little touch up jobs or projects. Irrigation is now changing to electric power as fast as wholesale power supplies permit and will become entirely powered by electricity.

The farmer cannot do without electrical power. The price of electricity has been decreasing while farm supplies have been increasing. So we can't possibly do without this source of power.

Electric heat for home and farm apparatus is nearly universal. With the tremendous demand for electric farm equipment it is absolutely absurd to have anything but electricity.

In case of tornadoes or blackouts the Districts Repair Service is there getting everything cleared up in a matter of hours and one can keep on with his work. These men are on the job twenty-four hours a day keeping the rural areas in tip-top condition for our benefit. We should as a community and state, recognize October as the "Rural Electric Month" because of the great achievements over the last fifty years that men like Morris Cooke and John M. Carmody have made.

The economy of Nebraska benefits greatly from the improved quality of agricultural produce, and the reduced labor needed for its making. Rural electrification has diversified the Nebraska economy by letting business and industry locate anywhere in the state, no longer having to depend on towns for a source of power.

By creating new opportunities in rural America we also help to ease the problems and tensions of our overcrowded urban communities. A better rural America will enable our nation to move closer to a true rural-urban—a balance I believe is essential to the future of our country.

THE DEVELOPMENT OF RURAL ELECTRIFICATION IN MY AREA

(By Loraine Benker, 16, junior, Guide Rock High School, father: Reymond Benker, Guide Rock, Nebr.)

(NOTE.—Contestant sponsored by the South Central Public Power District, Nelson, Nebr., in cooperation with the Nebraska Rural Electric Association.)

How astonished Ben Franklin would be if he could take a look at the far-reaching effects of his discovery. Probably, he would not be more astonished than were the citizens of rural Guide Rock, back in the '40's, when they first glimpsed the poles and wires that were to bring them a new way of life. Of course they knew REA was coming, but reality was something else.

The electric power in our area was first used only for lights, refrigerators, and radios. Then farmers found they could extend the hours in the field and do the chores later because of the electrically lighted barns and farm buildings. The farmer milked his cows

with milking machines and put the milk in electric coolers.

Before long electric motors replaced expensive gas motors. Windmills disappeared and reliable electric pumps took over. Work savers gave the women more leisure time to spend with their families. Electric stoves turned out perfectly cooked food, providing, of course, that mother was doing the cooking. But even the beginners in the family, including the 4–H club members, cooked better because of the ease of using an electric stove. The clean electric heat was less expensive for heating the entire house than the old coal, oil, or wood burning stoves and furnaces.

Now farm homes use electricity not only to make life easier and use time more efficiently, but because of it farm people are better groomed. Women quickly dry their hair with hair dryers. The whole family has fewer cavities because they brush often, electrically. The use of electric blankets makes cold bedrooms cozy for the sleeper. The men work in electrically equipped farm shops to save money and time in farm repairs.

Farmers can look with confidence to the future since electricity will keep them up with the times in communication, labor saving appliances, comfort, and entertainment.

Development in Rural Electrification is not limited to electricity alone. The friendly, courteous service to customers from linemen to office personnel has grown throughout the years and new free services have been added. One of the most important extensions of the Rural Electrification programs, it seems to me, is the opportunity given high school sophomores and juniors in each area to participate in the annual essay contest.

A PICTURE OF REA AND MY COMMUNITY

(By Janalee Omel, 16, junior, Giltner Public School, father: Myron Omel, Aurora, Nebr.)

(NOTE.—Contestant sponsored by the Southern Nebraska Rural Public Power District, Grand Island, Nebr., in cooperation with the Nebraska Rural Electric Association.)

Picture an old farmhouse nestled among the surrounding fields, dark except for a gas or kerosene lamp shining from the window. The year 1950. Suddenly a brilliance illuminated the whole house. The yellow glow streaming from every window. Magic? Maybe. REA, the Rural Electrification Association, had come to another area of Hamilton County.

This was the scene in 1950, one year after my family moved to this area. Since then REA has continued to assist the farm and the farmer by bringing him new ways to use electricity, and helping to create the farms of today.

Let us look at some of the ways electricity and REA have brought about modern-day farms. First of all consider household electricity. Before REA all light came from gas or kerosene lamps. This led to dreary evenings spent in shadowy darkness around a kitchen table. No television, radio, or study lights. All water had to be carried in by hand. Heat came from gas or wood stoves. Farm life indeed, was as pictured in books—a great contrast from city life. But REA changed all that. Electricity brought city life and conveniences to the spaciousness of the country. Bright lights cutting through the darkness, running water within a finger's reach, and entertainment within your own four walls came into being.

In the ensuing years the benefits of electricity have advanced along with modern technology. Electric stoves cook our food and electric heat warms our homes in winter and cools them in summer. Clothes are washed, then dried as with the sun's own rays.

Let me paint for you a picture of the golden fields of Nebraska. Green is the color I use. As far as the eye can see green sprouts of corn rise from the ground. And as they grow they are nourished and kept green by water flowing from an electrically-powered irrigation well. The summer passes and the bright green turns to a golden brown as nature ripens the crop. Farmers gather the grain, and store it in big silver bins standing against the blue Nebraska skies. Huge dryers force air up through the grain eliminating the moisture. The dryers, backed by the little black wires running from pole to pole, constitute our electric power source.

My picture does not end with the fields and farms. Throughout Nebraska I see spots of differing colors that represent trucks—REA service trucks. It's not often that an REA line breaks or trouble develops, but when it does, as in bad weather, the REA is soon there. In stormy weather they are out as soon as possible. REA stands for dependability.

REA has made country living what it is today. We also have all the advantages of the city plus the beauty of the country. Where farms grow communities spring up—communities supported by REA.

Nebraska was once called "the great American Desert." Irrigation has made it a food source for the nation. And REA has helped provide irrigation.

To describe REA in a few words one might say it is a:

R—eliable
E—conomical
A—ccomplishment

WHEN IS THE U.S.S.R. NOT THE U.S.S.R.?

Mr. FANNIN. Mr. President, many persons have expressed the hope that America will shortly sit down before a negotiating team from the Communist world and attempt to devise some way to end the arms race. In an attempt to help shed some light on those proposed talks, Mr. President, I should like to propose the following question: "When is the U.S.S.R. not the U.S.S.R.?"

The answer: "When it is the Soviet Union."

This paraphrase of a childish riddle is taken from an excellent brief prepared by the American Research Foundation. It has been brought home to me that we are being asked to negotiate agreements with our equals on a governmental level—the U.S.S.R.—when that entity is not the actual supreme repository of power as our Government is. In fact agreements negotiated between our Government and the U.S.S.R. may not be at all binding upon the repository of Soviet power, the Communist Party of the Soviet Union—CPSU.

Mr. President, if we are ever to enter into negotiations with the Soviets in a way that amounts to anything, we must understand and take into account the dimensions of this semantic dilemma.

I ask unanimous consent that a research paper, prepared by the American Research Foundation, along with some additional quotations bearing on this important subject, be printed in the RECORD.

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

AMERICAN RESEARCH FOUNDATION,
Washington, D.C., May 14, 1969.

Hon. PAUL J. FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I wish to acknowledge with thanks your kind interest in ideo-political semantics. Following your gracious suggestion I hereby take the opportunity to forward the attached brief, summarized below, with the hope it may be useful to you.

Summary: In dealing on the international scene, both governmental and public, with the representatives Socialist (communist) and some "neutralist" states, we find ourselves negotiating in the United Nations and other International Organizations with front (mass) organizations such as the Government of the Union Soviet Socialist Republics (USSR), the "Socialist", "People's and "Democratic" states while the decisive power is reserved to the confines of the Communist Party of the Soviet Union (CPSU) and its subordinate "national" Communist and Workers' parties. The dilemma can be removed only if we understand the original full meaning and semantic significance of the verbal terms of such negotiations.

Recommendation: At your discretion, may it be suggested that a study group comprised of persons thoroughly familiar not only with Marxist-Leninist (Communist) theory and practice but also versed in the terminology and usage of Marxist-Leninist ideo-political language (semantics) in international and transnational communications, be established with Legislative and Executive endorsement. The responsibility of this group will be to examine, analyze, interpret and present to the American people and their representatives a sound, unequivocal interpretation of all significant documents in terms of their true idiomatic rather than literal meaning as instruments of the World Socialist (Communist) System's strategy and tactics of deception and subversion.

Yours truly,

ERICK J. VESELY.

THE VOCABULARY OF COMMUNISM AND THE POLITICS OF POWER

In the long course of history, governments gradually have evolved in order to formalize and interpret the underlying laws which dictate and determine man's behavior in the arena of his social and political existence. Today, governments are distinguishable in two broad categories. Those such as our own derive from and exist for the people; the other category is of governments wherein the people are subordinate and subject. The preponderant bulk of the world's power is found within these two camps. And as between them there is an inevitable and unceasing competition, for the appeal or success of the one is automatically a fundamental systemic threat to the other.

With American attainment of maturity as a world power in this century, an honest appraisal of the realities and responsibility of power has become increasingly essential to the fulfillment of the American Dream. Over the past twenty-five years, we have become also acutely aware of the other significant power centers which have been emerging. With our consciousness has come the realization of the overall limitations of power *per se*. As a result we have come readily to accept the necessity for coming to terms with those states which contain the power-forces capable of bringing the destruction of mankind. Under pressure of this necessity we have come to lay increasing stress on negotiation as the alternative to power confrontation. Consequently we have come to rely on the products of negotiation—treaties, pacts, conventions and agreements—in the international sphere just as we rely on contracts in domestic economic life. Just as a contract is assumed to be binding mutually on all signatories—no contract justly serves one master—so are the instruments of international negotiations between sovereign states instruments of mutual understanding. Only to the extent that such international understanding is mutual, based on mutually accepted assumptions, does the instrument have any significance. That such is the case is an assumption underlying all our international relations.

Additionally we make a further assumption that the other government-signer(s) representing his nation-state (or states) does in fact represent the *bona fide* repository of decisive responsibility in the administration of such power as lies in its (their) hands. Inherent in this assumption is the concept there is no superior political structure or reservoir of political power within the signing state which can vitiate or render void the *bona fides* of its government as party to a contract. It is taken for granted that the signer government possesses the power and the will to curb those elements within its sovereignty dedicated to the repudiation of the conditions and terms imposed by the agreement.

Today, the United Nations Organization (UNO) is the world's major forum for the generation of agreements between sovereign states in the earnest effort to insure a peaceful world. In that forum state deals with state as peer with peer.

As a government capable of unilateral and bilateral action and as a member-state of the UNO, there is a significant phenomenon with which we are confronted. In dealing with the "Russians", we like all other states have no choice but to deal with the Government of the USSR. As head of one sovereign state, President Johnson met at Glassboro in 1967 with Mr. Kosygin, Chairman of the Council of Ministers of the USSR. In the normal course it would be assumed these two men represent the apex of power responsibility in their respective countries. Yet President Johnson was reported to have said that in his dealings with the "Kremlin" he had come to realize he in fact was not dealing with his peer. Apparently the "real boss" is not the Chairman of the Council of Ministers but the General Secretary of the Communist Party of the Soviet Union.

Immediately relevant is the question: Can a representative of the Government of the USSR enter into a *bona fide* international contract if in fact he does not speak for and actually in the name of the primary source of power and responsibility? Are the Government of the USSR and the official representatives of that government free of superior organized authority and control lying above and beyond the scope of traditional and conventional negotiating bodies?

The Constitution of the USSR (1936) and the Statutes of the Communist Party of the Soviet Union (CPSU) clearly establish organizationally and juridically that the Government of the USSR is *subservient* to the Communist Party of the Soviet Union. Article 126 of the Constitution specifies that the CPSU' is "the leading core of all organizations of the working people, both *government* and non-government." In other words, the Soviet signatory to international compacts, the Government of the USSR, is but a subordinate executive-administrative arm of the CPSU.

In the Statutes of the CPSU the political system operating in the USSR is described as;

(1) Power rests with the people;

(2) The people have delegated their power to the "vanguard of the working people," i.e., the Communist Party;

(3) The Communist Party structures and controls the apparatus of the Government of the USSR which is the legal, executive, and administrative instrument of the Party;

(4) The Government of the USSR is but one of many mass organizations (fronts) of the Party.

Such is the essence of Marxism-Leninism as a system and as a method of organizing, directing and controlling all power, be it social, economic, or political and cultural.

Because of this it is absolutely obligatory that we as a sovereign state recognize in all our dealings with the Government of the USSR—the only body with which our government is able to deal—that we are not dealing with the supreme repository of Soviet power. Rather we are reduced to dealing with an agent, or "front mass organization" of that power. There is in fact a superior political authority and law which lies above the Government of the USSR and beyond its legal and technical control.

It will be noted that to this point there has been no mention of the term "Soviet Union." Technically, legally, there is no country, nation-state, or government which legitimately may be called the "Soviet Union." It does not sign agreements with other governments; it does not issue recognized, conventionally enforceable laws within any boundaries; and yet it does exist conceptually—and powerfully!

Leonid I. Brezhnev, the General Secretary of the Central Committee of the Communist Party of the *Soviet Union*, speaks repeatedly in the name of the *Soviet Union*. He speaks of the "defense of the *Soviet Union*." He speaks of the "foreign policy of the *Soviet Union*." And his words carry real weight both within the USSR and around the world. Yet Mr. Brezhnev holds *no* position in the Government of the USSR. Under no circumstances would he sign a treaty in the name of that government.

Thus in all our dealings with the Soviets, and their Satellites, we must take stock that there is not one but *three* polical power structures with which we and the other nation-states of the world have to cope; (1) The Government of the Union of Socialist Republics (USSR); (2) The Communist Party of the Soviet Union (CPSU); and (3) a borderless entity known as the *Soviet Union*.[1] Yet it is with only one of these that the Government of the United States is enabled to maintain relations, negotiate contracts, and meet on ostensibly equal terms in the forum of the UNO. There is strong and voluminous evidence that this entity, this structure, is inferior to the other two with no capacity to control them. I have no power to enforce that which in the eyes of the rest of the world it has agreed to if the other two forces decree otherwise. The power lies with them, and in the exercise of that power they are immune from responsibility, accountable only to themselves. The contract is not binding on them.

To illustrate, mention may be made of two related items. First, on December 21, 1965, the XXth Session of the General Assembly of the United Nations adopted the first of two resolutions, each entitled "Declaration of the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty." The second of these resolutions (Resolution No. 2225) was adopted in December 1966 by the XXIst Session by a vote of 114 in favor, none against, and two abstentions. The representative of the Government of the USSR and the representative of the United States voted in favor of this resolution. Technically, therefore, both governments are bound by mutual agreement to conform with the spirit and the letter of the resolution.

Close examination of our second illustration, the so-called Havana Conference of January 1966, yields the troubling dichotomy.

The Tri-Continent Conference convened at Havana proved to be a matter of serious concern to many Latin American governments. In the spring of 1966 it was the subject of searching examination and concern to the Organization of American States. After due consideration of the pronouncements of the Conference, charges were made in formal *demarches* to various official representatives of the Government of the USSR that the USSR was guilty of subversive intervention in the internal affairs of other sovereign nation-states and that by so doing the USSR was contravening the UN resolution it had supported. The representatives of the USSR summarily rejected the charges as unfounded and false. And they were correct, technically! As their rebuttals asserted, no USSR governmental representative in an official governmental capacity was present at the Conference; the Government of USSR was not involved.

Nonetheless, a Soviet "Russian" delegation was very much present and active at Havana. It was headed by Sharaf Rashidov, an important functionary of the CPSU. So the CPSU very much was involved.

As to the *Soviet Union*, that entity also was deeply involved by documented Soviet admission. In December 1965 in an address to the Supreme Soviet of the USSR Andrei Gromyko stated:

"Early in January 1966, the first conference of solidarity of peoples of the three continents of Asia, Africa and Latin America will begin in Havana, the capital of heroic Cuba. It will be a wide representative forum of the anti-colonialist and anti-imperialist forces. The *Soviet Union*, which will participate in the Havana Conference, together with its friends will do all in its power to assist in consolidating the front against imperialist aggression and in support of peace, national freedom and independence." (emphasis added.)

By contrast, in reviewing the Non-Intervention Resolution in the Security Council, Mr. Gromyko submitted a formal letter dated 23 September 1966 in which he stated that the Resolution is endorsed: "On the instruction of the Government of the Union Soviet Socialist Republics. . . ." Gromyko signed the letter as "Minister for Foreign Affairs of the USSR." Not once in this official document does the term *Soviet Union* appear.

In December 1966, Ambassador Fedorenko in disclaiming that his government had participated in the Havana Conference stated: ". . . the right of popular organizations to express their attitudes toward the burning problems of our day, such as the struggle of peoples for their national and social freedom from colonialism and neo-colonialism, cannot be gainsaid by anyone. That was stated by the delegation of the *Soviet Union* at the Tricontinental Solidarity Conference held in Havana in January 1966. . . . The activities of popular organizations . . . do not fall within the competence of the United Nations." (UN Document A/C.1/PV. 1481) (emphasis added.)

From the foregoing, it is apparent:

(1) The Government of the USSR affirmed the UN Resolution on Non-intervention. The Government of the USSR is bound thereby.

(2) By USSR interpretation, only nation-states and their governments participate in the UNO, hence only the actions of governments are subject to scrutiny by that body or subject to the jurisdiction of resolutions adopted in the UNO.

(3) According to its representative in the UNO, the Government of the USSR in no way was involved in the Havana Conference; hence in no way is that pronouncements of the Conference.

(4) However, Soviet spokesmen are consistently laudatory of the role of the *Soviet Union* in the Havana Conference.

(5) Hence, the Government of the USSR and all inter-governmental bodies such as the UNO have no jurisdiction or control over the *Soviet Union* or any activities conducted in its name.

Thus, it is, by Soviet documented admission, intervention in the domestic affairs of other *countries* by the CPSU or the *Soviet Union* is not subject to the terms of the UN

[1] Translating this into Communist terminology drawn from *The Fundamentals of Marxism-Leninism. A Manual*, we have (1) The *Superstructure*, (2) The Infrastructure (the Party) and (3) The Material-Technical *Base*. These three terms thread their way through Communist ideology just as the words of Thomas Jefferson are woven into the fabric of our political history.

resolution on non-intervention. Only the actions of the Government of the USSR in this regard are subject to application of the resolution.

The circumstances cited above comprise only a wedge which pries open the gateway to a greater need.

In atempting to chart the course of effective relations with the Soviets we are on the horns of a true dilemma. We have built the entire structure of our international relations on the premise that governments represent the supreme, organized political authority of the nations with which we deal. In so doing we have been pre-disposed to regard and deal with the Soviet World Socialist System as simply another totalitarian nation-state basically at one with the other totalitarian governments and systems we have known. We appear to have taken insufficient cognizance of the problem at hand, and its underlying realities, and have persisted in the effort to deal with the Government of the USSR as if it were, in fact, the ruling body of another nation-state.

The results have been frustrating. At the heart of this frustration lies words and confusion as to their operative meaning. It is almost as if we would paraphrase a riddle from childhood—When is the USSR not the USSR?—When it's the *Soviet Union*.

The genesis of this confusion lies in the artful manipulation of words in the intricate semantic vocabulary of Lenin. Today one cannot speak simply or merely of Marxism. Accuracy demands that one speaks, as the Soviets do, of Marxism-Leninism. It is Leninism with which we are confronted today and it was Lenin, transforming the ideas of Marx and Engels, who created that political reality. Permeating its existence in every facet and a key factor in its international power is a highly specialized vocabulary with meanings very precisely defined. Only to the extent that the thoughtful reader is familiar with these meanings can he evaluate accurately their significance and operative potential. For instance, to cite again the speech of Ambassador Fedorenko in support of the Non-Intervention Resolution, the following terms appear, terms for which Communists have evolved precise, organizational and strategic and tactical meanings, their own "Esperanto": "intervention in the domestic affairs of States", "independent and peaceful development", "armed intervention", "national liberation movement", "aggression", "freedom", "democracy", "revolutionary struggle of peoples", "national liberation wars", "patriotic movement", "social transformations", "imperialism", "peaceful coexistence of States", "neo-colonialism", "non-intervention," "international peace", "rights of independent States".

Taken out of context, many of these terms appear harmless if only because their meanings are taken to be self-evident. Drawn from the scabbard of the Marxist-Leninist lexicon, however, they become swords of energetic subversion.

The great need which these few examples highlight is that this government must have at its disposal a methodical, sound, pragmatic investigation and consistent analysis of Marxist-Leninist transcultural semantics.

It is essential that every document to which the Government of the United States and the Government of the USSR are signatory be subjected to responsible, expert semantic examination and analysis. We as a government and as a people must inform ourselves coolly and dispassionately as to the interpretations which the Soviets place on the documents they sign and thereby assess their purposes or operative reservations in entering such arrangements.

Otherwise, assisted by our own naivete, the successors to Lenin may make good their boast of using the very governmental and parliamentary institutions which we cherish to destroy that which we hold dear. In a fairly recent collection of essays published by the quasi-official Novosti Press Agency Publishing House of Moscow is found the following impressive statement of such intentions: ". . . the Communists stress that . . . the peaceful path does not imply renunciation of the class struggle and shifting the centre of gravity to activity in parliaments, municipalities and other bourgeois representative organs. On the contrary, it presupposes . . . ensuring a preponderance of forces sufficient for winning state power without civil war. However, the possibility of a non-peaceful way is not ruled out." (*Internationalism—National Liberation Movement and our Epoch*, p. 35.)

Even more dramatically, from an official publication of the Soviets' Ministry of Defense, comes the following:

"In its political and social essence a new world war will be a decisive armed clash between two opposed world social systems. This war will naturally end in victory for the progressive Communist social-economic system over the reactionary capitalist social-economic system, which is historically doomed to destruction. The guarantee for such an outcome of the war is the real balance between the political, economic, and military forces of the two systems, which has changed in favor of the socialist camp. However, victory in a future war will not come by itself. *It must be thoroughly prepared for and assured.* (*Military Strategy*, Marshal V. D. Sokolovski, Moscow 1968.) (Emphasis added.)

As the foregoing are illustratively accurate indicators of the plans and intentions of the Communists, so are they accurate indicators of the responsibility with which we are confronted in our effort to understand the system with which we must come to terms, the system which would draw us into conflict—class conflict, not the conventional or traditional conflict of nation-states resolvable by the intelligent application of civilized diplomacy.

ADDITIONAL PERTINENT QUOTATIONS

"Today the imperialists pretend to be brave—but only in words; in reality they tremble before the *Socialist world* which is growing and gaining in strength. And let them tremble! So much the better for us! *A fight is in progress between these two systems, a life and death combat.* (Emphasis added.) (N. S. Khrushchev, Soviet News, 22 July 1963.)

"The *Soviet Union* is a mighty world power and indestructible bulwark of socialism, peace and democracy."

"The main content, the main direction and the main historical development of human society in the contemporary era are determined by the *world Socialist system* and the forces fighting against imperialism and for the *Socialist restructuring of society.*" (Emphasis added.) (Handbook For Propagandists and Agitators of the USSR Army and Navy, Moscow, 1968.)

Soviet foreign policy has an active role in the development of class and the acceleration of the world revolutionary process. It facilitates the liberation struggle of oppressed peoples and creates favorable conditions for building socialism and communism in the USSR and the fraternal socialist countries. (Emphasis added.) (M. Bodyul, C.C.CPSU, Radio Kishinev, 1 May 1969.)

CLARK EICHELBERGER AND THE CAUSE OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, Mr. Clark M. Eichelberger is a man who has dedicated himself to the service of humanity. By his work he has furthered the cause of cooperation among nations and worked unceasingly to assure all men of their basic human rights. Mr. Eichelberger helped in the founding of the League of Nations and served as the National Director of the League of Nations Association. He was one of the drafters of the Charter of the United Nations. For the past several years he has served as the Chairman of the Commission to Study the Organization of Peace. Mr. Eichelberger has played a major role in the struggle to define, codify, and expound the concept of human rights, and has greatly influenced the statements on human rights in the United Nations Charter. He was one of the main drafters of the Universal Declaration of Human Rights, and was recently awarded the Louis G. Gregory Award for Service to Humanity.

Mr. President, I ask unanimous consent to insert in the RECORD at this point highlights from the remarks Mr. Eichelberger made in accepting this award.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

TO SECURE THESE RIGHTS

(Highlights of address by Clark M. Eichelberger, Chairman, Commission To Study the Organization of Peace, given at National Conference on Human Rights, September 13, 1968, Chicago, Ill.)

. . . As time has gone on the United Nations has thought of the enforcement of human rights and fundamental freedoms in a way that was not contemplated when the Charter was drafted. The United Nations Charter has grown and evolved. It has developed strength. It has taken stands that in the old days would have been thought a violation of matters of domestic concern. . . . With that strength back of it, with the obligations of the Charter back of it, the United Nations set up the Commission on Human Rights which produced first of all the Declaration of Human Rights. But they intended that the Declaration should be reinforced first, they said, by an international bill of human rights. Then they broke that down into a covenant on human rights. . . . But when they went to write the Covenant on Human Rights they found they had to write two. Now the Americans and the British and the French and the people who enjoyed reasonable condition of living thought of human rights and fundamental freedoms in terms of the classic freedoms that are known in the United Kingdom and the United States—trial by jury, the right to vote, all the things which you and I believe make up our civil and political rights. But to the people of the underprivileged countries human rights and fundamental freedoms were something beyond civil rights. They were the right to eat, the right to have a decent condition of life. So they had to develop two convenants—one civil and political rights for which there could be a specific measure of enforcement, and the other a covenant of economic and social rights for which enforcement is more difficult.

. . . But in addition to that, the United Nations produced a number of specific covenants on specific problems, feeling they couldn't wait until the two master documents were ready. One was a convenant against slavery. (There was) another on forced labor, another on political rights for women, a whole series of human rights covenants. And do you know that the General Assembly last year called attention to the fact that there were nine human rights covenants that ought to be ratified by all states before Human Rights Year, and the United States of America had the "proud" distinction of not having ratified one convention,

and being at the very last of the list with Yemen and a few others. Finally the President of the United States then asked Congress at least to ratify three, one against salvery, the one against forced labor, and the one for political rights of women. Do you know that in the government of the United States finally, with the most tremendous effort, the Senate ratified one—the Covenant against Slavery; but on recommendation, God knows for what reason, of the American Bar Association, they decided not to ratify the Convention on Equal Rights for Women of the Convention against Forced Labor. And so I would say that one of the most important political things we can do practically is to see that our government ratifies the covenants on human rights.

. . . One thing that disappointed so many of us who have been working for human rights through the United Nations was that when the General Assembly commenced to talk about enforcement, commenced to talk about some provisions by which pressures could be brought to bear on people who were opposed to human rights, some of the countries from which you would have expected the quickest response, did not respond. They were afraid to have the authority of the United Nations interfere with their domestic concerns at the same time wishing the authority of the United Nations to take action against these terrible situations in Africa. . . It's a very interesting situation.

. . . I believe that the situation in human rights around the world has some very bright spots. Under the organization of the Western states of Europe there is actually a human rights court and an individual can be summoned before that court for a violation of human rights. I look forward to the time when the world can call a government to account for a violation of human rights. I believe in world government and I believe the time will come when a situation in human rights throughout the world will be as important as strict sovereignty of the individual nation. The road is going to be long.

. . . Now in this country we are undergoing a self examination in the face of violence which I do not need to describe . . . I can remember the time when people were opposed to the United Nations because they said the human rights provisions of the United Nations will lead to a greater degree of human rights in this country, a breaking down of racial restrictions. I can remember friends in the South who worried about what the charter of the United Nations might do for the movement of human rights in this country, and I think we could say that the UN Charter and the Declaration of Human Rights have all added to the ferment throughout the world, the awareness of a violation of human rights and the need to achieve them. It may be that some of the travail through which we are now passing and that the rest of the world, at least part of it, is now passing is the result of an awareness of injustices that we scarcely were aware of before. And a world conscience that I think came about through the realization of the United Nations, its Declaration of Human Rights, and the Covenants that came with it, has played a part in encouraging the struggle for human rights and fundamental freedoms throughout the world.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Mr. JACKSON. Mr. President, on May 29, at my request and on my behalf, the senior Senator from Montana (Mr. MANSFIELD) submitted a statement for the RECORD and introduced an amendment to S. 1075, my bill to establish a national policy for the environment. Due to a printing error, the amendment was not printed in the RECORD.

Mr. President, I ask unanimous consent that portions of the statement and the text of the amendment be printed in the RECORD.

Mr. President, I also ask unanimous consent that an article from the June 4, 1969, western edition of the Christian Science Monitor, by Mr. Robert Cahn, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

Early in this session of the Congress, I introduced legislation in the Senate to establish a national policy for the environment. I introduced this measure because it is my view that our present knowledge, our established policies, and our existing institutions are not adequate to deal with the growing environmental problems and crises the nation faces.

The inadequacy of present knowledge, policies, and institutions is reflected in our nation's history, in our national attitudes, and in our contemporary life. We see this inadequacy all around us: haphazard urban growth, the loss of open spaces, strip-mining, air and water pollution, soil erosion, deforestation, faltering transportation systems, a proliferation of pesticides and chemicals, and a landscape cluttered with billboards, powerlines, and junkyards.

Traditional governmental policies and programs weren't designed to achieve these conditions. But they weren't designed to avoid them either. And, as a result, *they were not avoided.*

As a nation, we have failed to design and implement a national environmental policy which would enable us to weigh alternatives, and to anticipate the undesirable side effects which often result from our ongoing policies, programs and actions.

Today it is clear that we cannot continue to perpetuate the mistakes of the past. We no longer have the margins for error and mistake that we once enjoyed.

It was in view of this background and these considerations that I introduced S. 1075, my bill to establish a national environmental policy.

The purpose of this legislation is threefold: *First,* to establish a national policy on the environment; *Second,* to authorize expanded research and understanding of our natural resources, the environment, and human ecology; and *Third,* to establish in the Office of the President a properly staffed Council of Environmental Quality Advisors.

During the hearing on this measure on April 16, Dr. DuBridge, the President's Science Advisor, and Secretary Hickel of the Department of the Interior, announced that the President is considering the establishment of an interagency environment council composed of selected Cabinet officers. As I stated at the hearings, this indicates to me: "that the President and officials in the executive branch share the belief of many of us in Congress that some reorganization is necessary. The President apparently agrees that the existing administrative establishment is inadequate for the task we face, and that a focal point for the environmental considerations of government should be designated."

It was the initial view of the Administration's representatives that the President's proposed interagency council would make an independent Council of Environmental Advisors as proposed in my bill unnecessary.

For the most part, the members of the Committee and the public witnesses did not agree with their position. There was however, general agreement by all concerned that there is a need to restructure the Federal government to provide a focal point for environmental considerations.

It is my view that what is needed is an impartial, objective; full-time Council of Environmental Advisors in the Executive Office of the President. The interagency Council the President is considering would be useful for implementing action proposals, but the President also needs independent and impartial advice as to what action to take. The Council I have proposed would be properly staffed and equipped to provide this advice.

As a result of the April 16 hearing on S. 1075 and subsequent discussions with the Administration, I believe that there is now general agreement on the need for both an interagency Council as proposed by the President, and a high level independent body as proposed in my bill.

During the April 16 hearing on S. 1075, the Administration agreed that there is an urgent need to enact into law a statement of national policy with respect to environmental management, and that they would support a statutory declaration of national policy. Subsequent to the hearings, I directed the Interior Committee staff to draft an expanded statement of national environmental policy which defined our national environmental management goals, and to grant new authority to Federal agencies which, at the present time, have no mandate or responsibility for the management and protection of the human environment.

This expanded statement of national policy has been prepared as an amendment to S. 1075. It will become Title I of the bill and the other titles will be appropriately redesignated. Mr. President, I ask unanimous consent that this amendment be printed in the RECORD at the conclusion of my remarks.

A statement of environmental policy is more than a statement of what we believe as a people and as a nation. It establishes priorities and gives expression to our national goals and aspirations. It serves a constitutional function in that people may refer to it for guidance in making decisions where environmental values are found to be in conflict with other values.

Many operating agencies do not at present have a mandate within the body of their enabling laws to give substantive attention to environmental values. This is especially true of the older Federal programs.

A properly drafted Congressional statement of national environmental policy, along with a requirement for official statements of environmental findings in Federal decisions and legislative proposals, will effectively make the quality of the environment *everyone's* responsibility. No agency will then be able to maintain that it has no mandate or no requirement to consider the environmental consequences of its actions.

Mr. President, an environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationship to his physical surroundings.

It is my belief that the amendment I am introducing today will go far towards ensuring that the Federal government both sets and abides by standards of excellence; standards which will ensure that our generation fulfills its responsibilities as trustee of the environment for future generations.

S. 1075

On page 1 strike all after the enacting clause and on page 2 strike lines 1 through 6 and insert in lieu thereof the following:

SHORT TITLE

This Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encour-

age productive and enjoyable harmony between man and his natural environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings, and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and, coordinate Federal plans, functions programs and resources to the end that the Nation may:

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other unintended, unanticipated, and undesirable consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, diversity and variety;

(5) achieve a balance between population and resources use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations and public laws of the United States be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government:

(1) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making which may have an impact on man's environment;

(2) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations;

(3) include in every recommendation or report on proposals for legislation or other significant Federal actions affecting the quality of the human environment, a finding by the responsible official that:

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and

(iv) any irreversible and irretrievable commitments of resources are warranted.

(4) study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water or air.

(5) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

(6) review present statutory authority, administrative regulations and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress within one year after the date of enactment such measures as may be necessary to make their authority consistent with this Act;

SEC. 103. The policies and goals set forth in this Act are amendatory and supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

Renumber remaining Titles and sections accordingly, and

Amend the title so as to read: "To establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisors."

[From the Christian Science Monitor, June 4, 1969]

U.S. CLEANUP: PUBLIC PRESSURE WINS ANTI-POLLUTION PRIORITY

(By Robert Cahn)

WASHINGTON.—The wheels of government are moving, at long last, to catch up with the growing citizen concern over the quality of the environment.

Public-opinion polls, letters to the President, to Congress, and to newspapers, and countless local citizen-action committees reveal the determination to do something about the mounting threats from air, water, and noise pollution; inadequate disposal of solid waste; loss of wilderness and open space to development, industrial, and commercial uglification, and all the effects of technology and "progress" whch have led to deterioration of many environmental values.

Now the President and Congress are showing signs of action on the environmental front.

President Nixon has established by executive order an Environmental Quality Council on the same level as the National Security Council, and the Urban Affairs Council. The council, chaired by the President and composed of the Vice-President and six designated Cabinet members, will be, according to Mr. Nixon, "the focal point for this administration's effort to protect all of our natural resources."

The new group will replace the President's Council on Recreation and Natural Beauty which has been formed by President Johnson and was chaired by Vice-President Hubert H. Humphrey.

AGREEMENT OBTAINED

Henry M. Jackson, Senate Interior Committee chairman, has obtained an agreement from the White House not to oppose (or veto if it is passed) legislation now being pushed in both houses to establish an independent council of environmental quality advisers in the Office of the President. Such a group of experts would conduct studies, issue annual reports, and advise the President in the same way the Council of Economic Advisers now operates.

Senator Jackson has also added to his own bill a suggested policy for the national environment. This policy defines national environmental management goals for all federal agencies. And the proposed law would grant new authority when needed to federal agencies to manage and protect the environment. The administration has promised to support this effort to legislate a national environmental policy.

Rep. John D. Dingell (D) of Michigan, sponsor of a House bill for a council of environmental advisers, similar to the Jackson proposal, plans to seek broad citizen reaction by holding hearings in several cities.

Henry S. Reuss (D) of Wisconsin, chairman of the House operations subcommittee on conservation and natural resources, has been conducting hearings on environmental issues. And Edmund S. Muskie (D) of Maine, chairman of the Senate operations subcommittee on intergovernmental relations, has been holding hearings on his bill to establish a select committee of the Senate on environmental matters.

COMMITTEE ESTABLISHED

As a companion group to the Cabinet-level Environmental Quality Council, President Nixon has established a Citizens Advisory Committee on Environmental Quality, chaired by Laurence S. Rockefeller. This 15-man committee replaces and gives an expanded role to the 12-man Citizens Advisory Committee on Recreation and Natural Beauty (also chaired by Mr. Rockefeller) which had been formed by President Johnson.

Several high-level White House staff members are on the alert to challenge impending departmental or agency actions that may have severe environmental impact and on which all possible alternative solutions may not have been considered. In one recent case, the Army Corps of Engineers was instructed by the President to find another site for a flood-control dam they were about to build in an area that would irreparably damage natural values.

A committee of the Urban Affairs Council composed of four Cabinet members has been set up to examine the problem of land use as it affects the environment.

These actions, however, are only first steps and will require meaningful implementation at both congressional and executive levels.

OBJECTIVE OUTLINED

The congressional statement of environmental goals, if passed, would declare as an overall objective that "each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

A key provision in Senator Jackson's suggested policy statement would establish a four point standard to be applied on every legislative proposal or other significant federal action affecting the quality of the environment.

The responsible federal official would be required to furnish a finding that: (1) the impact of the proposed action had been studied and considered; (2) adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by stated considerations of national policy; (3) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and (4) any irreversible and irretrievable commitments of resources are warranted.

Mr. Nixon's Environmental Quality Council is designed primarily to provide direction and coordination for a federal attack on all problems affecting the environment. It is to review existing policies and programs which affect the environment, project the impact of new technologies on the environment, obtain greater cooperation be-

tween the United States and other countries on common environmental concerns, between various levels of American government, and between governmental and relevant nongovernmental organizations.

PRIORITY DESIGNATED

The President's science adviser, Dr. Lee A. DuBridge, who will direct staff work on the Environmental Quality Council, says that immediate priority will be given in the council to the harmful effects of prolonged use of DDT, methods of solid-waste disposal, and air pollution.

White House sources indicate that the new council will consider all types of major environmental, recreation, natural-resource, and land-use issues. But the council will not be asked to deal with specific projects.

For example, letters to the President from conservationists and newspaper articles have alerted the White House staff to a potential problem over location, of a new expressway in San Antonio, Texas, that would penetrate several public park areas. Ordinarily, a decision approving federal assistance to a state for an expressway would be made by the Secretary of Transportation and his highway administrator without White House guidance.

One of Mr. Nixon's top assistants, however, has asked for a report on the situation "before" the decision is made. This is the type of action that would be considered informally at the White House and might possibly be decided by the President if it were of sufficient national environment significance.

REVIEW OF DECISION?

The new Environmental Quality Council, however, could review whatever decision is made on the San Antonio expressway as part of a general policy for environmental considerations in highway placement.

It was not mere coincidence that on the same day President Nixon announced establishment of the Cabinet-level council, Senator Jackson released the wording of his proposed national policy for the environment.

These actions actually reflected a compromise reached after several weeks of behind-the-scenes negotiations between Senator Jackson and the White House. The presidential executive order also settled a protracted squabble among presidential staff members over how to organize the high-level group on the environment.

A draft of the executive order establishing the new council was first sent to the White House Feb. 24 by Dr. DuBridge. When its contents leaked out, Senator Jackson let his opposition be known.

ARGUMENT ADVANCED

At Senate Interior Committee hearings in April, several senators, leaders of conservation groups, and environmental experts took the position that a Cabinet-level group of environmental advisers would be ineffective. Such a group did not have expertise in environmental matters, and Cabinet members would not be willing to attack programs of other Cabinet members, it was argued.

Opposition was also expressed to the provision that the council would be directed by the President's science adviser and staffed by the Office of Science and Technology. The critics argued that environmental problems needed attention from advisers with expertise in economics, law, business, and social disciplines even more than from the experts in the physical sciences who now dominate the small staff in the Office of Science and Technology.

Dr. DuBridge, Interior Secretary Walter J. Hickel, and other administration witnesses testified against the provision of the Jackson bill that would establish in the Office of the President an independent council of environmental quality advisers. Senator Jackson later convinced the White House what the independently staffed council of environmental quality advisers could supplement the President's Cabinet-level environmental council.

While Senator Jackson was negotiating with the White House, some members of the presidential staff were seeking a substitute for the presidential Cabinet-level council. They argued (unsuccessfully) that it would be more feasible for environmental concerns to be handled by a committee of the Urban Affairs Council.

When Mr. Nixon's decision was made last week, the resulting executive order followed closely the Feb. 24 draft prepared by Dr. DuBridge. The Secretary of Commerce has been added to the membership of the Environmental Quality Council which originally included only the Secretaries of Agriculture, Interior, Transportation, Housing and Urban Development, and Health, Education, and Welfare.

Provision has been made for the Budget Bureau director, Council of Economic Advisers chairman, and the Urban Affairs Council executive secretary to participate in meetings, as well as for heads of other departments or agencies to attend meetings when matters affecting their interests are scheduled for discussion.

THE 1100TH ANNIVERSARY OF CONSTANTIN THE PHILOSOPHER

Mr. FULBRIGHT. Mr. President, this is the 1100th anniversary of the death of the creator of the Slav script, the Bulgarian and Slav educator, Constantin the Philosopher, generally known as Cyril. I think it is appropriate that a short statement in commemoration of the work of Constantin Cyril the Philosopher be noted in the RECORD. I ask unanimous consent that it be printed in the RECORD.

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

THE LIFEWORK OF CONSTANTIN-CYRIL THE PHILOSOPHER

Bulgaria is commemorating the 1100 anniversary of the death of the creator of the Slav script. The great Bulgarian and Slav educator Constantin the Philosopher, known in the last period of his life as Cyril, has done more than any other scholar for the cultural development of the Slavonic world.

Constantin was born in 826–27 at Salonica, where his father was Assistant-Governor of the city. After finishing school at his hometown, Constantin was accepted at the Magnaour School in Constantinople, which was the highest educational institution of Byzantium in those days.

After graduating from the Magnaour School, he was asked to teach there for some time—a rare acknowledgement of his knowledge, religious and worldly wisdom.

As a gifted orator, he was sent in 851 on a mission to the Saracens in Arabia. His assignment was both diplomatic and missionary. He defended Christianity in official disputes with some of the most eminent Moslem religious leaders. Cyril then joined his brother Methodius at a monastery where they both engaged in scholastic work until the year 860, when they were sent on an official mission to the Khazars.

The fame of the two brothers spread throughout the Slavonic world when they were sent on a mission to Moravia in 862–863, which proved to be of historic importance to the Bulgarian people and to Slavdom as a whole.

Cyril-Constantin the Philosopher died in Rome on February 14th 869, when he was only forty-two, and was buried in the basilica of San Clemente.

The creation of the Slavonic alphabet and a new literature was an extremely difficult task. The very idea of writing books and holding church services in the Slavonic language was an unusually daring venture in those early days. As Cyril himself noted, anyone thinking about it could be branded heretic. Cyril stood against the medieval dogma which recognized only three literary and religious languages: Hebrew, Greek and Latin. He therefore had to struggle for the ideal of giving the Slav peoples a basis of equality with the other enlightened nations in Europe.

The spread of the Slavonic alphabet laid the foundation of a rapidly flourishing culture in a language which the common people could read, speak and understand. While translating most of the books used in church services, Cyril and Methodius also wrote original works. This was another factor establishing old Bulgarian as the written tongue of the Slavonic world in those distant days.

The Bulgarian Academy of Sciences, the Bulgarian people and, by decision of UNESCO, many other countries in the world are now commemorating the 1100th anniversary of the death of Constantin-Cyril the Philosopher. A special Scientific Session has been called to meet in Sofia in conjunction with the Day of Culture on May 24th, which will hear reports by many Bulgarian and foreign scholars.

Meetings have been called all over the country on May 23rd and a collection of scientific works by Constantin the Philosopher has been compiled and sent to the printers as part of the celebrations.

IS JOB PREFERENCE TO NEGROES CONSTITUTIONAL?

Mr. FANNIN. Mr. President, I have often maintained that the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance in their eagerness to prohibit discrimination in employment have instead embarked upon a policy of forced preferential treatment for Negroes, or what I refer to as discrimination in reverse. It is now generally recognized that these two agencies are going about the country forcing employers and labor unions to undertake programs to give actual preference to Negroes over others. No longer is any attempt even made to hide this fact.

Neither Congress nor the executive branch has ever supported such an approach, and it is galling to think that these two agencies can so arrogantly push the American public around. The curious thing to me is the silence on the part of those who complain the loudest about discrimination. Their complaints seem to flow only in one direction.

Mr. Richard Wilson wrote an excellent article published in the Evening Star of June 4, 1969, entitled, "Is Job Preference to Negroes Constitutional?" I ask unanimous consent that it be printed in the RECORD.

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

IS JOB PREFERENCE TO NEGROES CONSTITUTIONAL?

(By Richard Wilson)

A strong case is being made by business interests that the zeal of federal officials to enforce integration in employment has created a new evil, discrimination against whites. The federal enforcers are accused of arbitrary preferential treatment for blacks in direct contravention of the terms of the laws they are called upon to enforce.

There is just enough to this to warrant investigation and serious study of the operations of the Equal Employment Opportunities Commission and the Office of Federal Contract Compliance. On the face of it these agencies have adopted the sociological doctrine that centuries of bad treatment entitle the black to restitution in the form of preferential treatment.

This case hasn't been conclusively proved. But there is no doubt on the part of businessmen and contractors doing business with the federal government of the effect of executive orders and administrative decisions requiring them to initiate equal employment programs.

The effect, it is argued, is to impose quotas of black employment contrary to the intent of the Civil Rights Act and at the risk of denying to whites their equal opportunity for jobs because they are white. Beyond that the regulations imposed on contractors are so vaguely stated and the EEOC and the OFCC are so hard to satisfy that many companies which actually do not discriminate and are not accused of discriminating have difficulty meeting federal requirements to come up with affirmative job recruiting programs for Negroes.

What this all involves is the unresolved question, present also in the matter of school integration, of enforced integration. All the Supreme Court has said is that there shall be no racial segregation in public schools and public facilities. The court did not declare in the key school case that plans must be undertaken to integrate the schools; it declared that plans must be undertaken to end segregation.

The administrative actions on guidelines for integration, busing of students, Negro job quotas are all extensions of the basic constitutional doctrine and are of questionable validity.

Business interests claim that what the two enforcement agencies are doing is in fact expressly forbidden by Title III, section 703(J) of the Civil Rights Act of 1964. Nothing could read more clearly than the language of this section. It expressly prohibits the granting of preferential treatment to any individual or any group because of race, color, religion, sex or national origin to correct any imbalances on these accounts in the work force.

The enforcers get around this provision by insisting that employers be "creative" and work up "affirmative action programs." Recent hearings conducted by Sen. Edward M. Kennedy with an entirely different purpose in mind demonstrated that employers had to prove to the federal enforcers that they were giving preferential treatment on the basis of race, although the federal agencies denied this.

The enforcers until recently entirely ignored the fact that union practices tie the hands of employers in working out Negro job recruitment. The whole blame was laid on the employer and he was denied contracts even though it was found there was no discrimination on his part.

As the Civil Rights Act is being administered in this respect, it could better be titled the Negro preference act. Now a new bill introduced by Senators Hart, Kennedy, Javits, Brooke, Scott and others would give the enforcement agencies new powers, including the rights of subpoena, cease and desist orders, and the basis for obtaining an injunction as a result of a preliminary investigation.

It can be argued that this is necessary in the case of companies deliberately attempting to frustrate the congressional purpose of ending discrimination in employment. But it goes very hard on those companies which do not discriminate, but cannot fulfill the vague federal requirements of a "creative program" which in effect sets up quotas to correct racial imbalance.

The problem here is one of equal justice for the white as well as the black worker. If Congress desires to give preference to Negroes to correct injustices of the past it should be up to Congress to do it and not left to zealous administrators with their own concepts of racial justice.

The whole area between non-discrimination and enforced integration needs to be more clearly defined by the courts before present practices become entrenched beyond redemption. This applies to the schools as well.

NATIONWIDE AIRPORT-AIRWAYS SYSTEM

Mr. CANNON. Mr. President, on June 17, only a few days from now, the Subcommittee on Aviation of the Committee on Commerce will open hearings on the requirements of a nationwide airport-airways system.

There is no question of the need. Airport traffic, both in the air and on the ground, has outrun our most optimistic estimates.

In 1968 the subcommittee held hearings on this subject, and a bill was reported to the floor by the Commerce Committee. This was S. 3641, introduced by former Senator Mike Monroney. It was entitled "The Airport and Airways Development Act of 1968." The Senate did not act.

On the first of this month the FAA high density airports regulation went into effect. The airports covered are Kennedy, LaGuardia, Newark, O'Hare, and National. Under the regulation, these airports give to the scheduled airlines and scheduled taxi air carriers exclusive and priority use.

The scheduled operators made their schedules comply with the allocations given them by the FAA some time ago, so their reservations are for all practical purposes already made.

All other aviation categories have a more complicated problem. The FAA Airports Reservation Office located in Washington, D.C., has direct lines from the five airports covered by the regulation. A pilot must phone and ask permission to use one of the five airports. FAA will try hard to accommodate him, I am sure; but with the dense traffic at these affected airports, they may not be able to grant the request.

If the pilot is not at one of these five airports, he must contact the nearest flight service station, which puts his request on teletype to the Airports Reservation Office. The answer follows the same route in reverse. This procedure is under instrument flight rules.

If flying under visual flight rules, contact must be made with a flight service station which will either let the pilot go ahead, or give him an alternative airport.

This procedure is labeled "temporary"; but I am afraid it will be permanent at least until we improve the system, which will take both time and money.

Because of the urgency of this problem, the Aviation Subcommittee will start hearings on June 17. There have been rumors in the Aviation Press, and some speeches that hint of proposals to come by various officers in the executive branch of our Government. But there is no word nor plan from the responsible agencies.

Each week some official will tell me the suggested bill will be up "this week," but the weeks go by, and nothing happens.

This administration has been in office for more than 4 months. I realize that this is not an excessively long time, but with all of the powers at the disposal of the executive department and with the great amount of study that has already been made on other aviation problems that do not affect the passenger or the pilot, I believe there has been time enough to allow the administration to come to grips with the very obvious—with the general problems of aviation in the United States today. Certainly, the scores of high-salaried officials at the disposal of the executive department should at long last agree on what they believe is best for aviation. I hope that the period of agreement will not be much longer in coming.

The committee will go ahead with its own legislation, but we need the plan that will have the support of the White House, the Bureau of the Budget, and the Department of Transportation.

We may not follow it, but we need to study it, and we must have that opportunity soon.

HEADSTART CHILD DEVELOPMENT ACT OF 1969

Mr. MONDALE. Mr. President, on May 5 I introduced, with the cosponsorship of 23 other Senators, the Headstart Child Development Act of 1969. The bill is designed to bring needed nutritional, educational, and health services to poor children in the early years of life. It seeks to offer an equal start to children of the poor who, because of inadequate nutrition and health care before birth and in the early years and because they often did not receive intellectual stimulation during the first few years of life, enter grade school with lowered IQ's, which may not be correctable in later life.

Programs authorized by the Headstart Child Development Act of 1969 would:

Be offered on a voluntary basis to preschool children from poverty areas, beginning at age 3 or below.

Be available to middle-class children on a tuition basis.

Include health care, nutritional, and educational assistance both in the home and at child development centers.

Reach 1 million children in fiscal 1970; 1.7 in 1971; 3.1 million in 1973; and 4 million in 1974, with authorizations beginning at $1.2 billion in 1970 rising to $5 billion in fiscal 1974.

The initial reactions to the bill have been quite favorable. I was encouraged, for example, to receive a letter recently indicating that the board of directors of the Child Welfare League of America, Inc., has voted to support this piece of legislation. I ask unanimous consent that the letter, from Miss Jean Rubin, consultant on public affairs, Child Welfare League of America, Inc., be printed in the RECORD.

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

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
New York, N.Y., May 22, 1969.

HON. WALTER F. MONDALE.
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: We were pleased to learn of your Headstart Child Development Bill, S. 2060. We thought that you might like to know that the Board of Directors of the Child Welfare League of America, at the Spring Board Meeting last week, voted to support this measure. The Board noted the comprehensive nature of the proposed programs and authorization for much needed funds to create the necessary facilities.

The League has long stressed the need for legislation which would provide Federal matching funds for comprehensive child welfare services in the states. Your bill would be a major step toward providing more adequate services for preschool children and their families in low income areas. We hope that more adequate services will also be provided for all children in need of child welfare services regardless of their age or income status, and that you will also support such measures.

We appreciate your past and current concern for children, and hope you will let us know whenever the League may be of assistance to you as you consider programs and services to help children and their families.

Sincerely yours,

JEAN RUBIN,
Consultant on Public Affairs.

U.S. DRAFT TREATY ON NUCLEAR ARMS CONTROL ON THE OCEAN FLOOR

Mr. MATHIAS. Mr. President, it was my privilege to be seated with the U.S. delegation to the Geneva disarmament talks on Thursday, May 22, when Ambassador Adrian S. Fisher presented the U.S. draft treaty on arms control for the seabed.

Ambassador Fisher's statement to the conference that day was a cogent presentation of the American position and included an outline of the draft treaty. Because of the great importance of this topic, I ask unanimous consent to have the text of Ambassador Fisher's address printed in the RECORD.

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

STATEMENT MADE BY AMBASSADOR ADRIAN S. FISHER AT THE 414TH PLENARY MEETING, THURSDAY, MAY 22, 1969

The idea of an arms control agreement for the seabed is basically responsive to a technological fact of life: the fact that the environment of the seabed is becoming increasingly accessible to men. At the same time, it may be said that if we succeed in arriving at an arms control agreement for the seabed, we will have added one more important element in the larger picture of international restraints on armaments which has been taking form.

Viewed as one more step in that all-important process, a seabed agreement appears as the logical follow-on to the treaties on Antarctica and Outer Space; and indeed it would be analogous in many ways to those treaties. It would be analogous in many ways, but not in all ways. For the seabed is a unique environment, with its own special characteristics. Foremost among these, for our purposes, is the obvious but important fact that the seabed is contiguous with the sea itself, which has been used for offensive and defensive military action almost since the beginning of history. Hence our belief that, in the circumstances in which we are now living, total demilitarization of the seabed is scarcely practical or attainable.

We have studied intensively the elements which might comprise a successful arms control agreement for the seabed, as we have studied very carefully the views which have been put forth in this Committee. We believe that great progress has already been realized in approaching this complex subject, and that we have now reached the point where it is useful and appropriate to set forth our views in the form of a draft treaty.

From the statements that have been made here, I believe we can agree that there exists a desire on the part of all the members of this Committee to make progress rapidly towards preventing an arms race on the seabed, and to arrive, if possible, at an agreement on this subject before the next session of the General Assembly.

However, there have been several suggestions as to how this goal can best be achieved. Some delegations have proposed complete demilitarization of the seabed. This concept is embodied in the draft treaty submitted by the Soviet Union on March 18 (ENDC/240). Some have suggested a catalogue of the various types of installations which should be prohibited; others have suggested that specific exceptions be written to permit certain defensive installations.

For its part, the United States has attempted to make clear, in its statements of March 25th and May 15th, its belief that the only practical way to prevent an arms race on the seabed would be an agreement banning the emplacement or fixing of nuclear weapons and other weapons of mass destruction on the seabed. Such an agreement would remove the major threat to the peaceful use of the seabed. At the same time, it would reduce the verification problem to manageable proportions and would be consistent with the security interests of coastal states.

Accordingly, on the instructions of the United States Government, we are submitting for the consideration of the Committee a draft treaty which would prohibit the emplacement or fixing of nuclear weapons and other weapons of mass destruction on the seabed and ocean floor. We are of the firm conviction, Mr. Chairman, that by adopting this approach we will accomplish our task of preventing the extension of the arms race to the seabed in the simplest and speediest manner.

I should now like to discuss briefly the individual articles of our draft treaty.

The first paragraph of Article I prohibits any party from emplanting or emplacing fixed nuclear weapons or other weapons of mass destruction on, within, or beneath the seabed and ocean floor beyond a narrow band, as defined in Article II, adjacent to the coast of any state. The prohibition would also apply to fixed launching platforms associated with nuclear weapons and other weapons of mass destruction whether or not a missile or warhead containing a nuclear weapon or other weapon of mass destruction was actually in place. The language of the prohibition goes to the heart of our greatest concern—namely that the seabed might not be used as an area for the emplacement of weapons of mass destruction.

Paragraph 2 of Article I obligates each party to refrain from causing, encouraging, facilitating or in any way participating in the activities prohibited by the first paragraph of Article I.

Article II deals with the limits of the narrow band mentioned in Article I and with the question of territorial sea claims. Paragraph 1 establishes the boundary of the narrow band. In deciding on the width of the band, we have taken into consideration two views expressed by nearly all the members of this Committee. The first is that the prohibition should extend to the maximum practical area of the seabed. The other is that the limits establishing the area in which the prohibition would apply should be separated from such complex issues as territorial sea claims and national jurisdiction, a view that has been given express recognition by paragraph 3 of Article II. We believe that setting the width of the narrow band at three miles, as is done in paragraph 1 of this Article, responds to both of these views. First of all, compared with the twelve-mile width, it would add roughly two million square miles of seabed to the area of prohibition. This is an area, moreover, where the temptation to extend the nuclear arms race might be very great because of its proximity to the shore. Secondly, by placing the outer limit of the narrow band at three miles we have avoided the complex questions associated with the extent of national jurisdiction. Moreover, it takes care of the concerns expressed by several delegations over the status of the maritime zone that would exist between a twelve-mile limit, for example, and the outer limits of territorial waters that were less than twelve miles. Under our draft treaty, no such zone would exist since the three-mile limit represents, I believe, the narrowest claim for a territorial sea.

Paragraph 2, at present blank, would define the baselines from which the outer limit of the three-mile narrow band is measured. We believe such definitions of baselines are necessary in view of existing claims to certain marginal seas as internal waters. In order to establish equitable boundaries and balanced obligations for all parties to the treaty, agreement will need to be worked out on how such marginal seas are to be treated. In this connection, it might be desirable and practical to draw on an existing international agreement dealing with the establishment of baselines. For its part, the United States is prepared to accept baselines drawn in a manner specified in the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone if agreement can be reached on the appropriate interpretations.

Article III of the draft treaty deals with verification. As is well known, the United States has consistently supported the principle of adequate verification for all arms control agreements.

The question arises as to what constitutes "adequate" verification of this particular measure in the light of our present and developing capabilities. This is not an easy question to answer, particularly in view of the immense technical problems associated with operating in the hostile seabed environment. However, if we can ensure that the parties to the treaty remain free to observe the activities of other states on the seabed and ocean floor, we are confident that such observation will provide appropriate verification for the purposes of this treaty. One reason for this is our feeling that if a party were to violate this treaty, it would not limit itself to the installation of a single weapon. If it were to violate the treaty, it would doubtless do so on a large scale.

Paragraph 1 of Article III therefore ensures the right of observation of activities on the seabed and ocean floor, to be carried on in a way which does not interfere with the activities of states on the seabed or otherwise infringe on rights recognized under international law including the freedom of the high seas.

Paragraph 1 of Article III also provides that in the event such observation does not in any particular case suffice to eliminate questions regarding fulfillment of the provisions of the treaty, the parties undertake to consult and to cooperate in endeavoring to resolve the questions.

I am aware that the draft treaty, placed before this conference by the delegation of the Soviet Union, ENDC/240, contains the

flat provisions that all installations and structures on the seabed shall be open for verification, a provision which is qualified only by the requirement of reciprocity. This, of course, is modeled on the provision in the Outer Space Treaty for verifying that there are no military installations on the moon or other celestial bodies. But an attempt to transplant, so to speak, a provision applicable to the moon, where all claims of national jurisdiction have been renounced, to the seabed, where there are existing claims of national jurisdiction and a growing number of scientific and commercial uses, raises many difficult political and legal questions. In addition, there would be an immense technical problem in living up to such an unqualified provision in the hostile environment of the seabed. For example, the entry of an observer into any installation on the seabed, at great depth or pressure, is both difficult and dangerous. Its solution might require special equipment designed for each particular type of installation. The entry into even one installation, in addition to being hazardous, could take lengthy preparation and be extremely expensive. In order to avoid complicated efforts to establish any such procedure at this time, the United States proposes a simple and straightforward verification system based on observation and consultation to resolve any questions as to compliance with the treaty which the observation might have raised.

The United States believes such a system would be workable. In my intervention on the 15th of this month I set forth the reasons why the emplacing or fixing on the ocean floor of an installation that was capable of serving as part of an effective weapons system involving nuclear weapons or other weapons of mass destruction would be unlikely to escape the attention of other maritime powers. If they suspected a violation of the treaty, they could act under the observation provision of Article III in the U.S. draft. Let us consider the role this observation would play in verifying compliance with the treaty.

If the installation has a configuration which could contain a missile for delivery of a nuclear weapon, and apertures or hatches from which such a missile could be launched, this would be observable. If the installation had the communications facilities for a sophisticated command and control system, this might also be observed. And if the installation contained an airlock, designed to permit entry of personnel, or contained large detachable parts, which could be detached for maintenance, this too could be observed.

All the questions raised by these observations would have to be resolved by the consultation provided for in Article III and the other party would be committed to cooperate to resolve them. I assure you that if the United States were to request consultations under this article, it would not propose to let the consultations drop until its questions were satisfactorily resolved.

This procedure for verification, involving observation and consultation would be available to all parties to the treaty.

In our view, international consultation would thus play an important role in the treaty's provision for verification, without the need for a special international verification organization which we would consider as both premature and wasteful of resources.

The United States believes that the verification procedure set forth in Article III of this draft is consonant with our present and developing capability to verify activities on the seabed. It is also appropriate to protect against the threat that we have reason to be concerned about both now and in the immediate future. But the draft treaty we are presenting today provides that five years after its entry into force, a review conference will be held. If technological and other developments warrant revision of the verification provisions of the treaty, they can be considered at that time. So that there may be no doubt as to our intentions in this regard, paragraph 2 of Article III expressly provides that the review conference shall consider whether any additional rights or procedures of verification should be established.

Article IV provides for amendments to the treaty, and is identical in language to Article XV of the Outer Space Treaty.

Article V provides for the review conference which I have already mentioned. The conference would meet here in Geneva five years after entry into force of the treaty, and review the operation of the treaty with a view to assuring that the purposes of the preamble and the provisions of the treaty are being realized. The provision for the review conference has been included because the United States considers the treaty as an initial undertaking in a complex environment. Accordingly, the United States believes that all parties will have an interest in assuring that there is an opportunity to consider the effect of technological or other changes on the operation of the treaty. Article V also provides that the review conference shall determine, in accordance with the views of a majority of the parties attending, whether and when an additional review conference shall be convened.

The wtihdrawal provision of Article VI is identical to that found in Paragraph 1, Article X of the Non-Proliferation Treaty. This type of clause found its origin in a similar provision in the Limited Test Ban Treaty.

This completes the description of the operational clauses of the treaty. There will, of course, have to be some routine provisions dealing wtih entering into force, accessions, official languages, etc. But if we can agree on the operational clauses, and after all, Mr. Chairman, this is the area where our discussions and differences have centered this session, then these latter provisions should not be difficult, and can be worked out at a later stage of the negotiations, once progress has ben made toward agreement on the substantive treaty articles.

Mr. Chairman, the United States Delegation has repeatedly expressed its hope that this Committee can reach satisfactory agreement which would prevent the nuclear arms race from spreading to the seabed. Likewise, we are convinced that such an agreement must be reached quickly, since it might be much more difficult, and perhaps not possible, to reach agreement once deployments have started. It is for these reasons that the draft treaty which we have submitted today does not attempt to solve all the problems at once. Rather it is designed to be a realistic and important first step toward more comprehensive disarmament. That is why we have included a provision that would subject the treaty to review and to possible amendment in the light of the experience gained in its operation and of technological developments which could bear on such issues as, for example, verification.

In conclusion, Mr. Chairman, I would like to add that I believe the draft treaty we have submitted provides a sound basis for negotiating a realistic and meaningful agreement—one which will add a significant restraint on the nuclear arms race, and, at the same time, help to ensure that the resources of the seabed are used for the benefit of all countries.

THE SAFEGUARD ABM SYSTEM

Mr. KENNEDY. Mr. President, the magazine Industrial Research, with a circulation of 80,000 of our Nation's scientific and engineering specialists, editorialized in its April issue against the Safeguard ABM System. Its reasoning was slightly different than that we normally hear: major technological breakthroughs in the ballistic missile defense problem may come in the not-too-distant future, which would render obsolete the technology on which Safeguard is based.

In its May issue, Industrial Research published the results of a poll of its readers on the ABM, comparing the poll with a similar one conducted 2 years ago. In the latter poll, 77 percent of the respondents favored ABM deployment; now, only 49 percent do. The 11 other questions in the poll are most instructive of the thinking of these professionals whose knowledge of the technological implications of the ABM is vast.

Mr. President, I ask unanimous consent that these two items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OPINION POLL RESULTS: SCIENTIFIC SUPPORT OF ABM HAS DECREASED IN PAST 2 YEARS

The best protection against nuclear missile attack still is superior retaliatory power—not the antiballistic missile (ABM)—according to scientists and engineers answering the February "Opinion Pool" dealing with the current ABM controversy.

As the public becomes more aware of ABM, opposition appears to be growing rapidly. In this poll, with 1,725 scientists and engineers responding, only 49% felt that the U.S. should implement an ABM system. By comparison, a similar "Opinion Poll" conducted more than two years ago found 77% of technical professionals favoring the ABM. However, the majority (73%) continue to believe that superior retaliatory power is the best defense against attack.

The type of plan needed also has changed during the last two years. In the first poll, the majority of respondents favored a full-scale ABM system capable of repelling Soviet ICBM attack, while today, a "thin" system for defending against Red China is considered the most logical plan.

The strongest criticisms against ABM were that the system would be obsolete before it was finished and that it would escalate the arms race.

The effectiveness of Army management of the Sentinel ABM system (and Nike-X before that) was challenged by 53% of the respondents who felt that the antiballistic missile system could be handled better by another branch of the military or a government agency.

While the majority of scientists and engineers supported further study of ABM defense, nearly all (89%) felt that there was not an "ultimate" ABM system capable of complete protection.

Tabular results of the February "Opinion Poll" follow:

Q 1: Do you think the U.S. should implement some kind of ABM system?

	Percent
Yes	49
No	51

Q 2: If a system is deployed, which of the following do you favor?

	Percent
A "thick" ABM system equal to repelling a Soviet ICBM attack	22
A "thin" ABM system suitable for defending against Red China	44
A "moderate" system somewhere between these two extremes	34

Q 3: Do you believe that deployment of an ABM system will result in technical advances in offensive weapons by potential enemies?

	Percent
Yes	83
No	17

Q 4: Do you believe that "superior retaliatory power" is the best defense against attack?

	Percent
Yes	70
No	30

Q 5: The Sentinel ABM system (and Nike-X before that) has consumed many billions of dollars since 1957. Do you think that this Army project could be handled better by another branch of the military or a government agency?

	Percent
Yes	53
No	47

Q 6: If yes, which would you suggest?

	Percent
An agency created for national defense against nuclear attack	39
The Air Force	24
NASA	22
The Navy	3
Other	12

Q 7: Do you think that ABM bases should be located near heavily populated areas?

	Percent
Yes	10
No	42
Makes no difference	48

Q 8: Opponents of the ABM system claim several points against its deployment. Which one of the following do you feel is most valid?

	Percent
It will be obsolete before it is finished	28
It would escalate the arms race	15
It is extremely expensive	14
It would not save lives in the case of a Russian attack	3
It is not necessary for security against a Red Chinese attack at this time	1
All of these	31
None of these	8

Q 9: Do you believe there is an "ultimate" ABM system capable of complete protection?

	Percent
Yes	11
No	89

Q 10: Do you agree with proponents of the ABM proposals that the system might serve as "the first discernible step toward nuclear disarmament?"

	Percent
Yes	22
No	78

Q 11: Would you be in favor of further study on the Navy's concept of undersea missile bases plus satellite detectors as an ABM defense?

	Percent
Yes	60
No	40

Q 12: Would you be in favor of further study of the Air Force proposal using spacecraft to knock out ballistic missiles?

	Percent
Yes	64
No	36

This month, the "Opinion Poll" questionnaire deals with environmental pollution.

NIXON'S QUESTIONABLE CHOICE

We vigorously oppose the manufacture of ABM missiles as now conceived for the "safeguard" system proposed by President Nixon. We have come to this conclusion because Sentinel, admittedly inadequate for protection of U.S. cities by the President, also is ill-conceived for its new role protecting Minuteman ICBM missile bases.

Rather than waste the $800-million requested to begin design and construction of ABMs around two Minuteman missile sites, we believe this money should be devoted to advance R&D on better ABMs as well as other approaches to the problem. The U.S. actively should seek an ABM treaty with Russia to complement the Nuclear Nonproliferation Treaty.

On the face of it, Nixon's deployment scheme seems logical. But closer examination raises serious doubts about its validity. According to the President, the system is needed to safeguard against:

Any attack by the Chinese Communists in the next 10 years.

Total destruction of the U.S. deterrent force by massive Russian attack that would destroy our second-strike capability.

Any irrational or accidental attack by anyone.

On the first point, even if Communist China took the incredible risk of attacking the U.S. with a primitive force, population centers, not missile bases, would be the likely target. Vulnerability of Minuteman sites to Russian attack is offset by our constantly moving Polaris submarine force. This will be an even more convincing deterrent when equipped with Poseidon missiles with MIRV capability by 1973. Accidental holocaust, the last point, is a product of "balance of terror" politics—such a mishap probably would set off total retaliatory forces on both sides.

Aside from these shaky political reasons for immediate deployment, Sentinel truly is obsolete even before it has been built, although it probably could function in the limited way proposed by Nixon if that were desirable. But to provide realistic defense against ballistic missiles capable of raining penetration aids to confuse ABM radars, Sentinel requires several orders of magnitude improvement in all elements.

We recommend that work continue to develop all elements of the system that would produce a credible ABM by allowing it to discriminate real warheads from thousands of decoy targets. Computers with billion-bit storages and sub-nanosecond execution times must be developed to store a library of "spectrum signatures." These are ionization wakes left by warheads re-entering the atmosphere—needed to discriminate between actual bombs and decoys. Other methods of protecting or augmenting our second-strike capability also should be sought, such as super-hard Minuteman missile silos that could withstand direct nuclear blast.

The Pentagon already is zeroing in on promising new technology and probably will announce upgrading study contracts in May for a new high-resolution high-frequency radar that would be so accurate that Spartan and Sprint interceptors could use non-nuclear armament.

The fact that ABM deployment could jeopardize U.S.-U.S.S.R. disarmament talks, could initiate a new arms race, and could seriously place in question our sincerity in signing the Nuclear Nonproliferation Treaty seem ample reasons for more caution by the President. That the system presently being deployed is obsolete and unnecessary should be a sound reason for Congress to fund only the R&D portion of the ABM budget.

THE SPIRIT OF 1776—REBIRTH OF WASHINGTON

Mr. MATHIAS. Mr. President, 7 years from now our Nation will celebrate its 200th anniversary. Planning for the bicentennial is already underway in many cities and nationally under the leadership of the American Revolution Bicentennial Commission, established under legislation which I originally sponsored in 1966.

The bicentennial celebration should be far more than just a montage of speeches, exhibits, special programs, books, and reenactments. Pageantry, of course, has its place, as do the reexaminations of our national heritage and the important events of 1776. But I believe that we should go beyond commemorations to a real celebration of what America has become by 1976, and what our Nation can be as she enters her third century.

America now is an urban Nation. For all the severe problems which now beset our cities, they still retain the image of hope, progress, and opportunity which they have historically offered to Americans and the world.

It would be most appropriate, therefore, to celebrate our country's 200th birthday by a great physical, social, and spiritual rebirth of our cities. Such an effort requires far more than verbal commitments. It would demand sustained investment and the coordinated use of all our human and material resources. But it can be done.

Recently considerable discussion in Washington has focused on the possibility of making the Nation's Capital the "model city" of the Nation for the bicentennial, the city which would serve as the keystone of our national celebration and as our example for the rest of the world. Many leading Washingtonians, under the general guidance of the Federal City Council, are now developing a detailed presentation to be made to the Bicentennial Commission later this year.

Such a program would of course reach beyond improvements in monumental Washington, to embrace the real renewal of the city's heart. It would require acceleration of the many projects now on the drawing boards or just beginning to be implemented. It would also require the sense of urgency which has unfortunately been so sporadic in the past.

I believe that this concept deserves wide attention and consideration. Toward this end, I ask unanimous consent to have printed in the RECORD an editorial from the Washingtonian magazine and letters of comment from several prominent Washington citizens.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SPIRIT OF 1776—HOW THE NATION CAN CELEBRATE ITS 200TH BIRTHDAY BY MAKING WASHINGTON INTO A MODEL CITY

Presidents through the years have spoken eloquently of making Washington into a model city for the nation. But the rhetoric has a hollow ring. We still have too many problems and too much unfinished business, and we still receive too little Federal support.

In the next seven years, however, with an assist from an up-to-now obscure Government commission, we may be able to fulfill much of Washington's promise in an unparalleled burst of energy, imagination, and money.

The commission—titled the American Revolution Bicentennial Commission—was created in 1966 by Congress to plan and coordinate the nation's 200th birthday celebration in 1976. Because the Johnson Administration showed little interest and provided little money, the commission has not made much progress. Its thirty-four members did, however, ask the Commerce Department for ideas on how the nation might best celebrate its bicentennial.

The Commerce Department report—prepared by its expositions staff and not yet made public—will recommend that the 1976 celebration center around the "rebirth of a city." If the Bicentennial Commission adopts

the idea, an entire city would be dramatically improved and displayed to the world.

The report suggests that such a "rebirth of a city" would have a deeper meaning than traditional expositions, such as the recent New York World's Fair. The recommendation, however, will need strong and articulate support. Boston already has unveiled plans for an $800 million "Expo Boston" that would be built on a 690-acre downtown tract. Philadelphia is talking of a $1.2 billion exposition. Both cities, of course, are anxious to get as large a piece of the bicentennial actions as possible.

The Washingtonian applauds and endorses the Commerce Department report. The "rebirth of a city" would be much more meaningful than an expensive, artificial exposition that would leave few permanent benefits behind, and the concept could be combined with expositions in other cities to make the bicentennial a truly magnificent American celebration.

The Washingtonian suggests that the city reborn ought to be Washington, a city whose deteriorating heart makes a mockery of its affluent suburbs and Federal elegance, a city whose well-laid plans for improvement (the subway, for example) are so bogged down in jurisdictional squabbles that the idea of making it into a model city strikes many people as pie in the sky.

If Washington and the new Nixon Administration go forward together in the Spirit of '76, the bicentennial could be the spark we need to go beyond the area's backlog of unfinished business and create a city of which we can all be proud.

Many projects already underway could be part of the 1976 "rebirth of a city" plan, including the subways, Ft. Lincoln New Town, the Pennsylvania Avenue plan, rebuilding of Seventh and Fourteenth streets, Federal City College, development of the mall, and the John F. Kennedy Center for the Performing Arts.

Imaginative new projects could be started and completed by 1976, such as a major overhaul of the Potomac and Anacostia waterfronts for recreational use, the creation of several additional new towns in and around the city (one perhaps on the site of National Airport), the development of a first-rate public-school system for the District of Columbia, and many more.

In the coming issues of the Washingtonian we intend to present challenging new plans for some of these projects. We hope you will send us your ideas on how to make Washington more than just a city of magnificent intentions.

Meanwhile, the Bicentennial Commission flounders in uncertainty. Will President Nixon take an interest in its efforts? Will Congress appropriate the necessary funds? Will the Commerce Department's "rebirth of a city" idea be passed over in favor of the traditional World's Fair kind of celebration?

We ask, therefore, that you help seek a major role for Washington in the bicentennial. This is the city which belongs to all the American people and it should demonstrate our nation's commitment and ability to handle the challenges of this urban society in which we live.

Write to President Nixon, Mayor Washington and the D.C. City Council, your local Congressmen and Senators, members of the House and Senate District Committees, and others you think might help.—THE EDITORS.

WHAT WASHINGTON COULD SHOW THE WORLD IN 1976

Washington is already a showplace, as evidenced by the seventeen million tourists who come here each year to look at Federal buildings, monuments, museums, and embassies. And the city has some splendid new projects in various stages of development, all of which could be pushed to completion as part of the "rebirth of a city." For example:

National Visitors Center—The $16 million conversion of Union Station to a visitors' center should take about three years.

Ft. Lincoln New Town—$300 million in public and private funds will be invested in this 335-acre model community to be built on the former site of the National Training School in Northeast Washington. When completed in 1975, the integrated community will have 15,500 people of various socio-economic levels living in housing ranging from high-rise apartments to town houses.

Two other carefully planned new towns in the Washington metropolitan area are already attracting worldwide attention—Reston, in Fairfax County, Virginia, and Columbia, between Washington and Baltimore. Planners say seven or eight other new towns should be underway by 1976.

Federal City College—This new four-year liberal arts school—the equivalent of a state college for District residents—has temporary headquarters at 425 Second Street, N.W., and in five years could have its permanent campuses in the Mt. Vernon Square area (Seventh Street and New York Avenue, N.W.) and at Ft. Lincoln New Town.

Metro (the subway-rail rapid-transit system)—Work is just beginning on this 97-mile project. Cost is estimated at $2.5 billion, and Congress has been slow to appropriate its share because of rapid transit vs. freeway infighting. The 25-mile District part of the system is supposed to be operating by 1972, with the suburban sections completed by 1980.

Beautification and redevelopment of the Mall—Plans are vague, but someday all of the temporary buildings on the Mall will be removed. Two new buildings are planned—the $13 million Hirshhorn Museum will house a $25 million art and sculpture collection on Independence Avenue between Seventh and Ninth Streets; a new $40 million Smithsonian Air and Space Museum also will be built. Both could be completed by 1976.

John F. Kennedy Center for the Performing Arts—This $60 million cultural center, overlooking the Potomac near the Watergate and the Lincoln Memorial, is scheduled for completion by late 1970.

Redevelopment under the Model Cities Act—Washington received a $300,000 Federal planning grant for redevelopment of five different neighborhoods. The city will submit a statement of goals this spring, and then should receive about $5 million for a five-year program.

The National Aquarium—A $9 million facility on Hains Point. Construction may start next year.

District of Columbia Library—This $17 million main library at Ninth and G Streets, N.W., should be completed late in 1970.

Pollution control of the Potomac and Anacostia rivers—The District has a $52.5 million water pollution control program underway to clean up the Potomac and Anacostia rivers by 1972. The Potomac may also be designated by Congress as a National River, which would qualify this area for additional pollution-control funds.

Washington has other ambitious plans, still on the drawing boards, which could be realized by 1976:

Georgetown Waterfront—The Georgetown Planning Council wants to redevelop the waterfront area south of M Street to include a boat basin, a town square, inns, shops, and small parks. But nothing can be done until the Whitehurst Freeway is torn down and replaced by a tunnel under K Street, and this depends on resolution of the freeway controversy.

Rebuilding of Fourteen Street—No firm plans have been agreed on for rebuilding the Fourteenth Street area that was hard-hit by the 1968 civil disorders but lies outside areas taken in by the Shaw and Downtown plans. The Community Reconstruction and Development Corporation, which has received a $600,000 Ford Foundation grant, is trying to work out a consensus.

Rebuilding of Seventh Street—New business and residential areas, plus a Federal City College campus and other community-service facilities, are planned for Seventh Street under the Downtown and Shaw urban-renewal plans. First year action, with $29.7 million in Federal money and hopefully about $120 million in private investment, will center on the area between K Street and Florida Avenue.

Air pollution control—The District Health Department is now spending $60,000 a year to control air pollution. A comprehensive program would cost about $320,000 a year. Major problems are automobiles, coal burning, and jet airplanes. New standards are being set up under the Federal Government's Air Quality Act of 1967.

Rebirth of the Anacostia—This ambitious plan involves National Park Service land along the Anacostia from the District line to the Potomac River. Part of Lake Kingman would be converted to a swimming area, and a Tivoli-type amusement center would be built near Robert F. Kennedy Memorial Stadium. In addition, the Kenilworth Dump site would be transformed into a picnic and recreation center. No estimate on total cost. The plan will go to Congress for funding this year.

Pennsylvania Avenue Plan—Redevelopment of the area between Fifteenth Street and the Capitol will center on the north side of Pennsylvania Avenue. New public and private buildings, including new headquarters for the FBI and the Labor Department, would conform in height and size to the buildings on the south side of Pennsylvania Avenue. Also included are a Capitol Reflecting Pool, National Gallery Sculpture Garden, Woodrow Wilson Memorial, and National Square.

And there is still time to plan and develop bold new programs. Here are a few to consider. We hope you will send us suggestions for others.

Convert obsolete Federal facilities such as National Airport, Bolling Field, and Andrews Air Force Base into new towns, for residential, commercial, and recreational use.

Build a monorail or other rapid-rail transit to Dulles and Friendship airports.

Redevelop older suburban areas, such as Silver Spring and Mt. Rainier.

Create facilities which will stimulate metropolitan area commerce: a convention center, an industrial and trade exposition center, a sports arena, a regional economic development authority.

Build an official residence for the Vice-President.

Amend zoning laws to permit recreational use of the flat rooftops of downtown office buildings.

Create a truly great national university, building on the resources of the University Consortium, the existing universities, and the Smithsonian Institution.

[From the Washingtonian magazine, April 1969]

THE SPIRIT OF 1776

We have read with interest your article on "The Spirit of '76," [March 1969]. Indeed the proposals you suggest are exciting and should be pursued—but we would presume in an order not indicated by the article. We would hope that the rebuilding of 14th and 7th Streets and the rebirth of Anacostia would have priority in any plan attempted at making Washington a showplace for the world. Indeed the basic needs of people such as housing would surely be met before we pursue the luxuries indicated by the many other programs.

I am sure that this was your intention and only mention this because of the continuing practice on the part of so many who put the

cart before the horse. We continue to enjoy your magazine.

CHANNING E. PHILLIPS,
Minister, Lincoln Temple.

Having introduced the original proposal for a Bicentennial Commission in the 88th Congress, I have been deeply interested in the bicentennial plans, and was particularly pleased to see the interest expressed in this effort by the Washingtonian.

JOHN O. MARSH, Jr.
Member of Congress.

We will certainly join in pressing for the idea of tying the "rebirth" of the city to the bi-centennial. In fact our enthusiasm for some variation on this idea was expressed almost a year ago, in a long article in "Outlook" by Wolf von Eckardt and in an editorial. Together, the von Eckardt piece and the editorial set forth some interesting specific projects and we will undoubtedly be coming back to the subject from time to time.

I await with interest your plan to publish a series of specific proposals on this subject which undoubtedly will need all the support we can possibly give it and more.

PHILIP L. GEYELIN,
Editorial Page Editor, the Washington Post.

I enjoy your magazine and your relevant, thought-provoking material. I certainly do support the purpose and intent of your March "Spirit of '76" editorial and I assure you I am interested in doing all possible to see Washington selected as the city for rebirth. I agree with you that it would do much to make this a Capital city of which the entire nation could be proud.

JOSEPH P. YELDELL,
D.C. Councilman.

I applaud and endorse the WASHINGTONIAN's proposal to commemorate the 1976 American Bicentennial by making Washington a model city. It is our hope to be able to complete the redevelopment of Pennsylvania Avenue by this 1976 target date.

NATHANIEL A. OWINGS,
Chairman, President's Temporary Commission on Pennsylvania Avenue.

You will have my fullest support in developing plans for celebration of the Nation's 200th Birthday by turning Washington into a showcase of what this country can accomplish.

ARTHUR W. ARUNDEL.

I like the "rebirth of a city" idea very much, and think it is an excellent proposal. I too think that Washington, D.C., can make a great showing.

WILLIAM S. THOMPSON,
D.C. Councilman.

I congratulate you for your very imaginative editorial on "The Spirit of '76," which appeared in the March issue of the WASHINGTONIAN. Certainly, we will keep the 1976 Bicentennial very much in mind as we proceed with our programming at the Kennedy Center.

WILLIAM MCC. BLAIR, Jr.,
The General Director, John F. Kennedy Center for the Performing Arts.

PRESIDENT'S TEMPORARY COMMISSION ON PENNSYLVANIA AVENUE,
Washington, D.C., March 28, 1969.

Mr. L. A. JENNINGS,
Chairman, Federal City Council,
Washington, D.C.

DEAR MR. JENNINGS: I congratulate the Federal City Council for its proposal to make Washington a model city.

As you know, the Pennsylvania Avenue Commission has long supported the concept of a living exposition, and will certainly assist the Federal City Council in its presentation to the American Bicentennial Commission in every possible way.

Sincerely,

NATHANIEL A. OWINGS,
Chairman.

GREATER WASHINGTON CENTRAL LABOR COUNCIL, AFL–CIO,
Washington, D.C., March 31, 1969.

Mr. L. A. JENNINGS,
Chairman, Federal City Council,
Washington, D.C.

DEAR MR. JENNINGS: I am most happy to inform you that the organization of which I am President agrees that a new form of commemorative event would be more appropriate for 1976 than a world's fair in the traditional sense. In view of the fact that Washington, D.C., is in itself an exposition, we believe that the Spirit of 1976 could best be manifested by making Washington an exemplary urban area in every possible sense. With a proper infusion of imagination and resources, we can show the nation and the world dynamic progress in meeting urban problems that plague the world.

We congratulate the Federal City Council on its decision to make a presentation to this effect to the American Revolution Bicentennial Commission. You have our best wishes and support for this undertaking. If the members of the Bicentennial Commission decide against a world's fair, as we believe they should, our full support in the organization of a non-profit, corporation whose goal would be to coordinate the necessary effort to make Washington a fair city for all the world to see by 1976 is hereby pledged to you.

Very truly yours,

J. C. TURNER, *President.*

NUCLEAR STRATEGY DECISIONS

Mr. FULBRIGHT. Mr. President, Marquis Childs, one of our most thoughtful, distinguished, and respected columnists, has recently published three columns which deserve the attention of the administration, Members of the Congress, and the public.

His articles are a thoughtful analysis of the nuclear strategy decisions which face the United States and the Soviet Union.

As the days slip by—

Writes Mr. Childs—

the fear grows that a last chance to head off another and perhaps ultimate round in the race will be lost.

He refers to the race that concerns all of humanity—the nuclear arms race of which the ABM controversy is a small but crucial part.

What if the Russians were saying the things about us that our Secretary of Defense is saying about them, asks Mr. Childs. Is it possible that the Russians might charge us with dastardly intentions toward them?

These questions need exploration in depth and without emotion or preconceived answers.

Mr. Childs does this.

I ask unanimous consent that Mr. Childs' columns, printed in the Washington Post on May 23, 26, and 28, 1969, be printed in the RECORD.

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

[From the Washington Post, May 23, 1969]

PROSPECTS FOR ARMS TALKS SEEM TO BE LOSING GROUND

(By Marquis Childs)

Not long before he left on his Asian trip, Secretary of State William P. Rogers met with Soviet Ambassador Anatoly F. Dobrynin. Rogers wanted to reaffirm to Dobrynin what he had said publicly—that the United States would be prepared to enter into arms negotiations with the Soviet Union in the late spring or early summer.

Reporting the discussion to colleagues, Rogers stressed Dobrynin's concern over delay in the long-heralded talks. He quoted the Soviet Ambassador as saying with the wry humor that is one of his characteristics: "You are sure you don't mean Indian summer?"

It now appears there will be a delay in the start of the effort to checkmate another sharp upward spiral in the nuclear arms race. What in bureaucratese is called "slippage" has taken place. From White House sources comes word it may be August before the American side bears out this pessimistic estimate.

As the days slip by, the fear grows that a last chance to head off another and perhaps the ultimate round in the race will be lost. Two reasons underscore this fear. One is evidence of a hardening attitude in Moscow. The military appear to have increasing weight in the Kremlin.

The second fear is of an accident that suddenly in flaring headlines puts an end to all hope of talks. The U–2 spy plane shot down in 1960 wrote finish to the attempt of President Eisenhower to abate the cold war and arrive at competitve coexistence with the Soviets. The Russian invasion of Czechoslovakia last August cut across the carefully laid plans of President Johnson to begin arms talks. An accident would all too obviously suit those who in private oppose arms limitation.

If any single factor has damped the prospect for arms talks it is the decision of the Nixon Administration to start deployment of anti-ballistic missiles to safeguard intercontinental missiles. This is not so much because it will mean any significant change in the strategic balance between the two nuclear giants, but because of the loud propaganda coming from Secretary of Defense Melvin R. Laird and other defense officials to convince Congress the Soviets are preparing a first-strike capability to cripple the United States.

No walls of silence, such as can be imposed by an authoritarian system, surround the United States to keep the angry ABM debate within the American family. All of the speeches and statements by Laird, Dr. John S. Foster Jr., director of defense research and engineering, and others carrying the torch for ABM are avidly read in the Kremlin. It is hardly necessary to add that they serve the cause of the hardliners who, it is a safe conjecture, argue that it is useless to try to come to any agreement with the warmongering imperialists in Washington. A recent visitor from the Soviet Union put this question:

"What if Grechko was saying the things Laird is saying?"

Imagine Marshal Andrei A. Grechko, Soviet Defense Minister, writing in Pravda or trumpeting in a speech on Armed Forces Day that the United States was accelerating the build-up in both offensive and defensive nuclear weapons. And what for? Why, to knock out the Soviet's retaliatory capability, with America triumphant in a first strike and the Soviet Union forever crippled, if not destroyed.

The consequences for any future arms talks would be pretty serious. How can we ever deal with people like that who charge us with such dastardly intentions? The argument that the Laird blasts do not matter,

since there is no public opinion in the Soviet Union, is fallacious. A kind of opinion at the very highest level is subject to the news from everywhere and particularly from the other nuclear giant across the great divide.

The director of the Arms Control and Disarmament Agency, Gerard C. Smith, will be the principal negotiator in the first round when—and at this point caution dictates an if—it begins. Smith is determined that the talks will succeed. While they may not bring a reduction in nuclear arms, at a minimum they should checkmate a new spiral. The disarmament agency is hopefully setting a date between July 15 and August 1 for the start of the talks. Since spring ends on June 20, July 15 would still be within Secretary Rogers' pledged timing.

No one questions Smith's dedication and sincerity. But he faces many handicaps within the Administration. A month ago the word was put out that he would have a strong, capable deputy. An approach was made to William H. Sullivan, former Ambassador to Laos and one of the ablest Foreign Service officers. Subsequently, Sullivan was named Deputy Secretary for the Far East, with emphasis on the Vietnam task force, which may say something about priorities. No deputy has been named.

Why are the forces in the inner council cold, hot and lukewarm on the arms talks? What is the reason for the slippage? This will be examined in a following column.

[From the Washington Post, May 26, 1969]

OBSTACLE COURSE MUST BE RUN BEFORE ANY UNITED STATES-SOVIET TALKS

(By Marquis Childs)

The Johnson Administration left behind for the incoming President and his foreign policy advisers a vitally important document. Duly initialed after months of effort by both Soviet and American representatives, this paper laid down the agreed principles under which the arms limitation talks, theoretically soon to begin, were to be conducted.

So far as the Soviet side is concerned, nothing more has been heard of that document. In fact, except informally at a level well below the top, no approach has been made to the Russians in the nearly four months since the Johnson Administration downed tools. A great silence has prevailed. The reasons for the silence lie in the obstacle course still to be got over before the United States can meet at Geneva to talk with the Russians about ways to prevent another enormously costly upward turn in the nuclear arms race.

The barriers on that obstacle course are formidable, suggesting it may be well beyond early summer before negotiation can start. The obstacle course runs through the Pentagon, the National Security Council and the final barrier is approval, or at any rate sympathetic understanding, by America's allies. So far there have been only trial runs over this course.

One of the achievements of the Johnson Administration was to get agreement from the Joint Chiefs of Staff on a negotiating position. Whether in light of the anti-ballistic missile controversy this agreement among the military has been eroded is a question. A further doubt is over future tests the military have scheduled for MIRV, the multiple independently targeted re-entry vehicles giving each warhead the capability of direct hits on eight or nine separate targets. Should the United States go ahead with these tests the Soviet Union can be expected to insist on the right to similar tests and a MIRV round in the race would seem assured.

A new and influential presence in the Pentagon raises a further question. A hardline Goldwater speech writer, G. Warren Nutter, was named to the key post of Assistant Secretary of Defense for International Affairs. While he softened previously expressed views when up for Senate confirmation, Nutter talks about making sure we don't give the Soviets something for nothing. What this means in arms limitation, where supposedly the game is arriving at strictly measured cuts strictly monitored, is not clear.

The American arms limitation proposal, having passed the Pentagon barrier, will come before the National Security Council with two sticking points. First the specific recommendations must be passed on by the Council made up of the President, Vice President, State, Defense, Assistant for National Security Affairs Henry A. Kissinger and CIA Director Richard Helms as an advisory participant. The second and fundamental point the Council will pass on is whether it is in the interest of the United States to enter into such talks at all.

This means time. It means the concentrated attention of the President himself when he is being pulled in a dozen different directions. The trip to Midway to meet with President Nguyen van Thieu of South Vietnam will take five days out of the Nixon schedule.

But the highest barrier is approval of the allies. In theory one reason for President Nixon's trip to Europe in February was to get the sanction of West Europeans for negotiation with Moscow. This was only broad pro forma approval.

Those familiar with the negotiations leading up to the nuclear test ban and the nuclear nonproliferation treaties are convinced that any attempt to get approval for specific negotiating points will mean a long delay. They see it as a kind of trap in which the United States can be bogged down indefinitely while the chances for checking the arms race go glimmering. The West Germans with their complex involvement in Eastern Europe and their deep suspicion of anything Russian can stall for weeks.

The background here is significant. Kissinger is highly critical of past negotiation. He believes the nonproliferation treaty is in limbo today, with key nations withholding their approval, because the allies were not kept current with the various stages of the negotiating process. Germany, Japan, India, Israel and Brazil are among the nations that have not yet signed the treaty.

This is simply not true say those who worked over the years negotiating the two treaties. Every possible effort was made to keep America's allies, and in particular West Germany, up to date at each successive stage. A German observer was always present. Each week the then head of the Arms Control and Disarmament Agency, William C. Foster, gave a report to the North Atlantic Council in Brussels on the exact status of the talks.

With the days slipping by, the great unknown on the American side matches the unknown on the Soviet side. As the attitude in the Kremlin hardens those who have been eager for an opening to try to achieve at least a pause in the race, notably Premier Alexei Kosygin, may have lost out to the hard liners. The delay of five to six months will have erased the last best chance to stop and look at how high the stakes are in this race. The simple formula of the past, guns versus butter, falls far short of conveying the threat of these fantastic weapons and the economic squeeze inherent in their fantastic cost.

[From the Washington (D.C.) Post, May 28, 1969]

SOVIET DISSIDENT'S TROUBLES POINT UP ARMS CONTROL LAG

(By Marquis Childs)

In the literature of free expression smuggled out of post-Stalinist Russia the short book by Andrei D. Sakharov, "Progress, Coexistence and Intellectual Freedom," rates at the top. A forthright plea for freedom of thought, it comes from one of the world's greatest physicists, who more than any single Soviet scientist contributed to the development of the Soviet hydrogen bomb at a far earlier date than the West had thought possible.

Sakharov may feel the same guilt afflicting scientists in the West who created this weapon of incredible mass destruction. But for a revered 48-year-old member of the Academy of Sciences to declare the "essential" need for freedom of thought if the world is to be saved from destruction is indeed remarkable. Today the triple threat to freedom of thought comes, Sakharov wrote, "from the opium of mass culture, from cowardly, egotistic and narrow-minded ideologies and from the ossified dogmatism of a bureaucratic oligarchy and its favorite weapon, ideological censorship."

Convinced that the offensive can always outrun the defensive, Sakharov called for an agreed moratorium on construction of an antiballistic missile system in both countries to save the billions of dollars such a system costs as well as to make a start at checkmating the arms race. In the document circulated from hand to hand he spelled out the 40 square miles of destruction the explosion of one three-megaton (3,000,000 tons of TNT) warhead would do. His case against still another upward spiral in the ABM sounds like the case many leading American scientists are making against deployment of the Safeguard missile in this country.

A current report has it that Sakharov has been humiliated. He has been denied access to the leading nuclear center at Dubna near Moscow. And the hardliners in the Academy of Sciences have brought about his expulsion for writing a book full of "liberal tendencies."

The report cannot be verified. Kremlinologists say that while he may no longer be at Dubna he is working in another nuclear center. They doubt the unprecedented step of expelling him from the Academy. Incidentally, the Sakharov affair has striking parallels with the fate of the late Robert Oppenheimer, who was denied access to top-secret information after a lengthy hearing into his early relationship with Communists or Communist sympathizers.

Whether exaggerated or not, the report of Sakharov's troubles underscores the hardening attitude in the Soviet Union. His book has never appeared in the U.S.S.R. and if he has been disciplined it means that the Kremlin is determiined the Soviet public will not be influenced by any soft line on weapons and negotiation.

It suggests that the eagerness of the Kremlin leaders, notably Premier Alexei Kosygin, in October and November to begin negotiating a pause in the arms race may have decidedly cooled. In the pessimistic view the cooling off since the military carried out the invasion of Czechoslovakia last August has gone to such a point that arms negotiation in any realistic sense may no longer be possible.

But there are hopeful elements evident in two individuals approaching the complex and delicate problem with a realistic understanding of what can come out of prolonged, complex, difficult talks. One is Soviet Ambassador Anatoly Dobrynin. The other is Llewellyn Thompson who, since retiring from the State Department, is serving as a part-time consultant to the Arms Control and Disarmament Agency.

Dobrynin was to have retired as Ambassador to Washington the first of the year. Because he had been so close to the issue of negotiations and because of his rapport with officialdom, he stayed on. With an easy approach and a good sense of humor Dobrynin has won the confidence of many Americans while being careful always to stay within the frame of his own country's position.

In his tour of duty as Ambassador to Moscow from 1957 to 1962 Thompson, in the same quiet and unassuming way, won the confi-

dence of the men in the Kremlin. Growing up in Las Animas, Colo., there could never be any question of his American origins. Out of a strong sense of duty he agreed after retirement to stay on as consultant to Gerard C. Smith, director of the Arms Control and Disarmament Agency. This meant turning down highly lucrative offers. The importance of his role can hardly be exaggerated in the delicate and uncertain phase that may or may not end with the two sides talking across the table at Geneva.

When all is said and done, the profound differences in the two systems may rule out any agreement. The rivalry for supremacy is great. The secrecy so intensely guarded on the American as well as the Soviet side on weapons capability and intentions—makes a compromise even on an issue with life or death in balance unlikely.

On the other hand, a ban on nuclear testing in the atmosphere was negotiated.

FREEMAN WRITES ON RURAL-URBAN BALANCE

Mr. MONDALE. Mr. President, the former Secretary of Agriculture, the Honorable Orville L. Freeman, of Minnesota, has written an absorbing and highly topical article in the current issue of the Minnesota Law Review.

Titled "Toward a National Policy on Balanced Communities," Mr. Freeman's article advocates:

New planning initiatives at the county and multicounty levels.

Leadership from the Federal Government in the location of its facilities in rural areas.

Establishment of a "Town and Country Development Bank" for rural America, similar to the proposed National Urban Development Bank.

During his 8 years as Secretary under Presidents Kennedy and Johnson, Mr. Freeman became known across the Nation for his leadership and concern for problems affecting all of rural America. This article, which explores in depth the problem of American demography, which has crowded 70 percent of our population into just over 1 percent of the land area, is an example of his continuing concern.

I recommend this article highly and ask unanimous consent that it be printed in the RECORD.

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

TOWARD A NATIONAL POLICY ON BALANCED COMMUNITIES

(By Orville L. Freeman)

During my service as Secretary of Agriculture, the need for nationwide action to correct detrimental trends in domestic population distribution (settlement patterns) became dramatically clear. What I call rural-urban balance—an easy relationship of people, land (space) and economic opportunity, with all the social consequences this involves—had been destroyed in much of the nation. Virtually every aspect of the urban crisis—poverty and welfare, employment, crime, housing and health—could be linked to a migration from rural America that resulted in too many people on too little space.

The cities, their municipal hands full with just the natural increase in their indigenous population, had been thrown off balance by this influx from the countryside, and they have never recovered, similarly, renewed focus on the unheralded desperation of rural poverty [1] revealed the grim consequences of ignoring the waste and hardship of unplanned and unattended urban migration. Though the shift might be deemed desirable under some economic theory,[2] the economic pressure which forced people away from the land of their birth and the ultimate negative impact on the rural people who stayed wrote a record of deprivation that was no less cruel than the markings on the wall of the urban ghetto.

At the beginning of the 1960's, no level of government and few Americans in the private sector had shown either understanding or the capacity to anticipate the impact of gross population movements. Historically, this is understandable, since basic to the tensions and frustrations of the latter one-third of the 20th Century has been our failure as a nation, during the first two-thirds of the century, to grasp the implications of the unprecedented technological and productive forces and the resulting change in population patterns that we unleashed. In the short period since World War II, our population has grown by 55 million—37 per cent. The value of goods and services we produce each year has increased from $280 billion to more than $800 billion. Three million farms have disappeared in a technological revolution that is still sweeping through agriculture. More than 20 million persons have abandoned the farms and small towns for the city.[3] One-third of the population has left the city for the suburbs.

We have been aware that our society is changing, of course, but there has never been any national recognition of what this pell-mell change meant in terms of stresses on our communities, schools, governments, homes, churchs, neighborhoods, and on ourselves.[4] Just as untrammeled laissez-faire economics has long since proven inadequate to regulate the national economy, so have do-nothing policies regarding living space proven inadequate to meet 20th Century human needs. We have failed to plan for change—to develop public and private institutions and attitudes that would shape and control the technological revolution to serve the needs of society. The result has been a national crisis of environment—the relationship between the people and the land—and from this crisis others have erupted all around us.

Seventy per cent of our people now are crowded onto less than two per cent of the land; 30 per cent occupy all the rest, many of them in lonely decline while their city cousins live in overcrowded disorder.

In terms of ability and training, the migrants from rural America to the metropolis have been primarily the best and the worst. The departure of the best sapped the strength and dulled the potential of rural America. The arrival of the worst compounded the problems of cities already sorely tried by problems of growth.[5]

This imbalance between land and people is evident in the creeping decay in the countryside where communities have lost the economic base to support good schools, doctors, churches, and social services.[6] It is evident in the congestion, pollution, civic disorder and proliferating ghettos of the metropolis, and in the leap-frog spread of suburbia, paving over the countryside, choking the inner city. It is evident in the unrest and dissatisfaction that spreads across our land like a blight and threatens the very fiber of our nation. Violence has occurred in our colleges and high schools, with young people breaking the law and attacking our national leaders and institutions with vulgar obscenities. Freedom of speech, the most vital requirement of the democratic process itself, is on the defensive. A Presidential Commission [7] reports that this nation faces the serious danger of a segmented society, one segment white and one black, and a year later finds no progress in dissipating that danger.[8] Crime has climbed to epidemic proportions—threatening the personal safety of more Americans than ever before in our history.

These conditions are all related. Each feeds the other, and if the trend to megalopolis continues for the next 30 years, 100 million more Americans will be stacked onto the 140 million already living in our cities and suburbs.[9] The result could be catastrophic. Two editorials from prominent newspapers highlight what is happening. The New York Times, on July 28, 1967, editorialized:

. . . Any man condemned to spend his days and nights without end on East 103rd Street would be likely to "blow his cool" sooner or later, or give up. Men without education or skills haven't much choice.

It will not be enough to patch up old dwellings or build new ones in the more deteriorated city areas. It will be necessary to reshape the total urban environment to make the cities liveable for all who work and dwell there. This means restoring the purity of air and water, reducing noise, relieving congestion, creating more parks and recreation areas, improving transportation, enriching the artistic and cultural environment.[10]

The Washington Post made the following statement regarding the work of Edward T. Hall, the anthropologist, on the "human space bubble" defined by Hall as a "sacred bit of space, a bit of mobile territoriality which only a few other organisms are allowed to penetrate and then for only short periods of time:" [11]

What Mr. Hall has done is to relate [stress produced by overcrowding] in a very pointed way to human beings. . . . If the human space bubble is repeatedly subjected to battering by outside forces such as overcrowded housing or freeways, the occupant may be thrown into aggressive realtionships with those he finds around him, for, according to Mr. Hall:

If man's space bubble is crushed, or dented, or pushed out of shape, he suffers virtually as much damage as though his body were crushed, or dented, or pushed out of shape. The only difference is that the effects take longer to make themselves evident.

The fact is, we have been madly building cities in recent decades with virtually no thought of man's vital need for living space. It should now be apparent that this need is no less acute than the requirements of food, shelter, and transportation. . . . The "space bubble" is not merely a frill or amenity. Nor is its importance primarily aesthetic. It . . . is directly related to the survival of our civilization.

Clearly there is cause for alarm. It is understandable that we are perplexed and frustrated as individuals and as a nation by what is going on around us. No nation in history has ever been so productive or so wealthy. Nearly 180 million Americans out of 200 million are living better than any people in history—more jobs at higher wages, climbing profits, unparalleled economic security, more leisure, better health, better education, better homes and food, more automobiles, more T.V. sets, more electrical appliances and telephones than would have been predicted in our wildest dreams at the end of World War II, only 25 years ago. Yet many Americans fear we have lost our way. The fact that 20 million Americans live in poverty stares us in the face. We can no longer ignore it; modern communications media drums it into our senses. Our conscience is agonized by the knowledge that we have the resources to wipe out poverty and discrimination. Millions of Americans cannot enjoy luxury while others suffer extreme privation. The crisis of the environment also burdens our conscience. Everywhere about us we can see first-hand evidence of how we have despoiled our rivers,

Footnotes at end of article.

lakes, and lands, and polluted the air in our large cities.

Our pangs of conscience as a nation bite deep because we know it need not have happened this way. We could have followed a sensible people-space policy and shaped our society with consideration for resources, people and space, demanding quality as well as quantity. Instead, we have persisted in piling more and more people in less and less space on economic grounds that have been rendered obsolete by modern transportation and communication. We have been slaves to historic forces that are no longer rational. I do not believe, as do some, that the exodus to megalopolis that has taken place in the last 50 years is inevitable for the future. Certainly, a nation that has successfully explored outer space for 10 years and will soon land a man on the moon has the creative energy and technology to create a life on earth that offers opportunity and something of grace for all—a life of quality to match the quantity that this same energy and technology has produced in such abundant measure.

The first step is recognition of the fact that rural-urban balance is a nationwide challenge. It cannot be met by concentrating on city, suburb, or countryside alone, but only by moving on all three at once, and in the context of the whole nation.[12] That means our planning must be based on nationwide physical, economic, social and cultural geography, not just political geography. We have space to spare if we use it. But we cannot use it properly if, in our planning, this space is constrained by the city limits, the county line or the state border. We need a national settlement policy on the geographic distribution of economic opportunity, jobs and people.

Until we have such a national policy the problems of city and countryside will remain insoluble. The interaction between them will continue to compound the problem of each. Only a common national policy with complementary efforts in city, suburb, and countryside can restore balance to America. It is past time that we recognize these facts and create a national plan which will coordinate a total national effort, designed to use the combined resources of government, business and industry—and 200 million-plus people—to erase the undesirable effects of 50 years of unplanned growth, and to create a new land where Americans can live at ease with each other and with their environment.

I repeat: To do this will take a total national effort with participation at every level of government, the private sector of our economy, the professions, and individual men and women and young people everywhere. Only the President of the United States can launch such a national effort. He should do it promptly. Ideally, it would have been done long ago, but public opinion was not ready. Now the people are looking for leadership and action. They recognize intuitively that we cannot continue our unplanned, undirected, helter-skelter course without a national explosion. The American people know we are making grave mistakes, abusing our limited natural resources, and failing to meet the minimum needs of millions of Americans. And they know too, that we have more wealth and know-how than ever before. Growth in the social sciences, management techniques, data retrieval, computer science, automation—all these combined with unprecedented wealth—make it possible to accomplish what was impossible a few years ago.

The average person may not articulate this paradox, but he senses very clearly that as a nation we are falling very far short of our potential. The evidence that he is becoming more frustrated and dissatisfied increases every day. Clearly the time has come for a total national effort. The first goal of that effort should be the participation of every American citizen.

If the President of the United States would launch a total national planning effort, new hope and new spirit would quicken the people and the institutions across the nation. Americans still have confidence in themselves and their institutions. They still believe this is the land of progress, that there is no limit to what we can do as people. Our history justifies that confidence. But lately, characteristic American optimism has been tempered. Increasingly, the question is heard—"have we gotten too big?" "Is it all so complicated that I don't count, that no person really matters anymore?" A total grassroots challenge to develop a national plan to build a new and better quality America which protects and husbands our natural resources and provides opportunity for all Americans will restore hope by setting accomplishment targets, and with hope comes confidence.[13]

To do this will be to mount a revolution—not the violent kind, but one just as far-reaching, comprehensive, and pervasive as that of 1776, or the Jacksonian revolution of the last century, or the social revolution of the Thirties. John Fischer described it when he wrote in *Harper's*:

"It may be a time when we find a new national purpose: to resettle the deserted hinterland, to discover ways of moving people and jobs away from megalopolis before it becomes both uninhabitable and ungovernable. It may be a period when we invent new ways to govern the modern state, as we invented the machinery for settling and governing an empty continent 200 years ago."

Certainly it will be a period of political realignment—possibly more drastic than anything yet imagined either by the despairing youngsters of the New Left or the frightened oldsters of the Extreme Right.[14]

The perimeters of such a national planning effort should be set out by the nation's most able leaders, led by the President of the United States himself. They will want to take into consideration, in developing the "planning plan," what has been done and what has been discussed and proposed to date to restore rural-urban balance to make proper use of the great resource of living space and to rebuild a quality U.S.A.

Considerable machinery has been put in place in the past eight years to restore and create opportunity in town and country America. At the present time, Technical Action Panels serve more than 3,000 rural counties. These panels are made up of government officials—federal, state, and in some cases local—whose primary function is to advise local people on where and how to organize and to plan, and how to get assistance in improving their own communities.

Hundreds of voluntary groups representing multicounty regions are already forming a base for action. At least 30 states have named multicounty regions, many of them primarily rural, with the aim of establishing programs to encourage areawide planning and development. The Housing and Urban Development Act of 1968 provides extensive funds for planning and housing and gives HUD and the Department of Agriculture authority to provide matching funds for comprehensive planning grants in rural areas for multicounty comprehensive planning. Federal support for housing, education, health, and community facilities has been doubled, tripled, and in some cases more than quadrupled in recent years. New and dynamic local leadership is emerging in countless ways all over the nation.

Heartening as these developments are, they are but the first of many steps that must be taken, and taken immediately within the framework of a plan for the nation as a whole. To tie together and implement action of local people, regional institutes—located in connection with existing universities outside core cities—might be created to provide research, training of professional planners, and consultant services, each tailored especially for the region in which it is located.

There is a serious lack of research data on population and resource shifts and their impact on communities and regions. There is also a great shortage of trained planners to guide economic and social adjustments and the development of local and regional plans. These institutes should be funded, initially at least, by the federal government because their benefits will cross state lines. Each regional institute would bring together the cooperative efforts of the several states of the region plus assistance from the federal government in a consortium. Research, teaching and training at the consortium would be coordinated with other university efforts in research, training and consulting on community problems.

Such a cooperative effort would provide a focus for regional development and research that can coordinate and intensify the work now in progress; it will increase and upgrade the quality of research and training; it will increase the number and quality of planners familiar with multicounty planning and planning in areas of low population density; and it will make available to local planning groups the talents of experts who are familiar with problems peculiar to that locale. The result would be to provide both more talent and better information to local people who make the short-term development decisions that eventually become long-term development—or chaos.

These institutes, tuned to both national and local planning, could be the vehicles to make the necessary links between the various levels of planning—national to regional, regional to state, state to county, city, suburban and rural. Through such institutions, it should be possible to break the barriers of political boundaries—local, county and state—that stifle the orderly development of the cities and suburbs and choke off the development of town and country America .

Too often there is confusion between jurisdictions of means and ends which constricts the planning necessary to set the course for people who in reality are joined by the same social and economic circumstances but separated by political boundaries. *We have, as a nation, wasted more political energy arguing about states' rights, local rights, private domains, and federal prerogatives than we can afford. The issue today should be responsibility—not local jurisdictional rights.*

We are today—in the matter of jurisdictional differences in the political structure of the United States—in a position somewhat analogous to that of the men who founded this nation, except that their differences were more profound—differences of heritage, culture and origin. As John Adams wrote in 1755: "The characters of the gentlemen of the four New England Colonies differ from those in the others . . . as much as several distinct nations almost." Then he said this of the difference: "Without the utmost caution on both sides and the most considerate forebearance with one another and prudent condescension on both sides, they certainly will be fatal." That warning, that call to cooperation, is just as timely today—and the consequences of ignoring it will be just as fatal as they would have been during the deliberations of 1775 and 1776.

Under our Constitution, the federal, state and local governments are interrelated parts of a single governmental system. Modern transportation and communication make that much more so today than when the Constitution was written. As our population increases and as our society progresses, the need for government services of increased quantity and quality grows in more than equal proportion. We have reached the point

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where no single level of government can assume the burden. Each level—federal, state, county, city—must do what it can do best, and as a nation we must determine what each can do best. When it costs twice as much to put another person or automobile in a crowded metropolitan area than in the countryside, the simple arithmetic of the cost-benefit ratio makes it vividly clear that everyone would be better off if both person and car could be located accordingly. The regional institutes will help us to do that.

But plans and expertise are worth nothing without action. Action to develop rural America will require money. Therefore, a special financial institution which could, with the help of the federal government, help develop non-urban, town and country districts should be considered. Such a special Town and Country Development Bank for rural America, similar to the National Urban Development Bank that has been suggested by many, could be financed through subscription of private funds. Federal underwriting of the unusual risk elements which will be involved in meeting development challenges would provide such a bank with the borrowing and lending authority to do the job. It will take billions of dollars each year.

An appropriation of federal funds would get the bank started. The balance of the funds would come from bonds guaranteed by the federal government, to be sold by the bank to private investors. It would provide for equity participation in the bank's operations. Town and Country Bank funds would be available to both public and private borrowers for programs that cannot be financed through any other means, but which are essential to community development. These banks could:

a. Fund non-profit community development corporations;

b. Guarantee loans, made through private lenders, for community and district-wide development;

c. Offer loans to small businessmen whose contribution to the economy of their communities is limited by lack of financing;

d. Fund semi-public housing development corporations; and

e. Provide technical management help in local planning and development.

Such banks, with an assured source of funds, would encourage long-range planning for area development—planning which now is discouraged because the resources to carry out the plans are not available. The boards of these banks would include representatives of local, state, and federal government and private citizens of the community, who would be encouraged to invest in the banks. Essentially, this would be a program of federal underwriting of loans. It could turn loose the powerful engine of credit which can stimulate private initiative to exciting and productive levels.

These, then, would be the basic tools for recreating rural America and restoring rural-urban balance—regional population and planning institutes, to help give direction to local initiative and to coordinate nationwide efforts to take the pressure off urban America, and Town and Country Banks to provide the necessary funds. These are some additional specific questions which also need to be examined. What specifically can be done to give people the chance to live and work outside the city—where the polls show more than 50 per cent want to live if they could find a decent job?

There are eight key elements in a total town and country development program. The first is obvious—jobs created by rural industrialization. National tax incentives and other means such as special location subsidies and assistance will help attract industry to the countryside. Clean air, clear water, elbow room and a willing work force, which already are there, can be powerful additional inducements. Increasing numbers of industrialists, weary of fighting urban problems,[15] have moved into town and country America, usually in response to the overtures of local communities—those with dynamic local leaders who know what they have to offer and sell it.

The share of new jobs in America that is created in the countryside is increasing. This is an encouraging trend. It does not hurt the big cities. Rather it helps them as it relieves pressure and the galloping costs of meeting the needs of more and more people in less and less space. Future job growth in the cities should come in the commercial and service sectors of the economy rather than from industry. But our national plan must recognize that haphazard industrialization of rural America, to the point where the countryside is just one string of factories, would be to repeat the mistake that, by inaction, we allowed to happen in our cities and suburbs.

Instead, to achieve our objective of cancelling out our mistakes and building anew, we must insist everywhere on a balanced environment. We cannot afford to pollute the streams which remain, or to deface the beauty of our open spaces, vast as they may seem now. Careful, thoughtful comprehensive local planning on a multicounty basis must be made a national mandate.

The second force for reviving town and country is completely in the hands of the federal government. It lies in the location of Government installations and in the awarding of federal procurement contracts. Federal agencies should take the lead in decentralizing many of their operations to less congested areas. It should be the policy of every department of the federal government, as it has been of the Department of Agriculture since February, 1967:

[T]o locate facilities, offices, and laboratories in areas of lower density population, in preference to higher density population areas, and in areas of persistent or substantial labor surplus, wherever this can be done without sacrificing essential program objectives and with due consideration being given to the efficient and economical administration of the Department's programs.

In addition, the federal government should use its buying power and its contracting responsibilities to promote the development of nonmetropolitan growth centers as a part of a total national plan of quality development.[16]

The third incentive rural America has is the use of the great outdoors—beautiful scenery and the unfrenetic life of the countryside which will promote growing tourism, thus providing income and generating attractive jobs that will keep its people and attract others.

Fourth, the anchor for the well-being of rural America must remain agriculture, which in truth is not only the anchor for the rural economy but vital to the well being of industrial, metropolitan America as well. The basic concept of our current farm program is sound. They should be strengthened and improved by adding meaningful farm bargaining power, a grain reserve, and more efficient integration of feeding programs for poor people to strengthen demand and maintain adequate farm prices.

The fifth element basic to a revitalized town and country is education. The 1960 census showed that more than 19 million rural people had failed to complete high school; more than three million were classified as functional illiterates. Rural education has improved, but proportionately more rural than city youngsters drop out before completing high school and fewer of those who complete high school go to college.[17]

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Schools in rural areas still lag behind those in the cities in facilities, budgets and teacher pay. The percentage of urban teachers holding Masters degrees is about three times that of rural teachers.[18]

This rural educational gap not only handicaps millions of our young people in learning how to live successfully as human beings, but nearly ruins their ability to win the better jobs in a society where skills are at a premium. They are denied a chance to choose where to live and work because they are denied a chance to develop their full potential as human beings. No community can grow in this modern world without well-educated people with marketable skills.

The Elementary and Secondary Education Act and the Teacher Corps were major steps toward equalizing educational opportunity throughout the nation, but we must go further. Existing federal programs, including the manpower development and training activities of the Labor Department, must be fully funded and fully oriented to the problems and needs of rural communities as well as of urban centers. It is necessary to develop capacity in every nonmetropolitan area to provide a permanent, basic education, as well as training and counseling service for all. A number of states have pioneered the concept of community two-year colleges and training institutes where young people can get more education, make up deficiencies or prepare for jobs requiring special skills. The concept has been proven—the program to carry it out must reach all of rural America. A cooperative federal-state program to establish community colleges accessible to all people living outside the large cities should be a basic facet of a program to renew town and country communities and restore rural-urban balance.

But more than an educated, stable work force is required to attract industry to rural America. This is the sixth requisite for rural renewal: an adequate supply of physical facilities and services. It will take government loan assistance to provide rural communities with such things as basic central water and waste disposal systems and recreation areas. Without these no area can hope to attract industries or the people to work in them. Some 33,000 rural areas now lack modern central water systems, and 43,000 lack adequate waste disposal systems.[19] They need financial and technical help to develop the public facilities and services they must have before they can even begin to plan for economic growth. The federal government can help in this area. It can also help extend electric power and efficient telephone service to those areas that would require prohibitive sums of private capital to reach. It can expand its program of helping local people develop and use natural resources wisely through watershed and resource conservation and development projects.

While working with and for existing communities in developing opportunity in rural America, our planners should consider moving ahead on the seventh concept for a new America: that of new towns. Columbia, Maryland, is such a town. Planned from the outset as a completely new city to accommodate some 100,000 people, it was designed for people and to serve people's needs. The natural landscape carefully preserved can be enjoyed by all. The basic public facilities are in place. Provisions have been made for schools, churches, libraries, theaters, hotels, medical services, shopping, and jobs. When completed, Columbia will consist of a series of interrelated neighborhoods and villages, each served by centrally located facilities of its own, and the whole city served by a town center where department stores, a concert hall, college, hospital and other appropriate facilities and institutions will be located.

There is room for many of these new towns in the new America, essentially self-

contained communities linked to the larger centers by the high speed transit that we have the technology to develop if we will. Our planners might start out by considering where 12 such new towns might be located along the length of Appalachia. The Housing and Urban Development Act of 1968 provides technical assistance and generous federal guarantees for such new towns. They should play a key role in the new plan for America.

These proposals are by no means exclusive. These and other creative ideas should be aimed at the future by our national planners to restore the balance of land and people by putting commerce, industry and agriculture in rural America on a sound footing. If we do that, tens of millions more Americans will be able to find the jobs they need so they can choose where they really want to live.

This is a major part of the battle, but another part remains. I would refer one final point to our national planners. There are hundreds of thousands of men and women in rural America who need help now. Unprepared and untrained, unemployed or underemployed, many hungry, they cannot wait for actions that will help them in a few months or longer. They must have interim help now, immediately. For these people, needs are basic and urgent. This means an all-out effort to provide all Americans in need the basic necessities of food, clothing, shelter and health care. It means giving them access to training that will build their skills and, most important, give them hope, without which no development, community or human, is possible. It means an investment in humanity.

Experience has shown again and again that, beyond simple humanitarianism, rehabilitation of the poor and destitute is an investment with a payoff as high or higher than any other we can make. The recipients go off the relief rolls, onto the tax rolls and into the mainstream of the American economy for a full and productive life. The initial investment in the short run reduces the public burden and adds to the public product in the long run.

What I have set forth is but a rough outline of the course we must take if we are to restore rural-urban balance and cease being pawns of our own progress and slaves of our own technology. There are no simple responses to the problems that beset us, but I believe that the purposeful, planned use of the space and the resources of America, for the people and on a total national basis, holds the solution to the problems of our nation. To provide the jobs, the opportunities, the chance for a choice that the American people are demanding—in the knowledge that we have both the resources and the know-how to meet these demands—we must have balanced community development.

A balanced community, large or small, with an adequate economic base can maintain the requirements needed to keep itself viable. In somewhat simplified terms, this means that adequate education, health care, cultural facilities and community facilities maintain a citizenry capable of working, and working well. In turn, such a work force attracts an economic and tax base that can support education, health, cultural and other community services. A positive cycle is thereby created for the good of the whole people.

Again, most of our problems can be traced in the last analysis to community imbalance and faulty use of resources. At one extreme, we have cities so impacted with population that they cannot catch up on servicing that population. Their costs are climbing so fast that city after city is declaring itself virtually bankrupt. To put another person or another car in the city will cost twice as much as in the countryside. At the other extreme we have rural poverty where the economic base is too weak to support services that will equip the population for anything but menial jobs that continue to disappear in the onrush of technology.

This perpetuates a cycle of increasing depopulation as the rural poor are forced to the cities, increasing impaction as they arrive. This vicious circle can be cut. But it will take a total national effort. Everyone must participate. Only the President of the United States can successfully call this nation to such an effort. I hope he will do it soon.

FOOTNOTES

[1] The People Left Behind. A Report of the President's National Advisory Commission on Rural Poverty (1967).

[2] This is illustrated, for example, by the insistence of some spokesmen that the farm program will be dismantled so that the free play of market forces will drive "uneconomic" farmers out. This position gives little weight to economic hardships, social costs and the secondary consequences of rapid technological change, a modern expression of the human despoliation described in Goldsmith's *Deserted Village.*

[3] U.S. Dep't of Agriculture, Economic Research Service, C. Beale, V. Banks, & G. Bowles, Trends and Outlook for Rural Migration (1966).

[4] W. Cohen, Toward a Social Report: Report to the President (1969) (from Sec'y of HEW). The report contains recommendations with respect to the establishment of an annual "Social Report" similar to the annual "Economic Report" submitted to the President by his Council of Economic Advisers.

[5] The People Left Behind. A Report of the President's National Advisory Commission on Rural Poverty (1967).

[6] U.S. Dep't of Agriculture, Economic Research Service, Rural People in the American Economy, AER 101 (1966).

[7] Report of the National Advisory Commission on Civil Disorders (Mar. 1, 1968) (Kerner Commission Report).

[8] Kerner Commission Report, Follow-up (Feb. 27, 1969).

[9] U.S. Dep't of Agriculture, Economic Research Service, *U.S. Population Shift* (unpublished report). *See also Now 200 Million Americans—How Population Explosion Has Changed,* U.S. News & World Report, Nov. 6, 1967, at 46.

[10] New York Times, July 28, 1967, at 30, col. 2.

[11] Washington Post, Sept. 29, 1967, at A22, col. 2.

[12] Advisory Commission on Intergovernmental Relations, Urban and Rural America: Policies for Future Growth (1968).

[13] This happened in Great Britain after World War II. Much of London was bombed out. The people suffered gravely from the housing shortage. Morale was low. Then a national housing and redevelopment plan was agreed upon. The fact that there was a plan, and with it the assurance that housing was forthcoming, even though the people had to wait a long time, restored confidence and morale at a critical time.

[14] Fisher, *A Shipload of Doomed Men,* Harper's Magazine, Jan., 1968, at 9, 12 (emphasis added).

[15] Mr. L. B. Murphy, President of Campbell Soup Company, spoke on this subject before the Detroit Economic Club in 1966. He urged his fellow business colleagues and industrialists to help establish a "Rural-Urban Balance" in America by locating a greater share of their new plants in rural areas.

[16] *Regional Growth and Development and Rural Areas,* speech by John H. Southern, Economic Research Service, U.S. Dep't of Agriculture, before the 42d Annual Agricultural Outlook Conference, Nov. 17, 1964.

[17] *Education in Rural America—Are We Doing the Job?,* speech by Robert M. Isenberg, Director, Rural Services, Nat'l Educ. Ass'n, before National Outlook Conference on Rural Youth, Oct. 23–26, 1967, Washington, D.C.

[18] *Status of Education & Training of Rural Youth: The Impact of Social-Economic Change,* speech by Dr. M. L. Cushman, Dean of School of Education, Univ. of No. Dak., before National Outlook Conference on Rural Youth, Oct. 23–26, 1967, Washington, D.C.

[19] Status of Water and Sewage Facilities in Communities Without Public Systems, Economic Research Service Report 143 (1968).

NEBRASKA MAKES IT ONE TO GO

Mr. STEVENS. Mr. President, recently the unicameral legislature of the State of Nebraska decisively turned back an effort to repeal the State's call for a constitutional convention issued in 1967. The vote was 27 to 18.

According to those keeping the tally, 33 States, one less than the two-thirds required by the Constitution, have petitioned Congress to call a constitutional convention. The question now is how Congress will respond if that 34th petition is received.

An editorial in the Omaha World-Herald, entitled, "Nebraska Makes It One to Go," states:

The petitions of 34 states would constitute a command to Congress.

If the Congress were to make a deliberate attempt to flout that command, it would be an act of arrogance amounting to defiance of the will of the people.

Mr. President, the editorial discusses several aspects of calling a constitutional convention. It recognizes the efforts of the distinguished minority leader (Mr. DIRKSEN) and the distinguished senior Senator from Nebraska (Mr. HRUSKA). 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:

NEBRASKA MAKES IT ONE TO GO

In voting to keep Nebraska in the boat as one of the states requesting a constitutional convention, the Legislature has played what may be a key role in a historic chain of events.

Only one more state has to add its petition to those already on file with Congress to make the necessary 34. Nebraska set the stage by remaining on the list of 33.

The 1967 Legislature voted to join the petition effort. A resolution was offered in this session to erase Nebraska's agreement, but the resolution was killed last week by a 27–18 vote.

The United States Constitution clearly provides that a national convention for the proposing of constitutional amendments shall be called by Congress on the receipt of applications by two-thirds of the states.

However, it appears that this explicit provision is not enough to satisfy the congressional opponents of the calling of a convention. They are distressed by the announced purpose of the chief instigator of the petition actions, Sen. Everett Dirksen, who wants an amendment modifying the one-man, one-vote prescription for apportioning state legislatures.

Sen. Joseph Tydings, D-Md., has said the chances are "extremely remote" that Congress would act, even if the required number of states submit petitions.

Tydings and others base their arguments on a contention that some of the 34 states would have malapportioned legislatures, thus making the convention petitions invalid.

The contention is easily answered. If a state legislature cannot validly petition Congress, then no other action it takes is valid, either. And Tydings and the others have never claimed that the laws and appropriations voted by the "questionable" legislatures are invalid.

Sen. Hruska of Nebraska has offered another refutation of this argument. If the state legislatures are malapportioned, he reasoned, then laws passed by Congress are no good, either, "because every state with more than one representative in Congress would have had its congressional districts determined by an invalid legislature."

Among other arguments against holding a constitutional convention:

Is it wise to undertake such a tricky job as rewriting even a portion of the Constitution in the atmosphere of social crisis that now exists in this country?

Would the convention membership be so heavily weighted with either conservative or liberal delegates that its recommendations would be out of step with the majority?

It might develop into a runaway convention, going beyond its stated purpose and undertaking major revisions of the Constitution.

There are built-in protections against the consequences of any eventuality.

The most important safeguard is the method of ratifying amendments proposed by a convention. Three-fourths of the states must ratify. That would surely be an adequate check on what delegates might propose.

The petitions of 34 states would constitute a command to Congress.

If the Congress were to make a deliberate attempt to flout that command, it would be an act of arrogance amounting to defiance of the will of the people. The senators and representatives who have talked so breezily of rejecting the legislatures' demands should think hard about the effect their action would have on constitutional principles and confidence in representative government.

WAR CRITICISM

Mrs. SMITH. Mr. President, the Washington Evening Star of June 3, 1969, contains two interesting items. One was the report by Associated Press staff writer Jack Bell that the Senate majority leader had called for a moratorium on war criticism. I think that the significance of this is evident.

The other item was the very penetrating and discerning column of the widely respected national columnist David Lawrence on the subject of war criticism.

Because these items are so timely and so important, I invite the attention of the Members of the Senate to them and ask unanimous consent that they be printed in the RECORD.

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

MANSFIELD CALLS FOR MORATORIUM ON WAR CRITICISM

(By Jack Bell)

Senate Democratic Leader Mike Mansfield, who only yesterday rapped the Nixon administration war policy, now suggests a moratorium on such criticism until after the President's Monday meeting with South Vietnamese chief of state Nguyen Van Thieu.

Mansfield said in an interview the Senate ought to display as much unity as possible behind Nixon to strengthen his position in the discussions with Thieu on Midway Island.

"The President is in a difficult spot," Mansfield said. "I have some uneasiness about Thieu's position. But I am sure Mr. Nixon will acquit himself well in presenting the majority opinion in this meeting.

"In my view, the majority of the people of this country want a responsible solution of the war and they would not like to see any roadblocks put in the way of * * *.

Mansfield's call for the moratorium came shortly after he himself criticized U.S. battlefield tactics in a Senate exchange with Republican Leader Everett M. Dirksen.

While defending the right of Sen. Edward M. Kennedy to criticize Vietnam war tactics, Mansfield told the Senate American lives are being sacrificed to the policy of continuing pressure on the enemy while the Paris negotiations go on.

Mansfield, in later suggesting war policy criticism be withheld for the rest of the week, conceded he has no means of silencing colleagues who feel the urge to speak out in the meantime.

But he said he thinks most will restrain themselves.

Kennedy, the No. 2 Senate Democratic leader, has been the most outspoken of Senate war critics in recent weeks.

Aides said, however, the Massachusetts Democrat has no plans to reply at this time to charges made Monday by Dirksen. The Illinois Republican accused Kennedy of undermining U.S. troop morale by criticizing military tactics used in Vietnam.

Kennedy, widely regarded as a potential opponent of Nixon in the 1972 presidential contest, has college commencement speeches booked for this weekend. But he feels he has made his point in contending that the Nixon decision to continue military pressure on the enemy is hampering progress in the Paris peace negotiations.

Kennedy also has raised an issue which Mansfield said troubles him—the repeated statements of Thieu in South Korea and Formosa that he will never accept a coalition with the Communist National Liberation Front.

Although Kennedy accused Thieu of lobbying against Nixon's peace plans, the U.S. President is committed only to acceptance of such a coalition if it results from internationally-supervised free elections.

Thieu complained in a farewell speech in Formosa that antiwar critics are giving the allies more difficulty than they are encountering on the battlefield. He did not name Kennedy but it was evident he was one of those Thieu had in mind when he said that criticisms of a vocal minority were leveled "not at Communist aggressions, but at the defense of freedom."

Dirksen took a somewhat similar slant when he told the Senate that Kennedy's criticism of the repeated U.S. assaults on Hamburger Hill were "senseless and irresponsible" and reflected on the judgment and competence of U.S. field commanders. The Republican leader said such statements could only undermine troop confidence in their commanders.

If Kennedy was of that opinion, Dirksen said, he ought to ask Nixon to fire the commanders or go himself to Vietnam to advise the military leaders on tactics and strategy.

Another top Democrat, former Vice President Hubert H. Humphrey, said in a news conference last night in Atlanta that while he is criticizing Nixon's domestic policies, he will not attack his handling of Vietnam policy.

"I think President Nixon wants peace. I'm going to help the President every way I can, word or deed. I owe him an obligation," said Humphrey.

"I tried to be president and I'm not going to play at it. Playing at president and being president is something different."

U.S. DISSENTERS ENCOURAGE HANOI

The war in Vietnam is being prolonged and peace talks in Paris are not making progress. The North Vietnamese, aided and supported by the Soviet and Chinese Communists, are determined to make no concessions of importance. They insist instead upon the abject withdrawal of American troops from Southeast Asia.

The persons responsible for the weakening of the position of the American government at the negotiating table are here in the United States. Some of them are Communists who help to instigate riots and disturbances in many countries. Some of them are misguided individuals in the colleges who are opposed to the war in Vietnam. Some of them are members of Congress who are attacking their own Government in the midst of war—an unprecedented instance of what would have been regarded as disloyalty during past wars.

Dissension within the United States has been one of the biggest benefits to the Communist cause. An example of how much America is being damaged by internal criticism is to be found in a broadcast made at 8 o'clock yesterday morning over CBS radio by Bernard Kalb from Hong Kong. He said:

"North Vietnam is exploiting Senator Kennedy's recent criticism of President Nixon's policies on Vietnam. Interestingly, the senator's remarks were featured today in several Vietnamese language news broadcasts—that is, broadcasts for domestic consumption—indicating that Hanoi believed that this criticism of Washington's policy would boost or strengthen North Vietnamese morale.

"In its broadcast, Radio Hanoi maintained that—and this is a quote—'Statements by U.S. senate leaders show that progressive Americans resolutely oppose the Nixon policy of supporting the traitor administration of Nguyen Van Thieu.' Thieu is president of South Vietnam.

"The Hanoi broadcast named Senators Kennedy, Mansfield, Javits and Mondale, but they concentrated on the remarks made by Senator Kennedy.

"Radio Hanoi quoted the Massachusetts senator as sharply criticizing the Saigon regime. About two weeks ago, Senator Kennedy spoke out for the first time in the Senate against the Nixon administration's Vietnam policy, charging that military action such as the recent battle for Hamburger Hill were both senseless and irresponsible."

President Thieu of South Vietnam is convinced that, even if the Communists accept some form of peace settlement at Paris, they will be doing so just to obtain the withdrawal of allied forces. He made a speech to that effect on his visit to South Korea a few days ago. He said:

"Afterward, as they have done so often in the past, they can violate again the agreement and reinfiltrate their troops to renew and reactivate the war while the machinery for allied troops to intervene again will be much more cumbersome."

Secretary of State William P. Rogers, who has been traveling throughout Southeast Asia, has talked frankly with friendly governments who have expressed privately their fears about our policy. The belief is growing that the dissenters inside America will influence future decisions and that a bigger war in Asia may come within a few years if the United States pulls out now and there is no firm guarantee that Communist aggression will cease.

The prospect of obtaining national unity has recently been dimmed by speeches in Congress criticizing military strategy and otherwise belittling the military command. This is something that encourages our adversaries to believe that the disunity in America must inevitably result in the equivalent of surrender.

There has been some quibbling about the fact that no actual declaration of war has ever been made with respect to Vietnam. But the truth is that Congress not only has by joint resolution authorized the use of

American military forces in Southeast Asia, but has appropriated funds regularly to carry on the Vietnam war. There was no declaration of war when the United States entered the Korean war under the auspices of the United Nations, and Congress had ample opportunity then, as it has today, to pass a resolution opposing the continuance of the war.

The United States is engaged in a war involving more than a half-million men in the armed services, but is being harmed by the discord at home. In fact, the casualties have increased and the war has been lengthened due to the belief of the enemy that America is full of dissatisfaction and will eventually accept "peace at any price" and order its forces to come home.

U.S. AIR FORCE BASE AT TERCEIRA, THE AZORES

Mr. PELL. Mr. President, Mr. Walter Hackett, of Newport, R.I., has recently gone to the Azores, where he has written a very telling and interesting article concerning our base at Terceira.

I believe this article will interest Senators, particularly in light of the work the Special Subcommittee on U.S. Security Commitments and Agreements Abroad is engaged upon at this time. I ask unanimous consent that it be printed in the RECORD.

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

AZORES ISLAND U.S. DEFENSE BASTION

(By Walter Hackett)

They call it the Rock. Sometimes they call it Alcatraz. It is the mid-Atlantic home of the 1605th Air Base Wing of the U.S. Air Force. Its official name is Lajes Field. It sits high on a hill on the northwest side of the island of Terceira, the Azores, overseas province of Portugal. It is 2,107 miles east of Providence.

Truly, it is a highly overstaffed operation that is costing the American taxpayers a lot of money. On the other hand, it is a necessary operation when you take a logical and long range view of Portuguese-American relations. Over the years, Lajes may yield heavy political dividends for the United States.

At this time there are 1,795 American military personnel, 500 American civilian employes and 2,500 dependents.

"And we're here as guests of Portugal," recited terse-spoken, grim-faced USAF Brig. Gen. John H. Buckner, a Texan. "This is not an American base. It's Portuguese. We share it with the Portuguese Air Force."

Quite the opposite is true. This is an American base. This country is footing the bill to run Lajes. This country needs the Rock. This country needs the friendship of Portugal, and Portugal needs this country to back her up.

The basic mission of the USAF in the Azores, a nine-island archipelago, as represented by the 1605th Air Base Wing and supporting squadrons, is to maintain Lajes as a bastion of defense in case of global war. The mission also calls for the United States to assist Portugal in local defense, to maintain a Navy air-sea rescue operation and a center of operations for antisubmarine warfare and to run a weather station operation. The Military Airlift Command also uses Lajes as a shuttle point for mail, supplies and personnel to our forces in Europe.

At present it is an almost inactive operation. In three days of looking around this base, at no time did this writer see more than 11 U.S. planes in the hangars or on the aprons.

Being in the Azores is nothing new for the United States. We have been there since the latter part of World War II, when Santa Maria, 30 minutes away by plane, was a mid-Atlantic refueling stop for our Air Transport Command. Because of our base on Santa Maria, our transports were able to reduce flying time from the United States to Africa from 70 to 40 hours.

In 1943 Britain's Royal Air Force was using Lajes. The next year the United States was using Lajes as an alternative base.

By 1946, under an agreement with Portugal, all ATC operations shifted to Lajes. After several changes in name, the 1605th Air Base Wing, Military Air Transport Service, was formerly established at Lajes. In 1966 MATS changed its name to Military Airlift Command. The same year the U.S. Forces command was established as a subordinate command under the Commander-in-chief Atlantic (Cinclant).

Our agreement covering use of the base expired in 1962. A new agreement has never been signed. (Portugal remembers only too well our adamant stand, censorious in nature, when the United Nations reprimanded Portugal on her manner of governing her two wealthiest "overseas provinces," Angola and Mozambique.) Whether a new agreement will be signed depends upon Portuguese-American relations. There seems little chance that Portugal will boot us out of the Azores. There is too much at stake for both countries.

Lajes is a boon to the local economy. Until recently, 3,000 Portuguese were employed. Currently there are 2,000. Between wages and official buying in the local economy, each year the United States pours $6,000,000 into the local economy. This has been going on since 1946. In addition, U.S. personnel at Lajes spend hundreds of thousands of dollars in these islands. Conversely, Portuguese military and civilian personnel spend $450,000 a year at our base exchange.

When you measure our spending against the strategic importance of the Rock, this is "small potatoes" spending.

This country is about to lose its Polaris submarine base at Rota, Spain. The operation is going to be transferred to this island, specifically to Vila da Prai Da Vitoria, a few miles from Lajes Field. There we have deepened the harbor, put in a breakwater and a dock.

In case of war, this air-sea operation would be our backup base. It would be a supply depot, a rendezvous point for our Navy and Air Force, a logistical base for antisubmarine warfare. (Our navy's reconnaissance planes recently have photographed Russian subs off local waters.)

So the Pentagon does not make mistakes all the time. Undoubtedly it is looking well ahead to the day when the war in South Vietnam ends. After that, our top brass knows the action will shift.

When war in Vietnam stops, the Communists will try to take over completely the new African countries, now in a state of political flux. Red targets will include the overseas province of Angola in Portuguese West Africa and Mozambique in Portuguese East Africa, two tremendously rich provinces.

Angola and Mozambique have been the scenes of heavy fighting for more than six years, although fighting in Mozambique has tapered off since March. However, fighting in Portuguese Guinea, on the west coast of Africa between Senegal and Guinea, is blazing away. Communist guerrillas hold one-third of this island of half a million people. The Communist force is well-trained and well equipped with Russian and Red Chinese weapons.

The war in these three areas is eating up 60 per cent of Portugal's national budget.

Should the Communists chop off these three overseas provinces, Portugal would lose her economy and her standing as the world's largest colonial power. She would also lose her pride, a valuable thing to any Portuguese.

Portugal's Prime Minister, Marcello Caetano, knows this. Progressive, more liberal than former Prime Minister Antonio de Oliveira Salazar, he moved very fast to get to Gen. Dwight D. Eisenhower's funeral. When in Washington, he had a short private meeting with President Nixon.

Should Portugal have to face the entire complex of new African countries, she feels the United States would have to step in. This would mean setting up bases in Angola, Mozambique, Guinea and possibly the Cape Verde Islands.

And so this African area could well turn into another South Vietnam.

To complicate matters, for the last two years France has been building on the Azorean Island of Flores, northwest of Terceira, a guided-missile tracking base. No one of the American military at Lajes will speak about this new base. The same holds true for the Portuguese in the Azores, including officials. The French officials will not allow any newsmen on their base.

SOME AMERICANS FIND LIFE AT BASE BORING

It was a gloomy Saturday at The Rock. A thin rain came slanting in, covering the northern wedge of the island of Terceira in the Azores.

An American officer stood on the bluff that overlooks the runway at Lajes Field.

"Bad day on gray rock," he said. "What do you do on a day like this? Get bombed, maybe."

Boredom, ennui, lassitude, like the weather, often close in on the 4,800 Americans living in their Gilt Ghetto at Lajes, mid-Atlantic home of the 1605th Air Base Wing, U.S. Air Force.

Perhaps it is worse here than at other American overseas bases. In continental Europe American military personnel are surrounded by cities and resorts that offer everything from culture to good looking B-girls.

In Terceira this is not true. The best the island has to offer is scenery, small serene villages, fine beaches, startling views from headlands and kind and courteous people.

Take the wife of a senior officer lecturing to the young wife of a just-arrived junior officer. She said:

Advice to new arrivals

"This is your first weekend here. Now, you and your husband take yourselves a little old trip to Angra do Herismo—that's the city—and look around. That'll take care of this morning. Then come back and do your shopping. Late this afternoon there's the Happy Hour club. And tonight—well, I guess you could go to the movie at the base theater."

"But aren't there local people I could meet?" the young wife asked.

"There are the wives of the Portuguese Air Force officers, but most of them don't speak English too good. Course I've been here two years and I don't speak any Portuguese. No need to. Everything I have is right here on the base.

"So you'll soon find out there's no need to move away from here."

So the base wives herd together. There are clubs for the officers' wives, NCO wives, airmen's wives, Navy wives. There are other clubs such as the Terceira Twirlers Square Dance Club and there is a motorized skate board one. There is the Terceira Island Ladies Golf Association, whose members play on the nearby 18-hole course built with American funds on land donated by the Portuguese government.

In short, here is a complete enclave, a parochial compound built to keep Americans happy and by themselves. Privately, some officers and NCOs tell you the place drives them up the wall. "It's like being in prison," one said.

Do not want to go home

There are at this base some American civilian workers and families who have been

here for 20 years. They are well paid and housed and have servants. They don't want to go home. There they are protected and not overworked.

One evening there was a western hoe-down dance. Everyone was supposed to come in frontier clothes. Brig. Gen. John Buchner wore a modified TV type cowboy outfit. His wife was similarly clad. They greeted their guests, two-star Brigadeiro Ruy Braz De Olivera and his wife. He is in command of the Portuguese Air Force wing at Lajes. He was conservatively dressed in gray flannels and a tweed jacket. His wife was also quietly dressed.

Mrs. Buckner said to Senhora De Oliviera, "Honey, you and your hubby sure are going to have a mighty good time tonight."

From the expressions on their faces, the Portuguese general and his wife did not seem to share the Buckners' enthusiasm.

It is not true to say this boredom engulfs all Americans at Lajes. There is a small core of officers and enlisted men who do move around. They do make an effort to mix socially with the Terceirans. They do visit this island and the others in the nine-island archipelago. They do learn Portuguese. Unfortunately, they are a minority.

STATEMENT BY MAX M. KAMPELMAN ON WITHDRAWAL OF HIS NOMINATION TO BE CHAIRMAN OF DISTRICT OF COLUMBIA COUNCIL

Mr. TYDINGS. Mr. President, nearly 2 years ago President Johnson reorganized the District of Columbia government to provide the present mayor and council system. His nominee for the first President of the City Council was Mr. Max M. Kampelman, of the Washington law firm of Strasser, Spiegelberg, Fried, Frank & Kampelman. That nomination was subsequently withdrawn at Mr. Kampelman's own request, because the Council chairmanship's vast area of public interest activities, particularly as they related to the District of Columbia, posed such serious inhibitions on Mr. Kampelman's other civic activities and the practice of his law firm that it was impractical for him to accept the position.

Mr. Kampelman concluded, after an examination of the statutes relevant to the practice of law by those associated with the Federal Government, was that it would have been necessary for him either to resign as a partner in his law firm or require his firm to cease practicing before any agency of the Federal Government. This he was unable to do.

Unfortunately, during the pendency of Mr. Kampelman's nomination, assertions were made regarding his qualifications for the position which his withdrawal from the nomination prevented him from ever being able to answer on the record. This was a double misfortune, since Mr. Kampelman was never able to defend his own record publicly, nor was the public itself ever able to learn the facts.

Recently, I learned that Mr. Kampelman had in fact prepared a statement for the Senate District Committee which he would have delivered had he not requested his nomination be withdrawn. That statement presents in great detail his answer to his critics.

Since the pages of the CONGRESSIONAL RECORD carried the original assertions against Mr. Kampelman's qualifications, but never reflected his response, I thought it a matter of simple justice to him that his remarks be printed now. Therefore, I ask that the statement of Mr. Max Kampelman, which he would have presented at the hearing on his nomination, plus a copy of the letter he submitted to the President asking that his nomination be withdrawn, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STRASSER, SPIEGELBERG, FRIED,
FRANK & KAMPELMAN,
Washington, D.C., October 11, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Thirteen days ago you were kind enough to offer to appoint me Chairman of the District of Columbia City Council, a position which I had not sought, but in which I was then prepared to serve. My family and I are deeply moved and honored by the opportunity which you have given me to become a part of your Administration, by your expressed confidence in me, and by the generosity of your comments when you announced your intention to appoint me to the position. You stated to me privately that you were "drafting" me for this assignment because of your conviction that I could help this city and its new Mayor realize the aspirations worthy of our Nation's Capital.

As soon as the announcement was made, I had to concern myself with the question of what my service on the Council might mean to me and to the twenty-six men who are my law partners—partners of a firm with which I have been connected for twelve years and to which I owe a deep personal loyalty.

It appeared at the outset, on the basis of preliminary consultations, that the problems under the Federal conflict of interest laws would not be serious. On further study and after consultation with the Department of Justice we believe that the conflict of interest laws have special application to a member of the Council who in private life is a partner practicing in a law firm such as my firm. For that reason we have given special study to the matter for the past several days. The Department of Justice informs me that not only will a member of the Council be barred from representing anyone in a matter pending before any part of the District Government, but all of his law partners and associates will be precluded from appearing in almost any matter within the broad scope of his "official responsibility." The restrictions are aggravated in the case of the Chairman by reason of the fact that he must also serve as a member of the District's Zoning Commission under the Reorganization Plan. Moreover, after consultation with Mayor Washington, it appears to me that the particular responsibilities of acting as Chairman of the Council will, in my judgment, ultimately involve more than the maximum 130 days per year allowed by statute for a special government employee, with the result that the considerably more onerous restrictions applicable to full-time officials would then be applicable.

In the circumstances, I have reluctantly concluded that the only practical alternatives open to me are to resign from my law firm or to ask you to withdraw my name from consideration as Chairman of the Council. After careful reflection, and considering my special obligations to members of my firm, I have concluded that as senior partner in the Washington office, it would not be consistent with my responsibilities to my partners and associates for me to withdraw from the firm at this time. Nor could I discharge my responsibilities toward my family if I resigned from my firm to take a part-time position, even as vital and significant a position as you have offered me. I, therefore, respectfully request that you not submit my name to the Senate.

I have lived longer in Washington than any other place in my adult life, and it is second to none in my affection. Thus, while I am unable to accept the formal position which you so honored me by offering, I will give all the aid and support I possibly can to the new government.

Sincerely yours,

MAX M. KAMPELMAN.

STATEMENT OF MAX M. KAMPELMAN BEFORE THE U.S. SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. Chairman, it is a privilege to appear before your Committee.

More than 18 years ago I moved to Washington, D.C., in service to a former member of this Body, the Vice President of the United States. For me, the Senate is the most remarkable and productive deliberative council the world has ever known. I carry in my heart a profound respect for this institution and the warmest memories of my association with it.

To return as the nominee to be Chairman of the newly created District of Columbia Council is a most satisfying experience. I consider it an honor to have been nominated for this challenging position by the President of the United States. It is now up to the Senate to judge whether whatever experience or talents I may possess are adequate.

My professional life has been primarily that of a lawyer and a teacher. My practice, like that of many Washington lawyers, has involved a great deal of work before agencies of the Government and on Capitol Hill. It has given me some insight and understanding not only of how government functions, but also of the impact of government policies and decisions on the people affected. Anyone who has had this kind of exposure is bound to be impressed by the enormous power of government to influence the lives of our citizens and be somewhat humbled by the importance and complexity of the problems confronting our society.

Before coming to Washington almost twenty years ago, I was a student and later a teacher of political science. I received my Master's degree in political science from the University of Minnesota in 1946 and my Doctor's degree in 1951. I have taught this subject at a number of colleges and universities, including Howard University in our own Capital city, Bennington College in Vermont, Claremont College in California, and the University of Minnesota. It is often said that the teacher learns more than any of his students in the course of teaching. Certainly I learned a great deal from this experience about the outlook of the young people of America—their attitudes and concerns. I have the greatest confidence and hope in our Nation's future citizens.

I have been fortunate in being able to contribute some of my time and energy to public causes and organizations. One of my interests has been the field of educational television because of its great potential for enhancing the level of community life. It is my privilege to serve now as Chairman of the Board of Trustees of the Greater Washington Educational Television Association. My academic life has also led to a long-time active affiliation with the American Political Science Association. In the past I have been President of the District of Columbia political Science Association and now serve as Counsel and Treasurer of the national Association.

Since I am also a father of five children, you will understand my interest in the National Zoo, one of the Capital's most magnificent attractions. In 1958 I helped to organize a group of like-minded people into

an organization called the Friends of the National Zoo. I served as its founding President for two years. This is my adopted home and I trust it will be the place where my children will grow into responsible and active citizens. In a limited way, I have tried to do what I could as a private citizen to make our city a wholesome, pleasant and stimulating place for its inhabitants. This has led to my service as a member of the Board of Directors of the Washington Home Rule Committee and a Trustee of the Federal City Council.

Another recent highlight of my life has been my appointment in 1966 to be Senior Advisor to the United States Delegation to the United Nations. This experience added a new dimension to my existence. I will be forever grateful for the opportunity it gave me to evaluate first hand the problems we face in the international community and the people on whom the world must rely not only in determining the shape of the future, but in making certain that there will be a future.

In brief, this is the background in the law, in the academic world, in civic and in public service which I will bring to the tasks facing the chairman of the District of Columbia Council, if I am confirmed.

I am aware that a few Members of the Congress have already concluded that I am not qualified for this position. I have refrained from making any comment about the charges which have been made against me because I felt from the beginning that the appropriate forum for answering these charges was this Committee, not the newspapers. Now I do want to answer fully the criticisms which have been levelled against my nomination.

Let me first comment on certain charges reflecting on my patriotism and my activities in my early twenties as a conscientious objector.

In October, 1942, I applied, under the law, to my local draft board for classification by reasons of "religious training and belief" as a conscientious objector to perform "work of national importance under civilian direction". At that time, I stated my beliefs as follows in a statement to my draft board:

"I believe that war, which involves the mass destruction of human lives and values, is evil and negates all the concepts of justice, righteousness and human brotherhood which my religious training has taught me. . . . I appreciate and share the high ideals which motivate most of my friends and fellow citizens as they participate in the war effort . . . I am convinced that the use of evil means can never successfully achieve desirable ends.

"I am anxious to express my devotion to my country and the democratic principle it expounds by devoting my activities and my life's work, if that need be, toward the alleviation of human suffering and the establishment of a society based on the sanctity of human life, the Brotherhood of Man and the Fatherhood of God."

My first assignment in June, 1943, was to engage in soil conservation work in Big Flats, New York. After a number of months in that activity, I volunteered to serve as an attendant at a school for feeble-minded children at Pownal, Maine. After approximately a year, in response to a circular requesting volunteers, I applied for service as a guinea pig subject in a semi-starvation and rehabilitation project at the University of Minnesota. The circular describing the project was headed: "Will You Starve That They Be Better Fed?" and included the following summary:

"Starvation is a tragic reality of war and will be a vital problem of rehabilitation. At present there is very little concrete information as to the consequences of semi-starvation and the efficiency of various nutritional rehabilitation regimens with human beings. Such knowledge is greatly needed for planning and operation of relief feeding. The acquisition of detailed information on these points will be a major contribution to the problem of relief feeding not only as related to the present war, but for the future in all parts of the world."

Although the study itself lasted for a year, I was involved personally for approximately eighteen months. Scientific reports on the study have been extensively published, cataloging at great length the "profound physical deterioration and psychological changes" associated with the starvation. I am proud of my service during the war and of the Certificate of Service which I received from our Government: "In acknowledgment and appreciation of his contribution to the War Effort," dated May 20, 1946.

It is impossible for me to be precise as to when my thinking changed to the point where I was no longer a conscientious objector. The process of growth leads to change. The development of atomic and hydrogen bombs led me to doubt my earlier faith in the power of non-violence to overcome evil in international relations.

Furthermore, as I began to teach science and later to observe the political process at close range in Washington, I could not honestly tell myself that, were I in the position of responsibility, I would do otherwise in international relations than was done by President Truman in Greece, Turkey and Korea, and in the bold carrying out of the Marshall Plan, and by President Eisenhower in further resisting the spread of international Communism.

By early 1955 I felt the need to give public evidence of my change of position. Although I was beyond draft age, I applied for and was granted entry into the Marine Corps Reserve. The career of a great Senator whom I deeply admired, who moved from Quaker pacifism to the Marine Corps, influenced my decision.

I was in the Reserve for more than 7 years, resigned after I reached 42 years of age, with 4 children, and on November 29, 1962, received an honorable discharge.

There have been two other major charges, reflecting not on my patriotism, but on my integrity and character. I will attempt to refute both charges with facts rather than with words which reflect the depth of my resentment.

It was said on the floor of the Senate that I am a "former Bobby Baker crony". The implications of this charge are false.

I first met Mr. Baker in January, 1949, when I began serving as an employee of the Senate. During my six and a half years of service in the Senate I had the occasion—as did almost every Member of the Senate, Republican and Democrat alike—to work with him on Senate business. We worked together harmoniously in legislative matters, but we did not become close social friends.

Following my departure from the Senate in late 1955, my contacts with Mr. Baker were very slight and I seldom had the reason or the occasion to meet with him. In the more than 18 years that my wife and I have lived in the Washington area, we recall visiting the home of Mr. and Mrs. Baker on only one occasion, an occasion with more than 100 guests. We do not, furthermore; believe that the Bakers ever visited our home, although we recall inviting them to one farewell party for a mutual friend during this 18 year period.

A question has been raised as to whether in early 1962 Mr. Baker in any way influenced the granting of the charter by the Comptroller of the Currency to the organizers of the District of Columbia National Bank. Mr. Baker played absolutely no role in the granting of the charter or in the decisions and activities of the organizing committee of the Bank which our firm served as counsel.

The Comptroller of the Currency, testifying before the Senate Committee on Rules and Administration, said:

"Shortly after I entered office, November 16, 1961, the second application was filed for a bank in the District of Columbia. The bank had totally local organizers and principals. There are 1,286 shareholders predominantly from this metropolitan area. No new bank had been chartered in the District of Columbia in more than 29 years. In the meantime there had been many mergers which had reduced the effective number of banks quite substantially. This case, too, was highly controversial. There was strong and virulent opposition on three grounds: anti-Semitism, one; two, grounds of entry of a new competitive force in the banking system in the District of Columbia; and three, it subsequently developed, political grounds. There was no pressure at any time exerted on my Office in connection with this case except against the case, nearly all of the banks in the District of Columbia having taken very strong positions."

The granting of the Bank charter was justified and fully consistent with the Comptroller's philosophy. There had been no new national banks in the District of Columbia in 29 years, a period during which the number of insured banks here was reduced through mergers from 21 on January 1, 1934 to 11 on January 1, 1962. The year that the District of Columbia National Bank charter was granted, the Comptroller granted 65 new bank charters and 67 applications for conversion of state banks to national banks. Only 17 applications were rejected, a 90 percent approval rate. As a matter of fact, 4 new banks were chartered by the Comptroller in the District of Columbia proper. Furthermore, in the Metropolitan Washington area, four new banks had been chartered during the period 1959 to 1962, prior to the issuance of a charter to the District of Columbia National Bank.

The District of Columbia National Bank was capitalized at $3 million, with 200,000 shares sold at $15 a share. Mr. Baker was among hundreds of Washingtonians who wrote in, subscribing for shares. He was allocated and paid cash for 1500 shares, less than 1 percent of the outstanding stock.

Sometime in February or March, 1963, Mr. Baker telephoned me to say he would like to borrow $125,000 from the Bank in order to finance the purchase of a new home. At that time my firm was General Counsel to the Bank and I was a member of its Board of Directors and Chairman of its Executive Committee. I advised him, as I advised scores of people who telephoned me with similar requests, that I did not receive loan applications or make loans, but that he should discuss his needs with the Bank's officers. He did so. Subsequently, the Bank's officers reported their favorable recommendation to the Board of Directors that the loan was justified by Mr. Baker's financial statement, but that the Bank should seek added collateral by obtaining a deed to the new home. The loan was to be of a short-term, two year duration since the Bank did not want a long-term mortgage. I, as a member of the Board, voted to approve the recomendations of the Bank's officers and grant the loan on the basis recommended. The loan has since been repaid in full with interest and on time.

These, Mr. Chairman, are the relevant facts as I know them with respect to my relations with Mr. Baker.

The last charge relates to the activities of one of my clients, NAPCO Industries, Inc., a publicly-held company on whose Board I have served for approximately one year. Our firm has represented the company as Washington counsel since late 1955, 12 years.

The charge relates to an AID loan of $2,300,000 obtained by NAPCO and a group of Indian business associates. The purpose of the loan was to finance the sale and transfer from Detroit to India of an existing gear manufacturing facility owned by NAPCO, the Detroit Bevel Gear Company. By U.S. tech-

nological standards, this facility was outmoded, but by the standards of an underdeveloped country, it could fulfill a valuable economic function. The loan application was filed in January, 1961; the loan was approved eighteen months later in June, 1962 and the loan agreement was finally signed in July, 1962. During this 18 month period, AID officials thoroughly analyzed extensive market surveys, economic analyses, independent appraisals and certified financial statements submitted by NAPCO. It is also my understanding that AID made independent studies of its own. The final loan agreement was signed by me for the borrowers in Washington as attorney under specific authorization from NAPCO and was ratified by the Indian company after its formal organization.

The Indian corporation, NAPCO Bevel Gear of India, Ltd., was legally formed in March, 1963 to fulfill its obligations under the AID loan agreement and to own and operate the gear facility. NAPCO-U.S. had a minority interest in the Indian corporation and I was designated to serve as one of the nominees of NAPCO-U.S. on the Board of Directors of the Indian firm.

I made two trips to India. My first trip was in October, 1961 prior to AID's decision to grant the loan. I accompanied my client to help resolve a serious dispute between the Indian associates which caused a bitter and acrimonious split among the Indians themselves, and later proved to be an important ingredient in the failure of the Indian company to realize the expectations of its organizers. My second trip to India was in August, 1962, soon after the AID loan agreement was signed. I went to India as attorney for NAPCO to meet with Indian counsel and Indian Government officials to discuss the steps necessary to bring the Indian corporation into being, as required by the Agreement.

I was unable to make any additional trips to India and resigned as a director of the Indian company in April, 1965.

The Indian company was faced with serious difficulties—personal, financial, technical and cultural from the inception of the venture. Two separate Cooley fund loans of Indian rupees, made in July, 1963 and August, 1964, each for the rupee equivalent of approximately $840,000, were made by AID to supply added working capital to save the Indian company. NAPCO–U.S. agreed to guarantee 25% of each loan. The Indian company did begin to operate, manufacture and sell gears but was unable to begin repaying its AID obligations and was forced to close its doors early in 1966.

As is frequently the case with failure, charges and counter-charges as to fault and blame are plentiful. My client has been charged with not fulfilling its responsibilities under the AID loan agreement. My client has denied these charges and has indicated its continued desire to revive the factory and make it work profitably. The legal issues are not simple, but are extremely complicated. The issues are, indeed, before the courts in India and may become the subject of legal action in the United States.

My role in this venture was that of a lawyer, not a principal. However, I have no hesitation in stating my confidence that my client acted in good faith when it applied in January, 1961 for the AID loan, and in fulfilling its obligations under the AID loan agreement.

The late Mr. Max E. Rappaport, who served as President of NAPCO during the loan period, and Mr. Gary Rappaport, his son, who now serves as President, are among the finest people that I have had the privilege of working with, and I am proud of my relationship with them.

Our law firm is an active and a successful one with offices in New York and Washington. We represent many hundreds of clients and I have personally participated in many negotiations. Of course, I represent my clients to the best of my ability. Time may prove some of my clients' causes to have been wrong. But no one has ever doubted that even clients with wrong causes have a right to be represented by counsel in our adversary system of justice.

I think it only proper that I now be permitted a few words with respect to this city which I was asked to serve.

Millions of Americans pour into Washington each year. The immediate and most apparent image they receive of their capital city is indeed a glowing one. They visit the public buildings. They marvel at the magnificent monuments which comprise, in symbol and substance, the history of our nation and the making of history each day. They comment upon the airiness of our boulevards, the tree-lined streets; they look with awe down the mall and a sunny radiance envelopes them. They leave Washington with an impression it is the most beautiful capital city in the world.

We do live and work in a beautiful city. Yet beneath that sparkling surface, in our neighborhoods where the pulse of our city beats, where our people live and raise their children, all is far from well.

Our city is afflicted with the same ills that beset so many of our urban centers today—the terrible blight which has bent, and sometimes crushed, the spirit of so many of our fellow Americans.

We struggle against inadequate schools. We are short of recreational facilities. Traffic congestion mounts.

We are too often reminded of the bleak barrier in communications that separates those with the heavy responsibility to enforce the law from those for whom the law is supposed to be enforced.

No major violence broke out in our city this summer. For this we can be thankful, but we cannot be complacent. We can count whatever progress has been made as a credit to all our citizens and their respect for the orderly channels of change basic to a successful free society.

But change we must. It would be a dangerous exercise in self-delusion to mistake the maturity and decency of our local citizenry as a sign they are satisfied with things as they are. They are not satisfied, and they should not be satisfied.

When President Johnson recommended the new city government structure, endorsed by the Congress, he said:

"This city and its government must be, for its residents and the entire world, a living expression of the highest ideals of democratic government. It should be a city of beauty and inspiration, of equal justice and opportunity. It should be a model for every American city, large and small . . ."

Great nations have historically drawn their vitality and strength from great cities. When a nation thrives, it is because its cities thrive and its people throb with the excitement and joy of life.

In Mayor Walter Washington and his able deputy, Thomas Fletcher, we have an experienced executive team to take hold of an awesome task.

I want our city to be in the forefront of a great resurgence throughout America. I want our city to become a showcase of opportunity, of brotherly understanding, of compassion and concern. I want all of our citizens to share in the political ferment and democratic debate that will accompany Washington's ultimate realization of home rule. The great challenge the District Government faces is to make certain that the city fulfills its tremendous potential. I will consider it a privilege to be able to contribute whatever talent and experience I may have to this vital task.

FREEDOM—A CONDITION AND A PROCESS

Mr. MUNDT. Mr. President, on June 3, on the campus of General Beadle State College, in my hometown of Madison, S. Dak., President Richard M. Nixon delivered a dedicatory speech for a new library building. In his dedicatory address, President Nixon devoted major attention to the manifestations of dissent and unrest on many college and university campuses across the country and warned America against permissive attitudes and complacent indifference which fail to face up to the responsibilities of good citizenship in these trying times.

Mr. President, the Nixon address was warmly received by more than 10,000 people attending these outdoor ceremonies and has been hailed in press comments around the country as a major challenge to all of us to measure up to the challenges of today. I ask unanimous consent that the text of his prepared address be printed at this point in the RECORD. The President's address was widely covered by radio and TV networks and by the news media, but I feel it important for historic purposes that the text of this significant speech be included in the permanent pages of the CONGRESSIONAL RECORD.

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

FREEDOM: A CONDITION, AND A PROCESS

As we dedicate this beautiful new Library, I think this is the time and the place to speak of some basic things in American life. It is the time, because we find our fundamental values under bitter and even violent attack; it is the place, because so much that is basic is represented here.

Opportunity for all is represented here.

This is a small college: not rich and famous, like Harvard or Yale; not a vast state university like Berkeley or Michigan. But for almost ninety years is has served the people of South Dakota, opening doors of opportunity for thousands of deserving young men and women. Like hundreds of other fine small colleges across the nation, General Beadle State College—or as it will soon be called, Dakota State College—has offered a chance to people who might not otherwise have had a chance.

The pioneer spirit is represented here, and the progress that has shaped our heritage.

In South Dakota we still can sense the daring that converted a raw frontier into part of the vast heartland of America.

The vitality of thought is represented here.

A college library is a place of living ideas: a place where timeless truths are collected, to become the raw materials of discovery. In addition, the Karl E. Mundt library will house the papers of a wise and dedicated man who for thirty years has been at the center of public events. Thus, more than most, this is a library of both thought and action, combining the wisdom of past ages with a uniquely personal record of the present time.

As we dedicate this place of ideas, therefore, let us reflect on some of the values we have inherited, which are now under challenge.

We live in a deeply troubled and profoundly unsettled time. Drugs, crime, campus revolts, racial discord, draft resistance—on every hand we find old standards violated, old values discarded, old precepts ignored. A vocal minority of the young are opting out of the process by which a civilization main-

tains its continuity: the passing on of values from one generation to the next. Old and young shout across a chasm of misunderstanding—and the more loudly they shout, the wider the chasm grows.

As a result, our institutions are undergoing what may be their severest challenge yet. I speak not of the physical challenge: the force and threats of force that have wracked our cities, and now our colleges. Force can be contained. We have the power to strike back if need be, and to prevail. The nation has survived other attempts at insurrection. We can survive this. It has not been a lack of civil power, but the reluctance of a free people to employ it, that so often has stayed the hand of authorities faced with confrontation.

The challenge I speak of is deeper: the challenge to our values, and to the *moral* base of the authority that sustains those values.

At the outset, let me draw one clear distinction.

A great deal of today's debate about "values," or about "morality," centers on what essentially are private values and personal codes: patterns of dress and appearance; sexual mores; religious practices; the uses to which a person intends to put his own life.

These are immensely important, but they are not the values I mean to discuss here.

My concern today is not with the length of a person's hair, but with his conduct in relation to his community; not with what he wears, but with his impact on the process by which a free society governs itself.

I speak not of private morality, but of public morality—and of "morality" in its broadest sense, as a set of standards by which the community chooses to judge itself.

Some critics call ours an "immoral" society because they disagree with its policies, or they refuse to obey its laws because they claim that those laws have no moral basis. Yet the structure of our laws has rested from the beginning on a foundation of moral purpose. That moral purpose embodies what is, above all, a deeply humane set of values—rooted in a profound respect for the individual, for the integrity of his person and the dignity of his humanity.

At first glance, there is something homely and unexciting about basic values we have long believed in. We feel apologetic about espousing them; even the profoundest truths become cliches with repetition. But they can be like sleeping giants: slow to rouse, but magnificent in their strength.

Let us look at some of those values—so familiar now, and yet once so revolutionary:

Liberty: recognizing that liberties can only exist in balance, with the liberty of each stopping at that point at which it would infringe the liberty of another.

Freedom of conscience: Meaning that each person has the freedom of his own conscience, and therefore none has the right to dictate the conscience of his neighbor.

Justice: recognizing that true justice is impartial, and that no man can be judge in his own cause.

Human dignity: a dignity that inspires pride, is rooted in self reliance, and provides the satisfaction of being a useful and respected member of the community.

Concern for the disadvantaged and dispossessed: but a concern that neither panders nor patronizes.

The right to participate in public decisions: which carries with it the duty to abide by those decisions when reached, recognizing that no one can have his own way all the time.

Human fulfillment: in the sense not of unlimited license, but of maximum opportunity.

The right to grow, to reach upward, to be all that we can become, in a system that rewards enterprise, encourages innovation and honors excellence.

In essence, these all are aspects of freedom. They inhere in the concept of freedom; they aim at extending freedom; they celebrate the uses of freedom. They are not new. But they are as timeless and as timely as the human spirit, because they are rooted in the human spirit.

Our basic values concern not only what we seek, but how we seek it.

Freedom is a condition; it also is a process. And the process is essential to the freedom itself.

We have a Constitution that sets certain limits on what government can do, but that allows wide discretion within those limits. We have a system of divided powers, of checks and balances, of periodic elections, all of which are designed to ensure that the majority has a chance to work its will—but not to override the rights of the minority, or to infringe the rights of the individual.

What this adds up to is a democratic process, carefully constructed and stringently guarded. It is not perfect. No system could be. But it has served the nation well—and nearly two centuries of growth and change testify to its strength and adaptability.

They testify, also, to the fact that avenues of peaceful change do exist. Those who can make a persuasive case for changes they want can achieve them through this orderly process.

To challenge a particular policy is one thing; to challenge the government's right to set it is another—for this denies the process of freedom.

Lately, however, a great many people have become impatient with the democratic process. Some of the more extreme even argue, with curious logic, that there is no majority, because the majority has no right to hold opinion that they disagree with. Scorning persuasion, they prefer coercion. Awarding themselves what they call a higher morality, they try to bully authorities into yielding to their "demands." On college campuses, they draw support from faculty members who should know better; in the larger community, they find the usual apologists ready to excuse any tactic in the name of "progress."

It should be self-evident that this sort of self-righteous moral arrogance has no place in a free community. It denies the most fundamental of all the values we hold: respect for the rights of others. This principle of mutual respect is the keystone of the entire structure of ordered liberty that makes freedom possible.

The student who invades an administration building, roughs up the dean, rifles the files and issues "non-negotiable demands" may have some of his demands met by a permissive university administration. But the greater his "victory," the more he will have undermined the security of his own rights. In a free society, the rights of none are secure unless the rights of all are respected. It is precisely the structure of law and custom that he has chosen to violate—the *process* of freedom—by which the rights of all are protected.

We have long considered our colleges and universities citadels of freedom, where the rule of reason prevails. Now both the process of freedom and the rule of reason are under attack. At the same time, our colleges are under pressure to collapse their educational standards, in the misguided belief that this would promote "opportunity."

Instead of seeking to raise lagging students up to meet the college standards, the cry now is to lower the standards to meet the students. This is the old, familiar, self-indulgent cry for the easy way. It debases the integrity of the educational process. There is no easy way to excellence, no short-cut to the truth, no magic wand that can produce a trained and disciplined mind without the hard discipline of learning. To yield to these demands would weaken the institution; more importantly, it would cheat the student of what he comes to a college for: his education.

No group, as a group, should be more zealous defenders of the integrity of academic standards and the rule of reason in academic life than the faculties of our great institutions. If they simply follow the loudest voices, parrot the latest slogan, yield to unreasonable demands, they will have won not the respect but the contempt of their students. Students have a right to guidance, to leadership, to direction; they have a right to expect their teachers to listen, and to be reasonable, but also to stand for something—and most especially, to stand for the rule of reason against the rule of force.

Our colleges have their weaknesses. Some have become too impersonal, or too ingrown, and curricula have lagged. But with all its faults, the fact remains that the American system of higher education is the best in this whole imperfect world—and it provides, in the United States today, a better education for more students of all economic levels than ever before, anywhere, in the history of the world.

This is no small achievement.

Often, the worst mischief is done in the name of the best cause. In our zeal for instant reform, we should be careful not to destroy our educational standards, and our educational system along with them; and not to undermine the process of freedom, on which all else rests.

The process of freedom will be less threatened in America, however, if we pay more heed to one of the great cries of the young today. I speak now of their demand for honesty: intellectual honesty, personal honesty, public honesty. Much of what seems to be revolt is really little more than this: An attempt to strip away sham and pretense, to puncture illusion, to get down to the basic nub of truth.

We should welcome this. We have seen too many patterns of deception:

In political life, impossible promises.

In advertising, extravagant claims.

In business, shady deals.

In personal life, we all have witnessed deceits that ranged from the "little white lie" to moral hypocrisy; from cheating on income taxes to bilking insurance companies.

In public life, we have seen reputations destroyed by smear, and gimmicks paraded as panaceas. We have heard shrill voices of hate, shouting lies, and sly voices of malice, twisting facts.

Even in intellectual life, we too often have seen logical gymnastics performed to justify a pet theory, and refusal to accept facts that fail to support it.

Absolute honesty would be ungenerous. Courtesy compels us to welcome the unwanted visitor; kindness leads us to compliment the homely girl on how pretty she looks. But in our public discussions, we sorely need a kind of honesty that has too often been lacking: the honesty of straight talk; a doing away with hyperbole; a careful concern with the gradations of truth, and a frank recognition of the limits of our knowledge about the problems we have to deal with. We have long demanded financial integrity in public life; we now need the most rigorous kind of intellectual integrity in public debate.

Unless we can find a way to speak plainly, truly, unselfconsciously, about the facts of public life, we may find that our grip on the forces of history is too loose to control our own destiny.

The honesty of straight talk leads us to the conclusion that some of our recent social experiments have worked, and some have failed, and that most have achieved something—but less than their advance billing promised. This same honesty is concerned not

with assigning blame, but with discovering what lessons can be drawn from that experience in order to design better programs next time. Perhaps the goals were unattainable; perhaps the means were inadequate; perhaps the program was based on an unrealistic assessment of human nature.

We can learn these lessons only to the extent that we can be candid with one another. We face enormously complex choices. In approaching these confrontation is no substitute for consultation; passionate concern gets us nowhere without dispassionate analysis. More fundamentally, our structure of values depends on mutual faith, and faith depends on truth.

The values we cherish are sustained by a fabric of mutual self-restraint, woven of ordinary civil decency, respect for the rights of others, respect for the laws of the community, and respect for the democratic process of orderly change. The purpose of these restraints is not to protect an "establishment," but to establish the protection of liberty; not to prevent change, but to ensure that change reflects the public will and respects the rights of all.

This process is our most precious resource as a nation. But it depends on public acceptance, public understanding and public faith.

Whether our values are maintained depends ultimately not on the government, but on the people.

A nation can be only as great as its people want it to be.

A nation can be only as free as its people insist that it be.

A nation's laws are only as strong as its people's will to see them enforced.

A nation's freedoms are only as secure as its people's determination to see them maintained.

A nation's values are only as lasting as the ability of each generation to pass them on to the next.

We often have a tendency to turn away from the familiar because it is familiar, and to seek the new because it is new.

To those intoxicated with the romance of violent revolution, the continuing revolution of democracy may seem unexciting. But no system has ever liberated the spirits of so many so fully. Nothing has ever "turned on" man's energies, his imagination, his unfettered creativity, the way the ideal of freedom has.

Some see America's vast wealth, and protest that this has made us "materialistic." But we should not be apologetic about our abundance. We should not fall into the easy trap of confusing the production of things with the worship of things. We produce abundantly; but our *values* turn not on what we have, but on what we believe.

We believe in liberty, and decency, and the process of freedom. On these beliefs we rest our pride as a nation; in these beliefs, we rest our hopes for the future; and by our fidelity to the process of freedom, we can assure to ourselves and our posterity the blessings of freedom.

DANGER OF ACCIDENT FROM NUCLEAR WEAPONS

Mr. PELL. Mr. President, in the current debate regarding the Safeguard system, one point that has not received sufficient attention, in my opinion, is the additional danger of accident when additional nuclear weapons of any sort are deployed. Several years ago, a B–52 bomber on a training mission jettisoned two nuclear bombs before crashing. It was later admitted by the Air Force that on one of the bombs, four of the six safety mechanisms with which the bomb was fitted had been released.

Much has been made of the alleged ability of the Safeguard system to protect against a missile launched against us accidentally by another nuclear power. But there has been little discussion of the question of the increased possibility of an accident involving a nuclear defensive missile.

Prof. Joel Larus, of New York University, has addressed himself to this question in an article in the May 31 issue of the Saturday Review entitled "Nuclear Accidents and the ABM." Professor Larus reviews the nuclear mishaps involving U.S. nuclear weapons since these weapons were first developed. He concludes by arguing against the deployment of an ABM system on the ground that—

The deployment of more nuclear weapons than is uncontrovertibly necessary to maintain America's deterrent posture is unwise because it invites future accidents.

I ask unanimous consent that the text of the article be printed in the RECORD.

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

NUCLEAR ACCIDENTS AND THE ABM

(By Joel Larus)

(NOTE.—Joel Larus is professor of politics at New York University and the author of *Nuclear Weapons Safety and the Common Defense* (1967).)

The current debate about the utility of deploying an anti-missile system to protect this country's deterrent capability has again raised a number of basic questions about the possibility and consequences of an American-caused nuclear weapons accident. Because the safety of our atomic and hydrogen arsenal relates so closely to top-secret command and control procedures, reliable information about U.S. anti-accident techniques and experiences is most difficult to obtain and even more ticklish to evaluate sagaciously. Yet the public fears the possibility of such incidents, and their anxiety is not assuaged by the events of recent years. Last fall for example, when Washington announced that the Sentinel system was going to be located in Chicago, Detroit, Seattle, Boston, and New York, local residents determinedly challenged the wisdom of installing missiles close to urban centers when an inadvertent detonation of a nuclear warhead could not be discounted. One Congressman reports that this fear dominated all other considerations in the hundreds of letters he received from constituents protesting the Pentagon's decision.

The more recent announcement of the Nixon Administration that it planned to deploy a limited ABM system, Safeguard, in the remote areas around the Minuteman silos, primarily in Montana and North Dakota, has lessened the general public's concern about nuclear weapons safety, but there is no reason for indifference or complacency. Even though the Safeguard system may be located in thinly populated states and not near leading industrialized centers, it does not necessarily follow that a mishap at such a site could not affect the lives and well-being of Americans residing in cities far from Montana and North Dakota. If an ABM accident should take place, the site of greatest probability is the area near the Safeguard system, but a computer running amuck or an unfavorable wind pattern could mean plutonium poisoning for many people hundreds of miles from the missile location.

One way to estimate the chance for an ABM failure and also to have some background information about the safety features of this country's nuclear arsenal is to review our successes and failures in twenty-four years of watching over atomic and nuclear bombs (in military parlance, "safing the nukes"). When America's record of nuclear mishaps—"Broken Arrows"—is examined, one conclusion is inescapable: the human mind has been unable to construct a safety system for nuclear weapons that is accident-free, no matter how much time, money, and technological genius are assigned to the project. (According to military terminology, a Broken Arrow is any unplanned occurrence involving the loss of, destruction of, or major damage to a nuclear weapon or its components that results in an actual or potential hazard to life or property.) It is well to remember that mechanical and human failures are as much a part of the age of nuclear technology as mushroom clouds and fireballs.

There are two types of nuclear mishaps that could bring about accidental radioactivity. Most serious is the unauthorized, unintentional, or inadvertent nuclear explosion that results in a full-scale chain reaction. This type of detonation might be the result of a mechanical error, a human failure, or a combination of both, but no matter what the source of the accident there would be a Hiroshima-type explosion replete with the multifold problems of toxic radiation.

It is generally agreed that an American-sponsored accidental chain reaction detonation has a very low probability. In the years since the first atomic bomb was dropped, this country has produced thousands of nuclear weapons of all shapes, sizes, and yields. They have been transported about the entire world, and in the process they have been assembled, disassembled, inspected, loaded onto delivery vehicles, unloaded, checked and rechecked to maintain their efficiency. Squadrons of Americans of various temperaments and emotional characteristics have been trained to detonate both strategic and tactical systems under a variety of conditions and circumstances, many of which have not been especially conducive to the good mental health of the personnel involved. In spite of the innumerable opportunities for an accidental Hiroshima to have taken place, America's safety record insofar as this first category of possible failures is concerned has been perfect. The technicians who designed our safety controls (essentially a complex interacting arrangement of locks and switches that must be triggered in sequence) have established a safety record unequaled in the history of military technology.

Were it not for two Broken Arrow incidents that took place in 1960 and 1961 it would be possible to be even more sanguine about our future record of no-yield incidents. These accidents dramatically illustrate why there is always a possibility that as a result of extraordinarily bizarre circumstances there could be an accidental chain reaction.

In the Goldsboro, North Carolina, failure, which took place in January 1961, a SAC B–52 bomber on a training mission was carrying two 24-megaton bombs. The pilot, realizing that his plane was going to crash, had sufficient time to jettison one bomb. It was parachuted and landed in a field completely intact. There was no explosion of any type. A terse and uninformative Air Force press release stated that one of the unarmed nuclear devices the plane carried had been dropped safety by parachute and had been recovered undamaged. The second bomb was found in the plane's wreckage.

For the last eight years physicist Dr. Ralph Lapp has maintained that the Pentagon's investigation of the Goldsboro incident had revealed a frightening situation. He alleged that in failing to the earth five of the six interlocks built into the bomb had been set off and that only a single switch prevented the 24-megaton weapon from producing a yield detonation. Washington adamantly refused to offer any more particulars concern-

ing the post-accident condition of the safety system. Recently the Air Force was forced to come clean and reveal just how unpredictable mechanical safeguards on nuclear weapons can be, even those designed with infinite care and tested meticulously. Goaded by Congressman Sydney R. Yates of Illinois, who was determined to prevent the installation of the Sentinel system near Chicago, the House Appropriations Committee recently asked for an authoritative answer to the Goldsboro bomb mystery. In reply, the Air Force admitted that their inspecting teams in 1961 had found that four of the six safety mechanisms during the accident had moved to the "go" position. In other words, only two safety systems remained in a locked position, and the remaining group of four had acted in a completely unscheduled and potentially dangerous fashion. Pentagon and AEC officials prefer to call attention to the two devices that remained uncompromised, but a more relevant issue is to determine why there were so many failures and whether it can happen again.

An earlier Broken Arrow incident took place at McGuire Air Force Base (New Jersey) in June 1960. This accident is especially noteworthy in view of the extended debate about the reliability of the computer-programed Safeguard system and its hair-trigger reaction time. If information available from nongovernmental sources concerning the McGuire mishap is authentic—and in my opinion the source of the account is highly reliable—the incident highlights the problem of protecting an incredibly complex weapons system from being triggered by totally unexpected sources.

Some of the facts about McGuire are not in dispute. At 2:51 p.m. smoke and fire began to emerge from one of fifty-six Bomarc missile shelters. Two minutes later local fire crews arrived, and by 3:05 the entire missile complex was evacuated. For the next several hours, officers and enlisted personnel, reinforced by firemen from adjacent communities, fought heavy flames and smoke. According to *The New York Times'* account, the missile's propellant fuel ignited, its atomic warhead fell into the molten pool of fire, split open, and released radioactive material into the environment. The Air Force admits that radioactivity was present during the incident, but maintains that the fire started when a high-pressure bottle of helium exploded from unknown causes.

The uncorroborated version of the origin of the fire is considerably more alarming. This source alleges that while the Bomarc's crewmen were at dinner, they noticed that their unattended missile was preparing itself for an unauthorized launch. Rushing frantically to their station the men succeeded in aborting the erection. The account continues:

"Even after detailed investigation there is no real understanding what series of factors caused the electronic brain controlling Bomarc firing . . . to issue the fire order to that nuclear weapon. The hypothesis is that a combination of the radio signals from passing police cars plus the tunes being played by a local disc jockey happened, in one of those occurrences of statistical probability, to combine into a signal that fed itself into the electronic brain as a fire order."

To date, the Defense Department declines to comment on this version of the McGuire accident.

As mentioned earlier, there is a second category of nuclear mishaps that can cause accidental radioactivity. In my opinion it has a much higher probability factor than the full-scale yield detonation accidents and consequently is the greater menace. It involves the nuclear bomb or missile that becomes ruptured when unusual energy inputs or physical stresses react unfavorably with the TNT component of the weapon. The heat or shock causes the TNT girdle enclosing the plutonium to explode, and the entire weapon blows apart. As soon as the integrity of the outer metal casing is destroyed, fissionable (not fissioned) material is strewn about the situs of the accident. Radioactive plutonium dust contaminates everything it contacts, and all human and animal life is endangered in this "hot" area.

Since 1945 the United States has caused an indeterminate number of this type of accident. If the Pentagon's figure of thirteen nuclear weapons accidents is complete and accurate, this country has been responsible for one Broken Arrow incident every two years on the average since Hiroshima. If the tally is closer to twenty or twenty-two mishaps, as some non-governmental sources believe, this country has had approximately one potentially catastrophic emergency every year since the end of World War II. Whatever the exact number, there is no disputing the fact that American bombs or missiles that have been accidentally blown apart (but not detonated), have jeopardized the lives of residents of at least three countries, injured an unknown number of homes and factories, and contaminated the natural resources of at least three parts of the globe. No one has died or experienced lasting injury as a result of these Broken Arrows (at least not according to the unclassified information), but each failure exemplifies the radioactivity crisis that arises when a nuclear weapon scatters undetonated plutonium.

In January 1966, for example, four hydrogen bombs fell on Palomares, Spain, an isolated farming hamlet on the Mediterranean coast. Before this incident was over, the Defense Department and the Atomic Engery Commission, assisted by a small army of civilian experts, had staged the most expensive, intensive, harrowing, and feverish land and sea search for a man-made object in world history.

The accident took place when a B–52 on a training mission and a KC–135 tanker collided about 30,000 feet above the Mediterranean. Either a fire broke out in the tanker during the refueling mission and spread to the bomber, or the planes failed to rendezvous properly. In any event, both planes plummeted to earth, scattering wings, fuselages, engine sections, wheel assemblies, and jet fuel over a wide area.

The four hydrogen bombs are believed to have been either the 20 or 25-megaton variety, and all were being transported in the customery unarmed condition. Each bomb landed in a different impact area in or about Palomares. One embedded itself in a dry river bed east of the village. It was found within hours after the crash and was undamaged except for some severe dents. It caused no radiation contamination problems. The second and third bombs slammed to the earth with such impact that the TNT exploded. Within seconds millions of particles of plutonium dust blanketed wide areas of Palomares.

Because plutonium is one of the most toxic substances known to man, American and Spanish authorities lost no time in beginning emergency clean-up operations. Plutonium has a half-life of 24,000 years, and the maximum permissible burden that the human system can tolerate is a speck-like amount described as two-billionths of a gram. Persons who inhale or ingest as little as 2/10,000ths of an ounce of plutonium dust can become deathly ill. As an added complication, alpha radiation from the plutonium is considerably more difficult to detect than any other type of radiation. An Air Force publication advised search teams to hold detection instruments within one-eighth inch of the surface to be tested in order to obtain a reliable Geiger counter reading. The booklet adds that it is nearly impossible to secure an accurate count when surfaces such as plowed earth, wheat stubble, and gravel roads have to be checked for radiation exposure.

For the next three months the 234 families of Palomares became internationally famous as the soldiers, airmen, and civilians scoured the countryside for evidence of radiation contamination. The economy of the village all but collapsed because hundreds of pounds of tomatoes, which normally would have been sold throughout Spain, were thrown away or left rotting on the plants because the Geiger crews could not work quickly enough. Local farmers within a 640-acre zone were barred from entering their fields. Teams of medical specialists examined each man, woman, and child, testing in a variety of ways for traces of plutonium poisoning. Only a few of the local peasants could understand the situation; for the rest it was simply *el desastre.*

Before the land was returned to the owners, the United States had packed 1,750 tons of radioactive Palomares soil and vegetation into 5,000 sealed metal drums. The contaminated pieces of the two planes were similarly encased. This debris—the dung of the nuclear age—ultimately was brought back to the United States and buried in a nuclear graveyard in South Carolina.

The fourth hydrogen bomb that fell at Palomares caused even greater complications. This weapon came to rest about five miles offshore on a ledge 2,500 feet below the surface of the Mediterranean. A force of sixteen ships was assembled and included several midget submarines, scuba teams, underwater specialists, sonar experts, and oceanic photographers. For about eighty days the 3,000 men carried out this aspect of the recovery assignment. It was imperative that the fourth weapon be returned to American custody not only because of security considerations, but also because we needed to know if the bomb had ruptured and plutonium had contaminated the sea and its marine life. When brought to the surface on April 7, the bomb's outer casing was deeply dented but, miraculously, without a rupture. It is alleged that the underwater operation alone cost this country $6 million.

The Palomares incident does not end with the recovery of all the bombs. In the succeeding three years press reports occasionally have told how the accident has changed life in the area. A battery of four Geiger counters still runs continuously to monitor the region for signs of plutonium radiation. Each villager continues to receive $66 per month if he permits Spain's Nuclear Energy Committee to check his body daily for evidence of overexposure to radiation. Up to now the farmers have received $700,000 on various claims they presented to the United States, and eleven cases are still pending. What cannot be altered with American bounty is the attitude that the Spanish people now have about the village and its farm products. All that grows in Palomares is suspected of being radioactive, and so there is no market for its fruits and vegetables. Fifty per cent of the people are reported to have been forced to migrate to more attractive farm areas. According to one resident, life has gone from the town and within a few years it will be quite empty.

The most recent Broken Arrow to be reported took place in January 1968 near a runway at the Thule Air Force Base in northern Greenland. A B–52 crashed and exploded while attempting to make an emergency landing. The plane admittedly was carrying four 1.1-magaton hydrogen bombs. On impact all broken into fragments and scattered plutonium over the frozen surface of North Star Bay. Winds up to 27 miles per hour, temperatures in the 20–30 degree-below-zero range, daylight for only three or four hours at a spell, and continual swirling snows and Arctic storms added to the general emergency situation. In fact, this recovery operation was carried out on the most inhospitable site yet encountered by a Broken Arrow task force. The impact area was about a mile long and half-a-mile wide. Within this region

were found thousands of pieces of the plane, all highly radioactive and dangerous to the body.

Immediately following news of the crash there was considerable concern that plutonium might have entered the ice and waters of the bay. The Danish government placed a prohibition on all fishing in the seas near the accident site, and this restriction lasted for three months. In addition, it banned local fox hunters from any trapping whatsoever in the Thule area, and this order remained in force for nine months. Available sources do not mention what steps were taken to protect the Eskimos from eating the meat of seals, walruses, and polar bears, but presumably such procedures were necessary because these animals might have been contaminated from eating radioactive marine life.

As in all Broken Arrow mishaps, the most complex and costly problem is cleaning the ground area so that it is no longer "hot." At Thule, tons of radioactive snow and ice were an immediate hazard and had to be removed and secured. Teams of men were assigned the task of gathering the snow, ice, and the remains of the B–52 for shipment to the United States.

The main reasons why Congress should not authorize the Safeguard system have been explained at length elsewhere and need only be reviewed here. They are (1) that the ABM deployment could escalate the arms race at a time when there may be a real opportunity to achieve a nuclear détente with the Russians; (2) that the system is predicated on invalid assumptions concerning the strategic options open to the Chinese and Russians in the coming decade; and (3) that the estimated $6-to-$7-billion cost of the system ought to be used to help remedy our domestic problems. A fourth reason against the ABMs has been offered here: Nuclear weapons have a propensity to become involved in human and mechanical error situations, and when these Broken Arrow mishaps take place, the impact area and its environs are contaminated with toxic plutonium. The deployment of more nuclear weapons than is uncontrovertibly necessary to maintain America's deterrent posture is unwise because it invites future accidents.

TELEVISION PROGRAM "D-DAY REVISITED"

Mr. MURPHY. Mr. President, I am always reluctant to disagree with my colleagues in the Senate or the House. But there are times when wrong impressions and misunderstandings should be cleared up.

On June 2, 1969, in the CONGRESSIONAL RECORD, Representative FRANK HORTON, of New York, criticized one the country's most noted and honored filmmakers, Mr. Darryl F. Zanuck.

The Representative objected to what he thought was the commercialization of one of the great historical feats of bravery in the history of our Nation. Representative HORTON alleged that Mr. Zanuck's television program, "D-Day Revisited" was capitalizing on the 25th anniversary of D-Day. I am informed that this program was made in the same spirit that Mr. Zanuck made his film, "The Longest Day," to remember and honor the hundreds of thousands of men who fought on the beaches of Normandy to liberate Europe.

It is most ironic that on the same day, June 2, Mr. Zanuck was honored by the 52 Association, an organization dedicated to the cause of helping wounded servicemen. For that occasion, President Nixon sent a congratulatory wire to Mr. Zanuck, noting:

> The presentation to you of the coveted 52 Medal of Honor gives fitting recognition to your untiring patriotic spirit so amply brought out in your successful efforts to capture a celebrated moment in world history, and to memorialize the courage and daring of one of the proudest chapters of American history.

On that occasion also, General Omar Bradley said:

> He has done the world a lot of good by giving us some idea of what our obligation towards freedom is via his depiction of World War II and what happened at Normandy on "The Longest Day."

In the New York Daily News Review of the "D-Day Revisited" program, Mr. Ben Gross noted that Mr. Zanuck served as an illuminating guide and narrator during a journey to the Normandy beaches. This TV visit to hallowed grounds brought to all of us living at that time memories of a never-to-be-forgotten day, D-Day, 1944.

With eloquent praise such as this coming from the President, from the only living five star general, and from one of the Nation's greatest newspapers, there is little I can add. Knowing personally Mr. Zanuck for years, I am certain that he was only trying to help this Nation remember D-Day. I hope this will help to set the record straight.

TRIBUTE TO SENATOR ALLEN J. ELLENDER

Mr. GRAVEL. Mr. President, I should like to commend the distinguished senior Senator from Louisiana for the depth and cogency of his observations on U.S. foreign policy. Senator ELLENDER's report embodied in Senate Document No. 91–13 is particularly valuable for its insight into our policy with respect to the Soviet Union and the NATO Alliance.

Quite clearly the time has come for us to take a second look at the possibility of a genuine detente with Soviet Russia in the context of a more tough-minded appraisal of both the political and military realities governing our relationship with Western Europe as well as Western Europe's relationship with the Soviets and the Warsaw Pact nations. Clearly the threat of a Soviet land invasion or occupation of Western Europe is no longer as palpable as it was at the close of World War II. The movement of Soviet troops into Czechoslovakia last year, while a cruel and brutal act which I, of course, deplore, should not necessarily be viewed as a reversion to a Stalinist policy or as a threat to Western Europe. The invasion of Czechoslovakia should rather be viewed as an abortive attempt to keep Warsaw Pact countries under the thumb of the Kremlin, and the attempt was made precisely because the Soviets had and still have an almost paranoid fear of German "irredentism" and the NATO troop deployment which seems to them an emblem or symbol of that "irredentism." From a Russian strategic point of view, Czechoslovakia represents a vital country in the so-called Northern Tier defense against neighboring Germany with its West Berlin enclave—both ostensibly protected by the 300,000 American troops deployed in Western Europe.

A reexamination of our NATO commitment which, as Senator ELLENDER points out, has already lost much of its meaning on account of a French withdrawal not likely to be reversed even in this post-De Gaulle era, may go a long way toward taking pressure off the Soviet Union, thus facilitating a solution to the problem of German reunification, and affording us much needed additional moneys for handling of our domestic priorities.

I am again in complete agreement with the distinguished Senator from Louisiana in his assessment of our need to be more honest and open in our dealings with the Soviet Union. Both he and I recognize that military might alone is not the answer for the preservation of our American, anti-Communist way of life. Obviously a military confrontation with the Soviet Union, in all likelihood on a nuclear level, would be utter folly and would prove nothing but our ability to destroy each other completely and the rest of the world as well. I hope that the proposed talks on nuclear disarmament will fulfill the promise shown in the Nuclear Test Ban and Nuclear Nonproliferation Treaties.

Once we have agreed in our mutual self-interest to refrain together from destroying the world, perhaps we can then move on in our mutual self-interest toward a more genuine cooperation with each other and with the underdeveloped countries who so desperately require that the technological and economic know-how of the two great superpowers be shared with them in order that they may overcome the problems of hunger, joblessness, illiteracy, and disease.

We must also go on to reinstitute an intensive program of cultural exchange with the Soviets so that their citizens may travel freely within our country and vice versa. People-to-people contact through travel, through language, through culture and the arts is perhaps the most important dimension of a potential rapprochement between the United States and the Soviet Union. We must not be deterred by Russian attempts to enforce "discipline" in those areas within her "sphere of influence" any more than the Russians should be deterred by our relapses into the same "disciplinary" procedures. We must always keep before us our higher interest, our vision of a peaceful world order which can be achieved if and only if the two superpowers want it to be that way.

I should again like to commend Senator ELLENDER for the substance of his remarks based as they are upon long experience and painstakingly close observation, but I am almost more impressed by the astounding political courage to which his willingness to publicize these controversial views so handsomely and unmistakably attests. It is never easy for an elected public official to speak his mind frankly and openly on issues which he knows may prove to be highly controversial in his constituency.

WHAT ARE WE LEARNING ABOUT METROPOLITAN PLANNING?

Mr. KENNEDY. Mr. President, a distinguished expert from my State in the field of metropolitan development,

Charles M. Haar, formerly Assistant Secretary in the Department of Housing and Urban Development, and now once again professor of law at Harvard, recently delivered the Pomeroy memorial lecture before the annual meeting of the American Society of Planning Officials in Cincinnati, Ohio.

In his address, Mr. Haar pinpointed problems that are critical to the future welfare of our cities. More importantly, he proposed a metropolitan strategy on the Federal level. It is one of the most perceptive analyses I have read. We should, as a nation, have a program to influence and guide the inevitable metropolitan growth and expansion that will take place in our country. For, as Professor Haar points out:

If urban man cannot recognize a community of interests beyond single jurisdictions, American cities can indeed be rendered desolate.

I commend this address to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

WHAT ARE WE LEARNING ABOUT METROPOLITAN PLANNING?

(By Charles M. Haar)

For the past three years, as Assistant Secretary for Metropolitan Development, I was given the opportunity to carry out Federal programs designed to stimulate the development of metropolitan institutions.

Of the various creations spawned by problems spilling over jurisdictional lines, few provided more interesting experiences and reflections than your own discipline of metropolitan planning. While serving as a policy maker and implementer, I found that I had to unlearn a number of the things I thought we all knew about metropolitan planning. More important—and more relevant—new forces pressed for absorption. Currently, on the reentry to civilian life, there is compulsion both to explain what it is I learned as a problem solver (or solution attempter), and to delineate what we ought to be learning now. So it is within this context that my working propositions about metropolitanism need to be set. This paper today will address three themes. First, I shall try to characterize the future of metropolitan planning and development by categorizing what I believe we have learned, and unlearned, in the last three years. Second, I shall immediately qualify these propositions by emphasizing what I think we should be learning more about today. Last, I shall suggest future programs and policies to improve the conduct of metropolitan affairs.

A. LEARNING AND UNLEARNING: SOME PROPOSITIONS ABOUT METROPOLITAN PLANNING

My basic premise is an old one. I remain convinced that the most effective, and perhaps only, way to handle area problems adequately is to assure that there is a forum within the metropolitan area to which the major problems are brought for consideration of their areawide implications. And I also remain convinced that there is merit in a federal role in promoting negotiation and compromise among units within socially and economically interdependent metropolitan areas.

Little is to be gained from rehashing the old issues raised by federal efforts to promote such a process. There are just too many examples of significant savings accruing to both federal and local governments through achieving economies in urban public expenditures, through the prevention of federal and local duplication, and through the avoidance of inconsistent and short sighted developments. A review of the first year of experience under Section 204 of the Demonstration Cities and Metropolitan Development Act confirms this hypothesis: help in assuring compatibility of proximate land uses and in the harmonious programming of interrelated public investments.

Nevertheless, I come away equally convinced that to support metropolitan cooperation as a goal and to view federal programs as the means capable of solving metropolitan problems are separate matters. The tension between means and ends has to pervade any thinking about the future of metropolitan planning and development.

1. Metropolitanism within a Federal structure

In the first place, I have become impressed during the past three years with the very real limits on what national policies can accomplish. Essential, yes, but they cannot be the exclusive mechanism for achieving rationalized metropolitan development.

One reason is that metropolitan areas are impressively individual creatures. Over and over again, they defy the application of generalized rules, policies and programs.

Differences in the way metropolitan areas act stem in part from their differing socioeconomic characteristics, geography and density. Boston is obviously different from Los Angeles in these respects, as Atlanta differs from both. Blacks are usually concentrated in the central cities, but in some regions are predominant in the suburbs. Demographic variables are a function of differences in size or scale. A metropolitan problem in Utica can be a local problem in the Greater New York area. A program like Section 204 seems to work well in cities of the size of Minneapolis-St. Paul, while at the same time proving cumbersome and irrelevant when used in Chicago.

However, the fact that big cities are likely to act differently than small ones should not take our attention away from the importance of differences in governmental arrangements. I would guess that in terms of relative importance, differences in the numbers and kinds of governmental institutions in metropolitan areas are an even more significant cause of policy differences than demography. Indeed, it may be that the size or scale of an area has been associated with variations largely because size is a factor in determining the number of centers of power in a metropolis.

Second, much of the constitutional and legal power over housing and urban developments resides with the states. In appealing from rurally dominated and indifferent state legislatures directly to Washington, the coalition for urban affairs at the national level is that of nation and city. This two-tier arrangement works fairly well for the immediate developmental programs—urban renewal, public housing, and model cities. But for land-use incentives and controls as well as for public facility expenditures, the presence of state powers and resources becomes far more essential. We have utilized the 701 program to develop state planning; we have encouraged state participation in the formulation and administration of local planning efforts by moving from a project-by-project grant allocation to an annual contract basis. The Colorado experiment—a most notable success in introducing the state—achieved the surprising benefit of cutting red tape and reducing the number of applications and the processing time. The state interest in metropolitan affairs hinges on many factors: traditional rural-urban conflicts or indifferences, historical patterns, and the like. But over and above these and all the social and functional reasons we professional planners can marshal for a metropolitan approach, is the wonderful world of politics and individual ambition. When even two confirmed and dedicated urbanists—maybe they have even reached that highest pinnacle toward which we all strive, 'urbanologist'—of the same party, like Rockefeller and Lindsay, must view areawide problems with sharply divergent perspectives of state and local office, who can expect a Romney and a Cavanaugh to lie down together for any period of time?

These differences among metropolitan areas and among states argue for localized, individualized planning and implementation strategies. Moreover, the destiny of a metropolitan area should be its own choice; and it probably will be that, regardless of outside efforts to direct the course of its development. Coordinating policies and programs, particularly, is a local problem. While there is urgent need for more consistency between procedures and policies governing federal programs, conflicts and cross purposes are seen best "on the ground," close to the area needing coordination—and also close to the people whose capital grant or choice of location of a particular facility is being lost in the shuffle of conflicting bureaucracies.

Of course, we must also avoid going too far in declaring everything *sui generis*. After all, the number of permutations and combinations that even the American genius is capable of producing is finite.

This proposition should not be misinterpreted as justifying "original" research by every metropolitan planning agency: in regard to the metropolitan planning process, there may even be that rarity in social science—some "universal truths." For example, the technical problems and solutions for air pollution and, to a lesser extent, transportation, do have many common elements whatever the metropolitan area, and whatever the political strategy needed to achieve results. Under the guidance of HUD, there is increasingly a national market in residential financing and in mortgage instruments. Also, we must not forget that, while the Federal Government's role is secondary to that of local units, still, it has a responsibility to assure "minimum standards." These are national goals which have to be achieved on a total urban area basis. There is increasingly a national interdependent system of metropolitan development, so that policies in the New York metropolitan area have pulls and tugs on Mississippians and a profound effect on stated national objectives. Furthermore, National policies should not, and in fact cannot, be deterministic. Non-local governments cannot stand idly by if a metropolitan area does not make reasonable choices—especially if there be a drain on limited Federal resources and other metropolitan areas are making determined efforts for self-improvement. The very inadequacy of funds lends a sense of urgency to the search for new and better ways of accomplishing our objectives.

For lesson drawing, this means that the 701 comprehensive planning program, as well as those grants in aid imposing planning requirements, need to be justified (and financed) on the grounds of experiment, innovation, catalytic effect, and not—as is the powerful pull of a national legislature with district constituencies—on the basis of being a general support program.

2. The political acceptability of metropolitan planning

A second area of learning and unlearning is the political feasibility of mechanisms for greater metropolitan integration.

In a report for Senator Muskie's Intergovernmental Relations Committee in 1965, I argued for the effectiveness of metropolitan planning. The hypothesis of that argument was that where there are many centers of power (as is the characteristic of most metropolitan areas), their mutual interaction will be in direct proportion to the probability that a collective decision will be developed and successfully implemented. On the one hand, the groups most concerned with, and most likely to favor, some new program to resolve a given problem could be activated and

brought into coalition. A metropolitan planning agency seemed to be a good issue arena, an opportunity for obtaining mutual knowledge and continuing contact, and a device for activating potentially areawide interests. On the other hand, it also seemed to me that more numerous the centers of power, the less likely any one of them would be to dominate metropolitan decision making all the time. Thus, the different centers of power in the metropolitan areas would be most likely to know which other centers were potential opponents and would be most likely to avoid them, or artfully coopt them.

However, experience has taught me that, by and large, things do not work this way in metropolitan areas at the present stage of development. One reason is that there simply is no generalized metropolitan constituency which desires an increase in the potential for interaction among competing centers of power. Take away the planners, a couple of academicians, several senators, some local government officials and what is left but the happy few?—even the League of Women Voters does not put metropolitan issuses high on its agenda. People live in houses, neighborhoods and communities, and their continuing interests and willingness to become involved pretty much stop there. Metropolitan plans just fail to create a feeling either of crisis or of relevance.

Perhaps where for special reasons the establishment of strong, metropolitan institutions has already taken place, as a Miami or Toronto, an areawide constituency then comes into being. But even here the evidence from academic halls is very mixed, and that from the Congressional chambers is clearly to the contrary. The interesting question is, again, a chicken-and-egg one. Without the metropolitan *vox populii*, where is the metropolitan political creature?

Perhaps a further reason why the interaction theory also does not work for metropolitan areas because the time-span over which "contact" has been occurring in the United States is simply too short to develop expectations and mutual knowledge. Section 204, for example, while passed in 1966, has been in operation only since July 1967—and under stringent appropriation restrictions. Among its major problems has been the very lack of any areawide agency in many SMSA's and the unfamiliarity of a metropolitan review process to other agencies. Perhaps the theory has not worked because the historical contacts of centers of power in the metropolitan community with each other have produced a set of norms and definitions of the legitimacy of certain issues, and the illegitimacy of others, which hampers mobilization in a metropolitan area. I think we should ask first whether the substantive and procedural norms which constitute the content of a metropolitan political culture can be reshaped by something like a metropolitan planning agency, rather than worrying about institutional arrangements needed to provide an arena for interaction. But, again, this is subject to change over time and happier experience, with individual areawide projects.

What does clearly emerge is that metropolitan coordination arrangements must appeal directly to self-interests if they are to be effective. A striking recent example of this was the substantial margin of votes for the Washington transit bond issues. Even the commuter wedded to his car was convinced by arguments that the transit system would unclog the highways for him. I would speculate that proposals for rapid transit in Los Angeles would have succeeded also, had the argument been made in these terms. Instead, a fight among the experts over the technically best type of transit system obscured the self-interest issue to the point where even those favoring rapid transit voted against this particular plan for it. If we are to have stronger metropolitan planning, we will have it because the country is convinced that it wants it. Whatever our superior professional skills and insights, we are elements of a larger society which reserves the powers of final choice.

Potentially the greatest force for integration of our metropolitan areas is found in those service activities which are recognized both as essential to the well being of the area and more economically provided via joint undertakings than through separate systems. This has two implications for action. First, it indicates that in dealing with areawide issues, a problem oriented strategy is likely to be far more successful than any "grant plan" approach. Transit can be used again as an illustration. A Year 2,000 plan is very hard to sell; it is nebulous, impersonal and 30 years away. Bonds for a transit system, however, can be sold in a way that offers tangible benefits, relates to a widely experienced problem, and provides solutions visible on the horizon of a few years. The common reluctance of mankind to cope with problems before the necessity is acute is neatly summed up in the judicial concept of "case or controversy," and the administrative concept of "ripeness," both of which are really fancy elaborations of the people's old saying: "I'll cross that bridge when I come to it." A Year 2,000 plan is indeed a very distant bridge.

Of course, this is not really an either/or proposition. Short range programs and long range plans are not mutually exclusive. A five year transit program may actually be much more beneficial if it carries out a 25 year plan. But, the most feasible political solution is to sell the short term plan and let the planner sketch out the long run comprehensive plan and keep it as a policy framework, in his top drawer—or in the vault of his chief executive.

Per contre, we must recognize also that for many urban services and regulatory functions the economies of sharing facilities, considering inter-functional impacts, and inter-level programs, have already been sought through special purpose districts or agencies. While joint planning could provide the same benefits, the pre-existence of bureaucracies associated with problem areas can also stand in the way of transfers to areawide jurisdiction. Thus, by isolating separate service needs, which seems to be the easiest way to meet them, we have simultaneously siphoned off the most important functional incentive for areawide cooperation.

What else can be done to invigorate the planning process? Planning needs to change other of its sights. Its emphasis should be shifted from the general to the specific, from the abstract to the concrete, as well as from the long term to the here and now. And I say today as I have said in the past: capital programming and quantitative objectives should be included in every plan. Money may not be the stuff of spiritual reform or salvation; but it has been the key to practical results since it was invented. It is the means for translating plans into action. It is also the means of anchoring the plan fast to realities.

3. The availability of metropolitan land

My third area of learning and unlearning concerns the physical or geographic factors which affect metropolitan development. Perhaps the most important limit on planned metropolitan growth is land. Its location, ownership, accessibility, development process and cost—all may pose problems. The results are visible in the central city, which urgently needs more and cheaper housing, but is unable to provide cheap land for the inexpensive homes of the sort the mobile housing industry already knows how to construct. This may be the chief obstacle to attaining housing objectives. The problems generated by the scarcity of land are also visible in the timing and guiding of growth under the private system of land development now operating in the suburbs.

I feel strongly that existing programs, which attempt to regulate land development by means of zoning and, codes are not merely imperfect but inadequate. We need to develop new land policies. They should be based upon an examination of the degree to which metropolitan programs can work within the present market system. And they should indicate how heavily new efforts should be made to provide public direction for the process. We have already devised at least one major tool to shape a new life style in suburbia by shoring up the efforts of those who also earn money doing it. I refer of course to Title IV of the Housing Act of 1968, the New Communities Act. This provides Federal guarantees of cash flow debentures for up to 75% of the cost of land and site development in new, planned communities. By gearing itself to the cash flow requirements of such large scale undertakings, it makes them feasible; and with this Federal *quid* can come a *quo* in requiring accordance with the metropolitan development strategy.

A second tool could be the creation of a land banking process—perhaps by giving federal loans to national, state or metropolitan agencies so that they can purchase land to be held, used or sold to private enterprise as areawide priorities dictate. This could be responsive to the need for extensive public participation in those metropolitan areas where land fragmentation prevents a new community or satellite strategy. There may be an opportunity to initiate such a program on a carefully selected national basis.

Both these mechanisms have the merit of working affirmatively, rather than using the law as a negative constraint.

B. NEW LEARNING: THINGS WHICH REMAIN TO BE EXPLORED

If I look quizzically at the future of metropolitan development, it is because several important questions remain to be considered, which as yet I find tangled and unsolved.

The first issue has to do with what constitutes the proper elements of metropolitan planning. How do we measure the quality of a plan? We talk of metropolitan planning as if it had some agreed connotation. But in fact, there is little agreement. Nor can there be, as long as the "facts" remain inadequate to decide what precisely a "good" or "effective" metropolitan plan is.

In the circumstances, the difficulty of establishing minimum Federal standards for metropolitan planning is understandable. HUD published, in May of 1968, a set of guidelines for the *Conduct of Metropolitan Planning*, which discussed planning agency organization, activities, responsibilities, staff, financial support and relationships with other area agencies. The guidelines went as far as current knowledge of the art. They were meant to indicate two things: first, an awareness that the scope of planning, the functional and financial commitments of participants and the structure of interaction among agencies in the areas as well as plan content, delimit "effectiveness;" second, that federal financing is appropriately used to change local direction in such fields.

But what index do we use to measure "independent financing" or "coordination" or "state involvement?" Some of the most obvious measures turn out, in the troublous case, to be the least reliable. We might expect, for instance, that amounts of nonfederal funding obligated in advance to a planning agency would demonstrate to some extent that agency's ability to secure financial backing; it often turns out that what an areawide agency can get to spend depends very much on the nature of member and state economies and on the benefit levels in other kinds of programs that are being sought by these units. Dollars are nice measures, but it is not always clear what they are measuring.

Furthermore, consider the problem of evaluating progress toward program goals. It seems more likely than not that favorable combinations of expenditures, staffing, facilities and coordinating arrangements will add to the outputs of a metropolitan planning or service producing agency. But there is no assurance that this is the case. We probably need, therefore, to measure outputs independently of the quality of plans and process, and test the assumed relationships between them.

Things get worse when metropolitan planning gets involved with some of the currently controversial urban issues, particularly social issues. How do we measure the achievement of areawide social, rather than physical, goals? Social concerns are moving to the center of the planning profession, as they have emerged as the drive of its clients and of the various levels of government. If we look at outputs as the amount of savings or services provided per client, do we adjudge some client groups as needing more than others? Do we include, for example the incidence of beneficiaries among people who are "potential" clients but haven't chosen to use particular services? And how do we make sensible informed assessments whether outputs—plans, agreements and the like—have an impact on the problem they are supposed to solve? The current dispute over how one measures accomplishments in the field of education when culturally deprived students are the clients is all too typical of the difficulties involved.

A good deal of research is currently underway into the general problem of measuring governmental performance. Until we can arrive at some consensus, however, on what good metropolitan planning is, all of our grand assumptions about how to get it should be taken lightly. I have been more involved with discussing the second issue than the first, but my inability to make a full blown case for evaluating what should come out of all my metropolitan strategies is a terribly important qualifier.

The second mystifying issue involves the utility of citizen participation as an element of successful metropolitan planning. Once again let me refer to what HUD policies have been and the ambiguities they contain. Under the HUD administration of Secretary Robert Weaver, a move was begun to provide greater representativeness in urban programs by encouraging regional offices to take greater initiative. Legislation establishing the Model Cities program also made "widespread citizen participation" the basis of model neighborhood planning efforts. The experience with these mechanisms was mixed. The regional decentralization proposals were coldly received, for different reasons, by city interests and by the Congress. The commitment to neighborhood participation turned out to be largely ritualistic in several cities. Advisory groups proliferated madly. We created a segment of the poor whose life is a whirlwind of club meetings. In addition, it seemed that in some cities participation merely tended to clog the works of already inadequate administrative machinery: Where there was participation there were few programs. The experience in the poverty program with similar provisions is said to be parallel.

In most areas of urban affairs, I submit we do not yet know what functions are served by citizen participation, how crucial it is to "success" or what aspects of it should be stressed for what purposes. In metropolitan affairs, the question is even further clouded. For here the experience is truly limited.

Whether or not citizen participation is a contributor to "effective" metropolitan planning, it is a value widely sought at present. And in the technological post-industrial society, any format that encourages the individual control over his own destiny must be welcomed as a contribution to human sanity. As the battle lines have hardened in the fight for and against areawide perspectives, metropolitan government and metropolitan planning have come to be regarded as essentially anti-participatory. As has been true with other "reformist" mechanisms (including manager government, non-partisanship and at-large elections), recent research tends to support the contention that areawide arrangements produce less mass involvement, especially for the lower income groups, than non-reform institutions. If this is so, then metropolitan planning, even with its own participation, may be disfunctional in that it does not serve the crucial end of reducing the sense of alienation and frustration felt by many citizens toward their communities today. If this is so, then clearly the participation and control by the people must be nurtured and advanced in the shaping of metropolitan plans. The future of urban America hinges on our sensitivity to the human personality. And we can best learn the social aspects of planning through the broad participation of affected groups in the planning process.

Feelings of impotence, frustration and alienation extend to local governments as well as to the colossus on the Potomac. Disenchanted groups are not likely to welcome a greater centralization of local government, but rather to oppose it as further diminishing their already inadequate voice. Nor are demonstrations of the benefits of size, economies of scale, administrative sense likely to win a change of attitude. At any rate, the steps taken in October 1968 (as embodied in Section 9 of the circular of that date), by the Office of Metropolitan Development are surely a rational minimum for recognizing citizen participation. But the scope of organization, the size of the unit of participation, the types of issues and how they can be molecularalized into understandable proportions, the ports of entry for individual control—all are subject, at this stage of our knowledge, to experiment, to feedback, to relaunching.

I do not presume to venture here any adequate summary of the problems of evaluating "effective" metropolitan planning, nor of determining the functions of and necessity for citizen participation, still less any new theory on how these gaps can be filled. I cite these two questions only to illustrate what slender reeds our propositions on metropolitan planning and development still are, and to indicate the direction in which future research—primarily of an empiric nature—ought to go. What we do *not* want to study is fairly clear: we do not want to spend our time defending and attacking schemes for unitary metropolitan government. Beyond this, the gaps in our knowledge are awesome and the possible catalogue of research needs grows daily.

And with it all a gnawing question from an administrator: how truly researchable are many of these issues? Will we not need, far more readily than any scientist would accept, ready to resort to judgment and intuition, or, if you prefer, to logic tested by experience, in struggling through thickets? My role as a policy maker has made me unsure that some of the conclusions I reached as a legal scholar were right. Yet I am convinced that the harassed administrator desperately needs dispassionate social research as a basis for understanding and solving the important contemporary problems of the cities he is called upon to face.

C. PRESCRIBING: FUTURE STRATEGIES FOR METROPOLITAN DEVELOPMENT

Having said all this, I want now to turn to the more specific question of future policy. It is out of a sensitivity to the ambiguities of the metropolitan planning situation that my currently preferred policy alternatives are formed. And, it is because of these complexities that they are perhaps less orderly than they used to be.

1. A metropolitan strategy on the Federal level

First of all, one fairly tempting alternative is to conclude that little is to be gained to be made from continued federal policies to promote metropolitan planning because the political basis for plan implementation is so weak. I think this view is mistaken. The Federal Government has a keen interest in making Federalism work. The Federal Government, therefore, needs to continue programs that encourage coordinated efforts to deal with urban development and to advance administrative organizations that weld these operations into complementary approaches.

And I believe that over the past 3 years the true elements of a sound metropolitan strategy have been put together.

The areawide planning requirements for water and sewer, open space, and mass transportation grants have given metropolitan planning agencies new powers and prestige.

Section 204, of the Demonstration Cities and Metropolitan Act of 1966, under which local government applications for federal aid in some 30 grant and loan programs are submitted to an areawide agency for review and comment, has shown the capability of the grant incentive as a creator of metropolitan planning.

Section 205, which authorizes incentives through supplementary 20% grants for selected metropolitan development projects which conform to a regional plan, is a logical extension of the 204 appeals.

The Housing Act of 1968 extended eligibility for 701 planning assistant grants to multicounty district agencies and multi-state regional commissions, and to cover planning and social aspects as well as the physical.

Advances were also made in securing federal level coordination of programs affecting metropolitan areas.

In 1966, the Bureau of the Budget received coordinating responsibility to review programs from federal agencies in order to promote comprehensive areawide planning; in 1968, the Congress passed the Intergovernmental Cooperation Act, which attempts to assure federal program coordination on a metropolitan area basis by giving preference in grant making to non-special purpose units and which requires federal projects to be consisistent with areawide planning.

Without being too much a Pangloss, one can point to these signs of emergent Federal strategy. It provides a specific opportunity for metropolitan planning agencies to help solve the urban crisis.

But these painfully hewed out measures require constant attention. They need, first, to be adequately funded, and, second, to be strongly administered. Here lies a basic challenge and opportunity for the new Administration and one by which its actions can be evaluated.

The next step is one that several regions are now ready for on a demonstration basis: when a metropolitan area can demonstrate its ability to produce comprehensive results as a unit, the Federal government could be prepared to move entirely out of the categorical project grant system; grants could then be unrestricted except by the program which the metropolitan area has established for itself.

2. An urban development bank

Provision of capital facilities is straining our metropolitan areas. "It is," as we are reminded by the first message dealing with the cities, of a President of the United States, "as if we had 40 years to rebuild the entire urban United States." Too often the picture of change people get from the metropolitan plan is highly abstract, and remote from the way events happen. Proposals demand carrythrough.

To open up new and larger sources of private and public capital for public investments, an Urban Development Bank was recommended by the President's Task Force on

Suburban Problems. And, with the cooperation of the Treasury Department, HUD, and the Bureau of the Budget, legislation to that effect was introduced on January 18 of this year. We have no time here for the details of the undertaking, except to stress its significance for metropolitan planning and development. By promoting sound economic and social development in urban communities and in rural areas becoming urbanized, the bank would view the needs of the metropolitan area as one unit, and could help turn regional planning into an exercise in reality. Not only would the metropolitan plan benefit from the insights of financial experts, but it would become a document tied to and with the backing of financial means. Passage of this bill is crucial to the economic health of our urban system.

3. Planning alternatives

"You can't beat something with nothing." And too often metropolitan plans become what Hugh Pomeroy sardonically, albeit gently, called "a letter from Santa Claus." Were I to single out the two most frequently encountered—and quickly skirted—issues in metropolitan plans, they would be the interstate highway system and the helter-skelter of suburban growth. And this is all too understandable when no living alternative can be cited. Here, too, we have made some progress: new Federal aids are now available, and, if administered intelligently can provide a focus for metropolitan planning strategy.

One such new source of aid is the new communities program. The pressures for suburban sprawl can be swung into other patterns of land uses through the harnessing of the profit motive. Metropolitan alternatives for the location of facilities, the preservation of open spaces, the interrelation of jobs and residence become practicable. Title IV provides a tool for fostering orderly spatial and functional differentiation in the suburbs. Hopefully, cooperation between the private and public sectors can create new and better places for people to live and work.

The second mechanism in the system for review and cooperation between HUD and the Department of Transportation, wrapped up in Reorganization Plan No. 2. This, taken with the new systems of transportation, which utilizes modern technology to afford a realistic alternative to the concrete highway (and summed up in what I predict will become a classic in the field, *Tomorrow's Transportation*), and can help make the metropolitan planner into someone more than a ratifier of market and existing public forces.

Other activity areas which provide supplements and alternatives to present private or public courses of development—the highway-community facility joint venture comes to mind as one example—need to be explored and programmed. Fresh insights must be demanded from those working in the field.

4. Housing as an element of metropolitan planning

At the same time that I therefore continue in my commitment to federal promotion of metropolitan planning, I share the current outrage against the indignities of the *status quo* so apparent in central cities and poorer suburbs. I find myself monumentally aggrieved at the fact that despite the commitments of both the Kennedy and Johnson Administrations to provide housing for the poorest, low income families, approximately 10% of our existing housing stock is still classifiable as "substandard" and our goals for housing production still represent nearly twice the per annum production rate of the 1960's.

Aside from the imposing problems of technology, industrial organization, construction and labor to be solved, land costs are increasingly the barrier to low and moderate income housing. Further, since there is little free land in central cities, large scale replacement of poor housing cannot be undertaken without massive relocation—especially if we bear in mind the consumer rejection of high-rise apartments. Thus, as we replace ghetto housing, we must see that a commitment is made to regard the housing market on a metropolitan basis. Already implicit in the term "comprehensive" planning, and 1968 Housing Act codifies this requirement. There are now resources and regional institutional machinery available to play a major role in metropolitan housing.

As is always the case, results require more than a metropolitan planning process. It may be a necessary but certainly is not a sufficient condition. Where class and racial cleavages exist, joint planning cannot guarantee action in concert. Metropolitan planning agencies simply do not have enough muscle to produce areawide relocation schemes—they are unacceptable to most suburban areas, as indicated by Congress' unwillingness to provide needed funds even for rent supplements. What we can ask for, indeed insist on, is that the agencies bring their interjurisdictional and interprogrammatic perspective and data to bear on the problem. To address housing on the metropolitan level is to address the problems of black and white, welfare and income levels, costs and codes, equal access and discrimination, taxation and exclusionary zoning.

One possible solution is a program that would tie profits available to large corporations coming into the business of housing construction to their provision of suitable relocation facilities. Such corporations could bring into play resources of power not now available to low income families, and hence, face relocation problems more effectively than central city governments or areawide planners now do. Another possibility is a proposal which plays on suburban self-interest. Litanies do not invoke action; if the federal government offered to eliminate the fiscal impact of low cost housing on suburban communities by picking up the tab for added services required, low income housing for the elderly would begin to be feasible. There is an additional opportunity under the new 701 housing element: metropolitan planning agencies can be given the means to serve as "packagers" of housing projects for nonprofit sponsors.

The metropolitan dimension of housing has now come to the fore—and has been memorialized by Congress. Aspects of zoning and subdivision controls, as well as of fiscal disparities, that need to be handled on a metropolitan basis now press for attention.

Increasingly the adjustment of areawide inequities must be regarded as a legitimate responsibility of metropolitan planning agencies. This cannot be swept under the rug, but must be faced forthrightly. Planning operations that ignore the dramatic problems the society faces can earn the confidence of but few. Work programs which avoid recognizing our high national priorities can make only a dubious claim on national funds.

5. Training of staff

Staff needs in the public sector are treated too much like the weather—there is continuous discussion but almost all the current manpower programs neglect this important sector of the economy.

The basic determinant of what a metropolitan agency can do, the capacity to stay relevant, hinges on the capability of professional staff. For lack of knowledge the people perish. And I wish to emphasize here (although adding to the calls of attention for greater Federal and state funds in this area) just one aspect of the training of future planners—that of moving more of the minority groups into the profession. Of all professions in this country, the one that so influences the quality of urban life—one that is so confronted with the need to shift into innovative roles for meeting new and unstructured problems—as does metropolitan planning that one should be open to persons of ability from all backgrounds. Yet a survey HUD took last year revealed that little more than 1% of planners come from minority groups. All indications are that the record in consulting firms is worse.

To this end, the newly created Urban Management Assistance Administration of HUD launched, on October 30, 1968, a national program in cooperation with universities, public agencies and professional societies. The program will include work-study assignments with metropolitan councils of government and planning agencies at local and regional levels, plus intensive university training, leading in some cases to a master's degree. Approximately 150 graduate students, 200 undergraduates, and 200 high school students will take part in the program during the 1968–1970 fiscal year.

Work-study assignments will deal, at least in part, with the needs of the ghetto community. High school seniors and minority group undergraduates will work with graduate students as research assistants. Universities involved will work with local schools to create new courses and provide special teacher training.

This means the development of wholly new curricula and courses. It requires effective links between local agencies and the universities. It means the use of private sector and voluntary agencies in recruitment—actively and sympathetically. It means developing ancillary sub-professional courses.

I regard the immersion of minority group members into the planning process and the feedback upon the agencies and the faculties as the single most doable improvement we can make today in developing an institutional strategy for metropolitan planning. Continued introduction of men with a sense of cause, with a special perception of the needs of their own groups, and with unique insights into the socio-economic phenomena of the metropolitan region will have profound impacts on metropolitan planning philosophy and action.

6. Elected officials

In the same vein of pursuing what works first, I would also encourage the formation of metropolitan planning agencies made up of elected officials rather than of appointed citizens. Given the variability of metropolitan areas and the general weakness of multi-purpose metropolitan agencies, it is difficult to mount *any* evidence that one type of areawide general purpose arrangement is better than others.

The logical basis, however, is simple. The problems to which metropolitan planning is addressed are public problems. By that I mean no more and no less than that public action is required for their solution. For they are problems which are not and cannot be dealt with adequately through the private sector of the economy.

The more difficult element to justify is the stated preference for elected over appointed members. Theoretically, there seems no real reason why an appointed body could not issue directives that would be binding on operating departments. But, where public action is desired, public money is required. And our political credo since the days of the Stuart kings has been that gathering and spending public money is the duty and responsibility of elected officials and of those nearest the electorate at that. However, it has come about, historically, that appointed planning agencies have had the power to make recommendations and not much else. Again for traditional, rather than intrinsic, reasons, elected officials have tended to look beyond the fairly circumscribed interests of professional planners. The necessity of returning to their constituency makes officials

more responsive to public needs. It makes them more inclined to seek practical means of meeting those needs.

On the whole, I think it is probably valid to assume that Councils of Governments tend to be more realistic than citizen planning agencies. They do not tackle many of the grand issues that professionalized metropolitan units have faced. But they get more done, albeit by sticking to more limited and perhaps more feasible issue areas. This is not a matter of securing trivial objectives. The COGS, by looking at different kinds of problems than do citizen planning units, have accomplished a good deal in areas of great current interest which traditional planners would probably never have entered. Centralized police training is the most prominent current example.

Metropolitan Strategies and Race

Underlying what I have been suggesting here, both in terms of resource and of programs, is a plea to make things happen. My thesis can be put starkly: metropolitan planning must be merged into metropolitan development, take its cues from the needs of metropolitan decision makers, and be willing to be evaluated in terms of its performance in achieving metropolitan goals. If there be ambivalence in my reading of the results of metropolitan planning thus far—for no one concerned with planning can remain unaware of numerous failures of performance—the forging of new tools becomes the appropriate response. Much of what most needs doing will be the task of local governments, but there is need for a strong, continuous Federal role in the evolution of a metropolitan strategy for this nation.

We have made much progress from our joint learning experience. But this requires constant tending. In addition to the leap of imagination, there are time lags (varying from one metropolitan area to the next) in learning to use new approaches effectively.

Thus, it was a considerable disappointment to many people in HUD that metropolitan planners do not wield those tools that are available to them with greater zeal and imagination. Section 204, for example, affords considerable leverage. There were instances where it was used positively—one that comes to mind is a recommendation that a proposed highway interchange project be shelved in favor of a mass transit program. But more often planning officials have limited their review to the issue of consistency between the proposed project and the comprehensive plan for development of the area. Of course, in some areas Section 204 was too unwieldy to be used more ambitiously. But this is at best a partial explanation. Obviously, an activist agency can, if it chooses, exert considerable influence over metropolitan policies and development.

It is one thing, surely, to reject the present mechanisms and rhetoric of metropolitan integrationists on what are, essentially, strategic grounds, and it is quite another thing to reject as a principle the idea that greater metropolitan cooperation would advance social, economic, and political goals of the good society. My point is simply that I have come away from the post of Assistant Secretary for Metropolitan Development dubious about the practical value of several of the activities—especally the long-range and the generalized ones—of metropolitan planning agencies. Yet my conception in the matter of goals, of ends and principles, and of the tactics necessary to achieve them, has not been so vastly altered.

I stress this point again because in recent months the very goal of metropolitan cooperation has been attacked, this time on a new ground: that metropolitan planning programs stand in the way of control of their destinies by minority groups. The argument is that by promoting metropolitan administrative apparatuses empowered to see that localities comply with comprehensive plans, the federal government is giving hegemony over the area to a majority coalition of suburban and inner city whites. These groups have the resources and foresight to spot their interests in the planning process; they possess the know-how to make their way through bureaucratic labyrinths. These same skills are not now available to blacks. But as their absolute and relative number in the central city rises, blacks can reasonably expect their political power to grow proportionately; if black control were allowed to advance, blacks could make local populism work to their advantage. This leverage would be lost in a consolidation. Hence metropolitanism is viewed as the white counter-revolution. This attack is even narrowed to one national party. It is said that the Democrats fear this, because black majorities mean the alienation of urban and suburban whites. Thus metropolitan planning is seen as a strategy through which the national Democratic Party placates the suburbs while still holding together the city vote.

So runs the argument. It seems defective to me on at least two counts. For one practical matter, it ascribes far too much clout to metropolitan institutions. Metropolitan planners are increasingly aware of powers and abilities which they do not possess. Modesty comes naturally to them.

Again, no matter how strong the appeal to the emotions, metropolitan separatism will not advance goals sought by the black community; indeed the version of areawide segregation that is being urged gives support to conservative, even reactionary, elements, who hope to destroy service programs for central cities by exacerbating schisms between core and suburb.

The partisan argument is the least relevant. It is simply incorrect to think about suburbs as increasingly Republican.

More important are the strategic implications of separation for policy. Cutting up the metropolitan area supports institutionalized segregation, continues the likelihood of reduplication of effort in contiguous areas and the waste of obviously scarce resources, and allows middle income suburbs to maintain their existing unfair advantage in terms of service standards and resources. The polarization of poverty and affluence, the physical and temporal separation of central city black and suburban white, the misses between local economies and regional opportunity can be solved only on the metropolitan stage and through a regional systems approach. Those who embrace non-cooperative versions of metropolis thus seem to be the unwitting agents of a shortsighted scheme which can only delay the point where the benefits of an urban society are not only expanded, but more equitably distributed.

Metropolitan planning is by its nature instrumental; it stands in need of guidance and vindication through the ends it pursues. But by its nature and very definition it is cast in the direction and toward the values of a regional citizenry. The reason for its existence is the wider perspective on the relations of the components of the metropolitan area, their shared problems, resources, interdependencies, and latent solution. As the President's Task Force on Suburban Problems stated:

"We are increasingly aware that one cannot divorce the problems—nor the solutions— of suburbia from those of the central city. . . . Help to the troubled central city and the suburbs must move in parallel. Without the improvement of both, all will suffer. Pollution, crime and decay are no respecters of municipal boundaries; the economic productivity of the urban region will be crippled; and the quality and diversity of life for all will corrode. . . . The suburbs need help, but only that help which is part of a wise and comprehensive program for the metropolitan area as a whole. We are struck again by the wisdom of Learned Hand, who reminded us of "a satisfaction in the sense that we are all engaged in a common venture." To continue to deal with cities on a piecemeal basis will be only to worsen the effects of the present crazy quilt of overlapping and inefficient jurisdictions.

A primer for metropolitan government officials need not be given the highest priority. But metropolitan development, as opposed to government, is here—now; nothing anyone can do will reverse it and it will expand inexorably. We can use our hard-won learning to influence and guide that expansion. The future of urban America will hinge on our capacity to cope with the growing number of issues that can only be solved at the metropolitan level.

In one way or another, what intrudes itself into my current thinking about policy is what William James described as the "tiny, invisible, molecular" forces. Metropolitan planning will be effective planning only if its purveyors fuse action with imagination in facing up to the need to appeal to self-interests, to pursue problem oriented strategies, to use federal fiscal incentives to untie the toughest knots, and to work within the constraints of localism and of land. The existing job, it seems to me, consists of being truly imaginative in considering the ways in which the self-interest system might be made to serve long range and areawide goals, and yet remain a system that is essentially short range and self serving.

To say that metropolitan agencies are promising is also necessarily to say that they have had to offer promise rather than performance. Metropolitan agencies and plans can be justified, as of now, on grounds that they have been of rather modest cost, have collected and evaluated significant data and provided a different, more rational frame for reviewing the externalities of urban issues. But these activities do not as yet justify too much confidence. If the new responsibilities, the beginnings of a constituency, the efforts toward self-evaluation, and the federal strategies for programs do not produce action, metropolitan agencies, will, quite justifiably, be in financial and political trouble. If metropolitan planning agencies do not produce measurable results, they will be listed among the other casualties of the war against the loss of urban community.

The Housing Act of 1968 does set the stage for achievement—and also for the accountability of getting things done. It is not enough that the machinery of Section 204 be put into full play; we need the funding of Section 205 to turn promises into realities. To move from being merely debating societies, metropolitan agencies must work toward curing the fiscal disparities within the metropolitan areas. The continued polarization among what are interdependent urban jurisdictions is a cause of the present urban crisis. As clear and symbolic as the physical divisions of our urban form are, so the metropolitan need is truly political: will the central city and the blacks be isolated, or will a coalition emerge in which the leverage of suburban energy and suburban power will be directed to the common problems of an area? This relates to the program of governors and of state legislators, and even more importantly to the use of Federal resources and monies, as directed by the President and the Congress.

The planners of the metropolitan areas will be judged, as we all are, by deeds. By pushing actively on the federal strategy that is already emerging, by insisting that planning begin to produce measurable results, by dealing with problems that are of deep concern to the urban citizenry, and by coming up with courses of action, the metropolitan agencies can, as I know they will, prove themselves. For if urban man cannot recognize a community of interests beyond single jurisdictions, American cities can indeed be rendered desolate.

PROCUREMENT PRACTICES OF THE AIR FORCE

Mr. GOLDWATER. Mr. President, so much has been said in the local and national press and by Members of this body concerning the procurement practices of the Air Force that I took it upon myself to obtain the procedures used in obtaining major weapon systems. I believe that Members of the Congress will find this paper and the accompanying "Source Selection Procedures" to be very interesting and enlightening.

In placing this study in the RECORD I invite attention to the statement in the first paragraph:

It also emphasizes that the authority and responsibility for procurement decisions concerning major weapon systems rests completely with the Secretary of Defense and the Secretary of the Air Force. Military people evaluate technical material, selection data, and procurement approaches and make recommendations pertaining thereto; however, the final decision clearly and completely rests with the civilian appointees within the Department of Defense.

I bring this to the attention of Congress because from reading the press or listening to radio or television one gets the impression that the man in uniform is responsible for the sometimes seemingly large losses suffered in the Pentagon moneywise, when exactly the opposite is true. If there are losses or mistakes in procurement, the blame falls on the civilian shoulders.

I ask unanimous consent this paper be printed in the RECORD, to be followed by "Source Selection Procedures," January 22, 1968, through page 31. I ask further unanimous consent that an Air Force "Proposal Evaluation and Source Selection Procedures" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROCUREMENT OF MAJOR WEAPON SYSTEMS IN THE DEPARTMENT OF THE AIR FORCE

INTRODUCTION

This paper presents a step-by-step procedure of how major weapon systems are procured within the Department of the Air Force. It also emphasizes that the authority and responsibility for procurement decisions concerning major weapon systems rests completely with the Secretary of Defense and the Secretary of the Air Force. Military people evaluate technical material, selection data, and procurement approaches and make recommendations pertaining thereto; however, the final decision clearly and completely rests with the statutory (civilian) appointees within the Department of Defense.

THE FLOW OF PROCUREMENT AUTHORITY

Statutory procurement authority for executing contracts for the government flows from the Secretary of the Air Force to the Deputy Chief of Staff (Systems and Logistics) and to the Director of Procurement Policy in Air Force Headquarters, and thence out to the major Commands. Under this authority, the Deputy Chief of Staff, Systems and Logistics, and the Director of Procurement Policy are responsible for providing the major Commands with broad policy and procedural guidance, for resolving issues which go beyond major Command jurisdiction, for assessing Command compliance with established policy and procedural guidance, and for supporting the Secretary in connection with his statutory and administrative responsibilities to Congress. The Office of the Secretary of Defense implements statutory authority through publication of the Armed Services Procurement Regulation.

THE WEAPON SYSTEM ACQUISITION PROCESS

The weapon system acquisition process within the Air Force starts with a statement of an operational deficiency and/or need normally through submission by a major Command of a Required Operational Capability (ROC). These requirements are based upon intelligence estimates and long-range planning. The ROC is submitted to the Deputy Chief of Staff (Research and Development) in the Air Staff for review and evaluation.

If the ROC is found to be valid, a suitable plan of action is developed. This plan of action is implemented by the Deputy Chief of Staff (Research and Development) by issuance of a Requirements Action Directive (RAD) to the Air Force Systems Command (AFSC) which is responsible for procurement of major weapon systems. This document calls for actions preliminary to concept formulation. If these actions prove feasible normally as a result of various study contracts, a Concept Formulation Package, including a Technical Development Plan (CFP/TDP) and an Advanced Procurement Plan is prepared by AFSC and submitted to the Deputy Chief of Staff (Research and Development). That office functions as the office of primary responsibility within the Air Staff for review of the CFP/TDP. This review embraces the major elements of operational requirements, development, and procurement approach (including type or types of contracts) and fiscal requirements.

The CFP/TDP must include evidence which demonstrates compliance with six important prerequisites as laid down by the Department of Defense:

Primarily engineering rather than experimental effort is required, and the technology needed is sufficiently in hand.

The mission and performance envelope are defined.

The best technical approaches have been selected.

A thorough trade-off analysis has been made.

The cost effectiveness of the proposed item has been determined to be favorable in relationship to the cost effectiveness of competing items on a DOD-wide basis.

Cost and schedule estimates are credible and acceptable.

The CFP/TDP is submitted to the Chief of Staff and the Secretary of the Air Force for their review and transmittal to the Secretary of Defense for his approval for engineering development and to enter the Contract Definition (CD) phase. This is a conditional decision insofar as engineering development is concerned and must be ratified at a later date after CD is completed; however, it represents a major decision point in the acquisition cycle.

The method used to obtain approval from the Secretary of Defense to enter CD is by a document called a Development Concept Paper (DCP). This paper, which is normally prepared by the Office of the Director of Defense, Research and Engineering, is a recapitulation of the important aspects of the CFP/TDP. It provides alternative courses of action and contains recommendations for each.

Approval of the DCP is authorization to include funds for CD in the Five-Year Defense Program (FYDP). It also authorizes the Air Staff to issue a System Management Directive (SMD) to AFSC to initiate CD. In addition, it authorizes the establishment of a Systems Program Office within AFSC to monitor the CD effort and procure and manage the system if approval is later granted to proceed with engineering development and acquisition.

An important decision that must be reached during this time period concerns the type or types of contracts contemplated for development and acquisition of the weapon system. The procurement approach is outlined in the Advanced Procurement Plan. It is the responsibility of the Air Staff to reach agreement on the procurement approach before submittal to the Secretary of the Air Force. If the Secretary approves the procurement approach, it must receive final approval by the Secretary of Defense. Of course, these approval authorities may disapprove or modify the procurement approach if they deem necessary.

It is often practical to change the procurement approach during CD to take advantage of more up-to-date information. However any substantive change, not in accordance with the previously approved procurement approach, requires approval by the same authorities discussed above.

At about the same time as the CFP/TDP is submitted, a Source Selection Plan is also prepared by AFSC. This plan outlines the procedures to be followed in evaluating, validating and selecting the winning contractor. The plan also provides recommendations as to which individual should be the source selection authority. For large weapon systems undergoing CD, that individual is normally the Secretary of the Air Force; however, this authority may be retained by the Secretary of Defense. The Secretary of the Air Force may delegate his selection authority to the Commander AFSC who may, in turn, delegate this responsibility to the Commander of one of the AFSC product divisions. However, this redelegation usually occurs on smaller programs.

All actions up to this point in the acquisition cycle have taken place in what is commonly called the Concept Formulation Phase, the objective of which is to validate the technical, economic and military basis for the decision to proceed with CD.

The objective of CD, on the other hand, is to establish achievable performance specifications backed by firm proposals for engineering development and production.

Contract Definition is normally utilized for new system developments with an estimated cost of $25 million in research and development, or $100 million in production effort. It is also normally used for programs involving major modifications in excess of $100 million. Programs below these thresholds may be designated for CD by either the Secretary of a military department or the Director of Defense, Research and Engineering.

Contract Definition comprises three subphases. The first involves selection of the contractors who will participate on a competitive basis in contract definition. The second involves the contractors' efforts in preparing proposals for system acquisition including specifications for the acquisition process. The third is devoted to selection of the acquisition contractor, who normally will perform both engineering development and production. In some cases other methods of further definition are used in lieu of CD, e.g., prototype development, further test and hardware demonstration.

Air Force source selection procedures are designed to insure comprehensive, equitable and impartial evaluation of contractors' proposals developed under contract definition. Source selection procedures are required for programs meetings the same thresholds as required for CD. Source selection procedures for programs below these thresholds may be directed by the Secretary of the Air Force or Headquarters USAF.

The organization for source selection includes a Source Selection Authority (normally the Secretary of the Air Force or the Secretary of Defense on the largest programs), a Source Selection Advisory Council and a Source Selection Evaluation Board.

The Source Selection Authority is responsible for conducting the source selection, des-

ignating the chairman and members of the Source Selection Advisory Council, and for making the final source selection decision.

The Source Selection Advisory Council in turn is responsible for designating the chairman and members of the Source Selection Evaluation Board, establishing evaluation criteria and weights, approving requests for proposals, reviewing the work of the Source Selection Evaluation Board, providing briefings to the Air Force Council, and preparing a proposal analysis report. The Chairman of the Council normally is a General officer or a civilian of comparable grade. The membership of the Council comprises senior military or government civilian personnel who are competent and experienced in the various functional disciplines necessary to consider all aspects of the system in question. All functional areas concerned with the procurement are represented on the Council—the using Command, research and development, logistic support, and other Defense Department components and other government agencies as pertinent. In addition to designation of a General officer or a civilian of comparable grade as Chairman of the Council, the senior member from each Air Force Command represented is a General officer in all cases when the Source Selection Authority is the Secretary of the Air Force or the Secretary of Defense.

The Source Selection Evaluation Board, comprising professional technical and management officers and civilians, is responsible for the initial review and evaluation of the contractors' proposal, utilizing the criteria and standards developed by the Source selection Advisory Council and for preparing the initial evaluation report. In carrying out its responsibilities, the Board is supported by working groups consisting of highly qualified people experienced in the areas of management, negotiation, and technical and cost evaluation. The Chairman of the Board normally is the System Program Director, either a General Officer or a Colonel.

The foregoing organizational structure thus provides, through successive review by separate groups of experts up the chain of Command, the checks and balances essential for the SSA to finally select the contractor whose proposal is deemed to be in the best interest of the government, price and all other factors considered.

Source selection decisions occur at two distinct points in time during CD. The first decision is made during phase 1A to select those contractors who will participate in the CD effort during phase 1B. The second decision is made during phase 1C at the completion of CD (as a result of the source selection process) to select the winning contractor for engineering development and acquisition of the weapon system.

The Source Selection Advisory Council prepares a Proposal Analysis Report which is submitted to the Source Selection Authority. It is based on the contents of this report and any other source of information which the Source Selection Authority deems necessary, that the final selection decision is made. This selection decision provides authority to the Contracting Officer to execute the contract with the winning contractor.

Before selecting a contractor, however, a decision must be made by the Secretary of the Air Force as to whether to recommend to the Secretary of Defense ratification of the original conditional decision to proceed with engineering development and acquisition. The Secretary of the Air Force can make one of the following recommendations.

a. To contract for the Engineering Development based upon the proposals received.

b. To contract for the Engineering Development by an alternative source, provided that source has met all the objectives of the program and, further, provided that selection of the alternative source is in the best interests of the government.

c. To continue further Contract Definition effort.

d. To defer or abandon the Engineering Development effort, or

e. To undertake further Exploratory or Advanced Development of key components and/or system studies.

If approval is granted by the Secretary of Defense to proceed, then and only then, can the Source Selection Authority select the winning contractor. This represents the second major decision point in the cycle and signals entry into the Acquisition Phase.

There are, however, other points in time when these approval authorities are required to make key decisions. One of these is during or at the completion of engineering development and involves the decision to enter limited or full scale production.

Other decisions are required during regularly scheduled program, reviews, Program Change Requests (PCR's), or when a program significantly varies from the cost, schedule or performance requirements of the contract. Here decisions often involve whether to continue or discontinue a program or to modify it in some manner. Again these decisions are made by the Secretary of the Air Force or the Secretary of Defense.

When the weapon system acquisition is essentially complete, the executive management formally transitions from the Air Force Systems Command to the Air Force Logistics Command. That Command becomes fully responsible for logistics support and the Systems Program Office is phased out. This phase is referred to as the Operational Phase and continues until the system is no longer required for mission support or is phased out of the operational inventory.

SUMMARY

The systems acquisition cycle for major weapon systems is comprised of four phases: (1) Concept Formulation, (2) Contract Definition, (3) Acquisition, and (4) Operational. Elaborate procedures and detailed program documentation have been devised to conceive a system, define it, select a contractor to develop and produce it, manage it, and sustain it during its operational life.

There are distinct points during the acquisition cycle where key procurement decisions are made. The ultimate responsibility and authority for these decisions must, by virtue of their positions, rest with statutory (civilian) appointees and not with military or career civilian personnel as is often thought to be the case. These individuals are the Secretary of Defense and the Secretary of the Air Force. The procurement decisions are, however, made based on advice from key members of their respective staffs as well as on the advice of key members from the Air Staff.

[From Air Force Manual No. 70–10, Jan. 22, 1968]

PROCUREMENT: SOURCE SELECTION PROCEDURES

(NOTE.—This manual prescribes the procedures for forming and conducting a source selection for negotiated competitive procurement. It guides personnel in selecting procurement sources for the Air Force. The principles and disciplines apply to all negotiated competitive procurements. Source-selection procedures may be modified for each program or project but must conform to AFR 70–15. It implements DOD Directive 4105.62, 6 April 1965, and AFR 70–15.)

CHAPTER 1.—GENERAL INFORMATION

1. Applicability: The procedures in this manual are to be used primarily for procurements prescribed by paragraph 2, AFR 70–15, 20 September 1965. They may be used for other procurements. The organization, formality, and extent of actions necessary to obtain the ultimate objective may be adapted, when appropriate, provided that the adaptations are described in the source selection plan for each specific procurement.

2. Organization: Only a minimum of highly qualified people will be selected to obtain the source selection objectives. The actual number selected for the Source Selection Advisory Council (SSAC) and the Source Selection Evaluation Board (SSEB) must be specifically tailored to the conditions and complexity of the item or project involved. The organization, functions, tasks, and responsibilities must be clearly defined and separated to insure that the maximum objectivity and an effective check and balance are maintained throughout the source selection process. Any representation in the source selection organization must be based on the requirements of the tasks to be performed; *not* because an office or organization wishes it. Appointment and duties of the Source-Selection Authority (SSA), SSAC, and the SSEB will be according to AFR 70–15.

a. *Source Selection Authority (SSA)*. The SSA is responsible for:

(1) Insuring the proper conduct of, and making the final selection, in the entire source selection procedure.

(2) Appointing the chairman and members of the SSAC, based on the recommendations in the Selection Plan, and the requirements of paragraph 4e, AFR 70–15.

(3) Providing the SSAC and SSEB with necessary guidance and special instructions.

(4) Insuring that an adequate but manageable number of competitive proposals are obtained and evaluated, consistent with the Armed Services Procurement Regulation (ASPR 3–101).

(5) Insuring compliance with special instructions issued by the official who designated him as the SSA.

(6) Preventing a premature disclosure of information.

(7) Informing higher authority of his progress and, when appropriate, any problems.

b. *Source Selection Advisory Council SSAC)*:

(1) The SSAC is the executive staff of the SSA. It furnishes assistance, consultation, advice and any other support that the SSA may require. SSAC members must have the background and experience commensurate with the contemplated procurement. When the Chief of Staff or higher is the SSA, the ranking representative from each major command represented on the SSAC will be a general officer, per AFR 70–15. The members of each SSAC will be from an organizational level that is high enough to consider all matters affecting the procurement, and to represent the major functional areas and activities involved.

(2) As the executive staff for the SSA, the SSAC will:

(a) Establish screening criteria and apply them to all companies that qualify for a request for proposal (RFP).

(b) Establish the evaluation criteria, using the recommendations of the approved Selection Plan, and determine their relative importance in the form to be used in the RFP, and weight them for use in the Proposal Analysis.

(c) Review and approve the RFP.

(d) Designate the chairman, team chiefs, and team members of the SSEB, using the recommendations of the Selection Plan.

(e) Review and analyze contractors' past performance, cost effectiveness studies, tradeoffs of performance versus cost units, the total acquisition and operational costs, the negotiation results, and the effects of proposal deficiencies; and determine the level of confidence that may be placed in each contractor's proposal.

(f) To the extent necessary, obtain an oral briefing from contractors, and inspect their facilities to insure a total understanding

of the matters involved in the source selection.

(g) Review the SSEB findings, and apply the established weights to the evaluation results.

(h) Prepare the Proposal Analysis Report.

(i) Provide briefings and consultations to the SSA, and when the SSA is the Chief of Staff or higher, to the Air Force Council, with the commanders of Air Force Systems Command (AFSC) and Air Force Logistics Command (AFLC), and the commanders of the using commands present, unless otherwise directed by the SSA or the Chief of Staff. For other source selections, briefings will be provided as required by the SSA.

(3) The SSAC may need working groups to do many of the above tasks. Normally, these working groups should include System Program Office (SPO) and potential SSEB members since the work to be done will involve past results or offect future efforts. The chairman of the SSAC should staff the required working groups for maximum objectivity. For example, working groups can best:

(a) Establish contractor screening criteria, (b) Screen sources, (c) Prepare evaluation criteria, and (d) Expand the schedule of events.

c. *Source Selection Evaluation Board (SSEB)*. The SSEB should be composed of the smallest number of highly qualified persons necessary to attain the objective. The SSEB evaluates proposals. It will narrate and score proposals received from each offeror. The evaluation report, with briefings as desirable, will be provided to the SSAC for its analysis. Deficiency reports will be submitted to the SPO. The SSEB will normally be chaired by the System Program Director (SPD). Teams, with team chiefs, will be assigned for each area to be evaluated. Each team will include experts in the particular items and factors to be evaluated. The SSEB will be formed before proposals are received, early enough to permit the members to become fully familiar with the RFP, the evaluation criteria shredout, and standards.

d. *Advisers.* Only Government personnel will be advisers. They will be used by the SSA, SSAC or SSEB, when necessary, to advise on preparing the evaluation and proposal analysis reports, establishing criteria, preparing briefings, etc. They may be asked to review the RFPs and proposals. Each adviser will be designated by the chairman of the SSAC (in writing) by name, and will be assigned to the SSEB or SSA—not to a specific team or working group. Advisers must comply with all requirements of paragraphs 3 and 4.

e. *Consultants.* Consultants will provide expert advice on specific technical questions to the SSA, SSAC, or SSEB. They will be given access to only the portions of proposal data and discussions that are necessary to enable them to give specific technical advice. The release of proposal information to consultants will require the approval of the SSA or SSAC chairman. Consultants will be cleared for conflict-of-interest restrictions before being given any proposal information.

f. *System Program Office.* The SPO and the SPD perform much the same functions and operations regardless of the use of a source-selection procedure. They prepare the preliminary technical development plans (PTDP), RFPs, and the contracts, and negotiate with the contractors (see AFR 375 series). The preparation of the procurement plan, the distribution of the RFP, the establishment of the pre-proposal conference, the receipt of proposals, and the award of contracts are handled through the SPO. Only the procuring contracting officer (PCO) has the authority to sign contracts for the Government.

g. *Source Selection Officer.* The source selection officer is a staff officer who prepares and advises the organization commander on source-selection policies and procedures. He also advises SPOs, SSEBs, SSACs and SSAs how to properly conduct a source selection. This position may be established at division or (comparable organization) staff level to provide a high quality and consistency of procedures when the frequency and quantity of source selection actions warrant.

3. Security of Source Selection Information:

a. Information concerning the evaluation or any other part of the source selection procedure will not be revealed to anyone who is not also participating in the same evaluation proceedings and, even then, only to the extent that the information is required in connection with the evaluation, analysis, review or negotiation effort. This prohibition includes giving information by nonprofit company personnel to other members of their companies. The right to source selection information does not automatically extend to the nonsource selection chain of supervision of individual SSAC, SSEB, adviser, consultant or other members.

b. The SSA is the releasing authority for any and all information pertaining to the source selection procedure, unless reserved to or limited by higher authority. Thus, the findings, results, conclusions, and recommendations that led to the selection of a source will not be discussed by former SSAC or SSEB members or other persons except as may be specifically authorized by the SSA. There is no expiration period for this requirement.

c. Nothing in this manual is intended to preclude reasonable status reports through and by the SSA to persons having a need to know. Until the source selection decision is made, any release of information will be by referring to companies A, B, C, etc.,—company names will not be used. This is particularly necessary in briefings when persons are present who are not directly involved in the source selection.

d. During the source selection process, it will be necessary to negotiate contracts concurrently with reviews of proposals, contract provisions, and audits of proposal data. The persons concerned will comply with all security disclosure restrictions of this manual, and AFRs 70–15; 30–30, and 205–1.

e. The SSAC will control the handling and security of all source selection information, documents, files, and space to be used regardless of the security classification of the material. Written instructions are normally not necessary if relatively small procurements are involved, but will probably be needed if a large number of persons is required for the SSEB and SSAC.

4. Conflicts of Interests: The SSAC chairman will require all SSAC/SSEB members to comply with AFR 30–30. All persons involved in the source selection will be instructed to inform the chairman of the SSAC whether their participation in SSAC/SSEB activities might embarrass the Government because of a real, apparent, or possible conflict of interests. When other than Air Force (Government or non-Government) personnel are used as advisers and consultants, the chairman of the SSAC will also require them to be familiar with AFR 30–30. He will instruct them to inform him if a conflict of interest question exists or arises in connection with participation in source-selection activities. The SSAC chairman will disqualify any person, when there is reason, from participating in the source selection process.

5. Briefings and Debriefings:

a. The Chairman of the SSAC is responsible for informing all appropriate Air Force commands that a source selection action is in progress, and that briefings to them by participating proposers are inappropriate. The message will include the system, subsystem, or project involved; the known contractors; all known significant subcontractors and associates, and the period for which the moratorium is to be in effect.

b. The PCO will issue the required notification (see ASPR 3–508). Any information, in addition to that permitted by ASPR 3–508, may be provided only at the discretion of the SSA. No information will be released to a proposer as to the specific weights or scoring used or assigned to him or other contractors. One contractor's proposal will not be compared to that of another. All debriefings will be informal, with only one contractor at any one time. "Informal" means that the debriefing need not follow a prescribed procedure or format. The debriefing must be confined to a general discussion of the contractor's proposal, and its weak and strong points, in relation to the Government's requirement. The basic purpose of debriefing is to furnish information that should permit the contractor to submit better proposals in the future.

6. Plant Visits: Plant visits, properly timed, by the SSAC and SSEB may benefit the source selection for contract definition or acquisition. Conversely, the net result can seriously damage the objectives unless visits are made for a specific predetermined purpose, are properly disciplined, and are made impartially to all competitors. All personnel must remember that only the contracting officer can commit the Government and they must avoid any situation or contact with a competing contractor that is not essential, or would give rise to a question of impropriety. Plant visits by source selection personnel *must* be for a specific, clearly understood, and predetermined purpose, and be approved by the SSA or SSAC chairman before the visit. Some examples of potentially beneficial plant visits are:

a. Presolicitation visits, as a preliminary step to the selection of prospective sources.

b. Key SSEB members' visits during contract definition to develop knowledge for judging the correction potential of deficiencies. Caution—visits can be harmful to the ultimate objectives unless there is strict discipline in prohibiting the giving of guidance (either positive or negative) to any competing contractor.

c. SSAC visits before contracting for contract definition to help in the evaluation of the contractors' management capabilities.

d. SSAC visits immediately before assembling all facts pertaining to the selection of the acquisition contractor.

7. Documentation and Files:

a. Original copies of documents required by ASPR 1–308 will be included in the official contract file. It may be necessary in some cases to include duplicates of these documents in the source selection file to complete the source selection story. The source-selection file will be kept separate from the contract file but will be cross-referenced with the official contract files. It will not be destroyed earlier than the official contract files.

b. The source-selection file will contain:

(1) Copies of all designation and appointment orders.

(2) The Selection Plan (SP).

(3) Source-list screening criteria and their results, in addition to the justification for not issuing the FRP to specific companies, when appropriate.

(4) Evaluation criteria, evaluation criteria weights and standards.

(5) Evaluation reports.

(6) Proposal analysis reports.

(7) Copies of briefing charts.

(8) SSA's source selection decision.

c. The source selection decision document, signed by the SSA per paragraph 5e(11), AFR 70–15, is the authority for the PCO to award the contract(s) to the specified source(s). (See attachment 6.) The original copy will be furnished to the PCO for inclusion in the official contract file. It will contain:

(1) A reference to the authority for conducting the source selection.

(2) A brief justification for the source(s) selected.

(3) The SSA determination that the contractor is responsible.

(4) Instructions to the PCO to award the contract(s).

CHAPTER 2.—PROCEDURES

8. Concept Formulation Activities: A source selection is affected by acts and decisions that occur before the issuance of the authority to procure, or the authority to proceed with Contract Definition (CD). The process ideally begins when a using command submits a Required Operational Capability (ROC). This document leads to appropriate actions that are directed and guided by HQ USAF with one or more Requirements Action Directives (RADs). At an appropriate point in a system life cycle the RAD provides more specific guidance on the ROC, and directs the preparation of appropriate documentation, as a Concept Formulation Package or a Preliminary Technical Development Plan (PTDP). A PTDP, for example, is based on conceptual studies, and translates broad requirements guidance into system performance specifications. It compares alternative approaches, and recommends the optimum structure and configuration of the system, and the requirements for production, logistic support, training and operational concepts. The PTDP is submitted through channels and, when approved, constitutes the proposed technical program requirements baseline. This plan, along with the Advance Procurement Plan (APP), the Selection Plan, and other required documentation, is transmitted to higher headquarters in support of a request for approval to initiate the CD, including the appropriate procurement action. When approved, HQ USAF issues a System Management Directive (SMD). The SMD may be used to designate or delegate the Source Selection Authority (SSA). Among other things, the SMD authorizes the establishment of a SPO sufficiently manned to fulfill immediate management responsibilities. After the CD contracts are completed, a Proposed System Package Plan (PSPP) is prepared and submitted for approval to enter into the Acquisition Phase. This approval is received by the SPO as a revised System Management Directive from HQ USAF.

9. Selection Plan (SP): The SP is prepared by the SPO per AFR 70–15. The SP must be completely staffed within AFSC, and include final inputs from AFLC and other major commands that will have SSAC representation. This plan, including major changes, will be forwarded to the SSA for approval. Since the decisions that must be made and disclosed in the SP dictate the course of subsequent source-selection activities, the SP must be prepared carefully, and be consistent with the PTDP and APP documents. The SP should be prepared and submitted to the SSA early enough in Concept Formulation to permit SSA approval before the SSAC is established. The major issues must be clear and specific. As a minimum, the SP includes the items listed in paragraph 4b, AFR 70–15, as discussed in the following subparagraphs. The content may be modified to the extent appropriate for the particular procurement.

a. *Introduction.* Briefly describe the system and its intended operational mission.

b. *Criteria.* Outline and relate the important performance characteristics to operational effectiveness. State whether performance specifications can be sufficiently specific to attain a predetermined effectiveness level, or whether possible increased performance, above a minimum acceptable level, may obtain desirable effectiveness increments. Show the technique for assessing performance and cost comparisons for maximizing the effectiveness-to-cost ratio, and stipulate the performance characteristics when further cost effectiveness trades may be advantageous: Include proposed trade-off techniques and decisions in the plan, with approval and/or changes required to provide direction for subsequent source selection activity.

(1) *Source List Screening Criteria.* Indicate the method to be used in selecting prospective sources to insure that adequate competition is obtained while limiting the number of requested proposals to an economical and manageable quantity. The recommended source list screening criteria will normally consist of general and specific criteria. Together, they will be used to determine the contractors to whom the Government will issue RFPs.

(2) *Evaluation Criteria.* State the recommended general and specific criteria to be used in evaluating proposals. It will give the SSA and SSAC a summary of items to be evaluated by the SSEB in each area, and the degree of emphasis to be accorded to each.

c. *Source Selection Organization.* Show the SSA, SSAC, and SSEB organizations, recommend key members by name, if known, by position title or by functional area. The plan will specify other Government organizations, departments, commands, and functions that should be represented on the SSAC and SSEB. Special communication channels, if required, will be specified.

d. *Evaluation Technique.* Describe the SSEB evaluation method and scoring, and the SSAC evaluation and analysis technique. Describe in detail the techniques that the SSAC will use in analyzing the SSEB evaluation, and any other factors it will consider in the Source Selection Plan.

e. *Schedule of Events.* Narratively state the source-selection activities within a time framework, in sufficient detail to allow the reviewing authorities to determine the practicality of the planned source selection. AFR 70–15 establishes a target of no more than 18 weeks for the evaluation cycle; that is, from the receipt of proposals to the approval of a definitive contract. Include phasing of:

(1) Dates of RFP review and release dates.

(2) Date proposals will be received.

(3) Date of preproposal conferences (if required).

(4) Date the evaluation will be completed.

(5) Date the SSAC will review the work of the SSEB.

(6) Dates for major SSAC activity—when the SSAC will present its findings to the Air Force commanders concerned, other reviewing organizations, the Air Force Council, and finally to the SSA (see attachment 1 for sample).

f. *Procurement Plan Summary.* Make a direct correlation between the Advanced Procurement Planning documents required by ASPR and the SP. Include in the procurement plan summary a brief but comprehensive schedule of the significant procurement actions concerned in reaching definitive contracts. Indicate in the accompanying narrative the type of contract proposed, the incentives contemplated, and other procurement considerations—for instance, the application of Total Package Procurement (TPP), the breakout structure, synopsis intentions, special clauses, etc.

10. Procedural Modifications: Source selection begins with the preparation of the Selection Plan. The SSA is then designated, the SSAC members are appointed, working groups are formed, the SSEB is organized and all begin their assigned duties. Some of the steps formally taken in a large CD procurement may be combined in a non-CD procurement or a procurement below the thresholds specified in AFR 70–15. The SP, the RFP, the criteria, and the evaluation and analysis will be structured to recognize and adopt the most suitable activities to reach the source selection objectives of the specific program. Attachment 7 shows the steps in a major source selection.

11. Selection of Prospective Sources:

a. It is Air Force policy to obtain maximum competition consistent with the nature of the procurement. Conversely, requesting contractors who are obviously incapable of fulfilling the requirement to prepare proposals, waste dollars and resources, and run up costs that, in most instances, will eventually be borne by the Government. Too many proposals or expensive brochures add little to the process, complicate the evaluation and distract attention from central issues. Thus, selecting prospective sources from whom the Government will request proposals becomes a significant step.

b. ASPR 1–1003 requires a synopsis of procurement far enough in advance of the issuance of RFPs to permit interested firms to respond. Every available means will be used in making up the list of capable prospective contractors. The Air Force Systems Command random access list, advertisements in the Commerce Business Daily, and recommendations from the SPO and functional staffs will be used. All contractors who have the minimum qualifications must be considered.

c. Compiling the source-list screening criteria should be an early order of business for the SSAC. The source-list screening criteria should include past and present experience, performance capability, resources, financial status, and other factors that are necessary elements essential to program performance. Care must be exercised in establishing the criteria to restrict them to the essentials for successfully completing the contract work. These are usually "go/no-go" criteria that will reflect the minimum requirements. The list of prospective contractors will be screened for qualification against SSAC's criteria. The final list will be approved by the SSAC and furnished to the PCO for the issuance of RFPs.

d. If, when the RFP is distributed to the contractors approved by the SSAC, one of the disqualified contractors insists upon receiving an RFP, the SSAC chairman (or someone he may designate) will advise him of the reasons why he was not selected to receive an RFP. If the contractor insists upon receiving an RFP, and has the necessary security clearance, he will be furnished a copy of the RFP. If he submits a proposal, the proposal will be evaluated without prejudice.

12. Request for Proposal: The quality of source selection actions depends largely on the quality of the RFP. In addition to the normal staff reviews, the SSAC must review and approve the RFP before issuance. The preparatory work will be updated to insure that it is compatible with program approval decisions; that all data necessary for source selection, including that for Total Package Procurement (TPP), are included, and unnecessary data eliminated. Since the completed RFP includes data from many sources, the SSAC must review the completed RFP to determine that it is properly integrated and cohesive. ASPR 3–501, 1–330, AFR 80–20, and attachment 2 to this manual cover items to be included in RFPs.

13. Preparation of Detailed Evaluation Criteria:

a. The RFP content and evaluation criteria must be compatible. The evaluation criteria are organized into areas, and further divided into items and factors to reduce such evaluation task to manageable size. The SSAC is responsible for determining the areas and items that will be evaluated. The recommendations in the approved SP will be used for structuring the detailed evaluation criteria. Each evaluation criterion will be explained by a narrative definition that serves at least four purposes:

(1) It identifies areas of overlap and omission.

(2) It tells the SSA what is to be evaluated under each specific criterion.

(3) It guides the evaluators and improves understanding of the specified elements of the proposals.

(4) It assists the proposer in the preparation of his proposal, when listed in the RFP, by directing his attention to matters of major significance to the Air Force.

b. A basic requirement of the source-selection procedure is to evaluate proposals against stipulated, objectively established standards rather than against one another. It is necessary, therefore, to define the standards in quantitative terms or in specific qualitative terms understandable by the evaluators. The standards must be discriminative; that is, directed at all important matters affecting performance and effectiveness, yet they must not force attention to peripheral detail. The standards derived from the criteria must give significance and credence to the SSEB evaluation and the narration and scores.

c. In preparing the criteria, the SSAC must remember that the SSEB in Phase A will be evaluating two proposals: the first, for conducting the Contract Definition Phase B and the second, a planning proposal for the Acquisition (Phase II). Both proposals should be evaluated jointly under a compatible set of criteria. The Phase A evaluation criteria will be established and approved before the Phase B proposals are received. Concurrently, the preliminary Phase C evaluation criteria will be identified to the item level. They should be similar to the criteria of Phase A except that less attention is needed on the evaluation of the contractor's management and general capability areas, and more attention on the system performance, design approach, implementation plan, and costs. Proper weighting of the areas and items will accomplish most of the needed shift from Phase A to Phase C (see paragraph 26e).

14. Receipt of Proposals: The SSAC and SSEB will set up procedures early in the source selection process to insure that the information in the contractors' proposals is safeguarded against disclosure to unauthorized persons. The RFP will contain specific instructions as to when, where, and how proposals are to be submitted. Each member of the SSEB and SSAC should review the proposals and determine whether oral presentations are required of the contractors. This preliminary review should be conducted at the outset to determine the over-all adequacy of the content, and to obtain an early indication of the merits of completing proposals. This review should be thorough enough to disclose matters requiring clarification at the contractor's oral briefing or, conversely, if the proposals as submitted are sufficiently clear, disclose that oral presentations by contractors are unnecessary. If oral presentations are permitted at all, they will be made by each competitor.

15. SSEB Evaluation of Proposals:

a. The primary objective of a specific source selection is to select the contractor(s) whose negotiated commitment(s) provides the greatest likelihood of meeting the Government requirements established by the RFP. A longer range objective is to encourage good proposals. While the evaluation should be primarily the product of the individual area evaluators, coordination within and between areas is encouraged through the team leaders and SSEB chairman. This is especially true in matters of strong and weak points affecting or affected by other interrelated parts of a proposal. While the evaluation is based primarily on the proposals, the evaluators are expected to use other information (e.g., expert knowledge and background) in reaching their evaluation conclusions. The data in contractors' proposals should not be blindly accepted by the evaluators. Technical areas should be evaluated initially without reference to associated costs. However, high risk areas or technical devices, designs, configurations, or methods identified in the technical evaluation as being costly relative to alternatives available in the state of the art and any features leading to high production or operation and maintenance costs must be made known to the appropriate teams so the associated cost impact can be properly evaluated.

b. The SSEB chairman will furnish to team captains, and they will furnish to their team members (evaluators), instructions as to the team's responsibilities. Individual teams will:

(1) Examine each proposal in detail to measure predetermined elements of the proposal against standards derived from the evaluation criterion. Validation is essential to evaluation. Narratives will be prepared and then scored according to the approved scoring system (see paragraph 28);

(2) Submit their reports of the evaluation. Reports will be summarized with the member's evaluation narrative as backup detail. Scores for the several areas of a proposal will represent the collective judgments of the evaluators assigned to rate the specific items. The team captain will review the scores and reconcile or document areas where discrepancies exist in scoring.

c. Costs are not scored by the SSEB. Total cost to the Government (acquisition and operating costs) is of fundamental importance in the source selection decision making process, and will be duly considered by the SSAC and SSA. Costs acceptable to the offeror and the Government are evidenced by target price, ceiling price, incentives, and other provisions of the contract. Thus, cost evaluation serves the program office for contract negotiations and the SSA as a basic consideration for source selection. The SSEB will:

(1) Insure the comparability of costs—that is, the impact of Government-furnished materials and property, the use of Government facilities and tooling, etc., that benefit any particular contractor must be considered, and necessary adjustments made so that contract end item cost and price data furnished to the SSAC are comparable.

(2) Insure that costs relate to the proposed item or work. This may include the insurance, through Defense Contract Audit Agency (DCAA), that the accounting and estimating system are satisfactory; that they are implemented; and for the present proposal have produced accurate results.

(3) Assess cost risk. This concerns the probability of experiencing future cost variances from those proposed. A proposal with a high technical risk, including associated costs that can only be attained if the risk is resolved with no additional cost, should be evaluated and a narrative prepared to amplify the evaluation.

(4) Assist the SSAC in the analyses of the total cost to the Government.

d. Evaluation results are the cost basis for SPO negotiation. Total cost, results of cost effectiveness studies, and other cost matters outside the scope of proposals are analyzed and reported, as appropriate, by the SSAC to form the total price facts the SSA needs for his source selection decision.

e. When the teams have completed their evaluation, the SSEB chairman will usually compile and present the SSEB's over-all evaluation results to the SSAC in two forms: (1) A written evaluation report (see paragraph 28c), and (2) An oral presentation. The SSEB chairman will normally brief the SSAC on the results and significant points of the SSEB evaluations. The SSAC will have an opportunity to question any portion of the evaluation report. These briefings and the evaluation report must fully convey the collective opinions of the evaluators. Brevity is desirable but clarity is essential, since the quality of the evaluation will be no better than what is communicated. The written report presented to the SSAC should include a summary of the evaluation and a detailed narrative of the scored items. There should be separate sections covering cost matters and deficiency reports. Narrative assessments by evaluators are included for all areas, items, and factors, with summaries provided for each area or item to be weighted. Each assessment must be precise and highlight the strengths, weaknesses, and risks of the elements of the proposal. When the SSAC is completely satisfied with the SSEB report, it accepts the report for analysis.

16. SSAC Analysis of Proposals:

a. Under AFR 70–15, the SSAC is required to submit an analysis of each proposal to the SSA which highlights the important findings of the evaluation for the contractor's proposal. The SSAC applies weights to the areas and items scored in the evaluation report. This report includes only source selection considerations presented in the contractor's proposals. Other areas of consideration not obtainable from proposals must be included in the SSAC over-all analysis. The SSAC Proposal Analysis Report will incorporate all price and other matters and considerations that may affect on the source-selection decision.

b. The SSAC Proposal Analysis Report will normally consist of three parts: First, a letter of transmittal that describes briefly the authority for the source selection action, the composition of the council, the procedures used to conduct the evaluation, and the most significant conclusions. (See attachment 5 for a sample of the transmittal letter.) Second, attachments to the letter that summarize each contractor's proposal and highlight the major strengths, weaknesses, and risks to the Government. This part of the report is prepared primarily from a summary of the evaluation report. Third, the SSAC analysis and advice that includes facts considered, and the judgments of the SSAC reflecting its experience and knowledge in military operations, procurement, technology, logistics, etc. The SSAC briefing and report to the SSA must clearly communicate the SSAC's collective judgment. Thus, the facts, matters considered, experience, and judgments relating to contractor's offer and capability to meet the Government's requirements need to be clear and concisely documented. This is particularly important in situations when numerically rated proposals appear to be comparatively close. The reference to judgments is not intended to preclude quantification, when possible, and logically explaining or citing specific, relevant experiences that form the basis for such judgments.

17. Deficiency Reports: The proposals will be evaluated by the SSEB as submitted. During this evaluation, certain deficiencies may be found in the proposals—*e.g.*, elements of the proposals that do not meet stated requirements, or exceed stated requirements but do not yield a desirable product, or failure to respond to the RFP in some respect. Proposal deficiencies will be given special consideration by the evaluators. Evaluation report narratives will include, and the scores will reflect, whether the evaluator considers the deficiency as an overlooked detail, easily correctible, or whether the required correction involves lengthened schedules high risks, or cost changes. Deficiency reports will be prepared as separate documents and in sufficient detail for the SPO negotiation team to use in fact finding with the contractors, and subsequently for debriefing (see attachment 4). The SSAC will have both the summarized deficiencies and the SPO's negotiation results to consider in its analysis of the contractor's receptiveness and capability to make desirable corrections to the proposal.

18. Negotiations: Negotiated contract commitments rather than proposal "promises" are very important prerequisites to the SSA's final source selection decision. Negotiations may be started as soon as the SSEB Deficiency Reports and other prenegotiation data become available. According to ASPR 3–805, written or oral discussions will be conducted with all responsible offerors who submit proposals within a competitive range—price and other factors (including technical quality) considered. The SSAC will

need negotiation results for its analysis; thus negotiations must be substantially complete before the SSAC goes into its final analysis conferences. The negotiation results for each of the competing contractors are to be evidenced by definitive contracts. The complete, signed contracts (lacking only the contracting officer's signature) will be available to the SSA before he makes his final selection decision.

19. Technical Transfusion:

a. By technical transfusion, the Government uses data from at least one of the competing contractors, or data available elsewhere within the Government, to increase the effectiveness of a proposed system. Some of the points of concern when considering technical transfusion are:

(1) Rights to data procured under Phase B contracts, and limited or unlimited rights to other data.

(2) The need to be completely impartial, and to insure that competing contractors will be confident of equitable treatment.

(3) The need to encourage innovation.

b. To the extent provided by ASPR and Air Force Procurement Instruction (AFPI), the correction of proposal deficiencies during negotiation (no matter what degree of technical transfusion is involved) is permitted and expected. Any large change in requirements should be resolved in the functional channels of responsibility, and not as a specific duty of the source selection organization. Even though it is exposed during the source selection activity, a matter of major technical importance should be given staff and command attention, and resolved through program management channels. This may require careful coordination and timing to fit the source selection process. If the impact is sufficiently severe, source selection and contract negotiation may have to be suspended pending the resolution.

20. Reviews: Reviews by higher authority and appropriately constituted bodies are normal and expected. The most significant reason for review is to detect soft spots that may cause less than optimum attainment of the source selection objectives.

21. Special Procedures: The following procedures will apply when the SSA is the Chief of Staff or higher. It is necessary that those advisory elements that have the opportunity to review the source selection presentation *do not* reach any conclusions until all of the questions that will be asked, including those of the SSA, have been answered, and that all available information has been presented to the SSA.

a. The SP will be submitted by AFSC to the HQ USAF office of primary responsibility (OPR) (usually the program element monitor in Deputy Chief of Staff, Research & Development). The OPR will coordinate the SP with the Air Staff offices concerned with source selections (e.g., Director of Production; Assistant for R&D Programming; Director of Procurement Policy; Director of Maintenance Engineering; and Director of Supply and Services) before processing the plan to the SSA for approval. The OPR will forward the approved plan to the major command.

b. The final briefing by the SSAC on the source selection results will be given to the commanders of AFSC, AFLC, and the using command(s) concurrently with the briefing to the Air Force Council. These commanders will submit their advice on the source selection to the Director, the Secretariat, HQ USAF, subsequent to the final briefing.

c. The SSAC will brief the Air Force Council according to the procedure in paragraph 22.

22. Presentations to the Air Force Council: Presentations that are to be made to the Air Force Council must be coordinated through the Director, the Secretariat. The Secretariat will set the precise time and date for the presentation and the need for copies of the charts and the schedule to be used. (See attachment 1.) This presentation includes a list of the major subcontract areas proposed according to the "make or buy" requirements of ASPR section III, part 9.

a. *Time Allotted.* There will be no time limit for presentations to the Council. Ample time will be allotted to allow sufficient information for an informed consideration.

b. *Content.* Too much time spent in complex detail demonstrating technical ease or technical risks is unnecessary unless they are major questions. However, enough backup material should be onhand in the detail to respond to technical questions. The presentation should include a careful discussion of the elements used to judge the contractor's proposal, and the system used in weighting these areas to arrive at individual recommendations.

c. *Formal Notification Action and Review.* Recommendations of the Council may modify the action to be taken by the SSAC. If so, the Director, the Secretariat will notify the SSAC chairman accordingly.

23. Selection and Contract Award:

a. The SSA is given complete information on which to base the selection decision through a properly conducted source-selection process. To the SSEB evaluation report, SSAC proposal analysis report, cost data, contract provisions, HQ USAF, and commanders' advice, the SSA may add advice from any source he deems appropriate. He will prepare a source selection decision (see attachment 6 for a sample). His signature will be the authority for the PCO to execute and distribute the contract(s) to the selected contractor(s).

b. The contract award directs effort into a new phase of the acquisition activity. Contracts with unsuccessful proposers will be closed out. Debriefing (see paragraph 5) will be completed. All informal working papers will be reviewed and disposed of, as appropriate. When record documents have been properly filed the cleanup activity is completed. Finally, any helpful lessons learned should be documented for experience-retention and dissemination.

24. Release of Information: When the SSA is the Chief of Staff or higher, see paragraph 7, AFR 70–15 for the procedures on releasing source selection information. For other source selections, the SSA will comply with the requirements of AFPI section LVII, Part 20.

CHAPTER 3.—EVALUATION AND ANALYSIS

25. General:

a. In previous chapters the processes have been defined, organized, and chronologically described. This chapter includes some of the subjects and expands on them—particularly, how to establish evaluation criteria, determine the shredout of areas, items, and factors, and rate and analyze proposals.

b. The primary criteria of a source selection should be the optimum combination of system performance with economy (cost effectiveness). The RFP should specify the performance desired of the system and encourage proposals based on such optimum combination. Proposed improvements in performance above the desired performance, or degradations therefrom, will be separately priced, so the Government can make a judgment as to their effectiveness in relation to their cost. The judgment here must be rendered in the context of total system effectiveness, and not on the specific feature under consideration.

26. Evaluation Criteria:

a. The evaluation criteria are derived from performance characteristics stated in the RAD and the program management planning in the PTDP. The criteria must cover the performance characteristics which: (1) Will best meet military performance requirements, and (2) provide discriminative capability during evaluation. In establishing the criteria, those performance characteristics, whose incremental variations enhance or degrade the system effectiveness, and thus are susceptible to meaningful evaluations and scores, must be distinguished from those performance characteristics that are critical and thus are fundamental determinants that can be rated only on a qualified or unqualified (go/no-go) basis. For example, a specific size of special-purpose equipment may be required, and neither a larger nor smaller carrier would improve effectiveness. Conversely, with weight, speed, and specific fuel consumption, better than minimum acceptable performance could improve effectiveness and use. The criteria and cost trade techniques disclosed in the selection plan should reflect these considerations. The RFP should be structured to encourage a proposal that would be of the greatest over-all value to the Government.

b. Evaluation criteria must be limited to controlling items that can be clearly identified and measured. The number and duplication of elements in these criteria must be kept to a minimum to effectively manage the evaluation of proposals, and reduce contractors' source-selection information to meaningful data that can be analyzed and compared.

c. Some of the guidelines for selecting evaluation criteria are that they:

(1) Must be determined from stipulated performance characteristics.

(2) Must be defined and understood.

(3) Should have discriminating characteristics.

(4) Peripheral issues should be downgraded or avoided.

(5) Only criteria should be used that can be:

(a) Measured with a high degree of confidence.

(b) Clearly segregated to eliminate overlapping evaluation.

d. From the evaluation criteria, standards are prepared for the lowest order element in each shredout that indicates the performance or compliance needed for desired performance. Thus, the standard is the guide for measuring how well the contractor's approach meets the desired performance and, conversely, shows the difference between desired performance and what his study and design offer. During the subsequent evaluation, each proposal is measured under the evaluation criteria according to the established standard to determine how well the proposed system, subsystem, or project will meet requirements. In addition, the evaluation will assess the probability of success of each proposal.

e. For CD, the evaluation criteria determinants for source selection shift as we progress from Phase A to Phase C, since items of importance to one phase may change in relative importance in the next phase. In Phase A, the most important evaluation areas are the undefined technical approach, and the capability of the firm to define, develop, and ultimately produce. Therefore, the evaluation criteria for logistics, operational and cost areas, etc., should have only general and minimal emphasis unless they importantly affect technical considerations. At this point, operational implications can best be assessed as part of the technical consideration. Greater stress must be placed on matters relating to capability—technical—scientific and management—production areas. In Phase C, since the contractors' capability has already been evaluated before award of a Phase B contract and the management/production area would need little specific evaluation; other areas would receive a more complete and precise evaluation as a greater definition of program requirements is achieved.

27. Areas, items, and factors:

a. The evaluation of a complicated proposal for a system, subsystem, or project is a significant undertaking. It can be made easier by dividing the evaluation criteria into

manageable parts. The terms "areas," "items," and "factors," have been established as orderly divisions of the evaluation criteria. While a continuous interrelationship may exist among the various evaluation criteria, they must be written with clear lines of demarcation to eliminate duplication and overlap in the evaluation process. This is also true when the evaluation criteria are divided into areas, items, and factors. The divisions need to be consistent with the criteria from which they were derived. It is necessary to insure that a singular item or feature of the proposal does not become a major influence, unintentionally, in each area.

b. The Air Force has traditionally structured its system source selection divisions into five major areas: Technical/scientific, operational, logistics, management/production, and cost. This structuring is not mandatory in all procurement situations. Based on the requirements of the program, the SSEB may be organized into teams for each area to be evaluated. When this structuring is appropriate, the operational team may be predominatly from the using command, the logistics team from the AFLC, and the remaining teams from AFSC. It must be recognized that structuring into teams may tend to inhibit the integration and coordination between areas to be evaluated. This tendency must be guarded against by the SSEB chairman and individual team chiefs. It is particularly essential that evaluation data is exchanged when the same features of the proposals are evaluated in more than one area.

28. Rating:

a. The contractor's proposal is to be evaluated by comparing specific parts of the submitted data against standards, not by comparing the elements in the contractors' submissions. To facilitate this task, the evaluation criteria should be segmented into factors, and a description and standard prepared for each.

(1) The description is a guide to the evaluator in determining what specific facets of the data will be evaluated.

(2) The standard that is prepared for the lowest order element in each shredout under the item, indicates the desired performance.

b. Under normal circumstances the evaluation is made by reading the contractor's proposal, analyzing it to determine what is offered, then comparing the offer to the standard. The evaluator must remember that he need not accept, without question, data presented in the proposal. He is expected to use his expert knowledge and background to determine the feasibility, the logic, and the reasonableness of the contractor's commitment. In some instances, he may want to verify certain aspects of the data that are outside his technical skill field. He may do this by discussion with advisers, consultants, or other SSEB members. When the evaluator feels he has an adequate understanding of the proposal, he is ready to proceed.

3. The next major step, the preparation of the evaluator's findings in narrative form, is basic to the total selection action. In preparing the narrative that communicates his findings to the SSAC and SSA, the evaluator must consider that this is the most direct (and sometimes the only) means available to the SSAC and SSA in determining what a contractor offered, and how well it met the established standard. It is not sufficient that the evaluation report states that something is good or bad; the evaluator must show what was offered; how it met the standard; and, in instances where it failed to meet a critical requirement, what, in the evaluator's expert opinion, must be done to remedy the deficiency, and the impact of the correction on the over-all acceptability of the contractor's submission. Clarity is the "touchstone" of all narratives.

d. Generally, some method is needed to portray graphically how well each factor meets the standard. If the 10 points normally assigned to the item are prorated among the factors, the impact of each factor on the item as a whole will depend largely on the number of factors involved. The failure of one of these factors to meet the standard may be overlooked when the proposal meets or slightly exceeds all of the other factors of the item. The number that would be mathematically derived for the total item therefore would not truly reflect a contractor's ability to exceed, meet, or not meet the standard. To avoid this, a symbol is used as a quick device for reference in summarizing the evaluator's findings. If the proposal exceeds the standard for the factor, rate it "+". If the proposal equals the standard, rate it "√". If the proposal fails to meet the standard, rate it "—". These symbols supplement the narrative and are to be used only as quick reference indicators of evaluators' findings. To determine the numerical score to be assigned to the item, prepare a summary indicating the effect each of the factors has on the item. Having recorded this assessment of the element by a narrative, the evaluator must now develop a quantitative designation that reflects his narrative evaluation. This numerical designator is known as a "score." A scale has been devised for the scoring task, as follows: Exceptional: 10, 9; exceeds standards: 8, 7, 6; meets standard: 5; below standard: 4, 3, 2, 1; unacceptable: 0. This scale is applied as follows:

(1) If the contractor's submittal for a particular element meets all standard but does not exceed them from either a performance or approach standpoint, the submittal is to be rated "meets standard: 5."

(2) If the contractor's submittal offers some unique process or approach that, for example, saves time, cost, material, reduces risk, etc. while still offering an excellent solution to a problem the evaluator may rate the contractor's submittal for that element as "exceeds standards," and use a 6, 7 or 8 to show the degree of acceptability as better than standard.

(3) If the contractor offers a rare solution which, in the evaluator's judgment, is exceptional in all aspects, the element should be rated "exceptional," using "9" or "10" to denote the level of the exceptional quality.

(4) If his submittal fails to meet the standard, the element must be rated "4", "3", "2" or "1." To determine which below-standard rating should be assigned, the evaluator must determine what the impact of the deficiency is, what must be done to correct it, and what impact the correction will have. If his deficiency is slight and easily correctible with minimum effort and effect on other elements, the evaluator may rate him a "4". On the other hand, if the deficiency is severe, the impact widespread, and the deficiency correction difficult, the evaluator may judge the contractor to rate "3", "2" or "1," depending on the appraised impact.

(5) If the element being evaluated is presented in such a manner that the approach is unacceptable and requires major reorientation for correction, that element should be rated "Unacceptable: 0."

(6) The numbering system referred to above is to be used only at the item level. Since most items are complex, factoring must be done to effectively evaluate the whole.

e. While the contractor's data pertaining to an element of the proposal are being evaluated, the evaluator must perform another essential task. The evaluator must record, separately, and in addition to the narrative findings, the deficiencies found in each contractor's proposal. For purposes of source selection actions, a "deficiency" is an element of a contractor's proposal that, fails to meet the standard, or is an omission of data needed to compare the proposal with the standard. There must be a quick, accurate way of determining what corrective actions are necessary to insure that known deficiencies can and will be corrected. The deficiency report (see attachment 4) serves this purpose. In addition to its prime use for fact finding leading to the definitive contract, the deficiency report serves as a debriefing guide. Experience in source selection actions has shown that deficiency reports must be prepared at the time an evaluator discovers that a deficiency exists. When evaluators have returned to deficiency reporting after completing other evaluation tasks, many omissions occurred and poorly substantiated reports resulted.

29. SSAC Analysis:

a. The basic policy underlying all Government procurement, and therefore fundamental to the source selection dicision, is to procure what is most advantageous to the United States—price and other factors considered. The selection plan establishes the relative importance of the proposal elements to be evaluated for a particular procurement. The SSAC assigns weights to the items to be used in the evaluation to show this relative importance. Proposals are evaluated, and the items are presented in the evaluation report with unweighted or raw scores. SSAC application of the predetermined weights creates basic source selection decision data. From the procedural standpoint, the SSEB has evaluated proposals submitted by the offerors; however, matters of importance to the objective of best satisfying the Government's requirements lie outside the proposal. The objective of SSAC consideration of these matters is to disclose all facts that the members determine have a bearing on the selection decision; consciously disregarding the ones that are irrelevant; and emphasizing the ones that should affect the decision. Some important considerations in the decision process do not stem from the SSEB's evaluation, yet they are significant to the final results. For example, the following considerations are not usually included in the proposal, yet are significant to the final decision.

(1) *Total Cost.* The environment in which proposals are developed is competitive and prompts offerors to bid the lowest practical price for the end item they expect to deliver. The lowest end item price may not necessarily be the lowest total cost to the Government. For example, a proposal that involves very expensive maintenance and/or spare support may be considerably more expensive to the Government over a period of years than another that may have a higher initial cost but relatively inexpensive maintenance and/or spare support requirements.

(2) *Over-all Effectiveness.* The dividing of a source selection into discrete areas for evaluation produces a functionally aligned report. While every effort must be made to insure intra and interarea coordination, segmentation of the SSEB with homogeneous skilled groups yields a functionally oriented report. The SSAC's task is to determine the cohesiveness of the interfaces presented by these functionally oriented areas so the over-all effectiveness of the proposal to meet the stated objectives of the RFP may be determined.

(3) *Contractors' Capability.* One prime concern is a contractor's capability to deliver to the Government according to the terms of his proposal. To consummate a contract for development that exceeds a contractor's available or obtainable skills, or a production rate that exceeds the contractor's ability to meet, is not in the best interests of the program or the Government. The Department of Defense Contractor Performance Evaluation (CPE) Program maintains a data bank of experience on many contractors. Past performance experience is correlated to expected future performance. While the bank is useful as a tool for screening contractors before issuing RFPs, it also forms a part of the body of data for con-

sideration of contractor capability in final contractor selection.

(4) *Negotiation Results.* Deficiencies in contractor's proposals will have been exposed by the SSEB in its evaluation, and reported to the SPO for fact finding discussions with the contractors concerned. In addition, ratings and scores reflect the SSEB's judgment of how deficiencies can be corrected. The negotiation results and their incorporation into the final contract, as reported by the SPO, may shed significant light on the contractor's responsiveness, and his capability to correct deficiencies. These matters may be significant. The facts, in any case, should be disclosed in the SSAC report.

(5) *Cost Effectiveness.* In its evaluation, the SSEB has rated and scored high the particular items that exceeded standards of performance. Performance increases do not necessarily enhance effectiveness, so ratings should be examined sufficiently to determine that they reflect performance considerations that tend to be economical.

(6) *Other.* For any particular source selection, a number of matters outside the scope of the contractor's proposals, and yet pertinent to the SSA's selection decision, are possible. To the extent that these do exist, they should be included and narrated for SSA consideration.

b. *Communication.* The intended result of SSEB evaluation and SSAC analysis is a total body of facts bearing on the final source selection decision. However, to be useful for their intended purpose, they must be communicated to the SSA clearly and understandably. Written narrations, supplemented with oral briefings, usually accomplish the communication objective.

By order of the Secretary of the Air Force.
Official:

J. P. McCONNELL,
General, U.S. Air Force, Chief of Staff.

R. J. PUGH,
Director of Administrative Services.

ATTACHMENT 1

ILLUSTRATIVE SCHEDULE OF EVENTS FOR SELECTION PLAN

PHASE A

D—120. Selection plan submitted.
D—30. Department of Commerce synopsis and Small Business Administration clearances.
D—30. Data call completed.
D—20. Draft RFP and work statement completed by SPO or program office.
D—6. Staff review of RFP and work statement.
D+0. Receipt of authority.
D+0. Receipt of approved selection plan.
D+1. SSAC formed.
D+3. SSEB cadre formed.
D+7. Screening of sources completed.
D+8. Evaluation criteria weights established.
D+10. RFP reviewed and approved by SSAC.
D+14. RFP to industry.
D+21. Bidders briefing (if required).
D+24. SSAC, SSEB meeting (orientation of members, security matters, etc.)
D+30. SSEB, standards and rating procedures established.
D+44. Technical and management proposals received, evaluation commences.
D+54. Cost proposal received (for smaller procurements, a single submission with 30 days' proposal time may suffice).
D+60. Competing companies' oral presentations (if required).
D+74. Evaluations completed.
D+85. Briefing of SSAC and submission of evaluation report.
D+85. Contract negotiations completed with all in competitive range.
D+90. SSAC analysis of proposal completed.
D+102. Briefing of Air Force Council and Air Force commanders concerned (unless directed otherwise by the SSA or the Chief of Staff, USAF).
D+103. Briefing and presentation of proposal analysis reports to Secretary of Air Force.
D+107. Final Phase B contract execution and reviews completed.
D+107. AF–N23 report submitted.
D+110. Phase B sources announced.
D+115. Phase B contracts distributed.

PHASE B

D+0. Receipt of technical and cost proposals.
D+2. Evaluation begins.
D+7. Acceptance of Phase B contract completion by SPO.
D+10. Presentations by competing contractors.
D+35. SSEB evaluation completed.
D+45. Evaluation report completed.
D+57. Briefing of SSAC and submission of evaluation reports.
D+60. Contract negotiations completed.
D+90. SSAC proposal analysis completed.
D+100. Briefing of Air Force Council and Air Force commanders concerned (unless directed otherwise by the SSA or the Chief of Staff, USAF).
B+107. Briefing and presentation of the proposal analysis report to Secretary of Air Force.
B+114. Final acquisition contract execution and review completed.
B+116. AFN–23 report submitted.
D+119. Phase C contractor announced.
D+125. Contract distributed.

ATTACHMENT 2

ITEMS TO BE INCLUDED IN REQUEST FOR PROPOSAL (RFP)

The SSAC reviews and approves the RFP because of its impact on source selection; it is prepared by the SPO or project officer and is substantially complete by the time the authority to proceed with the procurement is received. ASPR 3–501 and AFR 80–20 list items to be considered for all RFPs. Several items of particular importance to source selections and CD procurements are mentioned here to emphasize their importance.

a. The RFP should:

(1) Include all requirements contained in the approved program guidance.

(2) Include the results of previous studies on feasibility, effectiveness, major tradeoffs, operational analysis, logistics analysis, etc.

(3) State the general basis for contract award and the evaluation criteria, listed in order of importance, to inform bidders of the relative importance of the areas to be evaluated. Mission models, covering primary and secondary missions and spelling out the critical performance requirements for each system and subsystem, can focus attention on critical requirements. Include a listing of areas and items, where possible, to provide a format for proposals. This may assist in the evaluation and analysis.

(4) Provide for competing contractors to submit separate prices and supporting cost data for any deviations in performance from that specified in the RFP as being the desired system performance requirements.

(5) Contain an outline of the plan for systems management, including the identification of pertinent Air Force and contractor reporting and control relationships.

(6) Include documentation requirements defined on DD Form 1423, "Contractor Data Requirements List," and in a data matrix. This is required so documents needed for contractual purposes can be written in proper contractual language to firmly commit the contractor. The data required to be evaluated must have a direct relationship to the evaluation criteria. Unnecessary data must not be requested. Data that can be delayed until after the contract award will be so listed and phased for later delivery. Only significant data that can be evaluated should be requested. Care must be taken to insure that the proposer is not misled as to the importance of items for which data are not requested at the proposal stage. This can happen, for example, in areas of maintenance and spares cost for a system. Though these costs may be difficult to evaluate, failure to request them could cause a proposer to submit a low cost for proposed end items which, in the long run, could be very costly to maintain or replace.

(7) Include Government-furnished property and the identification of any subsystems that must be broken out for subcontracting.

(8) Require that all proprietary items be identified in the proposal.

(9) Eliminate superfluous technical provisions. Specifications incorporated by reference frequently include third and fourth tier specifications that are unwanted, and must be screened out.

(10) Provide for competing contractors to submit separate prices on incremental production quantities; items for which there is a contingency requirement; and, where applicable, option quantities, in a TPP situation.

(11) Require that the competing contractors identify the impact of introducing their proposed system into the Government's operational inventory, on operational facility requirements of the Government, timing of construction, and future Military Construction Programs. However, adequate information on Air Force facilities should be provided in the RFP package to each contractor; thus he need not compile his own data.

(12) State any limit on the number of pages for proposals, in terms of the total proposal or for a specific area or item (*e.g.*, management volume). Care must be exercised in setting any limits to insure that the evaluators have sufficient, but not too much, information to make the evaluation.

b. The minimum proposal time will normally be at least 30 days. To give the proposer more time and not delay the source selection actions, a two-phase submission may be used (*i.e.*, the technical proposal due in 30 days, followed by the cost proposal 7 to 10 days later).

c. The number of copies required for evaluation purposes must be stated, in addition to those required for normal contractual processing.

d. When practicable, model contracts—a very highly recommended technique for the early resolution of contract terms and conditions, should be used.

ATTACHMENT 3

SAMPLE: SOURCE SELECTION EVALUATION CRITERIA—PHASE II

I. INTRODUCTION

The Source Selection process has three related activities—Proposal Evaluation, Validation, and Contract Negotiation. These three activities are interdependent, and all three must be completed before the announcement of the source selected. The evaluation criteria are associated with proposal evaluation. They identify areas and items of concern to the Government in selecting a source for the development and production of the XYZ System. The criteria areas and items, with their descriptions, are intended to show the scope of the evaluation of proposals submitted by the competitors involved in the source selection. Proposals will be evaluated by comparing proposal elements against standards that will be developed by the Government within the framework of the criteria. The standards,

prepared before proposals are received, are consistent with the requirements in the request for proposal or the statement of work (SOW). The standards are divulged only to Government personnel directly involved in the evaluation and source-selection process.

II. GENERAL CONSIDERATIONS

A. *Contractual Considerations.* Validation and contract negotiation will be concurrent with the evaluation of proposals. Validation is a review of all contractual documentation to insure that (1) The SOW includes all elements necessary to comply with established program requirements, (2) Contractors' proposals are consistent with contract and specification requirements, and (3) the contracts are acceptable for fixed-price definitive contracting. In addition, management planning as evidenced by the proposed Program Planning and Control System, Management Controls and Displays, Configuration Management, Data Management, and reporting will be reviewed for program and contractual acceptability. Although this validation does not result in scoring or have an independent impact on the evaluation part of the source selection process, the adequacy of contract terms—terms and conditions, SOW, delivery schedules and price—will be considered in the final selection. Contract Negotiations follow and overlap the final actions in validation, and resolve differences about contract requirements between the Government and the contractors. A minimum of negotiation should be required, since each contractor's proposal, together with the terms and conditions of the model contract should be the basis of a definitive contract. The selected source will not be announced before negotiations are completed and satisfactory definitive contracts are executed by all competitors.

b. *Correction Potential.* Where a proposal element is found to be deficient in the evaluation process, the rating for that element will depend on the effect it has on the over-all proposal—*i.e.,* the extent of revision necessary to correct the deficiency, and the effect of the correction on other elements of the proposal, affecting performance, schedules, or over-all costs to the Government.

III. GENERAL CRITERIA

A. The selection of a source for the award of the Phase II development and acquisition contract will be made by an integrated assessment of the merits of each contractor's proposal in the areas listed below, with appropriate consideration of the contractual provisions of each proposed contract. (1) The capability of the proposed system to satisfy mission requirements in the Request for Proposal, (2) the acceptability of contractual arrangements, including terms and conditions, SOW, delivery schedules, and price, and (3) the cost to the Government to develop and acquire the system, and to operate it during its expected life.

B. The following areas will be evaluated: (1) Design, (2) operational capability, (3) supportability, (4) management/production, and (5) cost to the Government. The first three areas will be scored and considered cumulatively. A separate cost effectiveness calculation will be made.

IV. SPECIFIC CRITERIA

A. Specific criteria are divided into the five basic areas listed under General Criteria (paragraph III B). Each area, except Cost to the Government, is subdivided into items that define the scope or the nature of a particular area. In addition, each item may, in turn, be subdivided into factors or subfactors, as necessary for proper evaluation.

B. In many instances, these areas and items are interdependent, and the results of the evaluation of each area and associated items must be recognized and taken into account in evaluating other areas and associated items.

C. In all evaluations, when performance or cost estimates are used as input information, evaluators will use the performance requirements in the proposed System and Contract End Item Specifications, and contractor-furnished cost estimates as validated or modified by Government engineering, operational, logistics, and cost specialists.

D. *Design.* The technical soundness of the proposed system design and the proposed development plan will be evaluated. In addition to the following specific considerations, the evaluation of each design element will include an assessment of (1) The validity of estimates of the proposed system performance characteristics, (2) the adequacy and validity of evidence furnished the Government, justifying design selections or approaches, and (3) the identification of problem or high risk areas and approaches to solutions. The influence of design choices on reliability, maintainability, safety, vulnerability/survivability, and service life will be considered.

a. *Item D–1, System Design.* The design of each major subsystem will be evaluated separately by performance requirements and design criteria, and the soundness of the proposed design or design approach to satisfy them. The complete system will be evaluated in terms of (1) The soundness of design compromises, and the integration of subsystems and components to provide the complete system design, and (2) the over-all capability of that design to satisfy requirements.

b. *Item D–2, Interface With Other Systems.* Evaluation of the over-all system will include consideration of its interface with other systems, the extent of modifications required, the operational and support limitations imposed by system design features, and the requirements for aerospace ground equipment and training equipment.

c. *Item D–3, Development Planning.* The adequacy of the contractor's plans for engineering development of the system will be evaluated. This evaluation will include the consideration of the plans for systems engineering management and effectiveness analyses that weigh and optimize the total systems engineering development activities. This evaluation will also include consideration of the engineering plans for system safety, maintainability, and reliability, Category I and Category II Test Plans, and the quality assurance portions of specification and design sheets. Consideration will be given to test objectives, test methods, success and failure criteria, number of test items, schedules, instrumentation, Government/contractor participants, data reduction, analyses, and reporting procedures. Consideration of the over-all plan for the engineering development of the system will include examining the adequacy and completeness of the interface analyses of related systems.

E. *Operational Capabilities:*

a. *Item O–1, Effectiveness.* Consideration will be given to the influence on the operational effectiveness of system characteristics such as accuracy, stability and control, reliability, maintainability, and vulnerability/survivability launch envelopes. System characteristics such as loading capabilities, crew procedures, and workloads, will also be considered.

b. *Item O–2, Flexibility.* The impact on flexibility of the operating command in deploying and employing the system will be evaluated. The introduction of a new type of weapon system may impose changes in current concepts; thus, the impact on capabilities to carry and employ other systems, limitations on or degradation of performance envelopes of the related systems, extent of changes or additions to support equipment, requirements for special procedures, equipment or facilities, requirements for specially trained or additional personnel, and influence on vulnerability/survivability and tactics for attack will be considered.

F. *Supportability:*

a. *Item S–1, Logistics.* The proposed logistic considerations will be evaluated for the maintenance, supply and modification support requirements. The evaluation of maintenance requirements will include an assessment of the interplay that system design and component reliability have on maintenance actions. This aspect will be evaluated as to time, manpower, skills, technical data, AGE, and facilities required for necessary actions. The contractor's optimized repair level analysis will be evaluated, as well the proposed initial repair level posture based on operational requirements and economic trade-offs. The supply requirements evaluation will include an assessment of the contractor's logistic analysis for supply support of the operational program. The modification support requirements evaluation will include a review of the workload, facilities, and scheduling necessary to integrate the system with the other systems. The evaluation of transportation and packaging plans will assess the adequacy of proposed plans to meet worldwide environmental extremes, the requirements for shipment by all modes of transportation, and for specialized containers and packaging designs. Emphasis will be given to the dangerous article characteristics of the propulsion units.

b. *Item S–2, Personnel and Training.* The proposed personnel subsystem will be evaluated for manpower quantities and skills required to use the system and perform the logistic support functions. The evaluation of the proposed training program will consider the crew training to be conducted by the contractor and operational readiness training, training locations, schedules, course structures, equipment, facilities, the relationship of anticipated training to existing programs, and the total time-phased training requirements for the system.

G. *Management/Production:*

a. *Item M–1, Management/Production.* The contractor's program planning and scheduling of all program elements will be reviewed for completeness, adequacy, realism, and the correlation of time span with the function to be performed. Proposed Master Schedule, Production Plan, Manufacturing Plan, Tooling Plan, Industrial Facilities Plan, Make-or-Buy Structure, related System Integration and Responsibility Plan will be considered. Consideration will also be given to the contractor's identification of required and available resources, and their proposed methods for obtaining or providing resources that may be required in addition to those already available.

H. *Cost to the Government Area.* This area involves (1) The acquisition price negotiated with each contractor in the competition, and (2) other costs that the Government will incur in acquiring, operating, maintaining, and supporting the system through its estimated useful life. Evaluation standards and scoring will not be used in this area. As to the acquisition price, the evaluation will include an analysis of whether the contractor's proposal reasonably reflects all contract costs that may be anticipated, to permit an assessment of the credibility of the contractor's proposed target cost. Proposed prices, with and without adjustments made by the Government, will become factors in the cost effectiveness analysis. A separate Government cost estimate will be made of each contractor's proposed work.

However, in light of the competitive nature of this program, coupled with the plan to use a fully structured fixed-price incentive contract with long term commitments, it is intended to use price analysis as defined by the Armed Services Procurement Regulation to evaluate this item. If it proves more advantageous to the Government, however, cost analysis may be used and prices negotiated with each contractor, after the proposals have been received.

As to other costs to the Government, the estimated useful life of the system will be assumed to be five years for purposes of evaluation. (This period is selected, even though a much longer life is anticipated, because cost estimates for a longer period would not be sufficiently reliable for evaluation purposes.)

V. COST EFFECTIVENESS

The separate cost effectiveness calculation will be based on the model used by the Air Force for the RAD Prerequisite Studies, modified as necessary to update for realism, and will yield information in the form of resources expended per function accomplished. Costs will include development and acquisition costs for the system, costs of modification of related systems, if any, and estimates of operating and maintenance costs over the system's anticipated life.

Cost effectiveness will not be evaluated or scored. Results of the analysis will be furnished to the Chairman of the Source Selection Evaluation Board and to the Source Selection Advisory Council for their consideration in assessing contractors' proposals over-all.

ATTACHMENT 4

SAMPLE: FORM FOR PREPARATION OF DEFICIENCY REPORTS

The Deficiency Report informs the SSAC and SPO negotiation team of matters disclosed during the evaluation of proposals which were considered to be less than satisfactory. In addition, it serves as a debriefing document, if required. This document is important to the source-selection action, and the data must be accurate and adequate.

DEFICIENCY REPORT

Area: (Scientific & Technical).
Item: (System performance).
Company: (Bravo Aviation).
Nature of Deficiency: (State the nature of the deficiency. Be concise. Include a reference, by company's document, paragraph and page that will quickly identify the company's submission.)
Summary of Effect of Deficiency: (State how the uncorrected deficiency would affect the program, if it were accepted "as is.")
Recommended Correction: (Briefly indicate the action the contractor must take to correct the deficiency.)
Reference: (Indicate what substantiates that the data evaluated are deficient. These may be statements in the request for proposal, statement of work, specifications, etc.)
Area Captain——.
Evaluator——.
Area and Item: (Include # Designator).

ATTACHMENT 5

SAMPLE

Subject: Letter of Transmittal—Proposal Analyses for XYZ Source-Selection Evaluation.

To: (The Source Selection Authority).

1. Under authority set forth in HQ USAF message ——— a Source Selection Advisory Council (SSAC) was established for the XYZ Program. This letter transmits the SSAC Proposal Analyses Reports.

2. The system was approved for contract definition by Systems Management Directive, XYZ. The requirements for the XYZ system are specified in the SMD. This source selection action, identified as the Phase A evaluation, is concerned with the selection of two or more sources to be awarded fixed-price definition contracts.

3. The SSAC was composed of members of the Tactical Air Command, the Air Force Systems Command and the Air Force Logistics Command (see attachment 1). The SSAC mission was to solicit competitive proposals from Industry against formally approved requirements for the XYZ system to insure an impartial, equitable, and comprehensive evaluation of competitive proposals received, and to give the Source Selection Authority weighted considerations, findings, judgments, and advise on strengths and weaknesses of each contractor's proposal. Contractor proposals were evaluated by Source Selection Evaluation Board (SSEB) members, which included engineers, production specialists, procurement specialists, logisticians, cost analysts, auditors, systems management personnel, and operations and training personnel.

4. The SSAC and the SSEB performed this mission according to the policies and procedures prescribed in AFR 70–15 and AFM 70–10. For the evaluation criteria, see attachment 2.

5. The Request for Proposal (RFP) was approved by the SSAC, and reviewed by the SSEB before it was sent to Industry. Two proposals were requested from each competitor. Proposal A covers the contractors' proposed plan for conducting contract definition, and a cost quotation for this work. Proposal B describes the contractors' preliminary system design approach, including management, logistics, and operational aspects. A cost quotation for Proposal B was (not) required.

6. The list of potential sources was compiled from the Air Force Systems Command Random Access Source List, and from the responses received from the synopsis in the Commerce Business Daily on ———. A Small Business Clearance was received. Eight sources were found qualified, and solicited for proposals. Four sources responded, as follows:

The Alfa Aircraft Company, Kokomo, Indiana.

Bravo Aviation, Inc., Las Vegas, Nevada.

The Cocoa Corporation, Green Bay, Wisconsin.

Delta Aircraft Corporation, Portland, Maine.

7. Proposal analyses of the evaluation of each contractor's proposal are in attachment 4. Highlights of the analyses of each contractor's proposal are as follows:

a. Alfa Aircraft
b. Bravo Aviation
c. Cocoa Corporation
d. Delta Aircraft

(NOTE.—On a very selective basis, choose the most significant strengths, weaknesses and risks for the proposal analyses, and include them in a brief summary in the above subparagraphs.)

8. The weighted scores achieved by each contractor's proposal are summarized below:

WEIGHTED SCORES

Area	Maximum score attainable	Contractors			
		Alfa	Bravo	Cocoa	Delta
Technical design	500	460	410	225	255
Contractor experience and resources	300	270	210	195	218
Implementation plan	200	175	200	170	184
Total	1,000	905	820	590	657

9. In the cost area, proposals covered only the cost for contract definition. These cost proposals have been negotiated with each contractor, to finalize definitive contracts for contract definition. Total amounts proposed by, and negotiated with, each contractor are:

	Proposed	Negotiated
(a) Alfa Aircraft	$900,000	$900,000
(b) Bravo Aviation	910,000	900,000
(c) Cocoa Corp	1,200,000	910,000
(d) Delta Aircraft	970,000	920,000

10. The evaluation criteria for the areas to be considered, when selecting contractors for award of contract-definition contracts, are (in order of importance):

a. The soundness and adequacy of the system preliminary technical design to satisfy the requirements contained in the RFP/SOW.

b. Management's ability to insure that the program can be performed satisfactorily.

c. The reasonableness of the contractor's proposal for conducting contract definition.

11. Under this criteria SSAC summary conclusions are presented below:

a. *Alfa Aircraft*—This contratcor's proposed preliminary system design is acceptable for contract definition. The few weaknesses found can be corrected during contract definition. The plan of action for conducting contract definition is satisfactory. The contract definition cost proposal is reasonable and realistic.

b. *Bravo Aviation.*—This contractor's proposed preliminary system design approach is acceptable for contract definition. The system design is well founded in current technology, and is attractive in strong growth potential. Several weaknesses were noted, but all can be corrected during contract definition. A very good plan was proposed for conducting contract definition. The contract definition cost proposal is reasonable and realistic.

c. *Cocoa Corporation*—This contractor's approach to preliminary system design has serious deficiencies. Major deficiencies existed in (identify appropriate deficiencies in very brief form). Thus, to be suitable for contract definition, the proposal would require extensive changes. The contractor's plan for conducting contract definition is satisfactory. The contract definition cost proposal is reasonable and realistic.

d. *Delta Aircraft*—This contractor's approach to preliminary system design is acceptable. It should be noted, however, that this design approach covers many high risk areas. These high risks are (identify nature of risks). Thus, extensive changes will be required in the contractor's approach to the system design, to reduce these risk areas to acceptable levels. The contractor's plan for conducting contract definition is very good. The contract definition cost proposal is reasonable and realistic.

12. The above findings represent the unanimous conclusions of the SSAC, and we therefore advise that contracts for the contract definition be awarded to Alfa Aircraft Company, and Bravo Aviation, Inc.

SPECIAL NOTES

1. Copies of the SSAC Analysis Report will be provided to the Air Force Council and commanders of each command concerned; AFSC, AFLC, using command, the Air Training Command, and heads of other Government agencies and services, as and when appropriate. The report will normally be delivered with the source selection briefing.

2. Letter of transmittal: Attachments: (1) SSAC/SSEB composition. (2) Evaluation criteria, standard and rationale for established weights. (3) The evaluation report. (4) The analysis report.

PROPOSAL EVALUATION AND SOURCE SELECTION PROCEDURES

This regulation establishes Air Force policy, assigns responsibilities, and prescribes procedures for evaluating proposals and se-

lecting systems, subsystems, and project sources. It implements DOD Directive 4105.62, 6 April 1965.

1. Objectives and Policy. The prime objective of the source selection process is the impartial, equitable, and comprehensive evaluation of competitors and their proposals to insure selection of that source which will provide optimum satisfaction of the Government's basic objectives including the required performance and schedule at the best cost. Other objectives are to:

a. Provide that an individual serving in a major executive position of the OSD or the Air Force is fully responsible for the source selection decision in a major procurement action.

b. Insure a balanced appraisal of all factors in the source selection process by deliberately constituting an advisory group of senior military and/or civilian personnel possessing experience in matters concerning systems development and acquisition, systems engineering, military requirements and operations, and logistics and procurement.

c. Apply and to utilize fully the professional skills and knowledge of competent personnel in the evaluation and assessment of competitive proposals.

d. Establish consistent procedures thereby improving the effectiveness of review and approval of proposal evaluation and source selection and to increase Government and industry understanding and acceptance of these procedures.

2. Applicability of Source Selection Procedures (SSP):

a. Use SSP prescribed by this regulation and AFM 70–10 to select sources for:

(1) Each new development contract estimated to exceed $25 million. For those systems and projects requiring a Contract Definition (CD) in accordance with AFR 80–20, use SSP to select source(s) for both the CD and Acquisition.

(2) Each new production, modification or maintenance, or other hardware or service contract estimated to exceed $25 million, except where the contract is to be awarded solely on the basis of price competition.

(3) Other contracts as the Office of the Secretary of the Air Force or HQ USAF may designate.

b. If SSP are not required or designated pursuant to paragraph a, above, select the source(s) for systems, subsystems and projects by procedures established by the procuring agency within its delegated authority.

c. The Secretary of Defense may retain Source Selection Authority (SSA) on those procurements meeting the criteria of paragraph 2a(1) above and on new production contracts estimated to exceed $100 million, except where such production contracts will be awarded solely on the basis of price competition. Normally, the Secretary of Defense delegates SSA to the Secretary of the Air Force, for systems/projects to be acquired by the Air Force.

d. The Secretary of the Air Force may redelegate SSA with power of redelegation not below the level of a systems division commander or an official in an equivalent position. Normally, the security of the Air Force is the SSA on those contracts meeting the criteria of paragraph 2a above.

3. Scope of Regulation:

a. Use the SSP prescribed in this regulation and AFM 70–10 to select sources for proposed contracts meeting the criteria of paragraph 2a above.

b. Follow the procedures set forth under paragraph 5c and 7 for proposed contracts exceeding $25 million whether or not awarded solely on the basis of price competition.

4. Explanation of Terms:

a. *Advisers*—Government personnel officially assigned as participants to the Source Selection Advisory Council (SSAC) or Source Selection Evaluation Board (SSEB), but not to a specific evaluation task or team, who assist SSAC and SSEB members during the source selection process by furnishing advice pertaining to specific matters.

b. *Selection Plan*—A proposed plan for conducting proposal evaluation, contract negotiations and source selection. Specific recommendations on the following shall be included in each plan:

(1) The source list screening criteria.

(2) The evaluation criteria.

(3) The functional areas which should be represented on the SSAC and the functional and technical representation for the SSEB.

(4) The chairman and composition of the SSEB.

(5) The scoring and evaluation techniques to be used.

(6) The schedule of all required actions between receipt of proposals and award of a definitive contract or contracts. The schedule will provide for such actions to be completed in 18 calendar weeks, unless the completion of all actions within this period is initially considered to be unrealistic. A full explanation will be furnished for a planned schedule in excess of the 18 week period, including the considerations given to the conduct of parallel rather than sequential actions where feasible.

c. *Evaluation Report*—A comprehensive report prepared by the SSEB which contains evaluation criteria, detailed narrative assessments of each proposal against these criteria, numerical scores, and summary appraisals of significant strengths, weaknesses and risks of each area of each proposal.

d. *Proposal Analysis Report*—A formal report prepared by the SSAC which contains:

(1) An objective appraisal of each proposal's merits, shortcomings and risks.

(2) The conclusions reached after an over-all analysis of the SSEB evaluation, total costs, over-all effectiveness, cost effectiveness, contractor's capabilities, negotiation results, and other aspects of the source selection.

(3) Advice to the SSA with respect to a selection decision.

e. *Source Selection Advisory Council (SSAC)*—A group of senior military and/or Government civilian personnel appointed by the SSA to act as his staff and advisors in source selection. The members of the SSAC will be selected from organizational levels sufficiently high to insure necessary visibility of all considerations affecting the system, subsystem or project. All concerned functional areas involved in the procurement will be represented on the SSAC (e.g., the user, R&D, logistics, other DOD components and other Government agencies). The senior member from each Air Force command represented is a general officer if the SSA is the Secretary of the Air Force or the Secretary of Defense. The SSA for other source selections determines the level of membership of the SSAC.

f. *Source Selection*—The process wherein the requirements, facts, recommendations and Government policy relevant to an award decision in a competitive negotiated procurement of a system, subsystem, or project are examined and the decision made.

g. *Source Selection Authority (SSA)*—The official designated to direct the source selection, approve the selection plan, and to select the source(s).

h. *Consultants.*—Government or non-Government personnel called upon by the SSAC, SSEB or SSA to furnish expert advice on highly specialized matters and on the solution of particular problems.

i. *Source Selection Evaluation Board (SSEB)*—A group of military and/or Government civilian personnel appointed by the SSAC to direct, control, and evaluate proposals responsive to requirements, and to produce summary facts and findings required in the source selection process. All necessary functional and technical areas involved in the procurement are represented on the SSEB. The chairman of the SSEB normally is the System Program Director (SPD) or official in an equivalent position.

j. *System/Project*—Equipment and/or skills, together with any related facilities, services, information and techniques, that for a complex or an entity capable of performing specific operational tasks in support of an identifiable Defense objective. The term "system" as used herein encompasses weapon systems, support systems, and command and control systems.

k. *Subsystem*—See AFM 11–1.

5. Responsibilities for Source Selection:

a. At the time the system/project is initially approved in the Five Year Defense Program, or, for a CD procurement, at the time CD initiation is approved, the Secretary of Defense decides to retain or delegate SSA for those procurements meeting the criteria of paragraph 2a(1) above and for new production contracts estimated to exceed $100 million, except where such production contracts will be awarded solely on the basis of price competition. If the document which approves the initiation of Contract Definition is silent as to the SSA, the Secretary of the Air Force is assumed to be the SSA. Recommendation for the choice of SSA is included in Program Change Requests, in the memorandum requesting the initiation of CD, or in a separate memorandum, as appropriate.

b. Designations or redelegations of SSA by the Secretary of the Air Force normally are included in System Management Directives or other appropriate documents. Redelegation of SSA is made in time to insure that all actions required of the SSAC, SSEB, SPD, procurement personnel and other officials involved in procurement review and approval may be taken in a timely manner. If the SSA for a procurement, meeting the criteria of paragraph 2 above, is not designated or redelegated in a timely manner, the Secretary of the Air Force is assumed to be the SSA and the selection plan is processed for his approval.

c. For *all* development, production, modification, or other hardware or service contracts estimated to exceed $25 million (*including* contracts to be awarded solely on the basis of price competition) for which selection authority is delegated to, or vests in, AFSC or AFLC, the HQ USAF OPR for the system or project insures that the Office of the Secretary of the Air Force is advised not later than 30 days nor earlier than 60 days before the selection decision is scheduled to be made.

d. The SSA is responsible for properly and effectively conducting the evaluation and source selection. The SSA:

(1) Designates the chairman and membership of the SSAC using the selection plan and the criteria set forth under paragraph 4e.

(2) Is responsive to the guidance and special instructions or review requirements of the official who designated the SSA.

(3) Provides the SSAC and SSEB with appropriate guidance and special instructions as necessary for the conduct of SSP.

(4) Insures equitable and effective actions are taken, consistent with the Armed Services Procurement Regulation (ASPR), to obtain a manageable but competitive number of final proposals for the selection process.

(5) Reviews and approves the selection plan and revisions thereto.

(6) Performs an in-depth review of all information and data furnished by the SSAC and the SSEB and, after consideration thereof, selects the source(s).

e. *The SSAC:*

(1) Establishes the evaluation criteria using the selection plan.

(2) Establishes the evaluation criteria weights in the order of their relative importance.

(3) Establishes the relative importance of the evaluation criteria in a form to be used in the Request for Proposals (RFP).

(4) Establishes screening criteria for the development of a source list.

(5) Approves the RFP and the source list.

(6) Designates the chairman and membership of the SSEB using the selection plan and the criteria set forth under paragraph 4i.

(7) Reviews the contractor performance evaluation program histories and other pertinent records of contractor performance for the contractors involved; and when required, obtains oral briefings from the contractors and inspects their facilities.

(8) Reviews the findings of the SSEB and applies the established weights to the evaluation results.

(9) Prepares the Proposal Analysis Report.

(10) Provides briefings and consultation as directed by the SSA.

(11) After the selection is made by the SSA, documents for his signature the justification for the source selection.

(12) Forms such ad hoc working groups as may be necessary to assist in the administration of the SSAC functions.

f. *The SSEB:*

(1) Reviews and conducts in-depth discussions of the relative merits of each proposal against the requirements in the REP and the evaluation criteria, established by the SSAC. An element in the evaluation of proposals is the proposer's system for planning and controlling contract performance.

(2) Prepares the evaluation report.

(3) Provides briefings and consultation concerning the evaluation as may be required by the SSA or SSAC.

g. *The System Program director (SPD) or the official in an equivalent position:*

(1) Develops and prepares work statements, specifications, schedules, plans, procedures, etc., necessary for a complete and adequate RFP.

(2) Develops and prepares the RFP.

(3) Prepares a source list consistent with the ASPR policies, the SSA's instructions, and the SSAC's source list screening criteria.

(4) Develops and prepares the selection plan according to paragraph 4b.

6. Procedures Applicable to Processing Source Selection Data to the SSA:

a. When SSA has been retained by the Secretary of Defense the following will apply:

(1) The Secretary of the Air Force submits comments and views on the results of the evaluation and selection effort to the Secretary of Defense.

(2) HQ USAF:

(a) Reviews the evaluation data and all supporting documentation.

(b) After the Secretary of the Air Force has reviewed the results of the evaluation, prepares his comments and views, in accordance with his instructions, for his signature and submission to the Secretary of Defense.

(3) The SSAC provides briefings and consultations to HQ USAF, the commanders of AFSC and AFLC, and the commanders of the using commands.

(4) To provide the Secretary of the Air Force with sufficient information for a meaningful review, it may be necessary for the Secretary of the Air Force or HQ USAF to request the SSAC, SSEB, or the SPD to accomplish additional tasks related to the source selection.

(5) Each commander concerned submits comments and views on the results of evaluation and selection effort to HQ USAF.

b. When the Secretary of the Air Force is the SSA, advice from the SSAC, the concerned commanders, and from such other agencies and persons as he deems appropriate will normally be requested. In such instances and when the SSA is an official of HQ USAF:

(1) The SSAC submits advice with respect to the sources to be selected to HQ USAF.

(2) Each concerned commander submits his advice as to the source selection to HQ USAF.

(3) HQ USAF reviews the evaluation data and all supporting documentation and submits advice to the SSA.

(4) The SSAC, SSEB and the SPD (or official in an equivalent position) accomplishes such additional tasks as HQ USAF directs. The SSAC provides briefings and consultations to HQ USAF, the commanders of AFSC and AFLC, and other commanders concerned.

7. Release of Information on Source Selections:

a. No information will be released to the public or to Congressional interests on decisions or recommendations about source selections until released by the Secretray of the Air Force.

b. The chairman of the SSAC notifies the Director, The Secretariat, HQ USAF, of the pending source selection in sufficient time for the Director to initiate preparatory action with the Office of Legislative Liaison and the Office of Information, OSAF.

c. The Director, The Secretariat, HQ USAF, in conjunction with the appropriate staff offices, HQ USAF:

(1) Initiates preparatory action with the Office of Legislative Liaison and the Office of Information, OSAF, as necessary.

(2) When the selection decision is released by the Secretary of the Air Force, insures that a memorandum is prepared for the Office of Legislative Liaison and the Office of Information, OSAF, to include as appropriate;

(a) The designation of the system/project or subsystem being considered and the scope of work to be accomplished by the source.

(b) The name of the source selected and the location where the work is to be performed (if development and production will be performed at separate locations, specifies both locations).

(c) The major subcontractors involved and their location.

(d) The estimated dollar value of any contracts to be awarded citing current year's appropriations.

(3) Upon notification by the Office of Legislative Liaison, arranges with the appropriate staff offices, HQ USAF, to notify the selected source at a mutually agreed time.

(4) Announces a Chief of Staff Decision for Air Staff guidance.

d. The Office of Legislative Liaison and the Office of Information prepare the releases which are coordinated with appropriate Defense agencies for approval. After the Department of Defense approves the releases, the Office of Legislative Liaison establishes the exact timing of the Congressional notification, based upon the SSA's guidance, and notifies the Director, The Secretariat, the Office of Information and the Deputy Chief of Staff who is OPR for the source selection of this timing and any other pertinent details concerning the Congressional announcement.

8. Security and Protection of Sensitive Data:

a. All unclassified documents concerning selection of sources under the procedures prescribed by this regulation are designated as "For Official Use Only" under AFR 11-30. Protection of data submitted or developed during the source selection proceedings is of paramount importance.

b. Information submitted by contractors and information developed during the SSP is of an extremely sensitive nature. Accordingly, under no circumstances will any consultant, adviser, or member of the SSAC, the SSEB or of any ad hoc working group discuss the proceedings with any individual who is not a member of the organizations named, except as authorized under this regulation.

c. Any unauthorized disclosure or release of either classified information or source selection information designated as "For Official Use Only" under AFR 11-30 will be investigated and, as appropriate, will be treated under disciplinary procedures authorized by law or administrative regulations.

d. Data, exclusive of procurement documentation, received and/or developed during and subsequent to the source selection action by the SSAC and the SSEB pertaining to the selection process is maintained separate from normal, everyday files. Release of this data to persons other than the SSAC membership is by specific permission of the SSA for that specific source selection action.

9. Debriefing Procedures. In those cases where the SSA determines that detailed debriefings beyond that required by the ASPR would be of value, unsuccessful offerors may be provided debriefings upon request.

10. Waivers to this Regulation. Waiver of the application of any of the requirements of this regulation, to a proposed contract meeting the criteria of paragraphs 2a(1) and c may be granted only by the Secretary of Defense. Requests for waiver from organizational components subordinate to HQ USAF are submitted in writing to HQ USAF, with substantiating reasons therefor, for appropriate processing.

By order of the Secretary of the Air Force.

Gen. J. P. McCONNELL,
U.S. Air Force, Chief of Staff.

Col. JOHN F. RASH,
U.S. Air Force,
Director of Administrative Services.

THE MILITARY BUDGET AND NATIONAL ECONOMIC PRIORITIES

Mr. PROXMIRE. Mr. President, on Tuesday, June 3, 1969, the Subcommittee on Economy in Government began a major set of hearings entitled "The Military Budget and National Economic Priorities."

The hearings represent a logical continuation of the work of the Joint Economic Committee and the Subcommittee on Economy in Government. No issue is of greater importance today than the level of defense spending and the relative importance of other nondefense priorities.

The question that our subcommittee is attempting to explore is: How can military and civilian needs be balanced?

On Tuesday, we heard from two distinguished scholars and statesmen, John Kenneth Galbraith, former Ambassador to India, and Charles Schultze, the former Director of the Bureau of the Budget.

On Wednesday, we heard from the distinguished and eminent Senator from Arkansas (Mr. FULBRIGHT), chairman of the Committee on Foreign Relations.

Each of the statements delivered by the first three witnesses presented well defined and fully thought out facts and viewpoints to the subcommittee. In my opinion, the testimony of these three men constitutes important reference points in the current dialog of the national budget.

I therefore ask unanimous consent that they be printed in the RECORD.

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

TESTIMONY OF JOHN KENNETH GALBRAITH, PAUL M. WARBURG, PROFESSOR OF ECONOMICS, HARVARD UNIVERSITY, BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT JOINT ECONOMIC COMMITTEE, JUNE 3, 1969

Mr. Chairman: I am much pleased to be here this morning to help open this important series of hearings. We are all greatly in your debt, Mr. Chairman, for your effort in winning public attention for the role of the military power in our economic and political life—although perhaps the expressions of gratitude from the Pentagon will be less fervent than one might wish. You can't please everyone. Those of us who have been concerned with this issue over the years have, I believe, a special reason to appreciate your achievement. It is an issue which concerned citizens, including most liberals, have been sweeping under the rug for years. "Ah, yes—something should be done about it, by someone else." Now, thanks to you, it is on the national agenda.

In my brief time this morning, I would like to try to define the problem. Then I will make a few suggestions to guide your search for solutions. Now that concern has been aroused we must be certain that it leads to useful accomplishment. I take the liberty of appending to my remarks the text of a small paper I wrote some months ago on the subject.

It is in the current issue of *Harper's* and about to be published in pamphlet form.[1]

The importance of military spending in the economy—half the Federal budget, about one-tenth of the total economic product, I need not stress. Though much attention is focussed upon it, this bloodless economic side is not, I venture to think, the important feature. The important feature is the peculiar constitutional and bureaucratic arrangements which govern this economic activity.

In our ordinary economic arrangements we think of the individual as instructing the market by his purchases, the market, in turn, instructing the producing firm. Thus economic life is controlled. This the textbooks celebrate. And where public expenditures are concerned, the young are still taught that the legislature reflects the will of the citizen to the Executive. The Executive, in turn, effects that will.

I have argued[2] that with industrial development—with advanced technology, high organization, large and rigid commitments of capital—power *tends* to pass to the producing organization—to the modern large corporation. Not the customer but General Motors tends to be the source of the original decision on the modern automobile. If the consumer is reluctant he is persuaded—to a point at least.

This part of my case has not escaped argument. Dissent raises its head everywhere these days. But where military goods are concerned one encounters little or no argument. Here, it is agreed, the historic economic and constitutional sequence *is* reversed. The citizen does not instruct the legislature and the legislature the Pentagon and its associated industries. No one wants to be that naive. Vanity becomes the ally of truth. It is agreed that the Services and the weapons manufacturers decide what they want or need. They then instruct the Congress. The Congress, led by the military housecarls and sycophants among its members, hastens to comply. The citizen plays no role except to pay the bill. As I say, these matters are not subject to serious dispute, those with a special capacity to believe in fairy tales apart.

The power that has brought about this remarkable reversal—has assumed this authority—has, of course, been well identified. It is the military services acting individually or in association through the Department of Defense and the large military contractors. The latter, an important point, are few in number and highly specialized in their service to the military. In 1968, a hundred large firms had more than two-thirds (67.4 per cent) of all defense business. Of these, General Dynamics and Lockheed had more than the smallest fifty. A dozen firms specializing more or less completely on military business—McDonnell Douglas, General Dynamics, Lockheed, United Aircraft—together with General Electric and A.T. & T. had a third of all business. For most business firms defense business is inconsequential except as it affects prices, labor and material supply—and taxes. The common belief that all business benefits from weapons orders is quite wrong. For a few it is a rewarding source of business. The great multitude of business firms pay. The regional concentration, I might add, is equally high; in 1967 a third of all contracts went to California, New York and Texas. Ten states received two thirds. And no one should be misled by the argument that this picture is substantially altered by the distribution of subcontracts.

One must not think of the military power—the association of the military and the defense firms—in conspiratorial terms. It reflects an intimate but largely open association based on a solid community of bureaucratic and pecuniary interests. The Services seek the weapons; the suppliers find it profitable to supply them. The factors which accord plenary power of decision to the military and the defense plants, and which exclude effective interference by the Congress and the public, are quite commonplace. Nothing devious or wicked is involved. The following are the factors which sustain the military power.

First: There is the use of fear. This, of course, is most important. Anything which relates to war, and equally to nuclear weapons and nuclear conflict, touches a deeply sensitive public nerve. This is easily played on. The technique is to say, in effect, "Give us what we ask, do as we propose, or you will be in mortal danger of nuclear annihilation." In this respect one must pause to pay tribute to Secretary of Defense Laird. He has shown himself, on this matter, to have a very high learning skill.

Second: There is the monopoly, or near monopoly, of technical and intelligence information by the Services, their suppliers and the intelligence community. This monopoly, in turn, is protected by classification. This allows the military power to exclude the lay critic, including the legislator, as uninformed. But even the best scientist can be excluded on the grounds that he is not fully informed on the latest secret technology—or does not have the latest knowledge on what the Soviets or the Chinese are up to. Here too the new Administration has been very apt. If Secretary Laird deserves a special word of commendation on the way he has learned to use fear, Under Secretary Packard must be congratulated on the speed with which he has learned to discount criticism as inadequately informed of the latest secrets.

Third: There is the role of the single-firm supplier and the negotiated contract. These are largely inevitable with high technology. One cannot let out the MIRV to competitive bidding in the manner of mules and muskets. In Fiscal 1968, as the work of this Committee has revealed, sixty per cent of defense contracts were with firms that were the sole source of supply. Most of the remainder were awarded by negotiated bidding. Competitive bidding—11.5 per cent of the total—was nearly negligible. With single-firm supply, and in lesser degree with negotiated supply, opposition of interest between buyer and seller disappears. The buyer is as interested in the survival and well-being of the seller as is the seller himself. No one will enter this Elysium to cut prices, offer better work, earlier deliveries or cry favoritism. That is because there is no other seller. The situation, if I may be permitted the word, is cozy.

Fourth: There is the fiction that the specialized arms contractor is separate from the Services. The one is in the public sector. The other is private enterprise. As Professor Murray Weidenbaum (the notable authority on these matters), as well as others, have pointed out, the dividing line between the Services and their specialized suppliers exists mostly in the imagination. Where a corporation does all (or nearly all) of its business with the Department of Defense; uses much plant owned by the Government; gets its working capital in the form of progress payments from the Government; does not need to worry about competitors for it is the sole source of supply; accepts extensive guidance from the Pentagon on its management; is subject to detailed rules as to its accounting; and is extensively staffed by former Service personnel, only the remarkable flexibility of the English language allows us to call it private enterprise. Yet this is not an exceptional case, but a common one. General Dynamics, Lockheed, North American-Rockwell and such are public extensions of the bureaucracy. Yet the myth that they are private allows a good deal of freedom in pressing the case for weapons, encouraging unions and politicians to do so, supporting organizations as the Air Force Association which do so, allowing executives to do so, and otherwise protecting the military power. We have an amiable arrangement by which the defense firms, though part of the public bureaucracy, are largely exempt from its political and other constraints.

Fifth: This is a more subtle point. For a long period during the fifties and sixties during which the military power was consolidating its position, military expenditures had a highly functional role in the economy. They sustained employment; they also supported, as no other expenditures do, a high technical dynamic. And there was no wholly satisfactory substitute. More specifically, a high federal budget, supported by the corporate and progressive personal income tax, both of which increased more than proportionally with increasing income and reduced themselves more than proportionally if income faltered, built a high element of stability into the system. And the scientific and technical character of this outlay encouraged the expansion of the educational and research plant and employed its graduates. It was long a commonplace of Keynesian economics that civilian spending, similarly supported by a progressive tax system, would serve just as well as military spending. This argument which, alas, I have used myself on occasion was, I am now persuaded, wrong—an exercise in apologetics. Civilian spending does not evoke the same support on a large scale. (Even in these enlightened days I am told that Representative Rivers prefers naval ships to the Job Corps.) And although it is now hard to remember, the civilian pressures on the Federal budget until recent times were not extreme. Taxes were reduced in 1964 because the pressures to spend were not sufficient to offset tax collections at a high level of output—to neutralize the so-called fiscal drag. And civilian welfare spending does not support the same range of scientific and technical activities, or the related institutions, as does military spending. On a wide range of matters—electronics, air transport, computer systems, atomic energy—military appropriations paid for development costs too great or too risky to be undertaken by private firms. They served as a kind of honorary non-socialism.

Sixth and finally: There is the capacity—a notable phenomenon of our time—for organization, bureaucracy, to create its own truth—the truth that serves its prupose. The most remarkable example in recent times, of course, has been Vietnam. The

[1] By Doubleday and New American Library.
[2] In *The New Industrial State*. Boston: Houghton Mifflin, 1967.

achievements of bureaucratic truth here have been breathtaking. An essentially civilian conflict between the Vietnamese has been converted into an international conflict with a rich ideological portent for all mankind. South Vietnamese dictators of flagrantly regressive instincts have been converted into incipient Jeffersonians holding aloft the banners of an Asian democracy. Wholesale larceny in Saigon has become an indispensable aspect of free institutions. One of the world's most desultory and impermanent armies—with desertion rates running around 100,000 a year—was made, always potentially, into a paragon of martial vigor. Airplanes episodically bombing open acreage or dense jungle became an impenetrable barrier to men walking along the ground. An infinity of reverses, losses and defeats became victories deeply in disguise. There was nothing, or not much, that was cynical in this effort. For, for those who accept bureaucratic truth, it is the unbelievers who look confused, perverse and very wrong. Throughout the course of the war there was bitter anger in Saigon and here in Washington over the inability of numerous people—journalists, professors and others—to see military operations, the Saigon government, the pacification program, the South Vietnam army in the same rosy light as did the bureaucracy. Why couldn't all sensible people be the indignant instruments of the official belief—like Joe Alsop? (If I may pay tribute to the Edward Gibbon of the Vietcong.)

An equally spectacular set of bureaucratic truths has been created to serve the military power—and its weapons procurement. There is the military doctrine that whatever the dangers of a continued weapons race with the Soviet Union, these are less than any agreement that offers any perceptible opening for violation. Since no agreement can be watertight this largely protects the weapons industry from any effort at control. There is the belief that the conflict with communism is man's ultimate battle. Accordingly, no one would hesitate to destroy all life if communism seems seriously a threat. This belief allows acceptance of the arms race and the production of the requisite weapons no matter how dangerous. The present ideological differences between industrial systems will almost certainly look very different and possibly rather trivial from a perspective of fifty or a hundred years hence if we survive. Such thoughts are eccentric. There is also the belief that national interest is total, that of man inconsequential. So even the prospect of total death and destruction does not deter us from developing new weapons systems if some thread of national interest can be identified in the outcome. We can accept 75 million casualties if it forces the opposition to accept 150 million. We can agree with Senator Richard Russell that, if only one man and one woman are to be left on earth, they should be Americans. (Not from any particular part of the country, just Americans.) We can make it part of the case for the Manned Orbiting Laboratory (MOL) that it would maintain the American position up in space in the event of total devastation from Maine to California. Such is the power of bureaucratic truth that these things are widely accepted. And being accepted they sustain the military power.

What now should be our response? How do we get the power under control?

Our response must be in relation to the sources of power. Again for purposes of compressing this discussion, let me list specific points:

1. Everyone must know that fear is deployed as a weapon. So we must resist it. I am not a supporter of unilateral disarmament. I assume that the Soviets also have their military power sustained by its bureaucratic beliefs. But we must look at the problem calmly. We must never again be stampeded into blind voting for military budgets. These, as a practical matter, are as likely to serve the bureaucratic goals of the military power and the pecuniary goals of the contractors as they do the balance of terror with the Soviets. And we must ascertain which.

2. That part of the military budget that serves the the balance of terror can be reduced only with negotiations with the Soviets. As Charles Schultze and others have pointed out, however, this is a relatively small part of the military budget. The rest serves the goals of the military power and the interests of the suppliers. This can be curtailed. But it can only be curtailed if there is a vigorous reassertion of Congressional power. Obviously this will not happen if sycophants of the military remain the final word on military appropriations. The Congress has the choice of serving the people in accordance with constitutional design or serving Senator Russell and Representative Rivers in accordance with past habit.

3. Informed technical and scientific judgment must be brought to bear on the foregoing questions. This means that the Congress must equip itself with the very best of independent scientific judgment. And the men so mobilized must not be denied access to scientific and intelligence information. I believe that on military matters there should be a panel of scientists, a Military Audit Commission, responsible only to the Congress—and not necessarily including Edward Teller—to be a source of continuing and informed advice on military needs—and equally on military non-needs.

4. We must, as grown-up people, abandon now the myth that the big defense contractors are something separate from the public bureaucracy. They must be recognized for what they are—a part of the public establishment. Perhaps one day soon a further step should be taken. Perhaps any firm which, over a five-year period, has done more than 75% of its business with the Defense Department, should be made a full public corporation with all stock in public hands. No one will make the case that this is an assault on private enterprise. These firms are private only in the imagination. The action would ensure that such firms are held to strict standards of public responsibility in their political and other activities and expenditures. It would exclude the kind of conspiracy to protect capital gains that was recently uncovered in the Lockheed case. It would help prevent private enrichment at public expense. In light of the recent performance of the big defense contractors, no one would wish to argue that it would detract from efficiency. And the 75% rule would encourage firms that wish to avoid nationalization to diversify into civilian production. Needless to say, the 75% rule should be applicable to the defense units of the conglomerates. Perhaps to press this reform now would direct energies from more needed tasks. Let us, however, put it on the agenda.

5. Finally, it must be recognized that the big defense budgets of the fifties were a unique response to the conditions of that time. Then there were the deep fears generated by the Cold War, the seeming unity of the Communist world, and, at least in comparison with present circumstances, the seeming lack of urgency of domestic requirements. All this has now changed. We have a wide range of tacit understandings with the Soviets; we have come to understand that the average Soviet citizen—in this respect like the average American voter—is unresponsive to the idea of nuclear annihilation. The communist world has split into quarrelling factions. I am enchanted to reflect on the Soviet staff studies of the military potential of the Czech army in case of war. Perhaps, as I have said elsewhere, we have here the explanation of their odd passion for the Egyptians. And as all philosophers of the commonplace concede, we have the terrible urgency of civilian needs—of the cities, the environment, transportation, education, housing, indeed wherever we look. It is now even agreed as to where the danger to American democracy lies. It is not from the Soviet Union, China. It is from the starvation of our public services, particularly in our big cities, here at home.

Mr. Chairman, let me make one final point. Our concern here is not with inefficiency in military procurement. Nor is it with graft. These divert attention from the main point. And this is not a crusade against military men—against our fellow citizens in uniform. Soldiers were never meant to be commercial accessories of General Dynamics. It would horrify the great captains of American arms of past generations to discover that their successors are by way of becoming commercial accessories of Lockheed Aircraft Corporation.

The matter for concern is with the military power—a power that has passed from the public and the Congress to the Pentagon and its suppliers. And our concern is with the consequences—with the bloated budgets and bizarre bureaucratic truths that result. The point is important for it suggests that the restoration of power to the Congress is not a sectarian political task. It is one for all who respect traditional political and constitutional processes.

STATEMENT OF CHARLES L. SCHULTZ, PROFESSOR OF ECONOMICS, UNIVERSITY OF MARYLAND, BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT, JOINT ECONOMIC COMMITTEE, HEARINGS ON "THE MILITARY BUDGET AND NATIONAL ECONOMIC PRIORITIES"

Mr. Chairman, members of the Committee: The Committee's decision to hold hearings on the military budget and national economic priorities is not only welcome but timely. Over the next several years, the Executive and the Congress will be faced with a series of basic decisions on military programs and weapons systems, whose outcome will largely determine not only the nation's security and its military posture, but also the resources available to meet urgent domestic needs. It would be most unfortunate if those decisions were made piecemeal, without reference to their effect on non-military goals and priorities. Moreover, any one year's decisions on military programs—and, in fact, on many elements of the civilian budget—cast long, and usually wedge-shaped shadows into the future. Their cost in the initial budget year are often only a small fraction of the costs incurrent in succeeding years.

For these reasons there are two major prerequisites to inform discussion and decision about military budgets:

First, the benefits and costs of proposed military programs cannot be viewed in isolation. They must be related to and measured against those other national priorities, which, in the context of limited resources, their adoption must necessarily sacrifice.

Second, the analysis of priorities must be placed in a longer-term context than the annual budget, since annual decisions—particularly with respect to large military forces or weapons systems—usually involve the use of scarce national resources, and therefore affect other national priorities, well into the future.

I might also add, parenthetically, that a review of military budgets in the context of a long-run evaluation of national priorities can directly serve the interests of national security itself. In the past year there has sprung up a widespread skepticism about the need, effectiveness, and efficiency of many components of the defense budget. This is a healthy development. But it must be harnessed and focused. In particular it must not be allowed to become a "knee-jerk" reaction, such that any proposed new military program is automatically attacked as unneeded or ineffective. We still live in a dangerous world. Effective and efficient provisions for the national security should rightfully be given

a high priority. I believe that a proper balancing of military and civilian programs can best be achieved by a careful and *explicit* public discussion and evaluation of relative priorities in a long-term budgetary context. Neither the extreme which automatically stamps approval on anything carrying the national security label, nor its opposite which views any and all military spending as an unwarranted waste of national resources, has much to recommend it as a responsible attitude.

In this context I should like to discuss with the Committee three major aspects of the problem of national priorities:

A five-year summary projection of federal budgetary resources and the major claims on those resources.

A more detailed examination of the basic factors which are likely to determine the military component of those budget claims.

Finally, some tentative suggestions for improving the process by which defense budget decisions are made, designed particularly to bring into play an explicit consideration and balancing of national priorities, both military and civilian.

I. THE BUDGETARY FRAMEWORK

By definition, the concept of "priorities" involves the problem of choice. If, as a nation, we could have everything we wanted, if there were no constraints on achieving our goals, the problem of priorities would not arise. But once we recognize that we face limits or constraints, that we cannot simultaneously satisfy all the legitimate objectives which we might set for ourselves, then the necessity for *choice* arises.

There are various kinds of constraints. There is probably some limit to the public "energy" of a nation. Psychologically, the nation and its leaders cannot enthusiastically pursue a very large number of energy-consuming goals at the same time. The psychic cost is too high. Sometimes we face limits imposed by the scarcity of very specific resources. What we can do quickly, for example, to improve the availability of high quality medical care is limited in the short run by the scarcity of trained medical personnel. But the most pervasive limit to the achievement of our goals, even in a wealthy country like the United States, is the general availability of productive resources. If the economy is producing at full employment, additions to public spending require subtractions from private spending—and vice-versa.

From the point of view of public spending, the practical constraints we face are even tighter than this. I think it is a safe political prediction that during the next five years or so, and particularly once a settlement in Vietnam is reached, federal tax rates are unlikely to be raised. Reforms may, and should, occur. But the overall yield of the system is unlikely to be increased. If this judgment is correct, then the limits of budgetary resources available are given by the revenue yield of the existing tax system—a yield which will, of course, grow as the economy grows. And even those who believe that the needs of the public sector are so urgent as to warrant an increase in federal tax rates are likely to agree that an examination of long-term budgetary prospects should at least start with a projection of revenue yields under current tax laws.

Assuming for purposes of projection an initial constraint imposed by existing tax laws, it is then possible to determine roughly how large the budgetary resources available to the nation will be over the next five years, for expanding existing high-priority public programs, for creating new ones, for sharing revenues with the states or for reducing federal taxes. The magnitude of the budgetary resources available for these purposes—the "fiscal dividend"—will depend on *four basic factors:*

1. The growth in federal revenues yielded by a *growing economy;*

2. The budgetary savings which could be realized from a *ceasefire and troop withdrawal in Vietnam.* (These two factors, of course, *add* to fiscal dividend available for the purposes listed above. The next two *reduce* the fiscal dividend.)

3. The "built-in" and "automatic" increase in *civilian expenditures* which accompanies growing population and income. (This expenditure growth must be deducted before arriving at the net budgetary resources available for discretionary use.)

4. The probable increase in *non-Vietnam military expenditures* implicit in currently approved military programs and postures. (This increase must also be deducted in reaching the net fiscal dividend which can be devoted to domestic needs. Needless to say, of course, changes in military programs, policies, and force levels can affect this total.)

The net result of these four factors—the revenue yield from economic growth, the savings from a Vietnam ceasefire, the built-in growth of civilian expenditures, and the probable growth of the non-Vietnam military budget—measures the fiscal dividend available for meeting domestic needs.

Let me summarize the likely magnitude of each of these four budgetary elements five years from now. More precisely, I will attempt to project them from fiscal 1969 to fiscal 1974.

If we assume that economic growth continues at a healthy but not excessive pace, and that—optimistically perhaps—the annual rate of inflation is gradually scaled down from the current 4½ percent to a more tolerable 2 percent, *federal revenues should grow each year by $15 to $18 billion.* This is, of course, a cumulative growth, so that by the end of five years federal revenues should be about $85 billion higher than they are now. It is highly likely, however, that once the war in Vietnam is over, or substantially scaled down, the present 10 per cent surcharge will be allowed to expire. The yield of the surcharge five years from now would be some $15 billion. This must therefore be subtracted from the $85 billion revenue increase, leaving a net $70 billion growth in federal revenue between now and fiscal 1974.

A second potential addition to budgetary resources is the expenditure saving which could be realized upon a *Vietnam ceasefire and troop withdrawal* and a return to the pre-Vietnam level of armed forces. The current budget estimates the cost of U.S. military operations in Vietnam at about $26 billion. As I have pointed out elsewhere, however, this figure overstates somewhat the *additional* costs we are incurring in Vietnam. Even if our naval task forces were not deployed in the Gulf of Tonkin, they would be steaming on practice missions somewhere else. Hence some of the costs of those forces would be incurred even in the absence of fighting in Vietnam. Similarly, our B–52 squadrons, if not engaged in bombing missions, would be operating on training exercises. And the same is true for other activities. As best I can judge, the truly incremental, or additional, costs of Vietnam—which would disappear if a ceasefire and a return to pre-Vietnam force levels occurred—amount to about $20 billion. These savings would not, of course, be available the day after a ceasefire occurred, but would gradually be realized as withdrawal and demobilization occurred.

Within perhaps 18 months to two years after a ceasefire, this $20 billion in budgetary savings would be available to add to the $70 billion net growth in budget revenues—a total gross addition of $90 billion to resources available for other public purposes.

From this $90 billion, we must, however, make several deductions before arriving at a net fiscal dividend freely available for domestic use.

We can expect a fairly significant built-in growth in federal civilian expenditures over the next five years. As the GI's come home from Vietnam, educational expenditures under the GI bill of rights will naturally increase. Even if interest rates rise no further, the roll-over of older debt into new issues will increase interest payments. Expenditures under the Medicaid program will rise, although at a slower pace than in the last few years. A larger population and income almost automatically lead to higher public expenditures in many areas: more people visit national parks and the Park Service's outlays grow; more tax returns are filed and the Internal Revenue Service must expand to handle them; as airplane travel increases, federal expenditures on air traffic safety and control rise; and so on down the list. Social security benefits will almost certainly rise sharply if past practice is followed under which the Congress tends to raise benefit levels more or less in line with payroll revenues. For all of these reasons, I believe one must allow for a "built-in" growth of federal expenditures by some $35 billion over the next five years. Subtracting this $35 billion from the $90 billion additional resources calculated above leaves $55 billion for the fiscal dividend.

But yet another deduction must be made. Barring major changes in defense policies, military spending for *non-Vietnam* purposes will surely rise significantly over the next five years. There are *five* major factors working towards an increase in military expenditures.

1. *Military and civilian pay increases.* There are now 3½ million men in the Armed Forces. In addition some 1.3 million civilian employees, about 45 percent of the federal total, work for the Department of Defense. As wages and salaries in the private sector of the economy rise, the pay scales of these military and civilian employees of the Defense Department must also be raised. The military and civilian pay raise scheduled for this coming July 1 will add some $2.3 billion to the Defense budget. If we assume, conservatively, that in succeeding years private wage and salary increases average 4 to 4½ percent per year, the payroll costs of the Pentagon will rise by about $1½ billion each year.

2. *The future expenditure consequences of already approved weapons systems.* A large number of new and complex weapons systems have been approved as part of our defense posture; the bulk of the spending on which has not yet occurred.[1] Some major examples are:

The Minutemen III missile, with MIRV's; cost, $4½ billion

The Poseidon missile, with MIRV's; cost, including conversion of 31 Polaris subs, $5½–$6½ billion.

The Safeguard ABM system, with a currently estimated cost, including nuclear warheads, of some $8 billion, plus hundreds of millions per year in operating costs.

The F–14 Navy fighter plane in three versions; the 1970 posture statement indicates that the entire F–4 force of the Navy and Marine Corps may be replaced by the F–14. If so, the total investment and operations cost of this system over a 10-year period should be well in excess of $20 billion.

A new F–15 air-to-air combat fighter for the Air Force.

Three nuclear attack carriers at a currently estimated cost of $525–$540 million each

62 new naval escort vessels, at an investment cost of nearly $5 billion.

A number of new amphibious assault ships.

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[1] For most of the systems listed below, the decision to procure the item has already been made. In a few cases, such as the Navy's VSX antisubmarine plane, procurement has not yet been approved, but development is well along, and official statements of Defense Department officials have already indicated that the system is most likely to be approved.

A new Navy anti-submarine plane, the VSX, at a cost of $2–$2½ billion.

A new continental air-defense system, including a complex "look-down" radar and an extensive modification program for the current F–106 interceptor.

These do not exhaust the list of new weapon systems already a part of the approved defense posture. But they do give some idea of the magnitude of the expenditures involved.

3. *Cost escalation.* The weapons systems costs given for each of the systems listed above represent current estimates. But, as this Committee is well aware, past experience indicates that final costs of complex military hardware systems almost always exceed original estimates.

A study of missile systems in the 1950's and early 1960's revealed that the average unit cost of missiles was 3.2 times the original estimates.

The nuclear carrier *Nimitz*, now under construction, was estimated in 1967 to cost $440 million. One year later the estimate was raised to $536 million. No new estimates have been released, but given the rapidly rising cost of shipbuilding, it is almost certain that this latter figure will be exceeded.

In January 1968 the Defense Department proposed a plan for building 68 naval escort vessels at a total cost of $3 billion. In January 1969 the estimated costs of that program has risen to $5 billion.

The cost of modernizing the carrier Midway was originally given as $88 million, and the work was scheduled to be completed in 24 months. In January 1969 the cost estimate was doubled, to $178 million, and the time estimate also doubled, to 48 months.

The Air Force's manned orbiting laboratory (the MOL) was originally announced by President Johnson at a cost of $1.5 billion. The latest estimate was $3 billion.

In many cases the rising unit costs of these systems forces reevaluation of the program and a reduction in the number purcased. The F–111 program is a classic case in point. Consequently the *aggregate* costs of the procurement budget do not rise by the same percentage as the inflation in *unit* costs. Nevertheless, cost escalation does tend to drive the total military budget upward.

4. *Weapons systems under development, advocated by the Joint Chiefs of Staff, but not yet approved for deployment.* In addition to weapons systems already approved, there are a large number of systems, currently under development, which are being advocated for deployment by the Joint Chiefs. Among these items are:

The AMSA—advanced manned strategic aircraft—a supersonic intercontinental bomber designed as a follow-on to the B–52. President Johnson's proposed 1970 budget requested $77 million for advanced development. Secretary Laird proposed an additional $23 million to shorten design time and start full-scale engineering development. This $10 million will be supplemented by $35 million of carryover funds. The investment cost of the AMSA, if procurement decision is made, are difficult to estimate, but it is hard to see how they could be less than $10 billion.

The new main battle tank is now in production engineering. Depending on the number purchased, a procurement decision will involve investment costs of $1 to $1½ billion.

A new advanced strategic missile in superhard silos is being advocated by the Air Force.

A new attack aircraft, the AX, is under development for the Air Force.

The Navy is proposing a major shipbuilding and reconversion program to replace or modernize large numbers of its older vessels.

A new continental air defense interceptor, the F–12, is being advocated by the Air Force.

A new underwater strategic missile system (the ULMS) is under development for the Navy.

In the normal course of events, not all of these new systems will be adopted in the next five years. But, in the normal course of events, some will be.

5. *Mutual escalation of the strategic arms race.* The United States is currently planning to equip its Minuteman III and Poseidon missiles with multiple independently targeted reentry vehicles (MIRV's). MIRV testing has been underway for some time. The original purpose of MIRV's was as a hedge against the development of a large-scale Soviet ABM system, in order to preserve our second-strike retaliatory capability in the face of such Soviet development. Recently, however, Pentagon officials have indicated that we are designing into our MIRV's the accuracy needed to destroy enemy missile sites—an accuracy much greater than needed to preserve the city-destroying capability of a retaliatory force. Secretary of Defense Laird, in recent testimony before the Armed Services Committee, for example, asked for additional funds to "improve significantly the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard targets."

Putting MIRV's with hard-target killing capabilities on Poseidon alone will equip the U.S. strategic forces with 4000–5000 missile-destroying warheads. Viewed from Soviet eyes the United States appears to be acquiring the capability of knocking out Soviet land-based missile force in a first strike. It might be argued that the difficulties of attaining a hard-target killing capability on our MIRV's are so great that the objective will not be realized for many years, if ever. But without attempting to evaluate this observation, let me point out that what counts in the arms race is the Soviet reactions to our announcement. And, like our own conservative planners, the Soviets must assume that we will attain our objectives.

The United States has announced that in answer to the 200-Soviet SS–9's—which may be expanded and MIRV'd into 800 to 1000 hard-target warheads—it will build an ABM system. What must the Soviet reaction be when faced with the potential of 4000–5000 hard-target killers on Poseidon alone? As they respond—perhaps with an even larger submarine missile force than now planned, or by developing mobile land-based missiles—we may be forced into still another round of strategic arms building. This may not occur. But its likelihood should not be completely discounted.

I have seen several arguments as to why a new round in the strategic arms race will not be touched off by current U.S. policy. I think they are dubious at best. One argument notes that the U.S. development of MIRV's and ABM is being made against *a "greater-than-expected" threat*—i.e., a Soviet threat larger than current intelligence estimates project. Hence, runs the argument, should the Soviets respond to our new developments, this response has already been taken into account in the "greater-than-expected" threat against which we are currently building. Consequently, we would not have to respond ourselves with a still further strategic arms buildup. But this misses the very nature of "greater-than-expected" threat planning. Once the Soviets proceed to deploy a force which approaches the *current* "greater-than-expected" threat, then by definition a *new* "greater-than-expected" threat is generated, and additional strategic arms expenditures are undertaken to meet it. This is the heart of the dynamics of a strategic arms race.

Another argument is often used to discount the mutual escalation threat posed by MIRV's. Multiple warheads, it is argued, make an effective large area ABM practically impossible to attain. Hence, deployment of MIRV's destroys the rationale for a large-scale, city defense, ABM. So long as MIRV's do not have the accuracy to destroy enemy missiles on the ground, this argument might indeed have some validity. But once they acquire hard-target killing capability—or the Soviets think they have such capability—they are no longer simply a means of penetrating ABM's and preserving a second-strike retaliatory force; they provide, in the eyes of the enemy, a first-strike capability, against which he must respond.

Given these various factors tending to drive up the cost of the non-Vietnam components of the military budget, by how much are annual defense expenditures, outside of Vietnam, likely to rise over the next five years? Obviously, there is no pat answer to this question. Any projection must be highly tentative. But assuming the increase in civilian and military pay mentioned earlier, calculating the annual costs of the approved weapons systems listed above, and allowing for only modest cost escalation in individual systems, it seems likely that on these three grounds alone *non-Vietnam military expenditures by 1974 will be almost $20 billion higher than they are in fiscal 1969.* They will, in other words, almost fully absorb the savings realizable from a cessation of hostilities in Vietnam. And this calculation leaves *out* of account the possibility of more than modest cost escalation, the adoption of large new systems like the AMSA, and a further round of strategic arms escalation.

I might note that the 1970 defense budget—even after the reductions announced by Secretary Laird—already incorporates the first round of this increase. From fiscal 1969 to fiscal 1970, the *non-Vietnam* part of the defense budget will rise by $5½ to $6 billion, after allocating to it the Pentagon's share of the forthcoming military and civilian pay raise. In one year, almost 30 percent of this $20 billion rise will apparently take place.

Starting out with an additional $70 billion in federal revenues over the next five years, plus a $20 billion saving from a cease-fire in Vietnam, we earlier calculated a $90 billion gross increase in federal budgetary resources. From this we subtracted the $35 billion growth of "built-in" civilian expenditures and now we must further subtract a $20 billion rise in non-Vietnam military outlays, leaving a net fiscal dividend in fiscal 1974 of something in the order of $35 billion, available for discretionary use in meeting high priority public needs or additional tax cuts. That $35 billion, in turn, is itself subject to further reduction should major new weapons systems be approved, or should another round in the strategic arms race take place.

Let me make it clear, of course, that there is nothing inevitable about this projection of military expenditures. Some of the weapons systems I listed are in early stages of procurement. Other areas in the military budget can be analyzed, reviewed, and if warranted, reduced as a budgetary offset to the new systems. Hopefully, disarmament negotiations if held quickly, may prevent mutual strategic escalation. My projection assumes that no changes in basic policies, postures, and force levels occur. It is obviously the whole purpose of these hearings to examine that assumption, in the context of other national priorities.

II. THE BASIC FACTORS BEHIND RISING MILITARY BUDGETS

While the budget projection summarized above discusses some of the specific weapons systems which are likely to cause the defense budget to expand sharply in the next

five years, it does not address itself to the underlying forces which threaten to produce this outcome. In the first half of the 1960's the military budget ran at about $50 billion per year. With those funds not only were U.S. strategic and conventional forces maintained, they were sharply improved in both quantity and quality. Both land- and sea-based missile forces were rapidly increased. Similarly dramatic increases in the general purpose forces were undertaken. Fourteen Army divisions, undermanned, trained primarily for tactical nuclear war, and short of combat consumables were expanded to over 16⅓ divisions, most of them fully manned. Equipment and logistic supply lines were sharply increased. The 16 tactical air wings were expanded to 21. Sea-lift and air-lift capability were radically improved.

In short, on $50 billion per year in the early 1960's, it appeared to be possible to buy not only the maintenance of a given military capability, but a sharp increase in that capability. By the early 1970's, taking into account general price inflation in the economy plus military and civilian pay increases, it would take $63–$65 billion to maintain the same purchasing power as $50 billion in 1965. Yet, as I have indicated earlier, even on conservative assumptions the non-Vietnam military budget is likely to approach $80 billion by fiscal 1974—$15 to $17 billion more than the amount needed to duplicate the general purchasing power the pre-Vietnam budget had—a budget which already was providing significant increases in military strength. Why this escalation? What forces are at work?

While there are a number of reasons for this increase, I would suggest that four are particularly important.

First, the impact of modern technology on the strategic nuclear forces. During most of the 1960's the primary goal of our strategic nuclear forces was the preservation of an "assured destruction capacity"—the ability to absorb an enemy's first strike and retaliate devastatingly on his homeland. In turn this capability provided nuclear deterrence against a potential aggressor. In general this could be described as a stable situation, in part because of the technology involved. To mount a first strike, an aggressor would have to be assured that he could knock out all—or substantially all—of his opponent's missiles. Since missiles did not have 100 percent reliability and accuracy for this task, more than one attacking missile would have to be targeted on the enemy missile force. For every missile added by the "defender," the attacker would have to add more than one. Hence, it was easy to show that first-strike capability could not be attained, since the opposing side could counter and maintain his second-strike capability as a less-than-equal cost. And, of course, the existence of mobile submarine launched missiles made the stability of the system even greater.

But the development of MIRV's, and more critically the development of guidance systems which are designed to make them accurate enough to "kill" enemy missiles on the ground, changes this balance. Now a single attacking missile, with multiple warheads, can theoretically take out several enemy missiles. The advantage to the first attacker rises sharply. Strategic planners on both sides, projecting these developments into the future, react sharply in terms of the danger they perceive their own forces to be facing. Add to this the development of ABM, which—however initially deployed—raises fears in the minds of enemy planners that it can be extended to protect cities against his submarine launched missiles, and escalation of the strategic arms race becomes increasingly likely.

The impact of changing technology on strategic arms budgets, therefore, is one of the driving forces which changes the prospects of post-Vietnam military expenditures from what they might have seemed several years ago.

The second major factor in driving arms budgets up is the propensity of military planners to prepare against almost every conceivable contingency or risk. And this applies both to force level planning and to the design of individual weapons systems. Forces are built to cover possible, but very remote, contingencies. Individual weapons systems are crowded with electronic equipment and built with capabilities for dealing with a very wide range of possible situations, including some highly unlikely ones.

If military technology were standing still, this propensity to cover remote contingencies might lead to a large military budget, but not to a rapidly expanding one. As technology continually advances, however, two developments occur: (1) As we learn about new technology, we project it forward into the Soviet arsenal, thereby creating new potential contingencies to be covered by our own forces; (2) The new technology raises the possibility of designing weapons systems to guard against contingencies which it had not been possible to protect against previously.

Continually advancing technology and the risk aversion of military planners, therefore, combine to produce ever more complex and expensive weapons systems and ever more contingencies to guard against.

Let me give some examples.

According to Dr. John S. Foster Jr., Deputy Director of Defense Research and Engineering in testimony before the Senate Armed Service Committee last year, the Poseidon missile system was originally designed to penetrate the Soviet TALLINN system—a system originally thought to be a widespread ABM defense. When this system turned out to be an anti-aircraft system, the deployment decision on the Poseidon was not revised. Rather it was continued as a hedge against a number of other possible Soviet developments, including in Dr. Foster's words the possibility that "the Minuteman force could be threatened by either rapid deployment of the current Soviet SS–9 or by MIRV'ing their existing missiles and improving accuracy."

Once the Soviets began to deploy the SS–9 in apparently larger number than earlier estimated, however, this gave rise to the decision to deploy a "Safeguard" ABM defense of Minuteman sites.

In short the sequence went like this: (1) The Poseidon deployment decision was made against a threat which never materialized; (2) despite the disappearance of the threat against which it was designed, the Poseidon was continued, presumably as a hedge against other potential threats, including faster-than expected Soviet deployment of the SS–9; (3) but now a decision has been made to hedge against the SS–9 by building a "hard-point" ABM—so we are presumably building the Poseidon as hedge against a number of possible Soviet threats, including the SS–9, and then building a hedge on top of that; (4) finally, new technology has made it possible to design a hard target killing accuracy into the Poseidon—an accuracy not needed to preserve our second strike capability against either the SS–9 or a Soviet ABM. The technology is available—why not use it! Yet the existence of that capability may well force a major Soviet response.

Another example of hedging against remote threats is the currently planned program of improvements in our continental air defense system. The existing SAGE system cost $18 billion to install but is apparently not very effective against low-altitude bomber attack. Although the Soviets have no sizable intercontinental bomber threat, the decision has been made to go ahead with major investments in a new air defense system. The major reasons given for this decision are these: to deter the Soviets from deciding to reverse their long-standing policy and develop a new bomber; to guard against one-way Kamikaze-type attacks by Soviet medium-range bombers; and to protect those of our missiles which would be withheld in a retaliatory strike. There is admittedly no direct threat to be covered. But a number of more remote threats are covered. And since we cannot defend our cities against Soviet missiles, it gives small comfort to have them protected against as yet non-existing bombers or Kamikaze attacks.

Another case in point is the new F–14 Navy aircraft. Both the F–111B and its successor, the initial version of the F–14, were designed to stand off from the carrier fleet and, with the complex Phoenix air-to-air missile, defend the fleet from a Soviet supersonic bomber plus missile threat, in the context of a major Soviet attack against our carrier forces. But as the Senate Defense Preparedness Subcommittee noted last year, this threat is "either limited or does not exist." Or as Chairman Mahon of the House Appropriations Committee noted, "The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has not, of course, developed to date."

The problem of what contingencies and risks are to be guarded against goes to the very heart of priority analysis. Primarily what we buy in the military budget is an attempt to protect the nation and its vital interests abroad from the danger and risks posed by hostile forces. We seek either to deter the hostile force from ever undertaking the particular action or if worst comes to worst, to ward off the action when it does occur. Similarly, in designing particular weapons systems, the degree of complexity and the performance requirements built into the systems depends in part on an evaluation of the various kinds of contingencies which the weapon is expected to face. Now there are almost an unlimited number of "threats" which can be conceived. The likelihood of their occurrence, however, ranges from a significant possibility to a very remote contingency. Moreover, the size of the forces and complexity of the weapons systems needed to guard against a particular set of threats depends upon whether the threats materialize simultaneously or not. If they do not occur simultaneously then very often forces developed to meet one contingency can be deployed against another. But the probability of two or more remote contingencies occurring simultaneously is obviously even lower than either taken separately.

Clearly we cannot prepare against every conceivable contingency. Even with a defense budget twice the present $80 billion, we could not do that. The real question of priorities involves the balance to be struck between attempting to buy protection against the more remote contingencies and using those funds for domestic purposes. In any given case, this is not a judgment which can be assisted by drawing up dogmatic rules in advance. And, since it is a question of balancing priorities, it is not a question which can be answered solely on military grounds or with military expertise alone—although such expertise must form an essential component of the decision process.

For what it is worth, it is my own judgment that we generally have tended in the postwar period to tip the balance too strongly in favor of spending large sums in attempting to cover a wide range of remote contingencies. And, as I have pointed out, this tendency—combined with the relentless ability of modern technology to create new contingencies and new systems to combat them—threatens to produce sizable increases in the defense budget.

A third important factor which is responsible for driving up the size of defense budg-

ets is "modernization inflation." [2] The weapons system we now buy are vastly more costly than those we bought 10 or 20 years ago. The F–111A and the F–14A, for example, will cost 10 to 20 times what a tactical aircraft cost at the time of Korea. A small part of this increase is due to general inflation. But by far the largest part is due to the growing complexity and advanced performance of the weapons. In the case of tactical aircraft, speed, range, bombload, accuracy of fire, loiter time, ability to locate targets, and other characteristics are many times greater than models one or two decades older. The same kinds of performance comparison can be drawn between modern missile destroyers and their older counterparts, and between modern carriers and their predecessors. We pay sharply increased costs to obtain sharply increased performance. Yet seldom if ever is this advance in "quality" used to justify a reduction in the number of planes or carriers or destroyers or tanks. If bomb carrying capacity and lethal effectiveness is doubled or tripled, then presumably a smaller number of new planes can do the same job as a larger number of old planes. But the numbers generally stay the same or increase. As a consequence, modernization inflation primarily causes a net increase in military budgets rather than providing—at least partially—a reasoned basis for maintaining military effectiveness while reducing the level of forces.

In some cases, of course—for example, Soviet fighter aircraft—rising enemy capabilities may reduce the possibility of substituting quality for quantity. But the same kind of argument is hard to adduce for such weapons as carriers or attack bombers.

The fourth, and perhaps most important, reason for increasing military budgets is the fact that some of the most fundamental decisions which determine the size of these budgets are seldom subjected to outside review and only occasionally discussed and debated in the public arena. This problem is most acute in the case of the budget for the nation's general purpose forces. The fundamental assumptions and objectives of the strategic nuclear forces are more generally known and debated. But the assumptions, objectives and concepts underlying the general purpose forces—which even in peacetime take up 60 percent of the defense budget—are scarcely known and discussed by the Congress and the public. Congress does examine and debate the wisdom and effectiveness of particular weapons systems—the TFX, the C–5A, etc. But choices of weapons systems form only a part of the complex of decisions which determine the budget for our general purpose forces.

Those decisions can conveniently be classified into four types:

1. What are the nation's *commitments* around the world? While our strategic nuclear forces are primarily designed to deter a direct attack on the United States, our general purpose forces have their primary justification in terms of protecting U.S. interests in other parts of the world. At the present time, we have commitments of one kind or another, to help defend some 40-odd nations around the world—19 of them on the periphery of the Soviet-Eastern European bloc and Communist China. Almost all of these commitments were made quite some time ago, but they are still in force. Unless we wish to rely solely on "massive retaliation" as a means of fulfilling our commitments, they do pose a fundamental "raison d'etre" for general purpose forces of some size.

2. Granted the existence of these commitments, against what sort of *contingencies* or *threats* do we build our peacetime forces? A number of examples will help illustrate this aspect of decision making:

Pre-Vietnam (and, barring changes in policy, presumably *post-Vietnam*), our general purpose forces were built to fight *simultaneously* a NATO war, a Red Chinese attack in S.E. Asia, and to handle a minor problem in the Western Hemisphere, a' la' the Dominican Republic. Obviously the forces-in-being would not be sufficient, without further mobilization, to complete each of these tasks. But they were planned to handle simultaneously all of the three threats long enough to enable mobilization to take place if that should prove necessary.

The Navy is designed, among other tasks, to be capable of handling an all-out, non-nuclear, protracted war at sea with the Soviet Union.

The incremental costs of maintaining in-being a force to meet the Chinese attack contingency, probably amounts to about $5 billion per year. When in 1965 the nation decided to begin Federal aid to elementary and secondary education—which has subsequently been budgeted at less than $2 billion a year—a major national debate took place. To the best of my knowledge, there was no public comment or debate about the "Chinese contingency" decision. Yet the decision was not classified—it was publicly stated in the unclassified version of the Secretary of Defense's annual posture statement several years running. This is not to say that the decision was necessarily wrong. Rather, I want to stress that it has a very major impact on the defense budget, yet was not, so far as I know, debated or discussed by the Congress. This lack of debate cannot be laid at the door of the Pentagon, since the information was made available in the defense posture statement.

3. Granted the commitments and contingencies, what *force levels* are needed to meet those contingencies, and how are they to be based and deployed?

The Navy, for example, has 15 attack carrier task forces. The carrier forces are designed not merely to provide quick response, surge capability for air power, but to remain continually on station during a conflict. As a consequence, because of rotation, overhaul, crew-leave, and other considerations, one carrier on station generally requires two off-station as back-up. Thus for *five* carriers on station, we have *ten* back-up carriers. (The "on-station" to "back-up" ratio depends on the distance of the station from the carriers' base. The 2/1 is an average ratio.)

The pre-Vietnam Army comprised 16⅓ active divisions with eight ready reserve divisions. The 16⅓ division force is supported by a planned 23 tactical air wing (only 21 were in-being pre-Vietnam).

The Navy has eight anti-submarine carrier task forces.

Defense plans call for a fast amphibious assault capability, sufficient to land one division/air wing in the Pacific and ⅔ division/air wing in the Atlantic.

The force levels needed to meet our contingencies are, of course, significantly affected by the military decisions and capabilities of our allies. The U.S. situation in NATO, for example, is strongly affected by whether or not the divisions of our NATO allies are equipped with the combat consumables and rapid fire-power weapons enabling them to conduct a prolonged conventional war.

4. With what *weapons systems* should the forces be equipped? Such questions as nuclear versus conventional power for carrier and carrier escorts, the F–111B versus the F–14, the extent to which the F–14 replaces all the Navy's F-4's, must, of course, be decided.

Let me hasten to point out that there is no *inexorable logic* tying one set of decisions in this litany to another. Do not think that once a decision has been made on commitments that the appropriate contingencies we must prepare against are obvious and need no outside review; or that once we have stipulated the contingencies that the necessary force levels are automatically determined and can be left solely to the military for decision; or that once force levels are given, decisions about appropriate weapons systems can be dismissed as self-evident. There is a great deal of slippage and room for judgment and priority debate in the connection between any two steps in the process.

Some examples might help:

There is no magic relationship between the decision to build for a "2½ war" contingency (NATO war, Red Chinese attack, and Western Hemisphere trouble) and the fact that the Navy has 15 attack carrier task forces. In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy was allotted 15 capital ships. All during the nineteen twenties and thirties, the Navy had 15 battleships. Since 1951 (with temporary exception of a few years during the Korean war) it has had 15 attack carriers, the "modern" capital ship.[3] Missions and "contingencies" have changed sharply over the last 45 years. But this particular force level has not.

If one assumed, for example, that the Navy's carrier force should provide "surge" support to achieve quick air cover and tactical bombardment during an engagement, and then turned the job over to the tactical Air Force, the two-to-one ratio of back-up carriers to on-station carriers would not have to be maintained and the total force level could be reduced, even with the same contingencies. The wisdom or lack of wisdom in such a change would depend both upon a host of technical factors and upon a priority decision—does the additional "continuation" capability as opposed to "surge" capability buy advantages worth the resources devoted to it, on the order of $300–$400 million per year in operating and replacement costs per carrier task force.

Similar questions arise in other areas. Does the 16⅓ division Army peacetime force need 23 tactical air wings for support, or could it operate with the Marines' one-to-one ratio between air wings and divisions? Granted the 15 carrier task forces, must all of their F–4's be replaced by F–14's, as the Navy is apparently planning.

In short there is a logical order of decisions—commitments to contingencies to force levels to weapons systems—but the links between them are by no means inflexible, and require continuing review and oversight.

As I mentioned earlier, I am impressed by the fact that the Congress tends to concentrate primarily upon debate about weapons systems to the exclusion of the other important elements of the general purpose component of the defense budget. Many of the elements involved in military budget decision making cannot, of course, be made subject to specific legislation—I find it hard to see how the Congress could, or should, legislate the particular contingencies against which the peacetime forces should be built. But the Congress is the nation's principal forum in which public debate can be focused on the basic priorities and choices facing the country. It can, if the proper information is available and the proper institutional framework created, critically but responsibly examine and debate *all* of the basic assumptions and concepts which underlie the military budget. And it can do so in the content of comparing priorities. The Congress can explicitly discuss whether the particular risks which a billion dollar force level or weapons systems proposal is designed to cover are serious enough in comparison with a billion dollars worth of re-

[2] This is the term used by Malcolm Hoag.

[3] This observation is reported by Desmond P. Wilson, *Evolution of the Attack Aircraft Carrier: A Case Study in Technology and Strategy*, Ph.D. Dissertation, M.I.T., February 1966.

sources devoted to domestic needs to warrant going ahead. By so doing, the Congress as a whole can create the kind of understanding and political climate in which its own Armed Services and Appropriations Committees, the President, his Budget Bureau, and his Secretary of Defense can effectively review and control the military budget.

This brings me to my next point. The size and rapid increase in the defense budget is often blamed on the military-industrial complex. Sometimes it is also blamed on the fact that the Budget Bureau uses different procedures in reviewing the military budget than it does in the case of other agencies.

The uniformed Armed Services and large defense contractors clearly exist. Of necessity, and in fact quite rightly, they have views about and interests in military budget decisions. Yet I do not believe that the "problem" of military budgets is primarily attributable to the so-called military-industrial "complex." If defense contractors were all as disinterested in enlarging sales as local transit magnates, if retired military officers all went into selling soap and TV sets instead of missiles, if the Washington offices of defense contractors all were moved to the West Coast, if all this happened and nothing else, then I do not believe the military budget would be sharply lower than it now is. Primarily we have large military budgets because the American people, in the cold war environment of the nineteen fifties and sixties, have pretty much been willing to buy anything carrying the label "Needed for National Security." The political climate has, until recently, been such that, on fundamental matters, it was exceedingly difficult to challenge military judgments, and still avoid the stigma of playing fast and loose with the national security.

This is not a reflection on military officers as such. As a group they are well above average in competence and dedication. But in the interests of a balanced view of national priorities we need to get ourselves into a position where political leaders can view the expert recommendations of the military with the same independent judgment, decent respect, and healthy skepticism that they view the budgetary recommendations of such other experts as the Commissioner of Education, Surgeon General, and the Federal Manpower Administration.

I think the same approach can be taken with respect to the procedures used by the Budget Bureau to review the Budget of the Defense Department. In all other cases, agency budget requests are submitted to the Bureau, which reviews the budgets and then makes its own recommendations to the President subject to appeal by the agency head to the President. In the case of the Defense budget, the staff of the Budget Bureau and the staff of the Secretary of Defense jointly review the budget requests of the individual armed services. The staff make recommendations to their respective superiors. The Secretary of Defense and the Budget Director then meet to iron out differences of view. The Secretary of Defense then submits his budget request to the President, and the Budget Director has the right of carrying to the President any remaining areas of disagreement he thinks warrant Presidential review.

Given the complexity of the Defense budget and a Secretary of Defense with a genuine interest in economy, efficiency, and effectiveness, this procedure has many advantages. It probably tends to provide the Budget Director with better information on the program issues than he gets from other Departments. I think the procedure might perhaps be strengthened if the practice were instituted of having the Budget Director and the Secretary of Defense *jointly* submit the budget recommendation to the President, noting any differences of view.

But essentially, this procedural matter is of relatively modest importance. The Budget Bureau can effectively dig into and review what the President wants it to review under this procedure or many others. It can raise questions of budgetary priorities—questioning, for example, the worth of building forces against a particular set of contingencies on grounds of higher priority domestic needs—when and only when the President feels that he can effectively question military judgments on those grounds.

In my view therefore, the issues of the military-industrial complex, and of budget review procedures are important. But they are far less important than the basic issue of public attitudes, public understanding, and the need to generate an informed discussion about the fundamentals of the military budget in the context of national priorities.

With this in mind, let me suggest a few tentative proposals for improving public understanding and putting the military budget in a priorities framework.

III. TENTATIVE PROPOSALS FOR IMPROVING MILITARY BUDGET DECISIONS

The proposals I have in mind are addressed primarily to the Congress. As I noted earlier, many of the basic assumptions and concepts which determine the size of the military budget do not lend themselves, in the first instance, to direct legislative actions. But the Congress has another historic function—focusing public understanding and debate on important national concerns as a means of creating the framework within which both the Congress and the President can take the necessary specific actions. It is to this second function that my proposals are addressed.

As you know, each year for the last eight years the Secretary of Defense has submitted to the Congress an annual *posture statement*. This statement contains a wealth of information and analysis, and lays out most of the basic assumptions and concepts on which the military budget request is based. But, as I pointed out earlier, one of the most fundamental determinants of the military budget, particularly the general purpose forces, is the set of overseas commitments in which we have undertaken to defend other nations. Yet the Secretary of State submits no annual posture statement covering his area of responsibility and concern. Because of this lack of a State Department posture statement, the Defense posture statement each year has devoted its lengthy opening sections to a review of the foreign policy situation.

Recommendation 1. The Secretary of State should submit to the Congress each year a posture statement. This statement should, at a minimum, outline the overseas commitments of the United States, review their contribution or lack of contribution to the nation's vital interests, indicate how these commitments are being affected and are likely to be affected by developments in the international situation, and relate these commitments and interests to the military posture of the United States.

The Defense posture statement itself could be much more useful to the Congress and the nation if two important sets of additional information were supplied.

Recommendation 2. The Defense posture statement should incorporate a five-year projection of the future expenditure consequences of current and proposed military force levels, weapons procurement, etc. This need not, and should not, be an attempt to forecast *future* decisions. But it should contain, in effect, the five-year budgetary consequences of past decisions and of those proposed in the current budget request. And not only should this sum be given in total, but it should be broken into meaningful components.

One of the major problems in priority analysis is the fact that the first year's expenditures on the procurement of new weapons systems is very small. Hence it is quite possible in any one year for the Congress to authorize and appropriate, in sum, a relatively small amount for several new systems which, two to five years in the future, use up a very large amount of budgetary resources.

All sorts of technical details need to be worked out if this proposal is to be useful. What is a "decision" about a weapons system? The Defense Department plans, for example, call for three nuclear carriers to be built. Procurement funds have been requested for only two so far. Should the cost of the third be included in the projection? But with a little goodwill on both sides, these questions could be ironed out. Let me also note, that I am aware that the Congress—relying on past experience with cost escalation—may want to increase the official projections of many weapons systems costs in order to get a more accurate idea of the overall total.

Recommendation 3. The Defense posture statement should include more cost data on relevant components of forces and weapons systems. What is the annual cost of the forces we maintain in peacetime against the contingency of a Chinese attack on South East Asia? What is the systems cost of constructing and operating a naval attack carrier task force? What is the cost of buying and maintaining one tactical air-wing? What is the annual cost of operating each of the Navy's eight anti-submarine warfare carriers? These are precisely the kinds of information needed to make possible a rational and responsible debate about the military budget in the context of national priorities.

Given this information, it seems to me that the Congress could organize itself to use it effectively. To that end, very tentatively I would suggest the following recommendations:

Recommendation 4. An appropriate institution should be created within the Congress to review and analyze the two posture statements in the context of broad national priorities, and an annual report on the two statements should be issued by the Congress.

I use the peculiar terms "an appropriate institution" because I am not familiar enough with either Congressional practices or Congressional politics to specify its title more closely. Whether this institution should be a new Joint Committee, an existing Joint Committee, a Select Committee, an *ad hoc* merging of several Committees, or some other form, I do not know. But I can specify what I believe should be the characteristics of such an institution:

It should review the basic factors on which the military budget is based, in the context of a long-term projection of budgetary resources and national priorities.

It should have, as one part of its membership, Senators and Congressmen chiefly concerned with domestic affairs, to assert the claims of domestic needs.

It should not concern itself primarily with the technical details of weapons systems, procurement practices and the like; while these are very important, they are the province of other Committees. It is the "national priorities" of the military budget which should be the essence of the new institution's charter.

Above all, it should have a top flight, highly qualified staff. The matters involved do require final solution by the judgment of political leaders, but in the complex areas with which the new institution would deal, its deliberations must be supported by outstanding, full-time, professional staff work.

The institution I have described would have no legislative responsibilities. But I do not believe that makes it any less important. After all, the Joint Economic Committee has no legislative mandate. Yet in the past twenty-two years, its activities have immeasurably increased the quality and sophistication of public debate and of Congressional actions on matters of economic affairs and fiscal policy. Should an institution such as

I have described be created, I would only hope that twenty-two years from now it could look back on an equally productive life.

STATEMENT BY SENATOR J. W. FULBRIGHT BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE ON "THE MILITARY BUDGET AND NATIONAL ECONOMIC PRIORITIES," JUNE 4, 1969

Mr. Chairman, I appreciate being given an opportunity to testify at these hearings.

The subject you are considering goes to the heart of what government and our responsibilities as Senators, are all about. Our principal duty, as representatives of the people, is to use our best judgment in charting the nation's course for the future. The principal instrument for charting that course is the Federal budget, which represents the collective wisdom of the two of the three branches of government. The budget reflects the sense of values of the political leaders under whose direction the budget is prepared just as the final appropriation bills reflect the values of the dominant elements of the Congress.

The magnitude and the complexity of the military budget of our country, and the fragmented organizational structure of the Congress, make it difficult for any one Committee to review military spending from the perspective of national priorities, as your Committee is doing. I hope that these hearings will focus attention on the structural problem as well as the basic issue of national priorities. The military budget should be subjected to the same detailed scrutiny of Congress that other Federal programs receive. There should be no special privileges or exemptions from accounting in the expenditure of the people's taxes.

Your hearings focus on the question all Senators and Congressmen should have uppermost in their minds in approaching their responsibilities—what do we want our nation to be? Do we want it to be a Sparta, or an Athens? Do we want a world of diversity where security is founded on international cooperation, or do we want a Pax Americana? Do we as a people place a greater value on trying to mold foreign societies than we do on eliminating the inequities of our own society? I believe that, contrary to the traditions which have guided our nation since the days of the Founding Fathers, we are in grave danger of becoming a Sparta bent upon policing the world. The budget tells the story.

In the next fiscal year, it is proposed that about $81 billion be spent on a defense force of 3,500,000 men in uniform (plus reserves), 895 ships, 35,000 aircraft, and many thousands of long-range nuclear missiles. If past experience is a guide supplemental requests will push the total far higher. And with $8 billion budgeted for research and development on new and more sophisticated weapons next year, the budget demands for the military, if met, will easily more than consume any savings that may come from an end to the war in Vietnam.

With a military strategy based on fighting two and a half wars at once, and preparation geared to meet a "greater than expected threat" the sky is the limit to meet needs, as seen by military planners. In a recent statement of his defense philosophy, Secretary Laird said that his decisions would be based, not on enemy intentions, but on their capability. If the Soviets adopt the same philosophy, both countries will surely spend themselves into bankruptcy.

What does the budget for defense mean in terms of dividing up the pie?

It means that, outside of trust fund spending, about 55 cents out of every dollar the Federal Government spends goes to the military.

It means that 70 cents of every dollar from general revenue will go for paying for the cost of wars—past, present, and future.

It means that over $400 per capita will be spent on the military—an increase of 60 percent in each citizen's bill for the military over the last five years.

It is not until we look at what is left to take care of domestic needs that the full impact of military spending becomes apparent. Members of this Committee, with long experience in studying our nation's economic and social problems, are acutely aware of the many unmet needs of our society.

Education is an example of such a need. Schools from kindergarten to graduate school are overcrowded and underfinanced. Nine billion dollars is *authorized* for the various programs of the Office of Education in the next fiscal year. Only about one-third the amount authorized, $3.2 billion, is included in the budget.

Less is proposed for *elementary and secondary education* than it costs to assemble an attack carrier task force; we have fifteen such carriers.

More is budgeted for chemical and biological weapons than is to be spent for *vocational education.*

More will be spent on the ABM, taking the military estimate at face value, than will be invested in *higher* education.

Five times as much will be spent on a nuclear carrier as will be provided for libraries and other community services.

Six times as much is budgeted for the Air Force's Manned Orbiting Laboratory as is slated for education of the handicapped.

This all adds up to the fact that less than $39 per capita is being invested by the Federal Government in the education and training of our citizens, about one-tenth the amount going to the military. I do not believe this is an accurate reflection of the real desires of the American people, but it does reflect the present distribution of power among the bureaucracies of Washington.

In the midst of our great affluence, poverty is still a way of life for 23 million Americans.

Our cities are going downhill rapidly. There has been much talk, but little action, about how to make cities fit places in which to live again. The Kerner Commission recommendations, so widely hailed a year ago, are still no more than that. The Model Cities program is budgeted for an amount comparable to that allotted for foreign military aid. *Thirteen dollars* per capita is the total for all community development and housing programs, about 3 percent of the per capita bill for military activities. If this nation can afford to pour out $23 billion on missile systems in the last 16 years, and then abandon them, as revealed by Senator Symington earlier this year, surely it can afford to do far more to make the cities liveable.

This list could go on. But it would be but a repetition of the same theme. Our system of priorities is cockeyed.

By the end of the coming fiscal year we will have spent about one thousand, two hundred and fifty billion on the military since the end of World War II. It has been said that the United States and the Soviets between them possess the equivalent of 15 tons of high explosives for every human being on earth. Yet security eludes us abroad—and at home. The greatest threat to peace and domestic tranquility is not in Hanoi, Moscow, or Peking, but in our colleges and in ghettoes of cities throughout our land. The state of our real security is evidenced by the fact that it is no longer an extraordinary event for the National Guard or the Army to be called out to control our own people. The Army now boasts that 680,000 men in the Armed Forces have been trained for riot duty. Largely due to the Congress' failure to put first things first in the budget, this training will most likely be put to use in the long, hot summer ahead.

I believe that the turmoil on the campuses, the unrest in the cities, and the signs of a taxpayer revolt are not unrelated to the distortion in our [national values that seeks world peace and tranquility through the force of arms.] Professor George Wald of Harvard, in speaking of the causes of student unrest put it this way:

"Just after World War II, a series of new and abnormal procedures came into American life. We regarded them at the time as temporary aberrations. We thought we would get back to normal American life someday.

"But those procedures have stayed with us now for more than twenty years, and those students of mine have never known anything else. They think those things are normal. They think that we've always had a Pentagon, that we have always had a big Army, and that we have always had a draft. But those are all new things in American life, and I think that they are incompatible with what America meant before."

He summed the problem up by saying:

"I think I know what is bothering the students. I think that what we are up against is a generation that is by no means sure that it has a future."

Congress has it within its power to give assurance to our nation's youth that they do have a future; a future in which their government puts the happiness and well-being of its citizens above Pax Americana and foreign adventures. I believe there would be far less unrest and divisiveness in our society today if the Congress were as willing to vote $85 billion for rebuilding our cities, and creating a better life here, as it was to finance the disastrous war in Vietnam.

There are signs of a growing public awareness of the problem of runaway military spending and that this awareness is at last being reflected in the Congress. Perhaps this questioning of military programs is the natural result of four years of warfare that brought only a stalemate. If the war serves no purpose other than to make the Congress treat the military budget as any other call on the public treasury, it will not have been a total loss. Congress has been following a double standard when it comes to the military. It would never tolerate, in any other agency, performances such as those by the Defense officials and private contractors that have been revealed in the C–5A and other weapons programs. There should be only one standard, applicable to all government agencies and personnel, when it comes to spending the taxpayers' money. I hope that this year will mark the beginning of an independent review by Congress of the military budget and a re-establishing of national priorities which will give America's young people hope for the future.

Again, I congratulate your Committee for bringing attention to the issue of national priorities. I know that your hearings will make a significant contribution to the public dialogue on this most important subject.

Thank you for allowing me this opportunity to testify. I ask permission to have several tables and articles printed at an appropriate point in the record.

STATEMENT OF HON. J. WILLIAM FULBRIGHT, A U.S. SENATOR FROM THE STATE OF ARKANSAS

Senator FULBRIGHT. Mr. Chairman, I appreciate being given an opportunity to testify at these hearings.

I think the subject you are considering goes to the heart of what government, and our responsibilities as Senators, are all about. I feel that our principal duty, as representatives of the people, is to use our best judgment in charting the nation's course for the future. The principal instrument for charting that course is the Federal budget, which

represents the collective wisdom of two of the three branches of government. The budget reflects the sense of values of the political leaders under whose direction the budget is prepared, just as the final appropriation bills reflect the value of the dominant elements of the Congress.

The magnitude and the complexity of the military budget of our country, and the fragmented organizational structure of the Congress, make it difficult for any one committee to review military spending from the perspective of national priorities, as your committee is doing. I hope that these hearings will focus attention on the structural problem as well as the basic issue of national priorities. The military budget should be subjected to the same detailed scrutiny of Congress that other Federal programs receive. There should be no special privileges or exemptions from accounting in the expenditures of the peoples' taxes. Even though it be for military goods.

Mr. Chairman, I have prepared some further comments primarily consisting of data which has been published with regard to the budget, which I ask the committee to include as a part of my statement, and allow me to make some additional remarks.

Senator PROXMIRE. Without objection, the full statement will be printed.

Senator FULBRIGHT. There are a great many statistics in there, and perhaps the committee and the fine staff have these, but in order to make this a complete statement I brought it together for this purpose.

Mr. Chairman, the point of reference in considering a budget, it seems to me, is what kind of country we wish America to be. It has been well said that "the question if whether America seeks to be a great military empire or a humanistic example to the world."

That quote, it seems to me, is the very center of the discussion which is going on today and has been going on. It went along for four years of the last administration, and among the members of the Foreign Relations Committee in the previous administration. And I predict it will be the very center of discussion which will continue through this administration.

The previous administration's efforts to achieve both, that is, a great military empire and a humanistic example to the world, or as it has been said, to build Sparta on top of Athens, resulted in a confused society and the ultimate predominance of the military, over domestic and civilian needs.

That our society is confused and distracted is daily attested by the violence and turmoil among our youth in the colleges and the poor and neglected in the cities. And now there are even signs of a taxpayers' revolt.

A taxpayer from a large and wealthy northern state recently sent me a copy of the statement he filed along with his tax return. Following some very perceptive comments about the government's policies, he ended with these words:

"Now the government comes to me, the taxpayer, and demands more money in the form of a surtax on my income. But it has so wantonly and shamefully used the money I have already paid it. Shall I provide it more money to continue this outrageous war?"

"In good conscience, I cannot willingly do this. I am, therefore, withholding at this time part of the surtax due to show my deep concern about the tragic Vietnam policy of this government."

Next to the taxpayers, the students are perhaps the most important of our citizens. It is no secret that a great many students are disillusioned with our society. Many adults are puzzled by the attitude of the students, and all of us, deplore the violence of the extremists on the campuses who confuse and obstruct real and serious purposes of the majority of students.

Recently I received a letter, from a young man in one of our fine colleges, with some profound thoughts about why so many students are unhappy and dissatisfied. And I think an excerpt from the letter expresses it far better than I can. And I quote from the student's letter: ". . . these students were educated to value truth"—I may say by way of background he was discussing some of the students who were so dissatisfied that they had emigrated to other countries. And this was not one of them. This man is simply giving me his views: ". . . these students were educated to value truth and justice; and their educators succeeded. Nuremburg taught them that good men do not cooperate with injustice; and they understood and agreed. Now they see their own country is practicing injustice. Now their own country, try as it will, cannot force them to cooperate. They understand that the war is as much the result of folly as of evil, but that is no consolation. They love the nation which taught them the value of truth and justice, and now they feel compelled to turn against their own parent. It is a bitter choice.

"Johnson promised peace and we got war. Nixon promised peace and the generals say, 'at least two more years of war'. When will we have peace? When we are all dead?"

Mr. Chairman, I cite these two examples simply to emphasize, if I possibly can, the seriousness of the questions you are raising in these hearings. Students and taxpayers are puzzled and distressed by the policies of their government.

Discussions of budgetary matters, the enormous sums, so large as to be beyond the comprehension of mortal man, tend to become abstractions and seem to have no relevance to our personal lives. This is one of the reasons why the military budget in particular has never been subjected to the same scrutiny applicable to the civilian activities of our government.

But the way we allocate our resources is the fundamental barometer of our values as a civilized society, over the long run. Our values and our budget have been grossly distorted in recent years by several different influences—some of them inadvertent and others by design.

Personally, I am convinced the great majority of the American people would like for their country to be a humane example to the world, and by the force of its example lead others, as well as our own people, to a better life.

Mr. Chairman, the plans of our military leaders, as revealed in their posture statements and actual operations make it clear that the policy of our government is not—and I repeat, not—to move this country in the direction of becoming an example of an effective society of superior excellence deserving the approval and emulation of others. On the contrary, the objective of the policy planners as revealed by their programs is precisely what so many of our leaders deny—the creation of the greatest military power and the maintenance of a Pax Americana. In short that means the imposition of peace by force of arms, supplied, manned and paid for primarily by the taxpayers of the United States.

It is a well known psychological phenomenon that men and governments often deny categorically the impulses or unconscious purposes to which they are subject. The striking differences between subjective perception and objective reality is one of the most interesting of psychological phenomena. Big and powerful nations are especially susceptible to this kind of aberration.

It is a subject which I hope my committee will look into further in the near future.

When one contemplates the enormous, fantastic outlay of funds to build and maintain the nuclear aircraft carrier task forces—and as you know, we now have 15 of them and the Russians have none—and wonders why, there is one obvious explanation—we are organizing the peace of the world based upon our own military force—we are, in effect, policing and preparing to police the world.

For further confirmation of this view, one may recall the request in last year's budget for fast logistic supply ships to be stationed around the world ready for intervention in nearly any area of the world on a moment's notice.

You will recall, it was deferred, but it reappeared this year. But the notorious C5A airplane is likewise designed to transport troops quickly to any place on the globe. That is the main purpose, so that we can intervene anywhere in support of the fast logistic ships.

Now, Mr. Chairman, I return once more to my original thought, that the point of reference for a discussion of the budget is what kind of country do we want America to be. Until we settle this in our own minds, how can we make wise choices among the many different programs presented to us? In order not to be misunderstood, I wish to add that to be a humanistic example to the world does not require unilateral disarmament, it does not in the foreseeable future mean disarmament, but it does mean a halt to the absurd, wildly extravagant arms race presently being pursued by our government.

And from which presently there is no indication we will even negotiate or talk with other super powers.

To halt this race does not require that we alter the present balance of terror provided by the ICBMs, the bombers and the submarines. It merely means not to proceed with the enormously costly new programs now being considered and proposed by the planners. At the very least, we should not proceed with the MIRV and ABM until we have, in good faith, opened negotiations with the Russians on arms control in accordance with Article 6 of the Non-Proliferation Treaty.

In addition to these measures, we should end the enormous arms sales programs and begin to dismantle many of the surplus and obsolete military installations scattered around the world which are extremely costly and serve no useful purpose.

I think you have already had testimony there. There are estimated to be over 400 of what they call bases, and some 2,000 installations. These distinctions, I may say, are very difficult to be precise about.

Mr. Chairman, I have several tables giving the figures comparing how very little relatively we spend as a community upon such activities as education in all its phases, health, the relief of hunger and abject poverty, the prevention of pollution of our environment. I will not take the time of the committee to read the figures. I will sum up this aspect of the case by simply pointing out that since World War II we have spent roughly ten times as much on warfare and its attendant requirements as we have on the welfare of our people.

The misguided urgencies and unwise priorities revealed in this budget, threaten the essential fabric of our self-governing society.

The essence of a democratic society, in my view, is the voluntary allegiance and devotion of its citizens to the basic values and purposes of the community. If the allegiance is not voluntary, it may be a nation but it will not be a democratic society.

It is in this respect that I am apprehensive about the future of our country unless we change the present objectives and the policies upon which the budget apparently is based.

I am apprehensive about the future of our country because not only are the students and the taxpayers among us disillusioned by our performance, but many of the sensitive and intelligent parents also are questioning the values and purposes of our government.

In conclusion I wish to read a few excerpts from a letter from a concerned and

thoughtful and passionate father, which illustrates this point.

I received it only a few days ago. The letter is dated May 26, 1969. Part of it is as follows—it is a long letter, I won't read it all, but it is available if the Chairman would like to read it all:

"DEAR SENATOR FULBRIGHT: My son David, age 19, died in Vietnam the 20th of May 1969 while serving in the Marine Corps. The funeral will be in Davenport, Iowa, when his body returns home, and burial will be in Rock Island National Cemetery in Illinois.

"I send this to you not advertising my personal love for my son and grief at his loss. Although these things are personal and are not ordinarily expressed, we are not in ordinary times. I send you this, rather, as the only personal contribution I can make, my grief and my anger, in hope that soon no more Davids need occur.

"I send it to a member of the one organization who can control whether this nation goes to war."

I may say I do not know this gentleman, he sent it to me incidentally simply as Chairman of the Committee.

"I sent it as a physician who has spent his adult life, and five years of it in the service, in the world of salvaging lives, and to whom, therefore, killing is a special anathema.

"As a man of integrity, I trust you will use this in the national rather than a narrow political interest. You may extract whatever part, read whatever part you choose, and again I trust you not to subvert its meaning. I am a lifelong Republican and I have no embarrassing connections.

"David will never have sons of his own. He has died before he had a chance to form a family and before he could vote.

"David, and all the Davids, leave a legacy, just the same. But, it is a silent legacy unless we take the trouble to listen to it.

"Are we going to take cynical refuge in the time honored escape clause that war is inevitable, and therefore acceptable, and because it is acceptable, by definition, then, bound to be sane and normal? If this is so, then what lies in my son's coffin is an obscenity, a ghastly joke on dedicated men and their families.

"I submit to you that aggressive warfare, not in direct defense of our nation is not inevitable, not acceptable, and neither sane nor normal behavior. I submit that the good men who have given the ultimate a human being can give will not rest until we stop all such wars we are involved in. And more, that we take the technology we have now and the brains and heart of the good men that are left and devote these to the careful scrutiny of what war is, where it comes from, and how we can substitute other modes of action for it. We already know where war leads. History is largely a chronicle of systematic inhumanity by one man to another. The devastating effect of this on the fabric of nations is commonplace knowledge. All lose. None win.

"If this nation does not act responsibly in this area, it does not deserve the life of my son nor any other man. Nor will the nation itself have long life. It is doomed if it does not devote total first effort to ceasing this horror.

"I believe that the stored combined rage and grief of the parents of all the Davids, and the clear sense of betrayal and anger of the young led away from home like cattle are right now enough to tear this nation asunder if they find concerted expression."

Signed "DCD, M.D."

That paragraph describes more eloquently than anything I can say the anguish of the student, the parent, the taxpayers, yes of all Americans who genuinely love the traditional America of Jefferson and Lincoln, America which has sought truth and justice and the respect of mankind.

And it is to resurrect, to revive, to give renewed life to that America that the members of the Senate today are devoting their efforts. The examination of our priorities by this committee is in my opinion a significant contribution to those efforts.

Thank you, Mr. Chairman.

Senator PROXMIRE. Thank you Senator Fulbright, for a very moving and eloquent statement, and for helping put this whole problem into perspective.

Senator Fulbright, there are those in the country, including some in very high office, who charge that criticism of military spending or reconsideration of the absolute priority given to the military budget somehow constitutes rejection of the military, constitutes an unpatriotic act which can only weaken this country and its ability to meet its obligations.

THE JUDICIAL REFORM ACT—HISTORY AND CONSTITUTIONALITY

Mr. TYDINGS. Mr. President, on October 15, 1965, shortly after I became chairman of the Subcommittee on Improvements in Judicial Machinery, I stated on the floor of the Senate that, although on the whole the general caliber of the Federal judiciary has been extremely high, "the problem of the unfit judge is a serious challenge to our judicial system." I announced, at that time, that the subcommittee was going to undertake an extensive study of the problems caused by disabled judges and by judges whose conduct fails to meet the standard of "good behavior" required by the Constitution.

On February 15, 1966, the subcommittee held its first exploratory hearing on the vital but sensitive problems of judicial fitness. The testimony at that hearing clearly documented not only that there have been sick and corrupt judges on the Federal bench, but also the great harm that such judges do and the inadequacy of the present machinery for dealing with them.

Subsequently, in 1966, the subcommittee held a series of hearings to inquire into the manner in which the States deal with the unfit judge. These hearings concentrated on the New York Court of the Judiciary and the California Commission on Judicial Qualifications, both of which have had success in dealing with these sensitive problems.

The next year was spent in discussion, research, and analysis, all of which culminated in the introduction of the Judicial Reform Act on February 28, 1968. This legislation deals with a wide range of judicial administration issues, including liberalized retirement, selection of chief judges, the composition of judicial councils and judicial survivorship benefits. The primary feature of the act, however, is the establishment of a permanent Commission on Judicial Disabilities and Tenure, composed of five judges assigned to Commission service by the Chief Justice. This Commission would be empowered to effect the retirement of disabled judges or recommend the removal of Federal judges who violate the constitutional standard of "good behavior." Closely related to the removal provisions of the act are provisions dealing with judicial conflicts of interest and provisions requiring each judge of the United States to disclose his financial interests. During the spring and summer of 1968, the subcommittee heard 6 days of testimony on the specific provisions of S. 3055.

The hearings, correspondence, and conferences arising out of the introduction of the Judicial Reform Act in 1968 served to illuminate the problems that the legislation was designed to meet and also to produce important suggestions for the improvement of the legislation. On the basis of those suggestions, a number of revisions were made in the act. On March 12, 1969, I, with a bipartisan group of ten distinguished Senators, reintroduced the Judicial Reform Act as S. 1506. The cosponsors are Senators EAGLETON, GOODELL, HATFIELD, KENNEDY, MAGNUSON, MONDALE, MUSKIE, SCOTT, STEVENS, and YARBOROUGH. I invite the other Members of the Senate to add their names as cosponsors.

The Judicial Reform Act has had a long history, but the events of the past few weeks have made its provisions seem particularly relevant. Today, the Federal judiciary is facing a crisis of confidence, a crisis that threatens to gravely impair its strength and its effectiveness.

To a large extent, the present crisis of confidence stems not only from the absence of effective machinery to investigate accusations of judicial unfitness but also from the judiciary's failure to keep its house in order. Aside from the totally inadequate impeachment process, no machinery now exists for a fair and expeditious evaluation of charges of judicial misconduct. Even when using powers of persuasion and the remedies available under section 372 of the Judicial Code, the judiciary has been slow to encourage the retirement of a disabled or senile judge. An exaggerated view of judicial independence and the customary inertia of the judiciary has deterred the judiciary from meaningful attempts to codify standards of judicial conduct or to require the disclosure of extra-judicial activity and compensation. The one instance of Judicial Conference action—a resolution forbidding judges to be directors. officers or employees of commercial corporations—came only after a series of prize winning press articles on corporate and bank directorships held by various judges, and after the introduction of legislation in the Congress to penalize such extrajudicial activity. Even that resolution can be violated with impunity for there are no effective means of enforcement.

As an independent branch of the Federal Government holding all Federal judicial power under the Constitution, the judiciary has inherent power to police itself. The Judicial Reform Act does no more than create machinery that will assist the judicial branch to exercise effectively its power. In my mind, it represents an idea whose time has come.

I request that the following two memorandums be printed in the RECORD at this point:

First. The History of the Judicial Reform Act.

Second. Constitutionality of a Statutory Alternative to Impeachment.

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

THE HISTORY OF THE JUDICIAL REFORM ACT

OCTOBER 15, 1965

(The Subcommittee on Improvements in Judicial Machinery began its study of the problems of unfit Federal judges)

The Judicial Reform Act which I introduced in 1968 and again this year would require all Federal judges and justices to disclose their financial interests including the sources of their income. It would also create machinery within the judiciary to deal with judges who, through their actions, have failed to meet the standard of "good behavior" required by Article III of the Constitution, or who are unable to perform their judicial duties because of some disabling mental or physical infirmities.

The Act is an extension of the work done over the past three decades by Hatton Sumners, Estes Kefauver, John Biggs, Joseph Borkin, and many other men of conscience and distinction. It is the culmination of over three and one-half years of effort on my part and on the part of the Subcommittee on Improvements in Judiciary Machinery of which I am Chairman.

On *October 15, 1965*, shortly after I became Chairman of the Subcommittee, I stated on the floor of the Senate that although on the whole the general caliber of the Federal judiciary has been extremely high, ". . . the problem of the unfit judge is a serious challenge to our judicial system." I announced at that time that the Subcommittee was going to undertake an extensive study of he problem of the unfit judge with the hope that we would be able to provide helpful legislation. In an initial effort to stimulate discussion, reprints of my *October 15* speech were mailed to the entire Federal bench and to all United States Attorneys.

FEBRUARY 15, 1966

(An exploratory hearing was held on the problems of judicial fitness)

On *February 15, 1966*, the Subcommittee held its first exploratory hearings on the vital, but sensitive problems of judicial fitness. At that time the Subcommittee heard testimony from John Biggs, Jr., the distinguished senior judge from the Third Circuit; Bernard G. Segal, Esquire, now President-elect of the American Bar Association; and Joseph Borkin, Esquire, author of The Corrupt Judge.

The three witnesses graphically described instances of disability and misconduct on the Federal bench. Consider, for example, the startling saga of Judge Davis and Judge Buffington. At the age of 86, Judge Buffington was still on the bench. He was deaf, blind, and senile, and refused to hire a law clerk. Yet, he continued to turn out written opinions in case after case—Judge Davis was writing, selling, and concurring in the decisions that Judge Buffington was signing. Having no other effective remedy available, Judge Biggs and the other judges of the Third Circuit finally directed and insisted that Judge Davis and Judge Buffington should not sit together. Finally, after some years of effort, Judge Davis was indicted and tried, but not convicted.

Bernard G. Segal related the following story:

"One day, the Deputy Attorney General called me in my capacity as Chairman of the ABA Committee on Federal Judiciary and asked for an investigation and report on a prospective candidate for a U.S. district court. . . . we . . . urged that the President not consider the appointment because the lawyer had suffered a drastic heart attack and apparently . . . would not fully recover. Nevertheless, the appointment was made. Within weeks after he got on the bench, . . . the judge suffered a drastic stroke and . . . began to deteriorate.

"It got to a point where I tried to get the lawyers in his district to give statements to me so that we could urge the chief judge of the Circuit to do there what Judge Biggs had done in the Third Circuit in the case to which he referred, but we could not get a lawyer, even anonymously, and on a blank piece of paper, to give us what we needed. Then one day, I received a call from a lawyer at a considerable distance from that state, who said 'Bernie, look at our dilemma. The attention span of this judge is 1 hour per day. Here we are, a large number of counsel from various parts of the country, coming to try an anti trust case before him. Before a judge would sit five days and a sixth morning perhaps a few evenings a week, this case will take four to six months. None of us will live to see the end of the case before that judge.'

"We endeavored to get the chief judge to apply the kind of pressure that Judge Biggs had applied. But for a long time without success. Eventually the pressure of 372(b) was applied and the judge did retire but not until vast discredit had been cast upon the whole judicial system in that community. I shall not burden you with the instances, but his conduct became quite infamous, and entirely as a matter not of bad faith but of bad health."

The testimony at the *February 15, 1966*, hearing clearly documented not only that there have been sick and corrupt judges on the Federal bench, but also the great harm which such judges do and the inadequacy of the present machinery for dealing with them.

Mr. Segal summed it up as follows: "[H]owever high the quality of the vast majority of judges, a few judges, a few bad judges, a few corrupt judges, a few incompetent judges, a few judges physically and mentally unable to carry on their job, can undo the beneficial efforts of the others."

I asked Judge Biggs whether it would be fair to infer from his testimony that he felt that the present machinery for the removal of unfit judges is inadequate. He replied, "In my view there is not the slightest doubt of it." In the same vein, Mr. Borkin, after describing three of the most lurid cases of Federal judicial malfeasance concluded, "[T]he three cases, Manton, Davis, and Johnson, indicate one very serious defect in our judicial fabric; that is, there is no place to go to complain. There was not anywhere to go, not anything to do, not anyone to see, not any device other than the impeachment device that could have been put into operation."

The testimony at the hearing of *February 15, 1966*, convinced me that the subject of unfit judges is one of the most significant issues with which the Subcommittee could concern itself. It also convinced me of the need to bring about a spirited and rigorous dialogue on the problems of judicial fitness and on the possible solutions to the problems. I, therefore, instituted a policy of obtaining the widest possible dissemination of my thoughts on the subject and of the product of the Subcommittee's inquiries.

MARCH 24, 1966

(A letter was sent to all Federal judges requesting their suggestions and comments on the need for legislation to deal with the problem of judicial unfitness. With this letter, the subcommittee instituted the policy of encouraging a rigorous dialogue about the problems of judicial fitness and about possible solutions)

On March 24, 1966, I wrote a letter to all Federal judges setting forth my desire to increase the capacity of the judiciary to police itself and asking for their suggestions and comments on the need for legislation to deal with the problem of judicial unfitness.

Thus began the correspondence and accumulation of relevant material which now fills more than a complete file cabinet in the office of the Subcommittee. Speeches, reprints of hearings and copies of the bills which were eventually introduced flowed constantly to Federal judges, United States Attorneys, law schools, bar associations, members of the bar, court administrators, students, and interested citizens. The recipients responded in depth. I discussed the problems in periodicals, including, among others, the ABA Journal, the American Criminal Law Quarterly, the Journal of the Missouri Bar, and the Tennessee Bar Journal. I spoke to bar associations across the country. [Jacksonville Bar Association, Kansas City Bar Association, Arkansas State Bar Association, Nevada State Bar Association, Utah State Bar Association, and the Virginia State Bar Association.] I also spoke at the Judicial Conferences of the Fourth, Fifth, Sixth, Eighth and Ninth Circuits and at numerous other places. [National Conference of States Bar Presidents, The American College of Trial Lawyers, University of Pennsylvania Law Review Annual Banquet, New York University School of Law Annual Banquet, University of Washington Law School, Maryland Law School Alumni, and Villanova Law School.] In these and other speeches I discussed the problems caused by unfit judges and set forth possible solutions to these problems.

Of course, correspondence and discussions can only supplement the information to be gathered from hearings. Following our exploratory inquiries *February 15, 1966*, the Subcommittee held a series of hearings to study the manner in which the states deal with the pertinant problems.

MAY 9, 1966

(Hearings in New York City to study the New York State Court of the Judiciary)

This series of hearings was designed to concentrate on the two states, New York and California, which have set the pattern in this field. On *May 9, 1966*, the Subcommittee went to New York City and heard testimony on the ad hoc Court of The Judiciary established in New York in 1947. Testimony was received from New York State judges, attorneys, and court administrators, including among others, Bruce Bromley, Esquire, of the New York State Bar Association, and the Honorable Bernard Botein, presiding justice of the First Judicial Department.

JUNE 17 AND JUNE 20, 1966

(Hearings in San Francisco and Los Angeles to study the California Commission on Judicial Qualifications)

On *June 17, 1966*, in San Francisco and on *June 20, 1966*, in Los Angeles the Subcommittee heard members of the California bench and bar, as well as laymen, discuss the California Commission on Judicial Qualifications.

The California Commission is a continuing body, consisting of nine members, five of whom are judges appointed to Commission service by the Supreme Court of California, two of whom are members of the bar appointed by the Board of Governors of the State Bar, and two of whom are laymen appointed by the governor with the consent of the State Senate. The Commission employs an executive secretary and a secretarial employee. It is empowered to examine and investigate complaints against members of the state's judiciary. After an initial investigation, the Commission may, if the case warrants it, proceed to a formal hearing. Following the hearing the Commission either dismisses or recommends removal or retirement to the Supreme Court of California. The case is reviewed by the Supreme Court which enters the final order. The Commission was established in 1960 and has been an unqualified success. The testimony which the Subcommittee heard amply supported the following statement by the Honorable William B. Neeley, at that time Chairman of the Commission:

"Since its inception, the Commission and every member has been motivated by the philosophy that within the limits of its jurisdiction its function is to avert, as promptly and quietly as possible, derelictions by judges. . . . [T]he very existence

of the Commission has had a salutary effect on the judge who is inclined to be lax in keeping court hours; the judge who is intemperate with litigants, lawyers or witnesses; the judge who permits his personal activities to interfere with his judicial duties; the judge who delays unduly in disposing of court business. *Conversely, it serves to protect the judges from irresponsible charges.*

"The existence of an agency to which the public may address its criticisms of the judiciary and receive an answer constitutes a substantial contribution to the judicial process.

"In January 1964, Governor Brown of California, in reply to a letter from the Dean of the University of Colorado School of Law, inquiring about the Commission, gave this evaluation:

" 'The law has been in effect for slightly over three years now, and I am convinced that it is a tremendous success. It is beyond argument that the operations of the Commission have had a marked effect in raising the already high level of our California judiciary, and I feel that as the Commission continues to operate this effect will be multiplied.

" 'In my opinion, the major thrust of the Commission's effect has been not simply in the fact that a small number of judges have resigned after the Commission has investigated their activities and found them wanting in quality. Rather, I note with pleasure the salutary effect which the Commission has had on the vast majority of our hardworking judges.'

"These same favorable conclusions are true today, and would receive the approval of the bench and bar of California." [Emphasis supplied]

JULY 15, 1966

(Hearings in Washington, D.C., to study the removal and retirement provisions of Oklahoma, Michigan, and other States)

Subsequently, on *July 15, 1966,* the Subcommittee took testimony on the removal and retirement mechanisms in Oklahoma and in a number of other states.

The next year and a half were spent in discussion, research, and analysis. Close attention was given to the question of the constitutionality of removing or involuntarily retiring Federal judges in a manner other than impeachment.

FEBRUARY 28, 1968

(Introduction of the Judicial Reform Act, S. 3055)

APRIL 23 AND 24, MAY 1 AND 15, JUNE 6, AND JULY 26, 1968

(Hearings on S. 3055)

Finally, on *February 28, 1968,* I introduced S. 3055, the Judicial Reform Act. The Judicial Reform Act dealt with a wide range of judicial administration issues, including liberalized retirement, selection of chief judges, the composition of judicial councils and judicial survivorship benefits. The primary feature of the Act, however, was the establishment of a continuing Commission on Judicial Disabilities and Tenure composed of five Federal judges assigned to Commission service by the Chief Justice with the power to effect the retirement or recommend the removal of unfit Federal judges. Closely related to the Commission provisions of the Judicial Reform Act were provisions dealing with judicial conflicts of interest and provisions requiring each judge of United States to file an annual financial statement.

In accordance with the policy established two years earlier, the Judicial Reform Act was circulated to interested laymen, to lawyers, federal judges, law professors and court administrators. During the spring and summer of 1968 the Subcommittee held six says of hearings addressed to the specific provisions of S. 3055 and received testimony from, among others, the Honorable J. Edward Lumbard, Chief Judge of the Second Circuit, the Honorable Albert Branson Maris, senior judge of the Third Circuit, and the Honorable Richard A. Chambers, Chief Judge of the Ninth Circuit.

The testimony the Subcommittee received was extremely enlightening. In the following testimony Glenn Winters, Executive Director of the American Judicature Society, succinctly summarized the role that is anticipated for the Commission:

"In conclusion, I believe it is fair to say that the chief purpose and effect of S. 3055 will not be its negative operation in a once-in-a-blue-moon disrobing of a judge who is guilty of reprehensible conduct, and thus sparing a succession of future litigants from finding themselves at his mercy, important though that undoubtedly is. Its greatest value will lie in the constant assurance which it will offer to the profession and the public that there will never again be room on the Federal bench for that kind of person; that the judges as a group are assuming responsibility for their conduct and public image, both individually and as a group; and that they are willing to give an ear to anybody who thinks he knows of a judicial wrong that can be remedied."

Judge Maris, among others, persuasively disputed the complaint that the Commission would interfere with the independence of the judiciary:

Senator TYDINGS. Judge Maris, there are judges across the United States who feel that, once appointed to the Federal bench, they have a "lifetime" position, and that they should not be subject to removal by any group, even a group of their fellow judges as in the case at the commission we have proposed, because it might destroy the independence of the judiciary. They say that a commission might inhibit judges from carrying out their responsibilities in a free and independent way, and that a commission would upset the balance of power between and among the executive, judicial, and legislative branches. Do you have any comments on that?

X-45-14S, Record, June 5

Judge MARIS. All I can say is that I do not share that view to any degree whatever. I think judges, like everybody else, ought to maintain a standard of behavior, and if they do not maintain it, they ought to be removed.

Senator TYDINGS. But do you not think that, if you had a national commission of judges, the members might try to pressure or influence or dominate other judges, and thus weaken the independence of the Federal judiciary as a whole?

Judge MARIS. Well, it is very difficult for me to envisage any such situation as that existing or coming about, when you have a group of five judges appointed by the Chief Justice, rotating in turn, and with definite standards as to matters that they may consider as to what constitutes a lack of good behavior. I think the greater danger is that they would not act, rather than that they would act. The whole problem is to get action in these cases, human nature being what it is and having regard for elderly men, who may have had great powers at one time.

The case that you cite from the District of Maryland is a prime example. I am not afraid of action, I am afraid of inaction.

Senator TYDINGS. But is it not essential that the Federal judiciary be absolutely independent and that the judges be accountable to no one? If this commission were created, even if its members were all judges and even if they operated under the precise standards we have prescribed, is it not possible that some judge might be inhibited in performing his duties to some extent and that the independence and integrity of the Federal judiciary might be therefore upset?

Judge MARIS. Theoretically, it may be possible, but it is not a thing that I fear. I agree completely with you that the judiciary should be independent of the executive and legislative branches of the Government, that the whole basis of our Constitution and the only sure guarantee of our liberties and the rule of law is that the judiciary be so independent. And I would not want to do a thing that would in any way, in any actual way, impair that independence. But I do not believe it. I do not believe it is necessary to have the right to misbehave in order to be independent.

Mr. TYDINGS. Mr. President, Joseph Borkin stated the case for disclosure as follows:

Mr. BORKIN. You see, I think one of the problems that arises here, a man becomes a Federal judge after he has attained a certain eminence and success in his private life. He is not a young man any more, and he has acquired in some cases considerable assets.

Now, when he becomes a member of the judiciary, there is no requirement that he dispose of these assets, and I do not think there should be. But having those assets from time to time may very well raise problems in the cases that come before him or the cases that he may be in some way involved in. I think the solution is light, not prohibition on his freedom of activity, but light, the avoidance of darkness.

Senator TYDINGS. Light; disclosure. What about public or private disclosure?

Mr. BORKIN. As for me, I would like public disclosure. But I see some difficulties with cranks and pests. I know this from my personal experience. When my book "The Corrupt Judge" appeared, phone calls, visits by every kind of known disturbed personality suddenly became involved in my life.

Senator TYDINGS. We have the same problem.

Mr. BORKIN. I think if judges had to disclose their assets and income they might be subject to the same kind of foolishness, let us say.

I would be satisfied with a private disclosure. Actually, the most important thing about disclosure is the fact that a judge has to take pen to paper. He must write it down, and this would be on his mind every time he engages in any possible activity which might be a conflict of interest.

May I give one example?

Senator TYDINGS. Yes; certainly.

Mr. BORKIN. Every one of the judges I investigated, not only those involved in my book, had a very careful understanding of, and respect for, the Bureau of Internal Revenue's income tax requirements, and frequently a portion of the bribe was set aside, to be sure that income tax was paid on it. This was true of the judge and even truer of the corrupter.

The Honorable Richard Chambers, Chief Judge of the Ninth Circuit, was the most outspoken opponent of the Judicial Reform Act. His solution to the problem of the disabled judge who refuses to retire was set forth in the following testimony:

Senator TYDINGS. Let me ask you, yes or no; do you feel that once a man becomes a Federal judge, he should be accountable to no one for his conduct, except the Congress in an impeachment proceeding?

Judge CHAMBERS. My answer to that is really no because I think the judicial council can and ordinarily does the job.

Senator TYDINGS. How? How can a judicial council do the job? What have the councils done? Take the Ohio situation of some time ago. Complaints from Ohio Congressmen and Ohio Senators, bills introduced, newspaper stories—4 or 5 years of charges ranging from intemperance to corrupt dealings with criminals, to sheer nonfeasance. The judicial council had no way to remove him or to

chastise him or to admonish him. Nothing was done until finally, after several years, they succeeded in forcing him to retire. What a spectacle.

What can a judicial council do when, because of intemperance, alcohol, or mental attitude a judge does not meet the minimum standards of conduct the public feels Federal judges should meet? What do you do? What does the judicial council do?

Judge CHAMBERS. But to tell you the first way to have begun on that thing was to have gone out and got a second courtroom right there in the same building and there is nothing that gets a new judge like an empty courtroom yawning for a man's successor or who is eligible to retire.

Senator TYDINGS. You mean as chief judge you would have assigned him to a courtroom and then ordered the clerk to assign him no cases?

Judge CHAMBERS. Oh, no. I would have gotten very long—well, before the problem arose, soon after he was eligible to retire, would have established two courtrooms in the building so that when that man retired he would have no fear of where he would sit down.

Senator TYDINGS. And you think that by providing another courtroom in the building that then he would automatically retire and the problem would be taken care of?

Judge CHAMBERS. Well, you are getting me in terrible trouble across the country, Mr. Chairman, but it has been done more than once.

Senator TYDINGS. Well, I think that technique might have a lot to commend it in certain circumstances.

But suppose the judge refused to retire. I think you know the situation in the 10th Circuit.

Judge CHAMBERS. Well, if I may, let me talk about a situation in the Ninth Circuit, I am in a terrible position here, but I want to be forthright. We had a judge in Arizona District Court who wasn't showing the disposition that he should retire. I had not actually become chief judge, but I knew I was going to be. They were building a new courthouse, Federal courthouse there. We knew we were getting a second Phoenix judge right away. Under the covers, I mean, we knew, and so this district judge had put two courtrooms in the plans in there. We took a hold of the thing, we put in three courtrooms and four sets of chambers and he opposed this. After he got into the new building with two courtrooms there yawning for occupants, he retired, and the price, of course, that I paid was a newspaper editorial about the San Francisco judge that was drunk on Federal money. Our mistake was not putting eight courtrooms in a rapidly growing Phoenix instead of four.

MARCH 12, 1969

(Reintroduction of the Judicial Reform Act, S. 1506)

The hearings, correspondence, and conferences arising out of the introduction of the Judicial Reform Act in 1968 served not only to illuminate the problems that the legislation was designed to meet, but also to produce important suggestions for the improvement of the legislation. On the basis of those suggestions, a number of changes were made in the Act. The revised Act was circulated to every member of the Senate, and when reintroduced as S. 1506 on *March 12, 1969*, was cosponsored by a bipartisan group of ten distinguished Senators. The cosponsors are Senators Eagleton, Goodell, Hatfield, Kennedy, Magnuson, Mondale, Muskie, Scott, Stevens, and Yarborough.

The provisions of S. 1506 creating the Commission are basically the same as those in S. 3055, 90th Congress, second session. The disclosure provisions, however, have been significantly strengthened. During 1968 the Senate passed S. Res. 266 and the House passed H. Res. 1099. Judges can no longer complain that they were being "singled" out for special reporting requirements.*

The disclosure provisions of S. 1506 apply to justices as well as judges of the United States. They are patterned after S. Res. 266. They are, however, broader, and these broader provisions are justified because, unlike Senators and Congressmen, Federal judges are not responsible to any constituency. The disclosure provisions of S. 1506 leave the question of confidentiality in the hands of the Judicial Conference by authorizing, but not requiring, the Conference to regulate the filing of reports so as to ensure confidentiality.

In sum, the Judicial Reform Act has had a long history. It is the product of a great deal of work and thought on the part of many people. It represents an idea whose time has come. The Judicial Reform Act must pass. It must pass this year.

REPORTS OF FINANCIAL STATUS

"The Conference was informed that the Senate Judiciary Committee had requested the views of the Conference on S. 1613, 88th Congress. The bill would establish an office of reports in each judicial circuit and require judges to submit regularly to a registrar complete financial reports which would be open for inspection by any member of the judicial council of the circuit. It was the view of the Committee that regardless of the merits of the proposal, federal judges should not be singled out from other officials of the United States Government to make such reports. Upon recommendation of the Committee, the Conference voted to disapprove the bill."

CONSTITUTIONALITY OF A STATUTORY ALTERNATIVE TO IMPEACHMENT

There are nearly 500 Federal judges in the United States. It is inevitable that among their number there will be some whose conduct, or physical or mental disability precludes effective performance.[1] These cases are relatively rare, but when they do occur, not only is justice denied, but the esteem of the judiciary is undermined.[2] From time to time, Congress has been requested to establish machinery to deal with these instances of unfitness. Such legislative proposals frequently include machinery by which the judiciary itself may remove corrupt and lazy judges, as well as involuntarily retire those who are disabled.[3] This memorandum examines the constitutionality of these procedures.

Constitutional doubts are raised because impeachment is the only method the Constitution expressly provides for the removal of unfit judges.[4] Some conclude, therefore, that impeachment is the exclusive procedure our society may constitutionally employ.[5] The exclusivist argument is based in part on their interpretation of the language of the Constitution.[6] It also claims support from the Federalist papers[7] and from the well-established principle of the "independence of the judiciary."[8] Moreover, impeachment, in fact, has been the only formal mechanism for removing unfit judges. Hence, the argument is advanced that history implies some settled view that any other mechanism would be unconstitutional.[9]

I. THE LANGUAGE OF THE CONSTITUTION

The relevant provisions of the Constitution are:

1. Article III, section 1 provides that: "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior. . . ."

2. Article II, section 4 provides for impeachment: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

3. Article I, section 3 defines the consequences of impeachment: "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

4. Article I also outlines congressional impeachment procedure. Section 2 provides that "The House of Representatives . . . shall have the sole Power of Impeachment." Section 3 provides that "The Senate shall have the sole Power to try all Impeachments."

It is important to note that no language in the Constitution explicitly provides that impeachment is to be an "exclusive" device. But according to the exclusivist argument, the language used implicitly commands that conclusion.

First, the exclusivists rely upon the principle *expressio unius, exclusio est alterius*, to wit, that the Constitution created "good behavior" as a condition of tenure and established the impeachment machinery for its enforcement.[10] Thus such machinery is exclusive. But Article II, section 4, provides that "The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." There are a number of cases holding that impeachment is not the sole mode of removal of civil officers.[11] These cases indicate that "civil officers"

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*1963 Report of the Director of the Administrative Office of the United States Courts at 63.

[1] *See* Fairman, *The Retirement of Federal Judges*, 51 HARV. L. REV. 397, 405 (1963); Frankel, *The Case for Judicial Disciplinary Measures*, 49 J. AM. JUD. SOC'Y. 218 (1966); Niles, *Some Bad Judges*, 22 TEXAS B. J. 455 (1959).

[2] The most recently publicized example in which the esteem of the judiciary has suffered is the case of Stephen S. Chandler, Chief Judge of the Western District of Oklahoma. The case has not yet been finally decided. *See* Chandler v. Judicial Council, 382 U.S. 1003 (1966).

[3] H.R. 7423, 81st Cong., 2d Sess. (1950); H.R. 17, 81st Cong., 1st Sess. (1949); H.R. 3639, 80th Cong., 1st Sess. (1947); H.R. 1201, 79th Cong., 1st Sess. (1945); H.R. 1197, 78th Cong., 1st Sess. (1943); H.R. 146, 77th Cong., 1st Sess. (1941); H.R. 9160, 76th Cong., 3d Sess. (1940); H.R. 111, H.R. 5939, 76th Cong., 1st Sess. (1939), S. 476, H.R. 2271, 75th Cong., 1st Sess. (1937); S. 4527, 74th Cong., 2d Sess. (1936).

[4] U.S. CONST. art. II, § 4.

[5] Kramer & Barron, *The Constitutionality of Removal and Mandatory Retirement Procedures for the Federal Judiciary: The Meaning of "During Good Behaviour,"* 35 GEO. WASH. L. REV. 455 (1967); Otis, A proposed *Tribunal: Is It Constitutional?*, 7 U. KAN. CITY L. REV. 3 (1938); Note, *The Exclusiveness of the Impeachment Power Under the Constitution*, 51 HARV. L. REV. 330 (1937).

[6] Otis, *supra* note 5, at 21.

[7] *Id.* at 4.

[8] *See* Otis, *supra*, note 5, at 6.

[9] *Id.* at 20.

[10] *Hearing on H.R. 146 Before a Subcommittee of the Senate Committee on the Judiciary*, 77th Cong., 1st Sess. 7 (1941) (minority report); *Hearings on H.R. 2271 Before Subcommittee IV of the House Committee on the Judiciary*, 75th Cong., 1st Sess. 16 (1937) (remarks of Representative Gwynne); 81 CONG. REC. 6169, 6173 (1937) (remarks of Representative Gwynne and Celler).

[11] *See* Humphrey's Executors v. United States, 295 U.S. 602 (1935); Myers v. United States, 272 U.S. 52 (1926); Shurtleff v. United States 189 U.S. 311 (1903); Parsons v. United States, 167 U.S. 324 (1897); Morgan v. TVA,

appointed by the President, with the advice and consent of the Senate are removable by the President. The exclusivists respond, however, that the grant of good behavior tenure to judges differentiates them from other civil officers.[12] That is to say, although other officers may be removed by means other than impeachment, the impeachment forum is the only one in which "good behavior" can be tried.[13] The "good behavior" argument, however, would appear to be directed more to the prerequisites for removal than to the means by which it can be effected. In other words while purely executive officers may be removed *at will*[14] a judge can be removed only upon a *breach of "good behavior."*[15] But that difference in no way requires the conclusion that when judges can be validly removed, the impeachment machinery is the only constitutional means for doing so.[16]

As a second argument based upon the language of the Constitution alone, exclusivists point to the wording of article I, section 2, and article I, section 3 which provide that: the House of Representatives "shall have the sole Power of Impeachment" and that the "Senate shall have the sole Power to try all Impeachments."[17] They contend that the word "sole" defines two sets of exclusive relationships. The first establishes a separation of powers within the Congress.[18] The second excludes from the removal process all other branches of the government.[19] That is to say the House's "sole" power of "impeachment" together with the Senate's "sole" power to try these cases, comprise an exclusive Congressional power to remove Federal judges.

But the Constitution does not say that the House of Representatives and Senate together shall have the sole power to remove.[20] The Constitution provides only that they shall have the sole power to impeach and convict[21] and there is good reason to conclude that removal is not synonymous with the consequences of impeachment and conviction.[22] Article II, section 4 indicates that ". . . all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors." The Framers did not provide for removal "by", but "on" impeachment and conviction. Thus, removal is a result of impeachment and conviction, but it does not follow that it may be effected only through that process.[23] Indeed, Congress has not regarded the impeachment and removal process as coextensive. Civil officers of the United States have been impeached even after leaving office.[24]

The exclusivist argument based upon the language of the Constitution also faces another difficulty—sometimes described in terms of a "gap" between the kind of conduct for which impeachment will lie and the kind of conduct that would seem to be less than "good behavior."[25] The theory that such a gap exists and that therefore some removal machinery, other than the impeachment process, must have been contemplated can be stated as follows: The Framers, cognizant of the broad scope of impeachment in England, limited the grounds for legislative removal to relatively serious offenses.[26] Thus, article II, section 4 provides for removal "from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."[27] The phrase "high Crimes and Misdemeanors" refers to offenses similar in magnitude to treason and bribery.[28] But the "good behavior" conditions of tenure, article III, section 1, may surely be breached by conduct of a lesser magnitude. No one would contend, for example, that a judge who was persistently lazy exhibits "good behavior."[29] Yet nothing in the language of the clause specifying grounds for impeachment suggests that a lazy judge may be impeached, and consequently removed from office.

The only available argument to the contrary is that the phrase, "high Crimes and Misdemeanors" is comprehensive in its scope.[30] Specifically, it is argued that the term "misdemeanors" includes non-legal misdemeanor such as laziness. It seems unlikely, however, that the Framers would specify "Treason" and "Bribery" and then add "other high Crimes and Misdemeanors" if they intended to cover virtually every form of misconduct.[31] In all fairness, however, there is some support for such an interpretation in Story's *Commentaries on the Constitution*.[32] He indicates that Parliamentary history includes impeachment for many kinds of conduct that could not be called crimes of magnitude. For example, Lord Chancellors and judges were impeached not only for acting grossly contrary to the duties of their office, but for misleading their sovereign by "unconstitutional" opinions. Moreover, others were impeached for giving bad counsel to the King and giving medicine to the King without the advice of physicians.[33]

It would seem likely, however, that since the Framers were primarily concerned with securing an independent judiciary,[34] they intended a narrower definition of the grounds for impeachment in order to curb legislative intrusion.[35] On that theory, "misdemeanors" refers only to serious misdemeanors and a "gap" exists between the impeachment clause and the "good behavior" clause.[36]

A fair appraisal of these arguments surely reveals that they do not lead inevitably to the conclusion that all forms of conduct less than "good behavior" are covered in the stated grounds for impeachment. It is at

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115 F. 2d 990 (6th Cir. 1940), *cert. denied*, 312 U.S. 701 (1941).

[12] Otis, *supra* note 5, at 48.

[13] Lawrence, *The Law of Impeachment*, 15 AM. L. REG. 641, 653 (1867).

[14] Myers v. United States, 272 U.S. 52 (1925), indicates that the power of removal of executive officers is incident to the power of appointment and the Senate does not have the power to limit executive removal. *But cf.* Humphrey's Executors v. United States, 295 U.S. 602 (1935).

[15] U.S. CONST. art. III, § 1.

[16] Moreover, there was no basis for distinguishing "Officers" and "Judges" at common law. All officers were impeachable at common law, and they all were also removable by means other than impeachment. Those holding at will could be removed by the appointing agency; those holding during good behavior, by a judicial proceeding to try misbehavior. Shartel, *Judicial Removal of Unfit District and Circuit Judges*, 28 MICH. L. REV. 870, 896 & n. 72 (1930).

[17] Otis, *supra* note 5, at 21.

[18] *Id.* at 21–22.

[19] *Id.*

[20] Simpson, *Federal Impeachments*, 64 U. OF PA. L. REV. 803, 82 (1916).

[21] U.S. CONST. art. I, §§ 2, 3.

[22] Shartel, *supra* note 16 at 892–93; Comment, *Removal of Federal Judges—New Alternatives to an Old Problem: Chandler v. Judicial Council of the Tenth Circuit*, 13 U.C.L.A. L. REV. 1385, 1393 (1966).

[23] Simpson, *supra* note 20, at 827; Note, *Removal of Federal Judges: A Proposed Plan*, 31 ILL. L. REV. 631, 638 (1937).

[24] William Belknap was impeached after his resignation from the Cabinet as Secretary of War. 3 A. HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES § 2006 (1907).

[25] *Hearing on H.R. 146, supra* note 10, at 20–21 (remarks of Senator Danaher); *Hearings on H.R. 2271, supra* note 10, at 12, 18, (remarks of Representatives Michener and Sumners); 48 *Cong. Rec.* 7999–8000 (1912) (remarks of Senator Cummins); *see* Shartel, *supra* note 16, at 899 n. 79.

[26] *See* Dwight, *Trial by Impeachment*, 15 AM. L. REV. 257, 263–69 (1867); Thomson *Genesis and Growth of the Federal Judiciary Impeachment Clause*, 40 LAW NOTES 24–45 (1936); *cf.* Pergler, *Trial of Good Behavior of Federal Judges*, 29 VA. L. REV. 876–77 (1943).

[27] Article III, section 3, defines "Treason," and the First Congress gave statutory content to "Bribery." Act of April 30, 1790, ch. 9, § 21, 1 *Stat.* 117. This statute provides "That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the United States, in any suit, controversy, matter or cause depending [sic] before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting or securing to be given, paid or delivered, any sum or sums of money, present, reward or other bribe as aforesaid, and the judge or judges who shall in any wise [sic] accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honour, trust or profit under the United States." Notably, the statute does not require an impeachment proceeding. Thus it is arguable that this statute reflects a non-exclusive view of the impeachment clause by the First Congress, and is a precedent for judicial removal. *See* Note, *Removal of Federal Judges*, 31 ILL. L. REV. 631, 639 (1937).

[28] Cf. Simpson, *supra* note 20, at 804.

[29] Indeed there is evidence that "good behavior" at common law had a well-defined meaning, and that laziness was a breach of the requisite "good behavior."

"The grant of an office during good behaviour creates an office for life determinable upon breach of the condition, and behaviour means behaviour in matters concerning the office except in the case of a conviction upon an indictment for any infamous offence of such a nature as to render the person unfit to exercise the office, which amounts legally to misbehaviour though not committed in connection with the office."

"Misbehaviour as to the office itself means improper exercise of the functions appertaining to the office, or non-attendance, or neglect of or refusal to perform the duties of the office." 7 E. HALSBURY, LAWS OF ENGLAND 22–23 (1909), *accord*, 2 A. TODD, PARLIAMENTARY GOVERNMENT IN ENGLAND 857 (2d ed. 1887).

[30] *See* Simpson, *Federal Impeachments*, 64 U. OF PA. L. REV. 651, 676 (1916); Estrich, *The Law of Impeachment*, 20 CASE & COM. 454, 456 (1913).

[31] *See* Simpson, *supra* note 20, at 804.

[32] I J. STORY, COMMENTARIES ON THE CONSTITUTION § 800 (4th ed. 1873).

[33] *Id;* Lawrence, *The Law of Impeachment*, 15 AM. L. REG. 641, 648 n. 1 (1867).

[34] *See* THE FEDERALIST NOS. 78, 79 (A Hamilton).

[35] *Compare* Dwight, *supra* note 26, at 263, *with* Shartel, *supra* note 16, at 893–94.

[36] Other arguments based on linguistic niceties are also possible. For example, "high" may modify both "crimes" and "misdemeanors." In that case, it may be that the Framers intended to include as grounds for impeachment, "high crimes" and forms of non-criminal high misconduct, and intended to exclude minor crimes and minor forms of non-criminal misconduct. That construction would obliterate the alleged "gap," but again the most that can be said for it is that the connection is not wholly implausible. Such a construction, however, does violence to the ordinary meaning of "misdemeanor." Again the only fair conclusion seems to be that the meaning of the constitutional language is by no means settled. *See generally* Simpson, *supra* note 20; Simpson, *supra* note 30.

least a reasonable constitutional theory that a "gap" exists, and it is also reasonable to believe that the need for removal machinery other than the impeachment process was anticipated and that the necessary power to provide it is implicit in the Constitution. It certainly cannot be said, as the exclusivists have argued, that the constitutional question is settled.

Moreover, the theory that the constitutional language does not preclude judicial removal machinery is supported by the doctrine of "separation of powers."[37] Although not specifically mentioned in the document, separation of powers is a fundamental principle of constitutional interpretation.[38] At the very least, it creates an interpretive presumption that each of the three branches of the Federal government is separate and has plenary power to implement its own functions. That presumption is overcome only where the Constitution denies plenary power or establishes shared power in the form of cross-checks between two branches.[39] Accordingly, the doctrine of separation of powers implies inherent power within each of the branches to remove its own members, unless there is an express constitutional provision to the contrary.[40] Indeed, that doctrine, and the presumption that follows from it, may well have given rise to the need for a special provision granting the impeachment power to Congress.[41] In the absence of such a provision, it would have been reasonable to conclude that legislative interference with the Judiciary's inherent removal power was prohibited.[42]

The exclusivists point, however, to the constitutional clause permitting the Congress to expel misbehaving members; to wit, article I, section 5: "Each House may . . . punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member." This clause, it is argued, leads to the conclusion that if the Framers contemplated similar power in the Judiciary to police its own ranks, they would have so provided.

The rebuttal to this argument lies in the concept of Federalism. The Framers established a Federal form of government[43] and carefully delineated the powers of the national and state governments.[44] Article I, section 4 of the Constitution establishes state authority over elections of Senators and Representatives. "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators." Had the Framers failed to provide for congressional punishment and expulsion of its own members, the States may have exercised such powers incident to their "election" powers. Since judges are, however, appointed by the President with the advice and consent of the Senate,[45] there is no similar threat of State removal. The absence of a judicial removal provision in article III then, is not conclusive of an intent that the judiciary should have no power to punish misbehaving judges.[46]

II. THE ENGLISH BACKGROUND

The Constitution was written in light of the English legal experience. Accordingly, it may be helpful to examine English removal devices to ascertain the Framers' intent as to the constitutionally permissible means of removing judges. Prior to the Act of Settlement in 1700, judges were appointed by the Crown *durant bene placito*—at the pleasure of the Crown.[47] The judiciary was therefore subject to the will of the King, and judges were readily removed for such acts as rendering decisions adverse to the Crown. Although there were instances where judges were appointed by the King *quamdiu se bene gesserint*—during good behavior [48]—it was not until the Act of Settlement that a King was required to grant judicial commissions with good behavior tenure.[49]

There is some evidence in English legal history that several removal methods existed at the time of the drafting of the Constitution.[50] The case most clearly enumerating the available procedures was that of Sir Jonah Barrington, a Judge of His Majesty's High Court of Admiralty in Ireland.[51] Sir Jonah Barrington was subjected to removal proocedings in the form of an address.[52] because of alleged appropriation of money lodged in the hands of the registrar of that court. The petitioner's counsel, Mr. Denman, later Lord Chief Justice, examined the historical porcedures for removing judges holding office during good behavior: [53]

". . . first, in Cases of Misconduct not extending to a legal Misdemeanor, the appropriate Course appears to be by *Scire facias* to repeal his Patent, 'Good Behavior' being the Condition precedent of the Judges Tenure; secondly, when the Conduct amounts to what a Court might consider a Misdemeanor, then by Information; thirdly, if it amounts to actual Crime, then by Impeachment; fourthly, and in all Cases, by the joint Exercise of the inquisitorial and judicial Jurisdiction of the House of Lords . . ."

This case indicates that the English knew certain judicial proceedings for the forfeiture of office. A trial for breach of the requisite behavior would lie not only in the impeachment forum, but also on *scire facias* in the King's Bench.[54]

There are, moreover, at least two cases in the seventeenth century that indicate the existence of removal on *scire facias*.[55] One involves a baron of the exchequer, appointed with good behavior tenure, and the other, a judge in the Court of Common Pleas. They were judges on a par with those of the two Benches.[56] In each, removal by the King was

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[37] *See* Shartel, *supra* note 16, at 892.

[38] *See*, THE FEDERALIST NO. 47 (J. Madison); I J. STORY, *supra* note 32, § § 518–544.

[39] *See generally* I J. STORY, *supra* note 32, §§ 540–44; THE FEDERALIST NO. 48 (J. Madison).

[40] *E.g.*, it has been explicity decided that most classes of civil officers appointed by the President with the advice and consent of the Senate are removable by the President. *See* cases cited note 11 *supra;* Shartel, *supra* note 16, at 892.

[41] *See* Shartel, *supra* note 16, at 893; *cf.* T. PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW 184 (2d ed. 1936).

[42] Shartel, *supra* note 16, at 881, 893; *see* 13 U.C.L.A. L. REV., *supra* note 16, at 1394.

[43] I J. STORY, *supra* note 32, § 311.

[44] *See generally*, THE FEDERALIST NOS. 41–44 (J. Madison).

[45] U.S. CONST. art. 2, § 2.

[46] Indeed there is some evidence that territorial judges with good behavior tenure could be removed by means other than impeachment. In 1796, Judge George Turner of the Northwest Territory was accused of holding court at a remote and inconvenient place; that he imposed heavy fines and forfeitures; that he denied the rights of the people regarding descent and conveyance of property, and the use of the French language; and that he managed the affairs of intestate persons to the damage of the heirs and creditors. The Attorney General, in response to a query of the House of Representatives, indicated that the charges against Judge Turner were of such a nature as to "require that a regular and fair examination into the truth of them should be made, in some judicial course of proceeding; and if he be convicted thereof, a removal from office may and ought to be a part of the punishment. His official tenure is during good behavior; and, consequently, he cannot be removed until he be lawfully convicted of some malversation in office. A judge may be prosecuted in three modes for official misdemeanors or crimes: by information, or by indictment before an ordinary court, or by impeachment before the Senate of the United States. The last mode, being the most solemn, seems, in general cases, to be best suited to the trial of so high and important an officer; but, in the present instance, it will be found very inconvenient, if not entirely impracticable, on account of the immense distance of the residence of the witnesses from this city [Philadelphia] . . . :" "However, the Attorney-General is of the opinion that it will be more advisable, on account of the expense, the delay, the certain difficulty, if not impossibility, of obtaining the attendance here of the witnesses who reside in the Territory northwest of Ohio, . . . , that the prosecution should not be carried on by impeachment, but by information on indictment before the supreme court of that Territory. . . ."

The House of Representatives declined to impeach, leaving the case to be disposed of by the proper agencies of the Northwest Territory. 3 A. HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES §2486 (1907). Of course, a reply to this case might be that article I and not article III judges were involved. But this judge had "good behavior" tenure.

[47] *See* 2 A. TODD, PARLIAMENTARY GOVERNMENT IN ENGLAND 855 (2d ed. 1887).

[48] There is some evidence that judges were frequently appointed with good behavior tenure until the reigns of Charles II and James II. T. PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW 221–22 (2d ed. 1936); *but see* McIlwain, *The Tenure of English Judges*, 7 AM. POL. SCI. REV. 217 (1913).

[49] The Act of Settlement provided that "judges commissions be made *quamdiu se bene gesserint* . . . but upon the address of both houses of parliament it may be lawful to remove them." 12 & 13 Will. 3, c. 2. (1700). Though judges were thereby protected from removal at pleasure, judicial commissions continued to lapse upon the death of the appointing monarch. This was corrected in 1760 by a statute providing for continuation in office at the death of the King. I Geo. 3, c. 23; 2 A. TODD, *supra* note 47, at 856.

[50] *See* 7 E. HALSBURY, LAWS OF ENGLAND 22 & n. (g) (1909).

[51] 62 LORDS JOUR. 599–602, 716–720 (1830). Although this case was heard in 1830, the date appears to be immaterial since Mr. Denman was examining the historical removal procedures in England.

[52] The Act of Settlement provided for removal by address of Parliament—a form of joint resolution of both Houses of Parliament directed to the Crown. 12 & 13 Will. 3, c. 2. (1700); 2 A. TODD, *supra* note 47, at 855, 860. Other methods of removal remained in effect after passage of the Act. *See generally* 2 A. TODD, *supra* note 47, ch. VI.

[53] 62 LORDS JOUR. 602 (1830).

[54] The writ of *scire facias* was employed to revoke a grant of office created by letters patent from the Crown, upon a determination that the grantee had forfeited his office. Blackstone states that "where the patentee hath done an act that amounts to a forfeiture of the grant, the remedy to repeal the patent is by writ of *scire facias* in chancery." 3 W. BLACKSTONE, COMMENTARIES 256 (Christian & Archbold ed. 1825). Todd indicates that some believed that, in order to preserve the independence of the judiciary, Parliament should abstain from all interference with the judiciary except in cases of gross perversion of the law. I A. TODD, PARLIAMENTARY GOVERNMENT IN ENGLAND 574 (2d ed. 1887).

[55] 6 E. FOSS, JUDGES OF ENGLAND 372 (1857); 7 E. FOSS, JUDGES OF ENGLAND 52 (1864); McIlwain, *supra* note 48, at 221, 223.

[56] By 1579, the barons of the exchequer had acquired an equal status with the judges of the other common law courts and shared

successfully resisted by a demand for a *scire facias* proceeding. In each, the judges were relieved of duties, but they retained office and continued to receive fees.[57]

In 1628, Sir John Walter received his patent as Chief Baron of the Exchequer with good behavior tenure. King Charles was later dissatisfied with one of Walter's opinions and ordered him to surrender his patent.[58] Walter refused on the ground that his grant was during good behavior, and that he ought not to be removed without a proceeding on a *scire facias* to determine whether he had failed to maintain the requisite good behavior. Although the King did not remove Walter from office, he forbade him to sit in court.[59]

In 1672, King Charles tried to remove Sir John Archer from the common pleas, but Archer had good behavior tenure and refused to surrender his patent without a *scire facias*. Charles then ordered Archer to forbear from exercising the office of a judge and appointed another judge to fill his place. Archer, however, continued to retain his position and receive his share of the fees.[60]

The exclusivists argue, however, that removal on *scire facias* was such an obscure procedure that the Framers were unaware of it.[61] In the English system, there were three methods of legislative removal.[62] Parliament could remove a judge by Bill of Attainder, by impeachment, or by address to the King.[63] Our Constitution expressly prohibits the Bill of Attainder; [64] impeachment was adopted,[65] and address to the King is obviously inapplicable to our system. Moreover, the Framers, at the Constitutional Convention, opposed a proposal for address to the President.[66] Hence, since the Framers were aware of a wide variety of removal procedures in England, it is at least plausible that they also knew of judicial removal proceedings.

III. THE INDEPENDENCE OF THE JUDICIARY

The exclusivists suggest that the principle of the independence of the judiciary precludes Congressional power to establish judicial machinery for the removal of "unfit" judges.[67] The principle is alleged to be both a corporate and an individual concept.[68] That is to say, not only is the judicial branch independent of the legislative and executive branches, but each individual judge is "independent" within the judiciary, and the creation of additional removal machinery would diminish his independence by increasing the pressure upon him.[69]

The exclusivists additionally point to *Federalist No. 79* for support.[70] Hamilton, therein, wrote: [71]

> The precautions for their [judges'] responsibility are comprised in the article respecting impeachments. They are liable to be impeached for malconduct by the House of Representatives and tried by the Senate; and, if convicted, may be dismissed from office and disqualified for holding any other. This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution in respect to our own judges.
>
> The want of a provision for removing the judges on account of inability has been a subject of complaint. But all considerate men will be sensible that such a provision would either not be practiced upon or would be more liable to abuse than calculated to answer any good purpose. The mensuration of the faculties of the mind has, I believe, no place in the catalogue of known arts. An attempt to fix the boundary between the regions of ability and inability would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good. The result, except in the case of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification.

Federalist No. 78, however, suggests that the Framers were primarily concerned with the corporate aspects of the judiciary. They feared legislative and executive interference and, therefore, concluded that the machinery of impeachment was the only legislative or executive intrusion consistent with the necessary corporate independence of the judiciary. *Federalist No. 78* states: [72]

> The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws. [In view of] the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and . . . nothing can contribute so much to its firmness and independence as permanency in office . . . .
>
> If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty. . . . But it is easy to see that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where *legislative invasions of it had been instigated by the major voice of the community.*
>
> Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which have established *good behavior* as the tenure of their judicial offices, in point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution.

There is, therefore, a strong argument that, in the minds of the Framers, the concept of an independent judiciary was designed to do service against legislative and executive encroachments. [73]

IV. HISTORICAL INACTION

Another argument frequently leveled against alternatives to impeachment is historical in nature. Since impeachment has been from the start the only formal mechanism for removing unfit judges, it is contended that history implies some settled view that any other mechanism would be unconstitutional. Because this argument proceeds from the premise that inaction over the years binds us today, it is surely initially suspect.

But there are strong grounds to reject it in any event. Given the difficulty of amending the Constitution, the Supreme Court has repeatedly taken the position that it will reverse its previous decisions on constitutional questions more readily than decisions on statutory matters.[74] Of course, the Court will

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with the justices of the King's Bench and the Common Pleas the duties of going on circuit. T. PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW 154 (2d ed. 1936); Ross, *Good Behavior of Federal Judges*, 12 U. KAN. CITY L. REV. 119, 121 (1944).

[57] McIlwain, *supra* note 48, at 221, 223.

[58] *Id.* at 221.

[59] *Id.*; 6 E. Foss, *supra* note 55, at 372.

[60] McIlwain, *supra* note 48 at 223; 7 E. FOSS, *supra* note 55, at 52–53. Although there are only a few cases involving an inherent judicial power of removal, there is no contrary authority. Nothing in the Supreme Court of Judicature Act of 1873, nor the 1875 amendment explicitly affects any common law techniques that existed. 36 & 37 Vict., c. 66; 38 & 39 Vict., c. 77.

There is, moreover, an interesting continuity in the literature supporting the existence of judicial power of removal. *See, e.g.*, the *Barrington* case, *supra* note 51; 2 A. TODD, *supra* note 47, ch. VI; 7 E. HALSBURY, LAWS OF ENGLAND 22 & n. (g) (1909); R. JACKSON, THE MACHINERY OF JUSTICE IN ENGLAND 289 & n. 1 (1967).

There are, furthermore, a number of cases that support the existence of judicial removal of lower judicial officers some of whom clearly had good behavior tenure. Rex v. Corporation of Wells, 98 Eng. Rep. 41 (1767) (office of recorder) (specific mention of good behavior tenure); Rex v. Richardson, 97 Eng. Rep. 426 (1758) (involved the portman in the town or burrough of Ipswich for neglect of duty); Lord Bruce's Case, 93 Eng. Rep. 870 (1729) (office of recorder); Rex v. Bailiffs of Ipswich, 91 Eng. Rep. 378 (1706) (nonattendance considered a misdemeanor and grounds for forfeiture of the office of recorder); Harcourt v. Fox, 89 Eng. Rep. 680 (1692) (a clerk of the peace) (specific mention of good behavior tenure); Earl of Shrewsbury's Case, 77 Eng. Rep. 798 (1610) (office of steward); Sir Robert Chester's Case, 73 Eng. Rep. 465 (1562) (an office of receiver); Rex v. Eston, 73 Eng. Rep. 437 (1561), (a sergeant at arms); Rex v. Blage, 73 Eng. Rep. 436 (1561) (a king's remembrancer in the exchequer) (specific mention of good behavior tenure); Rex v. Toly, 73 Eng. Rep. 436 (1561) (an auditor of Warwicke Spencers & Salisbury); Vaux v. Jefferen, 73 Eng. Rep. 251 (1556) (a filacer). There is some evidence that the judicial power to remove these lower officers applied equally to judges where the office was conferred by letters patent. 7 E. HALSBURY, *supra*.

[61] Otis, *A Proposed Tribunal: Is It Constitutional?*, 7 U. KAN. CITY L. REV. 3, 48 (1938).

[62] Shartel, *Judicial Removal of Unfit District and Circuit Judges*, 28 MICH. L. REV. 870, 881 (1930).

[63] *Id.*

[64] U.S. CONST. art. I, § 9.

[65] U.S. CONST. art II, § 4.

[66] M. FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787, 428–29 (1911).

[67] *See* Otis, *supra* note 61, at 42.

[68] *Contra*, Kramer & Barron, *The Constitutionality of Removal and Mandatory Retirement Procedures for the Federal Judiciary: The Meaning of "During Good Behavior"*, 35 GEO. WASH. L. REV. 455, 467 (1967).

[69] *Cf.* Kramer & Barron, *supra* note 68.

[70] Kramer & Barron, *supra* note 68, at 467–68.

[71] THE FEDERALIST NO., 79, at 474 (Arlington House ed. 1966) (A. Hamilton).

[72] The Federalist No. 78, at 465–66, 469–70, 472 (Arlington House ed. 1966) (A. Hamilton). Hamilton, moreover, states that "insanity, without any formal or express provision may be safely pronounced to be a virtual disqualification." THE FEDERALIST NO. 79, at 474 (Arlington House ed. 1966). This may suggest removal other than on impeachment and conviction.

[73] *See* Comment, *Removal of Federal Judges—New Alternatives to an Old Problem: Chandler v. Judicial Council of the Tenth Circuit*, 13 *U.C.L.A.L.* Rev. 1385, 1397–98 (1966); Note, *Removal of Federal Judges: A Proposed Plan*, 31 *Ill. L. Rev.* 631, 640, (1937).

[74] *See, e.g.*, Smith v. Allwright, 321 U.S. 649, 665 (1944); N. Small and L. Jayson, *The Constitution of the United States of America*, 634 (1964).

do so only when convinced that a previous constitutional view was erroneous. But if the Court feels relatively free to disregard the effect of *stare decisis* in cases where it has previously announced a constitutional provision, it seems absurd to suggest that it would feel bound by the peculiar form of historical "precedent," based upon total inaction, that is said to support the exclusivist argument.

V. CONGRESSIONAL POWER

Some contend that even if the judiciary has inherent power to remove or discipline misbehaving judges, Congress is precluded from establishing machinery to implement this power.[75] The "necessary and proper" clause, however, authorizes Congress "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof." [76]

The judicial power of the United States is "vested" by the Constitution in the Supreme Court and the inferior courts,[77] and it seems clear that Congressional action to implement that power would be "necessary and proper." Chief Justice Marshall established the classic formula as to the reach of Congressional powers conferred by the "necessary and proper" clause.[78]

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

The removal of judges who breach the "good behavior" condition of tenure is surely a legitimate end "within the scope of the Constitution." Congressional establishment of judicial machinery to try cases in which a breach is alleged is a means "plainly adapted to that end," and no constitutional clause prohibits such congressional action.

It may be argued, however, that such congressional involvement in the removal process is inconsistent with the "spirit" of the Constitution in that it threatens to promote legislative interference with the courts.[79] But if congressional action is limited to the establishment of machinery otherwise wholly within the control of judges, it is difficult to imagine what interference is threatened. Indeed, even if Congress were subsequently to repeal the Act setting up the machinery, the inherent power of the Judiciary to establish its own removal machinery would remain no less effective than it is today. Legislation and appropriations to implement that inherent power, then, can justifiably be regarded as no more than a "necessary and proper" step to insure that the judicial power can be used effectively.

A question may be raised, however, as to one step in the process by which Congress would enact removal machinery. It would quite likely be desirable, and perhaps constitutionally required [80] for Congress to give statutory content to the "good behavior" clause in order to specify the grounds for removal. Is such statutory definition of a constitutional clause permissible? There is ample precedent for it.[81] Moreover, such definition would always be subject to review in the courts if it were charged that Congress had defined the scope of the "good behavior" clause either too narrowly or too broadly.[82]

VI. CONCLUSION

The arguments that support Congressional enactment of machinery by which judges may police their own ranks are strong. The explicit language of the Constitution presents no barrier. To the extent that English history is clear, it leads to the conclusion that judicial powers of removal existed at common law, and that the Framers were aware of them and assumed their existence in drafting our fundamental document. Neither the constitutional debates nor the Federalist papers affirmatively point to another conclusion.[83] Moreover, the doctrine of separation of powers strongly suggests that inherent judicial power should be assumed in the absence of an explicit Constitutional prohibition. The "necessary and proper" clause then provides an ample basis for Congressional action to implement the inherent power of the courts.

To be sure, arguments exist as well for the opposite conclusion. But constitutional support for congressional action is so substantial that, at the very least, any remaining doubts should be left to the process of judicial review.

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[75] *See generally* Otis, *supra* note 61, at 33–35.

[76] U.S. CONST. art. I, § 8.

[77] U.S. CONST. art. III, § 1.

[78] McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316, 420–21 (1819).

[79] *See* Otis, *supra* note 61, at 42.

[80] The Fifth Amendment requires that no person shall "be deprived of life, liberty, or property, without due process of law." It may, therefore, be necessary to define what constitutes a breach of the "good behavior" condition in order to satisfy the requirements of due process.

[81] Within the judicial fitness area, Congress has already given some statutory content to the word "Bribery." *See* note 27 *supra*.

Congress has given some meaning to "high Misdemeanors," as a statute provides that "any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor." 28 U.S.C. § 454 (1964).

In the area of eminent domain, for example, the Fifth Amendment provides: ". . . nor shall private property be taken for public use, without just compensation." The courts have frequently upheld Congressional power, subject to judicial review, to decide what type of taking is for a "public use." United States ex rel. TVA v. Welch, 327 U.S. 546 (1946); Shoemaker v. United States, 147 U.S. 282 (1893).

[82] *See* Marbury v. Madison, 5 U.S. (1 Cranch) 137, 176–80 (1803).

[83] Pergler, *Trial of Good Behavior of Federal Judges*, 29 VA. L. REV. 876, 878 (1943).

COMMENDATION OF SPEECH BY SENATOR PEARSON OF KANSAS ON THE ABM ISSUE

Mr. COOPER. Mr. President, the distinguished senior Senator from Kansas delivered an important speech in Wichita on June 2 concerning the use of the ABM. It is one of the clearest summaries of the ABM issue that I have seen. Senator PEARSON's speech is distinguished by its perspective and judiciousness. Senator PEARSON said:

This is an issue upon which reasonable men may differ. If we are to have a rational debate on the merits of this issue, one must begin by understanding that those who oppose the system are not insensitive to the needs of national security and that those who support the system are not war-mongers or "tools" of the industrial-military complex.

Senator PEARSON goes into the important questions of reliability, necessity, cost, and effect deployment would have on existing nuclear arms balances. An example of the crucial nature of the ABM issue is contained in the following observation by Senator PEARSON:

To put in perspective a recital of force levels and references to a measurement of strength, we should consider the results of an all-out thermo-nuclear exchange. So many of us continue to think of nuclear warfare as a single mushroom cloud over a single city. Nothing could be further from the actual case. In a nuclear war, either side can sustain an all-out nuclear strike and respond. Within a time frame of one hour to one day (considering a Soviet Union population of 250 million and a United States population of 210 million, with greater urban concentration in this country) each side can inflict upon the other 150 million fatalities and destroy 75 per cent of the industrial capacity of the other side. Fire, storms, fallout and the disruption of distribution systems creating starvation and disease would run the fatality figures much higher. Now the really astounding fact is not the total destruction just described, but that this destruction can result from the delivery of 400 one megaton warheads by the Soviet Union and the delivery of approximately 500 one megaton warheads by the United States. Again considering the number of warheads we have on hand, we find the United States has an overkill ratio of 8½ to one while the Soviet Union has an overkill ratio of 2½ to one.

The meaning of all of this is that during the 1960's we can accurately describe the strategic balance of terms of "assured destruction," "mutual deterrent," or "balance of terror." As frightening as these terms may be, they have given the world an element of stability, not only in preventing nuclear conflicts but in keeping the level of conventional warfare from growing into nuclear exchanges.

Furthermore, one can easily understand that terms such as "superiority" and "parity" have lost all meaning. If the forces of the United States and the Soviet Union were doubled or halved, such action would not actually affect the mutual deterrent which now exists. The power of total destruction would remain. Only the overkill capacity would be multiplied or reduced.

I ask unanimous consent that Senator PEARSON's speech be included in the RECORD at the conclusion of my remarks.

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

STATEMENT BY SENATOR JAMES B. PEARSON

The decision on the construction and deployment of the anti-ballistic missile system is important because it is a focal point of several of the great issues that face the nation today. It will determine the allocation of our resources not only between military programs but between military and other programs. It will determine our overall nuclear strategy through the 1970's. It will have a decisive influence on the possibilities of disarmament negotiations with the Soviet Union.

Moreover, the issue is important at this point in time because of the long lead time requirements for modern weapons systems. It normally takes ten years for a system to move from conception to operational deployment. Within this period policy makers are cemented into position and find it difficult, if not impossible, to halt the action-reaction effect of a developing system on the strategic arms race.

We should also recognize that at this point in time there is an opportunity for a national debate free of the election year political pressure which gave rise to the misleading bomber-gap discussions of 1952, the missile-gap claims of 1960 and the denunciation of "parity" and the promotion of "superiority" which was part of the verbal confetti of the 1968 campaign.

We are then at a crossroads of a vital decision.

Let me make my position clear: I favor continued research and development, and I oppose construction and deployment of the ABM system at this time.

I would also make two further points of introduction. This is an issue upon which reasonable men may differ. If we are to have a rational debate on the merits of this issue, one must begin by understanding that those who oppose the system are not insensitive to the needs of national security and that those who support the system are not warmongers or "tools" of the industrial-military complex.

One further point needs to be made clear. The anti-ballistic missile has had many faces. While its components have remained essentially the same over the past twelve years, its purposes and deployment plans have been constantly shifting. The purposes of ABM has changed from protecting our cities to safeguarding our Minuteman missiles, from service as a thin defense against the Chinese, to guarding against the Soviet threat. These differing purposes and plans for deployment each give rise to varying arguments, but I want to direct my remarks here to the most recent proposal, the Safeguard system which the President has recommended.

The following background information seems to me to be most helpful in discussing the ABM issue.

First let me review the strategic force levels as of this date. By strategic force levels I refer to those weapons systems which may be employed in an intercontinental war.

	United States	U.S.S.R.
ICBM's	1,054	1,000
Polaris missiles	[1] 656	[2] 77
Total	1,710	1,077
Intercontinental bombers	646	150
Deliverable warheads	4,206	1,200

[1] 41 submarines.
[2] 5 submarines.

Our ICBM force is made of 1,000 Minutemen using solid fuel and 54 Titans using liquid fuel. All are in hardened silos. In contrast some of the USSR's ICBM's are in "soft" silos. The United States' ICBM and warhead force levels have been constant since 1967. Within the last few years the Soviet Union has shown an accelerated increase in both of these categories.

A recital of these statistics requires some further explanation of how stategic strength is actually measured. For a long time the strength measurement was made by counting the number of delivery vehicles, that is to say the number of missiles or bombers that we have. By this ratio, the United States has a two to one advantage over the Soviet Union (2,356 to 1,227). But this measurement really is invalid in that it does not consider the quality of the systems or the size of the warheads and is opened to further doubt with the advent of MIRV.

One might measure strategic strength by counting the number of warheads. By this measurement the United States would have a three and one half to one superiority (4,206 to 1,200). One might measure strategic strength by considering the total megatonnage of each side. But the best and most accurate test of strength is the number of warheads that can be delivered on target. It is this consideration that brings to bear the important points of our systems' vulnerability and the ability of our forces to reach enemy targets.

To put in perspective a recital of force levels and references to a measurement of strength, we should consider the results of an all-out thermo-nuclear exchange. So many of us continue to think of nuclear warfare as a single mushroom cloud over a single city. Nothing could be further from the actual case. In a nuclear war, either side can sustain an all-out nuclear strike and respond. Within a time frame of one hour to one day (considering a Soviet Union population of 250 million and a United States population of 210 million, with greater urban concentration in this country) each side can inflict upon the other 150 million fatalities and destroy 75 percent of the industrial capacity of the other side. Firestorms, fallout and the disruption of distribution systems creating starvation and disease would run the fatality figures much higher.

Now the really astounding fact is not the total destruction just described, but that this destruction can result from the delivery of 400 one megaton warheads by the Soviet Union and the delivery of approximately 500 one megaton warheads by the United States. Again considering the number of warheads we have on hand, we find the United States has an overkill ratio of 8½ to one while the Soviet Union has an overkill ratio of 2½ to one.

The meaning of all of this is that during the 1960's we can accurately describe the strategic balance of terms of "assured destruction," "mutual deterrent," or "balance of terror." As frightening as these terms may be, they have given the world an element of stability, not only in preventing nuclear conflicts but in keeping the level of conventional warfare from growing into nuclear exchanges.

Furthermore, one can easily understand that terms such as "superiority" and "parity" have lost all meaning. If the forces of the United States and the Soviet Union were doubled or halved, such action would not actually affect the mutual deterrent which now exists. The power of total destruction would remain. Only the overkill capacity would be multiplied or reduced.

It is important also to understand some of the rules for strategic planning, some of the concepts that the war planners on each side must utilize. It is within these rules—necessary as they may be—that one finds a built-in pressure for escalation of force levels. The first rule is that war planners always plan on a "greater than expected risk." Moreover, they assume that the enemy's system will always perform better than anticipated and that our systems will perform at a lower level of efficiency than anticipated. Planning is thus made on the basis of the "worst plausible case." These rules or concepts together with the long lead time (our work on the ABM system has extended over 12 years and $5 billion) required for any system, give rise to an action-reaction cycle leading each side to act to gain some superiority, to alleviate some vulnerability, or to anticipate what the other side may be doing.

Let me offer an illustration of the action-reaction cycle. Several years ago we began the research and development of the B–70 bomber. In anticipation of our deployment of this new bomber, the Soviets reacted by constructing the so-called Tallinn line. When this Soviet action was made known to us through satellite surveillance, our intelligence community believed that the Tallinn defense was an ABM system. We then reacted to this anticipated ABM system by authorizing research and development on the MIRV (multiple warheads, independently targeted) system which would counter, in our view, what we thought was an ABM system. In fact we later scrapped the B–70 program and the Tallinn line turned out not to be an ABM after all but a highly sophisticated anti-aircraft defense. Nevertheless the action-reaction cycle was initiated by each side's anticipation and misjudgment of what the other was doing.

Some explanation of how the anti-ballistic missile operates is in order.

The three main components—radar, computers, and missiles—have always been the principle parts of our ABM development, whether that system was known as Nike X, Nike Zeus, Sentinel or Safeguard.

There are two radar systems, two missiles systems and a computer component. The first radar system is the perimeter acquisition radar (PAR). This radar has a considerable range and will pick up an approaching missile at a range of over 1,000 miles. It incorporates new technology in that it no longer turns around mechanically but electrically scans the sky in a fraction of a second.

The PAR first picks up the incoming missile, which is travelling at a speed of over 15,000 miles per hour, tracks it and determines its course. Upon PAR's acquisition of the enemy's re-entry vehicle, the system has ten minutes in which to defend. PAR's tracking information is fed into a computer which determines the missile's target.

This information is then transferred to the missile site radar (MSR). This radar is located on the missile farm and also tracks the incoming re-entry vehicle and electronically guides the first missile launched. This missile, Spartan, has a range of about 400 miles and is detonated outside of the atmosphere at a range of about 150 to 200 miles. The Spartan's detonation is in the one-to-two megaton range and the X-rays produced should destroy the heat shield of the enemy's re-entry vehicle.

If the re-entry vehicle continues through the Spartan's detonation, a second missile called the Sprint, with a range of about 25 miles, is launched and detonation occurs at a range of 10 to 15 miles, within the atmosphere. The Sprint warhead is of smaller force but creates a shock wave and emits neutrons which heat the nuclear mass of the enemy's re-entry vehicle and destroys its capacity to detonate.

On March 14, 1969, President Nixon announced his decision to deploy the Safeguard system which involved several changes in location and purpose as compared with Sentinel. The location of the missile farms under Safeguard would be remote from the major cities except for Washington, D.C. The objectives would be first to protect our Minuteman ICBM's against the Soviet Union; second to provide an area defense against a future possible Chinese attack; and third, to protect against an accidental launch. The first two sites would be located at Air Force Bases in Montana and North Dakota and would theoretically protect one-third of our Minuteman force. The total system would incorporate 10 additional sites and offer a thin area protection over the entire United States.

All that has been said is meant to provide a background for the arguments I now offer against the construction and deployment of an ABM. Those arguments relate to five principal considerations: Reliability, Necessity, Cost, The Arms Race, and Arms Control.

RELIABILITY

Will the system work?

The proposed Safeguard system is the most complex electronics system ever devised. It has not and cannot be tested. Moreover all components of the system have not yet been built or tested as separate units.

The proposed ABM system or any ABM system would be subject to penetration aids. Twelve years ago when we began development of an ABM we sought not only to construct a defensive system but to understand how any defensive system could be penetrated.

Today several penetration aids are available. Balloons, light in weight, may be released from an attacking missile and by virtue of their thin metallic covering appear to any radar as a re-entry vehicle. In fact, a re-entry vehicle may be enclosed in such balloons.

The use of chaff is most effective. This device involves the release of some 100 million

thin pieces of wire which can create a cloud hundreds of miles long and distorts all radar detection. Even if our radars now or in the future are able to "read" the trajectory of a re-entry vehicle, waves of decoys and fake warheads can easily confuse its findings so as to render them useless.

Our radars are also subject to the very serious problem of blackout. A nuclear detonation creates not only a fireball but the resulting electron cloud can create an area 100 miles in diameter which is "blacked out" from radar for several minutes. This radar blackout may be produced by our own Spartan or Sprint missiles or may be the result of an enemy detonation made for blackout purposes.

The radars are also subject to the effects of electronic jamming equipment that could be carried by missiles or re-entry vehicles. While the radars are the eyes of the system and its most critical component, they are also its most vulnerable component. The missile site radar cannot be hardened and is itself a "soft" target for nuclear attack.

Any defensive system may be subject to mere saturation. If a missile farm contains a total of 40 Spartan and Sprint missiles, given a perfect defense on our part the enemy would need to send in only 41 offensive missiles. With the deployment of MRV (multiple re-entry vehicles) or MIRV the number of offensive warheads can be greatly increased, making quite feasible the saturation of any ABM system presently conceived.

The arithmetic of the nuclear age is quite different from that which we knew and understood during World War II. Then if a bomber force was subject to a 10 percent attrition rate on each raid, the result was a gradual decrease in destructive power of the attacker. In the nuclear age, however, if 100 missiles are launched and we are successful in knocking down 90 percent of them, we have gained little or nothing because the 10 percent that still get through could result in the loss of 10 cities. Thus even a 10 percent failure represents a catastrophe.

NECESSITY

Secretary Melvin Laird testified that the ABM was essential to protect our ICBM's because the Soviet Union was seeking a first strike capability. In arguing that we must protect our deterrent, he made reference to the Soviet's SS–9 missiles which carry a heavy or 25 megaton payload. Other authorities have indicated there may be several other reasons for the large warhead on the SS–9, including the missile's inaccuracy, its possible use against large cities and as a radar blackout weapon. But aside from the purpose of the SS–9, we must consider whether or not the ABM is essential to protect our deterrent against it.

Our Minuteman forces can survive a megaton explosion within a one-half mile range. Several scientists and military authorities therefore have estimated that at the present time it would take two offensive Soviet missiles to be sure of destroying a single Minuteman installation. The Soviets have no such capability. Moreover, it is conceivable that we could launch our Minuteman before Soviet warheads could detonate on their designated targets. Beyond this, the Safeguard system, in the period through 1974, would protect only one-third of our Minuteman forces even if it were fully effective.

Let us assume for purposes of argument that the Minuteman force was destroyed. We still have our Polaris fleet with 656 missiles and a capability of destroying the Soviet Union. Moreover, the Director of Navy Strategic Programs has stated that our Polaris fleet is an invulnerable weapon for the next few years, and he has pointed out that antisubmarine warfare developments lag far behind our ability to keep our submarines hidden from attack.

But assume again for purposes of argument that our Minuteman force was destroyed and that our entire Polaris Submarine fleet was simultaneously put out of acton. We would still have our intercontinental bomber force which can take off with proper alert from our radar and early warning systems.

But for the purposes of further argument assume that our Minuteman force has been destroyed, all Polaris Submarines sunk and our intercontinental bombers destroyed on the ground by the FOBS system or destroyed in flight. And further assume that all of these forces have been destroyed simultaneously. We *still* have our medium range missiles stationed throughout Europe with sufficient power and range to act as a deterrent against the Soviet Union.

COST

Our strength as a nation rests not only on our military power but also on the stability of our economy. Our huge defense budget seriously affects the stability of the economy today, and Secretary Laird has recently confirmed that this budget will continue at its present level even after the end of the war in Vietnam.

While the Safeguard system is estimated to cost $7.8 billion most agree that its initial deployment is only a foot in the door for a thicker system which is to be constructed in the years ahead. No one can really estimate what the cost would actually be. Past performance indicates it would be very high. In the case of the F111, the electrical gear alone now costs as much as the original estimate of the entire airplane. The cost overrun of the C5 transport plane is near $2 billion. The Cheyenne helicopter, after an expenditure of some $875 million, has been cancelled. A new series of Naval transport ships is suffering from a $1.8 billion cost overrun. The Army has poured approximately $1 billion into the development of a new tank which still has serious technical problems.

My concern about the great cost of the Safeguard system is not based on the proposition that I think these sums must be diverted to social or welfare programs. In the years ahead, it will be essential that we maintain strong conventional forces. We desperately need a new fighter bomber and a new Navy fighter, submarines, ships, field tanks, and other systems. If we are to have the complex of forces which will enable us to meet every threat at the appropriate level, allowing us to defend our interest with no greater danger than is necessary, we must maintain adequate conventional as well as nuclear forces. If we fail to do so we shall return to the days of "massive retaliation" and to the days where our power was so unmanageable that it was useless and gave us only the options of nuclear war or surrender.

THE ABM AND THE ARMS RACE

It is essential that the ABM be studied and understood not only as a defensive weapons system but also with regard to the effect it will have on the strategic balance in the world and the related effect on our national security.

Between 1950 and 1960 there was between the United States and the Soviet Union repeated and rival deployment of weapons systems on both sides. Both super powers were constantly seeking a temporary advantage, attempting to repair their vulnerability or acting in anticipation of some move on the other side. By 1960 the power of each nation in terms of numbers and diversity of weapons had reached a plateau which provided mutual deterrence.

Indeed both the United States and the Soviet Union rejected new systems. On three previous occasions the United States has rejected an ABM system. We cancelled a manned bomber program and the Skybolt missile project. The Soviet Union lagged behind in missiles and in other weapons systems without great fear. They gave up mobile launching plans. Thus for the last decade there has been a period of certainty and stability. Today there are disturbing developments on both sides which can create uncertainty and insure instability. The continuing growth of the Soviet ICBM system is alarming. The installation of an ABM system particularly as it relates to the deployment of MIRV's is likewise a factor which can set both powers off on another spiralling arms race. The action-reaction cycle can start again and a defensive versus offensive race will accelerate the arms competition to an even greater pace.

Some mention must be made of the Soviet ABM system. Recognized military and scientific authorities indicate that the Golosh system around Moscow is the equivalent of our early Nike Zeus system. Construction has been halted. The total number of missiles deployed is approximately 70 and constitutes only an experimental or applied research undertaking. But we have reacted to this system by pushing ahead with MIRV research, and so will the Soviets react with more offensive missiles and in turn the United States will be required to undertake the ABM and to provide shelters.

It is essential to our national defense that we not be misled by our defense officials or by ourselves. There is a real danger that the ABM will become an electronic maginot line that will be dangerous in that it will provide an illusion of defense against ballistic missiles which of course does not exist.

ABM'S AND ARMS CONTROL

One last point. The Administration contends it is essential that we proceed with the ABM so they will have a bargaining tool when arms limitation talks begin with the Soviet Union. This concept rests on the theory that "since they have one we must have one too." Yet it is impossible to understand how we could consider ourselves in a weak position during negotiations merely because we do not possess an ABM system. We are superior in every other measurement of military strength.

In considering negotiations of arms limitations we must accept the fact that both sides are going to insist upon maintaining a mutual deterrent. Any agreement therefore will actually be at a very high level of nuclear might. But if ABM's are deployed then the negotiated agreement will have to include a limit on them. How do you limit an ABM? Do you limit the number of defensive missiles? Do you limit the capacity of the computers of the capability of the radar? How can any nation tell whether an ABM system is a thick or a thin system? If such limitations are to be imposed then inspections are mandatory and this simply isn't likely with the Soviet Union.

An ABM system necessitates the development and deployment of MIRV's. This multiple warhead again cannot be limited without inspection. Moreover, if we proceed with the ABM we give the Soviet Union grounds to argue for higher levels of ICBM's, bombers and missile submarines. The ABM will not only accelerate the arms race but push it past the level at which some agreement involving mutual deterrence may be possible.

Someone has written that "the road from the ax to the ICBM seems to run in a single direction and is irreversible." I think that direction is reversible, and I think the time to try is now.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 36 AND 37

Mr. COOPER. Mr. President on May 26, 1969, I submitted an amendment to the administration's Federal Coal Mine

Health and Safety Act of 1969 (S. 1300). I am a cosponsor of the original bill. The purpose of the amendment which I submitted at that time was to provide greater protection for all miners working in underground coal mines from the hazards of roof, face, and rib falls. The need for the amendment is supported by records of the Bureau of Mines.

These records show that roof falls are responsible annually for more coal mine fatalities than all other causes combined.

Mr. President, today I offer two other amendments to the administration's Coal Mine Health and Safety bill. I do so because of the interest in coal mining and in mine safety in my State of Kentucky. Kentucky today is the second largest producer of bituminous coal in the United States, surpassed only by West Virginia.

When I served as a member of the Committee on Labor and Public Welfare, I was a member of the subcommittee which considered legislation dealing with the problems of coal mine safety. In those years, I helped to develop the only amendments to the Federal Coal Mine Safety Act adopted by the Congress in recent years.

Today I introduce a second amendment to S. 1300 which would retain the classification between gassy and nongassy mines as provided in the present law with respect to the use of permissible equipment. My amendment would not change other provisions of the administration's bill—provisions which I support—which require a greater number of mine inspections and more comprehensive standards for carrying out tests for gas in all underground coal mines than are required under the present law.

My amendment is limited in application to the proposed requirement of S. 1300 that certain types of equipment termed "permissible equipment" must be used in nongassy mines. The law presently provides that this type equipment; that is, permissible equipment, must be used in gassy mines.

To provide some general idea of the character of permissible equipment that is required in gassy mines, I now make the following comments.

All joints must be grounded metal to metal; no gaskets can be used with metal joints, and joints must be at least 1-inch in width; bolts and screws must be within a 4-inch space; all joints have a tolerance of four-thousandths of an inch; starting boxes, switches, and control panels must be designed so as not to ignite gas by electric arcs; openings through which electric wiring enters the machinery shall be so designed that no arc will ignite gas in surrounding atmosphere; cutting bits for continuous mining or cutting machines are designed to make less spark when contacting mineral substances in the coal or sand rock in the roof or floor, or other minerals.

If, as I argue, this specialized equipment is not needed, the effect of this provision of the bill to require permissible machinery in nongassy mines and to require all operators to replace the equipment they now use with new permissible equipment, would be very uneconomical and very expensive for the nongassy mines in my State and throughout the Nation.

Estimates of the cost have been given and I have been informed that the cost of equipping one section of a mine would be more than $260,000; the cost of a cutting machine would be about $80,000; the cost of a 14 B.U. loader is about $54,000, a shuttle, $39,000, a coal drill is $24,000, and a roof drill is about the same.

It has been estimated that the cost of equipping a mine with permissible equipment would be at least double the cost of the equipment now being used in nongassy mines.

It has been estimated by the Bureau of Mines officials in the State of Kentucky that to reequip the mines in one county, Harlan County, which is one of our great coal-producing counties, would be in the range of $10 million.

Mr. President, I do not base my argument today purely on the grounds of economy, nor the fact that it would be costly to the operators of nongassy mines to refit and reequip their mines with permissible machinery. If the danger of gas in these mines, which are now termed nongassy, is so great to require that these mines be reequipped with permissible machinery, then it should be done. However, when one makes this argument he is usually met with the statement that he is more concerned with economics and the economic side of the issue rather than human life and injury.

Under the proposed bill, all nonpermissible equipment would have to be scrapped or reworked to make it permissible. The results of this changeover would not increase production. Without increased production it would be very uneconomical for the operators of nongassy mines in my State and throughout the country.

I wish to compare the incidence of fatalities and injuries which have occurred in gassy and nongassy mines and their causes. As I said, the argument is made that all coal mines are potentially gassy and, therefore, to insure safety in mine operations, the law should make it mandatory for all coal mines, whether gassy or nongassy, to be worked by permissible equipment.

This argument is based on certain statistics gathered and presented by the Bureau of Mines which have been repeatedly referred to in the course of the subcommittee's hearings. On closer examination, however, they do not support this thesis. I would point out that while the statements can be submitted again and again and made a part of the RECORD, no examination has been made for the record to determine what proportion of injuries and fatalities have occurred in gassy mines, and in those mines which are presently classed nongassy.

The Bureau of Mines has cataloged all underground coal mine ignitions and explosions in the United States for the period running from July 1, 1952 to November 20, 1968—over 16 years; identifying the type of mine, the cause of the ignition or the explosion, and the number of fatalities and injuries. The nongassy mines are identified by number in the left-hand column for ready reference.

Mr. President, I ask unanimous consent to have this report printed in the RECORD, as exhibit A.

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

EXHIBIT A—U.S. BUREAU OF MINES

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
July 1, 1952		Pennsylvania	Gassy	Unknown	0	3	An accumulation of gas near the face of an airway slant was ignited by an unknown source. Possibly sparks from a pick.
924; Sept. 15, 1952		do	do	Locomotive	0	1	Gas in a roof cavity was ignited by an arc between the trolley wire and the trolley pole shoe of a locomotive.
992; Oct. 7, 1952		do	do	Cable reel locomotive	0	2	An electric arc on the cable reel locomotive ignited gas when a short circuit occurred in the trailing cable on the reel of a loading machine.
1361; Oct. 21, 1952		do	do	Explosives	0	4	Explosion occurred when an accumulation of gas was ignited by firing an unconfined charge of permissible explosives.
1970; Oct. 23, 1952		do	do	Unknown	0	2	Inadequate face ventilation permitted accumulation of gas. The means of igniting the gas resulting in the explosion was undetermined.
1752; Nov. 12, 1952		West Virginia	do	Locomotive	0	1	The explosion occurred when methane was ignited in roof cavity by an arc from the nip of a cable-reel locomotive.
2081; Dec. 9, 1952		Pennsylvania	do	Flame safety lamp or smoking	0	2	Accumulation of methane in a rock hole was ignited by a permissible flame safety lamp or by smoking.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
4612; Jan. 3, 1953	1	Pennsylvania	Nongassy	Open flame	0	1	Methane ignited by match while worker attempting to ignite a blasting fuse.
2397; Jan. 16, 1953		do	Gassy	Flame safety lamp	1	2	Lamp raised into explosive mixture of methane and air while a jet of compressed air was striking the lamp, thus forcing flame through the lamp gauzes.
738; Jan. 29, 1953		do	do	Explosives	0	3	Either an underburdened shot or burning explosives ignited gas released by previous shots.
Feb. 20, 1953	2	do	Nongassy	Open flame lamp	0	1	Presumably an ignition of gasoline fumes from a leaky surface pipeline ignited by a carbide lamp.
3612; Feb. 25, 1953	3	do	do	Electric arc	0	2	Presumably gasoline vapors which entered the mine from a leaky surface pipeline was ignited by arcs from the wheels of a cutting machine being trammed along the haulageway.
12334; Mar. 6, 1953		West Virginia	Gassy	Electric light socket	3	0	Arc from short circuit at light socket in shaft being sunk ignited methane.
10169; Mar. 12, 1953		do	do	Cutting machine bits	0	0	Arc from grounded machine bits touching a roof bolt ignited methane at face.
3563; Mar. 30, 1953	4	Iowa	Nongassy	Black powder	5	0	2 blown-out shots of black blasting powder ignited coal dust.
12902; Mar. 30, 1953	5	Kentucky	do	Explosives	0	0	Blown out shots ignited coal dust.
134; Apr. 28, 1953		Pennsylvania	Gassy	Continuous miner bits	0	2	Sparks emitted when miner bits struck sandstone roof ignited methane from face feeder.
615; May 1, 1953		do	do	Explosives	0	0	Blown out shot ignited gas in the kerf.
11595; May 5, 1953	6	Kentucky	Nongassy	Open flame	0	0	Methane in roof cavity ignited by open-flame (carbide) lamp.
2338; May 9, 1953		West Virginia	Gassy	Matches	0	0	Presumably boys playing near an abandoned shaft ignited gas escaping from mine.
4251; May 12, 1953		Pennsylvania	do	Explosives	2	0	Presumably gas was ignited by underburdened shots.
527; May 29, 1953		do	do	do	2	2	Methane ignited by blasting.
1723; June 3, 1953		West Virginia	do	Locomotive	1	0	Arc or spark from locomotive being used by fire boss ignited methane in roof cavity.
June 4, 1953		Pennsylvania	do	Electric drill	0	4	Methane at face ignited by an arc from hand-held electric coal drill.
1361; June 12, 1953		do	do	Explosives	0	2	An unconfined charge of explosives used to start coal inside battery ignited methane.
169; June 22, 1953		West Virginia	do	Loading machine	0	3	Arc from "blown" trailing cable ignited gas at face.
4187; Aug. 12, 1953		Pennsylvania	do	Match	0	1	Methane ignited by workman when attempting to light a cigarette with a match.
11845; Aug. 14, 1953		do	do	Explosives	0	7	Presumably an underburdened blast shot through into methane and ignited it.
Aug. 26, 1953		do	do	Match	0	1	Methane liberated by a blast ignited when miner attempted to light cigarette with match.
Sept. 9, 1953	7	do	Nongassy	Open-flame lamp	0	2	Methane accumulated while mine was idle and not ventilated; ignited by open flame lamp during inspection by operators.
647; Oct. 3, 1953		Indiana	Gassy	Electric arc or smoking	0	0	Inadequate ventilation permitted methane to accumulate at face of slope and the gas was ignited by arc from locomotive controller or smoking.
918; Oct. 30, 1953		Illinois	do	Trolley locomotive	0	2	Arc from trolley wheel of locomotive ignited gas along haulageway.
169; Nov. 4, 1953		West Virginia	do	Power feeder cable	0	1	Methane in a high spot in roof ignited by arc at defective splice in feeder cable.
11; Nov. 20, 1953		Pennsylvania	do	Power tap	0	0	Arc created when power tap was removed from trolley wire ignited methane.
1666; Dec. 13, 1953		West Virginia	do	Trolley locomotive	0	2	Methane in a large roof cavity was ignited by an arc created when trolley pole contact was removed from the trolley wire.
3954; Jan. 7, 1954		Kentucky	do	Unknown	0	1	A small accumulation of gas was ignited near the face of a developing entry, but the exact cause was unknown; possibly smoking.
832; Jan. 13, 1954		West Virginia	do	Cutting machine bits	0	0	Cutting bits struck rock and sparks ignited gas in the kerf.
12339; Feb. 9, 1954		Colorado	do	Nonpermissible electric drill	0	2	Methane under pressure was tapped by a drill auger and ignited by a nonpermissible electric drill.
325; Feb. 17, 1954		West Virginia	do	Explosives	0	1	Explosion in a shear when gas or coal dust or both were ignited by improperly confined permissible explosives fired in a borehole.
672; Feb. 18, 1954		do	do	Roof-bolt machine	0	0	Gas feeders at the face were ignited while a roof-bolt hole was being drilled. Frame-ground fault, permissible drill.
1363; Apr. 6, 1954		do	do	Loading machine	0	3	A ventilation change left one section inadequately ventilated and methane from bleeders entered a haulageway and was ignited by an arc from "nipping" a loading a loading machine.
0; Apr. 9, 1954		Pennsylvania	Nongassy	Open-flame carbide lamp	0	1	Accumulation of methane in a chute face was ignited by an open-flame carbide light.
2430; Apr. 14, 1954		do	Gassy	Explosives	0	2	Explosion resulted from firing an unconfined charge of permissible explosives to break a large peice of coal that blocked a battery.
2249; Apr. 17, 1954		Colorado	do	Old fire area	0	0	A damaged seal permitted rekindling of an old fire area. Delay in repairing the damaged seal permitted an accumulation of gases which ignited causing an explosion.
745; April 27, 1954		Pennsylvania	do	Locomotive	0	0	Arc between trolley pole slide contactor and trolley wire ignited gas in a roof cavity.
4187; April 28, 1954		do	do	Match or open-type electric drill	0	4	Explosion occurred when an accumulation of methane was ignited when an attempt was made to smoke at the face or by an arc from an open-type electric drill.
1152; May 4, 1954		Indiana	do	Continuous miner bits	0	4	Sparks from continuous miner bits striking roof rock ignited gas.
1152; May 6, 1954		do	do	do	0	1	Do.
2158; May 10, 1954		Tennessee	Nongassy	Matches	0	0	Gas issuing from face boreholes was ignited with matches by members of the face crew.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
1689; May 12, 1954	9	West Virginia	Gassy	Locomotive	1	6	Explosion resulted from gas forced from old workings being ignited by a locomotive.
9439; May 17, 1954	10	Kentucky	Nongassy	Open-flame carbide lamp	0	0	A miner using a carbide lamp for portable illumination ignited gas issuing from a shot hole he was tamping.
3796; May 24, 1954		Washington	Gassy	Nonpermissible electric drill	0	2	Nonpermissible electric drill ignited gas accumulation at a face.
14076; May 28, 1954	11	Pennsylvania	Nongassy	Smoking or arc from signal station.	0	3	The explosion resulted from an attempt to light a cigarette or by an arc produced at a slope signaling station.
2423; June 8, 1954		Oklahoma	do	Cutting machine	0	0	A short-circuit in the cutting machine cable ignited gas issuing under the cut.
7403; July 16, 1954		Kentucky	do	Cutting machine bits	0	0	Gas was ignited when cutting machine bits created sparks when they encountered sulfur streaks in a shear cut.
2336; Aug. 24, 1954		Pennsylvania	do	Explosives	1	0	Explosion resulted when an accumulation of gas was ignited by the firing of an unconfined charge of permissible explosives to break rock in a draw hole.
4; Aug. 27, 1954		do	do	Trolley locomotive	1	0	Trolley locomotive operated by a fire boss ignited gas during a preshift examination.
2101; Sept. 28, 1954		do	do	Explosives	0	8	Explosives were fired in the presence of methane.
1367; Nov. 3, 1954		do	do	Loading machine	0	0	Methane was ignited at the face of a room when the conductors of a trailing cable of a loading machine short-circuited at the point where the cable entered the machine
78; Nov. 13, 1954		West Virginia	do	Explosives	16	0	Major explosion occurred when permissible explosives were fired in a nonpermissible manner to blast pillar stamp in an explosive mixture of air and methane.
535; Nov 17, 1954		Pennsylvania	do	do	0	0	Gas was ignited at the face of an entry by underburdened permissible explosives charge. Four previous shots had dislodged the coal and released gas.
13941; Nov. 30, 1954	12	Kentucky	Nongassy	do	0	2	When blasting with permissible explosives from the 250-volt circuit gas was ignited by an arc at a bare place in the blasting cable.
Dec. 13, 1954		Pennsylvania	Gassy	Match	0	3	Gas at a working face was ignited when one of the workmen attempted to light a cigarette with a match.
2985; Jan. 18 1955		do	do	Drill bit	0	0	Sparks from drill bit striking draw slate ignited methane in a roof cavity.
931; Jan. 28 1955		West Virginia	do	Loading machine or shuttle car	2	5	Arc from short circuit in either the loading machine or a shuttle car, neither maintained in permissible condition ignited methane.
1303; Feb. 14 1955		Utah	do	Mine car	0	0	Arc from grounded car wheel sitting on sand ignited coal dust in suspension.
61; Feb. 25 1955		West Virginia	do	Explosives	0	0	Underburdened shot ignited small accumulation of methane at face of a cross cut.
2397; Mar. 14 1955		Pennsylvania	do	Cutting machine bits	0	0	Sparks emitted when bits struck pyrites ignited methane in the kerf.
615; Mar. 18, 1955		do	do	Explosives	0	0	An underburden shot ignited methane at the face.
----- Apr. 25, 1955		do	do	Smoking	1	1	Presumably a worker attempted to light a cigar and ignited methane.
12350; Apr. 25, 1955		do	do	Explosives	0	2	Shots were fired in the presence of methane.
12343; Apr. 25, 1955		Kentucky	do	Cigarette lighter	0	2	Worker attempted to light a cigarette and ignited methane.
1896; June 9, 1955		Pennsylvania	do	Explosives	0	0	Improper blasting practices permitted flame to ignite methane.
615; June 17, 1955		do	do	Cutting machine bits	0	0	Sparks emitted when bits struck hard material ignited methane in the kerf.
1896; June 18, 1955		do	do	Explosives	0	0	Faulty blasting practices caused methane to be ignited at face.
14431; June 18, 1955	13	do	Nongassy	Electric drill	0	1	Arc from open-type coal drill ignited methane at face.
14535; July 23, 1955	14	do	do	do	0	2	Arc from open-type electric coal drill ignited methane at face.
11538; Aug. 23, 1955		West Virginia	Gassy	Cutting machine bits	0	0	Spark from bits striking steel roof bolt ignited methane at face.
7925; Aug. 29, 1955		Ohio	do	Trolley wire	0	2	Arc created when trolley shoe made contact with wire ignited methane at roof.
4219; Oct. 22, 1955		Pennsylvania	do	Electric drill	0	2	Arc from open-type electric coal drill ignited methane at face.
495; Nov. 8, 1955		Ohio	do	Cutting machine bits	0	0	Sparks emitted when bits struck hard material ignited methane in kerf.
169; Nov. 30, 1955		West Virginia	do	Continuous miner	0	5	Arc from short circuit owing to defective insulation on headlight cable ignited methane at face.
2635; Dec. 9, 1955		Pennsylvania	do	Explosives	1	1	Mudcap shot subsequent to blasting ignited methane at face.
12569; Dec. 19, 1955	15	Maryland	Nongassy	Smoking	0	1	Miner lighting cigarette ignited gas issuing from clay vein 40 feet out by the face.
0; Jan. 4, 1956		Pennsylvania	Gassy	Hand-held electric drill	0	2	Methane accumulation accumulated in a chute and was ignited by an open-type electric hand-held drill resulted in an explosion.
2350; Feb. 3, 1956		Oklahoma	do	Old mine fire	0	0	Methane was ignited by rekindled mine fire. (Mine fire occurred Nov. 17, 1955.)
4761; Feb. 14, 1956	16	Ohio	Nongassy	Carbide gas	0	2	Carbide and black powder stored together in metal container. Open carbide light ignited carbide gas and black powder.
1882; Feb. 20, 1956	17	Colorado	do	Combustible gases of mine fire	0	0	Combustible gases of rekindled mine fire were ignited.
965; Feb. 24, 1956		Pennsylvania	Gassy	Explosives	0	0	Permissible explosives charge in draw slate ignited accumulation of gas in roof cavity at back of the cut.
9412; Feb. 28, 1956	18	Alabama	Nongassy	Open-flame lamp	0	0	Accumulation of gas ignited with open flame (carbide) lamp.
615; Mar. 2, 1956		Pennsylvania	Gassy	Cutting machine bits	0	0	Friction spark from cutting machine bits ignited gas in kerf.
11482; Mar. 14, 1956		Pennsylvania	do	Open-type drill, match or cigarette.	0	2	Gas accumulation ignited by arc from open-type drill, match, or cigarette.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
615; Mar. 20, 1956		Pennsylvania	Gassy	Cutting machine bits	0	0	Friction sparks from cutting machine bits ignited gas in the kerf.
11010; Mar. 21, 1956	19	Colorado	Nongassy	Open-type hand-held drill	0	2	Accumulation of methane in the face area ignited by an arc from an open-type hand-held drill.
296; Mar. 22, 1956		West Virginia	Gassy	Continuous miner bits	0	0	Cutter bits on a continuous miner struck a sulfur streak, and sparks ignited an accumulation of gas.
3455–A; Apr. 3–4, 1956		Indiana	do	Cutting machine bits	0	0	Six gas ignitions in kerfs from friction sparks or from ground-fault current arcs from cutting chains.
11538; Apr. 6, 1956		West Virginia	do	Loading machine	0	0	Trailing cable of the loading machine shorted and ignited gas feeders along the coal rib.
697; Apr. 12, 1956		Pennsylvania	do	Shuttle car	0	0	Two gas ignitions occurred when gas feeders in the floor were ignited when a shuttle car ran over its trailing cable and pulled it apart.
133; Apr. 13, 1956		West Virginia	do	Flame safety lamp	0	1	Methane ignited in an undetermined manner while testing with a flame safety lamp.
11538; Apr. 24, 1956		do	do	Cutting machine bits	0	0	Gas ignition occurred in the kerf of a topcut being made in the coal face when the carbide-tipped bits of the cutting machine struck a sulfur streak.
615; May 21, 1956		Pennsylvania	do	Locomotive	0	1	Arc from the trolley nip of a cable-reel locomotive ignited an accumulation of gas in a roof cavity in an airlock.
564; May 31, 1956		Alabama	do	Trolley locomotive	2	0	Explosion resulted from a gas accumulation in an inactive area which was ignited by a trolley locomotive operated by a fire boss.
527; June 9, 1956		Pennsylvania	do	Explosives	0	5	The direct cause of the explosion was the ignition of methane by the detonation of an unconfined charge of explosives used to start a flow of material at a battery.
649; July 12, 1956		Kentucky	do	Trolley wire	1	1	Mine personnel carrier being operated by nipping ignited an accumulation of gas which resulted in the explosion.
19050; July 17, 1956	20	do	Nongassy	Open flame bits	0	0	Open-flame carbide lamp ignited gas as mine car was pushed into the face area to be loaded.
133; July 19, 1956		West Virginia	Gassy	Cutting machine bits	0	0	Ignition occurred in a shear cut when the bits of a cutting machine struck a hard substance.
11182; Aug. 31, 1956		Colorado	do	Explosives	0	0	Gas ignited by improperly burdened shot of permissible explosives.
325; Sept. 18, 1956		West Virginia	do	Loading machine	0	0	Gas was ignited by an arc from the nip of a loading machine trailing cable.
11538; Oct. 8, 1956		do	do	Roof-bolt machine	0	0	Ground-fault arc ignited gas when bolting machine contacted a roof bolt.
134; Oct. 20, 1956		Pennsylvania	do	Locomotive	0	1	Methane in a roof cavity was ignited by a trolley-pole locomotive operated by an official on an idle day.
17358; Oct. 23, 1956	21	Kentucky	Nongassy	Explosives	0	0	Small dust explosion was initiated when shooting off an overhanging rib with nonpermissible explosives.
3455–A; Oct. 25, 1956		Indiana	Gassy	Blasting cable	0	0	Arc was caused by moving blasting cable that touched the "nipping" station and ignited gas at the face.
1618; Nov. 2, 1956		Pennsylvania	do	Dust in conveyor belt drive motor.	0	3	Coal dust was thrown into suspension by blowing out a conveyor belt drive motor with oxygen and ignited by dormant fire in the motor casing.
325; Nov. 2, 1956		West Virginia	do	Explosives	0	1	The explosion occurred when unconfined shots were fixed in crevices of fallen roof material in the presence of explosive gas.
245; Nov. 7, 1956		Pennsylvania	do	Acetylene torch	4	0	The explosion was caused by a body of gas that had accumulated beneath a false shaft bottom being ignited with hot metal falling down the shaft or the flame of an acetylene torch which was used to burn holes in a beam.
6342; Nov. 28, 1956	22	do	Nongassy	Open-flame carbide lamp	0	0	Methane was ignited by an open-flame carbide lamp.
20159; Nov. 29, 1956		Tennessee		Open-flame lamp	0	1	Acetylene explosion from carbide stored in a can with blasting caps was ignited by an open-flame carbide lamp which in turn ignited the blasting caps.
366; Dec. 5, 1956		Pennsylvania	Gassy	Explosives	0	0	Underburdened permissible explosives charge ignited gas at the back of a cut.
573; Dec. 14, 1956		do	do	Shuttle car	0	0	Sparks created by shuttle-car trailing cable rubbing against a roof-bolt assembly probably ignited gas in a roof cavity at the shuttle-car ramp.
716; Dec. 20, 1956		do	do	Open-type signal	0	2	Arc from an open-type signal button ignited gas near the face of a chamber resulted in an explosion.
3198; Dec. 20, 1956		West Virginia	do	Trolley locomotive	1	0	Explosion resulted from methane accumulation in a large roof cavity which was ignited by a trolley locomotive operated by a foreman.
15477; Dec. 21, 1956		Colorado	do	Electric drill	0	2	A nonpermissible hand-held electric drill ignited gas issuing from freshly drilled boreholes in the coal face.
20121; Dec. 26, 1956		Utah	Nongassy	Explosives	1	0	Explosion was caused by improperly placed and charged permissible explosives in boreholes igniting excessive coal dust suspended in the air. 2 unemployed boys visiting in the mine also killed—not charged to industry.
12334; Jan. 3, 1957		West Virginia	Gassy	Power wire	0	0	Power wires enclosed in a casing within the shaft became bare through vibration possibly, and an arc occurred which ignited methane in the shaft.
10419; Jan. 11, 1957		Kentucky	do	Smoking	0	1	Presumably, the shot firer was smoking during the preparation of a blast and ignited gas at face.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
3936; Jan. 17, 1957	24	Pennsylvania	Nongassy	Open-flame cap lamp	0	0	Officials making inspection with open-flame lights ignited methane entering mine from old gas well.
Jan. 17, 1957		do	Gassy	Match	0	1	Miner inspecting face after blasting lighted match and ignited methane.
2587; Jan. 18, 1957		Alaska	do	Explosives	5	0	An underburdened shot ignited methane and coal dust.
18003; Jan. 23, 1957		Pennsylvania	Gassy	Electric drill	0	2	Arc from nonpermissible hand-held electric drill ignited methane at face.
1752; Feb. 4, 1957		West Virginia	do	Electric arc	37	0	An arc from any one of four electrically operated machines or their power cables or the "nipping" station could have ignited methane accumulated as a result of a ventilation disruption.
3936; Feb. 5, 1957	25	Pennsylvania	Nongassy	Open-flame cap lamp	0	0	Methane escaping from an old gas well was ignited by an open-flame cap lamp.
535; Feb. 19, 1957		do	Gassy	Shuttle car	0	4	Arc from grounded shuttle car touching frame of continuous miner ignited methane.
2621; Feb. 26, 1957	26	Kentucky	Nongassy	Match	0	0	Miner lighted a match after drilling blast hole and ignited gas issuing from hole.
866; Mar. 10, 1957		West Virginia	Gassy	Mine jitney	0	2	When foreman removed trolley pole from wire the arc ignited methane issuing from feeder in roof cavity.
19840; May 1, 1957	27	Pennsylvania	Nongassy	Open flame cap lamp	0	2	Miner attempting to ignite blasting fuse with carbide lamp ignited methane.
965; May 1, 1957		do	Gassy	Explosives	0	0	Explosive charge ignited methane in kerf owing to crevice in coal extending to the blast hole.
615; May 10, 1957		do	do	Loading machine	0	0	Arc from "blown out" trailing cable ignited methane at face.
17358; May 27, 1957		Kentucky	do	Continuous miner bits	0	0	Sparks created when bits struck boulders in coalbed ignited methane.
8008; June 6, 1957		Ohio	do	Cutting machine bits	0	0	Sparks emitted when bits struck pyrite in the kerf and ignited methane.
2397; June 14, 1957		Pennsylvania	do	Flame safety lamp	3	2	Directed stream of compressed air against safety lamp to clear lamp of methane and forced flame through lamp gauze which ignited methane in the working place.
20015; July 29, 1957		Colorado	do	Loading machine	0	2	Arc created when boom of loading machine broke contact with frame of shuttle car and ignited coal dust in suspension.
8008; Aug. 2, 1957		Ohio	do	Cutting machine bits	0	0	Sparks created when bits struck pyrites ignited methane in kerf.
866; Aug. 6, 1957		West Virginia	do	do	0	0	Sparks emitted when bits struck sandstone ignited methane in kerf.
366; Sept. 23, 1957		Pennsylvania	do	Trolley locomotive	6	5	Fan breakdown permitted methane to accumulate and the gas was ignited by arc from trolley locomotive.
2766; Sept. 25, 1957	28	Illinois	Nongassy	Continuous miner bits	0	3	Sparks created when bits struck rock in the coal bed ignited methane.
2336; Oct. 9, 1957		Pennsylvania	Gassy	Trolley locomotive	0	2	Trolley pole leaving wire caused an arc which ignited methane.
16000; Nov. 16, 1957	29	do	Nongassy	Blower fan or match	0	3	Methane ignited by nonpermissible blower fan motor or a match.
3768; Nov. 20, 1957		do	Gassy	Spark from steel bar	0	1	Presumably the methane was ignited by spark emitted when rock was struck with a steel bar.
2906; Dec. 11, 1957		Arkansas	do	Open flame	4	0	Methane accumulation resulting from disrupted ventilation ignited by open flame. (match or cigarette lighter).
1939; Dec. 27, 1957		West Virginia	do	Electric arc	11	0	Arc or spark from electric equipment or cable ignited the gas.
20058; Jan. 10, 1958	30	Virginia	Nongassy	Open-flame cap lamp	0	0	Methane ignited by open-flame (carbide) lamp used by a miner.
404; Jan. 17, 1958		Ohio	Gassy	Mine jitney	0	1	Arc from trolley of mine jitney ignited gas while official was examining mine.
13296; Jan. 31, 1958	31	Tennessee	Nongassy	Open flame cap lamp	0	0	Methane ignited by open flame (carbide) lamp used by miner.
1885; Feb. 6, 1958		West Virginia	Gassy	Continuous miner bits	0	2	Sparks created by bits striking sulfur balls or iron pyrites ignited methane at face.
14893; Apr. 8, 1958		Virginia	do	Undertermined	2	4	An accumulation of methane in pillared area as a result of discontinuance of the bleeder system was ignited by some means during a heavy roof fall possibly sparks from rock striking rock.
166; May 1, 1958		Pennsylvania	do	Explosives	0	3	Unconfined charge of explosives ignited methane at clogged battery.
551; June 11, 1958		do	do	Cutting machine cable nip	0	4	Methane entrapped between airlock doors was ignited by arc from "stinger" used to move the cutting machine.
2635; June 19, 1958		do	do	Explosives	1	4	Methane liberated by a blast ignited by subsesequent unconfined charge of explosives.
296; June 27, 1958		West Virginia	do	Trolley wire	0	1	Operation of taking down rock forced energized trolley wire against locomotive frame and resulting arc ignited methane in a roof cavity.
2930; July 9, 1958		do	do	Pump motor	3	0	Methane was ignited by an arc when the pump motor was energized.
1579; Aug. 22, 1958		do	do	Flame safety lamp	0	2	Methane ignited when making test for gas with a defective lamp.
1555; Sept. 6, 1958		Pennsylvania	do	Trolley locomotive	0	1	Arc from trolley of locomotive ignited methane.
213; Sept. 18–19, 1958		do	do	Continuous miner bits	0	3	Sparks emitted when bits struck pyritic material ignited methane at face.
1752; Sept. 26, 1958		West Virginia	do	Cutting machine bits	0	0	Sparks created when bits struck sandstone ignited methane in kerf.
832; Sept. 29, 1958		do	do	Explosives	0	0	Underburdened shots in rock ignited methane in area of blasts.
9713; Oct. 2, 1958	32	Tennessee	Nongassy	Open-flame cap lamp	0	1	Coal dust blown from drill hole by compressed air was ignited by open flame (carbide) lamp.
13296; Oct. 17, 1958		do	Gassy	Open-flame cap lamp	0	0	Methane intentionally ignited by open flame (carbide) lamps to get rid of the gas.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
1361; Oct. 27, 1958		Pennsylvania	Gassy	Flame safety lamp	0	1	Attempting to relight a flame safety lamp in jet of compressed air—possibly gas in lamp caused flame to penetrate gauze and ignite gas outside the lamp.
1752; Oct. 27, 1958		West Virginia	do	Blasting	22	0	Shots blasted through into an adjacent place and ignited gas.
2806; Oct. 28, 1958		do	do	Power wires	14	3	Fall of roof forced power wires against return wires or frame of belt and resulting arc ignited methane.
2261; Dec. 5, 1958		Pennsylvania	do	Explosives	0	1	An unconfined charge of permissible explosives employed to take down roof rock ignited gas at face.
25618; Dec. 11, 1958	33	do	Nongassy	Electric drill	0	3	Sparks or arcs created when drill cable was connected to power line ignited methane at face.
1565; Dec. 19, 1958		Washington	Gassy	do	0	2	Arc from a nonpermissible hand-held electric drill ignited methane at face.
12334; Jan. 29, 1959		West Virginia	do	Flame safety lamp	1	0	Methane ignited when miner attempted to relight his flame safety lamp in a canted position about 20 feet from the face. Lamp not defective when examined but had been opened and reassembled previously.
12334; Feb. 5, 1959		do	do	Continuous miner bits	0	0	Sparks emitted when bits struck pyritic inclusions in coal bed ignited at face.
14605; Feb. 6, 1959		do	do	Cutting machine bits	0	0	Arc at bit tips from grounded resistance in machine ignited methane at face.
14411; Mar. 2, 1959	34	do	Nongassy	Explosives	0	1	Improperly confined charge of permissible explosives ignited coal dust in a shear kerf.
495; Mar. 18, 1959		Ohio	Gassy	Loading machine	0	0	Arc from short circuit in trailing cable coiled on top of loading machine ignited methane at face.
6866; Mar. 23, 1959	35	Tennessee	Nongassy	Locomotive or smoking	9	0	An accumulation of methane resulting from intermittent fan operation was forced to a locomotive when fan was started and ignited either by the locomotive or smoking.
157–A; Apr. 16, 1959		Pennsylvania	Gassy	Cutting machine bits	0	1	Sparks emitted when the bits struck hard material ignited methane in shear cut.
17353; Apr. 22, 1959		do	do	Flame safety lamp	0	1	Methane ignited when testing for gas with a defective improperly assembled lamp.
6342; May 5, 1959		do	do	Blower fan	0	2	An arc or spark from the open-type blower fan ignited methane accumulated as a result of disrupted ventilation.
318; June 1, 1959		West Virginia	do	Mine jitney	0	0	Arc created when trolley pole was suddenly displaced from the wire ignited methane.
697; June 4, 1959		Pennsylvania	do	Continuous miner bits	0	0	Sparks emitted when bits struck a pyritic inclusion in coal bed ignited methane at face.
1080; June 11, 1959		West Virginia	do	Electric pump	0	1	When using a bolt as a pry bar the pressure against an electric contact box caused a short circuit and methane issuing from a roof bolthole was ignited by the ensuing arc.
10169; June 22, 1959		do	do	Cutting machine bits	0	0	Sparks emitted when the carbide tipped bits struck pyrite streaks ignited methane in kerf.
17594; June 23, 1959		Virginia	do	Flame safety lamp	0	0	Methane was ignited when testing for gas with an improperly assembled lamp.
20115; Aug. 15, 1959		Colorado	do	Oxy-acetylene torch	0	3	Cutting during repair of fan motor coupling in fanhouse on surface ignited methane and explosion spread throughout the mine.
134; Aug. 20, 1959		Pennsylvania	do	Continuous miner bits	0	1	Sparks emitted when bits struck pyritic streaks ignited methane in pillar split.
10169; Aug. 31, 1959		West Virginia	do	Cutting machine bits	0	0	Sparks created by bits striking pyritic material ignited methane in kerf.
20918; Oct. 8, 1959	36	Pennsylvania	Nongassy	Flame safety lamp	0	2	Restarting a fan caused methane to move over an improperly assembled flame lamp which ignited the gas.
495; Oct. 9, 1959		Ohio	do	Cutting machine bits	0	0	Sparks emitted when bits struck hard material ignited methane in kerf.
2541; Oct 20, 1959		Illinois	do	Continuous miner	0	3	Arc in control panel of continuous miner ignited methane.
17639; Nov. 4, 1959	37	Virginia	Nongassy	Cigarette lighter	0	2	Methane at face ignited by flame of cigarette lighter.
573; Dec. 11, 1959		Pennsylvania	Gassy	Continuous miner bits	0	0	Sparks emitted when bits struck sulfur ball ignited methane at face.
551; Dec. 21, 1959		do	do	Roof bolt drill	0	0	Sparks emitted by a drill bit striking hard roof material ignited gas feeders in roof.
697; Jan. 3, 1960		do	do	Electric arc	0	0	Methane from abandoned area seeped into haulage entry and was ignited by an electric arc from a trolley shoe.
495; Feb. 22, 1960		Ohio	Gassy	do	0	0	Short circuit in the switch case of drill ignited methane from kerf.
8008; Mar. 1, 1960		do	do	Cutting machine bits	0	0	Cutting machine bits struck pyrite band and ignited methane in kerf.
366; May 17, 1960		Pennsylvania	do	do	0	0	Sparks from cutting machine bits ignited gas in the kerf.
14818; July 1, 1960		do	do	Electric arc	0	2	Methane was ignited by an arc or spark from an open-type electric motor on a blower fan.
17651; July 12, 1960		Ohio	do	Continuous miner bits	0	0	Cutter bits of continuous miner struck pyrite in the roof coal and the frictional sparks ignited methane.
256; July 20, 1960		Alabama	do	Flame safety lamp	0	2	Methane at face ignited by flame safety lamp.
10347; Aug. 16, 1960	38	Virginia	Nongassy	Carbide lamp	0	0	Methane at the face was ignited by an open flame (carbide) lamp.
19195; Aug. 23, 1960	39	Kentucky	do	do	0	0	Methane was ignited in a shothole when an attempt was made to light a fuse with a carbide lamp.
10169; Aug. 26, 1960		West Virginia	Gassy	Acetylene torch	0	0	Flame from acetylene torch ignited methane in a top sealed borehole casing as a hole was being burned in portion of pipe extending above ground.
874; Sept. 11, 1960		do	do	Electric arc	1	0	Arc at trolley shoe of portal bus ignited methane that had accumulated during fan shutdown
20115; Oct. 27, 1960		Colorado	do	do	0	0	Arc in open contactor compartment of continuous miner ignited methane.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
25040; Nov. 1, 1960	40	Virginia	Nongassy	Electric arc	0	1	Arc produced when a bare portion of a storage battery cable contacted the metal battery case ignited hydrogen gas trapped in battery case during charging.
1152; Nov. 4, 1960		Indiana	Gassy	Continuous miner bits	0	1	Methane at face ignited by sparks created when continuous miner bits struck pyrite.
9674; Nov. 1960		Pennsylvania	do	Electric drill	0	2	Methane at face ignited by arc or spark from an open-type electric drill.
4; Nov. 8, 1960		do	do	Electric arc or continuous miner bits.	0	0	Methane was ignited by frictional sparks from the bits of the continuous miner or atomized hydraulic oil from a leaking high pressure fitting was ignited by an electric arc.
15888; Dec. 7, 1960	41	do	Nongassy	Electric arc	0	1	Methane ignited by an arc or spark from a nonpermissible electric blower fan.
17,695; Dec. 22, 1960	42	West Virginia	do	Frictional spark	0	6	Arc or spark created when air compressor reservoir ruptured ignited oil vapors.
25,052; Dec. 28, 1960	43	do	do	Lighted match	2	0	Methane was ignited when an attempt was made to light a cigarette with a match.
12359; Jan. 4, 1961		Pennsylvania	Gassy	Electric drill	0	1	Arc or spark from open-type hand-held electric drill ignited methane accumulation resulting from disrupted ventilation.
20115; Jan. 13, 1961		Colorado	do	Continuous miner	0	0	Arc caused when broken shaft severed energized cable ignited methane issuing from floor.
1152; Jan. 16, 1961		Indiana	do	Continuous miner bits	0	3	Sparks emitted when bits struck pyritic boulder in coal bed ignited methane at face.
17491; Jan. 17, 1961		West Virginia	do	Cutting machine	0	0	Sparks emitted when cutter-bar sprocket struck roof bolt ignited methane at face.
2221; Jan. 21, 1961		Pennsylvania	do	Flame safety lamp	0	3	Methane ignited by improper use of a flame safety lamp.
366; Feb. 16, 1961		do	do	Continuous miner bits	0	0	Sparks emitted by bits striking hard draw slate ignited methane at face.
4061; Mar. 2, 1961		Indiana	do	Electric arc or open flame	22	0	Methane accumulated as result of deranged ventilation and was ignited by arc from electric equipment or an open flame.
25484; Apr. 13, 1961		Colorado	Nongassy	Smoking	0	1	Presumably methane was ignited when a miner attempted to light a cigarette.
7836; Apr. 17, 1961		West Virginia	Gassy	Continuous miner bits	0	2	Sparks emitted when the bits struck sandstone roof ignited methane at face.
296; Apr. 18, 1961		do	do	do	1	5	Sparks created by the bits striking sandstone and streaks of pyrite ignited methane at face.
5811; May 8, 1961	45	Indiana	Nongassy	Match	1	1	Gasoline vapor escaping from a gasoline powered pump used to dewater a slope ignited by a match.
20057; May 9, 1961	46	Virginia	do	Open flame cap lamp	0	0	Methane ignited at face by an open-flame (carbide) lamp.
14893; May 16, 1961		do	Gassy	Electric welding machine	0	1	Arc produced by an electric welding machine used to cut off an extended roof bolt ignited methane at a loading point.
132; May 29, 1961		West Virginia	do	Locomotive	2	1	Arc produced by trolley slide moving along wire ignited methane.
28918; May 30, 1961	47	do	Nongassy	Smoking	0	1	Presumably gas was ignited when a workman attempted to ignite smoking material.
22112; July 29, 1961		Virginia	Gassy	Open flame cap lamp	1	2	Coal being loaded from beneath a roof cavity and an exchange of lamps by miners ignited methane collected in cavity.
26555; Aug. 3, 1961	48	do	Nongassy	do	0	0	Methane at face was ignited by an open flame (carbide) lamp.
29631; Aug. 28, 1961	49	Pennsylvania	do	Electric arc	0	3	Arc from nonpermissible electric motor driving blower fan ignited methane at chute entrance.
23453; Oct. 7, 1961	50	do	do	Electric drill	0	1	Arc or spark from an open-type electric drill ignited methane at face.
495; Oct. 20, 1961		Ohio	Gassy	Cutting machine bits	0	0	Sparks emitted when machine bits struck a pyrite band ignited methane in kerf.
134; Oct. 26, 1961		Pennsylvania	do	Continuous miner bits	0	4	Sparks emitted when bits or cutting arm of miner struck pyrites in the roof ignited methane and coal dust.
366; Nov. 24, 1961		do	do	do	0	0	Sparks emitted when bits struck pyritic material ignited methane near the face.
25498; Nov. 28, 1961	51	Virginia	Nongassy	Open flame lamp	0	0	Methane released from loose coal was ignited by a miners' open flame (carbide) lamp.
1395; Dec. 12, 1961		West Virginia	Gassy	Continuous miner bits	0	4	Sparks created when continuous miner bits struck pyritic material ignited methane at face.
15433; Dec. 14, 1961		Pennsylvania	do	Electric coal drill	0	1	Arc from open-type, hand-held drill ignited methane at face.
17849; Jan. 10, 1962	52	Illinois	Nongassy	Electric arc	11	0	Methane ignited at the face by an electric arc from an open panel on a shuttle car.
32873; Jan. 11, 1962	53	Virginia	do	Blown-out shot	0	0	A blown out shot or shots ignited coal dust in suspension.
17651; Feb. 2, 1962		Ohio	Gassy	Continuous miner bits	0	2	Sparks resulting from the carbide-tipped bits of the continuous miner cutting pyrites ignited methane.
92; Feb. 5, 1962		Pennsylvania	do	Blown-out shot	0	1	Blown-out shot ignited methane.
92; Feb. 7, 1962		do	do	Unconfined open blast	0	2	An open unconfined charge of explosive ignited methane.
30386; Apr. 9, 1962	54	do	Nongassy	Lighting match	0	1	Methane was ignited by a lighted match.
573; May 24, 1962		do	Gassy	Undetermined	0	0	Methane emitting from around a roof bolt and fissure in the roof was ignited by an undetermined source.
5257; June 6, 1962		do	do	Electric arc	0	5	Methane was ignited by arcs or flame from defective electrical face equipment.
17609; June 12, 1962		West Virginia	do	do	1	0	Electric arc from an open-type battery powered mine tractor ignited an accumulation of methane.
10707; June 12, 1962		Pennsylvania	do	do	0	0	Arcing from an open type electric pump motor ignited an accumulation of methane.
22719; Aug. 9, 1962		Virginia	do	Match flame	0	1	Methane was ignited in the face area by the flame of a match.
1150; Sept. 7, 1962	55	Utah	Nongassy	Cutting machine bits	0	0	A spark or sparks resulting from cutting machine bits striking a rock split or an Airdox shell ignited coal dust in suspension.

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UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
17592; Sept. 28, 1962		Virginia	Gassy	Electrical arc	0	1	Methane that had collected under the shuttle car was ignited by an electrical arc caused by frame of the car breaking contact with the belt frame.
157–A; Oct. 2, 1962		Pennsylvania	do	Frictional sparks	2	2	Frictional sparks resulting from a pillar fall ignited an accumulation of methane.
17358; Oct. 23, 1962		Kentucky	do	Electric arc	1	0	Electric arc or spark from the controller of a nonpermissible storage-battery, tire-mounted, mine jitney ignited an accumulation of methane.
1303; Oct. 25, 1962		Utah	do	Continuous miner bits	0	0	Sparks resulting from the cutting bits on the continuous miner striking the sandstone roof ignited methane.
25666; Nov. 12, 1962	56	Pennsylvania	Nongassy	Electric drill	0	1	An electric arc or spark from an open-type electric drill ignited an accumulation of methane.
366; Nov. 15, 1962		do	Gassy	Continuous miner bits	0	0	Sparks resulting from the carbide-tipped bits of the continuous miner cutting pyrites ignited methane.
24171; Nov. 21, 1962	57	Virginia	Nongassy	Match flame	0	4	Methane was ignited by the flame of a match while attempting to light a disassembled flame safety lamp.
6367; Nov. 29, 1962		Pennsylvania	Gassy	Electric arc	0	2	Methane was ignited by a short circuit along the firing lines which were to a 100-volt alternating current power circuit.
157–A; Dec. 6, 1962		do	do	Electric arc or friction sparks	37	0	An electric arc or friction sparks from the bits of a continuous mining machine ignited an accumulation of methane.
134; Dec. 14, 1962		do	do	Frictional sparks	0	0	Frictional sparks from a fall of sandstone roof ignited methane in a pillared area.
747; Dec. 24, 3962		do	do	do	0	0	Sparks resulting from the carbide-tipped bits of a continuous miner striking a pyrite streak ignited methane.
17641; Jan. 4, 1963		do	do	Cutting machine bits	0	1	Sparks emitted when bits struck hard rock ignited methane accumulated in kerf.
747; Jan. 4, 1963		do	do	Continuous miner bits	0	0	Sparks created when bits struck pyrites in coal-bed ignited methane at face.
14893; Jan. 8, 1963		Virginia	do	do	0	0	Sparks emitted when bits struck sandrock ignited methane at face.
32165; Jan. 14, 1963		Pennsylvania	do	Match	0	2	Spent matches found after the ignition seemed the most likely source of ignition.
92; Jan. 29, 1963		do	do	Explosives	1	3	A blast at end of long hole ignited methane in a large void.
14893; Jan. 29, 1963		Virginia	do	Mine jitney	0	0	Arc from trolley slide of mine jitney ignited methane in roof cavity.
33099; Feb. 4, 1963	58	Pennsylvania	Nongassy	Flame safety lamp	0	2	Methane ignited by defective lamp.
17743; March 1963		West Virginia	Gassy	Undetermined	0	0	No one interrogated had any idea what caused the ignition or exactly when it occurred.
448; Mar. 13, 1963		do	do	Air compressor	0	1	Failure of relief and unloader valves permitted excessive pressure buildup and relief valve ruptured throwing fine coal dust into commutator of open-type motor where it was ignited by an arc.
535; Mar. 20, 1963		Pennsylvania	do	Continuous miner bits	0	0	Sparks emitted when bits struck pyritic material or sandstone ignited methane at face.
15176; Apr. 8, 1963		Alabama	do	Cutting machine	0	2	Arc from controller of machine ignited methane.
17592; Apr. 12, 1963		Virginia	do	Loading machine	0	0	Sparks emitted when digging arm struck hard sandy shale ignited methane.
17627; Apr. 16, 1963		Pennsylvania	do	Scraper hoist motor	4	8	Arcs or sparks from an open-type hoist motor ignited methane which entered the air when a place "holed through" to old work.
535; Apr. 17, 1963		do	do	Continuous miner bits	0	2	Methane ignited by sparks produced by carbide-tipped bits of a continuous miner striking the sandstone roof.
10169; Apr. 25, 1963		West Virginia	do	Loading machine	22	0	Arcs or sparks from loading machine ignited methane accumulation resulting from prolonged ventilation interruption.
17592; May 14, 1963		Virginia	do	Shuttle car	0	1	Arc created when energized car frame touched belt feeder ignited methane at belt loading point.
1733; May 27, 1963	59	Utah	Nongassy	Explosives	0	0	Overloaded underburdened shots ignited small amount of coal dust but no damage occurred.
31472; July 17, 1963	60	Kentucky	do	Open flame (carbide) lamp	0	0	Methane ignited by open flame carbide lamp Mine had been classed nongassy prior to ignition.
2985; July 18, 1963		Pennsylvannia	Gassy	Loading machine	0	0	Gas liberated from face area ignited when trailing cable on the loading machine short circuited while the machine was being operated.
17651; July 23, 1963		Ohio	do	Continuous miner bits	0	0	Methane was ignited when frictional sparks from cutter bits of a continuous mining machine struck a pyrite streak at the top of the coal bed.
14843; Aug. 17, 1963		Virginia	do	Cutting machine bits	0	0	Methane was ignited when the cutting machine bits struck the sandstone roof during shearing.
14843; Aug. 8, 1963		do	do	Personnel jitney	0	0	Methane in a roof cavity ignited by an arc from the trolley pole slide of a mine jitney or personnel carrier.
1303; Aug. 13, 1963		Utah	do	Arc-welding	0	0	Arc from welding machine ignited methane emitted from fissures in mine floor.
17743; Aug. 17, 1963		West Virginia	do	Continuous miner	0	2	Explosion resulted from methane being ignited by an electric arc from the energized metal frame of a continuous miner or by friction sparks from the bits striking the roof.
17641; Aug. 21, 1963		Pennsylvania	do	Cutting machine bits	0	0	Gas ignited in top cut of kerf when cutting machine bits struck unforeseen clay vein.
134; Aug. 26, 1963		do	do	Continuous miner bits	0	1	Explosion occurred when an accumulation of methane was ignited by sparks from carbide-tipped bits or broken bit arm of a miner struck pyritic material near the roof.

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UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
2985; Sept. 16, 1963		Pennsylvania	Gassy	Loading machine	0	0	Gas was ignited on the floor when the loading machine trailing cable short-circuited about 20 feet out by a solid coal face.
2015; Sept. 27, 1963		do	do	Flame safety lamp	0	2	Evidence indicated that the explosion occurred when methane was ignited by a permissible-type flame safety lamp in nonpermissible condition or from steel bar striking sandstone roof.
14893; Oct. 12, 1963		Virginia	do	Continuous miner	0	0	Methane was ignited from sparks produced when the end of continuous miner trailing cable was touched to a trolley wire. Gas issued from partings in the coal bed.
10169; Oct. 14, 1963		West Virginia	do	Continuous miner bits	0	1	Ignition when continuous miner bits hit a sandstone roll in the roof or because of excess opening in breaker compartment emitted arcs.
157; Oct. 15, 1963		Pennsylvania	do	do	0	0	Carbide bits of continuous miner struck sulphur ball and ignited gas at face.
157; Oct. 24, 1963		do	do	do	0	0	Carbide bits of continuous miner struck sulphur ball and ignited gas at face.
1555; Oct. 31 1963		do	do	Explosives	0	0	Part of a charge of permissible explosives failed to detonate and smouldered slowly then ignited gas being liberated in the freshly shot coal.
747; Nov. 14, 1963		do	do	Cutting machine bits	0	0	Gas was ignited in the kerf of a top cut by frictional sparks from the bits of a cutting machine.
747; Nov. 6, 1963		do	do	Continuous miner bits	0	0	Frictional sparks created when bits of continuous miner struck sulfur intrusions and ignited gas being liberated in the vicinity of clay veins.
20115; Nov. 11, 1963		Colorado	do	do	0	9	Explosion occurred when methane was ignited by sparks from carbide-tipped bits of a continuous miner striking rock.
14644; Dec. 16, 1963		Utah	do	do	9	1	Methane and coal dust ignited by sparks from the bits of a continuous miner cutting in top rock, or by arcs or sparks from electrical equipment that was not in permissible condition. Propagated by float coal dust in the return airway.
33525; Jan. 15, 1964	61	Pennsylvania	Nongassy	Frictional sparks	0	1	Explosion probably resulted from frictional sparks created by steel pick striking sandstone roof.
20115; Feb. 3, 1964		Colorado	Gassy	Loading machine	0	0	Splice in trailing cable on mobile loading machine short-circuited and flash ignited small feeder of gas and air mixture emanating from floor.
9346; Feb. 3, 1964		Pennsylvania	do	Explosives	3	1	Inadequate stemming or insufficient burden caused blown-out shot and resultant open flame ignited methane.
14893; Feb. 24, 1964		Virginia	do	Cutting machine bits	0	0	Cutting machine bits struck sandstone roof and frictional sparks ignited methane in the shear.
17435; Feb. 26, 1964		West Virginia	do	Continuous miner bits	0	0	Methane or coal dust or both ignited by frictional sparks caused by cutter bits of the continuous mining machine striking pyritic streaks in the draw rock.
17435; Feb. 28, 1964		do	do	do	0	0	Do.
3074; Feb. 28, 1964		Kentucky	do	Cutting machine bits	0	0	Frictional sparks created by bits of cutting machine chain ignited gas in kerf.
36384; Mar. 1, 1964		Pennsylvania	do	Acetylene torch	0	0	Gas from bottom feeder was ignited by a spark dropped while continuous miner digging arm was being heated with an acetylene torch during repair work.
4197; Mar. 11, 1964		Alabama	do	Cutting machine bits	0	0	Methane ignited by frictional sparks when cutter bits of cutting machine contacted pyrite band in kerf.
36679; Mar. 19, 1964	62	Kentucky	Nongassy	Continuous miner bits	0	0	Frictional sparks from bits of continuous miner struck sandstone roof and ignited coal dust in suspension.
535; May 7, 1964		Pennsylvania	Gassy	do	0	2	Gas ignited by carbide-tipped bits of a continuous miner striking sandstone in mine floor.
14893; May 8, 1964		Virginia	do	do	0	0	Sparks created by bits of continuous miner striking sandstone roof ignited small methane accumulation.
20115; May 26, 1964		Colorado	do	Continuous miner	0	0	Arc resulting from damaged cable on continuous miner ignited small gas feeder emanating from floor near gathering head.
20970; June 11, 1964	63	Pennsylvania	Nongassy	Propane torch or burning fuse	0	3	Explosion occurred when methane accumulation was ignited by flame of a propane torch and/or by burning fuse. Both were existent sources of ignition.
11538; June 16, 1964		West Virginia	Gassy	Roof-bolting machine	0	0	Carbide-tipped bit of roof-bolt machine encountered sulfur streak and spark ignited gas. Flame burned about 20 seconds.
1885; June 24, 1964		do	do	Continuous miner bits	0	4	Methane ignited by sparks from carbide-tipped bits of continuous mining machine when bits contacted pyritic lenses. Flame of explosion extended 95 feet and forces 225 feet.
14893; June 24, 1964		Virginia	do	Cutting machine bits	0	0	Carbide-tipped bits of cutting machine struck sandstone roof and caused sparks that ignited material while cutting top coal. Whether it was a gas or dust ignition was not determined.
2333; July 15, 1964		Pennsylvania	do	Match flame	0	2	Evidence indicated that a workman struck a match while an accumulation of methane was being moved from a face area with line brattice and compressed air.
35858; July 17, 1964	64	do	Nongassy	do	0	2	Methane accumulated because of inadequate ventilation was ignited by the flame of a match.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
157; July 20, 1964		Pennsylvania	Gassy	Continuous miner bits	0	0	Gas emitting from a small feeder was ignited by frictional sparks or rock heating created by carbide-tipped bits of the continuous miner striking a pyrite intrusion in the coal bed.
4197; July 27, 1964		Alabama	do	Cutting machine bits	0	0	Frictional sparks from cutting machine bits ignited methane in the kerf of the undercut coal face.
4652; July 30, 1964		do	do	Cutting machine	0	2	Ventilation inadequate and open-type cutting machine ignited accumulation of methane in a cross cut.
57; Aug. 5, 1964		Pennsylvania	do	Continuous miner bits	0	0	Gas being liberated at the face was ignited by frictional sparks when the carbide-tipped bits of the continuous miner struck pyrite intrusions in the coal bed.
14893; Aug. 18, 1964		Virginia	do	do	0	0	Methane or coal dust ignited by frictional sparks created by continuous miner bits striking sandstone roof.
12530; Aug. 19, 1964		Pennsylvania	do	Explosives	0	2	Detonation of unconfined nonpermissible explosives ignited methane being moved from mined-out area.
35405; Sept. 3, 1964		Kentucky	do	Continuous miner bits	0	1	Frictional sparks caused by steel-alloy bits of a continuous-miner striking hard draw rock.
747; Sept. 15, 1964		Pennsylvania	do	do	0	0	Gas ignited by frictional sparks from bits of a continuous-miner when a clay vein was encountered.
1579; Sept. 28, 1964		West Virginia	do	Energized trolley wire	3	0	Explosion resulted from methane being ignited by electric arc from energized trolley wire and "nip" of "nip scooter" operated by one of the men killed.
17651; Oct. 3, 1964		Ohio	do	Continuous miner bits	0	2	Ignition was caused by frictional sparks created when carbide-tipped bits of the continuous-miner struck a pyrite streak near the top of the coal bed.
20115; Oct. 5, 1964		Colorado	do	Loading machine	0	0	Arcing between two power conductors at damaged section of trailing cable of the loading machine ignited gas feeders in mine floor.
4195; Oct. 7, 1964		West Virginia	do	Battery-powered utility truck	0	3	Explosion resulted from removal of check curtain and/or temporary stoppings which resulted in methane accumulation that was ignited by utility truck in nonpermissible condition being operated by a fireboss.
28112; Oct. 14, 1964		Virginia	Nongassy	Open-flame cap lamp	0	0	Methane at face was ignited by an open-flame lamp. (Mine nongassy prior to ignition).
450; Oct. 17, 1964		Pennsylvania	Gassy	Trolley pole collector	0	0	Methane accumulation in roof cavity ignited by arc from trolley-pole collector shoe of man-trip bus moved over cut-out switch.
134; Nov. 2, 1964		do	do	Continuous miner bits	0	2	Methane and probably coal dust ignited by frictional sparks created by carbide-tipped bits of a continuous-miner striking pyritic material in the coal near the roof.
697; Nov. 7, 1964		do	do	Locomotive	0	0	Gas feeder in floor was ignited by sparks from the wheels of a locomotive.
36712; Nov. 9, 1964		Virginia	do	Continuous miner bits	0	0	Gas emitting from the coal face and several feeders in the bottom, ignited by frictional sparks created by cutter bits of continuous mining machine striking bottom rock.
17743; Nov. 20, 1964		West Virginia	do	do	0	1	Methane ignited by frictional sparks created by carbide-tipped bits of continuous miner striking sandstone roof.
4197; Dec. 3, 1964		Alabama	do	Cutting machine bits	0	0	Frictional sparks created by cutter chain bits of cutting machine ignited gas in the undercut kerf.
2221; Dec. 7, 1964		Pennsylvania	do	Explosives	0	5	Charge of permissible explosives partially confined in a piece of rock was detonated in the presence of methane resulting in an explosion.
747; Dec. 11, 1964		do	do	Continuous miner bits	0	0	Methane at coal face ignited by frictional sparks when the cutting bits of a continuous mining machine struck rock intrusions in the coal bed.
32829; Dec. 16, 1964	66	do	Nongassy	Electric drill	0	1	Methane ignited by an open-type hand-held electric drill.
11719; Jan. 7, 1965		Utah	Gassy	Acetylene torch	0	0	Methane released by a bump was ignited by an acetylene torch used to cut roof bolts.
15075; Jan. 25, 1965	67	Pennsylvania	Nongassy	Electric coal drill	0	3	An arc or spark from an open-type hand-held electric drill ignited methane.
535; Jan. 26, 1965		do	Gassy	Continuous miner bits	0	1	Sparks emitted when carbide-tipped bits struck sandstone in mine floor ignited methane.
35405; Feb. 3, 1965		Kentucky	do	do	0	1	Sparks created by the bits striking hard roof rock ignited methane at face.
28112; Feb. 11, 1965		Virginia	do	Smoking	0	2	Methane at face ignited when a workman attempted to light cigarette with match.
965; Feb. 18, 1965		Pennsylvania	do	Continuous miner bits	0	0	Sparks emitted when the carbide-tipped bits struck hard pyrite streaks, in a clay vein ignited methane.
34896; Feb. 18, 1965		do	do	Flame safety lamp	0	1	The damaged fount of the lamp prevented lower gauze ring from seating and provided a flame path out of the lamp.
17656; Feb. 26, 1965		do	do	Continuous miner bits	0	2	Sparks emitted when carbide-tipped bits struck sandstone roof ignited methane.
14893; Mar. 3, 1965		Virginia	do	do	0	0	Sparks created by the bits striking sandstone ignited methane.
7056; Mar. 3, 1965		Kentucky	do	Loading machine	0	0	Overheated bearing in gathering area of loader ignited methane near face.
14644; Mar. 16, 1965		Utah	do	Continuous miner bits	0	2	Sparks emitted when carbide-tipped bits struck sandstone roof ignited methane at face.
296; Mar. 25, 1965		West Virginia	do	do	0	0	Sparks created by carbide-tipped bits striking pyrites near the roof ignited methane.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
36712; Mar. 31, 1965		Virginia	Gassy	Continuous miner bits	0	0	Sparks created when bits of miner struck sandstone floor ignited methane.
165; Apr. 13, 1965		West Virginia	do	do	0	4	Arc from defective splice in the power circuit in the connection box touched the frame of the box and ignited.
14893; Apr. 28, 1965		Virginia	do	do	0	0	Sparks emitted when bits struck sandy floor rock ignited methane at face.
78; Apr. 30, 1965		West Virginia	do	Light bulb	4	1	Presumably a falling object broke a burning light bulb suspended near shaft bottom and resulting arc ignited methane.
27335; May 24, 1965	68	Tennessee	Nongassy	Cigarette lighter	5	0	Presumably methane ignited by cigarette lighter found near the origin of the explosions.
157; June 3, 1965		Pennsylvania	Gassy	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits of miner struck pyrite ignited methane at face.
17181; June 8, 1965		do	do	Blower fan	0	0	Methane accumulation caused by stoppage of main fan ignited by arcing when nonpermissible underground blower fan was started by remote surface switch.
134; June 24, 1965		Pennsylvania	do	Continuous miner bits	0	4	Sparks emitted when the carbide-tipped bits struck pyritic material in roof ignited methane at face.
12334; June 24, 1965		West Virginia	do	Continuous miner bits or conveyor chain.	0	1	Sparks created by bits striking pyrite or chain sprocket rubbing chain ignited methane at face.
25344; July 6, 1965		Pennsylvania	do	Flame safety lamp	0	2	Attempting to relight a flame safety lamp in an explosive mixture of methane and air.
762; July 6, 1965		Indiana	do	Electric arc	0	0	Presumably a roof fall had short circuited two bare power wires which were energized from a remote switch and the resulting arc ignited methane.
35405; July 16, 1965		Kentucky	do	Continuous miner bits	0	2	Sparks emitted when bits struck hard rock intrusion in coal bed ignited methane at face.
36458; Aug. 6, 1965	69	Virginia	Nongassy	Smoking	0	1	Workman ignited methane while attempting to light a cigarette with a match.
1315; Aug. 15, 1965		Utah	Gassy	Locomotive	0	1	Methane ignited by arc between trolley shoe and trolley wire.
14893; Sept. 27, 1965		Virginia	do	Continuous miner bits	0	1	Sparks emitted when bits struck sandstone roof ignited methane at face.
11538; Oct. 20, 1965		West Virginia	do	do	0	1	Sparks created when the bits struck pyrite streaks ignited methane at face.
124; Nov. 8, 1965		Alabama	do	Trolley locomotive	0	1	Arc from contact of trolley wheel with trolley wire ignited methane out by face area.
38143; Nov. 19, 1965		Illinois	do	Continuous miner bits	0	0	Sparks emitted when bits struck a pyritic lens ignited methane at face.
165; Nov. 29, 1965		West Virginia	do	do	0	1	Sparks emitted when bits struck bony coal ignited methane at face.
17221; Nov. 29, 1965	70	Virginia	Nongassy	Cable and trolley locomotive	0	2	Arc from transfer switch on cable reel locomotive ignited methane at face.
165; Dec. 15, 1965		West Virginia	Gassy	Continuous miner bits	0	1	Sparks emitted when bits struck rock ignited methane at face.
1719; Dec. 16, 1965		do	do	Trolley locomotive	1	1	Arc from trolley locomotive ignited methane in an abandoned, poorly ventilated area of mine.
1752; Dec. 21 and 23, 1965		do	do	Continuous miner bits	0	2	Sparks emitted when bits struck rock partings in each case ignited methane at face (2 ignitions similar).
20115; Dec. 28, 1965		Colorado	do	Loading machine or shuttle car	9	0	Arc from defective splice in trailing cable of either loading machine or shuttle car ignited methane being liberated from face, ribs, and floor. Coal dust was ignited subsequently and propagated the explosion.
35405; Jan. 24, 1966		Kentucky	do	Explosives	0	0	Presumably methane issuing from the kerf was ignited by a blast as no other ignition source was present.
2221; Jan. 25, 1966		Pennsylvania	do	Electric arc or explosives	0	4	Methane ignited by arc from short-circuited shuttlecar cable or burning explosives.
573; Jan. 28, 1966		do	do	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck sandstone roll in coal bed ignited methane.
573; Jan. 29, 1966		do	do	do	0	5	Sparks created by the carbide-tipped bits striking pyritic material in coal bed ignited methane.
33124; Feb. 11, 1966		do	do	Shot-firing line	0	1	Arc created when the ends of the wires comprising the shot-firing cable energized by 110-volt a.c. current were touched together
747; Feb. 12, 1966		do	do	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck roof rock ignited methane.
35484; Mar. 2, 1966		Colorado	do	Electric arc or smoking	3	0	Methane ignited by arc from controller of battery locomotive, bare spot in battery cable or from smoking.
35405; Mar. 11, 1966		Kentucky	do	Blown-out shot	0	1	Methane ignited by blown-out shot from an overcharged and possibly improperly stemmed borehole—gas tests had not been made.
2; Mar. 28, 1966		West Virginia	do	Continuous miner bits	0	4	A charged oxygen cylinder abandoned during previous mining was ruptured by machine bits and an ignition occurred.
14893; Apr. 19, 1966		Virginia	do	do	0	1	Sparks emitted when bits struck sandstone roof ignited methane.
36712; June 1, 1966		do	do	do	0	3	Sparks created when the bits struck the sandy shale roof ignited methane from freshly exposed feeder at face.
573; June 13, 1966		Pennsylvania	do	do	0	0	Sparks emitted when bits struck pyritic inclusions in coal bed ignited methane from feeder at face.
38800; June 20, 1966	71	West Virginia	Nongassy	Smoking	0	2	Accumulation of methane ignited by cigarette.
157; June 23, 1966		Pennsylvania	Gassy	Falling rock	0	4	Sparks caused by rocks rubbing together during caving in job area ignited methane.
38729; July 20, 1966		Colorado	do	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck sandstone ignited methane at face.
17983; July 23, 1966		West Virginia	do	Shuttle car	7	2	Methane ignited by an electric arc or spark possibly from shuttle car.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
4197; Aug. 4, 1966		Alabama	Gassy	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck hard shale in bottom coal ignited methane.
3216; Aug. 12, 1966		Pennsylvania	do	"Jumper" power cable	0	0	Nip was touched to feeder cable and methane issuing from roof cracks was ignited.
2333; Aug. 31, 1966		do	do	Lighted match	0	2	Since matches were found on a pile of coal after blasting and no other ignition source was evident, it is presumed that methane was ignited by a match.
318; Sept. 1, 1966		West Virginia	do	Locomotive	0	2	An arc created when trolley shoe contacted trolley wire ignited methane near roof.
17435; Oct. 6, 1966		do	do	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck pyrite in roof rock ignited methane at face.
4955; Oct. 27, 1966		do	do	Flame safety lamp	0	1	Although the lamp was the only source of ignition in the area, subsequent tests failed to disclose defects in the lamp.
4197; Nov. 4, 1966		Alabama	do	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck the shale bottom rock ignited methane from feeders.
39378; Nov. 7, 1966	72	Virginia	Nongassy	Electric coal drill	0	1	Arcing from a nonpermissible hand-held electric drill ignited methane at face.
36712; Nov. 30, 1966		do	Gassy	Continuous miner cable	0	0	Arc resulting from short circuit in a previously damaged cable on the miner ignited methane feeders.
14893; Dec. 2, 1966		do	do	Continuous miner bits	0	1	Sparks created when bits struck sandstone roof ignited methane at face.
4197; Dec. 14, 1966		Alabama	do	Cutting machine bits	0	0	Sparks emitted by machine bits striking shale in the bottom coal ignited methane feeders.
20115; Dec. 14, 1966		Colorado	do	Continuous miner bits	0	3	Acetylene ignited when bits ruptured an acetylene cylinder left in the place and covered by the sloughing coal ribs.
40360; Dec. 26, 1966		Pennsylvania	do	Trolley wire	0	0	Roof fall dislodged trolley wire which touched track rail and resulting arc ignited methane accumulated in roof void.
2985; Jan. 10, 1967		do	do	Electric arc	0	0	Insulation failure in drill cable energized drill frame and an arc resulting from energized drill steel touching draw slate ignited gas feeder at face.
42248; Jan. 24, 1967		Virginia	do	do	3	4	Presumably the operation of a feeder-line switch ignited an accumulation of methane.
672; Jan. 30, 1967		West Virginia	do	Continuous miner bits	2	4	Sparks resulting from the carbide-tipped bits of the continuous miner cutting pyrites ignited methane.
17651; Feb. 2, 1967		Ohio	do	do	0	0	Spark caused by the carbide-tipped bits of continuous miner hitting pyrite near roof ignited methane.
1339; Feb. 7, 1967		Pennsylvania	do	do	0	6	Sparks caused by the carbide-tipped continuous miner bits striking sandstone roof ignited methane at face.
36712; Mar. 6, 1967		Virginia	do	do	0	3	Sparks caused by the carbide-tipped continuous miner bits striking the sandy shale roof ignited methane.
4197; Mar. 10, 1967		Alabama	do	do	0	0	Sparks created by carbide-tipped bits striking hard bottom material ignited methane.
11538; Mar. 30, 1967		West Virginia	do	do	0	1	Sparks emitted by carbide tipped bits contacting hard material in roof or coal bed ignited methane.
14893; Apr. 3, 1967		Virginia	do	Roof fall	0	0	Sparks emitted by friction of rocks during roof fall ignited methane in an abandoned area.
1367; April 19, 1967		Pennsylvania	do	Acetylene torch	0	0	Mechanic preparing to use torch to remove broken part of conveyor at long wall face ignited methane accumulated under belt conveyor.
747; May 12, 1967		do	do	Continuous miner bits	0	0	Sparks emitted when cutting bits of continuous miner struck hard floor material ignited methane at face.
747; June 1, 1967		do	do	do	0	0	Sparks created when cutting bits of continuous miner struck hard floor material ignited methane at face.
35405; June 14, 1967		Kentucky	do	Cutting machine bits	0	0	Sparks emitted when bits of cutting machine struck hard material in coal bed ignited methane.
43803; June 20, 1967		Ohio	do	Unknown	0	1	Mechanic attempted to start pump and methane accumulated in pump room was ignited.
432; June 22, 1967		West Virginia	do	Undetermined	0	2	Shaft at an abandoned mine was being sealed when a succession of explosions occurred. Source of ignition not known.
296; June 29, 1967		do	do	Continuous miner bits	0	3	Sparks emitted when bits of continuous miner struck hard material in coal bed ignited methane.
17344; July 6, 1967		do	do	do	0	0	Sparks created by bits of continuous miner striking pyretic material in clay vein ignited methane.
389; July 28, 1967		Kentucky	do	Electric arc or smoking	4	0	Crew recovering material was "nipping" a hoist into area by touching negative conductor to rail. Either an arc created by "nipping" or flame from cigarette lighter ignited methane.
14893; Aug. 10, 1967		Virginia	do	Friction sparks (pillar fall)	0	0	Sparks created by sandstone rubbing sandstone during caving in pillar area ignited methane.
17627; Aug. 17, 1967		Pennsylvania	do	Friction sparks or smoking	0	2	Sparks emitted by friction between large pieces of rock during massive roof fall, or smoking ignited methane.
157; Aug. 18, 1967		do	do	Continuous miner bits	0	0	Sparks emitted by bits of continuous miner striking roof rock ignited methane or coal dust.
40969; Sept. 6, 1967		Virginia	do	Battery tractor	0	0	Arc in the control box of battery powered tractor ignited methane at face of entry.
134; Sept. 27, 1967		Pennsylvania	do	Continuous miner bits	0	4	Sparks emitted when bits of continuous miner struck roof ignited methane.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
17435; Oct. 10, 1967		West Virginia	Gassy	Continuous miner bits	0	0	Sparks created by continuous miner bits striking pyrite in roof ignited methane.
10169; Oct. 17, 1967		do	do	do	0	3	Sparks emitted when bits on continuous miner struck pyrite in roof ignited methane.
32300; Oct. 17, 1967		Pennsylvania	do	Possibly smoking	0	1	Presumably miner ignited methane when attempting to light a cigarette.
1367; Oct. 17, 1967		do	do	Circuit breaker	0	0	Arc from a short circuit in trailing cable connector at circuit-breaker box ignited methane accumulated on nearby roof fall.
35405; Nov. 17, 1967		Kentucky	do	Acetylene torch	3	1	The flame of an acetylene torch used to remove (burn) tramp iron and detonator leg wires from the rotary drum of the coal breaker ignited methane in roof cavity above belt feeder.
747; Nov. 27, 1967		Pennsylvania	do	Continuous miner bits	0	0	Sparks emitted when bits of continuous miner was cutting pyretic material ignited pyrite dust.
11538; Nov. 28, 1967		West Virginia	do	do	0	3	Sparks created by bits of continuous miner cutting pyrites in the coal ignited methane.
747; Jan. 13, 1968		Pennsylvania	do	do	0	0	Gas liberated from feeder at coal face was ignited by frictional sparks created when the cutting bits of the continuous mining machine struck hard pyrite intrusion in the coalbed.
76; Jan. 22, 1968		West Virginia	do	Electric arc or trolley wire	1	1	Methane accumulated in high place because of insufficient ventilation and was ignited by an electric arc or sparks between energized trolley wire and trolley slide of locomotive.
965; Feb. 8, 1968		Pennsylvania	do	Continuous miner bits	0	0	Methane ignited by frictional sparks created by the cutter bits of the continuous-mining machine striking roof rock.
1315; Feb. 22, 1968		Utah	do	Power cables	0	0	Methane issuing from the roof through a roof-bolt hole was ignited by arcs and/or sparks from short circuits in power cables of two portable submersible water pumps and resulted in fire in the coal rib.
615; Apr. 9, 1968		Pennsylvania	do	Continuous miner bits	0	0	Methane ignited by frictional sparks created by cutter bits of continuous-mining machine striking hard pyritic material which overlayed draw rock.
42248; May 8, 1968		Virginia	do	do	0	2	Inadequate controls permitted methane to accumulate. Methane-air mixture was ignited by frictional sparks, by continuous-miner bits striking hard pyritic material in the coalbed.
Ndw shaft; June 23, 1968		Oklahoma		Cutting torch	0	0	Cutting torch being used at top of shaft ignited methane in the shaft. (New shaft and not classified as a mine.)
New shaft; June 19, 1968		do		Lightning	0	0	Lightning ignited methane coming out of new shaft. (New shaft and not classified as a mine.)
43832; July 5, 1968		do	Gassy	Continuous miner bits	0	0	Explosive mixture of methane was ignited by frictional sparks resulting from continuous miner bits striking hard sandstone roof.
4197; July 10, 1968		Alabama	do	Explosives	0	0	Incomplete detonation of explosives ignited methane liberated from a fresh blasted fall of coal. Ignition occurred about 5 minutes after.
33582; July 15, 1968		West Virginia	do	Flame safety lamp	0	3	Defective permissible-type flame safety lamp ignited methane accumulation when section foreman was testing for gas on top of roof fall.
43832; July 19, 1968		Oklahoma	do	Continuous miner bits	0	0	Inadequate face ventilation allowed methane to accumulate and then was ignited by sparks created when the bits of the continuous miner struck the sandstone roof.
2929; July 24, 1968		West Virginia	do	do	0	8	Explosion occurred when methane was ignited by frictional sparks from carbide-tipped bits of a continuous miner striking roof rock. Flame extended 620 feet out by the face.
43832; July 26, 1968		Oklahoma	do	do	0	0	Inadequate face ventilation allowed methane to accumulate which was ignited by sparks created when the bits of the continuous miner struck the sandstone roof.
43832; July 30, 1968		do	do	do	0	0	Explosive mixture of methane was ignited by frictional sparks created when continuous miner bits struck the hard sandstone roof.
38613; Aug. 2, 1968	73	Kentucky	Nongassy	Match	0	3	An explosive mixture of methane and air was ignited when an employee attempted to light a cigarette with a match.
42562; Aug. 7, 1968	74	do	do	Explosives	9	2	Explosives on a drill truck were ignited when coal face was blasted, resulting in extensive explosion.
17435; Aug. 27, 1968		West Virginia	Gassy	Continuous miner bits	0	0	Ignition occurred when continuous miner bits struck pyrite streaks under the draw rock.
14893; Aug. 30, 1968		Virginia	do	do	0	2	Accumulation of methane ignited when continuous miner bits struck mine roof.
17651; Sept. 12, 1968		Ohio	do	do	0	0	Ignition occurred when continuous miner bits struck pyrite streaks in the coal beds.
3778; Oct. 21, 1968		Pennsylvania	do	Undetermined, probably smoking.	0	1	Methane in a roof cavity near the face of a working place was probably ignited by smoking or smokers' articles.
43832; Oct. 31, 1968		Oklahoma	do	Continuous miner bits	0	2	Accumulation of methane ignited when continuous miner bits struck mine roof.
42089; Nov. 13, 1968		Virginia	do	Explosives	0	3	Coal dust was ignited when heavily charged improperly confined boreholes were blasted in a thin pillar of coal. Some of the explosives did not pass the tests for permissibility.
78; Nov. 20, 1968		West Virginia	Gassy	Undetermined	78	0	Mine sealed Nov. 30, 1968.
40540; Nov. 22, 1968		Virginia	do	Continuous miner bits	0	0	Accumulation of methane ignited when continuous miner bits struck mine roof.
40540; Dec. 23, 1968		do	do	do	0	1	Ignition occurred when continuous miner bits struck sandstone roof.
4197; Dec. 23, 1968		Alabama	do	Cutting machine bits	0	0	Gas from feeder ignited by frictional sparks created by carbide-tipped bits of Joy 10 RU mining machine striking fossiliferous shale in the bottom coal.

Mr. COOPER. Mr. President, the report records that during this 16-year period, 74 ignitions and explosions occurred in nongassy mines. Of the 74, the Bureau of Mines has determined and concluded that some 52 ignitions and explosions were caused by gas—52 ignitions or explosions in 16 years in nongassy mines. The Bureau then implies that the 52 accidents could have been prevented had the mines been classed gassy and used with permissible equipment.

I ask unanimous consent to have printed in the RECORD a list of the 52 ignitions and gas explosions in nongassy mines, as reported by the Bureau of Mines, as exhibit B.

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

EXHIBIT B

TABLE B.—NUMBER OF GAS IGNITIONS OR EXPLOSIONS IN NONGASSY COAL MINES AND NUMBER OF PERSONS KILLED OR INJURED, JULY 1, 1952, THROUGH NOV. 30, 1968

Year	Number of ignitions or explosions	Killed	Injured
1952 (6 months)	0	0	0
1953	3	0	3
1954	5	0	6
1955	3	0	4
1956	4	0	2
1957	5	0	5
1958	3	0	3
1959	3	[1] 9	2
1960	4	2	0
1961	7	0	7
1962	4	[2] 11	6
1963	1	0	0
1964	4	0	6
1965	3	[3] 5	4
1966	2	0	3
1967	0	0	0
1968	1	0	3
Total	52	27	54

[1] No. 1 mine, Philips & West Coal Co., Robbins, Tenn., Mar. 23, 1959, 9 killed, 0 injured.
[2] Mine No. 2, Blue Blaze Coal Co., Herrin, Ill., Jan. 10, 1962, 11 killed, 0 injured.
[3] No. 2-A mine, C. L. Kline Coal Co., Robbins, Tenn., 5 killed, 0 injured.

Mr. COOPER. Mr. President, the record shows that of the 52 ignitions and gas explosions, 27 fatalities and 54 injuries resulted. Examination of the facts and circumstances of each of these 52 ignitions and gas explosions in mines classed as nongassy does not support the argument that they would have been avoided if permissible equipment standards required for gassy mines had been required for these nongassy mines, and if permissible equipment had been in use when these explosions and ignitions occurred.

I now ask unanimous consent to have printed in the RECORD a table, marked as exhibit C, identifying the 52 ignitions and gas explosions and listing the number of fatalities and injuries.

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

EXHIBIT C—IGNITIONS IN MINES CLASSED NONGASSY AT THE TIME THE IGNITION OCCURRED

Date of ignition	State	Source of ignition	Number	Fatalities	Injuries
Jan. 3, 1953	Pennsylvania	Match	1	0	0
May 5, 1953	Kentucky	Open flame lamp	2	0	0
Oct. 9, 1953	Pennsylvania	do	3	0	2
Apr. 9, 1954	do	do	4	0	1
May 10, 1954	Tennessee	Match	5	0	0
May 17, 1954	Kentucky	Open flame (lamp)	6	0	0
May 28, 1954	Pennsylvania	Smoking or electric arc at signal station	7	0	3
Nov. 30, 1954	Kentucky	Arc from 250-volt circuit used to blast	8	0	2
June 18, 1955	Pennsylvania (anthracite)	Nonpermissible electric coal drill	9	0	1
July 23, 1955	do	do	10	0	2
Dec. 19, 1955	Maryland	Smoking	11	0	1
Feb. 28, 1956	Alabama	Open flame (lamp)	12	0	0
Mar. 21, 1956	Colorado	Nonpermissible electric coal drill	13	0	2
July 17, 1956	Kentucky	Open flame (lamp)	14	0	0
Nov. 28, 1956	Pennsylvania	do	15	0	0
Jan. 17, 1957	do	do	16	0	0
Feb. 5, 1957	do	do	17	0	0
Feb. 26, 1957	Kentucky	Match	18	0	0
May 1, 1957	Pennsylvania	Open flame (lamp)	19	0	2
Nov. 16, 1957	do	Nonpermissible blower fan or match	20	0	3
Jan. 10, 1958	Virginia	Open flame (lamp)	21	0	0
Jan. 31, 1958	Tennessee	do	22	0	0
Dec. 11, 1958	Pennsylvania	Nonpermissible electric coal drill	23	0	3
Mar. 23, 1959	Tennessee	Electric locomotive or smoking	24	9	0
Oct. 8, 1959	Pennsylvania	Improperly assembled flame safety lamp	25	0	2
Nov. 4, 1959	Virginia	Cigarette lighter	26	0	2
Aug. 16, 1960	do	Open flame (lamp)	27	0	0
Aug. 23, 1960	Kentucky	do	28	0	0
Dec. 7, 1960	Pennsylvania	Nonpermissible blower fan	29	0	1
Dec. 28, 1960	West Virginia	Match	30	2	0
Apr. 13, 1961	Colorado	Smoking	31	0	1
May 9, 1961	Virginia	Open flame (lamp)	32	0	0
May 30, 1961	West Virginia	Smoking	33	0	1
Aug. 3, 1961	Virginia	Open flame (lamp)	34	0	0
Aug. 28, 1961	Pennsylvania	Nonpermissible blower fan	35	0	3
Oct. 7, 1961	do	Nonpermissible electric coal drill	36	0	1
Nov. 28, 1961	Virginia	Open flame (lamp)	37	0	0
Jan. 10, 1962	Illinois	Permissible type shuttle car being repaired where ignition occurred.	38	11	0
Apr. 9, 1962	Pennsylvania (anthri.)	Match	39	0	1
Nov. 12, 1962	do	Nonpermissible electric coal drill	40	0	1
Nov. 21, 1962	Virginia	Match	41	0	4
July 17, 1963	Kentucky	Open flame (lamp)	42	0	0
June 11, 1964	Pennsylvania	Propane torch or burning blasting fuse	43	0	3
July 17, 1964	do	Match	44	0	2
Oct. 14, 1964	Virginia	Open flame (lamp)	45	0	0
Dec. 16, 1964	Pennsylvania	Nonpermissible electric coal drill	46	0	1
Jan. 25, 1965	do	do	47	0	3
May 24, 1965	Tennessee	Cigarette lighter	48	5	0
Aug. 6, 1965	Virginia	Smoking	49	0	1
June 20, 1966	West Virginia	do	50	0	2
Nov. 7, 1966	Virginia	Nonpermissible electric coal drill	51	0	1
Aug. 2, 1968	Kentucky	Match	52	0	3
Total			52	27	56

Mr. COOPER. Mr. President, this exhibit describes the actual causes of the explosions and ignitions and is taken from the Bureau of Mines' records.

Mr. President, let us examine the causes of the 27 fatalities.

The disaster at the Tennessee mine classed nongassy on March 23, 1959, resulted in nine fatalities. The cause is reported by the Bureau of Mines as follows:

An accumulation of methane resulting from intermittent fan operation was forced to a locomotive when the fan was started and ignited either by the locomotive or smoking.

I raise the question whether the requirement of "permissible equipment" would have averted this disaster.

On December 28, 1960, two miners were killed in an explosion in a West Virginia mine classed as nongassy. The Bureau of Mines lists the cause as follows:

Methane was ignited when an attempt was made to light a cigarette with a match.

The presence or absence of permissible equipment could have no bearing on the tragic result.

On January 10, 1962, 11 miners were killed in a nongassy mine in Illinois. The cause of the accident is given as follows:

Methane ignited at the face by an electric arc from an open panel on a shuttle car.

A "permissible" type of shuttle car was being improperly repaired when the ignition occurred.

The use of permissible equipment did not avert this disaster.

On May 24, 1965, an ignition in a Tennessee nongassy mine killed five miners. The cause was reported to be "presumably methane ignited by a cigarette lighter found near the origin of the explosions." Reclassification of this mine as gassy under the terms of S. 1300 could not have prevented these fatalities.

Mr. President, the above table indicates that of the 52 ignitions and explosions attributed by the Bureau of Mines to methane, 19 of the ignitions and explosions were caused by an open-flame lamp. In the State of Kentucky, four of the seven reported ignitions were caused by an open-flame lamp.

The amendment which I introduce today would prohibit use of any open-flame lamp in all mines.

The table reveals that some 16 of these ignitions were caused by matches, smoking, or a cigarette lighter. During the same 1952 to 1968 period, the Bureau of Mines reported some 17 ignitions occurred in gassy mines from the same cause; that is, smoking, matches, or cigarette lighters.

From the same chart, nine ignitions were found to be caused by an arc or a spark from nonpermissible electric equipment. Here I must acknowledge that, depending upon individual circumstances, the use of permissible eqipment might have prevented the 11 ignitions. However, there were no fatalities and the number of accidents resulting from these ignitions is small, considering that they cover over 3,000 nongassy mines over a 16-year period.

Mr. President, I will compare the safety record of the gassy mines over this same 1952–1968 period. The Bureau of Mines has reported the number of ignitions, explosions, fatalities, and injuries in gassy mines.

Now I ask unanimous consent to have printed in the RECORD this report as exhibit D.

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

EXHIBIT D

GASSY MINES—IGNITIONS OR EXPLOSIONS, JULY 1, 1952–DECEMBER 1968

	Number of ignitions or explosions	Killed	Injured
Year:			
1952	7	0	15
1953	21	9	32
1954	23	19	37
1955	18	4	20
1956	29	8	18
1957	20	66	20
1958	19	42	32
1959	19	1	12
1960	13	1	7
1961	17	26	27
1962	17	41	16
1963	33	36	35
1964	35	6	27
1965	32	14	32
1966	26	10	31
1967	30	12	44
1968	22	79	22
Total	381	374	427

Mr. COOPER. Mr. President, I make this comparison between the number of explosions and ignitions in gassy mines and those in nongassy mines, and the fatalities and injuries which have occurred in these two classes of mines, to emphasize my continuing belief that this bill, of which I am a cosponsor, and most of its provisions which I support, and other bills before the Senate do not go really to the heart of the question of safety in gassy and nongassy mines.

Comparing the accident record for gassy mines with the accident record for nongassy mines during this period, we find that a total of 381 ignitions and explosions occurred in gassy mines resulted in 374 fatalities and 427 injuries, while during this same period in the 3,000 nongassy mines approximately 10 times the number of gassy mines—the record shows 27 fatalities and 54 injured.

This comparison points up my contention that the phrase "gassy mine" and the phrase "nongassy mine" speak for themselves. "Gassy" means the mine is gassy: and year after year, week after week, we have the occurrence of ignitions and explosions in mines that are really gassy, and always the danger of fatalities and injuries.

In the same period of 1952 to 1968, in over 3,000 nongassy mines in the United States, there have been a relatively small number of explosions and ignitions, and a relatively small number, sad as it is, of fatalities and injuries, compared to the number in the gassy mines.

There were seven times as many gas explosions and ignitions in gassy mines as compared with nongassy mines, and 14 times more fatalities.

Rather than reclassify mines now classed nongassy, it seems to me we should examine ways to improve and promote safety in gassy mines—actually gassy—where the danger, based on past experience, is great.

I have had an opportunity to study the official map of consol No. 9 near Farmington, W. Va., where the 78 men were trapped by the November 20 explosion and fire. It appears at pages 6 and 7 in the December 1, 1968, issue of the United Mine Workers Journal. The map indicates numerous abandoned gas wells and the caption states that gas wells abandoned before the year 1900 are not identified on the map.

In his testimony before the Senate Labor Subcommittee, Mr. Cloyd D. McDowell, president of the Harlan County Kentucky Coal Operators Association stated that it was his opinion that there were active gas wells driven through the seam of coal being mined at the time and that anyone of these wells—either active or abandoned—could have caused the initial explosion that killed 78 miners. He further testified that this mine had experienced a similar gas explosion on November 13, 1954, in which 16 men were killed.

The opening and operating of coal mines in the vicinity of producing or abandoned gas wells creates a far greater danger to the men working these mines than mines operating without this added hazard, even though they are gassy mines employing permissible equipment.

My review of State statutes regulating the exploration and production of gas and coal indicates that such laws are designed primarily to regulate the operations of coal and gas producers so that their responsibilities to each other for safety and to the public would be clearly defined, and to establish appropriate administrative procedures for enforcing these obligations.

Mr. President, I ask unanimous consent that the applicable provisions of the Kentucky, Pennsylvania, West Virginia, and Virginia statutes relating to coal and gas exploration be included in the RECORD at this point.

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

KENTUCKY

KENTUCKY REVISED STATUTES

352.510 [3766b–14] Mining near oil or gas wells; hearing. (1) Before removing any coal or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any coal mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the coal operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The coal operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use of drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the coal operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearings the coal operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department and, if no agreement can be reached, the department, after a full hearing, shall make a decision defining what coal, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by either party as provided in KRS 351.040. The department shall keep a complete record of all such hearings.

(2) The coal operator shall, at least every six months, bring up to date the maps and plans required by this section, or file new maps and plans complete to date.

PENNSYLVANIA

PENNSYLVANIA DEPARTMENT OF MINES AND MINERAL INDUSTRIES—OIL AND GAS DIVISION, 1962 EDITION

The operator shall not remove any coal or cut any passageway within 150 feet [radius] of any such well or approved well location until a permit has been issued as hereinafter provided.

VIRGINIA

45.1–127 OF TITLE 45 OF THE MINING LAWS OF VIRGINIA

45.1–127. *Mining operations near wells.*—"Before removing any coal or other mineral, or extending any mine workings, or mining operations within five hundred feet of any well, or under any tract of land in visible possession of a well operator for the purpose of drilling for oil or gas, the mine operator shall give notice by registered mail to the well operator and to the Chief and forward therewith an accurate map or maps on a scale, to be stated thereon, of one hundred to four hundred feet to the inch showing its mine workings and projected mine workings beneath such tract of land or within five hundred feet of such well. Following the giving of such notice and the furnishing of such map or maps, the mine operator may proceed with mining operations as projected on such map or maps, but shall not remove any coal or other mineral or conduct any mining operations nearer than two hundred feet to any completed well or well that is being drilled, or for the purpose of which drilling a derrick is being constructed, without the consent of the Chief.

Application may be made at any time to

the Chief by the mine operator for leave to conduct mining operations within two hundred feet of any such well or projected well on forms furnished by the Chief and containing such information as the Chief may require. Such application shall be accompanied by a map or maps as above specified showing all mining operations or workings projected within two hundred feet of the well or projected well. Notice of such application shall be sent by registered mail to the well operator. The Chief may, prior to considering the application, make or cause to be made any inspections or surveys which he deems necessary, and may, if no objection is filed by the well operator, grant the request of the mine operator to conduct the mining operations as projected, or with such modifications as he may deem necessary.

The operator of the well or projected well affected may, within ten days of the filing of such application by the mine operator, file with the Chief his objections to such projected mining operations, in which event the Chief shall, not less than twenty days nor more than forty days after the filing of the application, set a time and place for a hearing at which he will consider such application, and the objections thereto, of which at lease five days' notice shall be given to the mine operator and the well operator. The Chief shall, after a full hearing, at which the well operator and mine operator shall be permitted to offer any competent and relevant evidence, grant the request of the mine operator or refuse to grant the same, or make such other decision with respect to such proposed further operations in the vicinity of any such well or projected well as in his judgment is just and reasonable under all the circumstances. The Chief shall keep a record of all such proceedings.

From any such final decision or order of the Chief either the well operator or mine operator, or both, may, within ten days, appeal to the circuit court of the county in which the well about which approval of such further operations is involved is located. The procedure in the circuit court shall be substantially as provided in Section 45.1–121. From any final order or decree of the circuit court, an appeal may be taken to the Supreme Court of Appeals as heretofore provided."

WEST VIRGINIA

§ 11. When Coal Operator to File Maps and Plans As Prerequisite to Extension of Coal Operations; Petition for Leave to Conduct Operations Within Two Hundred Feet of Well; Proceedings Thereon.—Before hereafter removing any coal or other material, or driving any entry or passageway within less than five hundred feet of any well, and also before hereafter extending the workings in any coal mine beneath any tract of land on which wells are already drilled, or within five hundred feet of any well, or under any tract of land in visible possession by a well operator for the purpose of drilling for oil or gas, the coal operator shall forward, by registered mail to, or file a copy of the parts of its maps and plans which it is required by law to prepare and file and bring to date, from time to time, showing its mine workings and projected mine workings beneath such tract of land and within five hundred feet of the outer boundaries thereof, simultaneously, with the well operator and the department of mines, accompanying each of said copies with a notice (form of which shall be furnished on request by the department of mines), addressed to the well operator and to the department of mines at their respective addresses, informing them that such plans or maps and notice are being mailed by registered mail to them, or are being filed and served upon them, respectively, pursuant to the requirements of section eleven of this article. Following the filing of such parts of said plans or maps as aforesaid, the coal operator may proceed with its mining operations in the manner and as projected on such plans or maps, but shall not remove any coal or other material or cut any passageway nearer than two hundred feet of any completed well, or well that is being drilled, or for the purpose of drilling which, a derrick is being constructed, without the consent of the department of mines, and the coal operator shall, at least every six months, bring such plans or maps so filed with the department to date, or file new plans and maps complete to date.

Application may be made at any time to the department of mines by the coal operator for leave to mine or remove coal or conduct its mining operations within two hundred feet of any well, by petition, duly verified, showing the location of the well, the workings adjacent to the well and any other material facts, and what further mining operations within two hundred feet of the well are contemplated, and praying the approval of the same by the department, and naming the well operator as a respondent. The coal operator shall file such petition with, or mail the same by registered mail to, the department and shall at the same time serve upon or mail by registered mail a true copy to the well operator. The department of mines shall, forthwith upon receipt of such copy, notify the well operator that it may answer the petition within five days, and that in default of an answer the department may approve the proposed operations as requested, if it be shown by the petitioner or otherwise to the satisfaction of the department that such operations are in accordance with law and with the provisions of this article. At the expiration of such five-day period, the department, whether an answer be filed or not filed, shall fix a time and place of hearing within ten days, of which it shall give the coal operator and the well operator five days' written notice by registered mail, and after a full hearing, at which the well operator and coal operator, as well as the department of mines, shall be permitted to offer any competent and relevant evidence, the department shall grant the request of the coal operator or refuse to grant the same or make such other decision with respect to such proposed further operations in the vicinity of any such well as in its judgment is just and reasonable under all the circumstances and in accordance with law and the provisions of this article. The department of mines shall docket and keep a record of all such proceedings substantially as required in the last paragraph of section three of this article, and from any such final decision or order of the department of mines, either the well operator or coal operator, or both, may, within ten days, appeal to the circuit court of the county in which the well about which approval of such further operations is involved is located. The procedure in the circuit court shall be substantially as provided in section four, the department being named as a respondent. From any final order or decree of the circuit court, an appeal may be taken to the supreme court of appeals as heretofore provided.

§ 12. Supervision by Department of Mines Over Drilling and Mining Operations; Complaints; Hearings; Appeals.—The department shall exercise supervision over the drilling, casing, plugging and filling of all wells and of all mining operations in close proximity to any well and shall have such access to the plans, maps and other records and to the properties of the well operators and coal operators as may be necessary or proper for this purpose, and, either as the result of its own investigations or pursuant to charges made by any well operator or coal operator, the department may itself enter, or shall permit any aggrieved person to file before it, a formal complaint charging any well operator with not drilling or casing, or not plugging or filling, any well in accordance with the provisions of this article, or charging any coal operator with conducting mining operations in proximity to any well contrary to the provisions of this article, or to the order of the department. True copies of any such complaints shall be served upon or mailed by registered mail to any person so charged, with notice of the time and place of hearing, of which the operator or operators so charged shall be given at least five days' notice. At the time and place fixed for hearing, full opportunity shall be given any person so charged or complained to be heard and to offer such evidence as desired, and after a full hearing, at which the department may offer in evidence the results of such investigations as it may have made, the department shall make its findings of fact and enter such order as in its judgment is just and right and necessary to secure the proper administration of this article, and, if it deems necessary, restraining the well operator from continuing to drill or case any well or from further plugging or filling the same except under such conditions as the department may impose in order to insure a strict compliance with the provisions of this article relating to such matters, or restraining further mining operations in proximity to any well, except under such conditions as the department may impose. From any such order an appeal, naming the department as a respondent, may be taken by the operator or operators so restrained, within ten days of notice of entry of the same, to the circuit court of the county in which the well involved is located, and the department or complainant or complainants, or both, may, in case such order is disobeyed, apply at any time to such circuit court for a decree enforcing the same.

Mr. COOPER. A provision common to these statutes is the requirement that the coal operator make application and obtain permission from the appropriate State agency, before mining coal within a prescribed distance of an active gas well. As a general rule, these statutory requirements contain no prohibitions on the mining of coal in the proximity of gas wells but are for the benefit of gas and coal producers in the conduct of their operations. They do not furnish protection to the coal miners nor advance his safety.

To provide greater protection to these men and to promote their safety I send to the desk an amendment which would prohibit the operation of all coal mines in any coal seam within 500 feet of a known gas or oil well whether producing or abandoned. The amendment places the burden on the mine operator to ascertain the location of the gas or oil well. Further, the Secretary of Interior is authorized to promulgate rules and regulations in his administration of this provision.

Mr. President, I offer this amendment to point up the fallacy of the so-called economic and materialistic argument that is made when one objects to almost any provision of a coal mine safety bill presented to the Senate. If it is said, as I have said here, opposition to the requirement that permissible machinery be required in nongassy mines as well as gassy mines is characterized as materialistic and based on economics, then, on the other hand, we are yielding to the materialistic and economic side to permit the continued operation of coal mines in gassy areas where there is known gas and where there are gas wells, both producing and abandoned, which can cause or bring about an ignition or explosion, such as occurred in West Virginia, almost at any time and which might bring a similar explosion in the same mine?

I would like to detail some of the tests

that are made to determine whether a mine is gassy or nongassy.

I know this from my own experience. I am not a coal operator, but I live in eastern Kentucky. I have been in gassy mines, and I know how tests are made to determine whether a mine shall be classed as gassy or nongassy. A test must be made which will, in various ways, determine the presence of gas. One way is the old-fashioned use of an open flame lamp, which in itself has caused ignition and explosions. The test is still in use in some areas of the country.

One amendment I am offering is that use of open flame lamps shall be prohibited in all mines in the United States.

The second way, which is safe, is the use of a safety mine lamp, which is used near the face of the coal or wherever the test must be made, which can indicate the presence of gas.

If it is found in any of those tests that gas is present in the atmosphere in a volume greater than 0.25 percent, the mine must be classified as gassy. And once classified gassy, it may never again be reclassified nongassy.

So the operator of a mine, and the miners themselves, because they have their safety rules, find it important to make these tests and to be certain that the gas does not exceed one-quarter of 1 percent. If gas is found, then, under the present Federal Coal Mine Safety Act and under all State acts, the operators must make adjustments in ventilation to provide better ventilation. I recall that the present law requires that 6,000 cubic feet of air a minute be provided at the face of the coal where the miners are working.

I close with the simplest explanation which I think any person with commonsense can make concerning the difference between a gassy mine and a nongassy mine.

In the first place, there is usually a great difference in topography and geology between these two types of mines. Anyone who has been through a coal area knows the difference between what is called a drift mine and a shaft mine. A shaft mine resembles a well that goes down into the earth. It goes below the water table, and, if gas is present, it is very difficult for that gas to escape or to be released. So there is a constant danger, in drilling down into the shafts and then going off into passageways and entries, that you will encounter gas. Gas is usually found there in large quantities, and greater care has to be taken in the use of permissible machinery, to avoid ignitions and explosions and the release of pockets of gas.

The nongassy mines are usually drift mines, which have an entry driven into the side of a mountain or hill, above the water table, and as they go higher up toward the top of the hill, there is less acreage, less area. The entries are not as deep, and so they are easier to ventilate; but chiefly because they are above the water table, the gas seeps out and is released in the atmosphere. So, over a long period of years, these mines have come to be called nongassy mines, because there is in fact no gas in them.

I have discussed these tables covering a 16-year period to show the difference between the fatalities and injuries from the two types of mines, and to point out that these injuries and fatalities are attributed to other causes, some of them to personal negligence, which could not be averted by the requirement of permissible machinery.

Mr. President, I support the purposes of the bill, of which I am a cosponsor, to provide for greater safety in our coal mines. It would provide greater safety in many respects. I have, prior to today, offered an amendment to provide measures to protect against roof falls, rib falls, and face falls, which cause more than 50 percent of the fatalities and injuries in our mines.

I remember in 1959 I proposed amendments to secure better protection from roof and rib falls. The amendment I submit today is to prohibit the use of open flame lamps in any mine, thus reducing the dangers of ignition or explosion.

But I do ask that the difference in classification as between gassy and nongassy mines remains, because it is based upon sound premises, upon differences in characteristics, topography, and geological considerations, and chiefly because there is no gas in a nongassy mine.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Labor and Public Welfare.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate go into executive session, for action on the nominations placed on the Secretary's desk.

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

U.S. COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Coast Guard which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

On request of Mr. KENNEDY, and by unanimous consent, the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. MONDAY, JUNE 9, 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjourment until 11 o'clock a.m. on Monday next.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. KENNEDY. Mr. President, when the Senate convenes next Monday at 11 a.m., we will consider the nomination of Warren E. Burger, of Virginia, to be Chief Justice of the United States.

I also want to indicate that it is my intention to ask for the yeas and nays on confirmation.

ADJOURNMENT UNTIL MONDAY, JUNE 9, 1969, AT 11 O'CLOCK A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 49 minutes p.m.) the Senate adjourned until Monday, June 9, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 1969, under authority of the order of the Senate of June 2, 1969:

IN THE NAVY

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

John D. Chase	Jon L. Boyes
David M. Rubel	Donald C. Davis
Robert S. Salzer	Donald V. Cox
Narvin O. Wittmann	Herbert S. Ainsworth
Robert C. Gooding	Earl P. Yates
Paul E. Pugh	Donald D. Engen
John L. Butts, Jr.	Oliver H. Perry, Jr.
Charles N. Payne, Jr.	Edward K. Snyder
John L. Marocchi	Spencer Matthews, Jr.
William M. Pugh, II	Dean L. Axene
Ward S. Miller	Clarence R. Bryan
Roger E. Spreen	Patrick J. Hannifin
James Ferris	James W. Nance
John H. Dick	Rembrandt C.
William H. Livingston	Robinson
Howard E. Greer	Worthy H. Bagley

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Fragala, James J., [redacted]

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Freeman, Arthur L., [redacted]
Murnane, James J., [redacted]
Nelson, Loyal E., [redacted]
Wasco, Joseph, Jr., [redacted]

To be lieutenant colonel, chaplain

Glynn, John P., [redacted]

To be major

Abell, Julian L., xxxxxx.
Abraham, Albert, III, xxxxxx.
Abramowitz, Benjamim L., xxxxxx.
Ackiss, Ernest L., Jr., xxxxxx.
Adair, Billy R., xxxxxx.
Adamkewicz, Edward S., Jr., xxxxxx.
Adams, Richard E., xxxxxx.
Adams, Robert B., xxxxxx.
Adams, Tom, Jr., xxxxxx.
Adsit, John M., xxxxxx.
Agnew, Jack S., xxxxxx.
Akin, Havis D., xxxxxx.
Albright, John E., xxxxxx.
Aldrup, Earl W., Jr., xxxxxx.
Allaire, Christopher J., xxxxxx.
Allen, James B., Jr., xxxxxx.
Alston, Charles A., xxxxxx.
Ameel, Joseph B., xxxxxx.
Ament, Richard G., xxxxxx.
Amlicke, John G., xxxxxx.
Anderson, James L., xxxxxx.
Anderson, Lee E., xxxxxx.
Andre, Peter C., xxxxxx.
Andree, Robert G., xxxxxx.
Andrews, Thomas T., xxxxxx.
Antkowiak, Robert S., xxxxxx.
Arnecke, Charles O., xxxxxx.
Ashby, Charles C., xxxxxx.
Ashby, Mason K., xxxxxx.
Ashey, Clarence D., xxxxxx.
Atkins, Roy A., xxxxxxxx.
Austin, Richard S., xxxxxx.
Ayotte, Ronald J., xxxxxx.
Backus, Richard J., xxxxxx.
Bacon, Robert C., xxxxxx.
Bagnal, Charles W., xxxxxx.
Bahnsen, John C., Jr., xxxxxx.
Bailey, George A., xxxxxx.
Baker, A. J., xxxxxx.
Baker, Richard D., xxxxxxxx.
Bannister, Barry B., xxxxxx.
Bannister, Edwin J., xxxxxx.
Barber, Harry K., xxxxxx.
Barge, Beverly L., xxxxxx.
Barlow, Keith A., xxxxxx.
Barney, Charles D., xxxxxx.
Barnum, James E., xxxxxx.
Barrett, Reid A., xxxxxx.
Barrow, Carrell M., xxxxxx.
Bartell, Harold T., xxxxxx.
Barton, Hubert K., xxxxxx.
Basten, Lawrence E., xxxxxx.
Bates, Donald E., xxxxxx.
Batts, John H., xxxxxxxx.
Baty, Roy S., Jr., xxxxxx.
Bauchspies, James S., xxxxxx.
Baxter, Arthur S., Jr., xxxxxx.
Baxter, William P., xxxxxx.
Bayless, Robert E., xxxxxx.
Bear, Ben H., II, xxxxxx.
Bearden, Thomas E., xxxxxx.
Beauchamp, Edward W., xxxx.
Bechtold, John G., xxxxxxxx.
Beck, Edmund S., xxxxxx.
Beckhoff, Otto F., xxxxxx.
Bell, Charles H., xxxxxx.
Bell, James C., Jr., xxxxxx.
Bell, Lawrence A., xxxxxx.
Bell, Leroy C., xxxxxx.
Bell, Walter C., xxxxxx.
Benacquista, John J., xxxxxx.
Bender, Richard C., xxxxxx.
Bening, Robert G., xxxxxx.
Bennett, Donald G., xxxxxx.
Bennett, Donald P., xxxxxx.
Benoski, Joseph Jr., xxxxxx.
Benson, Theodore D., xxxxxx.
Berrey, Thomas G., xxxxxx.
Berry, David T., xxxxxx.
Berry, Fred C., Jr., xxxxxx.
Bessler, Lawrence H., xxxxxx.
Bihler, John O., Jr., xxxxxx.
Binney, Charles W., xxxx.
Birkenholz, Richard M., xxxxxx.
Bissell, Keith Jr., xxxxxx.
Blackham, Daryl K., xxxxxx.
Blackwell, Jesse E., xxxxxx.
Blagg, Thomas E., xxxxxx.
Bland, Bigelow B., Jr., xxxxxxxx.
Blewster, James C., xxxxxx.
Bligh, Thomas F., Jr., xxxxxx.
Bliss, Laurence T., xxxxxx.
Blunt, Roger R., xxxxxx.
Boatwright, Charles, xxxxxxxx.
Boehme, James A., xxxxxx.
Boerner, Dennis H., xxxxxx.
Bolam, Paul F., xxxxxxxx.
Bolin, James P., xxxxxx.
Bond, Robert E., xxxxxx.
Bonnett, William B., xxxxxx.
Bonoan, Raymond, xxxxxx.
Boozer, Harold E., xxxxxx.
Born, Edward G., xxxxxx.
Bortolutti, Angelo, xxxxxx.
Boswell, John R., xxxxxx.
Botts, Robert H., xxxxxx.
Bowdoin, William R., xxxxxx.
Bowes, Thomas M., xxxxxx.
Boyd, William A., Jr., xxxxxx.
Boyer, Henry, Jr., xxxxxx.
Boylan, Steven V., xxxxxx.
Boyle, Rodger W., xxxx.
Bradby, Harold N., Jr., xxxxxx.
Bradford, Zeb B., Jr., xxxxxx.
Bradshaw, Harold D., xxxxxx.
Brady, Harlan, J., xxxxxx.
Bramlet, James W., xxxxxx.
Bramlett, Mead R., xxxxxx.
Branch, John H., Jr., xxxxxx.
Brashears, Bobby F., xxxxxx.
Brassert, Charles A., xxxxxx.
Brickwell, Wilbur D., xxxxxx.
Brien, John H., xxxxxxxx.
Brier, James R., xxxxxx.
Bright, Fred Jr., xxxxxx.
Brink, Donald W., xxxxxx.
Brinkley, Charles B., xxxxxx.
Britten, Samuel L., xxxxxx.
Broadaway, Thomas F., xxxxxx.
Brofer, Duane R., Jr., xxxxxxxx.
Brogi, David M., xxxxxx.
Bronson, Russell A., xxxxxx.
Brooks, George W., xxxxxx.
Brooks, Herman L., xxxxxxxx.
Brown, Bernard B., xxxxxx.
Brown, Don E., xxxxxx.
Brown, Frederic J., xxxxxx.
Brown, Loy D., xxxxxx.
Brown, Marion L., xxxxxx.
Brown, William W., xxxxxx.
Bruce, William A., xxxxxx.
Bryan, Charles D., xxxxxxxx.
Bryant, Lloyd D., xxxxxx.
Bryant, Richard L., xxxxxx.
Buchanan, Paul J., xxxxxx.
Bullock, Victor T., xxxxxx.
Bunevich, Peter C., xxxxxx.
Burbules, John G., xxxxxxxx.
Burcham, Jerry J., xxxxxx.
Burgoon, Kenneth L., xxxxxx.
Burkett, Seth W., xxxxxx.
Burnette, Charles D., xxxxxx.
Burns, Thornton A., xxxxxx.
Bush, Robert C., xxxxxx.
Butler, Frank C., Jr., xxxxxx.
Bynell, Harlan B., xxxxxx.
Byrne, John M., xxxxxx.
Byrnes, Graham F., xxxxxx.
Cabral, Walter K., xxxxxx.
Cage, Willie R., Jr., xxxxxx.
Cahill, William J., xxxxxx.
Calderwood, Earl H., xxxxxx.
Caldwell, Richard D., xxxxxx.
Callahan, James J., xxxxxx.
Callaway, Charles P., xxxxxx.
Calvert, Jack F., xxxxxx.
Cambell, Chester F., xxxxxx.
Campbell, Frank D., xxxxxx.
Campbell, Robert J., xxxxxx.
Carey, Calvin C., xxxxxx.
Carlisle, Alan R., xxxxxx.
Carnes, Julian H., Jr., xxxxxx.
Carr, Eldon D., xxxxxx.
Carraway, Joseph R., xxxxxx.
Carrington, Hugh C., xxxxxx.
Carroll, George F. J., xxxxxx.
Carter, Robert H., xxxxxx.
Carter, Thomas D., Jr., xxxxxx.
Carver, Charley A., xxxxxx.
Cashman, James D., xxxxxx.
Cashwell, James E., xxxxxx.
Casipit, Felix L., xxxxxx.
Casto, Philip C., xxxxxx.
Caudill, James E., xxxxxxxx.
Chamberlain, Charles M., xxxxxx.
Champlin, William A., xxxxxx.
Chapman, Donald G., xxxxxx.
Chapman, Joseph M., xxxxxx.
Chick, Robert L., xxxxxx.
Chilcote, Don L., xxxxxxxx.
Chillcott, Dewey A., xxxxxx.
Chisolm, Patrick D., xxxxxx.
Christensen, George F., xxxxxx.
Christopher, Harry G., xxxxxx.
Clark, James W., xxxxxxxx.
Clark, John J., xxxxxx.
Clark, Richard W., Jr., xxxxxx.
Clayberg, Richard P., xxxxxx.
Clements, Philip J., xxxxxx.
Cluxton, Donald E., xxxxxx.
Coast, Albert F., xxxxxx.
Coats, Whit L., xxxxxx.
Cobbs, Richard C., xxxxxxxx.
Cocke, Eugene R., xxxxxx.
Cockrell, Elroy M., xxxxxx.
Cody, William F., xxxxxx.
Coffman, Ronald L., xxxxxx.
Coker, Walter R., xxxxxx.
Coleman, Jerry L., xxxxxx.
Coleman, Willie A., xxxxxx.
Collier, Gary D., xxxxxx.
Collins, Billy C., xxxxxx.
Collison, John M., xxxxxx.
Colson, John T., xxxxxx.
Comer, Winston L., xxxxxx.
Comeskey, Harry A., xxxxxx.
Conley, Samuel G., xxxxxx.
Conneely, Martin F., xxxxxx.
Connolly, John J., Jr., xxxxxx.
Conrad, Michael J., xxxxxx.
Cook, John H., xxxxxx.
Cook, Richard A., xxxxxx.
Cook, Walter C., xxxxxx.
Cooksey, David O, xxxxxx.
Cooley, Andrew L., Jr., xxxxxx.
Coran, Johnny P., xxxxxxxx.
Corless, Robert L., xxxxxx.
Cormany, Cecil D., xxxxxx.
Cornwell, Michael C., xxxxxx.
Cosby, Lyoyd N., xxxxxx.
Costello, Charles J., xxxxxx.
Cotton, Thomas B., xxxxxxxx.
Council, Ciciero, Jr., xxxxxx.
Count, Elmer E., xxxxxx.
Covert, James L., xxxxxx.
Cowan, Donnely G., xxxxxxxx.
Cowles, Richard W., xxxxxx.
Cox, Elbredge R., xxxxxx.
Coyne, Robert A., xxxxxx.
Crain, Wallace S., xxxxxx.
Cralle, Maury S., Jr., xxxxxx.
Crandall, Harry W., xxxxxx.
Craver, Douglas M., xxxxxx.
Crawford, Theodore A., xxxxxx.
Cremer, Robert D., Jr., xxxxxx.
Crews, Roy A., xxxxxx.
Crews, Willam F., xxxxxx.
Crites, William R., xxxxxx.
Crompton, William B., xxxxxx.
Crosby, James C., xxxxxx.
Cross, Ernest E., xxxxxx.
Cross, Gerald K., xxxxxxxx.
Crouch, Curtis S., Jr., xxxxxx.
Crouter, Edgerton T., xxxxxx.
Crowder, Thomas M., xxxxxx.
Crowley, Leonard G., xxxxxx.
Cullen, James F., xxxxxx.
Cunningham, Clarance E., xxxxxx.
Curl, Richard L., xxxxxx.
Curran, Gordon A., xxxxxx.
Cuthbertson, Roebrt J., xxxxxx.
Dail, Robert B., xxxxxx.
Dambergs, Ilmars H., xxxxxxxx.
Dambrauskas, Vincent, xxxxxx.
Daniel, Bartow D., xxxxxx.
Daniels, John M., Jr., xxxxxx.
Dantos, Evangelos, xxxxxx.
Dareds, Pete J., xxxxxx.
Daub, Alfred V., Jr., xxxx.
Daves, Phillip E., xxxxxx.
Davis, Dale E., xxxxxx.

Davis, James S., xxxxxxxx.
Davis, Sidney, xxxxxx.
Day, Edward A., xxxxxx.
Day, Frank L., xxxxxx.
Day, Raymond, xxxxxx.
Day, Thomas E., xxxxxx.
DeCamp, William S., xxxxxx.
DeFrance, Rudolph B., xxxxxx.
De Leuil, Wood R., xxxxxx.
De Lorimier, Alfred J., xxxxxx.
De Thorne, Raymond J., xxxxxx.
DeVilbiss, Donald R., xxxxxxxx.
Deacon, Reynolds J., xxxxxx.
Del Colliand, John F., xxxxxx.
Delahunty, Thomas C., xxxxxx.
Demers, Gerald Z., xxxxxx.
Demick, Harold B., xxxxxx.
Denny, Davis M., Jr., xxxxxx.
Dettmar, Richard P., xxxxxx.
Devers, John P., xxxxxx.
Dewey, Arthur E., xxxxxx.
Dews, Henry L., Jr., xxxxxxxx.
Diez, Everett S., xxxxxx.
Digennaro, William L., xxxxxx.
Dilday, Colbert L., xxxxxx.
Dillingham, William B., xxxx.
Diorio, Gene L., xxxx.
Dismukes, James R., xxxxxx.
Dister, Arthur C., xxxxxx.
Divis, Ernest W., xxxxxx.
Dixon, Bryan D., xxxxxx.
Dixon, Malcolm R., xxxxxx.
Dobbs, Herbert H., xxxxxx.
Dodd, Calvin G., xxxxxx.
Dodd, William H., xxxxxx.
Doiron, Nicholas H., xxxxxx.
Donatucci, Gerald A., xxxxxxxx.
Donner, William O., xxxxxx.
Dorand, Edwin J., xxxxxx.
Dorough, Philip E., xxxxxxx.
Dottle, James C., xxxxxx.
Downey, Robert H., Jr., xxxxxx.
Dozier, James L., xxxxxx.
Draper, Edwin L., xxxxxx.
Dreybus, George N., xxxxxx.
Drury, Dan L., xxxxxx.
Dubois, Ronald W., xxxxxx.
Dugan, John E., xxxxxx.
Duggan, Daniel E., xxxxxx.
Dull, Harry L., Jr., xxxxxx.
Dunagan, Clarence M., xxxxxxxx.
Dunfield, Edward P., xxxxxxxx.
Dunn, Jack A., xxxxxx.
Dunn, James T., xxxxxx.
Durant, John J., xxxxxx.
Durkin, Michael J., xxxxxx.
Eastburn, Charles E., xxxxxx.
Easton, Robert H., xxxxxx.
Ebbole, Robert, xxxxxx.
Ebert, Vernon E., xxxxxx.
Eckert, William N., xxxxxx.
Eddy, Burton A., xxxxxx.
Edmiston, Charles H., xxxxxx.
Edmondson, James P., xxxxxx.
Edwards, Charles A., xxxxxx.
Edwards, Donald M., xxxxxx.
Einseln, Aleksander, xxxxxx.
Eitel, James W., xxxxxx.
Eliot, Phillips G. P., xxxxxx.
Elliott, Harlen O., xxxxxx.
Ellis, James N., xxxxxx.
Ely, Arch H., Jr., xxxxxx.
Enloe, James A., xxxxxx.
Eshelman, John E., xxxxxx.
Etzler, Roy T., xxxxxx.
Fambrough, John A., xxxxxx.
Fargason, Le Roy H., xxxxxxxx.
Farmer, William P., xxxxxx.
Farrell, Joseph G., xxxxxxxx.
Farris, Robert I., xxxxxx.
Featherstone, Stephen E., xxxxxx.
Feeley, Robert F., xxxxxx.
Felker, Dale R., xxxxxx.
Ferguson, Charles H., xxxxxx.
Filbert, Frederic J., xxxxxx.
Fisch, Donald A., xxxxxx.
Fitzgerald, James F., xxxxxxxx.
Fitzgerald, John M., xxxxxx.
Fitzgerald, Thomas E., xxxxxx.
Fitzmorris, Lawrence B., xxxxxx.
Fletcher, Edward N., xxxxxx.
Flitcraft, Anthony D., xxxxxx.
Flory, Robert A., xxxxxx.
Floyd, Ralph H., Jr., xxxxxx.
Flynn, James J., xxxxxx.
Folkerson, Donald A., xxxxxxx.
Foradori, Harry L., xxxxxx.
Forrell, William J., xxxxxx.
Forsyth, Robert F., xxxxxx.
Foss, John W., II, xxxxxx.
Fossett, John L., xxxxxxxx.
Foster, Robert G., Jr., xxxxxx.
Fox, Eugene, xxxxxx.
Fox, Eugene A., xxxxxx.
Fox, Frederick W., xxxxxx.
Fraker, William W., xxxxxxxx.
Fraley, Harold J., xxxxxx.
Fraley, Robert R., xxxxxx.
Frank, Winfield C., xxxxxx.
Franklin, John R., Jr., xxxxxx.
Fratzke, Walter E., xxxxxx.
Frederick, William R., 3d, xxxxxx.
Freeman, Clinton A., xxxxxx.
Fry, Clifford F., xxxxxxxx.
Fry, Llayll A., xxxxxx.
Frye, Ray E., Jr., xxxxxx.
Fucella, Edward D., xxxxxx.
Fuller, Thomas W., xxxxxxxx.
Furney, Robert M., xxxxxx.
Gallier, Gary L., xxxxxx.
Gange, William B., xxxxxx.
Gannon, Edwin W., xxxxxx.
Gantt, Gerald D., xxxxxx.
Garner, James E., xxxxxx.
Garner, James G., xxxxxx.
Garrison, Edgar C., xxxxxx.
Garvey, Charles J., xxxxxx.
Gates, Norman B., xxxxxx.
Geddes, Garth L., xxxxxx.
George, Ellsworth P., xxxxxx.
Gibbons, Gerald G., xxxxxx.
Gibbons, James H., xxxxxx.
Gibson, Mack L., Jr., xxxxxx.
Giese, William xxxxxx.
Gilbertson, James S., xxxxxx.
Gillie, Gerald R., xxxxxx.
Gingrass, Robert J., xxxxxx.
Glasson, Robert P., xxxxxx.
Gleason, Joseph E., xxxxxx.
Gleave, Paul R., xxxxxx.
Glenn, Charles A., xxxxxx.
Glock, Howard G., xxxxxx.
Goad, Robert E., xxxxxx.
Gochnaur, Thomas L., xxxxxx.
Godding, Donald R., xxxx.
Goetcheus, James R., xxxxxxxx.
Gomes, Lloyd E., xxxxxx.
Gonsalves, Robert F., xxxxxx.
Goodman, Roland A., xxxxxx.
Goodyear, Clyde E., xxxxxx.
Gordon, John V., xxxxxx.
Gorlinski, Charles C., xxxxxx.
Gotte, Jack E., xxxxxx.
Gould, Frank O., xxxxxx.
Gourley, William H., xxxxxx.
Grace, Paul M., xxxxxx.
Graesser, Donald C., xxxxxx.
Graham, Hanzel C., xxxxxxxx.
Graham, Robert L., xxxxxx.
Grann, Richard A., xxxxxx.
Grant, Gordon E., xxxxxx.
Grant, Theodore, xxxxxx.
Grasmeder, John M., xxxxxxxx.
Gray, Donald A., xxxxxx.
Gray, Robert R., xxxxxxxx.
Gregg, Dale P., xxxxxx.
Grey, Harold M., II, xxxxxx.
Grier, William C., xxxxxx.
Griffith, James E., xxxxxxxx.
Griminger, Charles O., xxxxxx.
Grinstead, John B., xxxxxx.
Groscom, Ralph M., xxxxxx.
Grossheim, Paul W., xxxxxx.
Grover, Dwight L., xxxxxx.
Groves, Billie R., xxxxxx.
Gudger, Robert M., xxxxxx.
Guffey, Connie S., xxxxxx.
Gugel, Donald N., xxxxxx.
Gunn, Ernest R., xxxxxx.
Gunning, Edward G., xxxxxx.
Gunsell, Richard M., xxxxxx.
Gunter, Charles R., xxxxxx.
Gunter, Gurnie C., xxxxxx.
Gwaltney, Robert L., xxxxxx.
Haack, John K., xxxxxxxx.
Hagee, Robert D., xxxxxxxx.
Haley, John P., xxxxxx.
Haley, Robert H., xxxxxxxx.
Hall, Claude V., xxxxxx.
Hall, Gary C., xxxxxx.
Hall, Harry T., xxxxxx.
Halleran, Kenneth E., xxxxxxxx.
Hallmark, Robert C., xxxxxx.
Halsey, Milton B., Jr., xxxxxx.
Hamlin, Donald A., xxxxxx.
Hammel, Donald A., xxxxxx.
Hammill, William C., xxxxxx.
Hanmer, Stephen R., xxxxxx.
Hannon, James D., xxxxxxxx.
Hannum, Alden G., xxxxxxxx.
Hansen, Charles M., xxxxxx.
Haponski, William C., xxxxxx.
Harbor, Frank B., xxxxxx.
Hardy, Eugene A., Jr., xxxxxx.
Hargett, Paul D., xxxxxx.
Hargis, Glenn F., xxxxxxxx.
Harmon, Marsden A., xxxxxx.
Harms, Norman D., xxxxxx.
Harnish, Albert G., xxxxxx.
Harper, Henry H., xxxxxx.
Harrell, Wilford R., xxxxxx.
Harris, Arthur M., xxxxxx.
Harris, James A., xxxxxx.
Harris, James W., xxxxxx.
Harris, Loston, xxxxxx.
Hart, Rufus R., xxxxxx.
Hartsock, Frank, Sr., xxxxxx.
Harvey, Richard W., xxxxxx.
Hatcher, Walter L., xxxxxx.
Hatchett, Monte J., xxxxxx.
Hattersley, James G., xxxxxx.
Hay, James R., xxxxxx.
Haydon, Joseph J., xxxxxx.
Hayne, Paul, III, xxxxxx.
Haynes, Jesse L., Jr., xxxxxx.
Hazelip, Albert C., xxxxxx.
Hearn, Jerry L., xxxxxx.
Hedges, Oliver W., xxxxxx.
Hehle, Joseph P., xxxxxx.
Heikkinen, Kenneth L., xxxxxx.
Heller, John M., xxxxxx.
Helmick, Gielma O., xxxxxx.
Hendricks, Thomas E., xxxxxx.
Hensley, William R., xxxxxx.
Herb, Charles D., xxxxxx.
Hering, Robert R., xxxxxx.
Herlihy, Francis P., xxxxxx.
Herlik, Querin E., xxxxxx.
Hermes, George A., xxxxxx.
Herrmann, Carl G., xxxxxx.
Herzog, David E., xxxxxx.
Hess. John P., xxxxxx.
Heverly, Charles I., xxxxxx.
Hewitt, Robert A., Jr., xxxxxx.
Hightower, Loyal G., xxxxxx.
Hill, Donald L., xxxxxx.
Hill, James R., xxxxxx.
Hill, Vernon B., Jr., xxxxxx.
Hix, Preston D., xxxxxxxx.
Hodgson, William E., xxxxxx.
Hoffman, Glenn F., xxxxxx.
Hoffman, John F., xxxxxx.
Hoglan, Curtis F., xxxxxx.
Holder, Floyd D., Jr., xxxxxx.
Holland, Billy C., xxxxxx.
Holland, Harold B., xxxxxx.
Hollowell, Emmett P., xxxxxx.
Holmes, Frederick S., xxxxxx.
Holmes, Justin A., xxxxxx.
Holt, Robert B., xxxxxx.
Holt, Roscoe L., xxxxxx.
Hooker, Richard D., xxxxxx.
Hooker, William M., xxxxxx.
Hookway, William A., xxxxxx.
Hopkins, Woodard B., xxxxxx.
Horan, Michael J., xxxxxx.
Horn, Will H., xxxxxx.
Horner, Roger H., xxxxxx.
Horta-Merly, Juan, xxxxxx.
Hosmer, Calvin, III, xxxxxx.
Hottel, David T., xxxxxx.
Howard, Matthew A., xxxxxx.
Howell, Leamon E., xxxxxx.

Howell, Thomas R., xxxxxx.
Howell, William H., xxxxxx.
Hudman, George D., xxxxxx.
Hudson, Samuel R., xxxxxx.
Huff, Jerry H., xxxxxx.
Huff, Richard A., xxxxxx.
Hull, Robert L., xxxxxx.
Hunt, James W., xxxxxxxx.
Hunter, Joseph L., xxxxxx.
Huskey, James E., xxxxxx.
Hussey, Donald P., xxxxxx.
Husted, Frank R., xxxxxx.
Hutchinson, Hugh F., xxxxxx.
Hutchison, Jarold L., xxxxxx.
Hutson, Leonard E., xxxxxx.
Hutter, James L., xxxxxx.
Hutton, John D., xxxxxx.
Ingram, Duane C., xxxxxx.
Ippolito, Charles P., xxxxxx.
Irving, Conrad J., xxxxxx.
Islin, John A., xxxxxx.
Jackson, Alan T., xxxxxx.
Jacobson, Jon A., Jr., xxxxxx.
James, George O., xxxxxx.
Jarrett, George H., xxxxxx.
Jarvis, William H., xxxxxxxx.
Jasper, Theodore C., xxxxxx.
Jeffries, Charles O., xxxxxx.
Jensen, Kenneth G., xxxxxx.
Jerrett, Lyle E., xxxxxx.
Jessup, Morris M., xxxxxx.
Jezior, Anthony M., xxxxxx.
Jhung, Bryson, xxxxxx.
Johansen, William R., xxxxxx.
Johnsen, John L., xxxxxx.
Johnson, David S., xxxxxx.
Johnson, Harold L., xxxxxx.
Johnson, Harry W., xxxxxx.
Johnson, James M., xxxxxx.
Johnson, James R., xxxxxxxx.
Johnson, John C., xxxxxx.
Johnson, William M., xxxxxx.
Johnson, William V., xxxxxx.
Johnston, David J., xxxxxx.
Johnston, James W., xxxxxxxx.
Jones, Alan F., xxxxxxxx.
Jones, Carleton H., xxxxxx.
Jones, Herbert L., xxxxxx.
Jones, Isaac R., xxxxxxxx.
Jones, John L., Jr., xxxxxxxx.
Jones, Maury D., xxxxxx.
Jones, Robert A., xxxxxx.
Jones, Robert E., xxxxxx.
Jones, Warren A., xxxxxx.
Jordan, Herbert A., xxxxxx.
Joyce, Robert M., xxxxxx.
Kakazu, Yoshiaki, xxxxxx.
Kammerdiener, James E., xxxxxx.
Kattar, Richard J., xxxxxx.
Keating, Richard J., xxxxxx.
Keener, Eugene F., xxxxxx.
Keese, Carl C., xxxxxx.
Keipp, Martin W., xxxxxx.
Keliher, John G., xxxxxx.
Kelley, Horace S., Jr. xxxxxx.
Kelley, Norman D., xxxxxx.
Kelly, Emmett L., Jr., xxxxxx.
Kelly, Thomas L., xxxxxx.
Kem, Richard S., xxxxxx.
Kemp, Freddie L., xxxxxx.
Kennedy, Billie J., xxxxxx.
Kennedy, Ralph P., Jr., xxxxxx.
Kenyon, Peter B., xxxxxx.
Kepler, Roger T., xxxxxx.
Keutmann, John A., xxxxxx.
Keyes, Terrence E., xxxxxx.
Kicklighter, Claude M., xxxxxx.
Kiefer, Paul E., xxxxxx.
Kilgore, James A., xxxxxxxx.
Killette, James L., xxxxxxxx.
Kimmel, Rex M., xxxxxx.
Kincheloe, Carl E., xxxxxx.
Kinder, Norman W., xxxxxx.
King, Gregory N., xxxxxx.
Kirk, John M., xxxxxx.
Kiser, Billy J., xxxxxx.
Klein, Rudolph F., xxxxxx.
Klinedinst, William, xxxxxxxx.
Kneibert, Richard G., xxxxxx.
Knowles, Kenneth J., xxxxxx.
Knudsen, Walter H., xxxxxx.
Kohler, Glenn, xxxxxx.
Kolditz, Walter, xxxxxx.
Kottich, Charles R., xxxxxx.
Kovarik, David F., xxxxxx.
Kowal, Samuel J., xxxxxx.
Kramer, Gordon L., xxxxxx.
Krashes, Harold D., xxxxxx.
Kreilick, Elvin A., xxxxxx.
La Combe, William F., xxxxxx.
LaBonge, Carl A., Jr., xxxxxx.
Lally, Michael J., Jr., xxxxxx.
Lamons, Robert E., xxxxxx.
Lampe, William J. R., xxxxxx.
Landry, Stephen D., xxxxxxxx.
Lane, James F., xxxxxx.
Lane, Robert L., xxxxxx.
Large, Ulysses S., Jr., xxxxxx.
Lascola, Harry R., xxxxxx.
Lash, Peter W., xxxxxx.
Lasley, Paul A., xxxxxx.
Lauthers, David E., xxxxxx.
Law, Laurence J., xxxxxx.
Lawhorn, Douglas A., xxxxxx.
Lawley, Fred W., xxxxxx.
Lawson, Warren G., xxxxxx.
Laychak, Robert, xxxxxx.
Layfield, Marvin C., xxxxxx.
Le Hardy, Ward M., xxxxxx.
Lea, W. J., Jr., xxxxxx.
Leaf, George E., xxxxxxxx.
Leakey, Robert J., xxxxxx.
Lee, Curtis D., xxxxxx.
Lee, Ray H., xxxxxx.
Leister, Glenn A., xxxxxx.
Leonard, John D., xxxxxx.
Lester, Robert J., xxxxxx.
Levine, Seymour E., xxxxxx.
Levy, Norman, xxxxxx.
Lewis, Henry J., xxxxxx.
Lewis, Warfield M., xxxxxx.
Libassi, Jerome J., xxxxxx.
Lilje, Donald H., xxxxxx.
Lilley, Walter G., xxxxxx.
Lillich, Edward R., xxxxxx.
Lindquist, Gary E., xxxxxx.
Lindquist, Roy E., Jr., xxxxxx.
Lindsey, Robert H., xxxxxx.
Lins-Morstadt, Juan J., xxxxxx.
Little, Donald C., Jr., xxxxxx.
Livingston, Allen C., xxxxxxxx.
Liwski, John L., xxxxxx.
Lockridge, Robert W., xxxxxx.
Loeffler, John F., xxxxxx.
Loffert, George U., xxxxxx.
Logerquist, Benjamin A., xxxxxx.
Longacre, David H., xxxxxx.
Longbottom, Dean A., xxxxxx.
Longino, Robert B., xxxxxxxx.
Longuet, Charles, Jr., xxxxxx.
Looney, Robert C., xxxxxx.
Lorix, Richard E., xxxxxx.
Love, James R., xxxxxx.
Lueders, Dirk H., xxxxxx.
Lutz, Joseph C., xxxxxx.
Lyles, Jesse D., xxxxxx.
Lyman, Myron E., Sr., xxxxxx.
Lynch, Francis D., xxxxxx.
Lyon, William E., xxxxxx.
MacDonald, John, xxxxxx.
MacKnight, Allen B., xxxxxx.
MacPhail, William, Jr., xxxxxx.
Maccini, Francis L., xxxxxx.
Macedonia, Raymond M., xxxxxx.
Mack, William H., xxxxxxxx.
Mackin, Richard E., xxxxxx.
MacNair, Douglas G., xxxxxx.
Mah, Joe, xxxxxx.
Mahaffey, Fred K., xxxxxx.
Maher, Kevin L., xxxxxx.
Mahlberg, Donald S., xxxxxx.
Mait, Martin B., xxxx.
Major, Dorrance D., xxxxxx.
Manhan, Robert D., xxxxxx.
Manning, Robert L., xxxxxx.
Manzo, John M., xxxxxx.
Marino, Andrew S., xxxxxx.
Marlow, James W., xxxxxx.
Marr, Giffen A., xxxxxxxx.
Marshall, Richard H., xxxxxx.
Martin, George J., xxxxxx.
Martin, Humphrey J., xxxxxx.
Martin, Richard C., xxxxxx.
Martin, Thurman O., xxxxxx.
Martucci, Carmen C., xxxxxx.
Marvin, Harold A., xxxxxx.
Mastropasqua, Domenic, xxxxxxx.
Matheson, Robert G., xxxxxx.
Matthews, Francis W., xxxxxx.
Matthews, James E., xxxxxx.
Maupin, Joe S., xxxxxx.
May, Robert M., xxxxxx.
Mayhew, William B., xxxxxxxx.
Maynes, George E., xxxxxxxx.
Mayson, Elford M., xxxxxx.
Mazur, Michell E., xxxxxx.
McAniff, Thomas J., xxxxxx.
McCann, John R., xxxxxx.
McCarthy, James F., xxxx.
McCartt, James M., xxxxxxxx.
McCarty, Douglas W., xxxxxx.
McConnel, Mervin G., xxxxxx.
McCormick, James C., xxxxxx.
McCracken, Julian W., xxxxxx.
McCue, Robert B., xxxxxx.
McCuistion, Alan L., xxxxxx.
McCurdy, Neal B., xxxxxx.
McDermott, William L., xxxxxx.
McDonald, Merle A., xxxxxx.
McDonald, Vincent P., xxxxxx.
McFadden, Louis P., xxxxxx.
McFadden, Willie J., xxxxxxxx.
McGar, Robert D., xxxxxx.
McGee, Lester E., Jr., xxxxxx.
McGinn, John J., xxxxxx.
McGoff, Leo F., Jr., xxxxxx.
McGowan, Garrett E., xxxxxx.
McGruder, Beverly L., xxxxxx.
McKalip, Homer D., xxxxxx.
McKay, Gerald E., xxxxxx.
McKay, William H., xxxxxxxx.
McKee, Robert W., xxxxxx.
McKee, William S., xxxxxx.
McKinley, David J., xxxxxx.
McKnight, Robert W., xxxxxx.
McManus, Booker T., xxxxxx.
McMillan, Druery C., xxxxxx.
McMillan, Thad C., xxxxxx.
McNall, Jack G., xxxxxx.
McNamee, Alfred A., xxxxxxxx.
McNatt, Orville W., xxxxxx.
McNealy, Richard K., xxxxxxxx.
McNulty, Francis, xxxxxx.
McNulty, James W., xxxxxx.
McNutt, George R., xxxxxx.
McPheeters, Leande B., Jr., xxxxxx.
Meara, John J., xxxxxx.
Mears, Charles D., Jr., xxxxxx.
Medina, Efrain, xxxxxx.
Medley, George W., xxxxxx.
Mehler, Paul P., xxxxxx.
Meisel, Karl H., Jr., xxxxxx.
Mendel, Thomas E., xxxxxx.
Mendoza, Charles J., xxxxxxxx.
Mericle, Russell A., xxxxxx.
Merola, Paul A., xxxxxx.
Meserve, Edward N., xxxxxx.
Messer, Hollis D., xxxxxx.
Messer, Louis A., xxxxxx.
Metcalf, Jack A., xxxxxx.
Meyer, Clyde E., xxxxxx.
Meyer, Raleigh R., Jr., xxxxxx.
Miles, Henry B., Jr., xxxxxx.
Miller, Charles H., xxxxxx.
Miller, Clemith J., xxxxxx.
Miller, Duane D., xxxxxx.
Miller, Leonard L., xxxxxx.
Miller, Richard D., xxxxxx.
Miller, Robert A., xxxxxx.
Miller, Thomas L., xxxxxx.
Miluszusky, Raymond J., xxxxxx.
Minton, Paul B., Jr., xxxxxxxx.
Missildine, William L., xxxxxx.
Mitchell, Glenn W., xxxxxx.
Mitchell, Gregory W., xxxxxx.
Mixan, Edgar J., xxxxxx.
Monteith, Gerald E., xxxxxx.
Montgomery, Budd V., xxxxxx.
Moody, Gordon N., xxxxxx.
Moody, John F., xxxxxx.
Moore, Herbert W., xxxxxx.
Moore, Jimmy N., xxxxxx.
Moore, William A., xxxxxx.

Moreau, Thaddee F., xxxxxx.
Morelli, Donald R., xxxxxx.
Morgan, Robert D., xxxxxx.
Morley, Thomas L., xxxxxx.
Morrell, Richard S., xxxxxx.
Morris, Glenn S., xxxxxx.
Morris, Richard A., xxxxxx.
Morrison, William W., xxxxxx.
Moser, John W., xxxxxx.
Moses, George W., xxxxxx.
Moss, Franklin A., xxxxxx.
Mossellem, John J., xxxxxx.
Moulton, Rodney F., xxxxxx.
Munro, Robert D., xxxxxx.
Munsey, Jack T., xxxxxx.
Munson, Hugh W., Jr., xxxxxx.
Munster, Conrad H., xxxxxx.
Muntz, David C., xxxxxx.
Murdock, Thomas E., xxxxxx.
Murphy, Clyde L., xxxxxx.
Murphy, George E., xxxxxx.
Murphy, Jerry C., xxxxxx.
Murphy, John J., Jr., xxxxxx.
Murray, Gary B., xxxxxxxx.
Muth, Arnold J., xxxxxx.
Myers, Clair G., xxxxxx.
Myers, Read E., xxxxxx.
Myrah, John M., xxxxxx.
Myrick, Howard A., xxxxxx.
Naclerio, Nicholas, xxxxxxxx.
Naddef, Wilfred J., xxxxxx.
Narus, William E., Jr., xxxxxx.
Nash, Charles W., xxxxxxxx.
Nauman, Alan A., xxxxxx.
Neely, Joe E., xxxxxx.
Neighbors, James D., xxxxxx.
Neil, Arthur G., Jr., xxxxxx.
Neilson, Peter G., xxxxxxxx.
Nelson Andrew M., xxxxxx.
Nelson, Ronald A., xxxxxx.
Nelson, Thomas C., xxxxxx.
Nestler, Carl M., xxxxxx.
Newbill, James P., xxxxxx.
Newman, Charles D., xxxxxx.
Newman, Frank R., xxxxxx.
Nezvesky, Israel, xxxxxx.
Nichols, Elwood B., xxxxxx.
Nicholson, Allison L., xxxxxxxx.
Nicholson, John W., xxxxxx.
Nicholson, Robert K., xxxxxx.
Nolan, John W., xxxxxx.
Norton, Albert L., xxxxxx.
Nugent, Edward J., xxxxxx.
Oakes, John H., xxxxxx.
Oakes, Norman L., xxxxxx.
Oberg, Robert E., xxxxxxxx.
Oberst, Guenter G., xxxxxx.
O'Bryan, William P., xxxxxx.
O'Connell, Maurice P., xxxxxx.
O'Connor, William H., xxxxxx.
Ogren, Charles T., xxxxxx.
Ohlemueller, William A., xxxxxx.
Okane, Robert F., xxxxxx.
Olchovik, Stanley, xxxxxx.
Oliver, Mahatha M., xxxxxx.
Olson, Eugene S., xxxxxx.
Ondarza, Fred, Jr., xxxxxxxx.
O'Neil, Henry R., xxxxxx.
Ono, Allen K., xxxxxx.
Oram, Charles J., xxxxxxxx.
Orkand, Robert E., xxxxxx.
Orr, James M., xxxxxx.
Ortner, Anthony J., xxxxxx.
O'Shaughnessy, James P., xxxxxx.
O'Shea, Cornelius J., xxxxxxxx.
Oshei, Donald M., xxxxxx.
Otsuka, Yukio, xxxxxx.
Owen, David T., xxxxxx.
Owens, Fobert C., xxxxxx.
Pace, Donald L., xxxxxx.
Pace, Linwood A., Jr., xxxxxx.
Painter, Brookman E., xxxxxx.
Palmer, Dave R., xxxxxx.
Paquin, Wilfred J., xxxxxx.
Paradise, James, Jr., xxxxxx.
Parker, Charles R., xxxxxx.
Parker, Franklin S., xxxxxx.
Parker, John R., xxxxxx.
Parker, Julius, Jr., xxxxxxxx.
Parks, Hugh W., xxxxxx.
Parry, Raphael P., xxxxxx.
Parson, Joe W., xxxxxx.
Parsons, Walter H., xxxxxx.
Partin, David W., xxxxxxxx.
Patrick, Farrell G., xxxxxx.
Patton, David W., xxxxxx.
Patton, Milton R., xxxxxxxx.
Payne, Robert W., xxxxxx.
Pearson, Stanley R., xxxxxx.
Pease, Charles T., xxxxxx.
Pellegrinon, Ronald G., xxxxxx.
Perkins, George R., xxxxxx.
Perry, Earl E., xxxxxx.
Peterson, Alfred L., xxxxxxxx.
Pettit, Ernest G., xxxxxxxx.
Petty, Robert E., IV, xxxxxx.
Phillips, Fred E., Jr., xxxxxx.
Phillips, Gary R., xxxxxx.
Phillips, Herbert C., xxxxxxxx.
Phillips, Robert A., xxxxxx.
Pierce, John A., xxxxxx.
Pierce, Richard B., xxxxxx.
Pierce, Wilbur R., Jr., xxxxxx.
Pitman, Kenneth M., xxxxxx.
Pitre, George L., Jr., xxxxxx.
Plant, Robert A., xxxxxx.
Plott, Thomas J., xxxxxxxx.
Plugge, Donald W., xxxxxx.
Pohly, Glenn W., xxxxxx.
Polak, Alexander P., xxxxxx.
Polhemus, Richard E., xxxxxx.
Polickoski, John S., xxxxxx.
Poole, Charles E., Jr., xxxxxx.
Porter, Jon E., xxxxxx.
Posz, Joseph D., xxxxxx.
Potter, Allen R., xxxxxx.
Powell, Frank M., xxxxxxxx.
Powell, Ralph J., xxxxxxxx.
Pretti, John R., xxxxxx.
Price, Oscar G., Jr., xxxxxx.
Price, Theodore W., xxxxxx.
Priore, Fortunato R., xxxxxx.
Propes, Norman C., xxxxxx.
Pugh, George M., xxxxxx.
Pugmire, Robert M., xxxxxx.
Pulliam, Nathan M., xxxxxx.
Purvis, John W. G., xxxxxx.
Putnam, Earl L., xxxxxx.
Pybus, Fred R., III, xxxxxx.
Quackenbush, Robert E., Jr., xxxxxx.
Quest, Joseph W., xxxxxx.
Quigg, Stuart M., xxxxxx.
Quinlan, Harry L., xxxxxx.
Quinn, Joseph G., xxxxxx.
Quirk, Edward T., xxxxxx.
Raab, Kenneth E., xxxxxx.
Rabdau, James L., xxxxxx.
Radford, James T., xxxxxx.
Radosh, Burnett H., xxxxxx.
Radspinner, Frank H., xxxxxx.
Ragovis, George, xxxxxx.
Rajala, Paul W., xxxxxx.
Rall, Frederick A., xxxxxx.
Ralls, Randall D., xxxxxx.
Ramey, Hubert D., xxxxxx.
Ramsey, John D., xxxxxx.
Ramsey, Roger R., xxxxxx.
Ranger, David W., xxxxxx.
Ratcliff, Robert H., xxxxxx.
Raudebaugh, James D., xxxxxx.
Ray, Gerald C., xxxxxxxx.
Ray, James R., xxxxxx.
Raymond, Henry J., xxxxxx.
Redd, Gail R., xxxxxx.
Redhair, Roger R., xxxxxx.
Redline, Edward H., xxxxxx.
Reed, James R., xxxxxxxx.
Reed, Paul R., xxxxxx.
Reid, Robert L., Jr., xxxxxx.
Repp, Edgar F., xxxxxx.
Rhode, Michael Jr., xxxxxx.
Rhodes, Edward F., xxxxxx.
Rhodes, Lonnie D., xxxxxx.
Rice, Richard C., xxxxxx.
Richards, Edward T., xxxxxx.
Richards, John H., Jr., xxxxxx.
Richards, Therman L., xxxxxx.
Richardson, George A., Jr., xxxxxx.
Richardson, Gerald A., xxxxxx.
Rigrish, Ernest E., xxxxxx.
Riley, Leonard J., xxxxxx.
Rinker, Richard, xxxxxx.
Riordan, William T., xxxxxx.
Rizzo, Donald R., xxxxxxxx.
Robbins, Edwin E., xxxxxx.
Roberts, Rodney K., xxxxxx.
Robinson, Raymond H., xxxxxxxx.
Robinson, Richard T., xxxxxx.
Roby, Robert L., xxxxxx.
Rockey, James O., xxxxxx.
Roddy, Patrick M., xxxxxx.
Rodina, Stanley L., xxxxxx.
Rodriguez, Raymond, xxxxxx.
Rogers, John E., xxxxxx.
Rohland, Robert G., xxxxxx.
Roll, William C., xxxxxx.
Ropp, Richard F., xxxxxx.
Ross Robert E., xxxxxx.
Rosen, Donald E., xxxxxx.
Rosenberg, Theodore R., xxxxxx.
Rosie, Gerald J., xxxxxx.
Ross, Joseph L., Jr., xxxxxx.
Ross, Morrill, Jr., xxxxxx.
Ross, Robert A., xxxxxx.
Ross, Robert E., xxxxxx.
Rosser, John C., Jr., xxxxxx.
Rostine, George W., xxxxxx.
Roth, William R., xxxxxxxx.
Rowe, Alvin G., xxxxxx.
Ruhlin, James R., Jr., xxxxxx.
Rundgren, Ivar W., Jr., xxxxxx.
Rush, Karl C., xxxxxx.
Russell, Charles R., xxxxxx.
Russell, James F., xxxxxx.
Ruttman, Lloyd J., xxxxxx.
Ryan, William J., xxxxxx.
Ryder, Freddie O., xxxxxx.
Saferstein, Thorton S., xxxxxx.
Saffold, Albert T., xxxxxx.
Sage, Robert S., xxxxxx.
Sagramoso, Daniel E., xxxxxx.
Saint, Charles P., xxxxxx.
Salamone, Luciano C., xxxxxx.
Sanders, Burnett R., xxxxxx.
Sanders, Mac D., xxxxxx.
Sanders, William C., xxxxxx.
Sandlin, Malcom R., xxxxxx.
Sandstrum, Allan W., xxxxxx.
Sanford, David G., xxxxxx.
Sanford, William F., xxxxxx.
Santulli, John F., xxxxxx.
Sarkiss, Charles D., xxxxxx.
Saunders, Lemroy L., xxxxxx.
Sawey, James W., xxxxxx.
Saxton, Benjamin P., xxxxxx.
Schelhorn, Carlton L., xxxxxx.
Scherer, Franklin J., xxxxxx.
Schmid, Robert M., xxxxxx.
Schmitz, Ralph, xxxxxx.
Schmitz, Robert P., xxxxxx.
Schneider, William H., xxxxxx.
Scholz, John C., xxxxxx.
Schoonmaker, Marshall, xxxx.
Schrage, William K., xxxxxx.
Schuler, Bob D., xxxxxx.
Schull, Dunell V., xxxxxx.
Schultz, Otto R., xxxxxx.
Schvaneveldt, Noel S., xxxxxx.
Schwarzkopf, H. Norman xxxxxx.
Scott, Charles W., xxxxxx.
Scott, Douglas W., xxxxxx.
Scott, Robert W., xxxxxx.
Scully, Robert C., xxxxxx.
Seago, Pierce T., Jr., xxxxxx.
Secord, John W., xxxxxx.
Seeberg, Richard S., xxxxxx.
Seeley, James L., xxxxxx.
Setser, Frederick, xxxxxx.
Settle, Thomas A., xxxxxx.
Seufert, Edward C., xxxxxx.
Sevilla, Exequiel R., xxxxxxxx.
Sewell, James H., Jr., xxxxxx.
Shanahan, John A., xxxx.
Shannon, John W., xxxxxx.
Sharer, Frank E., xxxxxx.
Shattuck, Milton C., xxxxxx.
Shean, Frederick L., xxxxxx.
Sheldon, John D., xxxxxx.
Shelton, Huntly E., xxxxxx.
Shelton, Samuel W., xxxxxx.
Shepardson, John A., xxxxxx.

Sherzer, Morton P., xxxxxx.
Shirey, James C., xxxxxx.
Shockley, Henry A., xxxxxx.
Short, Kenneth M., xxxxxx.
Short, William L., xxxxxx.
Shriver, William F., xxxxxx.
Shufelt, James W., xxxxxx.
Sidler, Garrett V., xxxxxx.
Sieminski, Edmund J., xxxxxx.
Sikorski, Leo P., xxxxxx.
Simmons, Bobby B., xxxxxx.
Simoni, Richard J., xxxxxx.
Simons, John D., Jr., xxxxxx.
Simpson, Charles E., xxxxxx.
Sinclair, Allen B., xxxxxx.
Sirkis, Michael S., xxxxxx.
Sisinyak, Mark J., xxxxxx.
Sisk, Issac R., xxxxxx.
Skidmore, Herrol J., xxxxxx.
Skidmore, Wilbur M., xxxxxx.
Slingo, James F., xxxxxx.
Sloan. John F., xxxxxx.
Smalls, Moses D., xxxx
Smart, Ernest A., xxxxxx.
Smiley, Ronald H., xxxxxx.
Smith, Carl D., xxxxxx.
Smith, Carl G., xxxxxx.
Smith, Donald B., Jr., xxxxxx.
Smith, Edward P., xxxxxx.
Smith, Frank L., xxxxxx.
Smith, Hubert G., xxxxxx.
Smith, James A., xxxxxx.
Smith, Kenneth W., xxxxxx.
Smith, Lowell G., xxxxxx.
Smith, Patrick O., xxxxxxxx.
Smith, Richard L., xxxxxx.
Smith, Scott B., xxxxxx.
Smith, Stainton, xxxxxx.
Smith, Willis B., xxxxxx.
Snavely, Charles C., xxxxxx.
Snodgrass, John C., xxxxxx.
Snow, Don F., xxxxxx.
Snowden, Edgar, IV, xxxxxx.
Soper, Robert L., Jr., xxxxxx.
Sorley, Lewis S., III, xxxxxx.
Sovers, George A., xxxxxx.
Sparks, Donald E., xxxxxx.
Speiser, Robin G., Jr., xxxxxx.
Spence, John D., xxxxxx.
Spencer, Joseph L., xxxxxx.
Spires, James W., xxxxxx.
Sposito, Paul, xxxxxxxx.
Springstead, Bertin W., xxxxxx.
St. Amour, Leo R., Jr., xxxxxx.
St. Louis, Robert P., xxxxxx.
Stallings, David W., xxxxxx.
Staples, William B., xxxxxx.
Stapleton, George J., xxxxxx.
Staroes, Edward J., xxxxxx.
Stedron, Charles J., xxxxxx.
Stephens, Richard B., xxxxxx.
Stevens, Edward A., xxxxxx.
Stevens, Floyd M., xxxxxx.
Stevens, Philip J., xxxxxx.
Stevenson, Carl B., xxxxxxxx.
Stevenson, Harry K., xxxxxx.
Steves, Roy R., xxxxxx.
Stewart, Charles A., xxxxxx.
Stewart, Frank S., Jr., xxxxxx.
Stewart, Roger A., xxxxxx.
Stillions, Eugene L., xxxxxx.
Stokes, Theodore K., xxxxxx.
Stokes, William M., xxxxxx.
Stone, Joseph L., Jr., xxxxxx.
Stout, Anthony N., xxxxxx.
Stratton, Jerry R., xxxxxx.
Straughan, Robert M., xxxxxx.
Stroup, Glenn A., xxxxxx.
Strozier, James K., xxxxxx.
Stryker, Harm, xxxxxx.
Stubbs, Harold E., xxxxxx.
Studebaker, Robert L., xxxxxx.
Stumpff, George F., xxxxxx.
Stynes, Philip A., xxxxxx.
Suddath, Leroy N., Jr., xxxxxx.
Sullivan, Robert P., xxxxxx.
Sullivan, William M., xxxxxx.
Summers, Richard A., xxxxxx.
Sutton, James L., xxxxxx.
Svirsky, William R., xxxxxx.
Swartz, Calvin, xxxxxx.
Sweetwood, Dale R., xxxxxx.
Swoboda, Edward A., xxxxxx.
Tagge, Robert W., xxxxxxxx.
Talley, Robert E., xxxxxx.
Tallman, Richard L., xxxxxx.
Tapp, Richard L., xxxxxx.
Taylor, Emmett K., Jr., xxxxxx.
Taylor, Joseph J., Jr., xxxxxx.
Taylor, Joseph W., xxxxxx.
Taylor, Terry A., xxxxxx.
Taylor, Wesley L., xxxxxx.
Teague, Charles A., xxxxxxxx.
Teague, Gwynn A., xxxxxx.
Temperley, Nicholas R., xxxxxx.
Thacker, Goebel R., xxxxxx.
Thaxton, Billy J., xxxxxx.
Thomas, David L., xxxxxx.
Thomas, Hiram J., xxxxxx.
Thompson, Albert G., xxxxxx.
Thompson, Jackson D., xxxxxx.
Thompson, Lonnie E., xxxxxx.
Thompson, Robert S., xxxxxx.
Thompson, Roy M., xxxxxx.
Thorpe, Marvin, Jr., xxxxxx.
Tobiasen, Richard D., xxxxxx.
Tocher, Patrick A., xxxxxxxx.
Tokarz, Walter P., xxxxxx.
Toler, William K., xxxxxx.
Tolfa, Edward, Jr., xxxxxx.
Tollefson, Robert G., xxxxxx.
Tomes, Paul J., xxxxxx.
Toner, Richard B., xxxxxx.
Torno, Harry C., xxxxxx.
Torres, Marco, Jr., xxxxxx.
Trankovich, John J., xxxxxxxx.
Traver, Thomas G., xxxxxx.
Treadwell, John J., xxxxxx.
Tremper, Edwin O., xxxxxx.
Tripp, Richard L., xxxxxx.
Trouve, Raymond J., xxxxxx.
Truby, Allen G., xxxxxxxx.
Turain, George A., xxxxxx.
Turley, James R., xxxxxx.
Turner, Graydon C., xxxxxx.
Turner, William O., xxxxxxxx.
Tuszynski, Andrew J., xxxxxx.
Tutwiler, James D., xxxxxx.
Twichell, Heath, Jr., xxxxxx.
Twilley, Leroy G., xxxxxx.
Tyler, Charles S., xxxxxx.
Tyler, Thomas H., xxxxxx.
Urbach, Walter, Jr., xxxxxx.
Utz, John S., xxxxxx.
Vaaler, John G., xxxxxx.
Vail, Nathan C., xxxxxx.
Valence, Edward, Jr., xxxxxx.
Van Dervort, Edmund L., xxxxxx.
Van Dyke, James A., xxxxxxxx.
Van Giesen, Robert E., xxxxxx.
Van Horn, Jonathan S., xxxxxx.
Van Wert, John F., Jr., xxxxxxxx.
Vanbebber, Herman J., xxxxxx.
Varoz, Roman, Jr., xxxxxxxx.
Vaughan, Frederick C., xxxxxx.
Vaught, Ray L., Jr., xxxxxxxx.
Vergot, William D., xxxxxx.
Villella, Fred J., Jr., xxxxxxxx.
Vines, Ronald C., xxxxxxxx.
Vogentanz, Peter G., xxxxxx.
Vydra, Anthony L., xxxxxx.
Vye, George D., xxxxxx.
Wade, Herman L., xxxxxx.
Wadsworth, Frederic J., xxxxxx.
Wagenheim, Herbert M., xxxxxx.
Wages, Jerry S., xxxxxx.
Wagner, John F., xxxxxx.
Wagner, Keith A., xxxxxx.
Wagner, Richard J., xxxxxx.
Waldeck, James J., xxxxxx.
Waldo, Rondel L., xxxxxx.
Walker, Delbert L., xxxxxxxx.
Walker, James R., xxxxxx.
Walker, Kenneth S., xxxxxx.
Walker, William C., xxxxxx.
Wall, John F., Jr., xxxxxx.
Wallace, Edwin L., xxxxxx.
Wallace, George C., xxxxxx.
Wallace, James W., xxxxxx.
Wallace, John W., xxxxxx.
Wallington, Edward H., xxxxxx.
Walsh, Gordon P., xxxxxx.
Walter, John S., xxxxxx.
Walton, John C., Jr., xxxxxx.
Wangenheim, Richard M., xxxxxx.
Wappes, George R., xxxxxx.
Ward, Dewitt H., xxxx
Washburn, Richard B., xxxxxx.
Washington, Samuel, xxxxxxxx.
Wasko, Frank J., Jr., xxxxxx.
Waterman, Stephen, 3d, xxxxxx.
Waters, George D., xxxxxx.
Weathers, John T., xxxxxx.
Webster, William L., xxxxxx.
Weden, Gilbert J., xxxxxx.
Wegley, Frederick L., xxxxxx.
Weihl, William L., xxxxxx.
Weiler, Harold E., xxxxxx.
Weinstein, Leslie H., xxxxxx.
Weinstein, Sidney T., xxxxxx.
Wells, Norman S., xxxxxx.
Wemmering, Fred A., xxxxxx.
Werner, Gary L., xxxxxx.
Wesson, Robert E., xxxxxx.
West, Arvid E., Jr., xxxxxx.
Westcott, William C., xxxxxx.
Wheeler, Lester M., xxxxxx.
Whipple, Winthrop, Jr., xxxxxx.
Whitby, Boyd A., xxxxxxxx.
White, Jack A., xxxxxx.
White, John W., xxxxxx.
White, William T., Jr., xxxxxx.
Whiting, Jon K., xxxxxx.
Whitley, George R., xxxxxx.
Whitmore, Wesley C., xxxxxx.
Wickware, Argle W., xxxxxx.
Wien, George E., xxxxxx.
Wiles, James M., xxxxxx.
Wilkerson, Arlie J., xxxxxx.
Wilkins, Aaron E., II, xxxxxx.
Willcox, Lester A., xxxxxx.
Williams, Billy G., xxxxxxxx.
Williams, Bruce H., xxxxxx.
Williams, Donald G., xxxxxx.
Williams, Gary C., xxxxxx.
Williams, Richard L., xxxxxx.
Williamson, Jerry G., xxxxxx.
Williford, Donald E., xxxxxx.
Willis, Raymond E., xxxxxx.
Wilson, Carl A., Jr., xxxxxx.
Wilson, Charles E., xxxxxxxx.
Wilson, Ernest B., xxxxxx.
Wilson, Gary L., xxxxxx.
Wing, Thomas, xxxxxx.
Wingate, Charles S., xxxxxxxx.
Winkel, Paul P., Jr., xxxxxx.
Winnicki, Philip W., xxxxxx.
Winship, Edwin C., xxxxxx.
Winter, Thomas C., Jr., xxxxxx.
Withers, George K., xxxxxx.
Wittekind, Wilfred H., xxxxxx.
Wolfgang, Albert E., xxxxxx.
Woliver, Clarence H., xxxxxx.
Womack, Kenneth S., xxxxxx.
Woodard, James O., xxxxxx.
Woodmansee, John W., xxxxxx.
Woods, Eugene R., xxxxxx.
Woods, George J., Jr., xxxxxx.
Woods, Stephen R., Jr., xxxxxx.
Woolworth, Wesley B., xxxxxx.
Works, Bobby, xxxxxx.
Worthen, Freddie, J., xxxxxx.
Wratislaw, Roy E., xxxxxxxx.
Wright, Billy J., xxxxxx.
Wright, Edward S., xxxxxx.
Wright, Lloyd R., xxxxxx.
Wurman, James W., xxxxxx.
Yawberg, Harold D., xxxxxx.
Yon Everett M., xxxxxx.
Yopp, Dewey C., xxxxxxxx.
Young, Gregor T., III, xxxxxx.
Young, Roger Q., xxxxxxxx.
Yuhas, Robert J., xxxxxx.
Zamora, Emilio B., xxxxxx.
Zane, Thomas L., xxxxxx.
Zittrain, Lawrence O., xxxxxx.
Zorn, Jack L., xxxxxx.

To be major, chaplain

Beal, Donald B., xxxxxx.
Blustein, Allan M., xxxxxx.
Brandt, Richard A., xxxxxx.

Dimont, Albert M., xxxxxxxx.
Gremmels, Delbert W., xxxxxx.
Hoogland, John J., xxxxxx.
Hosutt, Charles H., xxxxxxxx.
Jernigan, Duie R., xxxxxx.
Laubscher, Walter R., xxxxxx.
Lucky, Carl E. L., Jr., xxxxxx.
McCullagh, John P., xxxxxx.
Mills, Charlie S., xxxxxx.
Moore, Jesse W., xxxxxx.
Murphy, James J., xxxxxx.
Oshea, Edward L., xxxxxx.
Ouzts, Paul D., xxxxxx.
Saunders, George E., xxxxxxxx.
Starnes, William B., xxxxxxxx.
Stevens, Ernest L., xxxxxxxx.
Straub, Frederick W., xxxxxx.
Tolbert, Carl E., xxxxxx.
Turner, Trevor D., xxxx
Van Verth, Leroy E., xxxxxx.
Weathers, Clifford, xxxxxx.
Wetherell, Sterling, xxxxxx.

To be major, Women's Army Corps

Bizzelle, Joan Alys, xxxx.
Capacio, Marguerite, xxxx.
Eslick, Joyce E., xxxx.
Hedberg, Mildred, xxxx.
Pleasants, Katherine, xxxx.
Wolcott, Jeane M., xxxx.

To be major, Medical Corps

Aarestad, Norman O., xxxxxxxx.
Altekruse, Ernest B., xxxxxxxx.
Anderson, Kirby V., xxxxxx.
Angello, Anthony L., xxxxxx.
Anthony, Courtney L., xxxxxx.
Arzola, Ivan F., xxxxxx.
Baden, Melvin, xxxxxxxx.
Barnes, Asa, Jr., xxxxxxxx.
Benincaso, Frank V., xxxxxx.
Bethlenfalvay, Nicholas, xxxxxx.
Birriel-Carmona, T., xxxxxxxx.
Blount, Robert E., Jr., xxxxxx.
Brandel, George P., xxxxxx.
Bruckman, Joseph A., xxxxxxxx.
Butkus, Donald E., xxxxxx.
Cole, Edward F., xxxxxxxx.
Cordes, Charles K., xxxxxx.
Cove, Laurence A., xxxxxx.
Cranston, John P., xxxxxx.
Derby, James H., xxxxxx.
Diggs, Carter L., xxxxxxxx.
Donovan, John A., xxxxxx.
Doolittle, William, xxxxxx.
Dyke, Charles J., xxxxxx.
Edwards, John B., xxxxxx.
Edwards, John W., Jr., xxxxxxxx.
Ewald, Roger A., xxxxxx.
Facer, James C., xxxxxx.
Fagarason, Lawrence, xxxxxxxx.
Fearnow, Ronald G., xxxxxxxx.
Feldman, Edgar A., xxxxxx.
Feltis, James M., Jr., xxxxxx.
Figlock, Thaddeus A., xxxxxx.
Fortini, Glenn E., xxxxxxxx.
Freeborn, Robert K., xxxxxxxx.
Gemma, Frank E., xxxxxxxx.
German, Norton I., xxxxxx.
Graff, Charles K., xxxxxxxx.
Gutierrez, Jorge R., xxxxxxxx.
Guzman, Eduardo, Jr., xxxxxxxx.
Hamaker, William R., xxxxxx.
Hannegan, Michael W., xxxxxx.
Hardin, Virgil M., xxxxxxxx.
Harrell, James E., xxxxxx.
Hill, Paul S., xxxxxxxx.
Hobbs, Crit, xxxxxx.
Holmes, Keith D., xxxxxx.
Holmes, Robert A., xxxxxx.
Kahler, Victor L., xxxxxxxx.
Kehoe, John E., xxxxxx.
Keller, Howard I., xxxxxx.
Khoury, Nicholas F., xxxxxxxx.
Killam, Allen P., xxxxxx.
Kimball, Frank B., xxxxxx.
Kirk, Phillip B., xxxxxxxx.
Kistler, Henry E., Jr., xxxxxx.
Krank, Daniel F., xxxxxx.
La Noue, Alcide M., xxxxxx.
Lagoc, Andres D., xxxxxxxx.
Larson, Alvin L., xxxxxx.
Ledbetter, Rene B., xxxxxx.
Levine, Seymour, xxxxxx.
Lindefjeld, Ole A., xxxxxxxx.
Lipp, Edward B., Jr., xxxxxx.
Lodmell, John G., xxxxxx.
Loeser, Louis I., xxxxxx.
Lyon, Charles M., xxxxxx.
Malloy, John P., xxxxxx.
Manson, Richard A., xxxxxx.
McCann, David T., xxxxxxxx.
McClure, Hubert L., xxxxxx.
McKendell, Lawrence, xxxxxxxx.
McLaughlin, Chester, xxxx
McNamara, James V., xxxxxx.
Mears, William W., xxxxxx.
Meril, Allen J., xxxxxx.
Mills, James E., xxxxxx.
Milo, Anton P., xxxxxx.
Moore, William L., Jr., xxxxxxxx.
Morales, Herman, xxxxxxxx.
Morel, Donald E., xxxxxx.
Morgan, Donald W., xxxxxx.
Morgan, Loren R., xxxxxx.
Muir, Robert W., xxxxxx.
Nemmers, David J., xxxxxxxx.
Oglesby, James E., xxxxxxxx.
Omer, Lewis M., III, xxxxxx.
Orzano, Randel M., xxxxxxxx.
Osborn, James R., xxxxxx.
Parker, Jerry M., xxxxxx.
Pfoertner, George B., xxxxxx.
Pomerantz, George M., xxxxxxxx.
Power, Robert C., xxxxxxxx.
Raffety, John E., xxxxxx.
Raughtigan, John A., xxxxxx.
Rich, Norman M., xxxxxx.
Riesz, Peter B., xxxxxx.
Riggenbach, Roger D., xxxxxx.
Rivera-Betancourt, Rafael A., xxxxxx.
Roeser, Waldomar M., xxxxxxxx.
Sanders, Daniel T., xxxxxx.
Schneider, Robert D., xxxxxx.
Short, Earl D., xxxxxx.
Smith, Roger H., xxxxxx.
Snider, Thomas H., xxxxxx.
Stevenson, Robert S., xxxxxx.
Sube. Janis, xxxxxx.
Sullivan, William G., xxxxxxxx.
Swanson, David L., Jr., xxxxxx.
Taylor, Thomas R., xxxxxx.
Thering, Harlan R., xxxxxx.
Thompson, Gale E., xxxxxx.
Twohey, Robert J., xxxxxxxx.
Ward, Chester L., xxxxxx.
Ward, George W., Jr., xxxxxx.
Watson, Ralph J., xxxxxx.
Weber, William G., xxxxxx.
Webster, Stephen B., xxxxxx.
Werth, Jude N., xxxxxx.
Whitehead, William, xxxxxxxx.
Wilcox, Walter J., xxxxxx.
Winter, Phillip E., xxxxxx.
Witschi, Thomas H., xxxxxx.
Wyers, Robert A., xxxxxxxx.
Young, Frank C., Jr., xxxxxx.
Zeigler, Michael G., xxxxxx.

To be major, Dental Corps

Adams, Roy P., xxxxxxxx.
Bass, Kenneth D., xxxxxxxx.
Bauman, Richard, xxxxxxxx.
Bullard, Jesse T., xxxxxx.
Byzewski, Lewis R., xxxxxx.
Chambless, Lewis A., xxxxxxxx.
Chinn, Clarence Y. L., xxxxxx.
Connelly, Mark E., xxxxxx.
Cox, Frederick L., xxxxxxxx.
Cuba, Phillip J., xxxxxxxx.
Dukes, Richard D., xxxxxxxx.
Feeney, Gerald F., xxxxxxxx.
Feeney, Robert M., II, xxxxxx.
Gary, Ralph R., xxxxxx.
Hallekamp, Josef C., xxxxxx.
Heitman, Kenneth L., xxxxxxxx.
Houston, James E., xxxxxx.
Johnson, Bill, xxxxxxxx.
Kate, William, Jr., xxxxxx.
Kennemer, Thomas O., xxxxxx.
King, Billie C., xxxxxx.
Konzelman, Joseph L., xxxxxxxx.
Krakdwiak, Francis, xxxxxx.
Lauttman, Richard J., xxxxxx.
Leider, Alan S., xxxxxxxx.
Levin, Marvin P., xxxxxxxx.
Lewis, Lawrence M., xxxxxxxx
Miklik, Robert A., xxxx
Mullins, Billy P., xxxxxxxx
Nelson, John F., xxxxxxxx
Nelson, Robert N., xxxxxx
Port, Arthur C., xxxxxxxx
Rigdon, Walter E., xxxxxxxx
Rubin, Morton, xxxxxx
Shade, Ned L., xxxxxxxx.
Singdahlsen, Donald, xxxxxx
Smith, Donald E., xxxxxxxx
Snyder, Alvin J., xxxxxxxx
Strock, Richard G., xxxxxx
Taylor, Peter F., xxxxxxxx
Urick, Howard B., xxxxxx
Watts, Thomas R., xxxxxx
Wells, John G., xxxxxx
White, John C., xxxxxxxx
Zielke, David R., xxxxxxxx

To be major, Veterinary Corps

Anderson, William L., xxxxxx
Davidson, David E., xxxxxx.
Hildebrandt, Paul K., xxxxxx
Keel, James E., xxxxxx
Kinnamon, Kenneth E., xxxxxx
McNellis, John O., xxxxxx.
Stolz, Hal F., xxxxxxxx
Trevino, Gilberto S., xxxxxxxx.
Whitney, Robert A., xxxxxx

To be major, Medical Service Corps

Allen, Turman E., Jr., xxxxxx
Bass, Bobbie R., xxxxxx
Beach, Douglas J., xxxxxx.
Blair, James D., xxxxxx.
Bourland, Gene, xxxxxx
Bradford, Charles E., xxxxxx.
Brannock, Joseph E., xxxxxx.
Causey, James A., xxxxxx
Christ, Charles E., xxxxxxxx.
Coyle, George B., xxxxxx
Cuzick, William T., xxxxxx.
Daine, Robert H., xxxxxx
Dean, John W., xxxxxx
Decker, Walter J., xxxxxx
Demaree, Gale E., xxxxxx
Dettor, Charles M., xxxxxx.
Donato, Joseph J., xxxxxx.
Dowery, Gordon K., xxxxxx.
Erickson, Duane G., xxxxxx
Green, Bruce E., xxxxxx.
Heinz, Robert F., Jr., xxxxxx.
Hughes, Joe C., xxxxxx
Jackson, Raymond A., xxxxxx
Jacobs, Claude G., Jr., xxxxxx
Johnson, David E., xxxxxx
Joyce, Brendan E., xxxxxx
McBride, Dan J., xxxxxx
McFarland, Joseph, xxxxxx
Muzzio, Robert J., xxxxxx
Pfeiffer, William G., xxxxxx
Pierce, Wilford V., xxxx
Potin, James B., xxxxxx
Salmon, Ray W., Jr., xxxxxx
Samuels, Alan, xxxxxx
Simon, Thomas J., xxxxxxxx
Ungar, Ralph F., xxxxxx
Van Meer, James E., xxxxxx
Weinert, Charles M., xxxxxx
White, John J., xxxxxx
Williams, Edwin H., xxxxxx
Yim, Herbert K., xxxxxx
Ziebell, Earl L., xxxxxx

To be major, Army Nurse Corps

Barkley, Velma J., xxxxx
Beckman, Ronald J., xxxxxx
Bouchard, Jacqueline, xxxxx
Capper, Edna L., xxxxx
Christopher, Joyce, xxxxx
Condit, Mary M., xxxxx
Donnelly, Gwendolyn, xxxxx
Dubatowski, Doris T., xxxxx
Foley, Mary A., xxxxx
Galloway, Katherine, xxxxx
Gann, Ellen J., xxxxx
Gehringer, John, xxxxxx
Hensley, Maurice H., xxxx
Jagiello, Helen D., xxxxx
La Rock, Ethel B., xxxxx

Learned, Grace, xxxxx.
Maziarski, Frank P., xxxxxx.
McKinzie, Daniel G., xxxxxx.
McLeod, Alva J., xxxxx.
Metcalf, Barbara E., xxxxx.
Mizelle, Anne S., xxxxx.
Nagle, Lillian H., xxxxx.
Nellis, Virginia M., xxxxx.
Odell, Margaret L., xxxxx.
Pelkey, Dwight F., xxxxxx.
Pennell, Mildred H., xxxxx.
Phillips, Eugene J., xxxxxx.
Reed, Della K., xxxxx.
Riviello, Carmen F., xxxxxx.
Robinson, John W., xxxxxx.
Smith, Cassandra M., xxxxx.
Taylor, Wilma B., xxxxx.
Thorne, Nevaida T., xxxxx.
Yoder, Dolores W., xxxxx.

To be major, Army Medical Specialist Corps

Appleby, Howard A., xxxx
Davis, Barbara A., xxxx
McGown, Helyn L., xxxx
Pfeiffer, Violet R., xxxx

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Feuerbacher, Charles, xxxxxxxx.

To be first lieutenant

Gillett, Michael E., xxxxxxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Rumpel, Donald O., xxxxxxxx.

To be captain

Akridge, Jimmie H., xxxxxxxx.
Biggio, John E., xxxxxxxx.
Bledsoe, James H., xxxxxxxx.
Butler, Melvin L., xxxxxxxx.
Carey, William R., xxxxxxxx.
Cooke, James K., xxxxxxxx.
Davis, Michael F., xxxxxxxx.
Dean, Nowlan K., xxxxxxxx.
Gates, Davis F., xxxxxxxx.
Gniazdowski, Francis, xxxxxxxx.
Haggett, Edward G., III, xxxxxxxx.
Hendricks, Christophe, xxxxxxxx.
Hinkson, Betty M., xxxxxxxx.
Jenkins, Wilburt L., xxxxxxxx.
Koike, Kazuo, xxxxxxxx.
Kuchesky, Martin S., xxxxxxxx.
Livengood, Sandy E., xxxxxxxx.
Lyght, William L. D., Jr., xxxxxxxx.
Mills, Jon R., xxxxxxxx.
Morgan, George A., xxxxxxxx.
Murray, Joseph W., xxxxxxxx.
Outlaw, Joe E., xxxxxxxx.
Pickett, Donald De G., xxxxxxxx.
Powell, Darryl H., xxxxxxxx.
Riggs, Duane B., xxxxxxxx.
Sandall, Richard R., xxxxxxxx.
Schaub, John S., xxxxxxxx.
Smith, Robert K., xxxxxxxx.
Stiles, Gary N., xxxxxxxx.
Tomlinson, Carey G., xxxxxxxx.
Villaronga, Raul G., xxxxxxxx.
Walts, Charles O., xxxxxxxx.
Weedel, Joseph F., xxxxxxxx.
Wheatley, James K., Jr., xxxxxxxx.
White, Billy C., xxxxxxxx.
Wilson, Donald C., xxxxxxxx.

To be first lieutenant

Antonoplos, David J., xxxxxxxx.
Beard, Otis R., xxxxxxxx.
Bergevin, Patrick R., xxxxxxxx.
Bryce, Ronald H., xxxxxxxx.
Byrkit, Richard D., xxxxxxxx.
Cantu, Herman R., Jr., xxxxxxxx.
Chole, Hilbert H., xxxxxxxx.
Clark, Solomon C., xxxxxxxx.
Collins, Roger B., xxxxxxxx.
Corn, Volney B., Jr., xxxxxxxx.
Dennis, Kirby E., xxxxxxxx.
Estep, James L., xxxxxxxx.
Gurney, Peter L., xxxxxxxx.
Hackett, John S., xxxxxxxx.
Hamer, Merlin L., xxxxxxxx.
Hammond, Jean E., xxxxxxxx.
Hayden, Lee L., III, xxxxxxxx.
Herrick, James J., xxxxxxxx.
Holaday, Howard R., xxxxxxxx.
Jewel, James S., xxxxxxxx.
Johnson, Billy R., xxxxxxxx.
Kappel, Darrel N., xxxxxxxx.
Kennedy, William D., xxxxxxxx.
Kimzey, Reed T., xxxxxxxx.
Lee, Fredrick W., xxxxxxxx.
Lucas, James G., xxxxxxxx.
Mackenzie, Stuart A., xxxxxxxx.
Maize, Roy S., II, xxxx
Manning, Charles F., xxxxxxxx.
McCarthy, Mary M., xxxxxxxx.
McKinney, Raymond E., xxxxxxxx.
McPeak, William S., Jr., xxxxxxxx.
McSweeney, Dennis D., xxxxxxxx.
Metz, Joseph R., xxxxxxxx.
Murphy, Gary R., xxxxxxxx.
Neilan, Robert J., xxxxxxxx.
Patnode, Louis G., xxxxxxxx.
Peel, John L., xxxxxxxx.
Petrie, Jon L., xxxxxxxx.
Piel, Thomas G., xxxxxxxx.
Reinmiller, John P., xxxxxxxx.
Rogowski, Kenneth A., xxxxxxxx.
Rosenberg, Ralph G., xxxxxxxx.
Rovig, La Vern D., xxxxxxxx.
Sayers, Larry L., xxxxxxxx.
Scharff, Ronald E., xxxxxxxx.
Smith, James L., xxxxxxxx.
Snipes, Robert T., xxxxxxxx.
Sporcic, Vincent L., xxxxxxxx.
Stewart, Thomas W., xxxxxxxx.
Swearingen, George R., xxxxxxxx.
Thomas, Cleveland, Jr., xxxxxxxx.
Trevey, John L., Jr., xxxxxxxx.
Webber, George R., xxxxxxxx.
Whitely, Robert L., xxxxxxxx.
Wotkyns, Anthony L., xxxxxxxx.
Zdrojewski, Michael J., xxxxxxxx.

To be second lieutenant

Blake, Nelson A., xxxxxxxx.
Braun, John E., Jr., xxxxxxxx.
Cox, William D., xxxxxxxx.
Gibbs, Allen D., xxxxxxxx.
Johnson, David O., xxxxxxxx.
Kuelbs, John T., xxxxxxxx.
Lemonier, Donald J., Jr., xxxxxxxx.
Lockwood, Burton G., II, xxxxxxxx.
Maksymowicz, Jerald J., xxxxxxxx.
Marble, Louis E., xxxxxxxx.
Marsh, Julian T., xxxxxxxx.
McDonough, James F., xxxxxxxx.
Morrill, Kenneth F., xxxxxxxx.
Narrell, James E., Jr., xxxxxxxx.
Odom, Charles R., xxxxxxxx.
Olsen, Wesley R., xxxxxxxx.
Porter, Danny S., xxxxxxxx.
Randles, James D., xxxxxxxx.
Reedy, Charles J., xxxxxxxx.
Scotti, Frank P., xxxxxxxx.
Semon, Barry H., xxxxxxxx.
Skiles, James K., xxxxxxxx.
Speelman, James F., xxxxxxxx.
Takao, Victor K., xxxxxxxx.
Welch, Thomas A., Jr., xxxxxxxx.
White, William J., Jr., xxxxxxxx.
Willenborg, David E., xxxxxxxx.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Olney, Richard K.
Santella, Angelo J., Jr.

The following-named distinguished military student for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Wolfe, Daniel F.

CONFIRMATIONS

Executive nominations confirmed by the Senate, June 5, 1969:

IN THE COAST GUARD

The nominations beginning Peter Thomas Aalberg, to be ensign, and ending John Vincent Zeigler, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 13, 1969; and

The nominations beginning Frederic J. Grady III, to be lieutenant, and ending Winstead K. Nichols, to be chief warrant officer, W–2, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 21, 1969.

HOUSE OF REPRESENTATIVES—*Thursday, June 5, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the people praise Thee, O God; let all the people praise Thee.—Psalm 67:3

Blessed art Thou, O Lord, our God, who turneth the shadow of night into the light of the morning and giveth to us the glory of another day; we lift our hearts unto Thee in praise and thanksgiving.

Thanks be to Thee for the revelation of Thyself in the light of Thy word, in the beauty of nature, in the orderliness of the universe, and in the splendor of triumphant spirits. Thanks be to Thee for the revelation of Thyself in our own hearts, for moments when Thy presence has been real and we have known Thou art with us and we are with Thee.

Grateful for this day, send us out to do our work as best we can, touching the lives of our fellow men for good. Help us to look at others with the eyes of a brother and endeavor to meet the needs of our people with sympathetic hearts and understanding minds. May we be walking centers of good will in a world of ill will to the glory of Thy name, for the welfare of our Nation, and for the well-being of all mankind. In the name of Him who went about doing good. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 29. Concurrent resolution to correct the enrollment of Senate Joint Resolution 35.