appointment of hearing examiners for Indian probate work, to provide tenure and status for hearing examiners performing such work, and for other purposes; to the Committee on the Judiciary.

H.R. 11948. A bill to provide that certain payments made to Indians on the Flathead Reservation in Montana by their tribal governing body shall not be treated as income or resources for purposes of any of the Federal-State public assistance programs under the Social Security Act; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 11949. A bill to provide relief for the clothing industry by making special immigrant visas available to certain skilled tailors; to the Committee on the Judiciary.

By Mr. PODELL (for himself, Mr. VANIK, Mr. DULSKI, Mr. BYRNE of Pennsylvania, Mr. SHIPLEY, Mr. RUPP, Mr. DERWINSKI, Mr. COLLIER, Mr. MURPHY of New York, Mr. POLLOCK, Mr. PUCINSKI, Mr. MOSS, Mr. HUNGATE, Mr. ST GERMAIN, Mr. ST. ONGE, Mr. MCDADE, Mrs. REID of Illinois, Mr. MCDONALD of Michigan, Mr. MCCLOSKEY, Mr. BEALL of Maryland, Mr. HANSEN of Idaho, Mr. EVINS of Tennessee, Mr. DONOHUE, Mr. BURTON of Utah, and Mr. ROYBAL):

H.R. 11950. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government operations.

By Mr. REUSS:

H.R. 11951. A bill to amend title II of the Social Security Act to increase the amount of a widow's or widower's benefit from 82½ to 100 percent of the insured individual's primary insurance amount; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. BLATNIK, Mr. GUDE, Mr. HICKS, Mr. MCCLOSKEY, Mr. MOSS, Mr. VANDER JAGT, and Mr. WRIGHT):

H.R. 11952. A bill to reorganize the executive branch of the Government by transferring functions of various agencies relating to evaluation of the effect of certain activities upon the environment to the Environmental Quality Council, and for other purposes; to the Committee on Government Operations.

By Mr. RHODES (for himself, Mr. TEAGUE of California and Mr. KYL):

H.R. 11953. A bill to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended; to the Committee on Agriculture.

By Mr. RUPPE:

H.R. 11954. A bill to amend title II of the Social Security Act to provide a minimum primary benefit of $100 a month (with corresponding increases in the benefits payable to certain uninsured or insufficiently insured individuals); to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 11955. A bill to authorize the hiring of employees of detective agencies for other than investigative services; to the Committee on Post Office and Civil Service.

By Mr. SCOTT:

H.R. 11956. A bill to make certain changes in the control of the institutions of the District of Columbia located in Fairfax County, Va.; to the Committee on the District of Columbia.

By Mr. TEAGUE of Texas (by request):

H.R. 11957. A bill to amend chapter 17 of title 38 of the United States Code to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disabilities to veterans having service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 11958. A bill to amend title 38 of the United States Code to provide that pensioners may be furnished necessary medical services in Veterans' Administration facilities; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. BROWN of California):

H.R. 11959. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 11960. A bill to amend the Legislative Reorganization Act of 1946 to provide for the inclusion of certain cost estimates of certain measures reported by the standing committees of the House of Representatives; to the Committee on Rules.

By Mr. WEICKER:

H.R. 11961. A bill to amend title II of the Social Security Act to permit an individual to file application for disability insurance benefits after the expiration of the regularly prescribed period for filing such application where the failure to file within such period was due to good cause; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 11962. A bill to authorize feasibility study on the Willamette River projects South Yamhill division, on the South Yamhill and Willamette Rivers; to the Committee on Interior and Insular Affairs.

By Mr. ZWACH:

H.R. 11963. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

By Mr. BURTON of Utah:

H. Res. 434. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. FISH:

H. Res. 435. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

207. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to ending U.S. aid to Communist countries; to the Committee on Foreign Affairs.

208. Also, memorial of the Legislature of the State of Illinois, relative to the establishment of the Lincoln Homestead National Recreation Area; to the Committee on Interior and Insular Affairs.

209. Also, memorial of the Legislature of the State of Florida, relative to a constitutional amendment relating to prayer and Bible reading in public schools and institutions; to the Committee on the Judiciary.

210. Also, memorial of the House of Representatives of the State of Delaware, relative to the 1970 census; to the Committee on Post Office and Civil Service.

211. Also, memorial of the Senate of the State of Hawaii, relative to a guaranteed annual income; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11964. A bill for the relief of Walter Matukic; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 11965. A bill for the relief of Peter Yu-Ju Huang; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 11966. A bill for the relief of Giovanni De Felice; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 11967. A bill to authorize the vessel *Orion* to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. HATHAWAY:

H.R. 11968. A bill for the relief of Maj. Louis A. Deering, U.S. Army; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 11969. A bill for the relief of Frank Travers; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 11970. A bill for relieving a patent applicant from forfeiture of his patent rights induced by fraud on the part of his patent lawyer; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 11971. A bill to authorize and direct the District of Columbia to convey certain real property to the Washington International School, Inc.; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

136. By Mr. OLSEN: Resolution requesting the initiation of legislation to cause payments by the tribal governing body to its membership to be excluded from consideration in determining eligibility for assistance in any social welfare program where Federal moneys are used; to the Committee on Ways and Means.

137. By the SPEAKER: Petition of Henry Stoner, Albany, Oreg., relative to peace; to the Committee on Foreign Affairs.

138. Also, petition of the City Council, New Orleans, La., relative to the taxation of interest on State and local governmnt bonds; to the Committee on Ways and Means.

139. Also, petition of the City Council, Trinidad, Colo., relative to the taxation of local government bonds; to the Committee on Ways and Means.

SENATE— *Monday, June 9, 1969*

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Reverend Dr. Martin H. Scharlemann, graduate professor of exegetical theology, Concordia Lutheran Seminary, St. Louis, Mo., and chaplain—brigadier general—U.S. Air Force Reserve, offered the following prayer:

Almighty God, You hold in Your hands the destinies of every nation, kindred and tongue, assigning to each its proper task. To us You have apportioned the burden of upholding human values against those destructive forces in our

world which threaten to shrink men into being less than Your creation.

To this our solemn task we dedicate our individual energies and our mutual resources. Grant us wisdom and courage, so that we may neither be misled nor disheartened by the complexities of our public life and the enormity of our common commitments.

Guide us to make such choices as will help to keep far from us both the night of anarchy and the terror of oppression.

We confess that, left to ourselves, we could not discover those paths which lead to healing and understanding, firmness and patience in the resolution of our perplexities.

We, therefore, take heart from Your continuing presence among us and find assurance in the certainty of Your promise, *"Blessed is the nation whose God is the Lord, and the people whom He has chosen as His heritage."*—Psalm 33: 12.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 5, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States by Mr. Geisler, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On May 28, 1969:

S. 256. An act to confer U.S. citizenship posthumously upon L. Cpl. Theodore Daniel Van Staveren;

S.J. Res. 99. Joint resolution to authorize the President to issue a proclamation designating the first week in June of 1969 as "Helen Keller Memorial Week"; and

S.J. Res. 104. Joint resolution to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1969.

On June 3, 1969:

S. 278. An act to consent to the New Hampshire-Vermont Interstate School Compact.

On June 6, 1969:

S. 408. An act to liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes.

On June 7, 1969:

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."

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

WAIVER OF CALL OF THE CALENDAR

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

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. 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.

DO NOT SELL THE AMERICAN SYSTEM SHORT

Mr. SCOTT. Mr. President, the Secretary of Commerce, the Honorable Maurice H. Stans, addressed the 1969 graduating class at Grove City College, Grove City, Pa., on Saturday and received an honorary doctor of laws degree.

In his address, the Secretary gave the graduates words of advice that he summed in three short paragraphs. They were, first:

Don't downgrade the future. You can play any part you want in an unbelievably better world.

Second:

Don't sell the American system short. Before you let anyone attack it, ask him to show you something better.

Third:

Don't belittle our competitive society of industry and commerce. It has given us everything we have and it can give us everything we want.

I ask unanimous consent that the address by the Secretary be printed at this point in the RECORD, and I commend its reading to my colleagues.

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

ADDRESS BY HON. MAURICE H. STANS, U.S. SECRETARY OF COMMERCE

Mr. Pew, Dr. Harker, members of the Faculty, the Graduates of 1969, ladies and gentlemen: I am doubly honored here today.

First, I have the honor to bring to you the greetings of the President of the United States. When I last saw President Nixon, he asked me to convey his high regard to Mr. Pew and Dr. Harker, and to extend his congratulations and best wishes to all the graduates of 1969.

Second, I have the high honor which this distinguished college has bestowed upon me. I shall always cherish and value your recognition and your degree—and already I find it extremely pleasant to consider myself a member of the Class of 1969.

WILL BE BRIEF

When I accepted the very welcome invitation to be here with you today, I mentioned to Dr. Harker that commencement speakers really have an unusually difficult task in this year of campus unrest.

He replied that if I thought my job was tough, I should try his. "At least you can speak and run," he said.

Dr. Harker, as a member of the Class of '69, I know that is an exaggeration! I congratulate you and the students at Grove City for their common sense in ignoring the upsets that have recently befallen some of the great educational institutions of this country.

But I do assure my classmates that I intend to speak briefly. You have been sitting on a school bench for 16 years, perhaps more, and I know you don't want to be kept sitting there much longer.

As a matter of fact one of the greatest men of our time, the late President Eisenhower, once told me something on this subject. "The only virtue that can be presented in a commencement speech" he said, "is brevity."

So with his admonition in mind, I would like to make a deal with today's graduates of Grove City College. I will talk for just about fifteen more minutes, if you will settle back from the takeoff blocks at the edge of your seats into a comfortable position and really listen for that long. In that time, there are just three things I want to say. They are a distillation of all the advice I could conceivably give you.

Don't downgrade the future. You can play any part you want in an unbelievably better world.

Don't sell the American system short. Before you let anyone attack it, ask him to show you something better.

Don't belittle our competitive society of industry and commerce. It has given us everything we have and it can give us everything we want.

If you will just remember and believe those three short messages, this will be the most successful commencement address ever made.

Because they are contrary to some of the things you read and hear today from the dissatisfied and the radical and the violent, I'm going to tell you now why I hope you will remember these three points.

THE FUTURE

First, of these three subjects, perhaps it is most difficult for you and me to see the future in the same perspective. You have more of it ahead of you than I, but I have seen more of the past than you.

Your vision today may be sharply honed by the imperfections of our time, but mine is enriched by the knowledge that the world does indeed get better with time. It always has, through history!

We all know that a virus has been spreading across our land and even throughout the world in recent years—the virus of pessimism.

Those afflicted with it see everything as being wrong, and nothing as being right. They call for change and even revolution. They would sweep aside knowledge and order and decency. They would destroy, they say, in order to rebuild.

There are some things they don't say, as they loose riot and violence through the streets of our cities and across our college campuses.

The fact is that they offer nothing in place of the world we have today. Instead of improvements, they would create a void. They propose a future going back to the primitive past—a political vacuum, economic destruction and social chaos. The pages of history are strewn with the wreckage of nations where this has happened.

GREAT PROMISE AHEAD

This will not happen here if those of you who have the future seize it with the optimism it deserves.

The next time you hear someone say conditions in the world are bad, ask him just one question: Compared to what? Compared to sixty years ago, when I was born? Compared to the world of a hundred years ago? Compared to the Dark Ages of the past?

More progress already has been made in my lifetime than in all of mankind's history before us, but we have seen only the beginning of the possible.

For a thousand years and more, men have worked and died to evolve the base that you have today just as a starting point. Every challenge that lies ahead of us now has been distilled out of challenges that once were a thousand times greater than those facing us today. Every opportunity within our grasp is infinitely greater than most men could have dreamed of even at the start of my lifetime.

Never before has so much human fulfillment been possible. On every side of us there is a burgeoning awareness of the humanities and a concern for our fellow human beings.

Incredible worlds of scientific achievement have only begun to be discovered.

And the economic abundance which most of us already have now is coming within the reach of us all.

With remarkable determination and unimaginable speed, this Nation is tearing down the walls which once imprisoned men and their opportunities in the ghettos of ignorance and poverty.

With remarkable success, we are giving ever-greater life to the American system which rewards initiative, inventiveness, vision and imagination.

In such a country and in such a time, the future is limited only by the horizon each man creates for himself. However quaint it may sound in these days of the 20th Century, opportunity is unlimited. For the young the formula is as plain and simple as it always has been: fix a goal . . . aim high . . . set out to achieve it . . . and you will!

Let me state my first point again: Don't downgrade the future. You can play any part you want in an unbelievably better world.

THE AMERICAN SYSTEM

And now a few words about the American system.

In its broadest definition, this system by which we live is woven from three principal strands—political democracy, a free private economy, and universal opportunity.

Those changes which are now taking place in our way of life—those improvements which are now taking place in our Nation—are the natural evolutions of this system.

It has always been and it is now amenable to its own improvement. For two centuries this system has assured the United States of growth and greatness, far beyond any country.

By whatever yardstick may be used to measure it against any in the world, it has proved far superior to any other way of life contrived or devised by man at any time in human history.

Ask any critic of our society for a better workable system, and his answer can only be the silence of admission or irresponsible demagoguery.

These cynics have brought political democracy and our private economy under attack, in one way or another. If we are not fully committed to the preservation of these elements of our society, we will be encouraging for ourselves the fate of other nations that have slipped into intolerance, despotism and decay.

AMERICAN STRENGTH

The fact is that our system succeeds because it is based on fundamental human instincts. It is predicated on the basic human urges—to compete and to acquire—and as long as we permit the free, orderly exercise of those instincts nothing will ever surpass it.

There is only one significant competing system in the world today, and it cannot begin to match us. Our standard of living is incredibly higher. Our freedom of thought is infinitely greater. Our spiritual strength is unshackled. We reach to the moon ready to share our discoveries with the world, we are committed to serve and protect the less fortunate, and we live with a personal freedom of movement undreamed of by the rest of mankind.

The firebrands light their torches, and they try to make us believe our country and our system are sick. America has imperfections, yes—but the mainstream you enter today is robust, and this land through which it flows is healthy.

We know we are far from perfect. It is because we are beneficiaries of the best system ever devised that we are more aware of our internal imperfections than any other people at any other time. Imbedded in our national conscience there is a deep desire to right the wrongs—to correct the inequities—to make the whole system work better.

Let us address ourselves to those problems—but in the process let's not destroy the system from which our strength flows.

Again, I'll quote my second point: Don't sell the American system short. Before you let anyone attack it, ask him to show you something better.

COMPETITIVE ENTERPRISE

And now I am at the last item I want to discuss.

One of the keystones of our incredible success as a nation is our competitive free enterprise system. The backbone of that system is the American business community.

I suggest to you that here you may find your greatest surprise and your greatest satisfaction. Recently a Gallup Poll showed that only 6 percent of today's college students expected to go into business or management. Yet American Business today is on the threshold of a new age of growth and service, and in honesty it can reach out to the bright young men and women of our time and invite them to participate.

If the goal of our times is a better world, our system of industry and commerce will build it. If the goal we seeek is comfort and security for all people, in a condition of mutual friendship and respect, free competition, with its own rewards to the able, will set the pace for progress and prosperity.

The great comforts and facilities that surround us today are the products of American enterprise. More important, the highest aspiration of people throughout the world is to achieve the standard of living that we have from the superior productive capability of the competitive American system.

PRODUCTIVITY RECORDS

Putting aside all considerations of money, politics, and ideology—reducing our judgment to the simplest common denominator—we can see the evidence of what this system means:

To buy a comparable suit of clothes in Soviet Russia takes 183 hours of work. In France it takes 75 hours; in Great Britain 40 hours; and in the United States only 24 hours of work is needed for the same item.

Or if you prefer to judge by another standard, in the United States one worker on a farm now produces enough to feed 42 people. In France, one worker can feed only approximately 6. The figure is about 5 in Italy, and it is one farm worker for only one other person in China.

These are not boastful figures. They are simple illustrations that what we have works better than what anyone else has. They show that our way delivers more for mankind than that of any other country.

Putting a man on the moon depends on industrial technology; so does providing your clothing, the facilities of this college, the transportation you'll use to go home, the communications with friends, and every object that contributes to your comfort and convenience.

Here again there are imperfections. But these can be dealt with constructively. The Nation is armed with anti-trust laws and other legal safeguards against abuses in the competitive enterprise system.

Our need today is not nearly so great for new laws as it is for new people who will see in the world of business a full potential for citizenship and service.

American business today is eager to work with the young people of the Nation, and to develop constructive change and progress out of your idealism and intellectualism.

Let me assure you that freedom will be kept alive and meaningful as long as young people like you are willing to seize these opportunities that freedom offers, and to make our competitive system work.

So this is my third point of advice to you: Don't belittle our competitive society of industry and commerce. It has given us everything we have and it can give us everything we want.

PURSUIT OF FREEDOM

Some generations before us had to risk death to achieve freedom for America.

Two generations in my time have had to fight to preserve it—for us as a nation and for each of us as an individual.

Your generation, rich in the security of freedom won, has committed itself to the next goal, the perfection of individual liberty.

You demand universal justice. You plead for equality. You curse the darkness of intolerance and dishonesty. And you seek comfort and peace.

Men have sought these goals throughout history—but never with the advantage you have today. You are strong materially. You are secure in our system of law. You have a workable society.

You have set the highest challenges for yourself. Our society encourages you to seek your goals. But we also urge you not to do anything to kill the system which makes it possible. Do not be misled by the firebrands of your own generation who would destroy the future for you.

If there is one common denominator throughout the history of mankind, it is this: Extremists are always overwhelmed in time by the common sense of those who know there is no future in destruction.

The destroyers of today will not survive any more than the witch burners of colonial New England or the book burners of Hitler's Germany. The flag burners of the 1960's will be held in history's contempt with the cross-burners of the Ku Klux Klan.

If you will deny the extremists—if you will have faith in yourself and in America's institutions—if you will work to build yourself and improve those institutions—then in the days ahead you will get the greatest possible reward from the education you have now completed and from the great opportunities which await you.

Congratulations—and my very best wishes.

THE MEETING AT MIDWAY ISLAND

Mr. YOUNG of Ohio. Mr. President, I rise to express my own feelings—and I am sure I express the feelings of many millions of Americans—in stating that I am profoundly disappointed by the news that came from Midway Island yesterday.

Late in the fall of 1968—I believe it was in New Hampshire—Richard Nixon, who at that time was a candidate for the office of President of the United States, said:

I have a plan to end the fighting in Vietnam. I have a plan to end the war in Vietnam and to bring the boys home.

In recent months, particularly in recent weeks, we have been led to expect a momentous decision from the conference at Midway Island, where our President went to meet with President Thieu of the Saigon militarist regime. Now we have a report from that meeting, and it appears that the mountain labored and brought forth a mouse. We learn that 25,000 men of our Armed Forces in Vietnam will be brought home sometime this year, according to a report made by our President to the people of the United States.

The VICE PRESIDENT. The time of the Senator has expired.

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

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

Mr. YOUNG of Ohio. From 1961 to January 20, 1969, the day President Nixon entered the White House—a period of 96 months—we suffered 30,991 Americans killed in action in Vietnam and 195,601 Americans wounded in combat—a total of 226,592 Americans killed or wounded in combat during a period of 96 months.

Now, what are the facts with respect to the 4-month period from January 20, 1969, to May 31, 1969? There have been 4,800 Americans killed in combat in Vietnam, and 33,782 Americans have been wounded in combat in Vietnam. In other words, during a period of 4 months, we have suffered the loss of 14.3 percent of the total killed and wounded from 1961 to this good hour.

It seems that during that 4-month period, 4 percent of that total period from 1961 to the present, 13 percent of our combat deaths occurred. We must bear in mind, Mr. President, that of our wounded in combat, as a rule, 3 percent die of wounds.

In other words, there has been no abatement of the fighting. In fact, in the last 4 months it has been accelerated, and the loss of the finest young men in America has greatly exceeded, percentagewise, what happened in the previous 8-year period.

These brave young Americans are fighting, not for glory, not for booty, not because their own land is directly threatened, not out of passion, but because this administration refuses to admit—as did the Johnson administration—our mistake in the attempt to make South Vietnam a pro-American and an anti-Chinese Communist buffer state in Southeast Asia. More than anything else, we are fighting to avoid admitting failure. As Walter Lippmann bluntly put it, "We are fighting to save face." These GI's continue to fight in this immoral undeclared war while most of their countrymen including most of their youthful peers live the best life they have ever lived.

We had high hopes that perhaps 100,000 or 200,000 men would be brought home from Vietnam this year. Instead, we learn that 25,000 men will be brought home, a mere token number of the 545,000 American servicemen fighting in South Vietnam.

Mr. President, it is well known that of the 545,000 men over there at the present time, approximately 400,000 are in support work and are not engaged in combat activities. It might be that most of the 25,000 men would come from those doing clerical work or attending the post exchanges; or it might be that they will be 25,000 men whose terms of duty in Vietnam would expire in the next 2 or 3 months in any event.

So, unfortunately, this is a complete letdown to the American people who believed Richard Nixon during the campaign, when he said he had a plan to end the fighting. The people believed him; they elected him President of the United States.

Our losses percentagewise have been greater in the last 4 months than in the previous long period. It is evident to all that we are still supporting a militarist regime in Saigon which is not truly representative of the people of South Vietnam but, in effect, probably represents at most 20 percent of the entire population of South Vietnam.

I say that yesterday when that announcement was made and today when it was published in the newspapers of our Nation, Americans had a feeling of sadness instead of enthusiasm over the outcome of that much ballyhooed conference in Midway. The net result was stated many, many years ago by the Roman poet, Horace, who wrote: "The mountain labors and a ridiculous mouse is born."

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

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

REDUCTION OF U.S. FORCES IN VIETNAM

Mr. SCOTT. Mr. President, nobody, but nobody, in any responsible position has made any suggestion about removal immediately or in the immediate future of 200,000 troops or 100,000 troops. We in this Chamber are sometimes tempted to erect fragile strawmen and then nobly knock them down with sword, armor, and mail at full gallop.

Actually to withdraw 200,000 men from Vietnam now would leave the remainder to the mercy of the enemy and subject to immense and unacceptable slaughter. Let that blood be on somebody else's hands. I would not be one to advocate it.

On May 3, in a speech at Pittsburgh, Pa., I said:

Now I suggest a bold move to flush out the intentions of the other side.

I urge the withdrawal of a substantial number of American troops from Vietnam.

I hope that the White House will announce such a move in the near future.

I make this recommendation because I believe the situation is ripe for progress. The Nixon Administration seems to have reached a new understanding with the South Vietnamese Government whose representatives now present a less rigid stance. We have gained from the leaders in Saigon considerable assurances that they are ready to assume more of the burden of the fighting.

Now we need to prod the North Vietnamese out of the sea of propaganda and onto the high ground of real bargaining sessions.

If North Vietnam responds with comparable actions of its own, we could then consider additional withdrawals.

Mr. President, I think that was a responsible statement.

I note that the critics of the President can hardly wait to draw statistical comparisons, having abided, for the most part, with some patience and some degree of good will the passage of an 8-year period during most of which time this war continued without any end in sight or without any evidence of a cessation of its ferocity.

At the beginning of this year the Communists, of course, being desirous of reinstituting the talk-fight technique they used in Korea after the armistice—and which I suspect they will not be indefinitely allowed to get away with—sought to create as much damage as they could on the allied forces in South Vietnam for the purpose of securing the best settlement they could. That was expected and anticipated, and it is part of the Communist approach at a time when they are seeking the best terms they can get during peace talks.

The President's critics have tried to shoot two arrows from a single bow at the same time. They have rushed into the media to assert they had predicted and urged all along—for a year and a half I believe one of them said—the withdrawal of some American forces, and the international supervision of elections, which now appears to be more of an actuality than ever before. They have urged in the past, they say, numerous approaches which this administration is actually putting into effect. Then, they go on to say that, having urged the withdrawal, it really does not amount to much.

I submit that even distinguished orators should not be allowed to have it both ways. If they predicted the beginning of the withdrawal of forces, they should be delighted it is beginning; and if it does not amount to much, why did they predict, urge, and advocate it in the first place?

For 27 years I have been in one or the other of these bodies and I have heard some specious reasoning here and elsewhere, but this takes the cake.

Mr. President, I submit that at a delicate time in our negotiations it serves no cause of our own for any of us to be making any more difficult the path of the President and the Commander in Chief of the United States in his effort to follow after the Biblical injunction that is, to follow after the ways that lead to peace. This is not to say that I derogate from any person's right to criticize or dissent. On the contrary, I welcome it; but I ask that it be done in a spirit which cannot be quoted in other capitals of the world

to indicate that we are a divided Nation, or to indicate that this Nation is not geared up to its fullest moral commitment to bring about the earliest possible termination of a dreadful war.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of an address which I delivered in Pittsburgh on May 3, 1969.

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

SENATOR SCOTT URGES SUBSTANTIAL REDUCTION OF U.S. FORCES IN VIETNAM

PITTSBURGH.—U.S. Senator Hugh Scott (R.-Pa.) last night urged "the withdrawal of a substantial number of American troops from Vietnam."

Senator Scott, Assistant Republican Leader of the Senate, said he hoped the White House would announce the move in the near future.

In a speech before the University of Pittsburgh Alumni Association at the South Hills Sheraton Motor Inn, Senator Scott said:

"The war in Vietnam has achieved all kinds of tragic superlatives. However good our motivations, however just our reaction to evil aggression, the hard facts are that this is the longest war in American history and one of the most expensive.

"We have suffered more than 34,000 dead and more than 216,000 wounded in the past eight years. Those casualties surpass our Korean War losses.

"President Nixon's number one priority is to end the war in Vietnam. He wants to end the killing to save lives. But he also wants to give us an opportunity to redirect this Nation's mighty resources toward the many domestic problems that are crying for solution.

"But a war which has been escalating for nearly a decade cannot be ended overnight. Nor can American forces be left at the mercy of an enemy without adequate protection for U.S. forces remaining committed.

"Two actions on the part of the United States have brought responses by the enemy. I am going to suggest a third.

"On March 31, 1968, President Johnson announced a partial halt in the bombing of North Vietnam. Within days the North Vietnamese agreed to send representatives to talk peace with the United States and shortly thereafter both countries agreed to meet in Paris.

"On October, 31, 1968, President Johnson announced that the bombing halt would apply to all of North Vietnam north of the Demilitarized Zone. Three months later—after some wrangling about the shape of the negotiating tables, and after the election of President Nixon—the talks were expanded to include the South Vietnamese and the Viet Cong.

"Now I suggest a bold move to flush out the intentions of the other side.

"I urge the withdrawal of a substantial number of American troops from Vietnam.

"I hope that the White House will announce such a move in the near future.

"I make this recommendation because I believe the situation is ripe for progress. The Nixon Administration seems to have reached a new understanding with the South Vietnamese Government whose representatives now present a less rigid stance. We have gained from the leaders in Saigon considerable assurances that they are ready to assume more of the burden of the fighting.

"Now we need to prod the North Vietnamese out of the sea of propaganda and onto the high ground of real bargaining sessions.

"If North Vietnam responds with comparable actions of its own, we could then consider additional withdrawals.

"Hanoi has already anticipated the possibility of a measured withdrawal of American troops and has tried to degrade our motives by saying ahead of time that we would only pull out support troops and 'ice cream vendors.'

"This indicates how little the North Vietnamese understand American character. If they knew us better, they would realize that support troops may be the last to go.

"The last American leaving Vietnam may very well be driving a beer truck. But who cares what the order of withdrawal should be, as long as it is in good faith?

"Diplomatic maneuvering is part of the necessary preliminaries, but at some point there has to be the test of action which points the way to further progress, or spells rebuff. A measured withdrawal would provide that kind of test."

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Illinois is recognized.

MIDWAY RESULTS

Mr. DIRKSEN. Mr. President, President Nixon has been in office less than 5 months. He has patiently pursued his own convictions on Vietnam. He returns from the Midway Island conference with the first tangible, specific immediate step to de-Americanize that struggle.

It was carefully done. His proposal has the approval of General Abrams as safe. It has the concurrence of President Thieu.

What President Nixon brings back is the first solid hope for the American people since this conflict began 6 years ago.

He deserves the thanks of all people and especially the young men who are called upon to fight this war.

DEATH OF FORMER SENATOR GUY CORDON OF OREGON

Mr. HATFIELD. Mr. President, it grieves me today to bring to this Chamber word of the death of one of our former and most distinguished colleagues, Senator Guy Cordon, of Oregon. Senator Cordon died Sunday, June 8, at Doctors Hospital, of a brain tumor, after a relatively short illness.

Guy Cordon was a tireless and hard worker for the best interests of Oregon and the best interests of the Nation.

He enjoyed the trust and the respect of his peers in the Senate and was regarded by many of his colleagues as a man whose counsel was of special value. He was a kindly man who generally shunned publicity but made his opinions and his judgments felt. He enjoyed the respect of his peers, and he also enjoyed their friendship.

Senator Guy Cordon came to this Chamber in 1944 when he was appointed to fill the unexpired term of Senator Charles McNary, who had died in office. In 1948, Senator Cordon was elected in his own right and served a full 6-year term until the end of 1954. He was a champion of many good and worthy causes but the one Oregon project which shall forever be associated with his name is the Oregon and California revested railroad lands. Senator Cordon was, in fact, the legal counsel for the Oregon and California lands for many years and spent many months in Washington representing these counties before his appointment to the Senate. Senator Cordon struggled to make sure that the Oregon and California lands formula would continue unimpaired. Funds from the sale of timber on these lands have supported public schools and other county services such as roads and parks in the 18 Oregon and California counties.

Senator Cordon sponsored and secured legislation to provide for the exchange of alternate blocks of land by the Oregon and California counties with the Interior Department and the Forest Service to make sure that the Oregon and California lands would be secure and would produce timber on a sustained yield basis. Senator Cordon also continued as legal counsel for the Oregon and California counties from 1955 until 1960.

Senator Cordon served as chairman of the Interior and Insular Affairs Committee and also as chairman of the Interior Subcommittee of the Appropriations Committee. These two posts gave him an opportunity to serve Oregon's interests especially well. He helped to formulate many Pacific Northwest public works projects which now serve the people of Oregon, Washington, Idaho, and Montana.

Senator Cordon had a fine career in Oregon behind him when he came to the Senate; he was a distinguished lawyer; he was an excellent prosecutor as district attorney of Douglas County; he was, all in all, a very highly regarded man who also possessed a fine sense of humor. He was my friend.

We shall miss Senator Cordon.

I convey prayers and most heartfelt condolences to all of the members of his family.

Mr. JORDAN of Idaho. Mr. President, I share with Senators a sense of personal loss and sorrow at the passing of former Senator Guy Cordon, of Oregon. As a man who devoted much of his lifetime to public service, Senator Cordon rightfully earned the respect and admiration of those whom he so conscientiously represented. He has left a record of which his family and his many friends can be justifiably proud.

Mrs. Jordan and I are saddened by Senator Cordon's passing and extend to his wife and son our deepest sympathy.

Guy Cordon was a faithful public servant during most of his long and successful career. After attending the public schools of his home town of Roseburg, Oreg., he went to work in the Douglas County assessor's office, advancing to the office of county assessor. He was admitted to the bar in 1920, after service in the field artillery during World War I. Three years later he was elected district attorney of Douglas County.

Appointed to fill the vacancy created by the death of Charles L. McNary, another Oregon stalwart in the Senate, Guy Cordon was appointed and later elected to represent his State in the Senate, serving from 1944 to January 3,

1955. During this time, he was a prominent member and chairman of the Committee on Interior and Insular Affairs. Here he stamped himself as a highly effective committee member and chairman, and as one who championed sound national policies of resource conservation and utilization.

Even after he left the Senate and engaged in the practice of law in Washington, D.C., Guy Cordon kept himself informed on resource problems in Oregon and the Pacific Northwest, and devoted much personal time to furthering programs of regional and national interest.

In addition to his stature as a public servant and legislator, Guy Cordon was a warm, personable man, who made friends easily and maintained friendships over the years. Some of my fond memories are of fishing trips and an occasional game of golf. He was a great leader, a fine sportsman, and a friend one could always depend on.

Guy Cordon's death is a loss to the State of Oregon, to the Senate, and to the Nation. We will miss this high-principled, well-informed, warmhearted Westerner.

WITHDRAWAL OF U.S. TROOPS FROM VIETNAM

Mr. COOPER. Mr. President, the action of the President of the United States in announcing the withdrawal of 25,000 troops from South Vietnam is a step forward and a hopeful sign. Its consequences may be very important.

I say this for several reasons. First, it is proof of the President's statement he made on May 14, that the United States is prepared to enter into a mutual withdrawal of troops. In fact, the United States will now withdraw troops before a North Vietnamese withdrawal.

Second, I believe the withdrawal of U.S. troops should serve to impress upon the Government of South Vietnam that the policy announced by the President on May 14 must be recognized by that Government—that it must increasingly bear a greater part of the burden, and the Government of South Vietnam must agree on the means for a truly free election as was proposed by the President.

There is another reason which I hope will gain acceptance if negotiations at Paris are unsuccessful. Senators will remember, that in March 1965, I urged against the commencement of the bombing of North Vietnam and then year after year urged cessation of the bombing of North Vietnam to determine if there was a possibility of entering into negotiations with North Vietnam. No one knew, of course, whether negotiations would be successful. So far, they have not been fruitful, at least that we can perceive.

I hope that the current negotiations will succeed, but in the event that they do not, perhaps this first step of withdrawing troops will be the precursor of a policy that we can undertake. It is, that, as we arm the forces of South Vietnam more effectively, we can continue a step-by-step withdrawal of all our troops, and let South Vietnam, which we have helped for almost 20 years carry on its own fight for its own country. We have done enough.

THE LUSAKA MANIFESTO AND THE PROPOSED NEW CONSTITUTION OF RHODESIA—"WHO SPEAKS FOR WESTERN MAN IN AFRICA?"

Mr. KENNEDY. Mr. President, by a curious coincidence of history, within the brief period of a few weeks in April and May of this year, two events of major significance occurred that are likely to have a strong influence on the future course of the racial crisis in southern Africa. One of these events looks toward a new day of peace and racial harmony on the continent, in which the majority and minority races in all African nations will be able to live in concord, equality, and dignity with one another. The other event looks backward to a cruel era of slavery and oppression, and carries one of Africa's most highly developed nations further into the night of racial strife that threatens to engulf it.

The event that is bright with hope occurred in April in Lusaka, Zambia, where representatives of a number of forward-looking nations met in conference. The product of that conference is a remarkable document entitled "Manifesto on Southern Africa," signed by 13 nations of East and Central Africa—Burundi, the Central African Republic, Chad, the Republic of the Congo, the Democratic Republic of the Congo, Ethiopia, Kenya, Rwanda, Somalia, Sudan, Tanzania, Uganda, and the host nation Zambia.

In their manifesto, the 13 nations have joined together in a passionately reasoned condemnation of all aspects of racism and racial segregation. They call on all African nations to govern themselves in accord with the basic principles of human dignity, equality, and national self-determination, regardless of race or other discriminatory classifications.

In clear terms, the manifesto denounces the colonialist and racist doctrines now being promulgated by governments in six separate territories of southern Africa—Mozambique, Angola, Portuguese Guinea, Rhodesia, Southwest Africa, and the Republic of South Africa. The policies of segregation and apartheid, relentlessly applied in these territories, are the antithesis of the fundamental principles of humanity. They stand universally condemned not only by the African nations who signed the manifesto, but by the United Nations and the overwhelming majority of all free nations throughout the world.

Perhaps the greatest importance of the Lusaka document is its tone as a manifesto for peaceful revolution, not violent revolution in southern Africa. Today in Africa, the ancient repressions and denials of majority rule have begun to spawn increased levels of terrorism and guerrilla violence, not only in the Portuguese colonies but in Rhodesia as well. Not even the fortress which is South Africa feels secure, and wise men fear a spark that may ignite the continent. At times such as these, a document like the Lusaka manifesto is especially significant because its emphasis throughout is on peaceful and nonviolent change as the method to improve the plight of the oppressed black majorities. It gives us hope that reason and compassion may yet prevail over the violence that now sweeps so much of the world.

In contrast to the eloquent Lusaka manifesto, there stands the new Constitution proposed in May by the Government of Rhodesia. As published, the new constitution is designed to entrench the doctrine of apartheid in Rhodesia and thereby to guarantee white domination of the country for all time. Later this month, the new Constitution will be submitted to a national referendum, in which the electorate will be overwhelmingly white. Most experts agree that the constitution is almost certain to be approved in the referendum, although there are some who hold out the bare possibility that it may yet be rejected by liberal Rhodesians.

Under the existing Constitution of Rhodesia, a number of seats in the legislature are reserved for persons of European descent and a separate number for those of African descent. In addition, there is a "common voter roll," for which members of both races become eligible when they attain certain economic and educational levels. As a result, the existing constitution holds out at least the bare prospect of initial African rule in Rhodesia.

Under the proposed new Constitution, the common voter roll would be eliminated, and a voter would be permitted to cast ballots only for members of his own race. The nation's Parliament would consist of a 23-member Senate and a 66-member House of Assembly. In the Senate, 10 seats would be allotted to whites, 10 to African chiefs, and 3 to members of any race appointed by the head of state. In the House of Assembly, 16 seats would be allotted initially to blacks and 50 to whites—in spite of the fact that the composition of the Rhodesian population as a whole is 4,300,000 blacks and 230,000 whites, or approximately 20 blacks for each white.

Eventually, in accord with special provisions of the Constitution, blacks could conceivably achieve parity of representation in the House with whites—but not majority rule. Under these provisions, black representation will be increased in proportion to the amount of income taxes paid by blacks. Thus, blacks will be entitled to 50 seats in the House when their tax payments equal half the national total. At the present time, however, payments by Africans represent less than 1 percent of the national total, and the promise of parity is little more than ephemeral.

In addition, in other sets of provisions, the new Constitution and related proposals would divide almost all of the 100 million acres of land in Rhodesia about equally into separate areas for blacks and whites. Other proposals would prohibit the holding of seats in the legislature by many of the African nationalist leaders in Rhodesia, would authorize

preventive detention in the interest of public order, and would impose sweeping new controls on newspapers and other publications.

If the new Rhodesian Constitution is approved in the coming referendum, there will be little possibility of a negotiated settlement between Rhodesia and Great Britain with respect to the basic issues raised by Rhodesia's unilateral declaration of independence in November 1965. The ruling regime in Rhodesia will no longer have any pretense whatever for the claim that it intends to move toward eventual majority rule, which is the fundamental condition laid down by Britain for settlement. Instead, under its new Constitution, Rhodesia will have moved inexorably into the South Africa mold of an apartheid republic, a nation bitterly divided between whites and blacks, controlled by a dominant white minority, and ruled by the racist principles of apartheid.

The striking juxtaposition between the proposed constitution of Rhodesia and the Lusaka Manifesto on Southern Africa raises a profound question as to who speaks for Western man in Africa today. The Lusaka Manifesto, issued by African nations governed by African majorities, is a convincing plea for the basic principles of human dignity and equality, principles long associated with the liberal tradition of the West and the noblest aspirations of man. By some cruel irony, it is South Africa and Rhodesia who today reject these honored principles of humanity, even though these two white-dominated nations are far and away the most advanced states of modern Africa, and consider themselves as the only truly civilized nations of Africa, the outposts of Western civilization on an alien continent.

Mr. President, for too long we as Americans have failed to recognize the crucial issues at stake in African development. It is entirely appropriate that we should state our position and demonstrate our sympathies on these basic issues of freedom and human dignity. The universal principles enunciated in the Lusaka Manifesto are precisely those that Americans have long accepted as the guiding principles for the evolution of our own society. However imperfect our application of these principles in practice, we remain committed to them as the fixed star of our constitutional development.

I believe, therefore, that the United States should make clear to the nations that signed the Lusaka Manifesto that we support their position and that we oppose racial discrimination in South Africa and Rhodesia and the rest of Southern Africa, just as we oppose it in the United States and wherever else it is found. We must stand firmly behind these principles and take positive action wherever it is appropriate.

Although our power may be limited, it is not negligible. To mention but two examples of immediate relevance to the recent developments I have discussed:

We should urge Great Britain, as the authority still legally responsible for the affairs of Rhodesia, to do whatever lies within its power to assure the well-being of all the people of that land.

We should renew our pledge of wholehearted support to the United Nations sanction program against Rhodesia, thereby halting the pressures now building up on the United States to agree to loopholes in the sanctions for the benefit of particular interest groups.

To be sure, as David Smock has perceptively stated in his recent article in the journal Foreign Affairs, the likelihood that we or others can affect the racist course of Rhodesia is very small. Perhaps the most unfortunate fact of the current situation is that the nations most directly involved—Britain, South Africa, Portugal, and Zambia—are either not sufficiently concerned with the plight of the black Rhodesians, or are not powerful enough to force a favorable solution.

Nevertheless, through modest steps such as those I have suggested, the United States can help to fill the existing vacuum by providing strong moral leadership for other nations, and can begin to bring significant economic pressure to bear on this repressive regime. At the very least, we can offer fresh encouragement for the aspirations of the oppressed majorities of Southern Africa and other parts of the world.

Mr. President, I believe that the Lusaka manifesto and the proposed new Rhodesian Constitution will be of interest to all of us in Congress, and I therefore ask unanimous consent that these documents be printed in the RECORD. In addition, I also ask unanimous consent that the inaugural address delivered by President Kenneth Kaunda of Zambia at the Conference of East and Central African States in Lusaka be printed in the RECORD.

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

MANIFESTO ON SOUTHERN AFRICA

1. When the purpose and the basis of States' international policies are misunderstood, there is introduced into the world a new and unnecessary disharmony, disagreements, conflicts of interest, or different assessments of human priorities, which provoke an excess of tension in the world, and disastrously divide mankind, at a time when united action is necessary to control modern technology and put it to the service of man. It is for this reason that, discovering widespread misapprehension of our attitudes and purposes in relation to Southern Africa, we the leaders of East and Central African States meeting in Lusaka, 16th April, 1969, have agreed to issue this Manifesto.

2. By this Manifesto we wish to make clear, beyond all shadow of doubt, our acceptance of the belief that all men are equal, and have equal rights to human dignity and respect, regardless of colour, race, religion, or sex. We believe that all men have the right and the duty to participate, as equal members of society, in their own government. We do not accept that any individual or group has any right to govern any group of sane adults, without their consent, and we affirm that only the people of a society, acting together as equals, can determine what is, for them, a good society and a good social, economic, or political organisation.

3. On the basis of these beliefs we do not accept that any one group within a society has the right to rule any society without the continuing consent of all the citizens. We recognise that at any one time there will be, within every society, failures in the implementation of these ideals. We recognise that for the sake of order in human affairs, there may be transitional arrangements while a transformation from group inequalities to individual equality is being effected. But we affirm that without an acceptance of these ideals—without a commitment to these principles of human equality and self-determination—there can be no basis for peace and justice in the world.

4. None of us would claim that within our own States we have achieved that perfect social, economic and political organization which would ensure a reasonable standard of living for all our people and establish individual security against avoidable hardship or miscarriage of justice. On the contrary, we acknowledge that within our own States the struggle towards human brotherhood and unchallenged human dignity is only beginning. It is on the basis of our commitment to human equality and human dignity not on the basis of achieved perfection, that we take our stand of hostility towards the colonialism and racial discrimination which is being practised in Southern Africa. It is on the basis of their commitment to these universal principles that we appeal to other members of the human race for support.

5. If the commitment to these principles existed among the States holding power in Southern Africa, any disagreements we might have about the rate of implementation, or about isolated acts of policy, would be matters affecting only our individual relationships with the States concerned. If these commitments existed, our States would not be justified in the expressed and active hostility towards the regimes of Southern Africa such as we have proclaimed and continue to propagate.

6. The truth is, however, that in Mozambique, Angola, Rhodesia, South-West Africa, and the Union of South Africa, there is an open and continued denial of the principles of human equality and national self-determination. This is not a matter of failure in the implementation of accepted human principles. The effective Administration in all these territories are not struggling toward these difficult goals. They are fighting the principles; they are deliberately organising their societies so as to try to destroy the hold of these principles in the minds of men. It is for this reason that we believe the rest of the world must be interested. For the principle of human equality, and all that flows from it, is either universal or it does not exist. The dignity of all men is destroyed when the manhood of any human being is denied.

7. Our objectives in Southern Africa stem from our commitment to this principle of human equality. We are not hostile to the Administrations in these States because they are manned and controlled by white people. We are hostile to them because they are systems of minority control which exist as a result of, and in the pursuance of, doctrines of human inequality. What we are working for is the right of self-determination for the people of those territories. We are working for a rule in those countries which is based on the will of all the people, and an acceptance of the equality of every citizen.

8. Our stand towards Southern Africa thus involves a rejection of racialism, not a reversal of the existing racial domination. We believe that all the peoples who have made their homes in the countries of Southern Africa are Africans, regardless of colour of their skins; and we would oppose a racialist majority government which adopted a philosophy of deliberate and permanent discrimination between its citizens on grounds

of racial origin. We are not talking racialism when we reject the colonialism and apartheid policies now operating in those areas; we are demanding an opportunity for all the people of these States, working together as equal individual citizens, to work out for themselves the institutions and the system of government under which they will, by general consent, live together and work together to build a harmonious society.

9. As an aftermath of the present policies it is likely that different groups within these societies will be self-conscious and fearful. The initial political and economic organisations may well take account of these fears, and this group self-consciousness. But how this is to be done must be a matter exclusively for the peoples of the country concerned, working together. No other nation will have a right to interfere in such affairs. All that the rest of the world has a right to demand is just what we are now asserting—that the arrangements within any State which wishes to be accepted into the community of nations must be based on an acceptance of the principles of human dignity and equality.

10. To talk of the liberation of Africa is thus to say two things. First, that the peoples in the territories still under colonial rule shall be free to determine for themselves their own institutions of self-government. Secondly, that the individuals in Southern Africa shall be freed from an environment poisoned by the propaganda of racialism, and given an opportunity to be men—not white men, brown men, yellow men, or black men.

11. Thus the liberation of Africa for which we are struggling does not mean a reverse racialism. Nor is it an aspect of African Imperialism. As far as we are concerned the present boundaries of the States of Southern Africa are the boundaries of what will be free and independent African States. There is no question of our seeking or accepting any alterations to our own boundaries at the expense of these future free African nations.

12. On the objective of liberation as thus defined, we can neither surrender nor compromise. We have always preferred, and we still prefer, to achieve it without physical violence. We would prefer to negotiate rather than destroy, to talk rather than kill. We do not advocate violence; we advocate an end to the violence against human dignity which is now being perpetrated by the oppressors of Africa. If peaceful progress to emancipation were possible, or if changed circumstances were to make it possible in the future, we would urge our brothers in the resistance movements to use peaceful methods of struggle even at the cost of some compromise on the timing of change. But while peaceful progress is blocked by actions of those at present in power in the States of Southern Africa, we have no choice but to give to the peoples of those territories all the support of which we are capable in their struggle against their oppressors. This is why the signatory states participate in the movement for the liberation of Africa under the aegis of the Organization of African Unity. However, the obstacle to change is not the same in all the countries of Southern Africa, and it follows therefore, that the possibility of continuing the struggle through peaceful means varies from one country to another.

13. In *Mozambique* and *Angola*, and in the so-called *Portuguese Guinea*, the basic problem is not racialism but a pretence that Portugal exist in Africa. Portugal is situated in Europe, the fact that it is a dictatorship is a matter for the Portuguese to settle. But no decree of the Portuguese dictator, nor legislation passed by any Parliament in Portugal, can make Africa part of Europe. The only thing which could convert a part of Africa into a constituent unit in a union which also includes a European State would be the freely expressed will of the people of that part of Africa. There is no such popular will in the Portuguese colonies. On the contrary, in the absence of any opportunity to negotiate a road to freedom, the peoples of all three territories have taken up arms against the colonial power. They have done this despite the heavy odds against them, and despite the great suffering they know to be involved.

14. Portugal, as a European State, has naturally its own allies in the context of the ideological conflict between West and East. However, in our context, the effect of this is that Portugal is enabled to use her resources to pursue the most heinous war and degradation of man in Africa. The present Manifesto must, therefore, lay bare the fact that the inhuman commitment of Portugal in Africa and her ruthless subjugation of the people of Mozambique, Angola and the so-called Portuguese Guinea, is not only irrelevant to the ideological conflict of power-politics, but it is also diametrically opposed to the policies, the philosophies and the doctrines practised by her Allies in the conduct of their own affairs at home. The peoples of Mozambique, Angola and Portuguese Guinea are not interested in Communism or Capitalism; they are interested in their freedom. They are demanding an acceptance of the principles of independence on the basis of majority rule, and for many years they called for discussions on this issue. Only when their demand for talks was continually ignored did they begin to fight. Even now, if Portugal should change her policy and accept the principle of self-determination, we would urge the Liberation Movements to desist from their armed struggle and to co-operate in the mechanics of a peaceful transfer of power from Portugal to the peoples of the African territories.

15. The fact that many Portuguese citizens have immigrated to these African countries does not affect this issue. Future immigration policy will be a matter for the independent Governments when these are established. In the meantime, we would urge the Liberation Movements to reiterate their statements that all those Portuguese people who have made their homes in Mozambique, Angola or Portuguese Guinea, and who are willing to give their future loyalty to those states, will be accepted as citizens. And an independent Mozambique, Angola or Portuguese Guinea may choose to be as friendly with Portugal as Brazil is. That would be the free choice of a free people.

16. *In Rhodesia* the situation is different insofar as the metropolitan power has acknowledged the colonial status of the territory. Unfortunately, however, it has failed to take adequate measures to reassert its authority against the minority which has seized power with the declared intention of maintaining white domination. The matter cannot rest there. Rhodesia, like the rest of Africa, must be free, and its independence must be on the basis of majority rule. If the colonial power is unwilling or unable to effect such a transfer of power to the people, then the people themselves will have no alternative but to capture it as and when they can. And Africa has no alternative but to support them. The question which remains in Rhodesia is therefore whether Britain will re-assert her authority in Rhodesia and then negotiate the peaceful progress to majority rule before independence. Insofar as Britain is willing to make this second commitment, Africa will co-operate in her attempts to re-assert her authority. This is the method of progress which we would prefer; it could involve less suffering for all the peoples of Rhodesia; both black and white. But until there is some firm evidence that Britain accepts the principles of independence on the basis of majority rule, and is prepared to take whatever steps are necessary to make it a reality, then Africa has no choice but to support the struggle for the people's freedom by whatever means are open to her.

17. Just as a settlement of the Rhodesian problem with a minimum of violence is a British responsibility, so a settlement in *South West Africa* with a minimum of violence is a United Nations responsibility. By every canon of international law, and by every precedent, South West Africa should by now have been a sovereign, independent State with a Government based on majority rule. South West Africa was a German colony until 1919, just as Tanganyika, Rwanda and Burundi, Togoland and Cameroon were German colonies. It was a matter of European politics that when the Mandatory System was established after Germany had been defeated, the administration of South West Africa was given to the white minority government of South Africa, while the other ex-German colonies in Africa were put into the hands of the British, Belgian, or French Governments. After the Second World War every mandated territory except South West Africa was converted into a Trusteeship Territory and has subsequently gained independence. South Africa, on the other hand has persistently refused to honour even the international obligation it accepted in 1919, and has increasingly applied to South West Africa the inhuman doctrines and organisation of apartheid.

18. The United Nations General Assembly has ruled against this action and in 1966 terminated the Mandate under which South Africa had a legal basis for its occupation and domination of South West Africa. The General Assembly declared that the territory is now the direct responsibility of the United Nations and set up an ad hoc Committee to recommend practical means by which South West Africa would be administered, and the people enabled to exercise self-determination and to achieve independence.

19. Nothing could be clearer than this decision—which no permanent member of the Security Council voted against. Yet, since that time no effective measures have been taken to enforce it. South West Africa remains in the clutches of the most ruthless minority Government in Africa. Its people continue to be oppressed and those who advocate even peaceful progress to independence continue to be persecuted. The world has an obligation to use its strength to enforce the decision which all the countries co-operated in making. If they do this there is hope that the change can be effected without great violence. If they fail, then sooner or later the people of South West Africa will take the law into their own hands. The people have been patient beyond belief, but one day their patience will be exhausted. Africa, at least, will then be unable to deny their call for help.

20. *The Union of South Africa* is itself an independent sovereign State and a Member of the United Nations. It is more highly developed and richer than any other nation in Africa. On every legal basis its internal affairs are a matter exclusively for the people of South Africa. Yet the purpose of law is people and we assert that the actions of the South African Government are such that the rest of the world has a responsibility to take some action in defence of humanity.

21. There is one thing about South African oppression which distinguishes it from other oppressive regimes. The apartheid policy adopted by its Government, and supported to a greater or lesser extent by

almost all its white citizens, is based on a rejection of man's humanity. A position of privilege or the experience of oppression in South African society depends on the one thing which it is beyond the power of man to change. It depends upon a man's colour, his parentage, and his ancestors. If you are black you cannot escape this categorisation; nor can you escape it if you are white. If you are a black millionaire and a brilliant political scientist, you are still subject to the pass laws and still excluded from political activity. If you are white, even protests against the system and an attempt to reject segregation will lead you only to the segregated and the comparative comfort of a white jail. Beliefs, abilities and behaviour are all irrelevant to a man's status; everything depends upon race. Manhood is irrelevant. The whole system of government and society in South Africa is based on the denial of human equality. And the system is maintained by a ruthless denial of the human rights of the majority of the population—and thus, inevitably of all.

22. These things are known and are regularly condemned in the Councils of the United Nations and elsewhere. But it appears that to many countries international law takes precedence over humanity; therefore no action follows the words. Yet even if international law is held to exclude active assistance to the South African opponents of apartheid, it does not demand that the comfort and support of human and commercial intercourse should be given to a government which rejects the manhood of most of humanity. South Africa should be excluded from the United Nations Agencies, and even from the United Nations itself. It should be ostracised by the world community until it accepts the implications of man's common humanity. It should be isolated from world trade patterns and left to be self-sufficient if it can. The South African Government cannot be allowed both to reject the very concept of mankind's unity, and to benefit by the strength given through friendly international relations. And certainly Africa cannot acquiesce in the maintenance of the present policies against people of African descent.

23. The signatories of this Manifesto assert that the validity of the principles of human equality and dignity extend to the Union of South Africa just as they extend to the colonial territories of Southern Africa. Before a basis for peaceful development can be established in this continent, these principles must be acknowledged by every nation, and in every State there must be a deliberate attempt to implement them.

24. We re-affirm our commitment to these principles of human equality and human dignity, and to the doctrines of self-determination and non-racialism. We shall work for their extension within our own nations and throughout the continent of Africa.

INAUGURAL ADDRESS BY HIS EXCELLENCY THE PRESIDENT, DR. KENNETH KAUNDA

Your Imperial Majesty, Your Excellencies, Let me first of all express my great pleasure and that of the Government and the people of Zambia at having such a distinguished gathering of African leaders and Statesmen in our Republic. It is for us a historic event. We feel deeply honoured to have you with us. We very happily and sincerely welcome you all and wish you a very happy and enjoyable stay in our country.

I must hasten to add that Zambia is probably the least endowed among Eastern and Central African countries with facilities for relaxation after a hard day's work; however, I can still ask you to feel free and very much at home.

We last met in Dar es Salaam eleven months ago. These months have been very eventful.

On the debit side the tragic war between Nigeria and Biafra continues with unabated fury, unequalled in severity to anything this Continent has ever known ever since slave trade. Wars of liberation in Southern Africa continue with no sign of hope that forces of freedom will break through the high dykes of racialism and minority rule.

Still on the debit side the Middle East crisis which envelopes part of Africa still remains unresolved. It is a threat to the peace of Africa, first, because it affects part of this Continent, secondly, because it is a matter of international peace and security for which we in Africa share concern and responsibility through the United Nations and, in general, as members of the international community.

There are many problems which have plagued the world in its various regions such as the war of attrition in Vietnam for which Africa feels genuine and deep concern. I do not need to stress that here.

Finally, Mother Africa has gone through another period of painful growth full of stresses and strains in her various constituent parts.

However, on the credit side of this balance sheet we find that the story is one of progress:

—progress towards greater understanding and co-operation among neighbours—a phenomenon which we gathered here represent,

—progress towards unity for which African States have continued to work untiringly.

—progress towards building a strong economic and social base, a sound infrastructure for the attainment of African Unity, a unity of interests, a feeling of community and a common destiny.

The meetings in Nairobi, Kinshasa, Kampala, Dar es Salaam and now Lusaka form one unfolding success story. Consequently, our presence in Lusaka during these few days creates the hope that our efforts to seek unity, peace, security and development for and in Africa will continue. For the creation of greater understanding and co-operation among Eastern and Central African neighbours guarantees the successful growth of common interests and a spirit of unity among these neighbours.

The Sudan and Uganda, Kenya and Somalia, Ethiopia and Somalia, Sudan and Ethiopia, Uganda and Congo (Kinshasa), Rwanda and Burundi, among others all represent real progress in their various efforts and successes to create a better framework for understanding and co-operation in the solution of their outstanding problems on the road to unity.

I think we have made impressive efforts to inspire confidence in the future of this region and Africa as a whole. The contribution of His Imperial Majesty to the peace, security and unity of Africa requires special mention and we pay tribute to him.

We cannot pretend that there are no problems. Problems there are and they will continue to be with us but I regard these as pitfalls within a wider story of success. They are pitfalls in a continuing drama of progress which is a familiar phenomenon in any life which is growing. We are a life which is growing and we shall have our brightest days and darkest hours.

The most important thing now is that for three years the East and Central African region has engaged in genuine and concentrated efforts to create better conditions and better framework for understanding, co-operation and co-ordination for unity and progress among the Eastern and Central African countries represented here as well as in the whole Continent. There can be no better road at the moment than that which has good neighbourliness and co-operation as a starting point and foundation.

To this extent the progress we have made is plausible. Communications between member States of this region are improving. Telephone and telegraph communications are either under way, or nearing completion if not completed. International air line communications are better than they ever were; road and rail connections are being forged; shipping lines ply the coastal areas of member States with access to the sea.

With all this multi-dimensional development the 1970s should see the establishment of a network of new arteries of communications and the improvement of the present ones which together must nourish the growth of greater co-operation and co-ordination in development. This is a challenge for us all. This is the one ambition which we all share and must devote our energies to give effect to our determination.

Now, we have before us the recommendations made by our Foreign Ministers at their meeting in Dar es Salaam in February last. They cover political and economic fields. They are aimed at furthering the aims and objectives of all of us here. I am sure the Conference would wish me to pay our tribute to the Foreign Ministers for their efforts.

In the past meetings we have developed the procedure of having no formal agenda, no restrictions in our discussions. Informality and frankness have marked our deliberations. This approach has paid off very well and I would not wish to depart from it.

However, in the light of the wide field covered by discussions and recommendations made in Lusaka by Foreign Ministers in 1967 and by the Kampala and Dar es Salaam Summits in December 1967 and May 1968 respectively and the recommendations before us at this fifth Summit I think that sufficient ground has been opened for this Conference to consider.

I would only add by way of emphasis that the real problem is one of effective implementation of the recommendations so far considered where feasibility studies have been completed with satisfaction. I cannot avoid feeling a sense of urgency in the implementation of the proposals affecting economic development and social improvement in our area as this is a vital factor for the progress which we so desire in East and Central Africa.

I wish to make a brief reference to the UNCTAD Conference held in 1968 in India. The results of the Conference do not hold as much hope as we, the developing countries, had expected. We are not belittling the efforts which were made but we are underlining one key factor, i.e. the importance of self-reliance within our own individual States as well as in the region as a whole. Indeed, the purpose of this Conference would be well served if we are able to implement the various recommendations on telecommunications, on transportation, trade, economic planning and so forth. This would in a way meet one of the points already made by the Pearson Commission on International Development Aid, namely, that while finances may be made available to us we must remember that we are the primary force behind our own development and we must be responsible for giving effective direction to this development. We are aware of this responsibility and hence our emphasis on economic and technical cooperation among ourselves.

In this connection we welcome the organisation among West African countries in their effort to stimulate economic and technical co-operation to harmonise development in their own region.

The Conference will, no doubt, consider political problems in Africa. Most urgent among them is the fratricidal war which has plagued Nigeria and Biafra for the last two years. We all deeply regret this tragedy as a set-back to Africa's development.

At this time I know the Conference would wish me to express the hope that the O.A.U. Consultative Committee due to meet in Monrovia later this week will bring an end to

this war and restore peace and a spirit of brotherhood. We wish the Chairman of the Committee, His Imperial Majesty, success and God's guidance in this noble task. We pray that wisdom and love for mankind and peace may shed a beam of brightness upon the leaders of the warring parties so that hope for peace and security may filter through to the victims of war and starvation.

The Southern African situation remains critical. It is a time bomb. The developments which have occurred, have only added to our anxiety.

In Rhodesia, Mr. Wilson has moved since November, 1965 from the 1967 Constitution to the Tiger from the Tiger to the Fearless, each worse than the previous one—and still calling the result "honourable settlement."

It must be said that history has recorded not the British Government's inability to solve the problem but their utter refusal, despite the consequences, to discharge their obligations toward the four million people in Rhodesia. These millions were not a party to the Tiger or the Fearless.

To entrust the so-called six principles to diehard minority racists is to place confidence in a people who by their repeated repressive acts against the majority have shown utter disregard for fair play and justice.

On the question of Angola, Mozambique and so-called Portuguese Guinea there can be no excuse for the Portuguese Government not to grant independence. We in Africa have amply displayed the dynamic forces of development unleashed after independence. Independence had paid not only the colonised but also the colonisers in trade and investment.

Behind the thinking of the Portuguese Government may be the fear for the security and future welfare of their nationals whose lives have become so wedded to life in colonial territories. We do not need to give assurances to the Portuguese Government about security and future of their nationals in Angola, Mozambique and Portuguese Guinea.

However, if any assurance is needed we will only refer to the lessons drawn from the excellent conduct of the African independent countries towards their minorities, once their rulers. Nowhere in independent Africa has a nationalist Government taken vengeance and victimized its minority groups. Nowhere in Africa has an African Government driven or even threatened to drive a racial minority into the sea. On the contrary, African Governments, despite a history replete with hardship and oppression by these racial minorities, have, after their accession to power displayed the most humane qualities; they have immediately striven to create conditions which ensure full and equal justice, equal opportunities for all without distinction.

The Portuguese Government should also find assurance from the stories which we hear of the conduct of freedom fighters towards the Portuguese nationals who have fallen under their control.

So far as we know, Portuguese nationals in areas under the control of freedom fighters have been treated as humans. This is an indication of the human and humanist outlook even under the most difficult and tempting conditions for freedom fighters. It is an indication of the preparedness of the freedom fighters to assume full responsibility for the future of these Portuguese nationals.

Nothing demonstrates the humaneness of the African people, their patience and consideration for other human beings than their treatment of minorities after independence. This must be regarded as a proud record and a source of our strength. It is also a demonstration of the determination of independent Africa to work for a non-racial world society. For international co-operation will remain an academic exercise unless both the minorities and the majorities realize that the co-operation of each group with the other is vital to the success of the whole international society.

We welcome the recent Security Council resolution on NAMIBIA and would appeal most earnestly particularly to France and Britain to join hands with the rest of the members of the Security Council to help build an effective moral force on world scale against the defiance of South Africa. Unless we are united against the forces of injustice and oppression, I am afraid we will only allow these forces to be united against the efforts of men of goodwill to the detriment of peace and security which we seek to protect and further.

As for South Africa herself, her future is not in apartheid but in helping to foster a world community of free peoples co-operating in their endeavours to develop what nature has provided for them and sharing equitably in responsibility and in the fruits of their labour.

Apartheid is a concept whose origin is founded in fear of the unknown; whose methods are outrageous, oppressive and self-contradictory and whose end is self destruction.

Our meetings are always practical. That we are able to meet in adjacent to hostile minority regimes is a mark of progress. It is a milestone on the road to complete liberation of this Continent.

Your Imperial Majesty, Your Excellencies, Distinguished Delegates, among the problems which this Conference will wish to consider are these which I have outlined. It is my sincere hope that our deliberations will add yet to our capacity individually as nations and collectively as members of this region to contribute more effectively to economic development and social improvement and above all to the movement for African Unity.

Thank you.

Proposals for a New Constitution for Rhodesia

Introduction

The Government of Rhodesia believe that the present Constitution is no longer acceptable to the people of Rhodesia because it contains a number of objectionable features, the principal ones being that it provides for eventual African rule and, inevitably, the domination of one race by another and that it does not guarantee that government will be retained in responsible hands.

Therefore it is proposed that there should be a new Constitution which, while reproducing some of the provisions of the existing Constitution, will make certain major changes in order to remove these objectionable features.

The proposed new Constitution will ensure that government will be retained in responsible hands and will provide Africans with the right to play an increasing part in the government of Rhodesia as they earn it by increasing contributions to the national exchequer. Moreover, the new Constitution will recognize the right of the African chiefs, as the leaders of their people, to take part in the counsels of the nation.

The existing inequality in the treatment of the land rights of the races will be remedied. Provision will be made for the same protection to be given to the European Area as that given to the African Area. New Bills governing land tenure, which will replace the Land Apportionment Act [*Chapter 257*] and the provisions relating to Tribal Trust Land in the present Constitution, will be introduced into Parliament at the same time as the new Constitution. The provisions of the new Bills which are designed to protect land rights of Europeans and Africans will be entrenched in the Constitution.

Power will be vested in the Legislature to delegate to provincial or regional councils or other bodies certain functions of government as and when such delegation is considered to be appropriate.

The new Declaration of Rights will not be enforceable by the courts. The rights enshrined in the Declaration will be entrenched and will be safeguarded by the creation of a Senate and the vesting in it of power to delay legislation. In this important function the Senate will be advised by a special committee. As the Senate will be entrusted with the duty of upholding the Declaration of Rights no provision will be made for a Constitutional Council. In addition, the proposed procedure for constitutional amendments will ensure that the Senate will play a significant part in protecting the Constitution and the rights conferred by it.

This paper sets out the constitutional proposals. Part I deals with the matters which will be contained in the Constitution, Part II with the matters which will be contained in an Electoral Act and Part III with the matters which will be contained in new legislation relating to land tenure.

Any reference in this paper to a European means a person who is not an African.

Part I—Provisions of the New Constitution

Chapter I. Head of State

Appointment and Term of Office

1. If a republican form of government is adopted the Head of State will be chosen by the Executive Council. Whatever form of government is adopted the Head of State will hold office for a period of five years and, at the termination of his period of office, he will be eligible for re-election for one further period of five years.

Removal of Head of State

2. If a republican form of government is adopted the Head of State will be removable from office only on a resolution passed by two-thirds of the total membership of the House of Assembly after a committee of that House has recommended his removal on the grounds of misconduct or inability to perform efficiently the duties of his office.

Powers and Functions

3. The Head of State will have such powers and duties as are conferred or imposed upon him by the Constitution or any other law. Subject to the provisions of the Constitution, he will have the same powers by way of prerogative as are now possessed by the Officer Administering the Government. These powers will include the prerogative of mercy.

Remuneration of Head of State

4. The salary of the Head of State will be fixed by a law of the Legislature and may not be reduced during his continuance in office.

Acting and Deputy Head of State

5. The Constitution will provide for an Acting Head of State or Deputy Head of State whenever the office of the Head of State is vacant or the Head of State is absent or is unable to perform the functions of his office.

Chapter II. The Legislature

Legislature

6. The Legislature will consist of the Head of State and a Parliament comprising a Senate and a House of Assembly.

Senate

7. The Senate will consist of twenty-three senators of whom—(a) ten will be European members elected for the whole of Rhodesia by an electoral college consisting of the European members of the House of Assembly from candidates nominated by voters on the European voters roll;

(b) ten will be African chiefs elected by the Council of Chiefs, five of whom will be from Matabeleland and five from Mashonaland;

(c) three will be persons of any race appointed by the Head of State who, in making these appointments, will take into account the requirements of the Senate Legal Committee.

Senate Legal Committee

8. The Senate will elect a committee to be known as the Senate Legal Committee consisting of not less than three members. A majority of members of this committee will be senators with legal qualifications. It will be the function of the committee to examine all Bills, except Money Bills and constitutional Bills, and all statutory instruments published in the *Gazette* and to report to the Senate whether in its opinion any provisions are inconsistent with the Declaration of Rights.

House of Assembly

9. Initially there will be sixty-six members of the House of Assembly of whom—

(a) fifty will be European members elected by the Europeans registered on the rolls of voters for fifty constituencies; and

(b) sixteen will be African members—

(i) eight being elected by the Africans registered on the rolls of voters for four constituencies in Matabeleland and four constituencies in Mashonaland; and

(ii) eight being elected by four tribal electoral colleges in Matabeleland and four tribal electoral colleges in Mashonaland comprising chiefs, headmen and elected councillors of African councils in the Tribal Trust Lands.

Increase in Number of African Members

10. In principle the number of African members in the House of Assembly will be in the same proportion to the total number of members as the contribution by way of assessed income tax on income of Africans is to the total contribution by way of assessed income tax on income of Europeans and Africans until the contribution by Africans amounts to one-half of the total contribution.

Until the contribution of Africans amounts to sixteen sixty-sixths of the total contribution of Europeans and Africans the principle will not be applied and the number of African members will remain at sixteen. When the contribution of Africans exceeds sixteen sixty-sixths of the total contribution of Europeans and Africans the following procedure for increasing the number of African members will come into effect.

The number of African members will be increased two at a time being one additional member for Matabeleland and one additional member for Mashonaland, until the number of African members is equal to the number of European members.

The first increase of two African members will be allocated to the African members elected by tribal electoral colleges and the number of colleges will be increased accordingly. The second increase of two African members will be allocated to the members elected by the voters on the African rolls and the number of African constituencies will be increased accordingly. Subsequent increases will be made in a similar manner.

Every increase of two African members will be made in direct proportion to the increase in the contribution of Africans compared with the total contribution of Europeans and Africans in such a manner that when the contribution of Africans amounts to half of the total contributions of Europeans and Africans at that time the number of African members will be equal to the number of European members.

The Delimitation Commission will be charged with the duty of calculating, from evidence supplied by the Commissioner of Taxes, whether there has been an increase in the contribution of Africans as compared with the total contribution of Europeans and Africans sufficient to warrant an increase in the number of African members.

In calculating the contribution of Europeans and of Africans, income tax will be deemed to include supertax. Taxation on companies will not be taken into account.

Electoral Provisions

11. The following will be prescribed in the Electoral Act and are dealt with in Part II of this paper—

(a) the composition and functions of the Delimitation Commission;

(b) qualifications and disqualifications for enrolment on the voters rolls;

(c) qualifications and disqualifications of candidates for election or appointment as members of the Senate or for election as members of the House of Assembly;

(d) the composition and procedure of the tribal electoral colleges and the Council of Chiefs when sitting as an electoral college.

Election of Presiding Officers

12. At the beginning of each new Parliament after a general election, a President of the Senate and a Speaker of the House of Assembly will be elected from members of the Senate or the House of Assembly who are neither Ministers nor Deputy Ministers or from persons who are not members of either House. A person who is not a member of the House concerned will not be eligible for election unless he possesses the qualifications and none of the disqualifications for election as a member of the Senate or the House of Assembly, as the case may be. A member of the Senate or the House of Assembly who is elected as President of the Senate or Speaker will vacate his seat as a member of the House concerned.

Removal of Presiding Officers

13. The President of the Senate and the Speaker of the House of Assembly may be removed from office only by resolution of the House concerned passed by a two-thirds majority of its total membership.

Remuneration of Presiding Officers

14. The salaries of the President of the Senate and the Speaker of the House of Assembly will be fixed by a law of the Legislature and may not be reduced during their continuance in office.

Ministerial Right To Sit in Both Houses

15. A Minister or Deputy Minister who is a member of the Senate or the House of Assembly will have the right to sit and speak in both the Senate and the House of Assembly, but may vote only in the House of which he is a member.

Voting in Parliament

16. Except where otherwise provided in the Constitution all questions before the Senate or the House of Assembly will be determined by a majority of the votes of the members present and voting.

Language in Parliament

17. Proceedings in the House of Assembly will be conducted in the English language. Proceedings in the Senate will be conducted in English but, for the convenience of the Chiefs for an interim period, debates may be in Chishona and Sindebele as well as in English and provision will be made for the translation of any language used into the other two languages.

Power To Make Laws

18. The Legislature will be the sovereign legislative power in and over Rhodesia. It will have power to make laws for the peace, order and good government of Rhodesia and this power will include—

(a) the making of laws having extra-territorial operation; and

(b) the making of laws to create provinces and other regional divisions, to establish provincial councils and other regional bodies and to allocate functions and powers to such councils and bodies for the purpose of the administration of such provinces or regional divisions.

Initiation of Legislation

19. Any Bill may originate in either the Senate or the House of Assembly except a Money Bill or a private Bill, which may originate only in the House of Assembly.

Procedure in Regard to Bills

20. After a Bill originating in one of the Houses of Parliament has been passed by that House, it will be sent to the other House for consideration. That other House may pass the Bill with or without amendment or may reject it, provided that the Senate will not be able to amend or reject a Money Bill. If the Bill is passed without amendment, it will be presented to the Head of State for assent. If the Bill is amended, it will be returned to the House in which it originated, which House may accept or amend or reject any amendment made by the other House. After the Bill has been returned to the House in which it originated either House may by message to the other House, pursuant to a resolution, agree to any amendment or withdraw any amendment which has been made to the Bill.

Delaying Powers of Senate

21. The Senate will have the power to delay for a period of one hundred and eighty days the enactment of a Bill which has originated in the House of Assembly. After that period has expired the House of Assembly may resolve that the Bill be presented to the Head of State for assent.

Where a Bill originating in the Senate has been rejected by the Senate or has lapsed and an identical Bill is introduced into and passed by the House of Assembly, if the Senate has not passed that latter Bill within a period expiring one hundred and eighty days after the original Bill was introduced into the Senate or, if this period has expired, within eight sitting days, the House of Assembly may resolve that the Bill be presented to the Head of State for assent.

Functions of Senate Legal Committee in Regard to Bills

22. Every Bill introduced into the Senate, other than a Money Bill or a constitutional Bill, will be referred immediately to the Senate Legal Committee for examination and report as to whether any of the provisions of the Bill are inconsistent with the Declaration of Rights. The Senate Legal Committee will have a prescribed period in which to make its report during which period no further proceedings on the Bill will be taken by the Senate. When the report is tabled the Senate may accept or reject the findings of the Senate Legal Committee. If the Senate resolves that any provision of the Bill is inconsistent with the Declaration of Rights it may—

(a) amend the provision to remove the inconsistency; or

(b) reject the Bill; or

(c) pass the Bill notwithstanding the inconsistency if it is satisfied that the provision is necessary in the national interest.

If the Senate resolves that a provision of a Bill is inconsistent with the Declaration of Rights and that such provision is not necessarily in the national interest, the Bill will be returned to the House of Assembly which may remove the inconsistency or, after a period of one hundred and eighty days has elapsed from the date on which the Bill was introduced into the Senate, resolve that the Bill be sent to the Head of State for assent notwithstanding such inconsistency.

Functions of Senate Legal Committee in Regard to Subsidiary Legislation

23. Every statutory instrument published in the *Gazette* will be referred to the Senate Legal Committee for consideration and report as to whether any of the provisions of the statutory instrument are inconsistent with the Declaration of Rights. The report will be tabled in the Senate which may accept or re-

ject the findings of the Senate Legal Committee. If the Senate resolves that the provision reported upon is inconsistent with the Declaration of Rights and is not necessary in the national interest, that provision will be annulled unless—

(a) it is revoked or amended by the issuing authority; or

(b) the House of Assembly passes a resolution confirming the provision, in which case it will remain in force.

Where a provision has been annulled the House of Assembly may, after the expiry of one hundred and eighty days, resolve that the provision shall be reintroduced, in which case the provision after publication in the *Gazette* will be of full force and effect and will not be referred to the Sentate Legal Committee.

Certificate of Urgency

24. A Bill, other than a constitutional Bill, which has originated in and been passed by the House of Assembly may be given a certificate of urgency by the Prime Minister on the ground that it is so urgent that it is not in the public interest to delay its enactment. Where the Senate has not passed an urgent Bill within eight sitting days after its introduction into the Senate, the House of Assembly may at any time thereafter resolve that the Bill be sent to the Head of State for assent. If the Senate thereafter resolves that any provision of that Bill is inconsistent with the Declaration of Rights and is not necessary in the national interest, that provision will be annulled after the expiry of eight sitting days unless the House of Assembly within that period resolves that the provision should remain in force. If the resolution of the House of Assembly is passed—

(a) by a two-thirds majority of the total membership of the House, the provision will continue in force until repealed;

(b) by more than one-half but less than two-thirds of the total membership of the House, the provision will continue in force for a period of two hundred and seventy days from the date on which that provision became law.

Money Bills

25. If a Money Bill which has been passed by the House of Assembly has not been dealt with by the Senate within a period of eight sitting days, the House of Assembly may at any time thereafter resolve that such Bill be sent to the Head of State for assent. The Senate will have no power to amend or reject a Money Bill but may recommend amendments.

Summoning, Prorogation and Dissolution of Parliament

26. The Head of State may at any time summon or prorogue Parliament save that a session of Parliament will begin in every calendar year and not more than twelve months will intervene between the last sitting of Parliament in one session and the first sitting of Parliament in the next.

The Head of State will be required at the expiry of five years to issue a proclamation dissolving Parliament and he may at any time by proclamation dissolve Parliament on the advice of the Prime Minister or, in certain special circumstances governed by convention, in his discretion, in which case he will act in accordance with convention. The proclamation dissolving Parliament will fix a date for a general election within a period of four months of the date of the issue of the proclamation. Parliament will be dissolved on the day preceding the date fixed in that proclamation for the holding of a general election.

Chapter III. The executive

Executive Powers

27. The executive government of Rhodesia will be vested in the Head of State. He will act on the advice of the Executive Council or the Prime Minister or a Minister, as the case may require, except where the Constitution or any other law otherwise requires.

Appointment of Prime Minister

28. The Head of State will appoint the Prime Minister and in doing so will appoint the person whom, in his discretion, he considers to be best able to command the support of the majority of the members of the House of Assembly.

Appointment and Tenure of Office of Ministers

29. The Head of State, acting on the advice of the Prime Minister, will appoint Ministers and Deputy Ministers who will hold office during the pleasure of the Head of State and may be removed from office by the Head of State acting on the advice of the Prime Minister. A Minister or Deputy Minister who is not a member of the Senate or of the House of Assembly may hold office for not longer than four months unless he becomes a member of either House.

Executive Council

30. There will be an Executive Council to advise the Head of State. It will consist of the Prime Minister and such other Ministers as the Head of State, acting on the advice of the Prime Minister, may appoint.

State of Emergency

31. The Head of State may at any time declare that a state of public emergency exists. Unless such a declaration is approved by a resolution passed by the House of Assembly it will cease to have effect—

(a) if Parliament is sitting, at the expiry of seven days after the declaration;

(b) if Parliament is not sitting, at the expiry of thirty days after the declaration.

A declaration if so approved will continue in force for not longer than twelve months and may be renewed from time to time by resolution of the House of Assembly. The House of Assembly may authorize a declaration for a shorter period and may at any time resolve that a declaration should be revoked.

Chapter IV. The judicature

High Court of Rhodesia

32. The judicial authority of Rhodesia will be vested in a High Court consisting of such divisions and having such jurisdiction as will be prescribed by law.

Appointment of Chief Justice and Other Judges

33. The Chief Justice and other judges of the High Court will be appointed by the Head of State on the advice of the Prime Minister who will be required to consult with the Chief Justice in the case of any appointment other than to the office of Chief Justice.

Qualification of Judges

34. A person will not be qualified for appointment as a judge unless he is or has been a judge in a country in which the common law is Roman-Dutch and English is an official language or he has been qualified to practise as an advocate for not less than ten years in Rhodesia or in a country in which the common law is Roman-Dutch and English is an official language.

Removal of Judges

35. A judge may be removed from office by the Head of State only for inability to discharge the functions of his office or for misbehavior and may not be so removed unless an independent tribunal has recommended that the judge be removed on one of these grounds. In considering whether a tribunal should be appointed to inquire into such inability or misbehaviour of a judge, the Head of State will, in the case of the Chief Justice, act in his discretion and will, in the case of any other judge, act on the advice of the Chief Justice.

The tribunal will consist of not less than three members selected by the Head of State from the following—

(a) the Speaker of the House of Assembly;

(b) retired judges of the High Court;

(c) judges or retired judges of a country, other than Rhodesia, in which the common law is Roman-Dutch and English is an official language;

(d) an advocate of not less than ten years' standing from a panel nominated by the association representing advocates;

(e) an attorney of not less than ten years' standing from a panel nominated by the association representing attorneys.

Remuneration of Judges

36. The salary of a judge of the High Court will be fixed by a law of the Legislature and may not be reduced during his continuance in office.

Law To Be Administered

37. The law to be administered by the courts in Rhodesia will be the law in force in the Colony of the Cape of Good Hope on the 10th of June, 1891, as modified by subsequent legislation having in Rhodesia the force of law.

Chapter V. Declaration of rights

Declaration of Rights To Be Non-justiciable

38. No court will have the right to inquire into or pronounce upon the validity of any law on the ground that it is inconsistent with the Declaration of Rights.

Content of Declaration of Rights

39. The new Declaration of Rights will follow the general pattern of the existing Declaration. It will be in a form which is more appropriate to a non-justiciable Declaration. The more important changes which are proposed are as follows:—

Preamble

(1) The preamble will state that it is desirable to ensure that every person in Rhodesia enjoys fundamental rights and freedoms but will point out that there are responsibilities and duties expected of an individual who receives the protection of the State. The duty to respect the rights and freedoms of others and the public interest and to abide by the Constitution and the law and, in the case of citizens, to be loyal to Rhodesia will be included.

Right to Life

(2) The existing exceptions to this right will be extended to permit the use of force where it is reasonably justifiable in the circumstances for the purpose of suppressing terrorism.

Right to Personal Liberty

(3) In order to cure an omission in the existing Declaration the exceptions to this right will be extended to cover arrests ordered by statutory tribunals, quasi-judicial authorities and commissions of inquiry in appropriate circumstances.

Preventive detention and restriction will be authorized in the interests of national defence, public safety or public order. An impartial tribunal will be established with at least one member who holds or has held judicial office or who has been entitled to practise as an advocate for at least ten years. This tribunal will review the case of a detainee within a period of three months of his detention, if he so requests, and in any case at intervals of not less than twelve months. The responsible Minister will be obliged to act in accordance with a recommendation by the tribunal that the detainee should be released unless the Head of State directs otherwise.

An accused person will not be entitled as of right to be released on bail before and during his trial.

Protection From Slavery and Forced Labour

(4) This right will be retained.

Protection From Inhuman Treatment

(5) The existing provision will be retained.

Protection From Deprivation of Property

(6) The existing provisions will be redrafted to provide that no person shall be deprived of his property unless such deprivation is authorized by law. As at present compulsory acquisition of property by the Government in circumstances where no compensation is payable will be restricted, but provision will be made for the compulsory acquisition of property by the Government in any circumstances so long as adequate compensation is paid.

Protection From Search and Entry

(7) The existing provisions will be retained save that it will be specifically provided that a law may authorize the search of a person or the entry into or search of a dwelling-house in circumstances where there are reasonable grounds for believing that the entry or search is necessary for the prevention or detection of a criminal offence or for the lawful arrest of a person.

Protection of Law

(8) The existing provision will be retained except that the requirement that a person shall not be compelled to give evidence at his trial will be omitted. This requirement is, in any case, contained in the criminal law and should be subject to regulation by ordinary legislation to reflect current trends in criminal procedure.

Freedom of Conscience

(9) This freedom will be retained.

Freedom of Expression and of Assembly and Association

(10) For convenience these two freedoms which are set out separately in the existing Declaration will be combined. The existing provision permitting laws made for the purpose of regulating telephony, telegraphy, posts, wireless broadcasting and other matters will be extended to permit laws for the regulation of newspapers and other publications.

Freedom From Discrimination

(11) The existing provisions relating to freedom from discrimination will be revised. Every person will be entitled to the enjoyment of the rights and freedoms in the new Declaration of Rights without unjust discrimination on the grounds of race, tribe, political opinion, colour or creed. Specific provision will be made permitting laws relating to African customary law, jurisdiction of tribal courts and restrictions on the ownership, occupation or use of land.

The existing provisions relating to freedom from discriminatory executive or administrative acts will be omitted from the new Declaration. The Senate and its legal committee will be concerned only with laws.

Savings for Periods of Public Emergencies and Disciplinary Laws

(12) As in the existing Declaration provision will be made that laws authorizing the taking of justifiable measures during a period of public emergency and disciplinary laws may contain provisions which are inconsistent with certain rights in the Declaration.

Chapter VI. Miscellaneous matters

Official Language

40. The English language will be the only official language of Rhodesia.

Oath of Loyalty

41. If a republican form of government is adopted persons required under the Constitution to take an oath of loyalty will take an oath to be faithful and bear true allegiance to Rhodesia.

Chapter VII. Amendment of the constitution and entrenchment of certain provisions of electoral and land tenure laws

Amendment of Ordinary Provisions of the Constitution

42. A Bill to amend the Constitution will require to be passed by the affirmative votes of two-thirds of the total membership of the House of Assembly and two-thirds of the total membership of the Senate:

Provided that, if such a Bill does not receive the required majority in the Senate, it may be reintroduced into the Senate after a period of one hundred and eighty days, whereupon it may be sent to the Head of State for assent if it has received the affirmative votes of more than one-half of the total membership of the Senate.

Amendments of Specially Entrenched Provisions of the Constitution

43. The procedure to amend the ordinary provisions of the Constitution will be followed in the case of specially entrenched provisions, save that, if the Bill does not receive the affirmative votes of two-thirds of the total membership of the Senate, the Bill will lapse.

Provisions of the Constitution To Be Specially Entrenched

44. The following will be specially entrenched under the Constitution—

(a) the composition of the Senate and the House of Assembly;

(b) the judicature;

(c) the official language;

(d) the Declaration of Rights;

(e) the procedure for amending the Constitution and the provisions of the laws referred to in section 45 of this paper.

However, in the case of a Bill to amend the Constitution so as to increase the number of members of the Senate or the House of Assembly, the procedure to amend the ordinary provisions of the Constitution may be followed if the proportion of African members to European members in the Senate or the House of Assembly, as the case may be, immediately before the increase is maintained.

Certain Provisions of Electoral and Land Tenure Laws To Be Entrenched

45. Provision will be made that those parts of the Electoral Act referred to in section 74 of Part III of this paper can only be amended by following the procedure for amending the ordinary provisions of the Constitution. Provision will also be made that those parts of the law relating to land tenure referred to in section 87 of Part III of this paper can only be amended by following the procedure for amending the specially entrenched provisions of the Constitution.

PART II—ELECTORAL PROVISIONS

Chapter I. Delimitation Commission

Appointment of Delimitation Commission

46. Provisions relating to the appointment and composition of the Delimitation Commission similar to those contained in the present Constitution will be reproduced.

Functions of Delimitation Commission

47. The functions of the Delimitation Commission will be—

(a) to divide Rhodesia into fifty European roll constituencies;

(b) to divide each of Matabeleland and Mashonaland into four African roll constituencies or, if the number of Africal roll members has been increased in accordance with section 10 of Part I of this paper, into the appropriate number of African roll constituencies;

(c) to calculate in accordance with section 10 of Part I of this paper whether any increase in the number of African roll members is justified;

(d) to determine the adjustments to the boundaries of areas of the tribal electoral colleges when the number of such colleges is increased in accordance with section 10 of Part I of this paper.

In dividing Rhodesia into European roll constituencies and Matabeleland and Mashonaland into African roll constituencies the Delimitation Commission will observe the same directions and give due consideration to the same factors as are specfied in the present Constitution say that, in the case of the African roll constituencies, a minimum number of rural constituencies will not be required.

Chapter II. Voters rolls and qualifications of voters for House of Assembly

Voters Rolls

48. The Registrar-General of Voters will maintain a European roll of all European voters in each European constituency and an African roll of all African voters in each African constituency. Suitably qualified persons will be entitled to enrollment on their respective rolls.

General Qualifications of Voters

49. The qualifications as to citizenship, residence, knowledge of English and ability to complete the prescribed application form for enrollment as a voter on any roll will remain as at present. An applicant must be twenty-one years of age or over.

Disqualification of Voters

50. The existing grounds for disqualification as a voter will remain. In addition, a person who is restricted or detained for more than six months will be disqualified for the period of his restriction or detention and for five years after his release.

Means and Educational Qualifications for European Voters

51. A European who poses the general qualifications and is not disqualified will be entitled to enrolment as a voter if he—

(a) has an income of not less than £900 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £1,800; or

(b) has an income of not less than £600 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £1,200 and, in addition to the income or property qualifications, has completed four years' secondary education of a prescribed standard.

Means and Educational Qualifications for African Voters

52. An African who possesses the general qualifications and is not disqualified will be entitled to enrolment as a voter if he—

(a) has an income of not less than £300 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £600; or

(b) has an income of not less than £200 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £400 and, in addition to the income or property qualifications, has completed two years' secondary education of a prescribed standard.

Value of Immovable Property

53. For the purpose of calculating the value of immovable property to qualify for enrolment the value will be the market value of the property less any capital charges in respect of, and amounts secured by mortgage on, that property.

Means Qualifications of Married Women

54. The existing provisions relating to the means qualifications of married women will remain.

Means Qualifications of Ministers and Members of Religious Orders

55. A minister of a prescribed religious order or a member of a prescribed religious order under vows of poverty will be deemed to possess the necessary means qualifications for enrolment on the European roll or the African roll.

Variation of Means and Educational Qualifications for African Voters

56. The Head of State, acting on the recommendation of a commission appointed for

the purpose, will be empowered to vary by proclamation from time to time the means and educational qualifications for the African roll in order that the differences between the qualifications for the European roll and the qualifications for the African roll are progressively reduced and eventually eliminated when the number of African seats equals the number of European seats in the House of Assembly.

Transfer of Voters to the European Roll or the African Roll

57. Voters on the existing "A" or "B" rolls will be automatically transferred, in the case of Europeans, to the European roll and, in the case of Africans, to the African roll.

Chapter III. Elections for European roll and African roll seats in the House of Assembly

Nomination of Candidates

58. The existing procedure will be retained save that a European will not be eligible for nomination for an African roll seat and an African will not be eligible for nomination for a European roll seat.

Qualifications of Candidates

59. A candidate will be qualified for nomination if he—

(a) is enrolled as a voter; and

(b) has resided in Rhodesia for five years during the seven years immediately preceding his nomination; and

(c) is not disqualified.

Disqualification of Candidates

60. The existing grounds for disqualification from nomination will be retained. In addition, a candidate will be disqualified if he has been restricted or detained for a period of more than six months, for the period of his restriction or detention and for a further period of five years after his release.

Chapter IV. Tribal electoral colleges

Establishment of Tribal Electoral Colleges

61. Initially four tribal electoral colleges will be established for Matabeleland and four will be established for Mashonaland. Each college will be required to elect one African member to the House of Assembly.

The areas of tribal electoral colleges will be fixed in such a manner that the boundaries coincide with the boundaries of administrative districts and so far as is possible—

(a) representation is based on tribal interests; and

(b) a reasonably even distribution of tribal population between the tribal electoral college areas in Matabeleland and between those areas in Mashonaland, respectively, is achieved.

Composition of Tribal Electoral Colleges

62. A tribal electoral college will consist of chiefs and headmen residing in the area of the tribal electoral college and elected councillors of African councils situated in that area.

Procedure of Tribal Electoral Colleges

63. Candidates may address the college and members of the college may put questions to candidates. Each member of the college will have one vote and the voting will be by secret ballot. If at the first count the candidate with the most votes does not obtain more than half of the votes cast, the candidate who has the fewest votes will be eliminated and a fresh vote taken. If necessary this procedure will be repeated until one candidate has an over-all majority of votes.

Nomination of Candidates

64. The nomination paper of a candidate for election must be signed by at least one chief, two kraal heads and seven tribesmen resident in the area of the college.

Qualifications of Candidates

65. A person will be qualified for nomination as a candidate if he—

(a) is a citizen of Rhodesia; and

(b) is a tribesman of twenty-one years of age or over; and

(c) has resided continuously in the area of the college for a period of five years during the seven years immediately preceding his nomination; and

(d) possesses a prescribed qualification sufficient to enable him, if elected, to contribute to and understand proceedings in the House of Assembly.

Disqualification of Candidates

66. A person will be disqualified from nomination as a candidate on any of the grounds of disqualification relating to candidates for the European or African roll seats in the House of Assembly.

Chapter V. Election and appointment of Members of the Senate

Nomination of European Senators

67. The procedure for the nomination of European senators will be similar to that for the nomination of candidates for election to the European seats in the House of Assembly save that a candidate will have to be nominated by not more than fifty or less than thirty persons enrolled on the European voters roll.

Qualifications of Europeans for Election to Senate

68. A candidate for election as a European senator must possess the qualifications and none of the disqualifications for nomination as a candidate for a European roll seat in the House of Assembly save that he shall—

(a) be not less than forty years of age; and

(b) have resided in Rhodesia for ten years during the fifteen years immediately preceding his nomination.

Procedure for Election of European Senators

69. The electoral college will be composed of the European members of the House of Assembly. Each member of the electoral college will be entitled to one vote for every vacant seat of a European senator and may not cast more than one vote for any one candidate. The ballot will be secret.

Nomination of Chiefs for Election to Senate

70. The Council of Chiefs will sit as an electoral college for the purpose of nominating and electing chiefs to the Senate. Candidates for election to the five seats reserved for Matabeleland chiefs will be nominated by members of the Council from Matabeleland and candidates for election to the five seats reserved for Mashonaland chiefs will be nominated by members of the Council from Mashonaland.

Qualifications of Chiefs for Election to Senate

71. A candidate for election must—

(a) be a duly appointed chief; and

(b) reside in Matabeleland, in the case of a seat reserved for chiefs from Matabeleland, or in Mashonaland, in the case of a seat reserved for chiefs from Mashonaland; and

(c) not possess any of the disqualifications applicable to candidates for European or African roll seats in the House of Assembly.

Procedure for Election of Chiefs

72. The electoral college will be composed of the members of the Council of Chiefs. Each member of the electoral college will be entitled to one vote for every vacant seat of a chief for Matabeleland or Mashonaland, as the case may be, and may not cast more than one vote for any one candidate. The ballot will be secret.

Appointment of Senators

73. The three senators appointed by the Head of State shall—

(a) be not less than forty years of age; and

(b) have resided in Rhodesia for ten years during the fifteen years immediately preceding their appointment; and

(c) be enrolled as voters on the European roll or African roll; and

(d) possess none of the disqualifications applicable to candidates for European or African roll seats in the House of Assembly.

Chapter VI. Entrenchment of certain provisions of the Electoral Act

Procedure for Amendment

74. The procedure for amending the ordinary provisions of the Constitution will be followed for any amendment of the Electoral Act which would vary—

(a) the qualifications and disqualifications for the franchise;

(b) the procedure for varying the means and educational qualifications for the African roll described in section 56 of this paper;

(c) the qualifications and disqualifications of candidates for the Senate or House of Assembly.

PART III—LAND TENURE PROVISIONS

Chapter I. Classification of land

Categories of Land

75. All land in Rhodesia will be classified as—

(a) the European Area; or

(b) the African Area; or

(c) National Land.

The total area of all the land in the European Area and the total area of all the land in the African Area will at all times be equal, save that in each Area a variation of two *per centum* from half of the acreage of these two combined Areas will be permissible to facilitate the initial classification of, and future exchanges and transfers between, the three categories. The area of National Land will be fixed subject to a two *per centum* variation from its initial acreage to enable these exchanges to be made.

In order to achieve this equality the existing European and African Areas will be adjusted by the addition of all the existing Unreserved Land, which will cease to be a separate category, and some areas of National Land. In addition, various small "islands" of land owned by persons of one race within the Area of the other race will be eliminated but the rights of present owners will be safeguarded. It has been calculated that this adjustment will result in the following acreages being allocated to the three categories of land—

(a) 44.9 million acres in the European Area;

(b) 45.2 million acres in the African Area;

(c) 6.4 million acres of National Land.

As some areas of Rhodesia have not been accurately surveyed, slight adjustment of the acreages of these areas may become necessary when such surveys are carried out.

Exchanges of Land

76. A board of trustees for each of the European Area and the African Area will be established and entrusted with the functions of determining such transfers and exchanges of land between the land categories as may be desirable to meet changing circumstances and of ensuring that the permitted variations in the area of the respective categories are not exceeded.

Chapter II. European and African areas

Fundamental Principles

77. The European Area shall be deemed to be an area in which European interests are paramount and the African Area shall be deemed to be an area in which African interests are paramount. The rights of Europeans and the restrictions on Africans in the European Area will be on a reciprocal basis to the rights of Africans and the restrictions on Europeans in the African Area.

Composition of European and African Areas

78. The European Area and the African Area will consist of the following land—

(a) privately owned land;

(b) State land which may include—

(i) forest areas;

(ii) national parks;

(iii) wild life areas;
and will include, in the case of the African Area, Tribal Trust Land.

Ownership of Land

79. (1) Land in the European Area may not be privately owned by an African and land in the African Area may not be privately owned by a European, save for the exceptions referred to in this Part and for the case of property which has been acquired in terms of a mortgage bond thereon and which will be subject to the restriction that it may not be so owned for more than five years.

(2) State land will vest in the Head of State.

(3) Since Tribal Trust Land will vest in the Head of State the present Board of Trustees will be abolished. The principal responsibilities at present cast on that Board will be transferred to the Head of State.

Nonracial Residential Areas

80. The responsible Minister will have the power to declare any area of land zoned for residential purposes to be a non-racial residential area where persons of either race may own and occupy land for residential purposes. If the proposed non-racial residential area is within a local authority area the Minister can act only after an application by or consultation with the local authority.

European and African Townships

81. The responsible Minister will have the power to declare any portion of land in the European Area to be an African township and any portion of land in the African Area to be a European township. If the proposed township is within a local authority area the Minister can act only after an application by or consultation with the local authority. Persons of the race for which a township is provided may own, lease or occupy land within that township. If a township ceases to be a declared township the rights of ownership by Africans in African townships and Europeans in European townships will cease, subject to the payment of such compensation as may be agreed or fixed by arbitration.

Mining Rights

82. Any person may occupy land in the Area of the other race if he is granted a right under the mining laws and such occupation is for the purpose of exercising that right.

Special Provisions Relating to Occupation by Africans of Certain Mission Lands

83. Certain rights acquired by Africans in respect of the occupation of mission land in the European Area which have been in existence for many years will be subject to registration and review and will lapse on the death of the holders.

Participation in Local Government

84. Ownership or occupation of land by persons of one race in the Area of the other race will confer no voting rights on such owners or occupiers for the purposes of participation in local authority elections in that Area, but residents of townships set aside for a particular race and of non-racial residential areas may take part in elections in respect of local bodies established to administer local services for such townships or residential areas.

Chapter III. National land

Ownership

85. National Land will vest in the Head of State and will be inalientable but leasehold rights for periods not exceeding ninety-nine years may be granted to persons of either race.

Occupation

86. National Land may be occupied by persons of all races but the use of such facilities as may be provided may be regulated according to the race of the user.

Chapter IV. Entrenchment of certain provisions relating to land tenure

Entrenched Provisions Relating to Land Tenure

87. A Bill to amend any of the following will be subject to the same procedure as that for amending a specially entrenched provision of the Constitution—

(a) the classification of land into European Area, African Area and National Land and the acreages thereof, subject to the permitted variation of two *per centum;*

(b) the procedure for exchanging land and the establishment and functions of the boards of trustees;

(c) the basic rights of, and restrictions on, persons of either race in relation to the three categories of land;

(d) the principle that rights of ownership or occupation by a person of one race in the Area of the other race will not confer voting rights in local authority elections;

(e) the area of Tribal Trust Land and the rights of tribesmen.

GRADUATION APOLOGY

Mr. McCLELLAN. Mr. President, an editorial written in a somewhat facetious vein, but packed with commonsense advice to the 1969 graduates, was published in the Arkansas Democrat on May 30. It carries a message that is worthy of emphasis.

The editorial, "Graduation Apology," presents the idea that the older generation should be sorry because the youngsters were given everything except discipline. At a time when students are rioting and creating disorders on the campus, this editorial suggests that parents have not been faultless in rearing the young people.

It is obvious that the graduates soon will come face to face with problems, the solution to which requires self-discipline and responsibility—qualities which have not yet made any notable impact on a number of the group. Graduates also will begin to recognize the value of conforming to rules of conduct which society has ordered for the benefit of all.

Although the older generation may indeed have cause to apologize, the younger set is still confronted with the task of becoming established in the community as responsible adults. It is this serious but exciting challenge which is the main issue for the graduates. The manner in which they meet this challenge will be judged not only by the older generation but by their contemporaries as well.

Mr. President, I request that the editorial "Graduation Apology," be inserted in the RECORD at this point:

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

GRADUATION APOLOGY

It occurs to us that what you 1969 graduates deserve is more of an apology than an address.

If we were going to do the speaking as a representative of the older generation we would say we were sorry because most of us reared you by giving you everything we could except discipline. And now you need it if you are going to be able to make a living on your own.

The majority of you are about to discover abruptly that in the outside world a certain amount of discipline is not only expected but demanded. For example, most places of business frown on weird clothes, or long hair. You won't be forced to conform, of course—only if you want to eat. In every office there are almost always some rules, and it's wise to follow all of them—including the ones you don't like—even though you didn't have a hand in making them. The company will be pleased if you can improve its methods of doing things or devise shortcuts—but only after you have mastered the old systems. As a rule of thumb, it is best not to interrupt the boss with your ideas while he is giving you his, even if you think he is square, reactionary, or as dumb as your father. You might feel like telling him to get up against the wall, but you better not do it unless you want to go out the front door. Unlike what you might have experienced around your house, you will find that your boss and your colleagues will expect you to do your share of the work. You'll get more money in the outside world not by asking for it, or demanding it, or doing just what's expected of you, but by doing more than your share, or doing it better. Sometimes you'll even have to work when you don't feel like it, or when you have something better to do. That no one else is being made to do it won't matter with your boss; in fact, he won't even be interested in a debate on the subject.

Making these adjustments will be tough. We adults realize—or we are beginning to—how much we have short-changed you youngsters these past 20 years or so. We are now a bit abashed that we have created a society that blames the large number of auto thefts on people who leave their keys in their cars rather than the people who steal them. Somehow it doesn't seem right that our schools are about to eliminate final exams and grades because students are upset by them when they do badly. We are a bit sorry that we made some of you go to college; the front page of any newspaper tells us that many of you don't like it, and, in fact, are trying to destroy it. And we are surprised at the pride expressed by school maintenance people in Detroit, Atlanta, Columbus, Syracuse and Denver in their solution of the multi-million dollar problems of kids breaking out school windows: Install plastic windows.

So if we were speaking at commencement we would apologize and then ask you to discipline yourself at this late date since we have failed to do it. This is really good advice. After all, most of you will be starting a family soon, and you wouldn't want your kids to one day get the shock that most of you are about to get.

ORGANIZED CRIME EVIDENCE

Mr. McCLELLAN. Mr. President, on May 29 I introduced S. 2292, a bill designed to prevent unnecessary delay and dangerous disclosure of Government files in connection with litigation of claims that evidence is fruit of the poisonous tree, by placing a statute of limitations on such claims and by requiring judges to screen the files for likely relevancy. I spoke then at some length on the U.S. Supreme Court case of Alderman against United States, decided March 10, 1969, which prompted the introduction of that bill. The Alderman case had laid down a flat, fantastic requirement that the Government open its files to any criminal who had ever been subjected to unlawful electronic surveillance, to help him argue that the evidence in any case against him was derived from the surveillance, no matter

how clear it was to the judge in a given case that the product of the surveillance was entirely irrelevant.

That ruling created and aggravated several problems now faced by law-enforcement agencies. One of the principal problems, which I discussed in my May 29 remarks, is the harm which such unnecessary disclosure to the defendant and his attorney can do. Life magazine, on pages 45 through 47 of its May 30 issue, has now published an article consisting primarily of excerpts from verbatim transcripts of conversations overheard in 1961 and 1962 through FBI electronic bugs installed in Cosa Nostra meeting places in the Chicago and Miami areas. In my view that article demonstrates, beyond the power of skepticism or naïveté to deny, the terrible and unjustified threat posed by the disclosure requirement.

Assistant Attorney General Will Wilson, Chief of the Justice Department's Criminal Division, had warned me in a letter of April 11, which was printed in the RECORD at the conclusion of my May 29 remarks, that the Alderman disclosure requirement might "result in the revelation of overheard conversations which unjustly reflect upon the integrity of persons discussed therein." Mr. Wilson's prediction is regrettably fulfilled in the Life article. Frank Sinatra and another singer called "Dean," two named Chicago city aldermen, and three judges—it is not clear if they are Federal, State, or local, trial or appellate—are referred to in overheard conversations reported verbatim to the public, and the references are far from flattering. Life omitted the names of the judges, protecting their personal reputations and the concept of orderly procedure for reviewing judicial conduct, but we can take small comfort from that: Some journals might act less responsibly than Life did in this regard. Yet, as it is, four prominent individuals and a segment of the judiciary have suffered serious harm to their reputations—harm which does not discriminate between guilty and innocent, or between factual statement and false, bragging hearsay. Not one of the individuals so harmed was overheard by the bug, at least in the excerpts published. They could have been protected by the judiciary; they ought to be protected by effective legislation; their reputations should not be at the mercy of irresponsible hoodlums or rest in the discretion of Life magazine—or any other publisher.

Mr. Wilson's April 11 letter also noted that, in the past, hearings relating to alleged "fruit of the poisonous tree" have led to "disclosure of facts which have been pieced together by defendants in such a way as to enable them to identify sensitively placed and extremely valuable Government informants, with resultant danger to the informants' lives." It is chilling indeed to realize that Felix Alderisio, a codefendant in the Alderman case itself, was given these transcripts although he neither participated nor was mentioned in any of the conversations. Life describes Alderisio as "a gangster's gangster," and I pointed out when I introduced S. 2292 that he has been identified as a Cosa Nostra "enforcer" and in 1962 was arrested in a car specially equipped for murder. Obviously, to give him this new information, and to let the parties to the overheard conversations learn exactly what law enforcement agencies know about them, was very dangerous. In the published conversations, the gangsters planned an ax murder and reminisced about three murders one or another of them had committed previously. We must find ways to avoid giving sensitive Government files to men who utter such inhuman words as these:

> We'll hit him with an [obscenity] ax or something. He won't get away from us. . . .
>
> Well, we got that knife and he's got to move with us jabbing him with that knife. . . .
>
> We can't let any blood show. We got to keep the guy alive untill we're in a good, safe spot. . . .
>
> • • • • •
>
> Joe [Accardo] says: "Is the guy dead?" And I said: "Sure, because when I nailed him, his head went like that, you know?". . . .
>
> I remember we had to hit him in the belly, then we had to burn him. . . .

The Solicitor General of the United States has explained that under the Alderman decision the alternative to giving our files to such people is to give them "immunity from prosecution for all crimes past, present, or future." I submit that where people like Alderisio and those other butchers are involved, those are not viable alternatives; our only course is to enact effective legislation to improve our courts' handling of this problem.

Protective court orders forbidding defendants to disclose the files they see simply are not the answer. The Life article, purportedly based on information obtained despite such an order, appears to confirm Assistant Attorney General Wilson's report:

> Our experience has shown that protective orders have not been effective.

I cannot assume that Life obtained the transcripts from the defendant or his attorney, Edward Bennett Williams. Indeed, one reason protective orders are inadequate is that all criminal defense lawyers do not share Mr. Williams' reputation for high professional and ethical standards. Nor can I assume the transcripts were obtained from the Government. No, the central problem is not the source of the leak, but the fact that the leak did occur. Since at least 1962 these transcripts had been, as Life remarked, "restricted to use as background intelligence only and had remained deep in Government files, with access to them tightly controlled." Yet not until May 5, 1969, when by U.S. Supreme Court decision the transcripts were "delivered to Williams," were they "shaken loose as a result of his tactic" into the hands of Life magazine. As on the occasion when wiretap information about Bobby Baker, likewise represented by Attorney Williams, appeared in Drew Pearson's column despite a protective order, the source and motivation for the leak are obscure. Baker was on trial here in the district court. Logs of electornic surveillance were disclosed, under protective order, on November 11, 1966. On December 2, 1966, Pearson revealed that national security surveillance had been conducted on the Dominican Embassy and that Baker was overheard. In the Baker case the disclosures placed the Government in a bad light by indicating electronic surveillance of an embassy, while the published Alderisio excerpts impugn only the gangsters, so we cannot even assume that the two leaks had a single source, in the Government, the court, or the defense. But the essential point is not to assess blame. It is to realize that the very difficulty of tracing a leak makes one very likely to occur, that leaks will occur, and that each one can do untold damage. To enforce a protective order, it is necessary to learn who violated it, and this may be as difficult as obtaining evidence in any organized crime or security case. Note, too, that we cannot expect deterrence—fear of the penalty to be applied for a violation of the order—to have much effect. Those involved within the Government can hide behind anonymity and numbers, while those outside, apart from the lawyers involved, who are not always reputable, have, in all likelihood, already demonstrated their lack of fear by committing the crime at issue in the trial.

Let me make here, too, another vital point. Ostensibly, the purpose of seeking disclosure is to prepare a defense on the merits. Nevertheless, is not this defense purpose equally realized if the Government refuses disclosure and dismisses the case? What I am suggesting is that it is in the defendant's best interest to breach the protective order, so that the Government will find such disclosures so distasteful that they will dismiss cases rather than make disclosures in the future. We must not forget that these defendants are not in isolated litigation in a single case with the Government. By definition, in organized crime and security cases, there is an interrelationship from case to case.

What is worse, moreover, the Life article shows the senseless futility of requiring the Government to make automatic disclosure. Just as the trial judge had found in Alderisio's case, concerning extortion committed in Colorado 2 to 3 years before the Life conversations were overheard, the transcripts neither mention Alderisio nor have any possible relevance to that prosecution. Disclosure in this case has done a great deal of harm and no good whatsoever, and that will be the usual result under the Alderman decision.

The Life article is a tragic but compelling demonstration that organized criminals no less than foreign spies are a mortal threat to our lives and values, and that the Alderman rule is empty and unrealistic as a means of providing fair trials while preventing invasions of privacy, assassinations of personal reputation, and murders of witnesses. Where the need for legislation such as S. 2292 has been made so painfully clear and immediate, let us join together to enact it. By every other proper means at our disposal, let us enter combat with these depraved bosses and their hired killers, and

prove again that the American people resist and overcome tyranny in whatever form, from without or from within our Nation.

I ask unanimous consent to have the full text of the Life magazine article and the column of Drew Pearson appear in the RECORD at this point.

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

[From Life Magazine, May 3, 1969]

THE MOB

For sheer candor, a hidden microphone can't be beat. Law breakers and law enforcers know this better than anyone else. At one time or another during a six-year period beginning in 1959, federal agents had a microphone planted somewhere amid the tomato paste and olive oil cans in a back room of the Armory Lounge restaurant in Forest Park, Ill., headquarters of Momo (also known as Moe, Sam, Mooney) Giancana, Boss of the Chicago Mob. They had another bug at a Michigan Avenue tailor shop which served as a meeting place for major Chicago hoodlums. There were two more bugs in a mortgage firm and a merchantile company, where a Giancana lieutenant named Felix (Philly) Alderisio had a piece of the action.

Logs of conversations picked up by these microphones were restricted to use as background intelligence only and have remained deep in government files, with access to them tightly controlled. They performed a highly useful function. In 1959, for example, four years before Joe Valachi turned government informant, the tailor shop bug recorded Moe Giancana and his Mob Boss predecessor, Tony Accardo, reciting a roll call of the Mafia's High Commission, a lineup which until that time had been purely a matter of speculation among enforcement officers. To the anguish of the gangsters, other information contained in the logs is now beginning to bubble to the surface, as an ironic result of the efforts of one of their own to stay out of prison.

Philly Alderisio—at least until recently—has always been known as a gangster's gangster—a swaggerer, but an organization man. In 1965, however, he was sentenced to 4½ years in prison for trying to shake down the Denver oil promoter. (He had approached the man with this introduction: "I'm Phil Alderisio. I'm here to kill you.") Philly isn't one of the major intellects of the Chicago Mob, but he was smart enough and rich enough to hire a topnotch defense attorney, Edward Bennett Williams.

To date, Williams has done well by Alderisio. The mobster has served no time on the extortion conviction, as a result of appeals based on Williams' effort to show that the government's evidence was tainted by illegal electronic surveillance. The U.S. Supreme Court ruled that Alderisio and his counsel are entitled to examine the government's eavesdropping files where Alderisio was a participant, and on May 5, the Justice Department delivered to Williams partial transcripts of conversations logged on four FBI bugs in Philly's Chicago haunts. This makes a lot of people, by no means all of them gangsters, very nervous about the possibility of disclosure in open court of what the government overheard in the Armory and other places. (Among the other places, it is known for example that a federal bug was located for a considerable stretch of time smack across the street from City Hall in the First Ward Democratic Headquarters, which functions as a link between the Mob and Mayor Daley's political machine and police force.)

Philly Alderisio may not have thought up this maneuver for staying out of prison, and in the end he may be no happier with it than some of his rough-riding buddies are. In any event, the contents of the government logs which have been shaken loose as a result of his tactic present as direct and startling a picture of Mob life as has yet been seen—gamey, gossipy, authentic, and in some cases terrifying. Excerpts appear on the following pages.

(NOTE: In the following conversations, * * * indicates that an obscenity has been omitted.)

Time: Oct. 10, 1961.

Place: Armory Lounge.

Cast: Moe Giancana; John Formosa, Giancana's Nevada courier.

Subject: A Nevada gambling casino and its principal owner at the time, Frank Sinatra.

FORMOSA—Sam, I think you gotta start . . . giving them orders: "This is it, Frank," and that's how you got to start. Aren't you going to be tied up with Cal-Neva?

GIANCANA—Who gives a * * * about Cal-Neva? * * * him. Don't worry about it. And I'm gonna wind up with half of the joint with no money.

FORMOSA— . . . He was real nice to me. . . . I had a chance to quiz him. I said: "Frankie, can I ask one question?" He says: "Johnny, I took Sam's [Giancana's] name, and wrote it down, and told Bobby Kennedy: 'This is my buddy, this is what I want you to know, Bob.'" Between you and I, Frank saw Joe Kennedy three different times—Joe Kennedy, the father.

What, if anything, Frank told the late Robert F. Kennedy, then U.S. Attorney General, bore little fruit for Giancana. Kennedy put his name on the top of the list of Justice Department targets in Chicago.

GIANCANA—In other words . . . if I even get a speeding ticket, none of those * * * would know me.

FORMOSA—You told that right, buddy. And I'm for you 100%, for that. * * * He [Frank] says he's got an idea that you're mad at him. I says: "That, I wouldn't know."

GIANCANA—He must have a guilty conscience. I never said nothing. . . .

FORMOSA—He [Frank] says he wrote your name down.

GIANCANA—Well, one minute he tells me this and then he tells me that. * * * One minute he says he talked to Robert and the next minute he says he hasn't talked to him. So, he never did talk to him. It's a lot of * * *. Why lie to me? I haven't got that coming.

FORMOSA—I can imagine . . . tsk, tsk, tsk . . . **** . . . if he can't deliver, I want him to tell me: "John, the load's too heavy."

GIANCANA—That's all right, at least then you know how to work. You won't let your guard down then, know what I mean?

FORMOSA—Why don't you talk to him?

GIANCANA—When he says he's gonna do a guy a little favor, I don't give a * * * how long it takes. He's got to give you a little favor.

A long silence, then the talk turned briefly to Giancana's exasperation over the intensive government surveillance on him.

GIANCANA—I got more **** on my **** than any other **** in the country! Believe me when I tell you.

FORMOSA—I know it, Sam.

GIANCANA—I was on the road with that broad. There must have been, up there, at least 20 guys. They were next door, upstairs, downstairs, surrounded, all the way around. Get in a car somebody picks you up. I lose that tail, boom, I get picked up someplace else. Four or five cars, with intercoms, back and forth, back and forth.

FORMOSA—This was in Europe, right?

GIANCANA—Right here, in Russia—Chicago, New York, Phoenix.

The talk wanders to other areas, then returns to the affairs of the two entertainers, and the difficulties in booking one of them into a Giancana-favored nightclub.

FORMOSA—Dean and Frank, they made a deal, you know. It's a club now, or something.

GIANCANA—Yeah, I know. Them ****. . . . You see Dean, you tell him I want ten days out of him.

FORMOSA—Ten days?

GIANCANA—In other words, you get two weekends in.

FORMOSA—What if he says he's booked?

GIANCANA—Find out when he ain't booked.

FORMOSA—I'll tell him this is a must, right? Tell him you said it. Tell him: "Hey, Dean, this is a must. Sam wants you for ten days."

Giancana—Don't make a special trip. Call him.

FORMOSA—That **** prima donna. You can't call him. I gotta go there and lay the law down to him. So he knows I mean business.

GIANCANA—It seems like they don't believe us. Well, we'll give them a little headache, you know? . . . All I do is send two guys there and just tell them what they're workin' at. . . . Bang, you crack them and that's it. Just lay them up. If he ever hit the guy, you'll break his jaw. Then he can't sing.

Time: Oct. 11, 1961.

Place: Armory Lounge.

Cast: Giancana and a man named Pete.

Subject: Tony Accardo's court troubles. He had been convicted in federal court on Nov. 11, 1960 of income tax fraud. On Jan. 5, 1962 a U.S. Circuit Court of Appeals would grant him a new trial, and he would be acquitted Chicago's First Ward contains Giancana's political machinery. Here he can pull levers in both the Democratic and Republican parties. The Republican ward committeeman is Peter J. Granata. The Democratic committeeman is John D'Arco. Until Giancana ordered him to get out of the city, D'Arco was the First Ward alderman. Vito Marzullo is an alderman from the West Side 25th Ward.

PETE—I got a call the other night, last night . . . Joe B's [Joe Batters, nickname of Tony Accardo] . . .

GIANCANA—Don't worry about Joe B's . . .

PETE—One of the judges said: "Heavy water coming from the north. . . ." There's only one Republican out of this three. . . . I've got three. . . . I think we ought to get a hold of D'Arco, Marzullo, and we'll talk to ---- [a judge].

GIANCANA—I'll tell you, Pete, you call me and I'll work on it personal. I'll come down to D'Arco.

PETE—Let D'Arco get a hold of Judge ----, he's a Democrat.

GIANCANA—And then what? What do you expect him to do?

PETE—Tell him, what the hell. See, we got these guys [naming two other judges] . . . they said all right. But who the hell gets it, see? I'll get a report on it in a day or two.

GIANCANA—It'll take a couple of weeks. Tell D'Arco to get a hold of a judge -----.

PETE—Yeah, and I got another guy talking to----[the judge].

Time: Evening of Dec. 7, 1961.

Place: Armory Lounge.

Cast: Giancana; Bernie Glickman, boxing manager.

Subject: The management of Charles (Sonny) Liston, the boxer, which involves Tony Accardo (here referred to by his nickname "Joe Batters").

GLICKMAN—Yesterday, you were very, very nice and everything.

GIANCANA—Yeah?

GLICKMAN—I asked you if I should say anything to Joe and you said "No." I must tell him [Accardo] . . . I must say something.

GIANCANA—Well, if he asks you, you can tell him, that's all. If he don't ask you, forget about it.

GLICKMAN.—That I will do. I just wanted your permission. So, I want you to know. I won't say a word. Liston knows what he has to do. . . . [Liston] has assured me that no matter what happens when he's champion, I'll be with him. He doesn't trust a human being, except me. He needs somebody with him. . . . If this fight [with Floyd Patterson] comes off, it's gonna be in excess of a million dollars. That's gonna be his purse. . . . Liston . . . was mine from the can [prison] on. . . . Do you think I should go through with our thing? Or drop it? I don't want to start anything that's gonna be a reflection on you. I don't want no troubles.

GIANCANA—You don't be in no trouble. Come on, don't worry about it.

GLICKMAN—O.K.

Time: Oct. 11, 1961.

Place: Armory Lounge.

Cast: Giancana; Lou Brady, a Florida hustler.

Subject: The cancellation of a murder contract the gang issued for Brady. To avoid the killers, Brady had fled to Texas. Now he has emerged from hiding and is trying to convince Giancana that he had not made off with that $90,000 from the sale of the Florida home of another Chicago gangster, Paul DeLucia. Brady hopes to return to Florida without being killed if Giancana can be induced to put in a good word for him with the Florida branch of Cosa Nostra.

BRADY—I took and went to Texas . . . like a **** hermit, like the middle of Siberia, where you got to send away to get a **** pound of macaroni. Sam, all you got to do is make a phone call. Just make one call and say: "You know that fella [Brady], he's with me."

GIANCANA—I don't make telephone calls.

BRADY—All right, write a note, put it in an envelope, seal it and give it to me. I'll deliver it.

GIANCANA—That's all right. I'm going down there [to Miami] in a month anyway.

BRADY—What's the matter, Sam? You wouldn't write a note for me to carry?

GIANCANA—What the hell. All I have to do is go there.

No word has been heard from Brady in recent years. He was last reported seen headed out to sea on a boat with Florida Cosa Nostra Boss Santo Trafficante.

Time: Feb. 11, 1962.

Place: A Miami cottage rented by John (Jackie) Cerone, a sidekick of Accardo and an Alderisio associate.

Cast: Jackie Cerone; Davie Yaras, Miami chargé d'affaires for the Chicago gang; Fiore (Fifi) Buccieri, leader of Giancana's assassination squads; and Jimmy Torello, one of Buccieri's killers.

Subject: The proposed kidnaping and killing of Chicago Union boss Frank Esposito. He is being stalked but has been inconveniently spending most of his time basking with John D'Arco. The killers have no love for D'Arco but he presents logistic problems.

Cerone—They . . . lay there and watch, but that **** [Esposito] never left his **** porch. All he would do all day long is walk to the * * * front and then walk to the back. He walked three or four miles every day, but that * * * * never left his porch.

Yaras—I wish **** we were hitting him [Esposito] now, right now. We could have hit him the other night. We want to prowl the house . . . there was just Philly and he.

Cerone—Yeah, that would have been a perfect spot to rub him out.

. . . Well, if we don't score by the end of the week . . . then we got to take a broad and invite him here.

Yaras—Leave it to us. As soon as he walks in the **** door, boom! We'll hit him with an **** ax or something. He won't get away from us.

Buccieri— . . . Now if he [Esposito] comes with D'Arco . . . we do everybody a favor. We would do everybody a favor if this **** D'Arco went [was killed] with him [Esposito].

Cerone—The only thing, he [D'Arco] weighs 300 **** pounds.

(Later, same conversation)

Cerone—Get the boat tomorrow.

Yaras—I'll get the boat and everything else.

Cerone—We'll get him on the boat if he takes a walk—then it's nothing for me to call him.

Yaras—Yeah, then you can say: "Hey, Frank, what are you doing here?" You know what I figured we could do? Early in the morning we could go there in bathing suits. When we got him in the car, we don't have to do nothing to him in the car.

CERONE—All right. Here's what we do. Monday, we work. We start. Skippie (Frank Cerone, a kinsman of Jackie's) and Davie (Yaras) will work on it. Next morning we go out there and we do it all over again. Even I can go out there one morning. We can take turns. The guy must take a ride. Maybe he won't do it in a week, maybe the 10th or 11th day, he might take a ride alone. We can pull our car right alongside . . . we can all step in . . . even if it's daytime. One guy grabs the wheel, throws him in, let him holler.

BUCCIERI—Well, we got that knife and he's got to move, with us jabbing him with that knife.

CERONE—We'll put him on the floor and away we go. We can ride around with him. Before we do it.

BUCCIERI—Well, we got him * * * after we get him in. We'll drive slow.

CERONE—Yeah, we can drive around and then we can find a prairie. We can have everything with us, the ax and everything.

BUCCIERI—We can't let any blood show. We got to keep the guy alive until we're in a good, safe spot.

CERONE—Oh, no, you can't touch the guy until we get to the car.

BUCCIERI—Yeah, we keep him alive until we're ready.

CERONE—Yeah, you can't afford to have a man dead on your hands. I got the contract (the murder assignment). Did you know that?

BUCCIERI—Yeah.

Esposito's life was spared when the FBI notified Florida authorities of the murder plan. As they sat around Cerone's living room, planning to chop up Esposito, the gangsters talked of other jobs in other times, chatty and giggly as schoolgirls. Cerone recalled his attempt to murder Jim (Big Jim) Martin, a policy betting king, a job botched because Cerone was using outdated ammunition.

CERONE—So when I banged the guy, I called him with a full load . . . but it had to go through a Cadillac. I blasted him twice. Joe (Accardo) says: "Is the guy dead?" And I said: "Sure, because when I nailed him, his head went like that, you know?" The next morning, the headlines are in the paper. The guy is still living . . . this double o (double-o buckshort, a shotgun load) was 10 years old . . . it wasn't fresh, so the guy lived.

YARAS—That's one thing, when I use that double o, I got to use fresh ones (shells).

CERONE—The guy [Martin] was a big nigger. He left the country and went to Mexico. That's what we wanted anyway. We wound up with all his policy [lottery] games. The next day, I'm on the corner [where Martin was shot]. I went to the place all dressed up. The squads [police] and the cars are all around. I'm right there. And everybody is talking and I say: "Oh, that's terrible. But them * * * niggers, they're always fighting one another, you know."

Cerone always boasted that few people outside The Mob knew he was a triggerman.

CERONE—I wasn't known for a long time. I kept away. I wasn't seen with nobody, never mixed. I was always hidden, for many years.

Cerone chuckled about that. Then another killing crossed his mind.

CERONE—I remember one time we was on this guy for a week. You know, you get close and you blow it and then you try again. So this one night, we pull up on the guy and he's with his wife. So he [Cerone's partner in the crime] said: "What the * * *, I'll get him." So I grabbed the wheel and he jumped out and chased the * * * a half a block, but he nailed him. Remember that time you popped that guy and you rolled him over a couple of times and he lived?

YARAS—I didn't do that. * * * Oh, yeah, now I remember. I did that with Johnny. I'm gonna tell you a funny story. You know, I think that * * * tried to hit me the same time I hit him. I swear. Because he put a shot right through the windshield.

It was Buccieri's turn, then, to reminisce about a victim he called Polecat.

BUCCIERI. I remember we had to hit him in the belly, then we had to burn him. We couldn't even get the handcuffs on him.

Cerone put a question to Yaras.

CERONE—All these * * * years, Davie, why didn't you move in on some of these * * * guys down here [in Miami]?

YARAS—First of all, down here they got the lights on [law enforcement pressure and publicity]. You hate to be connected. But these New York * * * in Miami * * * I'll tell you something. You think we got some bad guys? These [New York] guys are real * * *. They want to knock their heads around. You don't like to be with them.

CERONE—If I was down here all these years, Davie, I would have moved into those guys.

YARAS—Yeah, but with some of these guys, you couldn't do nothing with them. You should see some of these guys. They won't even let nobody else on the track. You'd have to hit them.

CERONE—Have to hit them all.

[From the Washington Post, Dec. 2, 1966]

FBI EMBASSY "BUG" EMBARRASSES UNITED STATES

(By Drew Pearson and Jack Anderson)

The Federal Bureau of Investigation, it has now been revealed, has been tapping the wires of the Dominican Embassy.

A foreign embassy in the United States is extraterritorial ground with privileges reserved to that country only. The United States may not intrude on embassy territory, even if murder is committed inside. This is international law which the United States has insisted upon abroad and which we adhere to in this country.

The State Department therefore is very red-faced to find that the FBI placed taps on the wires of the Dominican Embassy in 1961 shortly after the assassination of Dictator Trujillo.

This was disclosed as a result of the Justice Department's prosecution of Bobby Baker, the former Senate Secretary, some of whose conversations were bugged and wiretapped. As a result of this FBI eavesdropping it may be that the Baker indictments will be thrown out of court. The matter is now being heard before U.S. Judge Oliver Gasch in pre-trial motions.

The Justice Department, in admitting that some of Baker's conversation had been bugged, submitted conversations he had had with the Dominican Embassy. He had placed several phone calls to the Embassy around May 1961, usually speaking to the financial counselor Oscar Ginebra, about the prospects of Joaquin Balaguer then provisional president, becoming permanent president.

RUSK ASKS SUPPRESSION

Balaguer resumed the presidency this year after defeating leftwing candidate Juan Bosch in the post-revolution election. It won't help Dominican-American relations for Balaguer now to discover that his em-

bassy phones were tapped the last time he headed the Dominican government.

Secretary of State Dean Rusk was so alarmed over the eavesdropping that he sent an anguished appeal to the courts to suppress the evidence, and directed Baker and his attorneys not to mention the embassy wire taps.

Oscar Ginebra, reached by this column at the Inter-American Development Bank where he is now a section chief, recalls receiving a number of phone calls from Baker in the late spring of 1961. However, he claimed he couldn't remember what was discussed.

It isn't known how long the FBI continued to monitor the Embassy's phones. However, FBI agents were listening in on the conversations of prominent Dominicans as late as this year.

The FBI tapped the phones of another Bobby Baker intimate, Jose Benitez, in Puerto Rico, while Juan Bosch lived in Benitez's apartment. The FBI wanted to know what Bosch was saying during the civil strife in the Dominican Republic. On one occasion he received a phone call from Santo Domingo reporting that one of the rebel leaders had been shot.

"See that he is shot in the back and then announce to the press that the Americans shot him," Bosch ordered over the phone.

Meanwhile, the story of FBI wire tapping continues to deepen.

HEROES WITHOUT HEADLINES

Congratulations to the Madera Tribune for exposing the law fees received by California State Sen. James M. Cobey from two irrigation districts at the same time Cobey was chairman of the California Senate's Water Resources Committee. It was this conflict of interest which chiefly contributed to Cobey's defeat . . . Congratulations to Sherwood Ross of radio station WOL for taking on Washington, D.C., landlords in the "war on slums" in the Nation's Capital. Despite tenants' fear of eviction, they reported housing violations to Ross, who, working with D.C. inspectors has reported 3000 violations. An estimated 900 dwelling units have been cleaned up in Washington . . . Congratulations to Marvin Sosna, editor of the Thousand Oaks News-Chronicle in California, for exposing shoddy building practices in the San Francisco Bay area. County inspectors have been wobbly and real estate interests have tried to boycott the News-Chronicle, but editor Sosna is putting up a courageous battle against them.

Congratulations to the Teamsters Union for launching a massive $2 million project to train 1800 people, in Southern California, in truck driving, auto mechanics and passenger-car driving. The Teamsters are working with UCLA's Institute of Industrial Relations and are trying to help school dropouts.

Armistead L. Boothe, Alexandria, Va.—Thanks for calling our attention to the fact that the 1924 lawsuit against Rep. Howard Smith of Virginia and William P. Woolls was dismissed by the Supreme Court of Appeals in Virginia. The main point of our column was to refute Rep. Smith's statement that his integrity had never been questioned prior to our earlier column. It had been questioned in this lawsuit, even though in the end he won.

WHAT INDIAN ELECTRIC COOPERATIVE MEANS TO OUR COMMUNITY—ESSAY BY SHEILA BOWEN, MANNFORD, OKLA.

Mr. HARRIS. Mr. President, this morning I had the privilege of breakfasting with an outstanding group of young people who were members of the sixth annual youth tour sponsored by the Oklahoma Association of Electric Cooperatives.

As usual, this was a most enjoyable occasion for me and for the members of the Oklahoma congressional delegation. As I told the group, they represent at least three things I like very much: The spirit of optimism and progress of Oklahoma; the principle of cooperation and what people can do by banding together to help themselves; and the youth of America—the most dedicated, the best prepared, and best educated generation of young people this country has ever produced.

Sheila Bowen of Mannford, Okla., represented all 63 Oklahoma young people present when she read to the group her essay entitled "What Indian Electric Cooperative Means to Our Community." She was an excellent spokesman for the group. Her essay was excellent and it was delivered with unusual ability and charm. I ask unanimous consent that the essay may be printed in full at this point in the RECORD.

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

WHAT INDIAN ELECTRIC COOPERATIVE MEANS TO OUR COMMUNITY

(By Sheila Bowen, Mannford, Okla.)

What Indian Electric Cooperative means to our community is probably somewhat different than in the communities served, directly by Indian Electric. However, I would like to tell you the many ways our community has benefited, both directly and indirectly.

As a teenager, I have always lived in the Golden Age of electricity and have pretty much taken it for granted. I do realize, however, that if our forefathers had not met the challenge of electrifying rural communities our nation would not be what it is today.

I am sure that the small group of farmers and oil men that met in the Scrappin' Ridge School house back in 1939 did not realize just how much their action on rural electrification would mean to so many communities—both rural and urban. If it had not been for some farsighted and civic minded people at the Cleveland Chamber of Commerce, rural electrification in this area might not have been possible. These good people stepped in to aid in obtaining a loan from the REA in Washington, D.C. The Chamber of Commerce realized that rural electricity would give birth to new local enterprises, expand existing ones and in general increase the economic welfare of the entire community.

The loan was obtained and work was started in 1940. The first 189 miles of line was completed and energized on May 7, 1941. This was just the beginning of a continually growing and expanding cooperative.

The first home of Indian Electric Cooperative was the former Fidelity State Bank in Cleveland. The cooperative soon outgrew this building and in 1949 moved to the present location at Broadway and Delaware. This location is now giving way to progress and in the very near future the Indian Electric Cooperative family of employees will be moving into their new offices and warehouse at the southeast edge of Cleveland.

Since that humble start in 1941 with 189 miles of line and 227 members, the Indian Electric Cooperative has grown steadily. Each year it has added approximately 84 miles of line and 291 new members. The cooperative now has 2,459 miles of line and 8,093 members.

Indian Electric Cooperative is not concerned only with keeping electrical power running through its lines and giving members the best possible service. I also see a very warm human factor—concern for the people of these communities, especially the youth. Realizing that the youth of today will be the leaders of tomorrow, Indian Electric Cooperative is helping by supporting and sponsoring many worthwhile projects like the FFA, FHA, and 4-H clubs. These organizations are all built on a foundation of leadership, character, development, sportsmanship, scholarship, community service, citizenship, and patriotism. If these qualities are instilled in the youth of today, it will be of great value in the years to come. Some of these young people of today will probably grow up to be employees or even members of the Board of Directors of this same Cooperative.

Indian Electric Cooperative has contributed many civic and church leaders to Cleveland and the surrounding communities. Of the various employees and board members I am acquainted with, several are very active leaders in churches and civic clubs such as Rotary, Kiwanis, Chamber of Commerce and Lions Club. One of the past Indian Electric Cooperative board members, and a valued friend of my family, the late I. C. (Billy) Rayborn, was a good example. Even though he didn't live in our town, he served as the President of our local Lions Club. He was a great leader in every way and I am sure Indian Electric Cooperative was proud to have him as a board member.

Our school has benefited in several ways from the cooperative. In 1968 alone, Indian Electric paid over $44,000.00 in school taxes with my school getting its share according to the amount of line in our district. However, I feel the leadership and scholarships offered to the students by Indian Electric are equally important. We at Mannford High School felt very fortunate last year that two of our top students were awarded these scholarships. They are now at Oklahoma universities doing very well. The winner, enrolled at Oklahoma State University, is maintaining a 4.0 grade average. I also think contests such as the tour to Washington are very good for youth. It has been a challenge to me to really think about one of our most valuable commodities—electricity—and what the people behind it has done for us.

It would be hard to estimate how much the Indian Electric Cooperative means to the lake area. If it were not for rural electrification, I'm sure the area surrounding Keystone Lake would be sparsely settled. People will just not do without electricity and all the conveniences and necessities it makes possible. With the Indian Electric Cooperative already in the area, any new resident just by filling out an application and paying a small membership fee, can have all the electrical advantages of the cities plus the beauty and serenity of living in the country.

Ever since Lake Keystone has been built, sub-divisions have popped up all over the shorelines. There are now approximately 80 sub-divisions in the Lake area; all being served by Indian Electric Cooperative. Just driving around at night seeing all the mercury vapor night lights twinkling over the countryside is quite a sight. There are 19 public use areas on the Lake and all but one are served by Indian Electric Cooperative. We have four marinas and nine special use areas such as two Boy Scouts of America Councils, Camp Fire Girls, Oklahoma State University Park, several town parks and church groups that are served by Indian Electric Cooperative. When you think about how important these facilities are, you begin to realize the many ways Indian Electric Cooperative helps our community.

The town in which I live is not served directly by Indian Electric, but works very closely with it. Indian Electric serves the area surrounding the City of Manford and in some cases inside the city limits. In one area within the city, directly across the arm of Salt Creek, the city requested that Indian Electric serve this area since it already had power lines in the area, and also the cost to the city to expand its lines into this territory wasn't economically feasible. This area would have possibly been without electricity for some time had it not been for Indian Electric.

In another case the city was met with the task of getting power to our new water treatment plant located about one mile south of town. Again we called on Indian Electric Cooperative which had power lines nearby and once more it came through to help. This has saved our community money by not having to duplicate power facilities in the same area. This water plant serves the City of Mannford and Creek County Water District #5 which serves about 200 rural customers in the surrounding area.

Our small city, like many other cities of today, is faced with many problems, but we find our problems multiplied by the accelerated growth of our new town now located on a large lake and within 20 miles of a large metropolitan city. The financial problems are difficult for a small new community to cope with, but through careful planning and some excellent advice from our friends at Indian Electric, the city has recently secured a loan from REA to upgrade its present facilities and expand its electric distribution facilities into newly developed sub-divisions within the city limits. I was informed by my father, a member of the Mannford Board of Trustees, that this will be the first time that REA has financed a loan of this type to a municipality. Without the low interest rates and long term financing that is provided by REA, the present system would be in danger of being overloaded and the rate of growth of our town slowed down considerably.

Without readily available electricity, small towns such as ours would deteriorate or fade away into larger cities. A small town cannot exist without the people in the surrounding areas, and they would not live there without rural electricity.

I think it is a great challenge to the young people of today to be able to contribute something very worthwhile to the people of the next generations and perhaps help them as much as Indian Electric Cooperative has helped us. I am thankful to live in an age when we can enjoy one of the greatest discoveries in history—electricity—and even more thankful for rural electricity as provided by Indian Electric Cooperative. I am grateful to Indian for what it has done for our community, and for the things it has done for me. The Indian Electric Cooperative has brought a wealth of conveniences and opportunities to the members of our community.

DEPLOYMENT OF THE SAFEGUARD ABM SYSTEM

Mr. BAKER. Mr. President, on June 1, in the course of a nationally broadcast television panel discussion, a respected Member of the Senate challenged the Department of Defense to declassify a single chart that had been shown in executive session to the members of the Committee on Armed Services. Declassification of this chart, according to our distinguished colleague, would in his judgment end the argument over deployment of the Safeguard ABM system once and for all.

Mr. President, it would be a welcome relief to this Senator, and I expect to others in this Chamber, if any single chart or document, or series of documents, could put an end to the controversy over the deployment of the highly complex Safeguard ABM system.

I was impressed with the urgency of examining such a secret document, and I took it upon myself to ask the Department of Defense to produce that document so that I could examine it, classified though it was, to determine in my own judgment whether it would end the controversy over the deployment of the ABM system.

I can report that I have seen the chart. I have examined it in detail. I find that, contrary to ending the argument over the deployment of the ABM system, or in any way acting in derogation of the logic which supports the deployment of the Safeguard ABM system, it conversely is entirely in keeping with and supports the proposal made by President Nixon for the deployment of the Safeguard system.

Mr. DOMINICK. Mr. President, will the Senator yield for one comment?

Mr. BAKER. I have only 3 minutes.

Mr. DOMINICK. I merely want to congratulate the Senator on his initiative. I have seen the same chart, and I totally agree with him.

Mr. BAKER. I thank the Senator.

I must say, having examined the chart, that I firmly believe that it should not be declassified. It is not classified because it either supports or does not support the Safeguard proposal. It does give us statistical evaluation on how many Russian missiles it would take to overwhelm the defenses of the United States, the Minuteman system and the Safeguard system, or any other system.

Very frankly, Mr. President, I am not inclined to give that information to the Russians, nor do I believe any member of this Government should be so accommodating to the Russians.

I rise to make this point simply because there is at least an implication that the Department of Defense, or this administration, is selectively declassifying information, and that, as implied by the senior Senator from Missouri, declassifying this single chart would have destroyed the arguments in favor of the ABM system.

I have examined it, and I say once again, it does not in any way detract from the validity or the attractiveness of converting the posture of this Nation to defense instead of offense. I believe, Mr. President, that it is incumbent upon me to give this body the benefit of my appraisal of that classified document, which I believe should remain classified.

NOMINATION OF CARL J. GILBERT, OF MASSACHUSETTS, TO BE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Mr. LONG. Mr. President, there is on the Executive Calendar today the nomination of Carl J. Gilbert, of Massachusetts, to be Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary.

I explained last Friday, as shown at pages 14823 through 14827 of the RECORD, together with a number of articles that I put in the RECORD explaining my position, why that name is being objected to and held on the calendar, the principal fact being that the committee that reported the nomination does not have primary jurisdiction over it, and that this is a very serious matter, and should be considered by the committee that does have primary jurisdiction.

I have no objection to the Committee on Foreign Relations, though less directly concerned about that nominee, taking jurisdiction of a job created by the Committee on Finance, with regard to which the nominee would have to work with the Finance Committee, a job involving powers that have expired under legislation enacted at the behest of the Committee on Finance. And such legislation would have to be renewed under legislation that would have to emanate from the Committee on Finance if the nominee is to do much.

I repeat, I made it clear on Friday last week that while I did not object to the Committee on Foreign Relations having jurisdiction over this nominee, and proceeding to exercise it, I felt that in due course the nomination should be referred to the committee that created the job and has the problem; and that that Committee on Finance should have the opportunity to consider the nomination.

The chairman of the Committee on Foreign Relations, I thought, with a quorum present in the Finance Committee room, agreed that the Finance Committee should share jurisdiction of this nomination. Subsequently, he did not seem to think that that was quite the commitment he had made, and felt that there should be some assurance that we would report the nomination.

I stated to the distinguished chairman that I would be willing to agree to that. The matter remains in limbo. I have communicated to the leadership, at least to the majority leader, what my attitude was about the matter, and so far as I know, it has not been resolved. But it seems to me someone should contact the chairman of the Committee on Foreign Relations, and see if he is still satisfied that this matter should be referred to the Committee on Finance; or, if not, why not, and that before we take up the nomination, we resolve the jurisdictional question as to which committee should have had the nomination before it.

As I say, it is all right with me for some other committee to conduct hearings on a nominee for a job our committee created. Our committee is willing to go along with that; but we do think, in view of the serious problems involved, that eventually we ought to have a look at the man who is to occupy the job, his predecessor in which created a great number of problems during his term.

The matter could perhaps have been resolved by coming to some understanding at the beginning. I simply want to make it clear that I am not the Senator who is holding the matter up. The nomination should be referred to the Committee on Finance, and that committee should have a look at it. When we complete communications, to find out if there is any objection to the name going to the committee, we will then know whether the committee that created the job will have an opportunity to have the name before it or not. If the committee is not to be afforded that opportunity, then we will find some other way to obtain the information we need.

LAKE SUPERIOR CONFERENCE

Mr. MUSKIE. Mr. President, Lake Superior is one of the most valuable and scenic bodies of water in the world. It is

blessed with 2,976 miles of shoreline shared by three States and Canada and exceptionally high water quality.

Left to its own devices, this immense lake would remain pure for thousands of years; but there are already ominous signs that Lake Superior could become seriously polluted, as have Lake Michigan, Lake Erie, and hundreds of other large and small lakes in the United States.

Fortunately, if warnings are heeded now and appropriate preventive action taken, Lake Superior could be protected in its unpolluted state for future generations.

The Senator from Wisconsin (Mr. NELSON) has for several years been urging a Federal-State enforcement conference to plan and enforce such a program to protect this lake. Last January, a conference was called by former Secretary of the Interior Stewart Udall. Its first session was held May 13, in Duluth, Minn.

Senator NELSON'S speech for that first session is a forthright statement of how Lake Superior is threatened and what he believes must be done to protect it. Moreover, Senator NELSON also cites important principles in meeting the challenge of long-range environmental management which apply to many situations across the country.

I commend Senator NELSON'S excellent speech and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON TO LAKE SUPERIOR CONFERENCE, DULUTH, MINN., WEDNESDAY, MAY 14, 1969

One of the most serious and pervasive "by-products" of American progress has been the pollution of almost every major body of water in this country by wastes of all kinds, colors, shapes, and smells.

We have polluted rivers in our urban areas so badly that in some cases they are fire traps. But we have also polluted waters in the most remote areas of the country—this is exactly what is threatening now in some portions of the Boundary Waters Canoe Area.

For decades, we have hidden our eyes and hoped the growing pollution problem would go away. But in recent years, it has become too obvious and too gross to ignore. In fact, water pollution has generated a national concern that with each succeeding year is more insistent on immediate and effective action.

In our own region, we've seen the voters of both Wisconsin and Michigan support bonding issues in the hundreds of millions of dollars to fund pollution cleanup. And we have all see the intense citizen interest in Minnesota, Wisconsin and Michigan over the fate of Lake Superior. Since its formation in February, 780 people have joined the Save Lake Superior Association.

It has been gratifying to see the results when the people really speak out, as they have on the pollution issue. Under precedent-setting federal acts, water quality standards have been set and federal-state enforcement conferences have been held all over the country, in a national effort to stem the tide of pollution.

Already, 45 federal-state conferences have been held to abate the pollution of interstate waters, from Boston Harbor, the Potomac River and Lake Erie in the east, to Lake Michigan and part of the Upper Mississippi River in our region, to Puget Sound and the Snake River in the west.

But perhaps the most important enforcement conference yet is the one we are undertaking here this week to abate and prevent pollution of Lake Superior. The conference was called by former Secretary of the Interior Stewart Udall after I had for several years been urging such action either by the governors or by the Secretary.

It is no small question, no minor concern. The dimensions and the values of this natural resource are almost without parallel.

Let me describe Lake Superior in terms of what it means not only to us, but to this country, and to the world.

By volume, it is the third largest body of fresh water on earth—almost 3,000 cubic miles. Only Lake Baikal of Russia and Lake Tanganyka of Africa are larger.

The shoreline of the lake stretches 2,976 miles, and is perhaps Lake Superior's most precious asset. The three states share 1,427 miles of the shore; Ontario, Canada, has 1,549 miles, making it truly an international lake.

The Federal report does a good job of describing the sweep of the shoreline: "The wide sand beaches of Whitefish Bay—the great parched dunes near Grand Marais—the sheer cliffs of the Pictured Rocks—the remoteness of the Huron Mountains—the Apostle Islands—Split Rock Lighthouse—Isle Royale National Park—and all the many miles of primeval wilderness constitute a most valuable recreation and aesthetic resource."

But words aren't adequate for the feeling one has standing on that ancient shore, sensing the whole history of the earth unreel in the rocks, the cold waters, the fog of even a summer morning. One gains an impression then, rather humbly, of the forces that created man—the same forces that can just as easily sweep him away.

Lake Superior is pure as well. So pure, one can see a trout at depths of up to five fathoms. So pure, the National Water Quality Laboratory was located near Duluth in good part because this is one of the few places where they would not have to import water clean enough for their baseline work.

I should add parenthetically that the North Shore is an especially fitting location for this national fresh water laboratory for another reason: It is in the district of Congressman John Blatnik, who has been one of the most ardent and effective advocates for clean water in this country. No one in the Congress has been more dedicated and effective in the cause of protecting the quality of our public waters than John Blatnik, and we owe a great deal to him for the very federal statutes which authorize conferences such as these.

On the North American continent, there is simply no body of water to compare with this lake—in volume—in purity—in value.

And left to its own devices, with its small drainage basin and infertile rock, Lake Superior would remain pure for thousands of years—unchanged—almost ageless.

Yet experience has shown us that there is little reason for comfort about the future of any resource in the world, especially in this age of expanding population—cities—industry—and technology.

Lake Baikal, almost twice the volume of Superior, has pollution problems, primarily from the wastes of several big industries.

We are even on the way now to polluting the oceans. Our progress is marked by the newspaper reports about oil spills, red tides, poisoned shellfish, and Antarctic penguins with DDT in their bodies.

Call the roll of lesser but still impressive bodies of water: Switzerland's Lake Zurich, Wisconsin's Lake Mendota and Lake Menona, New York's Lake Cayuga and Lake George, Florida's Lake Okeechobee—

Or of the hundreds of inland lakes in the Upper Midwest and nationwide that are often so thick with algae they're like pea soup. They're severely polluted, and it will take decades and millions of dollars to restore them—

Or the Great Lakes. Less than two centuries ago, explorers and settlers of this region found the lakes remarkably crystal clear and pure. In effect, five Lake Superiors.

But gross pollution is winding its way rapidly up the chain.

Lake Erie is a dying lake. Game fish are on the way out. Municipal and industrial wastes have closed bathing beaches from Detroit to Cleveland. The stench from rotting algae can be smelled for miles around.

Lake Michigan is on the way. Severe pollution is occurring in the southern end, in the Green Bay area, and along the shoreline. The lake's fishery has suffered the scourge of the lamprey and the alewife, both introduced form the sea by man's action. Now the pesticides DDT and Dieldrin have concentrated in the lake to such high levels that they threaten sports and commercial fishing.

Lake Ontario is suffering the same destruction as Lake Erie, where it gets 85 percent of its water.

Trouble spots have shown up on Lake Huron, especially near heavily populated areas.

These Great Lakes, once a magnificent example of the works of nature, are now a sad monument to the follies of man.

And it can happen on Lake Superior.

The Federal report points out the delicacy of this body of water: Its clarity is extremely susceptible to being reduced by pollutants—Addition of a few parts per billion of heavy metals will have lasting deleterious effects on the lake—Sedimentation will damage fish spawning areas, which are already limited by the nature of the lake—The deep blue color, valuable aesthetically and for tourists, can be changed by tiny particles in suspension.

"The quality of Lake Superior is so high compared to other lakes that the early signs of damage may go undetected or may be excused as being insignificant," the report says.

Small changes wrought by man will set off a chain of events that could change this lake beyond present recognition. In more ways than one, it is clear that this giant of a lake has an Achilles Heel. It is a Goliath that can be slain by a David, though I doubt the event would be remembered as one of our heroic feats.

Maybe it would qualify, though, for Ripley's "Believe it or not."

Or maybe we could say: "We've finally moved this region into the mainstream of progress. We've polluted Lake Superior." Not too long ago in America, that was the attitude, and it was once tolerated.

We haven't by any means polluted this lake yet. But the danger flags are up:

—Municipal wastes are being discharged directly into the lake or into the drainage basin from 93 cities, towns and districts. In many cases, treatment is at the outmoded primary level, or is nonexistent, although pollution control programs of the three states are underway and, if followed, will improve treatment.

Industrial wastes are being discharged from 61 industries. In many cases, control is nonexistent or completely inadequate, and for some sources, abatement schedules have not yet been set by the states. I urge that such schedules be set as quickly as possible, so pollution from these sources can be eliminated.

Wastes are also being discharged from federal installations and facilities. Here again, controls are in instances completely inadequate, and it is critical to the integrity of the federal program that the pollution be stopped.

Erosion in northwestern Wisconsin's red clay area has damaged valuable trout and recreational streams, discolored Lake Superior waters off the south shore of the lake, and is damaging the lake's aquatic life. I

urge state and federal officials to initiate a major program of soil conservation and streambank stabilization on south shore streams and watersheds, based on recommendations of the Red Clay Committee. I will reintroduce legislation shortly which would aid in this effort.

Hundreds of commercial, sports, and federal vessels are dumping untreated wastes directly into the lake.

The U.S. Army Corps of Engineers continues to contribute to pollution by dumping its harbor dredgings into the lake. Last year, the Corps dredged one million cubic yards from harbors in Lake Superior and dumped most of it in open water. It is urgent that current Corps studies and hearings produce results shortly.

As in any other major shipping or industrial area, Lake Superior faces the continued danger of disastrous oil leaks and spills, the effects of which we saw recently at Santa Barbara.

On the Canadian side, there are indications that both American owned and Canadian paper mills are discharging untreated effluent directly into the lake. Effective protection of Lake Superior will require international cooperation, and perhaps international agreements, which I hope this conference will study and recommend.

For pollution sources on the American side, the Federal report makes 20 recommendations. Most are excellent, and some are precedent-setting in their acknowledgement that Lake Superior is a priceless national heritage not only for us, but for future generations.

For instance, the report recommends some of the strictest interstate water quality standards in the history of the national program.

With two exceptions, I concur wholeheartedly with this and the other recommendations of the report, and urge their adoption and immediate implementation by the conferees.

The exceptions are important ones.

First, I urge that upgraded standards as strict as those proposed by the report for Lake Superior itself eventually be set throughout the entire drainage basin. The conferees should adopt long-range timetables to accomplish this.

I don't believe any other course will assure long-term protection of the unique water quality of the lake.

In some instances, lower quality standards, such as "limited body contact," are being set for portions of rivers entering the lake. Examples of this are sections of the Montreal and St. Louis rivers. This means that improved, but still lower quality waters will continue to be fed into the open lake, possibly setting off the kind of chain reaction which could seriously alter the ecology of Lake Superior.

The upgraded standards should require that in time, wastes discharged anywhere in the basin must be first treated to the highest degree technology will reasonably permit, or be disposed of elsewhere.

Further, such standards should as a general rule prohibit the discharge of significant new volumes or kinds of wastes into the basin.

Only in this way can we assure that the new industries and the new or expanded communities which are legitimate parties in the sharing of this resource will not, with existing users, damage it beyond use for all.

If we hesitate on such standards, it is inevitable that as the population of this region increases, we will be faced over the years ahead not with a trickle of pollutants, but with a deluge.

A sample is the gaseous diffusion plant which has been discussed for a location 20 miles from here near the Lake Superior shore. In producing fuel for nuclear power reactors, this massive plant reportedly would use more than two billion gallons of Lake Superior water a day, and return it heated to the lake.

Thermal pollution has become a national issue, as we learn more about the serious effects of heating our lakes and streams.

Nowhere is there greater cause for concern than in this region. On Lake Michigan alone, six nuclear power generating plants will be in operation by 1973. If power industry growth continues at its present rate, the result will be an increase by several degrees in the temperature of the entire lake. Not one of the plants is installing systems to cool the water before it is discharged back into the lake, or is planning to ship away all liquid radioactive wastes.

No nuclear power facility of any sort, including the gaseous diffusion plant, should be allowed to operate on Lake Superior or in the drainage basin unless it eliminates all heat and radioactive discharges that technology will permit. A nuclear power generating plant in Sacramento, California, is being designed to discharge no heat and no radioactivity into the water.

Standards such as these are not without precedent. The state of New Jersey has set similar ones on several of its valuable fresh water lakes. And there is a total prohibition against discharge of any wastes into Lake Tahoe.

Second, it is a matter of serious concern that the Federal report does not make firm recommendations for action now regarding Reserve Mining Company's discharge of taconite tailings at Silver Bay.

I think there is ample evidence that action in this matter is justified and necessary for protection of Lake Superior.

Since 1956, more than 190 million tons—or 380 billion pounds—of taconite wastes have been put into the lake.

One year of Reserve's tailings discharge nearly equals 30 years of natural discharge of sediments by all United States tributaries to Lake Superior.

If as scheduled, the plant operates at current levels for the next 40 years, it will put into the lake 1 trillion, 881 billion, 600 million pounds.

If as is possible with Reserve's ore body, the plant operates for the next 90 years, the total tailings going into Lake Superior from Silver Bay would reach 4 trillion, 233 billion, 600 million pounds.

In northern Wisconsin, we have taconite ore reserves on the Gogebic Range which a gross estimate shows reach 1,000 million tons for the first 100 feet. This means we could discharge one or two trillion more pounds of taconite tailings into Lake Superior from the Wisconsin side, if a similar plant were built there.

Where would it end?

I believe this artificial discharge of massive amounts of material into the lake is a pollutant, and is bound to have serious and possibly catastrophic long-range consequences.

For instance, one of the specific conclusions of the Federal report is that the tailings are already damaging the ecology of a portion of the lake.

The report also accepts conclusions of an earlier Interior Department task force report which found that the tailings are affecting critical lake values, such as the low mineral content, extreme clarity, limited fish spawning grounds, and the deep blue color of the water.

Furthermore, the report contains evidence found just last month that tailings are now present in the drinking water supplies of Beaver Bay and Two Harbors, and in Duluth, some 50 miles downshore from the Silver Bay plant.

Not only does this raise public health questions, but it makes it almost inevitable that the tailings have moved to the Wisconsin side.

If there isn't adequate authority for action to properly control this massive tailings discharge, I will ask that Congress amend the pollution control laws.

However, there are a number of authorities already available to the conferees, and with the full support of the governors of all three states, there appears to be little question that appropriate state and federal action could be taken where necessary.

First, the Minnesota permit for the Reserve operation states that tailings outside a nine square mile zone in front of the plant should not cloud or discolor the water, affect fish life or public water supplies, interfere with navigation, or cause any public nuisance. I believe the discharge has exceeded terms of this permit.

Second, the Lake Superior water quality standards of both Minnesota and Wisconsin prohibit artificial discharges which will cause nuisance conditions. The standards also cover toxic and other damaging materials, and involve both state and federal authorities.

Third, by interdepartmental agreement, the Army Corps of Engineers' permit for the Reserve operation must consider pollution, and the permit is now under review pending the recommendations of this conference.

It would be unfortunate if, with the evidence, and with the authorities available, the conferees were to accept a recommendation calling only for continued surveillance.

Alternative means for disposal of the tailings must be extensively explored, and an early report must be made back to the conferees for their consideration and decision in the near future.

The same technological ingenuity which produced the marvel of the taconite process must be put to work to prevent pollution by the taconite wastes.

Substantial costs will be involved.

But to cite just one example, United States Steel Corporation has spent $235 million since 1950 for air and water pollution control at its facilities around the country, including its Iron Range plant. U.S. Steel currently is spending $50 million a year on these problems, and just two weeks ago announced major new control steps.

When costs are considered, the conferees should also look at what society will pay in damages to the recreational asset Lake Superior offers for the entire nation, and in damages to the commercial fishing industry.

The damages will also be charged against Lake Superior's great potential as a source of clean water for the mid-United States, which faces some water shortages for all uses in the next few decades.

But even more than this, American society would be losing a natural resource that is a treasure and a heritage for all time. The quality of life for all Americans would be diminished by it. The difficulty in putting a price tag on this loss does not diminish its importance at all.

I believe it is time this nation established a policy that says pollution control must be a part of doing business.

This is an ethic which I believe the American people strongly support, and which business must accept, and in fact, is accepting.

It is time we said: No one has a right to pollute the air, the water, the land. It belongs to us all, and must not be used for the special benefit of any community, or company, or individual. There is no better place to start than on this lake, which is uniquely well qualified for the very best protection we can give it.

THE UNIVERSITIES OF BRAZIL

Mr. FULBRIGHT. Mr. President, I recently received a letter from a distinguished professor at the University of Indiana enclosing a clipping from Scientific

Research relative to the situation in the universities of Brazil. My informant states that he believes that many of the principal universities have been completely closed, although the article does not specifically state that. It is a most serious development in the great country of Brazil, and I extend my deepest sympathy to the people of that country in view of these developments. I ask unanimous consent that the article be printed in the RECORD.

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

K.O. BLOW HITS BRAZILIAN SCIENCE

Brazilian science was dealt a crushing blow in the last week in April from which it may take many years to recover. Some 70 professors at the Federal University in Rio de Janeiro and at the University of Sao Paulo were summarily "retired" by order of the Brazilian military dictator, President Arthur Costa e Silva.

Among the professors—many of whom had taught in the U.S.—are the president of the University of Sao Paulo and several heads of departments at both universities. Two of the professors also directed research foundations. The 70 men, who were all dedicated to university reform, received no warning, and learned of their fate over the radio. They have not been charged with any offense, and no arrests have been made.

Worst hit at the universities are physics and sociology, but biochemistry has also suffered. One scientist predicts it will take 20 years to rebuild the shattered Brazilian research capability.

The reasons for the sudden compulsory retirement are confusing and even ironic. Brazilian university organization is based on the European model of several years ago. Each professor rules his roost with an iron hand and holds his chair for life.

For the last five years, several Brazilian academics—among them the 70 recently forced out—have been trying to reform the universities. They seemed to have been presented an opportunity to do this when Costa e Silva swept into power last year and ordered a reform of the universities.

The man who has carried out the "reform," however, and was a target of the reformers himself, appears to have turned the tables on them. He is Minister of Justice Gama e Silva, on leave of absence from his job as president of Sao Paulo University. He drew up the order retiring the 70.

Among those purged was Helio Louvenco de Oliveira, Gama e Silva's replacement at Sao Paulo.

PROPOSED EXPANSION OF U.S. ROUTE 219 IN PENNSYLVANIA

Mr. SCOTT. Mr. President, on June 2, 1969, my colleague from Pennsylvania (Mr. SCHWEIKER) and I submitted Senate Concurrent Resolution 28, urging the Department of Transportation to provide funds for the expansion of U.S. Route 219. This scenic highway crosses the beautiful west-central Pennsylvania counties of Somerset, Cambria, Clearfield, Jefferson, Elk, and McKean.

A modern four-lane expressway would provide additional commercial and tourist access for the 700,000 people already served by Route 219 and thousands of interstate travelers. I am pleased to sponsor this concurrent resolution that would provide so much benefit for the Commonwealth of Pennsylvania.

AMERICAN FREEDOM AND THE NEW ISOLATIONISM

Mr. DODD. Mr. President, last Friday, June 6, it was my privilege to address a gathering in New London, Conn., marking the 50th anniversary of the establishment of the John Coleman Prince Post of the American Legion. This year also marks the 50th anniversary of the founding of the American Legion; and, by a remarkable coincidence, the date of the anniversary also marked the 25th anniversary of the Normandy invasion.

An enthusiastic crowd of more than 500 turned out for the observance, including some of New London's most distinguished citizens.

For the theme of the address I was asked to make, I chose "American Freedom and the New Isolationism," because it seemed to me that the spread of the new isolationism has become one of the most critical problems confronting our country. I ask unanimous consent that the text of my address be printed in the RECORD at the conclusion of my remarks.

I pay tribute to Mr. David Carlson, Mr. Harvey Mallove, and the other directors of the John Coleman Prince Post for the exemplary manner in which they organized the observance of the 50th anniversary of the founding of the post.

I also express my gratitude to the members of the post for a truly inspiring evening. It was the kind of audience and the kind of evening that encourages one to believe again that the heart of America is still solid.

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

AMERICAN FREEDOM AND THE NEW ISOLATIONISM

(Speech by Senator THOMAS J. DODD, before the John Coleman Prince Post of the American Legion, New London, Conn., June 6, 1969)

Friends and fellow citizens, it is always a pleasure to address an American Legion audience because of what the American Legion stands for.

Over the fifty years that have elapsed since its establishment, your organization has encouraged citizen concern with our major problems of foreign policy and has given its uncompromising support to those policies which advance our national security and protect the peace.

That this is so is not surprising, because there are no more passionate advocates of peace than those who, like the members of the American Legion, know the meaning of war.

The members of the American Legion know well that peace cannot be protected by appeasement and that aggression cannot simply be wished away. You know that peace can only be protected through strength, and that freedom can only be protected if we are willing to pledge to its defense "our lives, our fortunes, and our sacred honor."

You know that isolationism is a fool's paradise, that all the talk about retreating into a "fortress America" is a prescription for certain disaster, that the ramparts of our own freedom lie in Europe and Vietnam and wherever free men are threatened by the forces of communist aggression.

You stand for honor, for decency, for patriotism, for service to country, and for enlightened internationalism.

This is to me what the American Legion stands for. And this is why I consider it a very special privilege to be able to address this gathering, which marks the 50th anniversary of the establishment of your Post, the 50th anniversary of the founding of the American Legion, and the 25th anniversary of the Normandy invasion.

The John Coleman Prince Post of the American Legion was named after the first New London veteran killed in World War I. The world has changed in many dramatic ways since John Coleman Prince gave his life for freedom.

In World War I, the most remarkable technological innovations were the tank and chlorine gas, while the airplane was still a slow and flimsy canvas-covered craft with a hand-operated machine gun.

But today the technological revolution has piled miracle on miracle.

Today we have jet craft capable of flying 2,000 miles per hour; missiles that can fly for 5,000 miles and drop with pinpoint accuracy on their intended targets; nuclear warheads capable of wiping out at a single blow the greatest cities in the world; space satellites capable of photographing trucks on the ground at any point in the world; nuclear submarines that can travel around the world without surfacing and which can, from submerged positions, fire nuclear missiles, each equal to one million tons of TNT, at distant targets.

Today our astronauts have already circled the moon at close quarters; and, in little more than a month, if all goes well, the Apollo 11 will land the first mortals on the surface of the moon.

It is a far, far cry from the miraculous technology of today to the primitive military technology of World War I. But despite the technological revolution, the world of international politics has changed remarkably little over the course of the century.

Today, as in World War I and World War II and the Korean War, we have aggressive powers that seek to subjugate other countries and to bend the rest of the world to their will.

Today, as in World War I, America finds itself fighting on distant ramparts in defense of its freedom and the freedom of other nations.

Today, as in our previous wars, our commitments are assailed by pacifists and isolationists, by the disappointed and by the frustrated.

In his speech last Wednesday before the Air Force Academy, President Nixon warned against the dangers of "the new isolationism" and unilateral disarmament. He also warned against the unrestrained anti-militarism which has become fashionable in so many quarters, saying that the situation has degenerated into an "open season on the armed forces".

The President is right and I am glad he is telling the American people the facts.

"The new isolationism" has become much more rampant and more reckless in recent years. But the development of this phenomenon really goes back to the mid-sixties. It is a matter which has greatly concerned me because, in my opinion, "the new isolationism" is potentially more dangerous than the major external problems that confront us.

If, for example, we should lose the Vietnam war, it will not be because our soldiers have failed in the battlefield; it will only be because our neo-isolationists have so succeeded in eroding the morale of the home front.

What is the essential nature of the "new isolationism"?

The basic premise of the new isolationism is that the United States is overextended in its attempt to resist communist aggression around the world, overcommitted to the defense of distant outposts, and overinvolved

in the murky and unintelligible affairs of remote areas.

The corollaries of the new isolationism are many.

It is contended that we should de-emphasize the cold war and reverse our national priorities in favor of domestic improvements; that we should withdraw from South Vietnam; 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; that the ROTC should be abolished; that the tremendous research facilities of our universities should be barred from participating in research related to national defense; that we should ignore the menacing build-up of Soviet arms and devote our resources, instead, to the improvement of our own society.

We would all, of course, prefer to live in a world in which it were possible for us to have no commitments, a world in which we could devote all of our energies to the task of perfecting our society at home and enriching the lives of our people.

But we must face the world as it is. And the basic fact of our world is that Western civilization, itself terribly rent and divided, both politically and philosophically, has been forced into a twilight war of survival by a relentless and remorseless enemy.

We must face the fact, too, that the Soviet Union has been expanding its military forces, its nuclear forces in particular, at a dizzying rate, and that it has a military research and development program far bigger and more costly than our own. According to the best estimates, it has already reached, or almost reached the point of nuclear parity with the United States.

In 1966, the United States had 1,054 ICBM's and the Soviet Union had 250.

Today, the United States still has 1,054 ICBM's because that is the level at which we arbitrarily froze our force. But, according to a statement which Secretary of Defense Laird made on April 25, the Soviet ICBM force over the past three years has grown to a total of 1,140 ICBM's, in place or under construction. Assuming that the Soviet ICBM's will continue to roll off the assembly line at the rate of the past three years, Secretary Laird predicted that by the early 70's the Soviets might have a force of 2,500 ICBM's.

These are the official estimates of our intelligence community. They are estimates, moreover, based on "hard" intelligence provided by countless aerial photographs taken by our reconnaissance satellites.

There are some people, I know, who are disposed to question any such estimates put out by the intelligence community, pointing out that there was a serious overestimate of Soviet missile strength in the mid-fifties. What they do not understand is that until the era of reconnaissance satellites we had to rely entirely on what the experts call "soft" intelligence, that is, on fragmentary reports by observers and informers in various parts of the Soviet Union. This kind of intelligence is notoriously unreliable, as the members of the intelligence community are the first to admit.

I am told by experts for whom I have respect, that the current estimates, if anything, are probably underestimates because they count only those missiles revealed by satellite reconnaissance, and we cannot exclude the possibility that there are still more missiles in hidden sites that have not yet been discovered by our satellite cameras.

Confronted with the incontestable figures of Soviet superiority in ICBM's, there are those who will tell us that we still have nothing to worry about because of our marked superiority in Polaris submarines and long-range bombers.

What these Pollyanna estimates ignore is that the Soviets already have some 550 submarine launched missiles which are not of the Polaris type; and they have been building a Polaris submarine fleet on a crash basis. According to Deputy Defense Secretary Packard, they may exceed us in Polaris capabilities by 1971.

They also ignore the fact that the Soviet Union has far more medium-range missiles than the United States, and far more medium-range bombers than the United States, capable, with mid-air refueling, of making the trip to the United States, and that, in terms of total megotonnage, the Soviet Union is already far far ahead of the United States.

Finally, they ignore the heavy and ominous emphasis which all Soviet military experts place on "winning" and on surprise attack in their doctrinal writing.

We are now heading into the most perilous period in the history of our Republic.

Clearly, we must do everything in our power to prevent the ultimate disaster of nuclear war.

We must use all of our diplomatic resources to persuade the Soviet Union and the other Communist states to desist from their policy of subversion and aggression in the interest of common survival.

We must also do everything we can to de-escalate the arms race by seeking limited and verifiable agreements on arms control with the Soviets.

But the growing Soviet military strength, combined with the proliferation of crisis situations in the Far East and Africa and elsewhere in the undeveloped world, suggests that we are in for a difficult and stormy period, despite the best our diplomats will be able to do.

If we do all those things that must be done, if we maintain our military strength, and if we remain faithful to our alliances and our commitments, I am confident that we shall survive the coming stormy period, and that freedom will in the long run prevail over tyranny.

But if we succumb to the neo-isolationism and anti-militarism that have become so prevalent in our society, if we appear to lack the will to defend ourselves or our allies, then I truly fear for the future.

More effort, more sacrifice, not less, is the need of our time. And I speak as one who does not disparage the need or the importance of domestic improvements. My record in this area is too well known to need defending.

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 of terminating the cold war, no internal problem will long defy solution.

Our first national priority is and must be the survival of our country and our freedom. And if the 20th century has taught men anything, it is that survival and freedom cannot be purchased on the cheap, in a discount store or a bargain basement.

Twenty-five years ago today the mightiest invasion armada in history set out under cover of dark for the coast of Normandy with the assignment of liberating Europe from the merciless rule of Adolf Hitler.

The young men who secured Omaha Beach in Normandy, yard by bloody yard, did not question the fact that each man was doing his simple duty for his country. Nor were they bitter because they fought and suffered. They understood that the security of their own nation and the hopes and aspirations of all mankind rode on their shoulders. And they accepted their historic responsibility with a sense of pride.

Their story is one that deserves to be told and retold. And I wish that some bard of modern time would appear who could tell this story with such power and eloquence that the confused would again begin to understand the meaning of freedom and of patriotism, and the falterers would be inspired to raise their heads and carry on.

In closing, I want to congratulate the members of your Post and the citizens of this historic community on their initiative on organizing this observance.

It is not just that it is appropriate to commemorate the sacrifices which countless thousands of Americans have made for their country in previous wars. The act of commemoration also has a profound significance for the future because it inspires every one of us to shoulder the burdens and accept the sacrifices that the continuing defense of freedom places on our own generation.

DOT OFFICIAL NOTES VITAL ROLE OF TRANSPORTATION IN RURAL DEVELOPMENT

Mr. PEARSON. Mr. President, on May 21 and 22 the Committee on Finance held hearings on the use of tax incentives to encourage new job-creating industries to locate in rural areas, with a particular emphasis on the Rural Job Development Act (S. 15) which I, the Senator from Oklahoma (Mr. HARRIS), and 36 other Senators introduced earlier this year. The hearings were most useful and established an extremely valuable and important record.

One of the principal values of the hearings was that they helped to focus further attention on the question of rural development. For example, Walter L. Mazan, Assistant Secretary for Public Affairs, Department of Transportation, devoted considerable attention to S. 15 and the committee hearings in his remarks before the National Seminar on Human Habitation at the University of Tennessee on May 22.

Mr. Mazan has demonstrated a keen awareness of the national importance of rural development and a solid understanding of the vital relationship between rural development goals and transportation policies. I think Mr. Mazan's statement is most significant and worthwhile, and I ask unanimous consent that it be printed in the RECORD.

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

REMARKS PREPARED FOR DELIVERY BY ASSISTANT SECRETARY FOR PUBLIC AFFAIRS, WALTER L. MAZAN, BEFORE THE UNIVERSITY OF TENNESSEE NATIONAL SEMINAR ON HUMAN HABITATION, ON THURSDAY, MAY 22, 1969, IN TULAHOMA, TENN.

Gentlemen, I am more than happy today to be representing the Department of Transportation at your excellent Seminar on Human Habitation. It was with a deep sense of pride and satisfaction that I accepted your kind invitation to meet with you on the Department's role in rural development.

As Artemus Ward always used to say, it's easy to have a winner, especially if there are no other entries in the race. Although we hope to develop winners in our efforts to recast transportation systems in this nation, we nevertheless must have other entries in the race if we ever expect to be successful and achieve what Secretary Volpe has charged us to do. John Volpe, as you know, is the former three-term Governor of Massachusetts and definitely is a doer and a winner. With his remarkable background of success in Massachusetts he has given us our direction in the Department and has told us to proceed with "responsible audacity."

We have assigned priorities within the Department as well as within the Nixon admin-

istration. Because of the tremendous strain being placed on transportation systems in the urban areas, our studies are concentrating on the larger cities. Our plans call for upgrading and restoring a depreciating transportation system.

Don't misunderstand our motives. . . .

Even though urban transportation and the safety of the airways have been given the publicity and green light by the Department and the administration, there is no less demand for good, reliable transportation in rural areas. The Department at this time has several projects underway in the different administrations where we are working on ways to aid and abet the rural areas.

Since the time of the American Revolution, this nation has done a complete 180 degree turn in the makeup of population. At the time of the revolution, 90 percent of the Nation's population were farmers, today, 90 percent of the Nation earns its living by other means.

It is because of this complete reversal in economics that some of our emphasis must be redirected today.

There is nevertheless, much activity in Congress to bolster the status of rural areas by promoting rural industrial development. This week, hearings are being held in the Senate on a new proposal called the Rural Job Development Act of 1969. The Bill was introduced by Senator James B. Pearson of Kansas. This Bill, although much like some predecessors, has the future of the rural areas prominently in view.

The Pearson proposal would provide a series of tax incentives for industrial enterprises. This inclusion was injected primarily to overcome factors such as higher transportation costs and limited public services which often discourage industrial investment in smaller towns and cities.

The transportation factor looms large in this bill. The Department feels that much can be done about transportation crises in rural areas. Some of our planners are suggesting that abandoned railroad trackage be studied for possible use by the new articulated buses for which we recently released experimental contracts to individual contractors.

These articulated buses have the capability for rail travel as well as highway travel and could speed up the delivery of freight into an area as well as commodities out of an area. Their usefulness in bringing people from remote rural regions to new centers of industrial activity outside of heavily populated and industrial urban centers could reap incalculable benefits for rural regions.

This Bill to add new stimulation into rural areas I think, has considerable bearing on what your seminar is discussing today. If the trend continues to the larger cities, the depopulation of rural areas will have reached a point where only ghost towns remain in places that today have some population but who are in desperate need for job advantages.

I submit gentlemen, that the refurbishing and rejuvenating of the rural areas is every bit as important as finding jobs for all the unemployed partially skilled workers in major urban areas. I would not for a moment be accused of disregarding the plight of the unemployed city dweller, but I think if we do not work on a double-pronged attack on poverty in both rural as well as urban areas, we are simply opening ourselves up to a chaotic rural situation within a short number of years.

A significant but sometimes overlooked barometer of business in the heavily populated areas of the country is the help wanted advertising sections of major newspapers. The National Industrial Conference Board periodically checks the help wanted advertising section of 52 major newspapers across the country. The most recent survey showed that help wanted advertising set a record for the month of March when more lines of help wanted advertising were run in these 52 test newspapers than any equivalent March since 1957.

Meanwhile, the Bureau of Labor Statistics unemployment rate for the Nation was 3.4 percent of the labor force in March, down from 3.7 percent in the comparable month of 1968.

President Nixon's promise to the Nation that he would maintain progress and at the same time control the Nation's accelerating inflation is being borne out by such important employment figures as these.

As a matter of fact, the latest figures on the flight from the farm show a slight drop from previous rates.

During the decade between 1950 and 1960 a million people a year left the farm but from 1960 to 1968, the figure amounted to 750,000. These are the latest figures from the Bureau of Labor Statistics released last week in Atlanta.

Although some slowing may be noted in the eight year period just past, the decline is taking place and albeit slowed, it still is fast paced enough to be considered critical.

Within the Department of Transportation, studies are underway which we expect will indicate what direction will be best for the Department to take in suggesting alternatives to declining availability of transportation in rural areas.

The Bureau of Public Roads at the present time is cooperating with the Office of Economic Opportunity in a survey in Raleigh County, West Virginia. OEO is conducting their survey to determine the possible usefulness of small bus transportation in rural areas. The project chose Raleigh County because it was more closely identified with rural poor than any other area of similar size and population. The Bureau of Public Roads' Office of Research and Development is interested in this study because we hope it will tell us some of the social and economic impacts of highways in rural areas. If the highways are being used only for buses and not primarily for automobiles, then is the highway producing maximum benefit for the community. These are things we want to know. And these are things upon which we are working and studying.

The Department of Transportation has long recognized that transportation is an important factor in the process of economic development and in the effective utilization of national resources.

The Urban Mass Transportation Administration is one of the key administrations within the Department of Transportation charged with developing new transportation systems and possibilities. Their task is to work not only in urban centers but also in rural areas.

I have already mentioned the articulated bus as a possible element to aid in rural areas where there are abandoned rail lines. The Urban Mass Transportation people, however, are also working in other areas where they feel some of the urban developed systems may apply to the rural areas.

One such development, which incidentally now is under study for eventual prototype experimentation is the "dial-a-bus" program. UMTA originally developed this for sections of urban centers that had no nearby mass transportation system nor any taxi service of any value.

The "dial-a-bus" program could be used in the sparsely populated areas of rural America and give rural dwellers an opportunity to commute to their jobs or factories with almost the same as door to door cab service.

This project in many ways resembles a mini-bus with radio controlled units being dispatched to pick up passengers in remote areas. The passengers can call and make telephone appointments for the bus. The mini-bus then would either take the passengers to a main bus route, or in the case of rural use, carry them directly to their factory or whatever job they might have within the proximity of their home.

The possibility is there and we hope to apply the idea to rural areas during our study this year.

The reasons for introducing the Rural Development Bill for 1969 gives us some idea of the startling and critical things existing in our rural areas today. Its emphasis on giving tax incentives to industry to locate in rural areas because of the ancillary transportation problems is a clear-cut warning that we must consider rural transportation in context with tincreased industrial activity in the future. If not, the rural areas will become ghost towns and paved deserts.

As you gentlemen know, the Department of Transportation is the nerve center of the Federal government for all programs involving transportation in this country. The Department is responsible for the development of policies and programs conducive of the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent with the National objectives.

This is our charge and our challenge and we intend to carry it out for all sectors of the American economy.

President Nixon has assigned the Department of Transportation the task of developing a national transportation policy within the next six months. Secretary Volpe has said that what has not been done in the past fifty years must be done in the next six months. I am confident we will produce the policy and submit it to the President this year because we feel this is one of the areas in which we can effectively attack the present patchwork system that is not integrated and is far from being well balanced.

President Nixon is moving fast in his new administration. He has given transportation the go-ahead for more planning and more expansion. But more importantly, in the first 118 days of his administration he has chalked up accomplishments which mark him as a man who knows how to face the challenges of today and keep the Nation's economy viable. President Nixon has re-oriented the Federal government apparatus to make it more responsive to the popular will. He is fighting inflation with a huge four billion dollar cut in Federal spending. He has proposed new ways to fight the heinous power of criminal syndicates. He is taking the Post Office out of politics, and I might add, not without some loud explosions in sensitive areas. Above all, he is patiently seeking an honorable peace in Vietnam.

The President is being tough in his approach to the problems of the Nation. This is giving us our leadership. As John Volpe said last week in Baltimore, we certainly intend to be tough and practical on the great policy questions in transportation which must be answered during the next few months.

Gentlemen, I want to assure you that the Department of Transportation does not intend to overlook rural America and its attendant problems in transportation.

It has truly been a distinct pleasure being with you today and although I have indulged in a little prophesying about the future of rural transportation with certain approaches that are under study at this time, I might close with that famous quote from Josh Billings who said: "Don't ever prophesy; for if you prophesy wrong, nobody will forget it; and if you prophesy right, nobody will remember it."

Thank you.

CONFLICT OF INTEREST

Mr. YOUNG of Ohio. Mr. President, recently the newspaper Newsday published an informative article written by Clayton Fritchey, one of the Nation's outstanding columnists. In his article Mr.

Fritchey detailed the facts regarding a possible conflict of interests in a case involving the former law firm of the Assistant Attorney General in charge of the Antitrust Division of the Justice Department. Since the case concerns the effort to gain control of one of the Nation's largest manufacturing firms, the B. F. Goodrich Co., I believe these facts should be brought to the attention of all Members of Congress. Therefore, I ask unanimous consent that Mr. Fritchey's article be printed in the RECORD.

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

WASHINGTON.—While one branch of the Justice Department was investigating conflict of interest charges against Supreme Court Justice Abe Fortas, another branch (Anti-Trust) was already enmeshing itself in a conflict of interest situation of its own.

The case centers on Richard McLaren, President Nixon's Assistant Attorney General in charge of the Government's anti-trust operations. McLaren has officially intervened in a multi-million dollar merger fight in a way that has decisively benefitted a large corporation represented by the law firm from which he only recently resigned.

The struggle revolves around the efforts of Northwest Industries (one of the nation's largest conglomerate holding companies, with sales of $700 million a year) to gain control of another business giant, B. F. Goodrich, the billion-dollar tire company.

The essential facts are these:

On Jan. 21, the day after President Nixon's inauguration, McLaren was chosen to head up the Anti-Trust Division. He then resigned as a partner in the Chicago law firm of Chadwell, Keck, Kayser, Ruggles and McLaren. On Feb. 1 he was sworn in as Assistant Attorney General. A few days later Goodrich, which is strenuously opposing the efforts of Northwest to take it over, signed up McLaren's old firm to help it in its fight with Northwest.

John Chadwell, the senior partner of McLaren's former firm, then came to Washington to confer with his old colleague and enlist his help. The end result was the intervention of the Government against Northwest Industries. On May 21, the Justice Department petitioned the Federal District Court in Chicago for a temporary injunction (on antitrust grounds) to restrain Northwest from proceeding with its plan to buy out the stockholders of Goodrich.

The court issued a temporary restraining order, and is presently taking testimony to determine whether to grant the injunction requested by McLaren. Because of the magnitude of the proposed deal, and even more because it is regarded as an effort to broaden the Government's anti-trust powers, the outcome is being watched with close interest throughout the business community.

Several ethical questions have been raised by the chain of events, notably the propriety of McLaren handling the case personally, instead of disqualifying himself because of his past associations.

His failure to remove himself is in sharp contrast with the standard set by his superior, Attorney General John Mitchell, in another recent anti-trust case involving International Telephone and Telegraph and Automatic Canteen. Because Mitchell's old law firm, in which he and President Nixon were partners, had represented an IT&T subsidiary, the new Attorney General personally disqualified himself when the Justice Department filed a law suit against the merger of IT&T and Automatic Canteen.

Before McLaren became Assistant Attorney General, Goodrich's regular counsel was (and still is) the New York law firm of White and Case, one of whose partners is Edgar Barton, who has been Vice Chairman of the American Bar Association's anti-trust section.

Barton has continued to act for Goodrich, along with John Chadwell. Barton, in fact, was with Chadwell when they conferred jointly with McLaren at the Justice Department on Feb. 26, a few weeks after McLaren was sworn in.

Subsequently, McLaren met with lawyers for Northwest Industries, and it now transpires that the Assistant Attorney General kept his old friends informed of developments by sending them carbon copies of his correspondence with Northwest.

On April 18, McLaren under his own signature wrote Northwest a letter saying it would be advised in advance of a Northwest shareholders' meeting scheduled for May 13 as to whether Justice would bring an anti-trust suit to block the proposed take-over bid for Goodrich. Copies of the letter were received by both Chadwell and Barton.

McLaren declines to comment on the case, but a Justice Department spokesman says that Chadwell and Barton were classmates at the University of Illinois, and have previously worked together on lawsuits. The spokesman further says that when lawyers for Northwest met with McLaren they did not raise any questions about his connection with his old firm.

Finally, the spokesman, in commenting on Attorney General Mitchell's action in disqualifying himself in the IT&T case, and McLaren's failure to do so in the Goodrich case, thought it should be noted that IT&T was already a client of Mitchell's firm at the time he jointed the Government, whereas Goodrich hired McLaren's former firm after he went to Washington.

POLICIES OF POSTMASTER GENERAL BLOUNT

Mr. BAKER. Mr. President, on June 4 the Memphis Commercial Appeal published an editorial in strong support of the new policies of Postmaster General Blount. The views expressed in the editorial closely parallel my own. I therefore 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:

BLOUNT SPEAKS BLUNTLY

Postmaster General Winton M. Blount has started at the front end of his administration in plugging away for removal of the Post Office Department from political patronage. It's high time that this approach was used. President Johnson's postmaster general, Lawrence O'Brien, promoted the same idea—but only in the waning months of the LBJ administration.

Mr. Blount has not won much popularity among members of Congress, especially those representing essentially rural or small-town areas. But two Tennessee Republicans, Senator Howard Baker and Representative Dan Kuykendall, are conspicuous in their support of Blount and the Nixon administration plan to convert the postal service into a TVA-like operation.

The postmaster general came to Memphis Monday to receive an honorary doctorate from Southwestern. However, he used the opportunity to speak out strongly on a plan to make the Post Office self-sufficient. The billion dollars a year that adds to the federal deficit, he noted, represents money which could be used to solve poverty problems. And any move to decrease federal debt service is commendable.

Archaic patronage practices have led to a creaking, squeaking, broken-down postal service which costs the mail users more every year, and still can't pay its own way. Taxpayers, in fact, bear a burden which should rest only on the shoulders of persons and business firms who fill the mailboxes.

Mr. Blount pointed out while in Memphis that fights over congressional patronage had led to indecision and breakdowns in morale. For instance, he said, as of January there were 2,000 post offices trying to conduct their work with temporary postmasters.

While citizens give growing support to the premise of a corporation-type postal service, it is Congress which resists, clinging to patronage.

But, as The National Observer puts it so succinctly this week, "members of Congress may find it difficult, indeed, to explain, in franked (free) mailings to their angry constituents, why the United States postal service continues to deteriorate in an age of travel to the moon."

TRIBUTE TO PAUL CARDINAL YU-PIN

Mr. DODD. Mr. President, recently an article about the newly elevated Paul Cardinal Yu-pin, exiled archbishop of Nanking, was distributed by Religious News Service and published in many religious newspapers throughout the country. Because I consider Cardinal Yu-pin one of the most remarkable men it has been my privilege to know, I ask unanimous consent that the text of this article be printed in the RECORD at the conclusion of my remarks.

Over the years I have met and talked with Cardinal Yu-pin on some half-dozen occasions, both in the Far East and in Washington.

Cardinal Yu-pin is a giant of a man, physically, intellectually, and spiritually. I have, in my time, met a limited number of churchmen whom I would be prepared to qualify as saintly. But I have met no one who conveys a greater or more immediate impression of intractable strength and spiritual serenity.

When Cardinal Yu-pin was asked by the correspondent who interviewed him whether he hopes to return to Nanking, he replied:

There is absolutely no secret about it. I have every intention of returning, and I think that the day of Communism's downfall is drawing nearer and nearer.

Because Cardinal Yu-pin is the kind of man who inspires faith and confidence, I, for one, have no doubts about the ultimate fulfillment of the Cardinal's prediction.

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

EXILED CHINESE CARDINAL HOPES FOR RETURN

NEW YORK.—(RNS)—The newly-elevated Paul Cardinal Yu-pin, the exiled Archbishop of Nanking who now resides in Keelung, Taiwan, is 68 years young and fighting.

His concern for Christianity finds him preparing the young generation for responsibility and leadership on the mainland in line with Chinese tradition and virtues. He sees this task complementary to his priestly functions because he is convinced that Christian morals and traditional Chinese virtues are identical or at least similar.

Cardinal Yu-pin is returning via the United States to Taiwan from the Vatican where he was spokesman for the 33 cardinals named by Pope Paul. He will make brief stops in Chicago and San Francisco to see old friends and to seek $2.5 million in donations for his newest project—the Ocean-

ography College at the Catholic Fu-jen University in Taipei of which he is rector.

The interview was conducted in English. The Cardinal also speaks fluently Chinese, Latin, French, Italian and Spanish. He reads German, Portuguese and Esperanto.

His preoccupation with events on mainland China dominated the interview, and his credentials are both ecclesiastic and secular.

He is both chairman of the Conference of Chinese Bishops and vice-chairman of the Planning Committee for the Recovery of the Mainland of China, as well as a Presidium member of the National Assembly of the Republic of China under President Chiang Kai-shek.

When asked whether he entertains hopes to return to Nanking, he replied: "There is absolutely no secret about it. I have every intention of returning, and I think that the day of Communism's downfall is drawing nearer and nearer."

Cardinal Yu-pin characterized Catholics on the mainland as The Church of Silence—the Church of Catacombs. He did not discuss the available ways and means of the surviving clergy on the mainland and their ministry. "Their work is secret and to talk about it here would defeat their purpose."

But he admitted most Chinese clergy have been reduced to laborers. "Over one thousand priests have perished or are in jail," he said. Most churches have been converted into Communist youth clubs or used as workshops.

A few churches are open "for propaganda purposes" in major cities where foreigners are expected to see them as evidence of Mao's religious tolerance, he said.

"But even these churches we understand have recently been closed and even the regime-sponsored 'patriotic priests' have been attacked by the rampaging Red Guards, he added.

In recent years, the Cardinal said, "one hears very little of the so-called National Church of China which in the 1950's served to create a schism and separation of the Chinese Catholics from the Vatican." He said the "Cultural Revolution" had the same adverse effect on non-Christian institutions, including Moslems and Buddhists.

The interview then focused on political issues involving Peking.

The Cardinal did not draw much comfort from the recent Sino-Soviet border clashes. "We feel this is a Communist domestic affair. We should not hope to make any profit out of it. The Communists are likely to patch up their differences. Once a Communist, always a Communist. They still are not with us, although they are killing one another," he said.

COMMENCEMENT ADDRESSES BY SENATOR SCOTT

Mr. BOGGS. Mr. President, the distinguished minority whip, the Senator from Pennsylvania (Mr. SCOTT), made two commencement addresses in Indiana over the past weekend.

The addresses were given to the graduating classes at the University of Evansville, at Evansville, and at Hanover College, in Hanover. At Hanover College, the Senator received an honorary degree of doctor of laws.

I ask unanimous consent that press statements relative to the addresses be printed in the RECORD.

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

ADDRESS BY SENATOR SCOTT AT THE UNIVERSITY OF EVANSVILLE, IND.

President Nixon is meeting today with South Vietnamese President Thieu on Midway Island. This is another step on the road to peace. Peace will not break out overnight, and maybe not even this year, but I believe we are closer today than ever before to a settlement in Vietnam.

When peace does come, what will the Nation do with the money it is now spending on the war?

The Vietnam war is currently costing us about $30 billion a year. It is a drain on our economy which has pinched many urgent domestic programs, as well as the American taxpayer. Some people believe that when the war ends, there finally will be enough money to solve all our problems, fund every project, and contribute to everyone's favorite charity. Obviously, that is impossible. We will have to establish some priorities.

The money we are now spending on the war will not all become available for other uses. The armed services will use part of it to phase out Vietnam operations. Obviously we will need to continue spending some money to protect the national security. Automatic increases in some on-going programs will cut into those funds, and inflation may take its toll. But there will be a substantial "peace dividend" to bank on in the years following a Vietnam settlement.

The first recipients of that dividend must be the hard-pressed taxpayer, who has borne the cost of the Vietnam war by paying taxes and taxes on top of taxes. His pocket has been picked by every level of government, until he is ready to fight back.

In Pennsylvania, public outcry has blocked proposed state tax increases. Voters in Philadelphia just rejected bond issues for badly needed school funds. Here in Indiana, many of you have seen property taxes rise 300 percent during the past twelve years.

Some people are staging their own Boston tea parties. I have received a number of letters containing tea bags. The angriest protesters are sending used tea bags. They make the letters more difficult to read, but the message comes through even clearer.

I cannot conceive of any Administration in Washington being able to maintain Federal taxes at the present level once the war in Vietnam is ended. Then we must reform our entire tax structure to plug the loopholes which favor the wealthy, and to remove the unfair burdens on the great majority of middle-class taxpayers.

A tax reduction will help stimulate the natural momentum of our already robust economy and will create new jobs which will be needed by hundreds of thousands of returning GI's. This will help take some of the economic jolt out of the transition from war to peace. It will also broaden the tax base.

It is estimated that the current rate of expansion of our economy will automatically bring in several billion dollars more in Federal revenues each year, even after a tax reduction. If a new war does not come along to eat them up, these new revenues also can validly be included in the peace dividend, since they will be available for domestic expenditures.

But then how do we carve up the remaining peace dividend?

When peace comes, we must not return to the same old problems with the same old thinking. We must set new priorities to bring about imaginative and long-term solutions to the conditions which are breeding frustration and discontent.

Some programs don't need increasing; they need cutting. The space budget, for example, should be reduced. Next month American astronauts are scheduled to walk on the moon, an event we will all witness with pride. But then we must concentrate on getting our feet out of the mud here at home.

The great new technologies which take us to outer space must be applied with equal vigor to the problems which beset the inner cities. Programs such as Model Cities and Urban Mass Transit must be expanded to renew our cities, which crumble at the core as they spread outward.

We must stop fouling our own nest with the pollution we dump into our waters and pump into the air. We must work harder at conservation to hold back the concrete which devours the natural beauty of our lands, and to provide more green oases in the middle of our stifling cities. We have been gaining new footholds in space while sacrificing space for our feet to explore in needed urban open areas.

We must revitalize our rural areas and small towns, which lie fallow while our population jams itself into congested metropolitan areas.

We must use our money and our know-how to see that no one goes hungry in the midst of plenty. The school lunch program should be expanded to reach every needy child, and food stamps should be available wherever families are in need.

We must expand and update the various job training programs, so that those who want to work can acquire the skills to match jobs available and jobs which new consumers will make available.

In short, the peace dividend must be used to see that everyone shares in our continuing economic growth and prosperity. It must be used to help erase the inequities which exist in our society, and to improve the quality of our life, so that we may also find peace among ourselves.

These are just and proper goals.

To aspire to less would be unworthy of a great Nation.

To achieve these things will realize a better aspiration: to be a good Nation.

ADDRESS BY SENATOR SCOTT AT HANOVER COLLEGE, INDIANA

One of the advantages a U.S. Senator enjoys is the tremendous amount of free advice which the mailman brings to his office. The subject of student disorders has brought a particularly wide range of opinions from my constituents. Some demand that "the troublemakers be locked up." Others warn that the Federal Government has no business getting involved in local campus disputes. Everyone seems to know where to place the blame. The accusing finger is pointed either at a younger generation which has "lost respect for traditional values" or at an older generation which is "materialistic and hypocritical."

I find the situation on the campuses too complex to indict any one group. The problem is rooted in the evolution of American society through a period which has seen economic depression and unprecedented prosperity, hot and cold wars, and fundamental changes in the relationship between individual and government. In short, it is the circumstances of each generation's environment which account for that generation's particular concerns.

I don't know what made your uncles want to swallow goldfish or your grandfathers wear coonskin coats but the current turmoil in our universities would appear to be grounded in deeper, more serious roots than boredom or the rites of sping.

Those of you graduating today matured into a world quite unlike that which your parents knew at your age. They grew up in the Depression. Few of them went to college. Jobs were scarce and often very dirty. Television was unknown. So was penicillin and plasma. The "War to End Wars" had been fought and won.

Your youth has been entirely different. Steadily-rising prosperity has been a mixed blessing. Many more of you have gone to college, putting severe strains on the educational system not to mention the educators. Finding a job is easy. But finding meaningful work is a challenge. You have seen the ugly sides of society at an earlier age. Mass communications have exposed you to new ideas—

and to a world filled with corruption, poverty, inequality, war and disease. It is not surprising that you are more sophisticated—and more cynical. You have seen inspiring political leaders assassinated in their prime. You have endured prolonged uncertainty about your military status. Some of your generation's leaders have been irresponsible. Some of my generation's leaders have been insensitive.

Every generation rebels against the older establishment and its way of doing things. But the accelerated pace of social change in this century has created two generations almost foreign to one another. The result has been an unprecedented degree of misunderstanding, impatience and intolerance between the elders of our society and its youth.

This is why it is vitally important for you to remember that revolt is nothing new, that man has been "thrusting against the barriers of his condition" in every age, and that your generation, like each which has gone before it, will get its crack at solving man's ageless problems. While Aristotle noted that "youth is easily deceived because it is quick to hope," it is upon that hope you must build a world.

You start with a unique opportunity, standing on the shoulders of giants who have given you an astounding technology. You are not just another generation—you are a new era. It is your task to employ the tools which you inherit in the improvement of the human condition. If you succeed, you will translate the dreams of philosophers into living reality.

It is not surprising, therefore, that the universities are in ferment. No situation is more unstable than one which is improving. That is the "fallout of goodness." This is the ferment from which is baked the bread of life.

There are some aspects of the fallout, however, which I find particularly disturbing. First, some young leaders have become absolutists who do not recognize that the only non-negotiable demands are self-respect and freedom. I cannot respect them because I cannot argue with them. Second, some youthful dissidents have espoused an anti-intellectualism which strikes at the very heart of the liberal academic tradition. And, finally, there is the deplorable violence.

I am not pessimistic about your generation. I recognize that its disturbing aspects are only a small minority's irresponsible and extreme expression of what is essentially a sincere concern on your part for the failings of our society.

I respect and share your idealism. It is a noble quality, a healthy spirit which pulls society forward. The idealist must learn to live with his frustration at the slow pace of social progress, knowing his duty to speed that pace. Idealism which is not tempered by experience can be exploited by those who would destroy our basic institutions. These are the absolutists, the anti-intellectuals and the demagogues who see our frustrations and would fan them into irresponsible action. They come from both extremes of the political spectrum. Their common objective is to tear down the system which is our heritage. That would bring change—but not progress.

I do not question your right to dissent. Much of what your generation is saying is right—but not all of it. And some of what my generation has done is wrong—but not all of it. Demonstrating for what you believe in is your inalienable right. But demonstrating alone is not enough. Before you take over the reins of power you are going to have to do something positive. You will be held accountable to your children for the society you build just as we are accountable to you. Building that society requires hard and sometimes dull work—and you will have to work even when the television cameras are not on you.

So I suggest that you be not too cynical about the political system which is your heritage. It has its faults but it is amazingly adaptable and it just might be the most effective means of fulfilling the potential of your generation. With your energy, intelligence and social concern you can be a potent force for social change by working within the system.

INTERNATIONAL DECADE FOR OCEAN EXPLORATION

Mr. MAGNUSON. Mr. President, on May 8 I submitted Senate Concurrent Resolution 23, to express the sense of Congress that the United States participate in an International Decade of Ocean Exploration during the 1970's, which would include: First, an expanded national program of exploration in waters close to the shores of the United States; second, intensified exploration activities in waters more distant from the United States; and third, accelerated development of the capabilities of the United States to explore the oceans and particularly the training and education of needed scientists, engineers, and technicians.

The Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Rhode Island (Mr. PELL) are cosponsors of the concurrent resolution.

During the 90th Congress an identical concurrent resolution was submitted and approved by the Senate but was not acted on by the House of Representatives.

When in March 1968 the International Decade of Ocean Exploration was first proposed, the National Council on Marine Resources and Engineering Development contracted for the National Academy of Sciences and National Academy of Engineering to conduct a study of the scientific and engineering aspect of United States participation in the proposed decade. This was done. A joint steering committee was formed by the two academies.

Dr. Warren S. Wooster, of the Scripps Institution of Oceanography, and president of the Scientific Committee on Oceanic Research of the International Council of Scientific Unions, was appointed chairman, and William E. Shoupp, vice president of the Westinghouse Electric Corp., Pittsburgh, Pa., vice chairman.

A number of distinguished scientists and marine engineers were named to the committee, and many others participated in working groups or panels assigned to different phases of program planning.

The study has now been completed and is being jointly issued by the National Academy of Sciences and National Academy of Engineering under the title: "An Oceanic Quest."

The 115-page report includes chapters on geology, geophysics, and nonliving resources; biology and living resources; physics and environmental prediction; geochemistry and environmental change; a summary with major recommendations, and a prolog.

Mr. President, I ask unanimous consent that excerpts from this prolog, which outline the views of the two academies on the objectives of the decade, be printed in the RECORD.

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

INTERNATIONAL DECADE OF OCEAN EXPLORATION

An International Decade of Ocean Exploration has been proposed for the 1970's to give new impetus to those studies that will enable man to realize more effectively the promise of the sea. This report examines the possible scientific and engineering content of such a Decade, particularly with regard to U.S. participation, and considers the potential benefits resulting therefrom. At the same time, some thought has been given to the capabilities required and the constraints to be overcome in order to achieve the desired goals.

A broad statement of the basic objectives of the Decade was developed, as follows:

To achieve more comprehensive knowledge of ocean characteristics and their changes and more profound understanding of oceanic processes for the purpose of more effective utilization of the ocean and its resources.

The emphasis on utilization was considered of primary importance. In contrast to the total spectrum of oceanography and ocean engineering, the principal focus of Decade activities would be on exploration effort in support of such objectives as (a) increased net yield from ocean resources, (b) prediction and enhanced control of natural phenomena, and (c) improved quality of the marine environment. Thus Decade investigations should be identifiably relevant to some aspect of ocean utilization.

The word "exploration" has a number of meanings, extending from broad reconnaissance to detailed prospecting. Exploration effort of the IDOE should include the scientific and engineering research and development required to improve the description of the ocean, its boundaries, and its contents, and to understand the processes that have led to the observed conditions and that may cause further changes in those conditions.

Of all the ocean investigations that will contribute in some way to enhanced utilization, we believe that those involving cooperation among investigators in this country and abroad are particularly appropriate for the Decade. Decade programs would often be of long-term and continuing nature, would require the facilities of several groups, and would be directed toward objectives of widespread, rather than local or special, interest. It is anticipated that these programs within the United States may be cooperatively implemented both by government agencies (federal and state) and by private facilities (academic and industrial).

USES OF THE OCEAN

Among the ways in which man uses the ocean, the following activities should be included:

Use of living resources; use of mineral resources (including production of oil, gas,[1] and freshwater); shipping and navigation; establishment and protection of coastal works; siting and maintenance of cables, pipelines, and tunnels; disposal of wastes; forecasting of oceanic and atmospheric conditions; warnings and forecasting of storm surges and tsunamis; extraction of tidal and thermal energy; recreation; and national and collective security.

Each of these activities can benefit, to a greater or lesser extent from the results of appropriate investigations envisioned for the Decade. In the long run, standards of living should rise with the greater availability of protein foodstuffs at lower costs throughout the world. The aggregate supply of energy-producing resources will be greater as a re-

[1] For simplicity we include oil and gas among the "mineral" resources though strict use of this term includes only the inorganic materials.

sult of offshore production. Other resources, both mineral and organic, presumably lie on the continental shelves and in the deep ocean; geological and geophysical reconnaissance is necessary for the development of orderly programs of detailed exploration and exploitation. A basis of scientific and engineering information is required for conservation and management and for international agreements dealing with the ocean and its resources.

Increased use of the ocean and its resources may tend to exacerbate the already existing potential for conflict among maritime nations. Such conflicts usually cannot be resolved exclusively on technical grounds. Yet there is a significant component of a technical nature. For example, fishing disputes frequently arise from lack of biological knowledge of the resource being exploited. Jurisdictional disputes over the resources of the sea floor may be due in part to inadequate scientific and engineering information. It is hoped that Decade programs will make an important contribution to the diminution of international tensions as they relate to ocean problems.

With regard to both the extractive and the nonextractive uses of the ocean. Decade investigations should result in improved prediction of environmental conditions and may lead toward eventual modification or at least limited control of these conditions. Better forecasts can reduce losses of life and property, permit more effective planning, and increase the efficiency and convenience of operations at sea. An understanding of the consequences of intervention in the marine environment should reduce deleterious effects or facilitate exploitation of potentially beneficial effects.

Despite their focus on utilization, the objectives of the Decade are related to exploration and knowledge rather than to the development of techniques for the large-scale exploitation of ocean resources. From an economic point of view, application of this knowledge should provide a basis for greater output, lower costs, and improvement in the organization of production and use. Anticipated benefits are long-term in nature, and justification of the Decade goes beyond immediate economic returns.

It should be recognized that there are legal, economic, and social aspects to enhanced utilization of the ocean and that these aspects must also be investigated if the benefits of the Decade are to be attained. Therefore, appropriate proposals of this sort are included in this report.

OBJECTIVES OF NATIONAL PARTICIPATION IN THE DECADE

The objectives of any nation participating in the Decade could be summarized as follows:

1. To benefit directly the growth of the national economy

2. To obtain information required for management and conservation of resources, for improving the effectiveness of nonextractive uses; for prediction, control, and improvement of the marine environment; and for the making of sound political, legal, and socioeconomic decisions related thereto

3. To provide the technical basis for the reduction of international conflicts in the ocean

4. To benefit directly the economies and populations of developing countries

5. To increase knowledge and understanding of the ocean

6. To expand the technical resource base (manpower, facilities, and technology) for future ocean research and utilization

The United States is already extensively engaged in the development of ocean resources, both in local waters and in many other parts of the world ocean. U.S. private interests are investing large sums in exploration and drilling for oil, in capital and labor in the fisheries, in coastal development, in marine transportation, and in other uses of the ocean. The government is also incurring large expenses in connection with utilization of the ocean and its resources. At the same time, significant revenues are accruing as a result of these activities. Over the past 20 years, income to the U.S. Treasury collected as bonuses, rentals, and royalties on offshore oil and gas leases exceeded $3 billion. Royalties alone in 1968 were nearly $200 million. Large amounts were also paid to several coastal states. Investigations such as those proposed for the Decade are necessary for the rationalization, protection, and extension of investment opportunities for capital both off our own coasts and elsewhere in the world.

MV "WICKERSHAM"

Mr. STEVENS. Mr. President, the Southeastern Alaska Conference, an organization whose membership is composed of all the cities and chambers of commerce in southeastern Alaska, has recently passed a resolution in support of H.R. 7504.

This resolution was passed unanimously by the conference and can be said to have the full support of the people of southeastern Alaska.

H.R. 7504 relates to the Alaskan ferry, MV *Wickersham*, which is presently restricted in its operation because of some provisions of the Jones Act. I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

RESOLUTION BY SOUTHEASTERN CONFERENCE, JUNEAU, ALASKA

Whereas, Southeastern Conference is an association of all municipal corporations and Chambers of Commerce in Southeastern Alaska; and

Whereas, in this area of over 45,000 square miles and 44,700 inhabitants, no community is connected by road to any other community, except that Juneau and Douglas are so connected; and

Whereas, the communities are separated by inland channels of the sea, bordered by rugged mountains, precluding the construction of an integrated road system; and

Whereas, with the exception of ferry vessels operated by the State of Alaska, there are no passenger vessels operating between Alaska and any other state and the only passenger vessels operating between British Columbia ports and Alaska operate from Vancouver, B.C., during only the summer tourist season carrying tourists, and have no space for interport passengers; and

Whereas, the State of Alaska has provided a fleet of modern ferry vessels transporting passengers, vehicles and trucks between ports in three separate areas of Alaska and principally in Southeastern Alaska; and

Whereas, the Marine Highway System provides almost daily service between the Skagway and Haines rail and highway termini at the northern end of Southeastern Alaska and the rail and highway port of Prince Rupert, British Columbia, with interport service to five other communities; and the system provides weekly service between ports in Southeastern Alaska, and Seattle; and

Whereas, the proceeds from the sale in 1967 of $15,500,000 of general obligation bonds of the State could not be used to purchase vessels constructed in the United States in time to relieve the traffic jams at the rail and highway terminals which were experienced in prior years and were expected to worsen in 1968 as a result of a rapidly increasing tourist traffic; and

Whereas, the only solution was to purchase a foreign built vessel which could make fast runs through the Inside Passage from Prince Rupert to Skagway, as a result of which the M/V Wickersham was purchased on completion of her construction in Norway in 1967; and

Whereas, the M/V Wickersham with a passenger capacity of 1300, berths for 382 and inside storage for 100 automobiles, trailers and campers is an ideal vessel for the summer tourist trade but is unable because of the provisions of 46 U.S. Code 289,883, to handle traffic between Alaska ports or between a port in the State of Washington and ports in Alaska, either direct or through a Canadian port; and

Whereas, the State of Alaska furnishes an operating subsidy to the Marine Highway System to maintain the service on a year-round basis because it has been a great economic advantage to the areas of operation as well as a popular convenience; and

Whereas, the State has found a rich source of off-season revenue operating one of its smaller vessels between Seattle and Alaska and needs to have the M/V Wickersham on the Seattle run eight months of the year and permitted to carry inter-port passengers in order to (1) handle the volume of traffic with Seattle, (2) reduce the subsidy, and (3) release the smaller vessels for maintaining adequate winter service on the regular Alaska-Prince Rupert runs, and for winter overhaul; and

Whereas, the enactment of HR 7504 by the Congress of the United States is what is needed to put the Marine Highway System on a sound economic basis and allow it to provide the service neded for the convenience of the public and the postal service at this time, as well as the military services in case of emergency; and

Whereas, said vessel will not be in competition with any other United States vessel; and

Whereas, Canadian vessels now have a waiver for Alaska interport traffic;

Now, therefore be it resolved by the representatives of the Southeastern Conference assembled at Juneau on the 27th day of March, 1969, that the Congress of the United States be urged to enact HR 7504 of the 91st Congress.

GREAT LAKES REPORT

Mr. NELSON. Mr. President, one of the great resources of this continent and the world is the Great Lakes. These unique American resources have already provided immeasurable benefits in the development of the Nation, and hold the potential for even greater returns for the future.

Yet, incredible as it may seem, this gigantic marvel is slipping rapidly away from us. The lakes are dying, one by one. Lake Erie waters are grossly polluted, and Lake Ontario is suffering similar destruction. Lake Michigan is on the way. Trouble spots are showing up on Lake Ontario, especially in heavily populated areas. And now, the greatest lake of them all, Lake Superior, is threatened.

Perhaps the greatest challenge the Nation faces at this point in the growing effort to assure environmental quality for all Americans is the protection of the Great Lakes from further degradation, and taking the necessary next step of actually restoring their quality.

The job will not be one of dealing with water quality alone. As a recent special report in the American Institute of Architects AIA Journal points out:

The pangs of death are not confined to the water's edge.

The conflicts among the myriad users of the lakes' resources are many and intense, and the results are often disastrous for the shoreline, the waters, and for the most important resource of all, the millions of people who live and work in the Great Lakes region.

In its special 32-page report on the Great Lakes in the June issue, the AIA Journal includes articles by five distinguished authors on the problems and potentials of this resource. The report is an important contribution to the public dialog which is so important to making the wise decisions that are necessary if the Great Lakes are not, in fact, to become a permanent environmental quality disaster area.

All five authors, though they are writing from different specialties, point out the dangers, but as well suggest some of the answers.

The authors are Dr. Harold M. Mayer, a Kent State University professor of geography; Dr. Philip H. Lewis, Jr., a University of Wisconsin professor of landscape architecture; Mr. Paul W. Beers, an economist with Economic Research Associates; and Congressman JOHN A. BLATNIK, of Minnesota, who has devoted a great deal of effort to assuring a sound, productive future for the Great Lakes.

This is an excellent special report. I ask unanimous consent that it be printed in the RECORD.

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

[From the AIA Journal, June 1969]

THE GREAT LAKES: THE TIE THAT BINDS

(By Robert E. Koehler)

A map of the Great Lakes suggests the separateness of the two friendly nations which are in reality contiguous neighbors for so large a part of their mutual border. John F. Kennedy with a very few words emphasized not our separateness but our closeness when he said: "Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies."

With this pertinent quotation—called to mind by Matthew L. Rockwell, FAIA, and Robert J. Piper, AIA, advisers to this special section—President Kennedy, with typical preciseness even if for a different day, hinted at the vital meaning of the Great Lakes to both nations. In these 32 pages a geographer, an ecologist, an economist, an architectural historian and a US congressman each draws from his respective discipline to put the world's greatest body of fresh water in its proper perspective. Special attention is given to Chicago's contribution in shaping the basin's development, particularly as to its position as a portage point between transportation systems and as a point of transition between cultures. Finally, the AIA JOURNAL editors attempt to translate the five points of view into realistic guidelines and criteria for the immediate future. For the Lakes are dying, and the pangs of death are not confined to the water's edge.

More than most professionals, the architect is able to discuss the enormity of breakdown if our man-made polluters are not controlled, reduced and, we may even hope, eliminated. Perhaps the messages conveyed here will spark the architect and his design colleagues to do more than merely deplore the unhappy situation. There is still hope, but time has almost run out.

AN OVERVIEW: THE ISSUES AT STAKE

(By Harold M. Mayer)

(NOTE.—Dr. Mayer is University Professor of Geography, Kent State University, and Senior Research Fellow of the Center for Urban Regionalism.)

The Great Lakes constitute a major set of elements in the geographic structure and economic base of the North American continent. They have been, and continue to be, important attractions for industry, commerce and population growth in the core region of America.

Five of the 25 most populous metropolitan areas of the United States—Chicago, Detroit, Cleveland, Milwaukee and Buffalo—are located directly on the shores of the Great Lakes system, while four others of the 25 are within the immediate hinterland of that system. In Canada, the Great Lakes-St. Lawrence system is, relatively, even more important; five of the 15 largest Canadian metropolitan concentrations, including Montreal and Toronto, the two largest, are directly on that waterway system.

As an artery of commerce, the system carries well over 200 million tons of cargo each year and ranks among the most important inland waterways in the world. It supplies water for the many millions who live along or near its shores, as important commercial fisheries and is a priceless recreational asset. Much of the basic industry of the U.S. and Canada is directly dependent upon the waterway system for movement of bulk commodities and, indirectly, for its major markets in the concentrations of population and industrial activity along and near the shores. During the past decade, the enlargement of the St. Lawrence Seaway has opened the Lakes to medium-sized ocean-going vessels and has thus made the salt-water ports of the world directly accessible.

Iron ore is by far the most important cargo tonnage handled on the Great Lakes, accounting, in 1967, for nearly 81 million of the 192 million tons of bulk cargo carried within the Lakes. The great steel industry of the Chicago, Indiana Harbor, Gary, Detroit, Lorain, Cleveland and Buffalo districts depends on direct access to Lakeborne iron ores and limestone shipped by lake boat from the northern part of Michigan's southern peninsula. The steel industry of inland districts, notably Youngstown and Pittsburgh, is also heavily dependent on Great Lakes ores.

The railroads surrounding Lake Superior and leading to the lake ports carry principally iron ore; south of Lake Erie, iron ore constitutes the major cargo of the main north-south lines to Pittsburgh, Wheeling, Youngstown, Ironton and other inland steel-producing centers, while coal for the electric plants and industries of the Great Lakes region is their major northbound traffic. Toledo has been, and still is, the largest coal-shipping port in the world; substantial tonnages of coal are transferred from rail to lake boats at Cleveland, Sandusky, Chicago and other ports along the southern shores of the Lakes. Coal, accounting for over 52 million tons of Great Lakes cargoes in 1967, is, in tonnage, the second most important commodity handled in internal Lakes trade. Substantial movements occur between Lake Erie and Canadian Great Lakes ports.

The stone trade, related principally to the steel and the cement industries of the southern lakes, ranks third in internal Lakes traffic. The basic industry complexes along the shores of Lakes Michigan and Erie depend heavily on lake shipping for their inputs.

Grain is the fourth most important group of commodities in Great Lakes trade. The flour milling industry at Buffalo grew up largely as a result of the location of that city, prior to 1932, as the head of navigation for the large "upper lakers" en route east. Movements of grain at that time were handled mainly with trans-shipment at Buffalo by rail to eastern markets and through eastern seaboard ports, principally Baltimore, for export. At that time, the small size of the locks in the old Welland Canal, circumventing the Niagara escarpment, limited the size of vessels to specifically built small canallers of not over 3,000 tons, as compared with the upper lake vessels, some of which reached 20,000 tons.

But the new Welland Canal—which is now part of the St. Lawrence Seaway—opened Lake Ontario to the larger lake boats in 1932. The easterly heads of navigation then became Prescott, Ontario and Ogdensburg, New York, where cargoes were transferred to canallers for shipment to the lower St. Lawrence.

This was the pattern until the opening of the enlarged St. Lawrence Seaway in 1959, after which the largest lakers could reach the lower St. Lawrence with eastbound grain, returning with loads of iron ore from the newly opened deposits along the Quebec-Labrador border beyond the North Shore of the Gulf of St. Lawrence. Thus, since 1959, Lake Superior ores and those from eastern Canada are in competition at the iron- and steel-producing centers along and beyond the southern shores of the Great Lakes.

A REGION IN GROWTH

To handle these vast tonnages of bulk commodities, special types of vessels have been developed. The lake bulk carriers are long and narrow, with capacious hold, engines aft and high superstructures far forward. The largest of them just fit inside the locks of the St. Lawrence Seaway, the Welland and Soo Canals (the new locks opened in 1968 are larger). The vessels are now built to standard dimensions: The maximum lakers are 730 feet long, have a beam of 75 feet and a draft at full load of 25 feet 9 inches. This allows 15 inches under the keel at the shoalest points in the Seaway-Lakes connecting channels, which have a controlling depth of 27 feet. Such boats (no matter how large, they are boats within the Lakes rather than ships) can carry up to about 28,000 tons on maximum draft.

Three recent developments in the architecture of lakers are of great interest: The bow-thruster, a device in the bow which creates a jet of water permitting the vessel to turn in short radius, reducing the need for tugs; the conversion of older vessels and construction of new ones as "self-unloaders," independent of shore-based machinery; and new vessels far exceeding the standard maximum lakers in size and capacity.

Self-unloaders have long been used in the coal and stone trades, but the advent of ore concentrates in recent years, notably taconite, has stimulated their development. The direct-shipping ores, notably hematite, have been unsuited to handling in self-unloaders, but two-thirds of all ore tonnage is now shipped as concentrate and the proportion is increasing rapidly.

It is quite probable that, in the next few years, two standard-sized lake vessels will be used as older and smaller ones retire. One will be the present maximum laker, the other a much larger one, two of which are now under construction. A sign of the future is a self-unloader to be placed in operation in 1970 by Bethlehem Steel Company: 1,000 feet long and with a beam of 105 feet, designed to operate on the standard Great Lakes draft of 25 feet 9 inches. On that draft the boat will be able to handle nearly 60,000 tons, about double the capacity of the present maximum lakers, at very little, if any, additional cost per vessel mile. The United States Steel Corporation has a similar vessel under construction, only slightly smaller.

These two boats are made possible by the completion last year of a new lock at the Soo, considerably larger than the other locks. The boats will be landlocked, however, since they will not be able to proceed east of Lake Erie into the Welland or St. Lawrence Canals.

Most of the Great Lakes vessels under U.S. registry are old and inefficient. It is therefore believed that many more of the larger size will be placed under construction in the

next few years. New and expanded shipyards are now in operation at Erie, Pennsylvania, Lorain, Ohio, and elsewhere around the Lakes to construct and repair such large craft. Since the enlargement of the Seaway, these yards can also build moderate sized ocean-going merchant and naval ships.

The steel industry, dependent upon Great Lakes transportation, is in the midst of rapid expansion. Bethlehem Steel is building a huge complex at Burns Harbor east of Gary, where a new harbor is to be completed in 1970. The new plant may eventually develop into one of the largest in the world. Across the new harbor, Midwest Steel is expanding its relatively new plant. In South Chicago, Indiana Harbor and Gary, several large expansions of steel plants are underway, while between the Detroit and Niagara Rivers similar expansions are taking place or are in prospect.

On the Canadian shore of Lake Erie, at Nanticoke, another large steel plant is under construction, to utilize the ores of both Lake Superior and eastern Canada as well as the coal of Pennsylvania and West Virginia shipped across the lake without transiting the Welland Canal.

The catalytic effect of these developments in attracting industries and in creating employment and hence population, can be tremendous. Although the Great Lakes region, in common with other "mature" areas, has witnessed a slowing up in the rate of population growth in recent years compared to newly developing parts of the Pacific and Gulf coasts, the actual population growth is still great, with prospects for continued rapid growth with the largest expansion within, but on the fringes of, the existing large metropolitan areas. The spreading tentacles of urbanization are coalescing along the shores of the Lakes and connecting rivers. Eventually the Great Lakes Megalopolis will be continuous from west of Lake Michigan to the lower St. Lawrence.

A LINK WITH THE WORLD

Complementing the internal shipping is the direct Great Lakes-overseas trade, carried on in "salties" or ocean-going ships. A few small vessels occasionally traversed the small canals that Canada had built in the 19th century around the St. Lawrence rapids and over the Niagara escarpment, and during World War I a few ships, limited in dimensions by the early canals, were built within the Lakes for ocean service. An occasional tramp would enter the Lakes during the summer.

In 1933, scheduled cargo service with very small vessels began between Great Lakes and European ports. After World War II a number of the world's leading ship operators pioneered in direct Great Lakes-overseas trade. In 1958, the last year prior to the opening of the enlarged Seaway, 502 trips were made directly between the Great Lakes and overseas ports by vessels able to transit the obsolete canals.

With the Seaway, the overseas trade expanded greatly. In recent years it has reached 6 million tons annually. The total Seaway traffic is just under 50 million tons, the balance consisting of domestic US and Canadian traffic between the Great Lakes and lower St. Lawrence ports. The principal outbound cargoes consist of grains and other agricultural produce; inbound, the major single item in recent years has been steel. In spite of the tremendous capacity for steel production in the region, over 3 million tons of steel were imported last year. Producers in the US and Canada, in spite of benefitting from the ores available from eastern Canada, do not regard the Seaway as an unmixed blessing!

The Seaway and the connecting channels of the Great Lakes represent the modifications of a route provided by nature. The Great Lakes owe their origin to the great pleistocene continental glaciation when, more than 10,000 years ago, a sheet of ice covered the Great Lakes basin, much as Greenland and Antarctica are covered today. The advancing glaciers scoured out the basins which later became the Great Lakes, and as they retreated, the meltwaters filled the basins to levels higher than now. The drainage through the St. Lawrence was blocked for thousands of years by the ice sheet. Outlets for the excess waters were the Mississippi Valley, the Maumee and Miami Rivers and the Chicago, Des Plaines and Illinois Rivers.

Paralleling the shores of Lake Erie and Michigan today can be seen a series of terraces or beach ridges which marked the lake levels 20, 40 and 60 feet, respectively, above the present levels, when temporary halts in the retreat of the ice impounded the Lakes at relatively stable levels for a few hundred years at a time. Many of the present roads follow these ridges in the vicinities of Chicago and Cleveland, an inheritance from the Indian trails and early wagon roads which followed the elevated, and hence relatively well drained, ridges marking the postglacial beaches.

THE MANY GROWING PAINS

At present, the drainage basin of the Great Lakes is surprisingly small considering the extent of these inland seas, the largest bodies of fresh water in the world. Although the surface of the Lakes covers 95,000 square miles, the total land area of the drainage basin is only about 200,000 square miles. Most of the rivers entering the Lakes are therefore short, but in spite of that many of them are bordered by intensive urban and industrial development producing waste, a high proportion of which is untreated. Consequently pollution has become a major problem, especially in the southern portions of all the Lakes except Superior.

Most of the Lakes are relatively shallow. The average depth ranges from 487 feet in Lake Superior to 58 feet in Lake Erie. Maximum depths in the five Great Lakes range from 1,333 feet in Superior to 210 feet in Erie. These shallow depths make the lakes treacherous. Frequent storms can produce turbulence very quickly; many are the vessels which have left port never to arrive at their destinations. The turbulence also produces shore erosion problems. Along the south shore of Lake Erie, for example, houses have been undermined and fallen into the lake as recently as this year. The preservation of beaches is a major challenge, particularly in and near the large metropolitan centers where recreational demands are greatest.

The many conflicts among the potential uses of the lakeshores constitute challenges throughout the region. Urbanization and industrialization have increased the pressures to alienate much of the lake shoreline from public access, particularly from southeastern Wisconsin to northwestern New York. The recent creation of a National Lakeshore in the Indiana Dunes area, to forestall further industrial development as typified by the Bethlehem and Midwest steel plants at Burns Harbor, represents only a partial cease fire in the continuing battle to preserve some of the recreational amenities of one of the few remaining untouched areas within easy reach of a metropolitan population.

Appropriations for land acquisition are small and slow in coming from year to year; there is, on the other hand, continuing pressure for encroachments by industry, railroads and residential developments upon the lands designated for inclusion within the National Lakeshore. The Sleeping Bear National Lakeshore on the north-eastern shore of Lake Michigan, similarly, has not yet been fully won and the pressures there are somewhat the same, if less intensive, as those in Indiana.

Even within the cities, constant battles must be fought by the advocates of public recreational and conservational uses of the lakeshores. In Chicago, such public uses of the lakefront as a water filtration plant and an exhibition hall met with violent and protracted—but unsuccessful—objections and litigation. The proposed island airport in Lake Michigan faces the same kind of battle, although a somewhat similar proposal for an offshore island airport in Lake Erie opposite downtown Cleveland has, so far, met with less vigorous opposition.

It is interesting, and perhaps significant, to note the difference among Great Lakes cities in their attitudes toward lakeshore development. Chicago has held the lakeshore traditionally for public recreational and park uses; this was affirmed by the Montgomery Ward decision, which saved the downtown lakefront as Grant Park, and the Burnham Plan of 1909, which proposed a nearly continuous park development for 20 miles, most of which was subsequently carried out. In Chicago, however, even the Burnham Plan did not preclude industrial and port development in the vicinities of the Chicago and Calumet River entrances.

Milwaukee, unlike Chicago, has primarily industrial development, including a major port, near the downtown area, but it has noteworthy lakefront parks to the north and south of the shores immediately contiguous to downtown. Detroit has proceeded with a massive urban renewal program to reclaim its downtown river-front as a civic asset although most of its river-front is devoted to industry. Nevertheless, Belle Isle Park is a fine spot for recreational use. Cleveland has very little lakefront park or recreational development; its lakeshore is largely occupied by port terminals, private residences and an easy to reach but space-taking downtown airport.

In each city and metropolitan area the conflicts are eternal among the potential users of that scarce commodity, lakefront land. They should be solved in the light of local attitudes and traditions. The demands, of course, are for recreational, industrial and residential uses, sometimes with conflicts within the user groups, as for instance between advocates of active recreation service dense populations and those who want passive low density recreation and conservation.

There are many other unresolved issues involving the Great Lakes. Although an uneasy truce has been reached on the amount of water to be diverted from Lake Michigan over the drainage divide into the Mississippi Basin in order to flush out the sewage of metropolitan Chicago, there is no way of knowing when that issue may come up again; it is more a political than a hydrological matter. The Great Lakes cities and shipping interests want maximum depths in the harbors and connecting channels for most economic use of the shipping capacity; the City of Chicago and the inland waterway barge industry want maximum flow in the diversion canals through Chicago and across the divide.

At present the diversion is limited to 1,500 cubic feet per second on an annual average, plus an approximately equal volume for local use. With this diversion, the levels of Lake Michigan and Lake Huron, which are the same, are lowered 2½ inches at most over roughly an 11-year period, as contrasted to an irregular cyclical fluctuation of more than 6 feet. Actually, the diversion of two rivers north of Lake Superior into that lake supplies the Great Lakes system with considerably more water than is diverted out at Chicago.

Another pending issue is the future of the St. Lawrence Seaway: Should tolls be continued, increased or eliminated? At present, the Canadian and U.S. Seaway authorities, the latter responsible for only 28 percent of the benefits and receiving 28 percent of the tolls, are increasing the rates gradually.

The Welland Canal, entirely within Canada and a part of the Seaway system, has similarly increasing tolls, much to the consternation of the shippers on the short coal run between Lake Erie and Lake Ontario ports,

for whom the canal transit represents a disproportionately high part of the voyage cost. The Seaway proper, although traffic is now approaching the optimistic preopening projections, is barely paying its current operating expenses and is not meeting its long-term obligations.

THE THREATS FROM OTHER QUARTERS

Many quarters in both Canada and the US favor complete refinancing and elimination of toll charges in line with the traditional tollfree policy for domestic waterways within the US. They point out that use of the connecting channels between the Great Lakes is free of charge, even though the US has hundreds of millions of dollars invested in those improvements.

The Seaway itself requires improvement if it is to remain important. Its 27-foot channel depth was inadequate from the beginning: An ever decreasing proportion of the world's fleet can navigate it as the average size of vessels increases. Now, most ocean ships cannot enter the Great Lakes, or, if they do, cannot carry full cargoes. Already, the US and Canada have authorized studies of possible parallel waterways, both at the Niagara escarpment and along the St. Lawrence. Technological and economic developments, both in maritime and in land transportation, demand that decisions relative to the Seaway, the connecting channels and the Great Lakes ports cannot long be deferred if this waterways system is to keep its importance.

The bulk commodity traffic is seriously threatened by unit trains, which offer rates competitive with those for water transportation. Already, unit trains compete with lake/rail shipments between the coal fields of West Virginia and the utility plants and industries of the Great Lakes, bypassing the lake shipping and threatening the coal traffic through the ports of Cleveland, Sandusky and especially Toledo. Similarly, all-rail unit train rates between Illinois and Kentucky coal fields and destinations on the shores of Lake Michigan challenge the coal traffic through the Port of Chicago. Grain traffic from the Great Lakes' hinterland to both eastern and overseas destinations is also vulnerable to the competition of unit train export rates by all-rail routes.

In the long run, the coal traffic itself will meet competition from solids pipeline movements, now technically available, and from increased adoption of atomic fuels instead of coal. The iron ore traffic is challenged by new technologies, including more efficient use of plant inputs and concentration of the ores, such as taconite, at or near the sources. The significant increase of iron content per ton of ore shipped on the Lakes may proportionately reduce the tonnage to be transported—though this may possibly be overcome by a general expansion of the iron and steel production in the region. The Great Lakes grain traffic is influenced by changes in foreign aid policies and by increasing demands in the domestic markets, particularly in the West.

The general cargo overseas traffic of the Great Lakes-St. Lawrence route may also suffer from technological and economic changes. A good part of this traffic is imported steel, which is subject to competition from increasing US production and also is in increasing demand overseas, closer to the producing areas. Changes in tariffs could conceivably greatly reduce or even terminate this traffic. Manufactured goods, moving in both directions face changes in international trade policies and also in transport technology and rates. Already, containerization looms as a major threat.

The high-speed container ships seek the fastest possible turnaround and their operators are unwilling to place them on the much slower runs in the Lakes. Most such vessels, in fact, are too large, and ships small enough to enter the Lakes would lose some of the essential efficiency. Some of the few major lake ports with substantial general cargo traffic—among them Chicago, Milwaukee, Cleveland and Toronto—are beginning to make vigorous efforts to supplement the container traffic on general cargo vessels with provision for more efficient handling of containers at the ports, but there is considerable doubt that full-container vessels will ever be significant in the St. Lawrence Seaway trade.

THE CHALLENGE TO WINTER

Winter imposes limitations on the use of the waterways. The Lakes rarely freeze over but the rivers, connecting channels and ports are closed for about four months each year. All interlake movements terminate; only a few services are maintained, such as the Lake Michigan car ferry services connecting the west shore ports in Wisconsin with the eastern railroad network, thereby enabling rail shipments to bypass the congested Chicago terminal area. Also, during some winters, coal continues to be transported between Toledo and the ports along the Detroit and St. Clair Rivers.

But for the most part winter is a period of inactivity: a time for vacations for the crews and for maintenance and repairs of the vessels, which keeps the Great Lakes shipyards busy. The bulk fleet lays up in the Culahoga, Calumet, Kinickinnic and other rivers around the Lakes. Some boats are used for winter storage of grain, thus getting an early start in the spring and augmenting the many elevators which are distinctive features of many of the Great Lakes ports. Huge stockpiles of ore, coal and limestone characterize the landscape of the lower Lakes' industrial areas in early winter; by spring they are consumed.

Interlake shipping has adapted well to the seasonality, but for the salties the situation is different. These can operate elsewhere during the winter. Many of the cargo liners are assigned to other routes, others are chartered out for worldwide tramping. The same freighters that in late summer and fall load wheat at Duluth, Fort William or Port Arthur may be seen some months later loading in the River Plate in South America or the Spencer Gulf in Australia. Since the opening of the enlarged Seaway, marine architects have developed the "hermaphrodite," which combines some of the features of Great Lakes bulk carriers and ocean vessels, making them efficient within the Lakes and on the oceans as well.

There is currently great interest in extending the season on the Lakes. The Port of Montreal, until a few years ago closed during the winter, now has all-year service by ocean-going ships. This is made possible by a combination of vessels especially strengthened for ice navigation and improved methods of reporting ice conditions in the lower river and Gulf, including the use of pictures from orbiting satellites. More efficient icebreakers may help prolong the season; the Coast Guard has been bringing in some each spring and fall which normally operate in the Polar regions. In the future, artificially created turbulence to prevent formation of ice at critical places may be possible.

Already, the season has been extended by as much as 10 days at each end; in the early years of the Seaway it was open between April 15 and December 1; now it opens at least a week earlier and closes as late as December 15 in some years. Transatlantic freighters thus can often get an additional round trip during the season. But above Montreal, the locks are still drained for repairs during the winter.

THERE ARE PROBLEMS; THERE ARE PROSPECTS

The enlargement of the St. Lawrence Seaway, having more or less effectively converted the Great Lakes from a continental to an international waterway, has also created a number of international issues and intensified existing ones. Following the War of 1812, international agreements relative to the Great Lakes were entered into. One such normally prohibits armed naval craft within the Lakes excepts for Lake Michigan, the only one entirely within the U.S.; others relate to the location of the international boundary (there is a Boundary Commission), fishing rights and navigation practices.

Between U.S. Great Lakes ports, as between our coastal ports, revenue traffic is limited to vessels of U.S. registry. Between Canadian ports, on the other hand, traffic is open to vessels registered anywhere in the British Commonwealth. Since low cost operation by crews based overseas can compete with higher cost Canadian vessels, there has long been controversy within Canada as to whether internal traffic should be limited to vessels of Canadian registry. Between U.S. and Canadian ports, trade is international, hence legally open to vessels registered anywhere. Each season, a few salties enter the Lakes in spring, trade internationally across the Lakes and leave in the fall.

Bills have been introduced in Congress and in Parliament from time to time to limit U.S. and Canadian internal Lakes trade to vessels registered in these two countries only. Such enactment would, at least in the short run, be of greater benefit to Canadian than to U.S. craft, for the overwhelming proportion of this internal traffic is carried in Candian vessels. The reason for this is the somewhat lower costs of construction and operation in Canada and also because of the more generous policy of the Canadian government in subsidizing the building of lake boats. U.S. shipping and steel companies in the area have built and registered many vessels in Canada in order to get a share of the relatively lucrative ore and grain trades, but of course, their vessels are barred from carrying cargo btween U.S. ports. The largest and newest Great Lakes bulk carriers ae almost all Canadian registered, while most of the U.S. boats are obsolete.

Commercial fisheries on the Great Lakes, long threatened by the decline of desirable species due both to pollution and the inroads of the lamprey, which entered the Lakes from salt water through the former St. Lawrence and Welland Canal system, has a somewhat brighter future today than it did a few years ago. The current interest and activity in pollution control promise some results, and new species of fish have recently been introduced with at least short-run success. Most spectacular of these is the coho salmon which seems to be thriving in the Lakes and has, among other things, stimulated sports fishing, especially in Lake Michigan. The commercial catch of other species has ceased to decline in recent years and is even increasing in some instances.

The problems of the Great Lakes are many, but there is growing interest in and support of research, hopefully leading toward solution of at least some of them. Several major universities on both sides of the border have established centers or institutes for study of these problems, among them Michigan State University, the University of Toronto and the University of Wisconsin-Milwaukee. The Great Lakes Commission, an interstate organization based at Ann Arbor, issues newsletters and bibliographies relative to Great Lakes activities and research; a new periodical, *Limnos*, is devoted to the subject of research on Great Lakes problems.

The Great Lakes continue to form the main axis of the nodal region of the northeastern U.S. and southeastern Canada: the belt containing the greatest concentration of population and commercial/industrial activity in each of the two countries. Furthermore, the U.S. and Canada are each other's best customers, with tremendous movements of iron ore, coal, paper and manufactured goods of great variety across and around the Lakes. The Seaway, together with improved overland transportation by high-

way, rail and both in combination, offers rapid access to world markets; the Illinois Lakes-to-Gulf waterway, connecting with the Lakes at Chicago, offers low cost barge transportation, thereby lowering the overland transport costs between the Lakes and the continental interior.

The prospects for growth and for an improved environment in the Lakes region are great, but so are the problems. Their solutions are urgently necessary if the potentials of the region are to be realized.

ECOLOGY: THE INLAND WATER TREE

(By Philip H. Lewis, Jr.)

(NOTE.—Professor Lewis, chairman of the Department of Landscape Architecture and director of the Environmental Awareness Center, School of Natural Resources, University of Wisconsin, presently is a member of the American Right of Way Association Committee. A panelist on the White House Conference on Natural Beauty, he also served as co-chairman of the Wisconsin Governor's Conference on Natural Beauty.)

The inland sea now serving as an international boundary between the United States and Canada forms the largest group of lakes in the world.

Although once crystal clear, this Great Lakes canopy has recently shown signs of severe illness brought about by such pollutants as acids, oils, cyanides, phenols, farm insecticides, fertilizers and weed killers, not to mention human sewage. While major programs to reverse this in-lake water quality trend have been initiated, little has been done by the design professions to create new three-dimensional guidelines for shoreline development.

Therefore, we may restore the water surface quality and at the same time allow the three-dimensional quality of the 7,870 shoreline miles to be destroyed.

Looking beneath the Great Lake canopy, it is apparent that the elements and glacial action through the ages have etched a tree-like design pattern on the face of the landscape. The flat prairie farmlands, driftless hills and expansive northern forests have their share of beauty, but it is the stream valleys, bluffs, ridges, roaring and quiet waters, mellow wetlands and sandy soils combined in elongated patterns that provide outstanding diversity, tying the landscape together in regional and statewide corridors.

In my statewide studies I have called these patterns "environmental corridors" which, on a regional scale, are the branches of the mid-America water tree and offer rich opportunities: Once inventoried and mapped, they suggest a framework for total environmental design. If protected and enhanced, the system provides a source of strength, spiritual and physical health and wisdom for the individual, in addition to open space for recreation and enjoyment.

By mapping the water tree over the past 15 years and identifying many of its precise values, the first goal has been to make the people of mid-America clearly aware that such a pattern does exist and that, if protected, it can and must serve as a regional form-giver for all future land uses.

In my regional studies, 200 additional natural and cultural features have been inventoried and mapped with the help of farm agents and soil conservation agents. In turn, these local, state and federal representatives have worked closely with the local inhabitants, the voting public whose awareness of regional design values are critical to design implementation.

Perhaps the most rewarding result of these regional resource inventories has been not so much the success of working with local people (the mere fact of involving them develops a greater appreciation of landscape values); rather, by plotting water, wetlands and slopes on a county-by-county basis, we have discovered that more than 90 percent of all the individual resources held in high esteem by the local population also lie within the corridor patterns.

Concentrated patterns of such diversity have been called resource nodes, which offer the greatest flexibility in assuring options for the future for both environmental desires and needs of the midwesterner. Protected and developed wisely, these nodes, like fruit on the water tree, offer an environmental system as a basis for a variety of human experiences.

As critical as is the task of preserving the water tree and its resource nodes as major form determinants, the studies have identified numerous other landscape patterns that can be placed in the category of where not to build. These are outlined on the following pages.

Quite simply stated, certain resource patterns, even if developed by man, offer potential threats to his life and well being, while others, protected and enhanced, can continue to provide many valuable experiences for living, working and playing in both our rural-regional and urban environment.

For most of the U.S.-Canadian landscape, these patterns, contrary to public opinion, have not been inventoried. A second look at our national record in providing developers with such comprehensive resource data is very much in order today. If we are to fit human development in harmony with these landscape patterns, we must have certain resource data at our fingertips. The past failure of state and federal agencies to develop the support and the programs to provide this critical information for planning is just short of an international disgrace.

In an age of explosive population, a second look must consider these form determinants if we are to protect and create a balanced natural and human habitat for tomorrow. As a nation we have been too prone to develop without an adequate understanding of the landscape. Detailed topographic and soil mapping, to mention but two critical planning resources, are still not available for major sections of the continent.

Through our regional studies I believe we can protect these major patterns and still have ample areas for development. Areas outside these critical environmental patterns have been found to be less favored by accidents of nature and already are reflecting a heavier impact by man, thus making them more conducive to alterations for economic and commercial exploitation, transportation, urban development, farming and similar activities.

I would at least say that once the form determinants are known, we are in a much better position to make wise compromises if we are forced to build within their boundaries. Entirely too much human impact is occurring with little or no understanding of the carrying capacity of the given site.

If we are to preserve the inland water tree and the landscape values between its branches, we must go even further in developing new two- and three-dimensional guidelines for directing human impact within their fringe area. It is one thing to identify the outstanding water systems and to develop water pollution programs for their protection, and quite another to guide three dimensional design on the shoreline that refrains from being visual-functional pollution.

As designers we must convince the growing body of citizens interested in stiff water pollution laws that it is going to take a greater task than merely preserving water quality; that one cannot separate the water surface from shoreline uses and expect to have a three-dimensional water corridor reflecting environmental quality.

This then becomes a major challenge to all designers, form-giving environmentalists or whatever we choose to call ourselves.

How can you design an environmental system that permits a cow to drink from the stream without creating serious shoreline impact and erosion that destroys water quality? How can we as form givers review the full range of land uses from wilderness, recreational, historical, farming, industrial, commercial, residential, institutional and civic to movement systems such as highways, hiking trails, utility lines, etc.?

At a conference that I attended in London entitled "Countryside 1970," it was discovered that, although the English have not inventoried their natural and cultural values as one would expect, they have classified their human impacts on the rural scene. Dr. E. M. Nicholson and A. W. Colling in an earlier meeting suggested that while many discussions and analyses have been made of various parts of the problem of human impacts on the countryside, it appeared that no really comprehensive list and description were available. Then they proceeded to create a chart identifying all activities and operations having impact on the landscape, area or land type affected, nature of effects arising, incidence time, space, degree, parties interested and examples of problems and possible solutions.

In conclusion, the two men pointed out that the chart was a tool for overall survey, for tracing relationships and for putting particular impacts or other factors in perspective. One of the broad points which seemed to emerge from all this was the heterogeneous nature of the activities and operations responsible for impacts on the countryside and the apparent lack of awareness among those concerned.

To seek an optimum environment through awareness programs, then, requires not only a better understanding of the diverse landscape patterns and the nature of human impacts but also a much better understanding of man's environmental needs. Our Environmental Awareness Center at the University of Wisconsin stresses that research findings have identified relationships between the physical environmental and human performance; that physiological health and psychological well being are affected by environmental variables; and that social behavior is influenced by enabling elements of the physical environment. Much still remains to be done in giving design interpretation to these many physiological and psychological factors.

Recognizing that the time, talent and funds needed to obtain such comprehensive environmental data by traditional means is inconsistent with practical situations demanding integrated development at various scales and that there is the added problem of keeping current such project inventories, it is time we seriously consider solutions to these critical problems.

Aerial photography has been investigated sufficiently to indicate that, although far from ideal, it clearly offers one of the best hopes for efficient data collection. It promises results in a realistic time span at a cost that is in proper proportion to each inventory phase. An even more promising inventory tool is the nonconventional airborne sensor. Such a system placed in a stationary satellite might provide not only current data but, linked to a regional computer graphic system, offers new and changing patterns as they evolve.

Identifying in any manner the most outstanding natural and human values does not, of course, assure their protection and wise development. Techniques must be developed for presenting these environmental studies to the general public in conceptual and pictorial form.

Until clear pictures and concepts about man and his environment, the problems, potentials and casual relationships are disseminated and become part of the common stock of knowledge, there can be little progress in guiding human impact in harmony with identified natural and cultural value patterns.

Recent advances in audio-visual presentation have developed a more direct relationship between the subject and educational materials. Nothing short of exploring these new dioramas, three-dimensional movies, computer-programmed slides and think tanks will do if we are to develop environmental awareness.

By integrating a broad scientific and perceptual understanding of our midwestern landscapes, human impacts and needs, new inventory tools and imaginative regional awareness centers with social, economic, political and legal planning concepts, much can be done to create a new design form. The form which will evolve from this deeper understanding will not likely be arbitrary or perceived; rather, it will be a functional expression consistent with the inherent needs of man and his environment.

ECONOMICS: THE SPUR TOWARD GROWTH

(By Paul W. Beers)

(NOTE.—Mr. Beers is director of urban studies of Economic Research Associates, has just completed six years as a planner-economist in the Chicago area, and is past director of the Metropolitan Chicago Section, American Institute of Planners.)

The motivations behind, and the nature of, the multifaceted development of the Great Lakes region have shifted extensively with time and space. The emphasis was alternately on exploration, religion, militarization, politics (including geopolitics), colonization, commerce, exploitation, settlement and combinations thereof. Each of these phases was accompanied by varying degrees of economic development of the area and its resource base.

Little of the region's resources was used from the time of the wanderings of Marquette and Joliet through the mid-continent colonial maneuverings of France and England and well on into the 19th century. The chief assets of the colonial times seemed to be its waterway transportation system, with the continuing hope for a northwest passage, and just the sheer amount of land belonging to a far-off throne.

The resources of the region went virtually untapped until full-scale settlement began and farming became more than a scattered subsistance operation on the frontier. In some cases mining preceded other types of development such as in the copper areas of Upper Michigan and the lead and zinc mines of northwest Illinois and southwest Wisconsin. However, they were the exceptions, and the scale of even these activities was minor when compared with what was to come as the region became America's agricultural-industrial heartland, with a rail transportation system complementing the natural waterways of the Great Lakes and regional rivers.

The early settlers going beyond the hills and valleys of New York, Pennsylvania and Virginia imposed the Jeffersonian geometrics on the plains of the Middle West and began cultivating the staple wheat. Neither the form nor the function was ideal, but each provided a base on which the region could develop rapidly in intensity and extent.

Farms producing more than could be consumed within the family spurred the development of railroads, bulk transfer points, Great Lakes shipping and an agricultural implement industry. All of these served as a basis for the integrated economic specialization that characterized the early prosperity and continuing viability of the region.

Minneapolis-St. Paul, Chicago and Buffalo grew as urban centers serving their agricultural hinterlands through the shipment and trans-shipment of farm produce on the Great Lakes and its waterways. Chicago not only served its hinterland but the region and the world through its early start in the agricultural machinery manufacture. While the Windy City was a leader in the field, it was the talents developed in area blacksmith shops, combined with the skills from Europe, that also brought about the early manufacturing pre-eminence of Milwaukee, Gary, Detroit, Pittsburgh, among others.

Fortunately, nature had provided the ores and fuels within the region to permit the basic industrial growth, and the Great Lakes the means of bringing these bulky products together. Duluth is a prime, unencumbered example of an urban community which was established and grew through the shipment of the agricultural (grain) and industrial raw materials (iron ore) which so typify the region.

The economic base of the region today is a creature of its past but not of the past. Agriculture remains fundamental, although wheat has long since departed to the west. Heavy industry still builds its power-generating equipment here; earthmovers are assembled in quantities and with skills unmatched elsewhere; and automobiles and Detroit remain synonymous.

Other regions have now arrived at economic specialization that is intraregional as well as interregional. Thus Green Bay paper and Toledo glass are seen everywhere, but they may be manufactured, packaged and/or assembled into units in Georgia. Modern processing and transportation have wiped out some of the early economic advantages of resources location and access which the Great Lakes had previously enjoyed.

Economic projections for the region are optimistic. Nevertheless, future growth is not likely to happen in the proportions attainable in the newly developing economic frontiers of this country, especially in many of the types of manufacturing previously unique to the Great Lakes. Sales and service industries and occupations continue to increase in relative importance in the region as elsewhere in the nation. Continuing growth remains the likely prospect; however, dramatic upturns would seem to be dependent on regional reassessment and reallocation of resources.

With its pioneer beginnings, beautiful—but not spectacular—surroundings and a wide-open frontier available to the west, the people of the Great Lakes region were not conditioned early to the conservation of their natural environment. This heritage, plus the area's function as the nation's agricultural and industrial backbone through two World Wars and continuing conflicts since, have introduced practices that have depleted and exhausted resources, increased costs and threatened the health and welfare of its population.

This is not a new phenomenon for the region. The cutover of the northern Great Lakes forests had been completed by 1910. Enlightened self-interest has restored these forests for paper and pulp usage; however, the extensive hardwoods stands and related furniture industries have not been restored. The original rich ores of the Mesabi Iron Range have been exhausted, necessitating the use of a more expensive taconite beneficiation process or the import of ores from Labrador and Venezuela.

These are well-known examples of resource depletion, renewal and relatively reasonable substitution. Yet resource depletion for short-run economic gain continues.

Abuses of air, land and water resources abound throughout the region. The air pollution of northeastern Illinois-northwestern Indiana is all too typical also of such cities as Detroit, Cleveland and Pittsburgh. The strip mines and quarries without restorative requirements cannot be justified in light of present and projected public and private land needs. Pollution exists in most of the area's water bodies. Lake Erie and the Fox and Maumee Rivers are among the most obvious of this short-sighted approach to resource use. Industries and municipalities which require a supply of fresh water often are the most blatant polluters of the lakes and streams.

Not all such relations are as obvious. The accompanying sketches show how over time the ecology and availability of a Great Lakes dunes area can be destroyed. The message reads loud and clear: Industrial, residential, recreational and commercial fishing usages and the environment all suffer in such an unplanned situation.

Nevertheless, the alternative to abuse and misuse is not "no use." The growth and the prosperity of the Great Lakes region did not, and will not, occur in a vacuum. The alternative to abuse and misuse is "better use."

The key to a "new" economic base for the Great Lakes region is not that the components must be new but the approach must be. For example, the dunes sketches illustrate the all-too-typical orientation that views recreational sites as land which is waiting for some kind of economic development. Recreation and related transportation facilities serving the region and the nation are big business. And anyone who doesn't believe that these components are part of our new economic base is 20 years behind the times.

How does a region take advantage of its assets? The preceding article describing an environmental inventory is an example of a beginning in one area. We will need professional efforts of this sort in many other disciplines.

After inventory, timed implementation must follow. In this case priority establishment, acquisition (or other control devices), development (or nondevelopment) and management are the follow-through steps. The State of Wisconsin has made such an inventory and formulated a follow-through program. The benefits, short and long range, are accruing to private entrepreneurs and the present and future residents of that state. Such resource inventory and management principles have equal application in other areas of the physical, economic and social spectrum.

These inventories are the primary responsibilities of the public sector. But there are no multistate or multicounty governments—the levels at which inventories of the various resources should most frequently be conducted. New levels of government are not necessary, but new levels of governmental cooperation are.

Involvement of the private sector is essential to achieve this in at least the inventory and priority establishment phases. Such involvement is in keeping with current national policy and provides the representation needed to resolve the long-existing economic and resource base conflicts.

The new economic base for the Great Lakes region must go beyond the agricultural and mineral orientation of the past. The area contains a budding megalopolis stretching from Buffalo across Lake Erie's south shore and Michigan to Green Bay and possibly the Twin Cities. The inhabitants must be served with jobs, housing and recreation—all elements going beyond the basic heavy industrial concept of the past.

New land allocations with enforceable controls will be necessary to successfully operate such a megalopolis. These land allocations will have to be based on land suitability, location relationships and regional determination of functions. Regionwide determination will necessarily be based on inventories and an analysis of what the region can do best internally and what products and services should be imported. Within the region, further analysis will determine logical specialization by subregion.

All this is nothing more than the recommendation of a proper allocation of resources. However, little has been done—much less

implemented—within a regional scope. Again, the stress must be on a multidiscipline professional approach to employ such inventories and allocations.

Developing a new economic base to spur the future growth of the Great Lakes region can start with the better resource understanding furnished by the previously mentioned inventories, conducted by the best professional talent available. We have inventoried in the past, and this may be a substitute for action. However, we have not performed regional inventories well since the "make-work" projects of the 1930s when we lacked the analytical methodologies we possess today.

These new inventories should create regional balance (or disbalance) sheets considering the costs and benefits of existing and proposed economic, social and physical elements and serve as the basis for planning and implementation.

The new inventories followed by analysis, priority establishment and presentation of alternative futures based on costs and benefits must also emphasize the social values now so important to our mid-continental megalopolis and its related rural hinterland. People can no longer be left out of the equation, nor can environmental preservation and improvement. But the key variables of such an equation are frequently not quantifiable or assessible. Still, there is no need to tolerate the dehumanization and technical moribundity that result from lengthy debates over the precise definition of levels of poverty, substandard housing units and the eligibility requirements of a welfare recipient. Flexibility is needed to attain action and response.

Human needs should not only be considered in inventorying and planning phases; more citizens should be concerned with the planning process itself. Again, this concept is old, but we have generally performed the process badly. Only recently have we begun to truly involve the private business sector and representatives of minorities and/or poor people. We have made weak efforts of presenting alternative plans to the public at large for their consideration.

The facts behind alternative plans are usually gross quantifications. The plans ignore the presentation of basic costs and benefits, especially those including unresolved, unquantifiable but nevertheless comparative social values. In other words, the rational emotion needed for continuing interest and logical decision making by the public has been excluded from the planning process, too often leaving the disinterested and the irrational extremist.

Lastly, these alternative plans have typically been presented to appointed commissions who are unresponsive to the wishes of the electorate—sometimes further complicated by the fact that there is no government at the level at which the commission operates.

The answer to this nationwide problem does not seem to be in asking our scientists and technicians for new technology to cope with our current difficulties. The ever-widening knowledge gap between scientific and social values is a significant part of the root problem.

Rather, what is needed is a complete exposure of all the regional assets and liabilities presented in living and understandable forms which will evoke rational emotion from the ctiizenry and give elected officials meaningful mandates for action. Informed officials are the only ones who can be made responsible to properly weigh all the costs and benefits, to decide what is "good."

We have elected officials now, and they are not fulfilling these needs. First, these officials are victims of poor and incomplete information, simplified and quantified too soon by their advisers before the public can build a rational reaction to guide them. Second, we are only beginning to explore the council of governments idea wherein elected officials are meeting together at metropolitan and multicounty levels. We need more of this type of council, including the multistate level with legislation that permits commitment of resources by these officials, subject to ratification.

In a representative democracy only these officials can provide the "how" in response to the public's need to pursue the "good" in our society. The real burden of helping them over the present impasse lies with the professionals and their ability to communicate their ideas.

Joint participation by elected officials interacting at new levels, armed with better implementing powers, better informed citizens and newly responsible professionals can be a new generative force. Quantum leaps are not made by projectors of current trends. We do not need more canned alternatives, nor should budding pockets of anarchy be encouraged by continuing inaction.

At the end of a wish-list, the inevitable "who pays?" must be considered. Obviously, we all do through our governments and the products we buy. However, the improved allocation of resources and priorities derived from a better understanding of the regional assets and liabilities can eliminate some diseconomies.

In fact, cost-benefit analysis can be performed on the planning process itself. Exposure of alternative priorities and systems suggests not only how much should be paid but who must pay, thereby establishing a secondary level of priorities. By fostering more participation and response, the climate for joint ventures of public and private capital is encouraged.

The realization of a new economic base for the Great Lakes region cannot be conceived as only an improved cattle feeder or a new smoke stack or, better, an industry without a smokestack. The new economic base must be derived from a supply and demand study on the fulfillment of all of society's needs. From this market analysis and its recommendations will come new products, new methods, a new environment—and a new spur to growth.

PEOPLE: A CITY'S PORTAGE POWER

(By William Marlin)

(NOTE.—Mr. Marlin, who is associated with the Perkins & Will Partnership in its public relations program, is also a freelance writer with a particular interest in architectural preservation and urban planning of Chicago neighborhoods.)

As a portage linking the people, places and problems of the Great Lakes, Chicago is a focus of men's use and abuse of nature and each other. While man is the only creature capable of contemplating its own origin and destiny, his cities suggest he has contemplated neither.

What's wrong? says new-towner James Rouse, "I don't really believe that many of us expect the cities will ever be livable. We have revealed our disbelief by failing to calculate what victory would mean. We can solve any problem we define, but we have never really tried to define the problem of the city."

Chicago is an arrogant town built by arrogant men: speculators—some seeking, most evading that definition: "Make no little plans," "Form follows function," "Less is more," these are noble slogans. But in a city where open space, green trees, clean water and fresh air are dispensable commodities, such slogans have been used to justify, and to sell, much that is bold and bad in the city.

Lake Shore Drive has been "developed" as a "big plan," with its share of "less is more," "form following financier," walling off Burnham's sacred lake from the people and city which desperately need it. Are men, materials and money still passing through this portage so fast that we would purchase the survival of our city and society—a common fate—so cheaply and expediently? What's wrong here?

One group finding out is the advocacy planners like Rod Wright of Chicago's Uptown. "First of all," Wright explains, "it helps to take off your tie. Things loosen up when people understand that I want to plan *with* them, not just for them."

For self-trained Wright, this team includes migrants from the Kentucky mountains, Puerto Ricans, Mexican Americans, nisei, Indians, blacks and WASPS. It also includes politicians, professors, corporations. A neighborhood meeting usually ends with one interest telling another interest off. But the goal is common: "How do we make this home of ours work?"

Desolate and dispassionate, on the Model Cities agenda, Uptown has been a port of entry for rootless ruralites who arrive uncertain of their place, purpose or options. But the rootless ones have decided to become certain and to rebuild this half-way house of a community, where the remnants of a rural nation cold-turkey their way into the urban mainstream.

Chicago has always been a take-off-your tie kind of town. Built at a portage where the old Illinois-Michigan Canal, begun in 1836, linked the south branch of the Chicago River with the upper reaches of the Illinois, settlers passed through on their way to farm new land.

Canal surveyors laid out the first streets; canal commissioners sold the first plats of land; canal workers built the first houses on them. Chicago and the canal happened together—and the rural Midwest happened because of them.

Long before incorporation in 1837, a federal commission (yes, they had them then too) reported, "The realization of a ship canal from Lake Michigan to the Mississippi is the great work of the age. In effect, commercially, it turns the Mississippi into Lake Michigan, makes an outlet for the Great Lakes at New Orleans, and for the Mississippi at New York. It brings together the two great water systems of water communication of our country: the Great Lakes, the St. Lawrence and the canals connecting the Lakes with the oceans of the east; and the Mississippi and the Missouri with their tributaries on the west and south."

The promise of such a regional system spawned heavy immigration and wild speculation, not unlike that of today. Men came in wagons, up the Mississippi in river boats, through the Erie Canal, sailing steamers from Buffalo, for this "great work of the age."

Chicago flourished as a refitting station where provisions could be had at 29 drygood stores, 5 hardware stores and 45 grocers; refreshments from 10 or so taverns; and subsequent assistance from 19 lawyers.

Cargo on incoming ships was snatched up in exchange for provisions. Those moving on to farm could buy Asahel Pierce's "Prairie Plows" and later sell their grain back to the city, where shipments of it to Erie County, New York, by the late 1830s were already fulfilling the promise of the Chicago-based markets.

The newcomers found work easily, but there was never enough room for them. These pioneers needed houses fast and had no time to work with wood in the old way. Without a thought for architectural tradition, they pioneered the balloon frame house. With the advent of the steam-powered sawmill and the mass-produced nail, schooners arrived regularly laden with Michigan pine: 30,000 board feet in 1833, over 10 million 10 years later. By 1840, 10 lumberyards lined the river. Built in a few days by a few men, these balloon frame houses were so dependable that Irish

canal workers just knotted them to trees so they wouldn't float away when the river flooded!

John Wellborn Root remarked, "This early type of dwelling made the growth of the West possible. No expert carpenter was needed. No mortise nor tenon or other mystery of carpentry interfered. A keg of nails, some 2x4 studs, a few cedar posts for foundations and lots of clapboards, with two strong arms to wield the hammer and saw—these were always to be had."

The balloon was a simple, spontaneous, almost self-evident solution for men who had neither the time nor the disposition to notice, as Sigfried Giedion later did, that the balloon frame marked the point at which industrialization penetrated housing. As modest as the 2x4 stud and nail must have seemed, seldom have improved resources been more efficiently applied to meet necessity; then, as now, the need for lots of housing—fast.

Chicago was not only a portage point for people and goods. With the advent of the railroad in the early 1850s, another dimension was added to the industrialization of housing. *Great Industries of the US* recorded in 1872, "With the application of machinery, the labor of house building has been greatly lessened, and the western prairies are dotted all over with houses which have been shipped there all made and the various pieces numbered." All these old "new towns" needed was a nearby railroad spur and some wagons.

This application of machinery, which we call prefabrication, began in Chicago with Lyman Bridges in the 1850s. His work and advertising dominated the field until the Great Fire of 1871, when the tinderbox neighborhoods ignited, ending Chicago as an exclusively "wooden affair."

Bridges wrote, "I have noted the value of some agency by which comfortable, cheap and easily constructed houses can be procurred (sic) at short notice." (The Douglas Commission talking?) "Having in Chicago the best and largest market for all kinds of building material, and the most complete of railroad connections, we several years since commenced shipping ready-made houses."

These were ordered from Bridges' brochure and included one-room houses at $175–250; one-story houses at $300–1,000; two-story houses at $825–900; and two-story multiple-bedroom houses at $1,000–4,000. A one-story, one-room store sold for $400–800. Schools, churches and railroad depots also were available. For the customer's convenience, a breakdown of the number of railroad cars required for shipment was given too. For instance, two of the smaller houses could be shipped on one car; the bigger houses and the school each required three cars; and the church five cars.

The nail, the mill and the railroad thus consolidated the conquest of the wilderness where, as Thomas Tallmadge put it, "the forests died in giving birth to the cities." This is a portage power of special importance to the architectural profession as legislators, minority leaders, the aerospace industry—where is the architect?—grapple with consciences and contracts to build 26 million housing units in the coming decade.

When Chicago fed the settlers and shipped the produce of the rural Midwest, it broke ground for a regional pattern of settlement, that "nowhere yet everywhere" kind of city Frank Lloyd Wright dreamed about. Today, we are facing "nowhere yet everywhere" kind of problems. And the test of this old portage—Chicago—will be how well it facilitates solving these problems. This does not mean replacing the social insulation of the old slum with the social insulation of public housing. This does not mean giving children who grow up in interim housing a split-shift education in an interim school. It means giving people stability in a time whose forces defy stability. It means giving people roots in a time when social thinkers are seriously asking, "Can you have roots in the 20th century?"

We must understand two basic, seemingly opposed, forces. One, the dispersal of our population and the overkill of our open space by suburban sprawl. The other, the dramatization of this by convulsions in the inner city where the Harlems, Newarks, Watts and Uptowns take revenge on the society that left them behind.

As our list of urban pathologies grows longer, partially because the incoming ruralites bring their own problems with them, what portage power does Chicago have up its sinewy sleeve to equip these new passers-through or stayers-on? In fact, what does it mean anymore to say, "I'm from Chicago"?

The one thing Americans seek is roots, notwithstanding the sage social thinkers. On the go in more automobiles and high-speed trains, using O'Hare Field (looking more like a crop dusters' free-for-all than the world's busiest airport) as casually as the telephone, we are all nomads in search of some place to go home to. And we seem uncertain about which direction to follow.

The city is still suspect, presumed guilty of manifold crimes against humanity until proved, or made, innocent. With sentinel fires burning as fiercely in Chicago and Washington, D.C. last year as in Vietnam, Americans attach little romanticism to the struggle to make our cities work. They prefer the memory of Scott Fitzgerald's "wheat or prairie or lost Swedish towns" and those "thrilling, returning trains" to places "where dwellings are still called through the decades by a family's name."

But, like it or not, America cannot go home again—at least not that way. Though our trains will be faster and our cities where the "lost Swedish towns" once were, our people must reorient themselves to new scales of time and distance. Working, playing, learning in one area, improved communication and transportation will let people belong to and use many other areas.

Our mobility enables both the city and the country to aspire to the advantages one has to offer. The ruralite whose soil gave out comes to the city for a job. The educated professional aspires to his suburban "strawberry fields forever." Though the former may be an act of desperation and the latter an act of escape, both the farmer and the professional want a way of life with all the advantages of the city and country without the disadvantages of either.

This utopia doesn't seem so unrealistic when the alternative is what the Douglas Commission called the crude and ugly jungle of our cities.

Urbane life has nothing to do with its location. The Bauhaus-bred city planner, Ludwig Hilberseimer, once said, "If I had to name a truly urbane place, it would be Wright's Taliesin," located 40 miles west of Madison on the Wisconsin River. One Italian student was moved to say recently, "It's the only place I've seen in your country which shows you have developed a culture as well as a civilization."

As the forces of technology tear down the urban vortex, they make our society and settlements more colloidal. The Ernie Pyles of the coming century will still have a "home country" to report about, but the "folks" will use their city, their whole region, as America once used its back fences—for communication. The city will survive as a receiving and sending station, a synapse in a giant switchboard. We have come a long way from the time, 70 years ago, when the majority of Americans farmed; and a long way since 1940, when the majority was industrial workers. By the late 1979's, the US Census Bureau reports, the majority will be doing "professional, managerial and technical" work. This revolution in how people earn their money and spend their time has been chiefly responsible for the urbanization of your landscape. We find it hard to even think of a rural problem.

Only when the ruralities move in from the farm do their problems surface. Then we see them and study them as part of the larger urban problem, which shows the direction in which we are moving. For the fact is that urban people are not confined to the city limits, and rural people are not confined to the hills.

The left-behinders, be they rural or urban people, are the ones who cluster in our dense metropolitan centers, where physical confinement compounds the anguish of economic confinement; where rehabilitation of old housing most benefits those who can already afford to live well in the city; and where well-intentioned urban renewal projects renew the wrong things.

Although clustering makes it easier for the urban pathologist to study this surplus of scars and sensitivity which is the inner city, the left-behinders are tired of being studied. As one Kentucky man confided—and he says "I'm from Kentucky" and not "I'm from Chicago"—"I'm tired of being chewed up and spit out."

No wonder Rod Wright is taking off his tie to work with these people for housing, in communities where they can care where they come from and go to. These city-billies could tell you what's wrong with their city; crime, the car (too many), poverty (of the spirit), drug misuse, mental illness, broken families, plumbing (none), pollution (of the senses as well as water supply) and, that US Senate "laughing matter," rats. They could also tell you about the pathologies afflicting the other, i.e., affluent America—pathologies like apathy, self-interest, suspicion and, just maybe, a little too much do-goodering.

It would be more meaningful to talk about the self-help projects underway in American communities. The dispossessed are taking possession in Jessie Jackson's "Operation Breadbasket," in Chicago's Black Architects' Collaborative, the Watts Workshop, the pioneer advocacy architects, New York City's ARCH and offsprings of the "black capitalism" concept.

The take-off-your-tie, pitch-in approach must necessarily affect our institutions as well as our sentiments. Improved communication and transportation have quickened the distribution of material benefits. They also have quickened the distribution of social burdens: supplying housing that alleviates the pressure of people from poverty areas, eliminating pollution. These problems know no city limits or county seat. And, like it or not, America must regear its institutions, taxation, zoning laws, building codes and systems of authority so scattered interest in scattered communities can do their proportionate share.

For now, we must concentrate on the shared problems of cities and states. The frightening scope of those problems suggests that the city as a political unit may be phased out as our major urban settlements demand a reconstitution of our representative bodies to give more equitable political identity to such regions and their interdependent people and problems. How many senators, say, for a settlement reaching from Detroit to Chicago?

In this "interurbia," as economist Richardson Wood calls it, "Chicago's portage power will be as a communications break, just as it was once a transportation break. The difference is that we are going to be consciously transporting concepts as well as commodities. Our greatest industry will be the gathering, interpreting, exchange and application of knowledge.

Already, teachers make up the largest single work force. "Professional students" are becoming high-level consultants to corporations and governments. Their universities are becoming whole towns. As Daniel Bell noted, "Perhaps it is not too much to

say that if the business firm were the key institution of the last 100 years because of its role in organizing production for the mass creation of products, the university will become the central institution of the next 100 years because of its role as the new source of innovation and knowledge."

The old city wall is being scaled by such change and by the computer-quick exchanges of a COMSAT and SST world.

The single-family dwelling, historically the locus of social life, will be revitalized as it becomes a man's castle and his cultural center as well. With computerized programming of education, improved television and the inexpensive video-taped concerts and plays just now being developed, the urban man will be digging ever deeper roots with his ever longer antenna.

Already, preserving old streets and buildings is becoming a popular investment. Old houses are being bought, scraped, painted.

Unfortunately, whether a good old building is saved or replaced by a good new one depends more on property values than human ones and whether a developer (what a euphemism!) thinks that good architecture is profitable. It also depends on architects. And it will be interesting to note which ones after bemoaning the imminent loss of Adler and Sullivan's caisson-anchored Chicago Stock Exchange built in 1894 will rush in for the new job.

It may be, after all, the nature of a portage to be slightly tentative about everything, whether it passes men, materials or messages from one place (and time?) to another. As Chicago spreads itself all over the prairie grass, Nelson Algren observed, "the caissons below the towers somehow never secure a strong natural grip."

And what of the people in this old portage, coming, staying, going, spreading themselves all over the prairie grass?

If we fail to give them—hell, ourselves—the strong natural grip we need in society, it will not be a failure of means. As ARCH founder C. Richard Hatch has said, "it will be a failure of moral imagination."

The national will to make our cities work must be mobilized as deliberately as our resources and technology. After only 10 years, we are poised for a lunar landing. Within the next 10, we must create guidance systems for this earthbound effort. The readiness is all. The readings of our success on earth will not come from the indifferent stars but the back streets of our cities. The readiness is there.

Chicago wheezingly inhales the last breath of a rural national and exhales an urban spirit. This is its portage power—more than big planes, fast cars and the ganglia of freeways and telephone wires. For the newcomer, this old refitting station may be a place to stock up, as it always was for newcomers. But for America, it is a place to take stock—of what we have been, of what we can be and of the gap in-between.

For now, it means working a day here or there, and a man's wife making more than he does on her short-order restaurant route to retirement. It means being refitted for jobs that require specialization. It means social adaption in neighborhoods synonymous with social regression. It means the mobility—the rusting old car leaning against the Uptown curb—which got them here but which has too often impaled them in a dubious kind of martyrdom. They, too, find that once here, they can't go home again. In this jet and computer-set society, where doors are still shut, it's tough to know that the old car is the only hinge on which your life turns.

The Appalachian white, whose mines petered out; the 14-year-old black who moved from being some white man's "boy" in Arkansas to a Black Disciple in Chicago; an Indian girl helping earn the bread and butter by drafting in Rod Wright's office—these are people seeking roots in a tentative time.

Salvation may be too high-sounding a word for what they're after. But it's not too high-sounding a word for what we as a society can give them, if we care enough to work, and build, *with* them to get it.

Perhaps, as Algren wrote of this old portage, "there is no true season for salvation here." Yet, not long ago, the rural refugees wanted to lose these accents, get trained and get back out. And they have been doing so in great numbers since World War II. Today, they are a little less tentative in their desire to make a go of it—here. If only by way of television, they know that their wretched city is not just a place to be, but a *way* to be—*their* way.

ACTION: A GRAND DESIGN CONCEPT

(By JOHN A. BLATNIK)

(NOTE.—The author: The Honorable Mr. Blatnik, a Democrat, has served Minnesota as a US congressman since 1946. He is chairman of two subcommittees of the House Committee on Public Works: Rivers and Harbors, which has jurisdiction over the Federal Water Pollution Control Administration, and Federal-Aid Highway Programs. In addition, he is chairman of the Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations.)

Two hundred years ago, two towns, Chicago and Grand Portage, epitomized the height of an era—the fur trading industry of the Great Lakes. The existence of these two towns, and of the industry that supported them, sprung from the unique trade potential of the contiguous bodies of water offering direct access to the heart of the country.

One of those towns, Chicago, has prospered and grown: from a population of 4,500 in 1840 to some 3½ million in 1969; from a town based on a single industry to a multimillion dollar industrial and business complex. The other town, Grand Portage, declined as the fur trade declined, and remains now an historical site at the western tip of Lake Superior.

The fate of these two portages symbolizes the divergent trends in the development of the upper and lower regions of the Great Lakes. The lower region, lying at the door to the great midwest has prospered in such cities as Toronto, Cleveland, Detroit-Windsor, Milwaukee and Chicago. The upper region, however, experienced over a century of decline as a center of trade because customs duties imposed on pelts passing through American territories and the introduction of steamboats and railroads rendered fur trade by the "voyageurs" in their birch-bark canoes uneconomical. Yet it is ironical that the very same steamboats and railroads which put the fur trade to rest should, in the late 19th century, account for the economic resurgence of the upper region by providing low cost transportation for the area's vast reserves of natural resources.

Despite the apparent divergence between the two areas—economic, physical, political—there is great potential for economic and social unity between them. The Great Lakes offer unique possibilities for a unified system of transportation, taking advantage of the scenic routes already in use around the Canadian and US shores, as well as of the Lakes themselves for water and air transportation; for all kinds of outdoor recreation, for tourism, for a plentiful supply of fresh, clean water for industrial and domestic use and for mutual use of power.

Nearly 35 million people now live in the Great Lakes Basin. By the end of this century, there will be 80 million, with nearly 17 million in Ontario alone, composing a megalopolis extending from Toronto and southern Ontario to Chicago.

In short, the Great Lakes challenges both countries contingent to them to create a "grand design" for mutual economic progress—and in a few years that challenge will demand an answer.

So far, joint planning has been limited to spasmodic responses to common problems as they arise. The Great Lakes Fishery Commission, the International Joint Commission, the Great Lakes Study Group and the Quetico-Superior Committee, to name four, have been created within rather narrow limits of jurisdiction to deal with specific problems.

The International Joint Commission, for example, was created by the Boundary Waters Treaty of 1909 to deal with problems having to do with the Great Lakes referred to the commission by government or private citizens. Such problems as water and air pollution in the boundary waters area and the preservation of water levels fall within its jurisdiction, although it was given no authority to enforce its recommendations. Since establishment of this commission, it has distinguished itself for the care and thoroughness of its investigations—if not for speed. The IJC has not been, nor was it meant to be, an executive commission, although clearly its international structure would lend itself to such a function. Just as clearly, a commission with such a function is needed today, and will be needed even more in the coming years.

The US Government, too, has attempted to solve some of the problems associated with the Great Lakes unilaterally, by the creation of federal, rather than international, commissions. An example of this kind of agency is the Upper Great Lakes Regional Commission, created under the 1965 Public Works and Economic Development Act and directed to the preparation of long-range economic development programs, consisting of public investments, demonstration projects and legislative recommendations to accelerate economic growth in northern Minnesota, Wisconsin and Michigan. So far, the commission has funded a research and demonstration project to establish economic marketing processes and develop new uses for low grade timber not now being harvested in the three-state area.

Again, the Inland Lake Renewal and Management Demonstration project has shown ways and means to renew and to assure the continued attractiveness of the region's greatest assets—its inland lakes, many of which are being overgrown with vegetation and becoming polluted.

Plans for 1970 include construction of access highways to the scenic spots inland; restoration of depleted fisheries resources, a lake renewal program and a business and industrial development program.

We can see, from this cursory outline, that the elements for coordinated planning exist and that the areas where planning is needed are already recognized. They are coordinated transportation systems, recreation areas, tourism, water pollution abatement and coordinated electric power. All that remains, really, is the will to get together, to implement the plans already developed and move ahead with additional planning necessary for our mutual benefit.

Most east-west travel in the northern United States now goes through Ohio, Indiana and the Chicago area. These are acknowledged routes of congestion, and, as the the population grows and touring travel increases, congestion will grow too. The Congress is aware of the inevitable demands to be made on future highways, and I was privileged in 1956 to co-author the 41,000 mile Interstate Highway Program, 77 percent of which is now under construction or open to traffic. Legislation proposed in 1959 to increase gasoline taxes to offset deficits in the Highway Trust Fund brought demands for greater Congressional oversight on the uses to which these funds were being put. As a result, the Special Subcommittee on the Federal-aid Highway Program, of which I am chairman, was formed to inquire into the policies, practices and procedures involved in the administration of the program.

One of the byproducts of the subcommittee's investigations has been my increasing awareness of the possibilities for cooperation between this country and Canada, to link our federal interstate highways with the Canadian highway network and to ensure on these Canadian roads the safety and architectural features that have been built into US highways.

A further thought convinces me that a cooperative effort with the Canadians would be to both countries' advantages: the additional tourism which would be generated by an alternate scenic route through Ontario and along the north and south shores of Lake Superior. The connections with eastern feeders for routes traversing the upper Great Lakes area are already in use. These are the east-west I–90 and other roads crossing New England and the north-south I–81 and I–95 extending the length of the Appalachians. Norther connections across the Great Lakes and southern Ontario would offer the traveler a welcome choice of scenery and, in the future, the necessary communications link between the east and the developing industrial centers in the Great Lakes region. These highway interconnectors between countries offer a second area for cooperation between countries—architectural design of these highways, so that the traveler has an unbroken experience of good highway and safe conditions.

The alternate east-west routes which would be designed by both nations' architectural talent would receive the eastern flow of travelers at the St. Lawrence, north of Ontario and at Niagara Falls. From those points the motorist could drive north of the Georgian Bay, electing at the Soo Canal to follow the Great Circle Route either along the northern shore of Lake Superior through Canada or along the southern shore through Duluth. These alternate routes would be longer in distance but shorter in time.

For example, the New York City tourist planning a trip to Yellowstone faces a 2,275 mile, 48-hour drive over the congested Pennsylvania, Ohio and Indiana turnpikes. With appropriate highway improvements between Fargo and the Soo, and on Queens Highway 17 between Montreal and Fort Arthur, travel time could be cut to 45 hours though adding 100 miles.

Providing safe highways and beautiful vistas, however, is only one domain where international planning is essential to success. In this country and in Canada we are faced with a problem that with lack of coordinated planning can only grow more serious: pollution of the Lakes. The Great Lakes constitute the world's largest reservoir, containing about 20 percent of the fresh water on the face of the earth, and are the principal source of water for the entire Great Lakes basin. Industrial and municipal water-use in 1960 totaled over 4,000 billion gallons and is expected to triple in 50 years. Water from the Great Lakes now serves 15 million people—in less than 50 years the population of the area is expected to exceed 50 million, with consequent increased demands on the water supply.

Nevertheless, in spite of these figures, the International Joint Commission estimates that the flow of industrial pollutants from Lake Superior to Lake Hurton is in hundreds of millions of gallons a year, and the contamination grows rapidly worse as one moves eastward from Lake Michigan to Lake Erie. Even Lake Ontario is now endangered. What is alarming about these figures is that water supply is a constant, yet our population and use of water continue to soar almost inexorably. In the next two decades we will be using as much water as is now available, and the questions is. How can we assure that water supply will keep pace with user demand?

In the Chicago area, six major polluters at Lake Michigan's southern end pour 7 billion gallons of waste a day into the lake; at Detroit, 20 million pounds of contaminant materials are dumped into Lake Erie every day; around the US shore of Lake Erie, around 200 municipal treatment plants discharge 1,470 million gallons of partially treated wastes into lake waters every day; further, 360 industries discharge oxygen consuming waste into the Lake, less than 50 percent of them have adequate treatment facilities.

Such astronomical figures are a source of grave concern for both Canada and the US, and we have undertaken to control this appalling flow of filth into our nation's chief water resource. The Federal Water Pollution Control Act of 1956 created the Federal Water Pollution Control Administration. The basic act, as amended in 1961, authorized certain water pollution control activities, including development of comprehensive water pollution control programs, research, technical assistance, training grants for state programs and the construction of sewage treatment facilities and pollution control from federal installations.

Two recent amendments, in 1961 and 1965, established a new FWPCA, removed dollar ceilings on sewage treatment construction grants, provided for increased federal participation if states enacted grant programs and adopted water quality standards, and authorized an additional 10 percent for any grant conforming with metropolitan or regional master development plans. The new provisions of the act were also designed to strengthen and expand the collective effort in attaining adequate pollution control throughout the country. However, as one wearied expert put it, "You can't clean up half of a lake."

Unilateral efforts are simply not enough. The Lake Erie Report, published in August 1968, indicates that the IJC is presently conducting a study of Lake Erie pollution, to be completed sometime in 1969. It may be hoped that the conditions in Lake Erie will give notice to the commission that the other lakes stand in danger of these same troubles and that unless a program of international cooperation is undertaken to halt the flow of wastes into all the Great Lakes, both countries will suffer the loss of their chief source of industrial and recreational benefit.

Among the industries based on the water resources of the Lakes, the hydro-, thermal-, and nuclear-electric industries offer one more area for Canadian-US cooperation. *Public Utilities Fortnightly* stated recently that power imports from Canada could add 7 million kilowatts to the United States power pool, and that 4 million may be acquired by 1980. The objectives of the Canadian policy are to encourage the development of Canadian low cost power sources, and to encourage power exports to the US through grid interties with American utilities. In line with this, efforts are being made in this country to establish regional power pools, thereby providing reliable and plentiful electric power to large areas of both countries at the lowest possible cost.

An example of coordinated planning is Mid-Continent Area Power Planners (MAPP), which numbers 54 member utilities in 10 states and the Canadian province of Manitoba. MAPP states its objectives: "to provide a framework in which electric power suppliers can work together in meeting the tremendous power needs of the future with maximum effectiveness and the best use of human, financial and natural resources." Ultimately, MAPP hopes that this program of coordinated power supply will open opportunities for industrial development by making large quantities of low priced reliable electric power available virtually anywhere in the region.

MAPP's objectives have already proved attainable. In five years, MAPP's membership has grown from 22 power suppliers to 54, who serve the 3,750,000 consumers a combined demand of 12.5 million kilowatts. By 1980 the maximum demand is expected to reach 30 million kilowatts. Manitoba, a hydro-electric power source, is now being integrated into the thermal-electric systems to the south. Manitoba Hydro, the principal power supplier in Manitoba, and three US power suppliers in MAPP have announced plans for building a 140-mile, 23,000-kilowatt transmission line from Winnipeg to Grand Forks, North Dakota, as the first stage in US-Manitoba power systems in integration.

Investor-owned cooperatives have proved successful throughout the U.S. since MAPP's first pilot project. There is every indication that with the development of the Great Lakes area as an industrial and tourist center, similar cooperation between states around the Great Lakes and Canadian provinces bordering on the Lakes could provide the increased power needs for the doubled population and the tripled consumption forecast for the Great Lakes basin of the 21st century.

The names Chicago and Grand Portage were once synonymous with commerce and with a seemingly inexhaustible supply of wealth. The source of that wealth has changed and new sources grew as the flow of beaver pelts ebbed away. In another 50 years, the Great Lakes area will be a vast megalopolis supplying a large number of the demands of civilized America.

But in return the area also demands from us—now. If it is to fulfill its promise, we must see that the Great Lakes are connected to the rest of the continent by an adequate transportation network, not only for commercial use but for the growing number of tourists who will want—indeed need—to get away from the cities, to relax and to return to America's past. It must have water, clean, cool, free from contaminants. Finally, the area will continually demand more electric power, both for the increasing industrial uses that the Great Lakes will attract and for the expanding population which comes with increased industry.

None of these needs can be provided for the megalopolis of the future of this country alone. I can foresee that in the not-too-distant future a body similar in structure to the IJC will function as a planning unit to coordinate programs in this country and in Canada for the mutual economic benefit of both. When that day comes in, the "grand design" I have outlined here, will begin to emerge into reality.

GOALS: A PROPOSAL FOR PROGRESS

(By the AIA Journal editors)

The Great Lakes, one of the world's outstanding resources, are in grave danger by man's misuse of their waters and shorelines. Indeed, they are endangered to the extent that some authorities admit that the Lakes may be lost forever unless we assess our obligations—right now—to the preservation and enhancement of this resource shared by the United States and Canada.

Perhaps Cleveland's Mayor Carl B. Stokes recited more truth than poetry when he said that Lake Erie, considered to be the most contaminated of the five, "deservedly has the reputation of being the only body of water in the world that constitutes a fire hazard." Speaking to the issue of Erie's cleanup, the Federal Water Pollution Control Administration last fall reported that "it is less a problem of engineering than it is a problem of diverse, inadequate and unwieldly changing governmental policies, funding and management. The technical engineering methods of waste control are known or close at hand, with the main requirement being only their coordinated application."

As our authors have pointed out, the concern here is much more than the pollution problem. There has been plenty said on the subject in all kinds of media; it is our sincere

hope that this presentation, rather than simply adding to the verbiage, has focused on a new dimension to the overall picture.

It is time that the words be translated into deeds, and so the big question arises: How is this to be done? No one has all the answers, of course, but certain guidelines and criteria seem to emerge that could serve as the basis for a program of implementation.

1. Design professionals are among those who share the responsibility of educating the public to an awareness of the resource values of the Great Lakes region.

2. Once aroused, the citizenry can demand action of its elected officials, especially members of Congress, to get a cleanup campaign underway.

3. A concerted effort should be made at all levels of authority to attack, first of all, the problems of the Lakes themselves.

4. The "councils of governments" concept should be utilized more extensively in the region.

5. Any cleanup campaign should involve an international commitment for which some workable machinery must be established. (To repeat one author: "You can't clean up half of a lake.")

6. The water itself and shoreline usage have to be dealt with as a total package if environmental quality is to be achieved.

7. An inventory of resources is a valuable tool for every region, similar to the one undertaken in Wisconsin.

8. All disciplines involved have an obligation to pool their knowledge and experience if the growing human impact is to be kept in harmony with existing resources.

DEDICATION OF BOSTON UNIVERSITY SCHOOL OF MEDICINE

Mr. BROOKE. Mr. President, we all know how important it is that proper medical care be provided for all Americans.

The Boston University School of Medicine has long been a pioneer in this vital field, and it is with great pride that I note the dedication of a new facility, which occurred on May 10, 1969.

I ask unanimous consent that the most appropriate remarks delivered on this occasion by Dr. Frank W. McKee, of the Division of Physician Manpower, be printed in the RECORD.

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

A GOLDEN SPIKE

(Presented by Frank Wray McKee, M.D., Director, Division of Physicians Manpower, Bureau of Health Professions Education and Manpower Training, at the dedication of the Instructional Building at Boston University Medical School on May 10, 1969)

It is a great privilege for me to share this historic event with you today. Every person views the events of his life in the light of his past experiences and present knowledge. As I considered and anticipated the event that is taking place today, I found myself looking at it from several perspectives, both official and personal, and in varying depths.

First, my family physician and close personal friend and advisor until his untimely death in 1946, was a graduate of this school. His name was Harold E. Andrews of the class of 1925 and his professional accomplishments as a general physician in a small central New York town are a tribute to him, and to this School of Medicine.

I have also looked forward to this day as a doctor who has spent many years as a teacher and head of a medical school, and I know the excitement that new brick, mortar, and glass bring. I understand the dreams and effort they represent and the talent they will develop.

Far more important than the buildings are the professional lives of the young men and women which will be guided and enriched here . . . lives that will go from here to practice medicine of quality and of compassion to the Nation. The new Instructional Building will enlarge the number of first-year places by one-third—from 72 students to 96.

I come today as your government's representative of the several agencies which have contributed to this building, and so I also view this event in the light of what is being done in the field of medical education all over the country. The Division of Physician Manpower, which I am privileged to head, is the Federal focus for programs concerned with physician manpower.

The Division is devoted to an ultimate concern for service to patients. And, to meet this responsibility, our attention is directed to three obligations—to increase the *numbers*, the *quality*, and the *availability* of the physicians who are the recognized leaders in providing this vital care. In pursuing our objective, the Division works closely with physicians, educational institutions, and others to stimulate interest and effort in augmenting both the supply of physicians, and the improvement of their effectiveness by attention to patterns of practice and programs of continuing education. Our responsibility is to generate ideas and encourage established institutions to implement them, along with supporting the formation of new institutions, and inviting other new ideas and programs that these educational resources may wish to devise in the light of their own particular situations.

Since 1965, over 300 million dollars has been awarded for building and enlarging medical schools all over the country. This includes 12 new medical schools. Through Improvement Grants, another 84 million has been supplied to schools of medicine and osteopathy to provide financial support for the salaries of teachers and ancillary personnel, and to provide basic teaching equipment.

Another interesting perspective on this day has come to me because of an avocation of mine. For some years I have been collecting model railroad trains and in the process have become an amateur railroad enthusiast. The history of transportation and the history of education in this country are perhaps the best guides to the events that have shaped our country's characteristics and its destiny.

It was exactly 100 years ago today that an event took place that profoundly affected the affairs of our country. When the "Jupiter" of the Central Pacific and the "119" of the Union Pacific Railroad met at Promontory Point, Utah, on May 10, 1869, the Atlantic and Pacific Oceans were joined. A golden railroad spike was driven into the ties to mark the event. Boston University had just been founded, and the Medical School of that name was to be founded four years later.

Those who used the railroads to weave a web across the country, to bring the benefits of civilization to many, and to open up new regions achieved the highest purpose for which transportation is intended.

In similar fashion we might consider the highest purpose of medical education today to be one of building a network of health care, carrying the latest medical knowledge to everyone who needs it. We must reach into areas where, as yet, medical care, if existent, is sporadic and on a crisis basis. So, in a real sense this building represents an important "spike" in the network of medical schools all over the country, and it will bestow a special blessing on the Boston community.

Historic events have often been the results of tremendous cooperative efforts. The driving of the "Golden Spike" represented the culmination of such an effort as do our more modern heroic efforts in space.

This building reflects the devotion and untiring efforts of the Trustees, the Administration, the Faculty, the Students, the Alumni and Friends of Boston University. Your Government is proud to be joined with you in your efforts.

SPONSORSHIP OF CONCERTS BY MISS LILY PETER, MARVELL, ARK.

Mr. FULBRIGHT. Mr. President, a very unusual woman in my State, Miss Lily Peter of Marvell, Ark., recently sponsored two concerts by the Philadelphia Orchestra in Little Rock.

Miss Peter mortgaged her 4,000-acre farm to bring the orchestra to Arkansas. The receipts from the concerts will be devoted to the establishment of music scholarships at the University of Arkansas and Arkansas State University. Miss Peter is indeed a most unusual citizen of this great country.

I ask unanimous consent to have printed in the RECORD articles about the occasion which were published in the Arkansas Gazette and Washington Post.

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

[From the Arkansas Gazette, June 2, 1969]

(By Bill Lewis)

"I don't know of anything like this happening since the days of Count Esterhazy."

Boris Sokoloff, manager of the prestigious Philadelphia Orchestra, had to reach back to Imperial Austria to find a parallel in the art patronage feat of Miss Lily Peter of Marvell, who is spending $45,000 of her own money to bring the Philadelphia to Little Rock for two performances at 8:30 p.m. Tuesday and Wednesday at the Auditorium—and another $8,000 for a commissioned commemorative work from the American composer, Normal Della Joio.

Sokoloff, who handles such mundane affairs of the Orchestra as travel, housing arrangements and finances, seemed greatly impressed with Miss Peter's grand gesture. It was obvious he had dealt with no one quite as direct as she.

"She wrote Mr. Ormandy a letter," Sokoloff said from Philadelphia last week. "He gave it to me to reply to, and I wrote Miss Peter, mentioning the fee. I wasn't trying to scare her off, but I thought the amount of the fee would end it. The next thing I knew, here came a check in the mail."

The Marvell planter and businesswoman, a poet and photographer of competence and a philanthropist to the arts, has reaped a fortune in unsought personal publicity for her generosity to her state. Her act has been widely reported in national news media and on at least one network television program, as well as the major news services.

It was Miss Peter's idea alone. As a member of the Arkansas Centennial Commission, which is sponsoring the year-long celebration of the Arkansas territory sesquicentennial, Miss Peter had been designated the person in charge of musical events of the celebration. Without a word, she sat down and wrote personal letters to both Ormandy and Della Joio.

[From the Arkansas Gazette, June 3, 1969]

"A NEW EXPERIENCE," ORMANDY DECLARES AS HE MEETS ANGEL

(By Carrick Patterson)

"It's wonderful. We've never experienced anything like it," said Eugene Ormandy, musical director and conductor of the Philadelphia Orchestra, as he and the Orchestra arrived Monday at Little Rock for two concerts sponsored by Miss Lily Peter of Marvell.

Miss Peter, a planter, businesswoman, poet, and photographer, is spending $45,000 of her own money to bring the orchestra to Arkansas for performances at 8:30 p.m. today and Wednesday at the Auditorium in honor of the state sesquicentennial. She also commissioned for $8,000—an orchestral work by the American composer, Norman Dello Joio, which will receive its world premiere at tonight's concert.

Ormandy said that it was the first time since he has been conductor of the Philadelphia that anyone had sponsored such a trip and concert series, paying the full bill instead of just underwriting the deficits. Boris Sokoloff, the orchestra manager, said the experience was "unique."

The Orchestra and conductor arrived by chartered jet Monday afternoon and were met at Adams Field by Mayor Boyd, Chamber of Commerce officials and Miss Peter. Ormandy accepted an honorary citizenship certificate and the key to the city from Mayor Boyd, but seemed most excited at meeting Miss Peter for the first time. "I thought you would be taller," he commented. Miss Peter is about 5 feet, 4 inches tall, and Ormandy is slightly shorter.

MISS PETER ALREADY CLOSE TO MY HEART

"Miss Peter is a new lady in my life, but very close to my heart already," Ormandy said. "The letter she wrote us was the most modest letter ever written, on plain stationery, asking us to come to Little Rock for a concert. When I got the letter I couldn't believe it, couldn't believe that she realized the cost involved." Only after Sokoloff had gotten in touch with Miss Peter did the realization dawn that she was serious and could raise the necessary money.

[From the Washington Post, June 5, 1969]

IT WAS WORTH EVERY PENNY

LITTLE ROCK, ARK., June 4.—The Philadelphia Orchestra played Miss Lily Peter's concert last night and tonight, and she figures it was worth the $60,000 she paid for it.

"It was worth every penny," Miss Lily, as her friends know her, said after the performance in Robinson Auditorium attended by 3000.

"I know a good many adjectives, but none would fullfill this occasion."

The orchestra, which played tonight to a second sellout, premiered Pultizer prize-winning Norman Dello Joio's "Homage to Haydn," a three-movement suite commissioned for $8000 by Miss Lily.

Miss Lily mortgaged 4000 acres of her plantation in the rich Delta plain of eastern Arkansas to commission the work and to bring the orchestra here as part of the observance of Arkansas's 150th anniversary as a territory.

She will receive none of the money from the ticket sales. It is to go for music scholarships at Arkansas State University and the University of Arkansas.

Miss Lily, who admits to being past 70 "but not quite 100 yet," shared the spotlight with works from Wagner, Debussy and Brahms.

At intermission, she received a standing ovation when Mayor Haco Boyd called her to the stage to present her a bouquet of roses. Lt. Gov. Maurice Britt then told her that Gov. Winthrop Rockefeller had designated Tuesday as "a day to honor Miss Lily."

Miss Lily, a sometime poet and photographer and fulltime farmer who sometimes clambers aboard one of her tractors, says she wanted the people of Arkansas to be exposed to good music.

"Miss Peter is a new lady in my life, but very close to my heart already," said conductor Eugene Ormandy.

Before the concert, the Sesquicentennial Committee honored Miss Peter with a formal dinner, including Catawba wine and quail on rice with almonds.

DEPARTURE OF AMERICAN TROOPS FROM VIETNAM

Mr. DOLE. Mr. President, within 30 days American troops will be leaving the battlegrounds of Vietnam for the first time since the tragic war was undertaken.

The President is confident that the training and equipping of South Vietnamese soldiers has been so successful that 25,000 American soldiers can prepare to leave the fields of that Southeast Asian country to be replaced by that country's own forces.

Few would disagree that this is a most significant step toward peace—a step the American people have awaited for a number of years.

I would hope that those who automatically criticize every move toward peace made by President Nixon will withhold further criticism. This is a time for national unity and cooperation; not division and disharmony.

THE PESTICIDE PERIL: XIV

Mr. NELSON. Mr. President, another species has been added to the list of endangered animals in the United States—the peregrin falcon—a probable victim of pesticides.

This disturbing news, released last week by the Department of the Interior, is a warning to the public that unless special protection is given to the peregrin falcon, it will not survive.

The population of this predatory bird, which is found from northern Alaska to Argentina, has been declining so rapidly that it has almost vanished as a breeding species east of the Mississippi. It is feared that the decline will continue until the bird disappears from the scene altogether.

Researchers fear that the falcon is yet another victim of pesticides. Already, evidence has shown that pesticides are seriously threatening the survival of the American bald eagle, our national bird.

Convincing data is accumulating rapidly from every corner of the world that dangerous environmental contamination is resulting from the ever-increasing use of persistent pesticides. DDT and other chlorinated hydrocarbons are particularly harmful because their concentrations increase progressively along the food chains until they reach a serious and often lethal level.

Growing concern about the threat to our environment and the potential hazard to our health from the use of persistent pesticides is reflected in the recent actions of Sweden and Hungary, which have become the first countries to ban the use of DDT. In the United States, both Arizona and Michigan have banned the use of DDT, and many other States, including Wisconsin, are in the process of developing improved sanctions on its use.

I ask unanimous consent that the Department of the Interior press release be printed in the RECORD.

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

NATURE'S EXPERT HUNTER MAY BECOME EXTINCT

The Department of the Interior's recent decision to include the peregrine falcon on the latest list of endangered animals in the United States reflects increasing public concern for this bird.

The population of this predatory bird (also known as "duck hawk"), which ranges from northern Alaska to Argentina, has been declining until today it has almost vanished as a breeding species east of the Mississippi. Conservationists fear the decline will continue until the bird disappears from the scene.

Researchers at the Bureau of Sport Fisheries and Wildlife are not sure of the precise cause of the decline, but, like the bald eagle, this falcon is probably a victim of pesticides, growth of urban areas, disturbance at nesting sites, noise, and air pollution.

Placing the bird on the endangered list notifies the public that the bird requires special protection if it is to survive.

In America, as in other parts of the world, the peregrine has been used in falconry because of its ability to catch small prey. It readily yields to training under expert hands and is considered less temperamental than other hawks used for falconry.

Adults are a dark bluish-slate barred with black on the back, and creamy buff barred with black below. The cheeks are also black.

Its scientific name is *Falco peregrinus* which translates as the wandering falcon, a tribute to its far-ranging travels. It has slender, pointed wings, and sickle-shaped sharp talons for snatching its prey. The bill is hooked and sharply pointed, a highly lethal weapon.

The peregrine's sharp wings enable it to dive swiftly from great heights where keen eyes spot its prey. Any small bird in flight is preferred, such as small ducks and pigeons, but peregrines occasionally take larger victims.

Nesting is usually in cliffs or bluffs; where these are absent, hollow tops of dead trees are favorite sites. No one knows whether peregrines mate for life but they have a dramatic courtship that includes diving flights and harsh shrill calls to entice mates.

Up to six maroon eggs are laid in spring. The young mature within two years, but it is not known how long they live in the wild.

In autumn some of the disappearing falcons migrate in distinct routes southward, stopping occasionally to rest and feed.

Sport Fisheries and Wildlife's Director John S. Gottschalk has no favorites when it comes to animals, but he admits to a special fondness for the peregrine because: "It's one of nature's better hunters, beautifully colored, and can fly with the best. Once it was common even in the hearts of our cities, including Washington, D.C., but now it has declined dangerously.

"Surely the peregrine belongs in our future. We hope it can succeed in reestablishing itself all over our nation."

THE GOLD PARADOX

Mr. STEVENS. Mr. President, William G. Bradford, a Foreign Service Officer in the Department of State, recently visited my State and conducted a case study of gold production. His conclusion is that Government intervention is necessary to end the paradox of this, the wealthiest, most technologically advanced Nation in the world, fretting about its dwindling supply of gold bullion, while we have the great unmined gold deposits.

His proposals are directed not only to Alaska, but to increased gold production throughout the United States. I do not endorse each statement and recommendation Mr. Bradford has made, but his comments are worthy of serious consideration. If we fail to recognize the necessity to encourage the rebirth of the gold-

mining industry, the Nation will pay the consequences in the future.

I ask unanimous consent that Mr. Bradford's study be printed in the RECORD.

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

A GOLDEN PARADOX

In the words of Gilbert and Sullivan "a paradox, a paradox, a most ingenious paradox." The wealthiest, most technologically advanced nation in the world, and the site of Sutter's Mill, the Yukon, and Fort Knox is fretting about the outflow of its gold while it sits on huge untapped reserves of the metal. It subsidizes its agriculture, which is overproducing, and doesn't subsidize its gold mining which is underproducing. With a GNP of over $900 billion, it worries about an annual outflow of a few billion in gold. The nation spends tremendous amounts on research in space and the ocean bottom, but little in research on the production of an ore which at present is vital to its economic well being. Hard headed business men consume six million troy ounces (14.5 Troy ounces = one avoirdupois pound) of gold each year in industry, and produce only one and a half million, without seeming to realize that this imbalance can and should be corrected.

The United States, which once led the world in gold production, has sagged to an unimpressive fourth. This is not just a relative shifting of position, but represents an absolute decline in production, which has fallen from 6 million ounces in 1940 to 1½ million in 1967.

APPROXIMATE WORLD GOLD PRODUCTION

[Millions of troy ounces]

	South Africa	United States	Canada	U.S.S.R.	Others	Total
1900	3	5.0	1	1.0	6.0	16
1910	7	5.0	1	2.0	8.0	23
1920	8	2.0	1	1.0	5.0	17
1930	12	2.0	2	1.5	4.5	22
1940	14	6.0	6	4.0	12.0	42
1950	14	2.0	4	7.0	6.0	33
1960	23	2.0	5	11.0	6.0	47
1967	28	1.5	5	15.0	5.5	55

In the period from 1950 to 1968, the United States mined 32 million ounces of gold and salvaged 18 million ounces of scrap gold, but its industry consumed 58 million ounces and 356 million ounces were withdrawn from its reserves for balance of payments uses. As is well known, this has resulted in a decline in U.S. Government Gold Reserves to a dangerously low level, and under present conditions there is no prospect of increased gold production helping to stem this downward trend.

In a strict laissez faire environment, this declining production and increased use could be shrugged off as one of those things that the market would correct bye-and-bye. However, for a modern industrial nation to take this attitude towards a matter of such importance seems short sighted at best.

DESCENDING THE GOLDEN LADDER

A close look at Alaskan gold mining may help clarify the phenomena of decreased production, the present moribund state of the industry, and the bleak future prospects for revival without assistance. The problems of other gold-producing states are similar to those of Alaska.

Ever since the gold rush days, the words Alaska and gold have been synonimous in the public mind. Up until recent times this linkage was both natural and proper. Indeed from 1880 until 1960 gold made up half of Alaska's total $1.5 billion mineral production, and Alaska was one of the leading states in gold mining. However, since World War II there has been a constant decline in Alaska's gold production, and unless there is a drastic change in the financial environment surrounding it this slide can be expected to continue.

APPROXIMATE UNITED STATES AND ALASKAN GOLD PRODUCTION

[Millions of troy ounces]

	Alaska	Total United States
1900	0.5	5
1910	5	5
1920	.25	2
1930	.3	2
1940	.8	6
1950	.3	2
1960	.16	2
1967	.026	1.5

Gold production in Alaska is at a modern all-time low, and while this situation can be blamed largely on the maintenance of the $35 an ounce official price during a period in which inflation has pushed up production costs, other factors are also involved. New industries and mineral finds have usurped gold's once predominate position. For instance, US Government military construction during and after World War II was on a massive scale, and new petroleum finds have already dwarfed gold's highest years. Endeavors like these draw on the same labor force and capital market that in earlier time would have mined gold. In addition to this diversion of resources, the known and easily worked gold fields have been picked over and the long pause in production caused by the war has left the machinery of most mines badly outdated. As the industry was unprofitable with a dim future, there has been comparatively little research work done. The severe winter weather conditions in Alaska have not depressed production, but they have hindered any increases. For example, frozen water limits placer mining to a maximum of six months a year, permafrost makes placer mining difficult at all times, and environmental conditions are extremely hard on labor.

Methods of mining gold vary considerably from one mine to another and are based principally on such factors as size and shape of the ore bodies, physical and minerological character of the ore and surrounding rock, and depth of mining. However, in the most general laymen's terms gold recovery methods can be divided into three groups: 1) gold lode mining; 2) gold placer mining; and 3) recovery as a by-product of mining for other minerals (silver, copper, lead or zinc).

Lode mining can be conducted either underground or on the surface wherever gold is found in the place of its original formation. In either case, the ore after recovery must be treated to disassociate the gold from other metals and minerals. Placer mining on the other hand is directed towards recovering gold which has been freed from association with other metals or minerals by weathering or erosion. This freed gold can occur as either grains, flakes or nuggets. Placer mining runs from the individual miner's pan to huge mechanized dredges, and is performed both on the surface and underground. Near Nome research is being conducted on drilling, submersible dredges, and other projects to promote exploitation of undersea placers.

Recovery as a by-product of other mining and lode mining are of minimal importance today in Alaska. The little gold mining that is still being carried on is mainly by the placer method. The areas of principle concentration are around Fairbanks and Nome. The large lode mines at Juneau, once the richest in the world, have been closed for a number of years.

Contrary to wide spread public belief the output of US gold mines is not all sold to the US Government. Unprocessed gold goes directly on the open market. This is significant in that even the recent increase in price on the open market from $35 to $45 per ounce did not increase production. A similar increase in 1934 (devaluation of the dollar) brought about a 300% increase in US production within a few years. The failure of production to respond to the price impetus clearly shows how far out-of-line the $35 price has become.

Estimates of unmined gold in Alaska vary all over the field and eventually get lost in an argument over known "reserves" vs. known "resources." However, there seems to be common agreement that at most only 5–10% of the land has been adequately surveyed and that there is at least as much gold left in the ground as the amount that has been mined. Gold itself is not difficult for an experienced prospector to find in Alaska (660 claims were staked in 1966), but gold in quantities that can be mined economically in the present environment is a different question (there were no significant new starts in 1966 or 67).

Under present conditions, gold mining in Alaska is not labor intensive. The largest single operating crew listed in the state's 1967 mining report was 15 men and the average crew runs to only 2 or 3 men. However, as already noted these men are interchangeable with other mining or construction work. Those that have left gold mining will not return therefore until the economic incentive is at least equal to these other fields. In the heyday of gold production, crews were much larger, and Nome now a city of 3,000 had 30,000 inhabitants. In later years, large native crews were recruited for the mining season from the villages around Nome.

Capital for gold mining is as fluid as the labor force and has moved away from gold toward more profitable ventures. As a result of this and difficulties in incorporating a high-risk venture like gold mining, the small operators, who desire to mine gold (and oddly enough there still are some), find great difficulty in attracting adequate capital. This not only prevents some new starts, but often brings about attempts to work new mines with insufficient or outdated machinery, either of which can make the difference between success and failure.

A CALF OF GOLD IS EXPENSIVE

If the provision of the Bretton Woods Agreement which prohibited signatories from paying more than $35 per ounce for gold was intended to prevent subsidization of gold mining, it has failed. Every major gold producing nation in the world, except the United States, engages in large direct or indirect subsidization of its gold production.

The most graphic example of the effectiveness of such programs in relation to Alaska and its problems is the Canadian Emergency Gold Mining Assistance Act. This program includes:

1. a three year tax holiday on new mines;
2. a direct subsidy based on production costs above the national average;
3. access assistance in regard to roads, air strips, and power lines;
4. importation of qualified labor under immigration laws;
5. various provincial incentive tax programs.

As a result of these measures Canadian production is about triple that of the United States.

In the United States, there are some small marginal programs in effect which assist the gold industry, but they in no way represent a significant effort to encourage gold mining. These most meaningful of these programs in Alaska are:

1. Geological Survey (Interior)—to complete geological mapping of the state with particular emphasis on heavy metals.

2. Bureau of Mines (Interior)—to help evaluate and develop mineral potential through surveys, research, and statistical publications. In this connection, the Office of Mineral Exploration will provide loans up to 50% in certain cases to explore gold areas.

3. Gold Depletion Allowance (Treasury)—to grant tax deductions at a 15% depletion rate.

4. Prospectors' Assistance Program (Alaska Dept. of Natural Resources)—to provide 75% of prospecting costs up to $2,000 per man.

While all of these programs are of a limited nature and to date have had little success in stemming the decline of gold production, the Geological Survey and the Bureau of Mines were highly instrumental in opening the new "invisible gold" fields near Carlin, Nevada. These fields employing a new type processing mill are the first financially successful gold operations in the United States in recent years. The Survey and Bureau are also playing an active role in the off-shore gold activities near Nome.

Several bills have been put before Congress in recent years involving gold mining incentives. However, they have all died aborning, and in general have suffered from two common shortcomings. First, they have been put forward solely by representatives of states containing significant gold-mining interests; and second they have each attack only one facet of the overall problem. If a proposal is to be successful and effective, it should tie together prospecting, exploration, research, support and incentives, and it must be aimed at the welfare of the United States in general not that of one group of people or states.

SHAKING THE GOLDEN BOUGH

A gold production program patterned on the Canadian model but stressing research could dramatically increase US gold production. Such a program would have the following general features:

As there are a multitude of problems concerned, overlapping the responsibilities of several Departments of the Government, a gold production authority would be set up to supervise and coordinate the entire program.

Certain of the problems underlying rejuvenation of the gold industry are similar to those faced by the AAA, the TVA, and NASA, and the new authority would adopt some of the features of these agencies. The gold industry as a whole is in the same type of sickening slump faced by agriculture in the 1930's and it needs the kind of sympathetic assistance and advice given to agriculture by the AAA. Vast new areas of the country, particularly in Alaska, are going to have to be opened up, and mining by its very nature is often destructive. The TVA-type function would see to it that the new areas were developed intelligently and that adequate conservation measures were undertaken without strangling gold production. Extensive NASA-like research would be required to develop new sources and processes for producing gold. For instance, although gold is present in sea water in only minute quantities, analytic experiments indicate one cubic mile of sea water contains 130–260 tons of gold. This means that a desalinization plant equipped with some sort of process to extract the gold from the water it handles could produce from one to three million dollars worth of gold from every three million gallons of water it pumped. Needless to say, no such process exists as yet.

The excellent work of the Geological Survey would be expanded as rapidly as trained men could be recruited. However, even with such an expansion it would take years to cover Alaska. To supplement the Survey, the activities of individual prospectors would be encouraged through financial assistance and bounties for significant new finds.

In addition, the research and development functions of the Bureau of Mines in relation to gold would be greatly increased. They would cover not only the extraction process, milling function, and safety measures, but new sources, machinery, and environmental problems as well.

To promote new mining starts and to be sure small miners have adequate equipment, low-cost government-sponsored financing would be available to qualified operators. As gold mining is by nature a high risk venture and as bureaucracy is by nature afraid of making mistakes, this financing should be administered outside the government.

As a direct inducement, Tax incentives in the form of several years tax holiday on new mines would be granted. The period would be kept short to invite the most rapid exploitation possible. In addition, to keep up and encourage present production the depletion allowance of 15% would be raised to 27½%—it hardly seems logical to grant greater benefits to a resource which the US has in good supply than to a critical resource in short supply.

While it is impractical for a US gold incentive program to match the liberal transportation, communication and power access program of Canada's northern development program, such assistance to gold-rich isolated areas would be granted. The Nome area is an excellent example of the need for such help. With the largest known gold potential in Alaska, Nome is without roads or railroads to the rest of the state. All freight is carried by air or in the summer by ships to an ancorage off the shore from where it is lightered in (this lightering costs 50% as much as the transportation from Seattle to the anchorage). These large transportation costs reflect directly and adversely on the cost of producing gold. A better harbor in Nome would in itself bring on the resumption of some gold activity in the area. Besides the direct benefits of such a program, it would have the side benefits of opening mineral-rich areas and of creating employment for the native Alaskan population. The unemployment among these Indians, Eskimos and Aleuts is a major problem.

There is little question that the foregoing program would stir up a great deal of activity in the gold mining industry. However, there is a legitimate doubt if the resulting production would be great enough to overcome the gap between gold production and industrial use. If after an appropriate period of time production remains below consumption, a program of direct subsidies sufficient to close the gap would be adopted.

A LAST GOLDEN WORD

While there is no doubt that a meaningful Government program could greatly increase gold production in the United States, one word of caution is in order. Barring a major technological breakthrough such as the extraction of gold from sea water, domestic production will not "solve" the gold flow problem. An incentive scheme could produce enough gold to meet the nation's industrial needs, but it would not add significantly to the US Government's Gold Reserves. However, even this relatively small gain could be dramatized so as to have a great psychological effect on foreign confidence in the dollar. This assistance in the defense of the soundness of the dollar, even if it were only for a short time until fiscal and monetary measures aimed at stemming the gold flow and creating an alternative to gold, plus the many side benefits such a program would entail (opening new mineral areas, stepped-up mineral research, and increased employment) would justify large annual federal expenditures. If the United States is serious about its frequently repeated statements pledging the full resources of the nation to maintaining the gold value of the dollar, it seems some such gold producing program is in order.

THE SANTA BARBARA SOLUTION

Mr. MUSKIE. Mr. President, an editorial entitled "Oil Pollution Dilemma," published in the Washington Post of June 7, discussed the recent report of the Special Panel on the Future of the Union Oil Lease. The editors noted:

There is not much point in rendering snap judgments until all the facts plus informed opinions are available.

There could be no greater indication that the recommendation of the Panel that Union Oil drill more wells on its lease and pump out the remaining oil in the reservoir is a "snap judgment" than the Panel's issuance of a two-page "report." Charged with a public responsibility to examine all the evidence and alternative solutions to the problem, the Panel gave no indication in its report that it had made the thorough study which the public has a right to expect.

There was no discussion of alternative solutions in the Panel's report, no reference to its methods of procedures, no mention of its sources of evidence or ideas other than its thanks to the Union Oil Co. and the Geological Survey, and no reference to the possible negative consequences of its recommendations.

I do not dispute the possibility that the recommendation of the Panel may be the only feasible solution. But I do dispute the assumption that a cursory list of recommendations, unsubstantiated by a public record of any kind, deserves the confidence of the public or provides adequate information on which to base public policy decisions.

In the absence of information on the alternative proposals considered by the Panel it is almost impossible to tell whether they have rendered a judgment or confirmed a prejudice.

Mr. President, I ask unanimous consent that the editorial and the report of the Panel be printed in the RECORD.

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

[From the Washington (D.C.) Post, June 7, 1969]

OIL-POLLUTION DILEMMA

The report of the Special Panel on the Future of the Union Oil Lease seems to mean that there is no satisfactory solution of the oil seeps that continue to pollute the Santa Barbara Channel. The experts assembled by the President's Science Adviser, Dr. Lee A. DuBridge, believe that pumping the oil out of the "Repetto Zone" would entail the least danger. This is an understandable disappointment to the distressed people of Santa Barbara, but no other feasible solution has been offered to date.

The experts were not impressed by the proposal to "pave" up to 20 acres of the ocean floor in an effort to cut off the seepage of oil to the surface. Such a shield might be broken by earthquakes or shifting of the ocean floor, and the leaks might continue at the edges. Some remedial measures can be taken, and

Interior Secretary Hickel has already approved the Panel's recommendations that "plastic tents" and similar devices be used to capture escaping oil, that precast concrete domes be lowered over identifiable leaks, and that additional precautions be taken against earthquake breakage of oil lines.

When these expedients have been taken, additional drilling and pumping to empty the leaking dome may be the only feasible long-range remedy. The proposal is complicated by the lack of information as to whether additional reservoirs of oil at greater depths beneath the ocean floor are connected with the reservoir recently tapped. If so, many years of pumping might be necessary to drain the interconnected pools. But the problem will not be solved by mere emotional reaction against the pumping-out idea because it would enable the company and the Government to profit from the operation. Unless some other feasible solution can be found, there seems to be no acceptable alternative.

Whether the Government should cancel all its off-shore oil leases to prevent other blowouts comparable to the one in the Santa Barbara Channel is another question. No automatic answer can be given on the ground that only one of the 71 leases in the Channel has created a pollution problem. Fortunately, another presidential panel is at work on this broader question. There is not much point in rendering snap judgments until all the facts plus informed opinions are available.

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 present 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 pressures 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.

HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, 1968 was officially declared International Human Rights Year. The United States, recognizing this, passed the treaties on the abolition of slavery and a protocol on the status of refugees that were originally submitted in 1948 when the United Nations drew them up. There may be some people who will claim that passage of legislation with a gestation lag of 20 years is an extremely fine record, but most others will assert that much more should be done.

We are not only one of the two most powerful nations in the world, but one dedicated to the principles of civil liberties and human rights. Nevertheless, our failure to ratify the Conventions on Genocide, Racial and Religious Discrimination in Employment, Education, and Occupation, Forced Labor, and Political Rights of Women certainly does not correlate highly with our stated principles.

To insure our claim as the champion of the oppressed and the persecuted, we must not fail to recognize these inalienable rights. We have said, "Give me your tired, your poor, your hungry, and your oppressed" and so we must continue to work for the abolition of injustice in any form. We constantly criticize tyranny and suppression, but by our failure to ratify these conventions, we open ourselves for our foes to say that either we clandestinely and furtively support intolerance or else are lax in defense of our principles.

Mr. President, I strongly suggest that the Senate acknowledge again that human rights are universal ones, to be enjoyed by everyone at all times, not to be controlled and enjoyed by a handful and parcelled out when they feel condescending or benevolent. If we realize this, then one of the major obligations of this 91st Congress is to ratify these conventions now.

THE 1969 NATIONAL CONFERENCE ON PUBLIC ADMINISTRATION

Mr. MUSKIE. Mr. President, throughout the country increasing attention is being given to the role which State governments should play as the Nation endeavors to cope with the deepening crisis in our great cities. This question is much discussed, but all too often is glossed over with generalities. It was refreshing, therefore, to read two candid statements on this issue from two men uniquely qualified to discuss it.

These papers were presented at the 1969 National Conference on Public Administration of the American Society for Public Administration, Miami Beach, Fla., on May 21, 1969. Philip H. Hoff, who served with distinction as a three-term Governor of Vermont, took the position that the States can and must move in this area. He believes they are beginning to do so in encouraging numbers. On the other hand, John J. Gunther, who has served for the last several years as an articulate and knowledgeable executive director of the U.S. conference of mayors, held that State performance is still discouraging.

As a part of this discussion at the ASPA meeting, Mr. Nicholas Thomas, Acting Director of the Division of Planning Assistance of the Department of Housing and Urban Development, pointed out that the real problem here is one of commitment by all levels of government and by the Nation as a whole to help stem the tide of economic and social deterioration that characterizes so many of our large central cities. Hill Healan, the director of the Association of County Commissioners of Georgia, pointed out that county government can play an increasing part in many sections of the country.

Mr. President, I think that the American Society for Public Administration is to be commended for its examination of this issue. I ask unanimous consent to have printed in the RECORD the texts of the papers by Governor Hoff and Mr. Gunther.

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

DARWIN OR DEBACLE: THE STATES AND THE URBAN CRISIS

(Speech by Philip H. Hoff)

Two traditions with deep roots in our Anglo-American heritage bear close scrutiny in the complex society we live in. The first of these is the adversary process; the second is the Darwinian concept of the survival of the fittest. The adversary process may still have considerable validity in our judicial system, but its usefulness in the society as a whole is increasingly open to question. The degree to which it already figures in our lives—the extent to which we tend to regard the majority of our important social problems as disputes between opponents—can be criticized, and sharply.

By the same token, the concept of the survival of the fittest is no longer an appropriate one. It is particularly questionable when we apply it to our cities, for it is becoming clearer and clearer that if the cities fail to survive, our whole society will fall. In fact, one of the most serious mistakes we can make is to treat our urban crisis as though it were strictly an urban problem, when, realistically speaking, it is very definitely an American problem: one of our own creation, and thus the responsibilty of us all.

At the outset, then, I think that when dealing with the cities we must reject the artificiality of the adversary process and of the theory that the fittest will survive. There are no "fittests" in this day and age; in the final analysis no "side" can win. All of us stand to lose if the grave problems of our cities go unsolved. And in order to solve these problems it will be necessary to mobilize on their behalf all the forces available in our society. When I say all, I mean all the government forces—federal, state, and local—and private resources as well. The public sector and the private sector are not opponents:

we must face the fact that unless they work together in the crisis of the cities neither will remain viable entities for very long. Fortunately, the private sector is beginning to wake up to this fact. States and cities are not opponents either. They are mutually dependent. And unless this is recognized, we will be categorically unable to find the solutions that the crisis demands.

It must also be recognized, of course, that the cities are the vital core of the nation today. One has only to look at the routes of the major airlines to realize that the greatest economic and social activity of our nation takes place in and between the country's largest cities. In short, this is where the people are, this is where the action is, and inevitably, this is where the greater part of all political activity will take place.

In honesty, I think we have to acknowledge that in the past the states have not done all they could or should have about the urban problems in our country. It is clear beyond dispute that, prior to reappointment, the cities got the short end of the stick. State Legislatures were dominated by the rural areas and tended, more often than not, to ignore the problems of the cities entirely. In addition, until relatively recently state government went through a period of doldrums; consequently, it failed to meet not only the needs of the urban areas but other pressing needs within its boundaries. This, of course, brought about increasing involvement of the Federal government. Where states were either unable or unwilling to act, they created a vacuum into which the Federal government necessarily had to move. Thus, new federal programs directly affecting the cities came into being, and this, in turn, built a power base for Senators and Congressmen in Washington.

So it would be naive at this point to think that from now on all federal programs will be channelled through the states. To the extent that the state governments continue to be unable or unwilling to help in the problems of our cities, I think there will be no choice but for the Federal government to bypass them. I would like to make it clear, however, that to the extent that they do take meaningful action with respect to the cities, there are good arguments for channelling a number of programs through the state governments.

For one important aspect of federal involvement has become abundantly clear in recent years. Simply from a bureaucratic or organizational standpoint it is impossible to run most of the federal aid programs from Washington or purely through federal agencies. Each city has its own idiosyncracies as does each particular region; and a federal program administered solely from Washington with criteria that apply nation-wide very soon becomes inelastic, overbureaucratic, and unworkable. It is on this premise that I firmly believe that the states have a major role to play in urban affairs, working not separately from but rather in conjunction with the Federal government and with the urban areas themselves.

Municipal or local governments, of course, are the creatures of the state; and it is in this area that the states presumably could make the greatest contribution. And yet, it is interesting to note that it is here that the states have done the least. One sees this most strikingly when one looks at suburbia. The people living in the suburbs owe their very existence and being to the cities. They get up in the morning, cross an artificial political barrier, earn their living in the city and then retreat beyond that artificial barrier to their suburb at night, leaving the cities to deal alone with their problems of housing, jobs, minorities and all the rest. In short, the suburbs are really a part of the cities but they do not make the kind of contributions that are required for our cities to meet their challenges. In addition, again as a result of artificial political barriers, the cities today are often not viable economic entities. In fact, they are not total communities any more than Scarsdale, New York, is a total community.

Conceivably, the states could re-draw municipal boundaries to include suburbia as part of the cities. I think most of us here would recognize that that is a political impossibility. There are, however, actions the states can take which fall short of this step, and which would be extremely effective nonetheless.

The first of these is in the area of planning. It makes little sense for planning to take place for a city alone, without taking its suburbs into account.

I personally believe that states today should insist that planning be done on a regional basis. There are federal funds available for this purpose, funds which pay two-thirds of the cost. Some states have moved forward in this area by paying the balance and then making sure that the planning is regional in nature. In the end, planning seems to me to be the most important ingredient in any potential solution of our urban problems. In addition to city and regional planning, there should be comprehensive planning at the state level as well.

The second practicable course of action for the states could be—and should be—for them to make individual contributions in the areas where the cities are so sorely beleaguered: education, housing, job-training and so forth. These contributions could take the form of money or of other resources, but they must be substantial—few people would quarrel with that.

By using their taxing powers, the states can make still another contribution to the urban dilemma: they can attempt to bring about a reallocation of resources so that the cities will be in a better position to meet the financial burdens placed upon them. If one assumes, for example, that the problem of educating the youngsters is the problem of everyone, then it seems to me that one thing all states could do would be to impose a statewide tax for school purposes, funneling the revenues into a central fund, and then disbursing them locally according to the number—and the particular needs—of the students involved in each case. Additional amounts should certainly be made available to the city areas where the educational problems are so acute. This kind of approach would not necessarily be limited to property taxes, but could be extended to other tax monies—primarily sales- and income-tax monies—with equal impact. And while the schools would be the easiest area to take on, it is my judgment that the device could be applied to areas such as housing, transportation, and various community services.

The states could be of further help in the area of long-term financing. Most cities today are faced with very high interest rates on their bonds; the states, on the other hand, are able to sell their bonds at generally favorable rates. Thus if the states, through a variety of approaches, were willing to lend their credit ratings to the cities, it would improve enormously the financial capacity of the cities to handle the problem of housing construction, roads, and other physical improvements.

But at this particular point in time, perhaps the greatest need in terms of the problems of the cities is for the establishment of a nation-wide urbanization policy within which the states can formulate policies of their own. If I am right in saying that the urban crisis is an American problem rather than simply a problem of the cities, then it seems to me terribly important that such a federal policy be devised. In fact, I find it difficult to believe that we can be truly effective until it exists. This is not to say that the states should not already be attempting to make independent progress in this area; without a national framework, however, it becomes very difficult, and could well be an exercise in futility. So much of what the states can and should do is necessarily on a partnership basis with the Federal government.

Of course, new techniques for independent state involvement are springing up rapidly, and many of these have the potential for use in a joint federal-state effort to combat the problems of the cities. Many states today have offices of local affairs or community development. In other states responsibility for local government problems lies with members of the governor's staff, planning agencies or state offices of economic opportunity. It is increasingly clear that every state should have such a department, whatever its structure.

There is much talk these days about the Federal government taking over the welfare system for the entire country, and there is little question that this would be tremendously beneficial. Pending change in this area, some of the states have in the interval already assumed from the cities the crushing financial burden imposed by welfare programs, freeing city funds for other uses.

Still another promising area of state activity is the possibility of establishing state land development agencies, both for reconstruction of the urban cores and for the creation of new communities outside them, designed to relieve some of the pressures on the central cities. The New York State Urban Development Corporation is the first example of such an institution. It is generally conceded that the strictly private development of new communities like Columbia, Maryland will occur less and less frequently, because of the difficulty of acquiring sufficiently large tracts of land and because the dynamics of growth required to afford a timely return on private investment occur in only a few places in the country.

Here the land condemnation powers of the state governments would be extremely helpful. These land development agencies in time would recover their original investment and in this way would provide a vehicle for the Federal government to make advances in terms either of long-term loans with postponement or forgiveness of interest, or of outright incentive grants.

The foregoing, then, constitute a catalogue of avenues by which the states can gain entry to the urban problem. All of these approaches have been tried in one or more states, and it seems likely that there will be further movement by the states in these areas.

But they beg the overriding question that the states must answer as they consider their role in urban affairs: should the states seek means of directly intruding into urban affairs, becoming important actors on their own or, conversely, should they seek roles in which they are, for the most part, supportive of local government? The example of the New York State Urban Development Corporation illustrates the direct role. For here the state has created an agency which can override the powers already granted by the states to its political subdivisions. The emerging departments of community affairs represent the supporting role: the states have chosen to provide financial and technical assistance to local governments but without asserting a separate, substantive state position. The direct role, in effect, amounts to the pursuit of state objectives which may or may not coincide with those of local governments; the supportive role puts the states in the position of accepting the goals of local government.

In keeping with my opening remarks concerning the essential indivisibility of the urban problems we are dealing with, I don't really come down on one side or the other. Moreover, I think it is in the best American tradition to fashion an instrument which can combine the various factors in the best possible way. But I do favor an expansion of the direct state role based on the following principle: that states should develop mechanisms and institutions to deal with those

local situations that individual cities themselves can not be empowered to deal with through enabling legislation.

Essentially, this all comes down to the dilemma of contemporary democracy: on the one hand we sense a strong desire on the part of people everywhere to participate in the operation of their governments so they can feel that they have some influence over the things those governments do and the ways in which they operate. And on the other hand, there is a sense of urgency about the nature of these problems, a feeling that they demand a scale of operation and efficiency of conduct which is gained by centralized power and strong initial commitment. I honestly don't know how the issue will be resolved in America, but it must be carefully considered by those who have some ability to influence the course which state government chooses to pursue in the immediate future.

One final note. Though I, for one, obviously feel strongly that in matters of intelligent planning, coordination and other areas it is important for all states to be heavily involved, I also believe that if they fail to act or to come up with meaningful programs, it should be possible for the cities and regions to circumvent them altogether, setting up their own operations to deal with a constellation of problems which can no longer be deferred.

THE ROLE OF THE STATES IN THE URBAN CRISIS

(Statement of John J. Gunther, executive director, U.S. Conference of Mayors)

Three years and one month ago I appeared before the American Society of Planning Officials in Philadelphia to argue the negative of the proposition that: All Federal aid to local communities should be channeled through the state. Arguing the affirmative at that time was the distinguished Missouri State Senator Albert M. Spradling, who was then serving as Chairman of the Board of Governors of the Council of State Governments.

When I accepted the assignment here this afternoon I thought I might simply change the date on my 1966 speech and substitute the name of Governor Hoff for that of Senator Spradling as the banner carrier for the states. After all there has been very little movement toward constructive involvement by the states in helping cities meet the challenges of the urban crisis. However, I resisted the easy way out. First, because Phil Hoff is not Al Spradling and second, we are here today not to decry the past and indeed the present condition of state government inadequacy but to seek out a constructive role for state action.

To this end let me state what seems to be the uncontroverted givens in the present state of intergovernmental relations:

Cities are the creatures of the states and as such they can do no more and can be no stronger than permitted by the states;

States have a revenue base and taxing power lesser than the Federal Government but far superior to those of their cities;

Historically, the conventional wisdom, prior to the 1950's dictated a three-level structure—Federal-state-local—with relationships between levels one and three passing through or being blocked by level two; and

I believe that we agree that all states and all Governors are not alike.

Based on these givens, then I would suggest that if we had fully creative federalism, devoted to all the needs of all the people, we would have strong and responsive Federal Government, strong and responsive State government, and strong and responsive local government.

There would be full understanding, full responsibility, full collaboration, full cooperation at all levels in common undertakings for the common good.

But we don't have all of these things yet. And until we do, cities and the Mayors elected to serve the more than 70 percent of the nation's population in urban centers cannot afford to depend on the weakest element in the federal system for sympathy and support in programs they must have to survive.

It is a virtually universal judgment that the weakest element is the state governments which have not been responsive to the demands of the 20th Century.

This brings me to what seems to be other conditions which are facts even though they are disputed by the National Governors' Conference and the Council of State Governments:

The states have not dealt equitably with their larger cities and their residents;

The states lack the technical competence to assist their larger cities in meeting modern urban problems; and

Individual state politics dictate a state level posture of antagonism toward their largest cities.

It is these conditions, particularly the facts-of-life of state politics which were seemingly ignored by the Advisory Commission on Intergovernmental Relations in its recommendation that federal grants-in-aid for urban development should be channeled through the States.

Some argued that one-man-one-vote reapportionment would change things at the state level. But I suggest that change has not come about as yet and that when it does come it will shift the control of states to the suburbs which are often even more hostile to the central city than rural areas. Even here the states, or two-thirds of them are still calling for the Dirksen Amendment to the Constitution to put an "effective check upon a rampant majority."

Clearly it is still good state politics to run outstate against the city "slicker." Florida *vs.* Miami, New York *vs.* New York City, Illinois *vs.* Chicago, Ohio *vs.* Cleveland and Columbus, Indiana *vs.* Indianapolis; Missouri *vs.* St. Louis and Kansas City.

There is at least one major new element in the discussion of intergovernmental relations. That is the new examination of decentralization and citizen participation. This indicates, not an attempt to abandon national goals, state goals, city goals, or even neighborhood goals, but rather an attempt to focus on the role of the individual. We are asking the individual to participate and this invitation requires a redesign for our governmental system to make such participation possible. The possibility of participation is very closely linked to the involvement of local government and revitalized local leadership. Citizen responsibility comes more readily when one can see the consequences of his own actions and that happens through participation in a vital local community. States should look to state actions to encourage the vitality of local communities.

But what have the Governors and the states proposed? First off they have increased their presence in Washington—even before the arrival of the Nixon Cabinet. The National Governors' Conference has a competently staffed Washington office. The Vice President of the United States is a Governor and there are Governors in charge of HUD, HEW, DOT, Interior, and the Office of Intergovernmental Relations.

But what constructive proposals do we hear from the states? What are they asking of their friends in high places? There is the continuing call for the Federal Government to vacate certain areas of taxation so that the states might move in. This is based on the supposition that the reason for the low level of state activity is that the Federal Government has claimed all the tax sources. But let me tell you that the states did not move in to claim the revenues when the Tax Act of 1964 produced the greatest reduction in history!

The states have also called for "Block Grants"—seemingly defined as replacing Federal-City program grants with funds to the states for distribution according to a state plan. We in the cities have watched these state plan operations. Highway, water pollution control, anti-crime and health funds from the Federal Government are distributed by the states according to a state plan. Urban transportation is neglected, city sewage treatment plants are underfinanced, safe streets funds go to improve the abilities of state police outside cities, and there have been no noticeable efforts to improve the delivery of health services in the inner city.

Even worse than "block grants" from the point of view of the city is the proposal of some Governors for federal revenue sharing with the states. A system which mis-directs block funds cannot be relied on to properly direct general purpose funds.

Earlier this month a majority of the nation's governors met in Lexington, Kentucky, and issued another proposal: That the Federal Government "establish a regular policy of notification and consultation with the governors prior to and in conjunction with all policy meetings with officials of our major cities of the states." From press reports this resolution resulted from some discussions that some Nixon Cabinet members have had with Mayors on city problems.

I think it is noteworthy that the resolution expresses concern about direct Federal relationships, not with all the local governments in a state, but those relationships between the Federal Government and major city administrations.

One other proposal presented by a majority of the governors is that all federally-financed anti-poverty programs within a state be channeled through a state agency and that the Federal Government consider abolishing its regional offices and rely on the states for the services and functions now performed by Federal regional offices.

The States do have a role if they would just perform it. It is the role suggested several years ago by the Advisory Commission on Intergovernmental Relations that the States demonstrate their willingness to assist in solving city problems (which they haven't) and that the States assume their proper responsibility for financing solutions to these problems (which they haven't).

The States could and should offer broad-based revenue sharing to the cities, particularly, those cities which provide the homes and the education to those at the lower end of the economic scale.

The States could and should provide technical assistance, expert help, to the smaller towns which need assistance in planning and program development. Instead we find the States insisting on a "meddling" role in the large cities.

Yes, the States do have a role in urban affairs. We would welcome the support of the States and the Governors in our efforts in Washington to re-direct this Nation's resources, to claim a higher priority on the scale of values for the problems which beset our urban centers.

Instead what do we get? We get a powerful negative force dedicated to a rule or ruin philosophy of running every Federal-aid program through the States or killing the program.

The role of the States ill serves local government and the people.

MAURICE MITCHELL, CHANCELLOR OF THE UNIVERSITY OF DENVER

Mr. ALLOTT. Mr. President, on May 15 the Colorado delegation held a reception honoring Chancellor Maurice Mitchell, who has headed the University of Denver since September of 1967. This function was attended by the entire congressional delegation from Colorado and by various distinguished alumni. Also in attendance were the members of the Education Committee of the Senate and the House; the Commissioner of Education, Dr. James Allen; Associate Justice of the Supreme Court, Byron White; Under Secretary of Defense, David Packard; Dr. Barnaby Keeney, Chairman of the Council for the Endowment for the Humanities; and members of the council and various officials from the educational community. As a symbol of the friendly rivalry between Canada and the Univerisity of Denver in the field of sports, the Canadian Ambassador, A. Edgar Ritchie stopped by to greet his many friends from the University.

Chancellor Mitchell does, I believe, express a unique insight into the problems of today's campus. His record at Denver University has shown him to be both enlightened and forthright, providing exemplary leadership in dealing with the unprecedented problems facing American education today. I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks an interview of Chancellor Mitchell by the Scripps-Howard papers, conducted on the occasion of the reception in Washington. In the interview, Chancellor Mitchell expressed some cogent insights into the causes of student discontent. His approach to the problem of student unrest is both tough minded and sympathetic.

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

HE'S A HARD MAN ON CAMPUS

(By Richard Starnes)

Student violence is a virus that has proved deadly to so many university administrations that those who survive it are automatically installed as practicing oracles.

One ordained campus wise man, in the nation's capital on business with the U.S. Commission on Civil Rights, of which he is a member, is Maurice B. Mitchell, chancellor of the University of Denver.

Mr. Mitchell, a maverick educator without a degree to his name, was a highly successful communications entrepreneur before going to Denver, and this, coupled with his success in dealing with campus activists, has made him a much sought after soothsayer. His sooth runs to such hardheaded sayings as:

"The purpose of a sit-in is to get other people to join in. You have to move quickly to prevent that. If you wait three or four hours before you call the cops, a crowd has assembled and there are sticks and rocks waiting to be used. It's unfair to the police."

Mr. Mitchell whose previous careers have included presidency of Encyclopedia Britannica Corp., is a tightly coiled, chain-smoking 54-year-old who was a Great Depression dropout from New York University. He may be the only university chief executive in the land who can't claim even one set of academic initials after his name. This may be somewhat of a handicap ("Occasionally some academician asks me what a guy with my background knows about running a university") but the toughening he earned in the school of hard knocks seems to more than balance his lack of formal credentials.

He has had two notable head-bumpings with campus radicals, and in both cases he emerged the victor. In the first, a sit-in, two score sitters were first warned, swiftly arrested when they ignored the warning, and dismissed from the university. The courts supported the chancellor, who became somewhat of an academic folk hero on the basis of a one-paragraph statement he issued to explain dismissal of the students:

"I make myself fully responsible for these decisions. In the simplest language in which I can put it, the time has come for society to take back control of its functions and its destiny. If we condone the abandonment of rule of law in the university, we have no right to expect those who attend it and later move on to outside society to conduct themselves in any other manner."

Dismissal was later softened to a year's suspension, but indications are that the lesson stuck anyway. Last month, in what first appeared to be a signal for renewed warfare on the Denver campus, Mr. Mitchell received an unsigned "declaration of student demands." The demands were a by-now-familiar melange of black and Students for a Democratic Society (SDS) issues that have cropped up on almost every troubled campus.

Within 24 hours Mr. Mitchell published a withering reply, rejecting the demands, scoring the ultimatum and caustically asserting that the nameless petitioners did not represent "the students of the University of Denver . . . the community of Denver . . . the people of Colorado."

In another 72 hours representatives of a dozen campus organizations had signed a manifesto backing Chancellor Mitchell and joining him in rejecting the claim that the unknown radical activists represented the student body.

But success in dealing with campus troublemakers has not led Mr. Mitchell to underestimate them.

"They start out by trying to force you to be a brute, or to intimidate you into dredging around inside yourself until you find some rationale for doing nothing."

Mr. Mitchell has spent a lot of time trying to figure out why the current hatch of college students is so rich in radical dissidents, and he has come up with some interesting ideas.

"I think a lot of these young men have a great deal of insecurity about their masculinity," he says. "They are deferred from the draft, and they are looking for a substitute way of proving their courage. Beyond that, they conduct themselves in a way calculated to encourage people to dislike them, to disapprove of them. They are scruffy and dirty, they deliberately use obscene language. They invite hate, almost as if they are seeking punishment out of some sense of guilt."

Dispassionately Mr. Mitchell repeats a particularly ugly stream of billingsgate directed at him by one campus turmoil-monger. And he concludes: "This job requires more restraint than any other job on earth. Sure, I wanted to belt him, but I didn't. I grew up on the sidewalks of New York: I'd been there before. I didn't blow my cool."

SENATOR YARBOROUGH SPEAKS ON EDUCATION

Mr. NELSON. Mr. President, one of the most urgent problems facing our Nation today is the crisis in education; a crisis composed not only of a search for quality and methodology, but one compounded by a desperate need for money.

The education budgets proposed by Presidents Johnson and Nixon are an accurate index of the priority position which is to be accorded education by the administration—and that priority is indeed a low one. Unless the Congress seizes the initiative and assumes the responsibility for funding the education programs passed into law, the children of this Nation will very soon be shortchanged in their opportunity for self-improvement.

On Wednesday evening, May 7, 1969, the senior Senator from Texas (Mr. YARBOROUGH) delivered the keynote address before the joint meeting of the American Book Publishers Council and the American Educational Publishers Institute in Miami, Fla. His remarks, in addition to being a thoughtful overview of the importance of books and of libraries to our society, provide a penetrating analysis of the implications of President Nixon's education budget.

I ask unanimous consent that the text of Senator YARBOROUGH'S address, entitled "Can We Afford To Shortchange Education?" be printed in the RECORD.

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

CAN WE AFFORD TO SHORTCHANGE EDUCATION?

Thomas Mann said that "the invention of printing and the Reformation are and remain the two outstanding services of Central Europe to the cause of humanity."

I agree. Johan Gutenberg's discovery amounts to one of the most momentous events of history. It marked the crowning climax to a process of events beginning with the use of Cuneiform tablets by Sumerians and the Chaldeans as far back at 668 B.C.

So important are printing and books in fact that if we altered our calendars with each great epoch in history that has meant a new direction for the human race, we would have changed the calendar with the invention of printing. We would write the dates B.P. (before printing) and A.P. (after printing).

An able historian has recently pointed out that had Columbus' voyage to America been about 40 years before printing in Europe, instead of 40 years after, then his voyage, too, would probably have gone unnoticed, as did many of the great voyages before printing. Many historians also believe that if printing had been discovered 2000 years earlier, history might well have recorded the possible discovery of America by the Phoenicians or the Norsemen. It is frustrating to contemplate what has been lost to posterity before the 15th Century because we did not have printing.

Printing has changed the course of human development more than hundreds of wars. The great Shakespeare acknowledged, though in a somewhat critical context, the far-reaching effect of printing when he noted in Henry VI that, "whereas before, our forefathers had no other books but the score and the tally, thou hast caused printing to be used; and, contrary to the king, his crown, and dignity, thou hast built a paper-mill."

We are talking today about one of the greatest forces in the world—the preservation and widespread dissemination of knowledge. Within the past few decades we have heard much in this country and Europe

about "guns or butter." That statement overlooks a third great force in our civilization—the printed word. The phrase should be amended now to be "bullets or butter or books."

We should consider the fate of printed and transmitted knowledge in determining national priorities. But books and printed messages have been practically discarded in the recent national budget in the allocation of the monies of the federal government to meet national goals.

Books must be counted as a necessity in our determination of the national goals of America, and in the location of monies to reach them.

ROLE OF THE FEDERAL GOVERNMENT IN EDUCATION

In the last 12 years—in the exact space of my service in the United States Senate—there has been a dramatic change in the role of the federal government in education.

Passage of the National Defense Education Act in 1958 provided assistance to elementary and secondary education in fields of science and modern foreign languages.

A loan program for students was also started in this Act. I shall always be proud that in my first year in the Senate, I was able to play a major role in writing and passing the National Defense Education Act, because the great body of legislation that followed was built upon it.

In 1963, we enacted the Higher Education Facilities Act, authorizing varied programs in aid of higher education, including student financial aid, assistance to college libraries, and help for developing institutions.

The same year, we adopted the Elementary and Secondary Education Act. It was a broad measure, putting money into the neglected areas of education in communities where children come from poor families, and including significant benefits for private school children.

In 1963 and 1968, amendments to Vocational Education extended and modernized that program by bringing into it many new vocations.

These education laws of the last 12 years have dealt with every level of education—elementary, secondary, college, vocational, and adult education. They are designed to upgrade all components of the education process—research; training of teachers and librarians; aid for student expenses, construction of buildings, and purchase of materials and equipment. Each measure was designed to fill a specific need, as pointed out and documented in extensive hearings.

This network of carefully constructed support for education built up authorization for appropriations to $7.5 billion in fiscal year 1969 and to $9 billion in fiscal year 1970.

BUDGET OUTLOOK FOR FISCAL YEAR 1970

Instead of going up in proportion to authorizations, the appropriations for all education programs have declined since 1968, when $4.1 billion was spent. In fiscal year 1969, the figure dropped to $3.7 billion, just 50% of what Congress estimated would be needed.

With the budget amendments submitted by the Nixon administration, only $3.2 billion will be requested for programs administered by Office of Education. That is down to 35% of what Congress estimated was needed when it passed the authorizing legislation.

Hit harder than most programs are those for the purchase of books for school and public libraries. The library program for elementary and secondary schools would be eliminated entirely in the new budget by striking out the $42 million recommended in the Johnson budget. This title received $50 million in 1969 and $99 million in 1968.

College library materials under Title II of the Higher Education Act would receive only $12.5 million, or 16% of the amount authorized.

Public library services, including purchase of books—would be slashed to $17.5 million of the $75 million authorized, and public library construction funds would be totally eliminated. The law authorizes $80 million.

So would the Nixon budget also eliminate all funds for purchase of materials and equipment under the National Defense Education Act, for elementary, secondary and higher education.

The statement accompanying the budget amendments referred to library services under Title II of ESEA as having a "lower priority" than other types of support. This is in spite of the wide participation in Title II since its first year of operation, evidenced by purchase of over 70 million books and other items, and creation of 3600 entirely new school libraries. Eighty-seven per cent of eligible public schools participated in the first year of operation, and 89% of private schools.

Nearly all of these programs operate on the basis of state plans. The state plans represent long-term planning and retention of trained people. Turning off the federal funding will terminate these activities in most schools as surely as if the laws were repealed.

The most important challenge to educational organizations, including publishers and manufacturers is to restore these appropriations. To do it, you must do much more than make representations in the halls of Congress. You must acquaint the American public at the grass roots with what is at stake. Both the Congress and the Administration hear well what is said at the grass roots.

Education has been called the capacity to learn from the experience of others. But the experience must be well recorded if it is to be learned by others, and books are still the leading means of making that record.

We should also know from the experience of others that neglect of education is one of the worst mistakes any society can make. The American nation must not in 1969 turn its back on 12 years of progress toward enlarging the intellectual capacities of all our people.

I cannot accept the low priority given by this Administration, or any other, to the educational needs of our people. It is all the more unacceptable because of the thing that forces our government into a position of indifference toward libraries, books, and education, and I am speaking of the Vietnam war.

Too long we have sought a military solution there, expending over 100 billion in money and our 250,000 American casualties. When will we ever learn with Milton that:

"Who overcomes by force
Hath overcome but half his foe."

We need a drastic change in direction in this country. We need to accept the proposition that military solutions alone will not solve all the complex problems of today. We need to adjust our federal budget to reflect that we are truly giving to education, health, and the welfare of our people the priority they must have.

The younger generation is not unaware that we have tragically transposed our values when our federal government spends ten times more on war than on education.

An old proverb tells us that:

"As the twig is bent, the tree is inclined."

And we, by example, subtly bend the minds of our young people toward Machiavellian concepts, we must, with foreboding, prepare to reap a dreadful harvest.

Our salvation requires no metaphysical audit; it is clear: abandon a military solution concept as the only way to solve problems as policy of our government, and commence a crash program to create the kind of climate in this country where our children will be thirsty for greatness. For we know that we need only make the books and means available to them to thereby prove the truth of those words once said by my friend and fellow Texan—J. Frank Dobie:

"Reading great books whets but never slacks the thirst for greatness."

PETROLEUM INDUSTRY VITAL TO KANSAS ECONOMY

Mr. PEARSON. Mr. President, over most of the past century oil has played a vital role in the industrial growth and economic development of Kansas. And today the petroleum industry constitutes one of the cornerstones of the State's economy. The critical importance of the petroleum is effectively demonstrated in a recent study by Ronald G. Hardy, chief of mineral resources section, State Geological Survey of Kansas. This study utilizes an input-output model to show the impact of petroleum throughout almost all sectors of the economy. This is dramatically illustrated by using the input-output data to show the economic loss that the State would incur if there were a cessation of the petroleum industry.

This study makes clear that the adoption of restrictive trade and tax policies, which would be detrimental to the Kansas petroleum industry, would be harmful to the entire economy of the State. Mr. President, I ask unanimous consent that the study by Mr. Hardy, entitled "An Assessment of Potential Economic Loss That Could be Incurred Due to Cessation of the Kansas Petroleum Industry," be printed in the RECORD.

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

AN ASSESSMENT OF POTENTIAL ECONOMIC LOSS THAT COULD BE INCURRED DUE TO CESSATION OF THE KANSAS PETROLEUM INDUSTRY

(By Ronald G. Hardy)

THE KANSAS PETROLEUM INDUSTRY—AN OVERVIEW

The Kansas petroleum industry has been extremely important in the state's general industrial growth and directly associated with its periods of "boom" development. The year 1960 marked a century of oil exploration in Kansas. The birth of the industry in the state was discovery of oil near Paola in Miami County in 1860. At that time the industry consisted of one well that produced one barrel of oil or less per day. As of 1966 the Kansas petroleum industry had more than 45,000 producing oil wells and 7,000 gas wells widely distributed geographically. Crude oil reached peak production in 1956; natural gas production has shown modest gains up to 1968 when there was a slight decline. The 1965–1966 petroleum industry production is summarized in Table 1. While primary crude oil production has been declining, secondary recovery has increased and accounts for a little over 20 percent of current production.

Although it might be considered slightly academic there is merit in assessing the effect of the decline and even possible virtual disappearance of the Kansas petroleum industry. What are the plausible impacts of such a situation?

Such a state of affairs can probably be most realistically visualized in terms of the estimated current dollar values generated by the Kansas petroleum industry. Suppose for sake of emphasis, the entire oil industry were to cease; what would this mean in direct side effects, measured in dollars?

TABLE 1.—QUANTITY PRODUCED AND VALUE OF CRUDE OIL, NATURAL GAS, NATURAL GASOLINE AND LIQUEFIED PETROLEUM GAS, AND HELIUM, 1965 FINAL FIGURES AND 1966 ESTIMATES FOR KANSAS

[Dollars in thousands]

	1965 final				1966 estimates							
			Percent of total				Percent of total		Production change, 1965–66		Value change, 1965–66	
	Quantity	Value	Petroleum value	Kansas mineral value	Quantity	Value	Petroleum value	Kansas mineral value	Quantity	Percent	Amount	Percent
Crude oil, 1,000 42-gallon barrels	104,658.3	$303,509	64.5	53.5	104,595.0	$305,415	63.0	52.3	−63	−0.06	+$1,906	+0.63
Natural gas, million cubic feet, at 14.65 p.s.i.a.[1]	808,788.9	97,055	20.7	17.1	829,715.0	103,715	21.4	17.8	+20,926	+2.6	+6,660	+6.85
Natural gasoline and liquefied petroleum gas 1,000 gallons	826,873.0	39,375	8.4	6.9	907,200.0	43,200	8.9	7.4	+80,327	+9.7	+3,825	+9.70
Total B.t.u. equivalent		439,939				452,330						
Helium, million cubic feet, at 14.7 p.s.i.a., extracted at all plants	2,571.0	30,422	6.5	5.4	2,689.7	32,635	6.7	5.6	+113.7	+4.6	+2,213	+7.27
Total petroleum production values		470,361	100.1	82.9		484,965	100.0	83.1				
Total State mineral value		568,033				584,190						

[1] Pounds per square inch absolute.

MEASUREMENT METHOD OF POTENTIAL LOSSES

In order to do this we turn to the system of social accounting known as input-output (I–O) analysis. Because the petroleum industry is a major one in the economy of many regions in Kansas, the impact of changes is significant. Instability in this industry will effect numerous parameters in the private as well as public sectors of the region's economy; in particular it will affect personal incomes and sales and employment in other industries. The demand for land and for local government services and the magnitude for tax receipts will be affected.

The (I–O) analysis simulates these relationships and is therefore a valuable tool with which to measure the impact that changes in any economic activity will have on all other activities, not only after the fact but also for assessing proposed changes.

The data of I–O analysis are the flows of goods and services inside the economy that underlie summary statistics by which economic activity is conventionally measured. This technique is essentially a system of double-entry bookkeeping which shows for each sector of the economy purchases from and sales to each of the other sectors during a given period.

TABLE 2.—HYPOTHETICAL TRANSACTIONS TABLE

	Industry purchasing—Outputs[1]											
	Processing sector						Final demand					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Industry producing—Inputs[2]	Industry A	Industry B	Industry C	Industry D	Industry E	Industry F	Inventory change (+)	Exports to foreign countries	Government purchases	Gross private capital formation	Households	Total gross output
Processing sector:												
(1) Industry A	10	15	1	2	5	6	2	5	1	3	14	64
(2) Industry B	5	4	7	1	3	8	1	6	3	4	17	56
(3) Industry C	7	2	8	1	5	3	2	3	1	3	5	40
(4) Industry D	11	1	2	8	6	4	0	0	1	2	4	39
(5) Industry E	4	0	1	14	3	2	1	2	1	3	9	40
(6) Industry F	2	6	7	6	2	6	2	4	2	1	8	46
Payments sector:												
(7) Inventory change (−)	1	2	1	0	2	1	0	1	0	0	0	8
(8) Imports	2	1	3	0	3	2	0	0	0	0	2	13
(9) Payments to Government	2	3	2	2	1	2	3	2	1	2	12	31
(10) Depreciation allowances	1	2	1	0	1	0	0	0	0	0	0	5
(11) Households	19	23	7	5	9	12	1	0	8	0	1	85
(12) Total gross outlays	64	59	40	39	40	46	12	23	18	18	72	431

[1] Sales to industries and sectors along the top of the table from the industry listed in each row at the left of the table.

[2] Purchases from industries and sectors at the left of the table by the industry listed at the top of each column.

This interindustry study begins with the construction of a table which traces the flow of goods and services in a region during some specified time (see Table 2). Each entry in the table represents a sale from the industry listed at the left of the row and also a purchase from the industry listed at the top of the column. To an accountant, each industry row shows receipts and each industry column shows expenditures.

The total income generated within an industry is equal to total receipts from the value of the products of that industry. This income eventually results in payments equal to that income. The payments go in the following four ways: (1) purchases of raw materials and resources from other industries in the economy as required to produce the product of the industry; (2) payments for labor services; (3) payments for use of capital; and (4) payments to government (local, state and federal) in the form of taxation.

POTENTIAL LOSS ESTIMATES

In the light of the foregoing, the Kansas 1965 I–O analysis shows the following interindustry effects, assuming the Kansas petroleum industry was removed from the economy.

(1) The effect on all other Kansas industry outlays.

(a) The crude oil and natural gas production industry has an output of $441 million. If this were to cease it would result in a loss of $660 million in the output of the remainder of the state's industry.

(b) Oil field services now has an output of $46 million; removal of this industry would be reflected in a $68 million loss in the remaining state's industries refining output.

(c) The present Kansas petroleum refining industry has an output valued at $580 million. If this were to cease it would create a $1 billion loss in the remaining state's industry sectors output.

(2) The effect on wages and salaries.

(a) The crude oil and natural gas production industry now pays wages and salaries of $37 million. If this industry were to disappear it would create a loss of wages and salaries in all of the remaining industries of $169 million.

(b) Salaries and wages in the oil field services industry now total $25 million. Loss of this industry would cause a loss of $45 million in all of the remaining state's industries.

(c) The refining industry now has a wage and salary payroll of $38 million. Should this be eliminated, there would be a loss of $191 million created in the remainder of the state's industries.

(3) State and local taxes.

(a) The impact on taxes of the removal of the Kansas petroleum industry would be a loss amounting to $43 million. About half of this, or $20 million, represents income taxes and since total state income taxes generated by the petroleum industry alone is currently about $10 million this is a loss of 20%.

Summing all of the losses that could occur with the cessation of a Kansas petroleum industry amounts to approximately $3⅓ billion. Total Kansas output for 1965 was close to 25⅓ billion dollars, thus this is very close to 13% of this total. The impact of this would result in very serious dislocations in many Kansas regions for a long period of time. The foregoing social cost loss would

seem to be a heavy one that in the long run would be less costly to prevent.

SUMMARY

What are the impacts to be expected if the petroleum industry of Kansas were to disappear?

(1) Effect on all other industries' output:

(a) The present output of the crude oil and natural gas production industry is $441 million. If this industry closed not only would there be the $440 million loss but there would also be a loss of $660 million throughout the remaining state's industries.

(b) Oil field services industry generates an output of $46 million and if this industry were removed would cause a loss of $68 million in the remaining state's industries.

(c) A $580 million output is derived from the petroleum refining industry and should this industry decline there would be a loss of $1,076 million created in the other state's industries.

(2) Effect on wages and salaries:

(a) The direct loss in wages and salaries due to a closing down of crude oil and natural gas production would be $37 million. However, the losses created in all other industries by this would be $169 million.

(b) Salaries and wages paid out in oil field services amounted to $25 million. If this industry should be eliminated the impact throughout the other state industries is a loss of $45 million in wages and salaries.

(c) The refining industry pays $38 million in salaries and wages, but with the loss of this industry there is a loss in all other industries in wages and salaries of $191 million.

(3) State and local taxes:

(a) The overall loss in tax revenues to the State of Kansas would be $43 million at least half of which is income taxes and one half remaining property and miscellaneous taxes.

TABLE 3.—SUMMARY OF IMPACTS THAT WOULD OCCUR IF THE KANSAS PETROLEUM INDUSTRY WERE TO CLOSE

Industry	Present output	Loss created in remaining industry by loss of petroleum industry
(1) Industry outputs:		
Crude oil and natural gas production	$441,000,000	$660,000,000
Oilfield services	46,000,000	68,000,000
Petroleum refining	580,000,000	1,076,000,000
Total	1,067,000,000	1,804,000,000
(2) Wages and salaries:		
Crude oil and natural gas production	37,000,000	169,000,000
Oilfield services	25,000,000	45,000,000
Petroleum refining	38,000,000	191,000,000
Total	100,000,000	405,000,000
(3) Total tax loss, State and local taxes, all sectors of petroleum industry (multiplier ratio, 4.0)		43,000,000

ROBERT F. KENNEDY—1 YEAR AFTER

Mr. YARBOROUGH. Mr. President, I pay tribute today to a distinguished colleague who walked among us little more than a year ago—Robert Francis Kennedy.

Some public figures leave a legacy made primarily of the concrete and the visible things—bills made into law, programs which bear their names, and so forth. These records are admirable and deserve the respect of all who look upon and are affected by them.

But laws become obsolete or are repealed and programs cease to function properly and are changed or forgotten and the record which seemed permanent fades into history.

It is the fate of some men, however, to leave legacies not only of laws, but also of ideals and inspiration. Robert F. Kennedy was such a man. Though his concrete contributions were great, both as a Member of this body and as Attorney General, his prime contribution to life in this Nation was qualitative. He sought to lift the level of our public discussion. He sought to challenge our intellect. He sought to touch our conscience. Each day we feel more deeply the loss which his death has been to all of us. Each day the void which has been left in our lives by his absence becomes more apparent.

Robert F. Kennedy, perhaps more than any public figure of his day, seemed to understand that the most important role of the public figure is to lead. It is not sufficient merely to follow the people's wishes. It is not sufficient to do only as much as the public demands. For if a man in public life cannot lead, if he cannot do more than respond to popular sentiment, if he cannot challenge a people to realize their full potential for greatness, then in the final analysis he fails as a public figure.

Robert F. Kennedy also knew that this Nation must be wealthy in spirit as well as in goods; that it must be resolute in purpose as well as strong in arms; and that if it is to to lead other nations, this leadership must come from the inspiration of its ideals and its moral purpose rather than from fear of its might.

It was to these ends that Robert F. Kennedy gave all of his efforts, and ultimately his life. And when the history of the 20th century is written, it will be said that all Americans and men everywhere will have been better for having lived in the age of Robert F. Kennedy.

ASSISTANCE OF VOLUNTARY SECTOR TO MEET SOCIAL AND ECONOMIC PROBLEMS

Mr. CASE. Mr. President, President Nixon has repeatedly called for the use of the voluntary sector in helping to meet the Nation's broad social and economic problems. Among those quickest to respond to the President's challenge have been businessmen and volunteer health and welfare agencies.

In the human services field, United Funds and Community Health and Welfare Councils represent the Nation's most comprehensive aggregation of voluntary manpower, agencies, and money, comprising 2,250 United Funds and Community Chests, with 31,500 participating agencies, 500 Community Councils in the urban centers, and 18 million volunteers. Last year, the funds and chests raised $755 million, from which 27.5 million American families benefited through United Way agency services.

In accordance with the President's desire to make use of our voluntary resources, he has addressed the following statement of April 15 to Mr. Walter H. Wheeler, Jr., chairman of Pitney-Bowes, Inc., and national volunteer president of United Community Funds and Councils of America:

It cannot be said too often that a large measure of the strength of this nation lies in the spirit of its people working in common purpose for a common cause. It is a spirit that has never failed us, but that is always being put to test.

Now it is to be tested again. A common cause to which we have traditionally responded is the annual campaign of the United Community Funds and Councils of America. This year, the Funds and Councils have substantially augmented the goal of their local campaigns throughout the country.

I am pleased to endorse that goal. For I have confidence in our capacity to meet the challenge of human service, and in the success of our voluntary way of getting things done. The American volunteer has long been a keeper of our national spirit. And the United Community Funds and Councils of America provide an inspiring example of the volunteer's role in our daily lives.

I urge all Americans to join this worthy effort by generously supporting its local campaigns. We are a nation of barn-raisers in spirit. The campaign of the United Community Funds and Councils is our opportunity to raise a sturdy barn."

/s/ RICHARD NIXON.

Mr. Gavin MacBain, chairman of the board of Bristol-Myers Co., has assumed the national chairmanship of United Community Campaigns of America for 1969. Under his volunteer leadership, support is being mobilized in the national community in business, Government, labor, communications, the professions, minority groups, and other forces to augment the efforts of each of the 2,250 United Way campaigns.

The total of all local United Fund goals which are currently being determined in each community is expected to be substantially increased over last year's $755 million to meet the critical needs for new and stronger services.

The united way is the epitome of the democratic, voluntary approach of helping to satisfy some of our Nation's domestic demands. It truly is a refreshing and encouraging situation when in these times, millions of people from every nook and corner of this country are willing to work together voluntarily without pay to support and extend programs to alleviate our Nation's human problems. Mr. MacBain and Mr. Wheeler and all of the 18 million volunteers are to be greatly commended, and deserve the support of every American.

CHANGE AND THE COMMUNITY COLLEGE

Mr. WILLIAMS of New Jersey. Mr. President, there is a new magazine on the market which is changing attitudes

about higher education, questioning many of the assumptions too many of us have regarded as immutable, and bringing an exciting literary form to the field of education. I am speaking about Change, a bimonthly publication by science and university affairs.

In a remarkably short period of time, Change magazine, which is supported under a grant from the Esso Education Foundation, has managed to gather a professional staff which is sensitive to the problems of education. It includes Peter Schrag—whom we all know from his contribution to Saturday Review—as editor, and Leonard B. Stevens, as executive editor. A partial listing of other social innovators and educators associated in some capacity with Change is Samuel Baskin, Winfred Godwin, Edmund Gleazer, Jr., Fred Hechinger, David Riesman, and Milton Schwebel.

In its first couple of issues, Change has provided us with an insight into the "Uses of Failure," "The Anatomy of Academic Discontent," "College That Students Help Plan," "Miami-Dade's Encounter With Technology," "Playing It Black."

In its latest issue, I was particularly interested in an editorial comment on the "Upstarts"—the growing phenomenon of community colleges in America. The comment concentrates on the Comprehensive Community College Act of 1969, which I introduced on February 17, and makes this observation:

> Sounding much like a radical student demanding relevance, (Senator) Williams says the four-year college too often displays more interest in "Victorian literature, Athenian art forms or the military exploits of the Cossacks" than in slum housing, poverty and pollution.
>
> If overstated, (Senator) Williams' case is unmistakably to the point. For despite whatever efforts urban colleges and universities have made recently to open their doors to the cities and the have-nots in them, the strides have not nearly approached the magnitude of the problems. Nor can the gap be explained solely by lack of money, people or expertise. There is also the question of desire—of institutional attitude and the institutional tradition, which is really what Senator Williams is talking about.

This comment is followed by a brief description of the Staten Island Community College, the kind of institution and change our bill is designed to foster.

Mr. President, change is what it is all about. I ask unanimous consent that the article entitled "Upstarts" be printed in the RECORD.

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

THE UPSTARTS

No segment of higher education is growing faster than the public junior college. Each of the fifty states now has at least one, and total enrollment has grown at an average rate of fifteen percent a year since 1960. Of all students entering institutions of higher education, nearly one-third enroll in junior colleges. Last year alone, sixty new junior colleges opened for the first time, and no sudden slowdown in the expansion is indicated.

There are, nevertheless, many places without community colleges. New Jersey Senator Harrison A. Williams, Jr., says there are thirteen major cities, including Atlanta, Houston and Detroit, with none, plus twenty-five others, from Philadelphia to San Francisco, with just one each. If Williams has his way, the community colleges will expand even more, and with far greater federal assistance. Williams is co-sponsor of a Senate bill (there's companion legislation in the House) that would provide block grants to community colleges, starting next year. Despite Williams' hopes, passage of his measure this year seems questionable, in view of the tight budget instinct of both the Nixon administration and the Congress, and the continuing political battle over categorical versus block-grant government aid. But the bill nonetheless points up the apparently widespread public, and political, interest in the future of the community college—and it raises anew the question of that institution's fundamental shape and role.

The bill's sponsors, Williams says, do not wish to take anything away from the four-year colleges and universities. But, he says, "Nowhere in the scheme of things is there an educational system designed simply to serve people who want to learn—and not simply on the basis of birthday, accumulated grade-point average or prep school lineage. . . . We want to strengthen the community college because, without it, the other forms of education will continue, in hapless cycles of frustration, to educate by drawing perimeters around the chosen few."

For Williams—and surely he is not alone—the public junior college now represents the educational institution which stands to contribute most to the alleviation of such pressing and related urban problems as poverty, occupational training and community restoration. In his words, the community college—and not the four-year institution—is "tailor-made for the job of extending and expanding opportunities for education beyond high school." Its curriculum "grows out of the needs of society and the community." It is, moreover, "designed to fulfill personnel requirements in fragmenting professional fields, provide a new thrust in urban education, and provide the key to open doors to new careers. . . . By way of contrast, the four-year college that exists in big cities . . . has seldom been an instrument for change in its urban environment. . . . Traditionally it has been too busy being urbane to be urban." Sounding much like a radical student demanding relevance, Williams says the four-year college too often displays more interest in "Victorian literature, Athenian art forms or the military exploits of the Cossacks" than in slum housing, poverty and pollution.

If overstated, Williams' case is unmistakably to the point. For despite whatever efforts urban colleges and universities have made recently to open their doors to the cities and the have-nots in them, the strides have not nearly approached the magnitude of the problems. Nor can the gap be explained solely by lack of money, people or expertise. There is also the question of desire—of institutional attitude and institutional tradition, which is really what Senator Williams is talking about.

That is also, in part, what William M. Birenbaum, the president of Staten Island (N.Y.) Community College, was talking about when he told an audience at the March convention of the American Association of Junior College in Atlanta that, in essence, those who possess power in the university have a great deal to lose by drastic reform. Thus, he said, "Those who cry out most loudly now against the politicalization of the university are really making a last-ditch defense of the present political rigging of academic privilege and vested interest." Birenbaum is a staunch advocate of intimate university involvement in urban affairs. [For one Birenbaum plan for urban education, see *A College in the City: An Alternative*, Educational Facilities Laboratories, 477 Madison Avenue, New York, N.Y. 10022.] And he complained with his usual passion of the "modern knights in new academic armor" who, from "embattled parapets overlooking the plains of Harlem or the Southside neighborhoods of Chicago . . . cry out in behalf of their traditional rights and privileges, besieged by the motley hordes wanting in. . . ."

Enrolling "the motley hordes," especially in the cities, is, of course, community service of the first order. The question is, what institution will accommodate itself to large numbers of students who need higher education but don't measure up to traditional standards, have little money, or possess aspirations that are more occupational than academic? Ralph Nader, the consumers' ombudsman, told the same convention addressed by Birenbaum that the community college, by definition, cannot escape its links to relevant education and to its locality by escaping up the abstraction ladder; it is, he said, uniquely shaped and positioned to attack "local tyrannies—the most vicious tyrannies of all"—and to produce thinking citizens (auto mechanics who can, for example, not only repair what the system produces but also analyze the faults of what is produced). Should the community college, the stepchild in the scholarly community despite its impressive size and growth-rate, assume such functions, it might well turn out as the most socially responsive institution of all.

COMMENDATION FOR MARTIN-MARIETTA, DENVER DIVISION, ON THEIR SPACE ACCOMPLISHMENTS

Mr. ALLOTT. Mr. President, at a time when more and more Government programs are being brought to light which have, in effect, turned out to be gigantic fiascos which have wasted the taxpayer's money, it is indeed refreshing to take note of the Defense Department's Titan T–3C missile program.

This space program, which was executed by the Martin-Marietta Corp., Denver Division, has proved to be an overwhelming success.

Not only did it fall within reasonable bounds of projected costs, but its benefits to our space and defense programs have been enormous.

The people of Colorado and Denver, and, indeed, the whole Nation, can be proud that firms such as Martin-Marietta, Denver Division, possess the engineering capability and skill to develop a project of the magnitude of the Titan 3C and to carry it to such a successful conclusion.

It is little wonder, then, that NASA has just selected Martin-Marietta, Denver Division, to execute a $280 million contract which is known as "Project Viking" or the Mars landing project.

This work will begin as Martin-Marietta is continuing vital work on the Apollo applications program. In fact, within days of being selected as the contractor for Viking, the Denver Division was also awarded a contract to develop a device to make the greater maneuverability of our astronauts possible in their spacecraft.

This is the quality of work that various agencies of Government have come to expect from Martin-Marietta, Denver Division.

In that connection, I ask unanimous consent that an article written by Reporter Dan Partner on the Titan 3C

project, and published in the Denver Post, be printed in the RECORD.

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

[From the Denver Post, May 18, 1969]

"WELL MANAGED": TITAN LAUNCH TO END PROJECT

(By Dan Partner)

CAPE KENNEDY, FLA.—The Defense Department's best-managed space program, developed by the Air Force and executed by the Martin Marietta Corp.'s Denver Division, will end a seven-year research and development series Friday with the 17th and final launch of the Titan 3C booster rocket.

The launch will be the 99th Denver-made Titan to lift off the pad and soar down the Eastern Test Range since the corporation, based near Littleton, Colo., began making weapons systems and space-oriented vehicles.

Friday's mission will carry two Vela nuclear detection satellites and three smaller research vehicles into orbit to complete a research and development record unparalleled in U.S. space and missile development.

During an era when contract over-runs assumed shocking proportions, the Titan 3C program closes with a total program expenditure of only 6 per cent over the cost figures defined years earlier, according to Air Force spokesmen.

Total program cost will be approximately $1.06 billion against a 1962 target of $850 million. This is a 30 per cent increase but it is pointed out that all except about $51 million of the increase can be charged to two factors beyond the control of the Air Force's Space and Missile Systems Organization (SAMSO).

WAR STRETCHOUT

The Air Force says the war in Vietnam contributed to an extended stretch-out of the Titan 3 development program, as directed by the Defense Department. In addition, the war also reduced the amount of funding available for payloads acceptable for the Titan booster.

In addition to staying within shouting distance of the proposed cost, the Titans have carried multimillion-dollar research and operational satellites during the research and development phase, the Air Force said.

It is emphasized that millions have been saved for U.S. taxpayers in terms of free rides given such systems as the initial defense communications satellite program (IDCSP) spacecraft; Vela vehicles; the Hughes Aircraft Corp.'s huge Taccomsat the world's largest communications satellite; Lincoln experimental satellites (LES); very high and ultra high frequency communications experiments, and the Gemini B heatshield qualification test.

Cost of a Titan 3C including hardware, typical payload integration costs, launch services and preliminary tracking through orbital injection, is estimated at $20 million. This price tag is considered a bargain in relation to launch costs at the current level.

GOOD WORK

While the Air Force is taking bows for the outstanding example of program management, it isn't being overlooked that Martin Marietta's Denver Division personnel have done a remarkable job in carrying out the contract. It was in 1965 that Defense Secretary Robert S. McNamara called the Titan 3 program "probably the best managed large program in the department."

He also noted that the program was ahead of schedule, at that juncture, and had accomplished in four launches what "we planned to accomplish in five."

If Friday's launch follows the set pattern of successes, it appears that the Air Force—and Martin Marietta's Denver division—would be in line for congratulations from the current Defense Secretary, Melvin R. Laird. He is well aware of the tremendous over-runs in military contracts, such as those haunting the C5A jet transport.

FUTURE UNCERTAIN

Aside from praising the Titan 3 management program, the Air Force isn't talking about where the booster goes from here. The National Aeronautics and Space Administration (NASA) has said it plans to use the booster for the Viking program in 1973 that will send vehicles on flybys—and possible landings—on Mars. There also are several other nonmilitary missions that the Titan could perform, if selected for the tasks.

Meanwhile, Titans continue to be launched from the Western Test Range based at Vandenberg Air Force Base, Calif. These are supersecret missions that send highly sophisticated reconnaissance vehicles on polar orbits to photograph and monitor activities of friends and foes throughout the world.

The newest model of the Titan family of boosters, the M version, will be used by the Air Force to launch its Manned Orbiting Laboratory (MOL). The lack of funds, again due to the tremendous expenditures of the war in Southeast Asia, has forced the Air Force to postpone the first unmanned MOL launch until at least next year. The first manned reconnaissance flight would follow two years later.

The MOL program was initiated in early 1965 by President Johnson with the first unmanned launch scheduled for late 1967 or early 1968. The initial cost estimate of the MOL project was estimated at an unrealistic $1.5 billion. The current cost is at least double that amount.

Friday's final Titan 3C launch, scheduled at 1:30 a.m. (MDT), will send two Vela satellites into 69,000-mile-high orbits. Built by TRW Inc., the 725-pound Velas will conduct experiments for obtaining data on radiation backgrounds in deep space; for defining an operational nuclear detection system according to the Air Force, and for detecting clandestine nuclear tests in deep space.

PROPOSED ALTERNATIVE TO SAFEGUARD SYSTEM

Mr. MUSKIE. Mr. President, the Senator from New Hampshire (Mr. MCINTYRE) had planned to be present today to present a statement dealing with a proposed alternative to the Safeguard system.

Senator MCINTYRE is unable to be present today, so at his request I ask unanimous consent that his statement and articles relating thereto be printed in the RECORD.

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

STATEMENT BY SENATOR MCINTYRE

Last week I presented what I hope will be accepted as a balanced and constructive alternative to the present Safeguard system proposal now before the Congress.

I do not believe that a yea-and-nay vote against the present proposal meets what I think are the present needs for national security and understanding nor faces up to the existing priorities which our Nation confronts.

I propose that:

There be no deployment of ABM's at this time and no future deployment unless the Congress authorizes and provides funds.

That research and testing continue on the radars, computers and other electronic gear needed for the Safeguard system so that if at some time in the future it is decided to deploy the system that we can move ahead rapidly without material delay.

Such an alternative, it seems to me, will:

Not contribute to any overt way to an intensification of the arms race, because no weapons would be deployed;

Could help in reducing frictions as we enter arms negotiations with the Soviets;

Give us a chance to thoroughly test all parts of the Safeguard's electronic equipment so that we can be sure it works before we might count on it in some future deployment. Nearly every pro or con witness before the Armed Services Committee has testified to the need for further testing of the Safeguard components;

Save money which can be used for priority needs here at home.

The distinguished Majority Leader, the Senator from Montana (Mr. MANSFIELD), placed a copy of my proposal in the CONGRESSIONAL RECORD on June 2, 1969, at Page 14489, for those who wish to review the proposal in detail.

I have been particularly pleased with the public's reaction to my proposal in the few days since I presented it. Two of the outstanding papers of New Hampshire have already commented editorially.

The Portsmouth, N.H., Herald, appeared on June 2, and read as follows:

"[From the Portsmouth (N.H.) Herald, June 2, 1969]

"SENATOR M'INTYRE DESERVES PRAISE FOR MODERATE APPROACH TO SAFEGUARD

"From the Old Man of the Mountains to the Old Man of Seabrook, the state should be echoing the praises of Sen. Tom McIntyre, but we're afraid that it isn't.

"Which simply goes to prove that people are inconsistent, a fact that was established as early as Adam and Eve and reestablished today.

"McIntyre apparently has let the other shoe drop and has come out in opposition to the war lord's newest military toy, the Safeguard missile scheme. This is the gadgetry you'll remember which started out as a defense against Chinese aggression and wound up as a much modified protection for our Minuteman missiles.

"No one can even verify that it will work, but it will cost a lot of money and does make the hate-Russia element in Congress and the nation happy; therefore, it must be worthwhile.

"In New Hampshire Safeguard appeals to the same crew that has spent the last five months trying to wreck the state's budget, block any attempt at straightening out a messy, century-old tax structure.

"So you'd think that McIntyre's opposition to a costly toy like Safeguard would immediately endear him to these thrifty souls. But not so. If there's one thing that some of them enjoy more than crippling the state economically, it's looking under their beds every night to make sure that the Politburo isn't hiding there.

"This 'Ax-the-Tax' crowd in New Hampshire would rather see billions blown on military hardware than a few billions spent in making this an even better nation in which to live.

"McIntyre, and the other senators who are trying to withstand the raid by the military on the public treasury to finance Safeguard deserve our thanks. Whether or not they'll prevail against Nixon's profligate militarists is a question but the effort is based on good sense.

"Safeguard has all the earmarks of another of the multi-billion-dollar weapons systems which can't even be credited as workable, simply because no one knows.

"McIntyre, although he won't get any credit for this, is not burying his head in the sand. He does have a viable alternative to the all-out Safeguard scheme.

"What the senator wants is further research, no immediate deployment of Safeguard, but development of the ability to put into effect without delay should need arise.

"McIntyre believes that the very fact that the United States could deploy a Safeguard would serve as notice to Russians that we're far from defenseless and wrong moves by them will prove expensive.

"This isn't what the warhawks want, but it is a prudent approach."

Also on June 2, the Monitor, of Concord, N.H., contained the following editorial:

"[From the Concord Monitor, June 2, 1969]

"M'INTYRE PROPOSAL IS REASONABLE

"Sen. Thomas J. McIntyre, D-N.H., has proposed a compromise in the development of the so-called Safeguard anti-ballistic-missile system that is sure to satisfy neither the proponents nor the opponents.

"Facts and mature considerations in the heated ABM controversy fast are becoming irrelevant. It has become a symbol of conflict between the liberal and conservative elements in our society.

"Generally speaking, the liberals are opposed to deployment of the system President Nixon has proposed, which would cost somewhere between $8 billion and $13 billion, while the conservatives favor it.

"Deeply tangled in this controversy is the question of exploding government spending and subsequent increased taxation, and growing public concern and suspicion over the unholy alliance between the nation's military establishment and the industries that furnish its hardware.

"What Sen. McIntyre proposed was a delay in deployment of the missiles themselves, while research and development is pushed on the complicated radar and computer systems that would control the ABM.

"One of the most telling arguments against the Nixon administration ABM proposal is that there is no assurance it will work. The McIntyre proposal says, simply, that we won't put the missiles in place until we know the other components will work.

"The Senator estimates first-year spending on his plan would be less than $2 billion, but it's not clear how much this would be less than.

"He told the New Hampshire Council on World Affairs last week that his alternative 'could save us billions in misspent funds.'

"Sen. McIntyre, chairman of the Research and Development Subcommittee of the House Armed Services Committee, was under intense pressure to leap into one camp or the other.

"His committee, heavily laced with and under the control of conservative southerners and right-wing Republicans, sought to get him to join the pro-ABM faction.

"But liberal Democrats in New Hampshire, from whom he derives his support in the Granite State, threatened to turn against him and even turn off campaign money if he backed President Nixon's ABM proposal.

"Thus from a political standpoint, the McIntyre alternative was a neat dance down the middle. Speculation still is rife on which side he would join if called upon to vote tomorrow "yes" or "no" on the Safeguard system.

"Our view is that the McIntyre suggestion deserves concentrated study under congressional control. The military won't like it, so can't be trusted to give it a fair reading. Industries concerned will view it as a cutback in fat contract possibilities, so they can be expected to object.

"We think slamming headlong into the ABM system now, with low-level certainty of success, would be foolhardy.

"The cost is exorbitant; domestic crises too pressing; and we are not convinced the threat of Soviet attack at this time is all that imminent.

"In addition, neither are we convinced that every avenue of an arms reduction agreement with the Soviets has been explored fully.

"It is clear that we cannot dismantle our nuclear strike retaliation capability, nor allow ourselves to fall behind in the terrible reality of an escalating arms race.

"But our government's crash program should be directed at the cause of the arms race, and not solely at reducing its possible effect."

Comments have also been coming from many other public media sources. On the night I made my proposal WDCR, one of the important radio stations in New England, stated the following views on my proposal:

"WDCR COMMENTS

"Senator Thomas McIntyre tonight in Laconia proposed what he called a constructive alternative to the present yes or no thinking about President Nixon's ABM proposal. The junior senator from New Hampshire has been for some time one of the Senate's principal undecided votes on the issue . . . he is also a member of the Senate Armed Services Committee and Chairman of that Committee's look into military research and development. In tonight's speech . . . McIntyre called for no deployment of the ABM this year . . . asking for more time to consider what setting up that system might involve. Said McIntyre in effect, we must protect the nation . . . but we must be certain we are doing that in the proper way . . .

"We have the feeling the Senator's proposal may find more than a little popularity in the Senate. Too many Senators who have announced one way or another are really hung up on this one. They face pressure . . . big pressure . . . from home on both sides. They feel strongly that they cannot undermine the nation's security . . and at the same time they are sick and tired of being told by the Pentagon that every military request for money is essential.

"What the Senator has suggested is a little breathing spell to think this one over in a rational manner. ABM doesn't have to be deployed this year . . . we can afford at least a one year delay. On the other hand . . it really would not be wise to directly slap President Nixon in the face, thereby reducing his effectiveness in the bargaining in Paris and with the Soviet Union over nuclear arms reduction. Senator McIntyre . . . increasingly known around the Senate these days as a man who thinks for himself . . . has avoided the sterile yes or no . . . and he has an alternative. The Senate would be will advised to take Mr. McIntyre's suggestion to heart."

Many, many letters are already beginning to arrive in my office from throughout the country expressing support for this alternative. I will not burden the Record with transcripts of each letter since many of them discuss matters other than my proposal. However, I wanted to place in the Record excerpts from a number of the letters to indicate the support for this plan and to give a flavor of the widespread interest it has aroused.

From Concord, N.H.: "Your recent address giving your views and proposals concerning the ABM system has merit. . . . By all means work for further testing of radar and computer systems for missile defense."

From Weston, Mass.: "We are most encouraged by your speech to the World Affairs Council and your wish to see a delay in ABM deployment until we at least try to work out some lessening of the Arms race with Russia."

From Boston, Mass.: "As a member of Citizens for Participation Politics, I am taking the liberty of writing to you to express my approval of your recent statement on the ABM system. I also feel that a system as complex and with so many ramifications as ABM deserves more research and investigation."

From Brighton, Mass.: "I am convinced that you are correct that more research is required. Safeguard depends on radar for eyes. And, every electronic engineer knows that radar can be jammed, spoofed and blinded with comparative ease. Thus an ABM that works fine in peacetime tests would be blind when we needed it in war."

From Kingsville, Tex.: "Congratulations on your stand on the ABM. As one of those Americans who pays a great deal of income tax, I could not agree more that the ABM should not be deployed now."

From a scientist at Austin, Tex.: "The proposed Safeguard system, really just a slightly modified Sentinel, is not an optimum system for hard point defense. More research and development is necessary to develop hardened radars and better computer programs to separate warheads from decoys. Deployment of the Safeguard system would be a serious mistake as it would tie us to a bad system which is already obsolete."

From Weare, N.H.: "I congratulate you on your ABM stand in supporting R & D at the present. I think we should technologically keep alert, but I cannot in good conscience approve of the ABM deployment."

From Palo Alto, Cal.: "Hurray for your approach to the proposed ABM system—in opposition, but suggesting a compromise. Instead of being negative, you have presented an alternative."

MORE FUNDS FOR HANDICAPPED CHILDREN

Mr. GOODELL. Mr. President, under title VI of the Elementary and Secondary Education Act, grants are made to States for the very important purpose of initiating, expanding, and improving educational programs for handicapped children. A small percentage of the congressional authorization for this program has been requested for fiscal year 1970, when the States are to move from the planning stage into the development of major programs. In an editorial published on May 18, the Niagara Falls Gazette has incisively discussed this situation and the continuing efforts which have been made by my colleague, the senior Senator from New York (Mr. JAVITS), to restore funds for this program.

Mr. President, 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:

MORE U.S. FUNDS NEEDED BY HANDICAPPED CHILDREN

In the last decade, Congress has established 11 new programs for education of handicapped children and increased appropriations from less than $1 million to more than $79 million.

However, all this program is tempered by the realization that more than 3,300,000 handicapped children—or fully two-thirds of our nation's 5 million handicapped children—are still without special education services.

Two years ago, this newspaper criticized the Johnson Administration's watered down budget request for Title VI of the Elementary and Secondary Education Act. In that year, Congress authorized $150 million for Title VI. The Department of Health, Education and Welfare and the White House cut it to $15 million.

U.S. Senator Jacob K. Javits, at that time serving on the Appropriations Committee, read the Gazette editorial into the Congressional Record, and on Aug. 10, 1967, fought a losing battle with the House of Representatives to raise the appropriation to $20 million.

Again today, we are faced with the same situation. Congress has authorized an appro-

priation of $200 million for this long overdue domestic program. The Administration budget request, however, is the same as it was in 1968—$29¼ million. This amounts to less than 15 percent of the Congressional authorization, or only $5.85 for each handicapped child.

Is it possible to significantly improve the lot of an unfortunate handicapped child with $5.85? The larger question is, where can we go with this kind of tokenism?

Title VI is a grant-in-aid program to the states to help them initiate and expand special education services. It was passed by Congress in 1966 as the major support program to assist states in attacking the problems of the handicapped. The failure of the budget proposals for fiscal year 1970 to significantly increase funds for these programs severely threatens their growth.

One of President Nixon's most publicized actions has been review of federal spending with an eye to priorities. We submit that the needs of 5 million handicapped children are of much higher priority than the many pork-barrel programs that can be found in any federal budget.

The first two years of Title VI were devoted primarily to planning. Major programs are ready to be developed. Now, with inadequate funds, many of these excellent programs will wither away like untended roses.

Congress needs more outspoken champions of the handicapped like Sen. Javits. We urge all senators and representatives, especially those with committee assignments related to education and child care, to give special attention to the financing of approved programs.

SENATOR HARRIS APPEARS ON ISSUES AND ANSWERS

Mr. BAYH. Mr. President, on Sunday, June 1, the senior Senator from Oklahoma (Mr. HARRIS) participated in the national radio and television program, ABC's "Issues and Answers." Senator HARRIS was interviewed in this appearance by two veteran Capitol Hill news correspondents, Bob Clark and Bill Lawrence, both of ABC.

As chairman of the Democratic National Committee and as former member of the National Advisory Commission on Civil Disorders, Senator HARRIS was called upon to voice his opinion on a number of basic problems and matters confronting not only his political party but the Nation as a whole. In order that those who were not able to see or listen to this program may have the opportunity to review the significant comments made by Senator HARRIS, I ask unanimous consent that the transcript of the broadcast be printed in the RECORD.

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

ISSUES AND ANSWERS, SUNDAY, JUNE 1, 1969

Guests: Senator FRED R. HARRIS, Democrat of Oklahoma, Chairman, Democratic National Committee.

Interviewed by: Bob Clark, ABC News Capitol Hill Correspondent; Bill Lawrence, ABC News National Affairs Editor.

Mr. LAWRENCE. Senator Harris, it has been a little over four months now since the Nixon Administration took office. From your vantage point as Chairman of the Democratic National Committee, do you think maybe it is doing a little better than you anticipated?

Senator HARRIS. Well, it depends on what you anticipated.

Mr. LAWRENCE. Well, I am asking you.

Senator HARRIS. I think he has done about as I would have expected. I think really there is more style there than substance, yet. I am really surprised that he hasn't moved along, and in two ways I would say he has not done as well as I expected.

Mr. LAWRENCE. What are those?

Senator HARRIS. One is in the appointment of second and third echelon people. Still many of these jobs are unfilled, or people are staying on in them, knowing they are going to go, and I am rather surprised at that, because Mr. Nixon isn't new around this town, he has been here a good while, he knows something about the government and what needs to be done, and I am rather surprised that he didn't move faster on personnel.

I am also rather surprised he didn't move a little faster on some of these issues which we are only now beginning to get messages on.

Mr. LAWRENCE. Do you ever get the sense that maybe he thought he wasn't going to win, that he hadn't made a policy?

Senator HARRIS. No, I wouldn't think so. I would think that most of these things should have been thought out in advance. I just think that perhaps he wants to build his political strength in the country before beginning to launch out on some of these tougher issues. But they won't wait forever. He has got to move on them, I think.

Mr. CLARK. I would take it you are in some disagreement with Mike Mansfield, the Democratic leader of the Senate, who said recently that, on the basis of the record so far, all in all, he would say that President Nixon has done a good job?

Senator HARRIS. I think, again, I would say it is more style than substance. For example I don't think he has done a good job on civil rights, because I don't think he has spoken with a very clear voice on that. You know we have had, it seems, disagreement within the Administration. You have got the Administration saying that it wants to, you know, be an Administration that believes in human rights and so forth. Yet here is the Attorney General, Mr. Mitchell, who has been two or three times now cancelling out on going down to the Hill to testify on the voting rights act, which is coming up again, after he has been scheduled to testify. We had the Defense Department letting contracts to people who had not complied with the Civil Rights requirements. There is Clifford Alexander who resigned as head of the Equal Employment Opportunity Commission under very tough circumstances, it seems to me.

So I think at some point Mr. Nixon has to speak out on that issue with a clear voice. He has got to say, "Here is the Administration policy." He hasn't done so yet.

Mr. CLARK. Well, wouldn't you agree, though, on the basis of his record so far and his high standing in the public opinion polls, that if another election were held today he would be a very hard man to beat?

Senator HARRIS. Oh, no question about it. You know, I think, as I said, it is more style than substance, and it may be good politics. It may be good politics to believe that to the degree you can just get people to quit worrying about some of these issues, to that degree, you know, they feel better about you politically. You can't do that for long, though, because in my judgment these issues have become uncompromisable, many of them. Issues of war and peace, and the issue of growing militarization, issue of civil rights, poverty, hunger, a tax reform. Many of these things have become uncompromisable. I think they are moral issues, and you have to speak out on them, taking one side or another. I don't think you can fuzz it up.

Now, for the moment, you might be able to get people to feel a little better about them by just getting the issues off the front page. But that won't solve the questions.

Mr. CLARK. You mentioned the issue of war and peace. If the President does succeed in bringing peace in Vietnam, isn't he going to be almost unbeatable in 1972?

Senator HARRIS. Well, it is so far away, but first of all, I wouldn't want to be all that cynical about it. I don't think we ought to worry about political advantage or disadvantage in getting the war in Vietnam over. We ought to get the war in Vietnam over, because it is right, and that is the thing to do. Now, what the political advantage is shouldn't make that much difference. And furthermore, I don't think any of us can guess, now, what it might be in 1972.

Mr. LAWRENCE. You brought up the question of civil rights a moment ago, Senator. You were a member of that famous Kerner Commission on Civil Rights that finished its work more than a year ago. Do you feel that any real progress was made by either the Johnson Administration or the Nixon Administration since that report came in?

Senator HARRIS. Not in the kind of massive national action and commitment that is required. I think we see very little of that in the way of governmental action. I think there is a great deal happening out in the Country. There is a great deal happening as a result of the Kerner Commission report in private and local action, and in the use of that report by the police and by others, by communities, by organizations. but that hasn't sifted up yet for the kind of national federal action that has to be taken, in my judgment.

Mr. LAWRENCE. I mentioned President Johnson a moment ago. What do you hear from the ranch these days? All peace and quiet, or does he want to move out and start banging these people a little bit?

Senator HARRIS. Well, you know, the only business I have had with the President has been very informal and casual. I find him very relaxed.

Mr. LAWRENCE. We are talking about President Johnson, now?

Senator HARRIS. Yes, President Johnson. I find him very relaxed, and I don't find him, you know, as much at this point wanting to be involved in the details of the Democratic Party and so forth. I hope that by next year when we have the 1970 Congressional races going that he would be willing to be helpful to us in those campaigns, and my judgment is he will be.

Mr. LAWRENCE. What about helping you raise some money for this year? You know, you are so far in debt that I don't know how you keep your head above water.

Senator HARRIS. We have begun to make some real headway on that, and I think, as I said, again, that would be one of the things I would hope President Johnson might help us do when we get nearer to the 1970 Congressional campaign, and I believe he will.

We are making headway in the Democratic Party on our debts and on our operating expenses, through primarily two kinds of fund raising activity. One is through a new national participating membership campaign to broaden the base of this party. If we are really going to be a party of the people, then we oughn't to rely solely upon a few large contributors. Try to broaden our base with a greater number of people in smaller amounts, and that is going extremely well.

And, secondly, through a revival of the old President's Club which we are now calling the National Democratic Sponsors Club, with particular reliance on what we are calling a Young Leadership Council, where we are asking young men around the country who have a social conscience to agree to $1,000 a year plus a willingness on their part to go out and find four more like themselves who will contribute to the party because they believe that something has to be done about these issues and the party can help do that. We are having good success with that as well.

Mr. LAWRENCE. Well, considering his low state when he left office, do you think Pres-

ident Johnson is a political asset at this point?

Senator HARRIS. Yes, no question about it in my mind. I think he is a political asset, will be, and I think in 1970 can be very helpful to us in the Congressional campaigns. And I think he will want to, because many of his close friends and associates of the past will be involved. I hope he will want to.

Mr. CLARK. Senator, there is a widespread view among many Democrats and a lot of Republicans that Ted Kennedy has almost a hammerlock, as columnist Roscoe Drummond put it this week, on the 1972 Presidential nomination. Does he?

Senator HARRIS. I don't know. That is a good thing about my office, as Chairman of the Democratic National Committee. It imposes neutrality on me. And furthermore, it would be my judgment, and I see Ted Kennedy almost daily in the Senate, it would be my judgment that he himself has not yet made a final decision on whether or not he will be a candidate in 1972. He doesn't need to make that decision now. I certainly don't need to make that decision now, and what I want to do, is concentrate on the campaigns of 1969 right now. We have, for example, a campaign coming up in Montana, now, a Congressional race, as we have had others this year; but particularly looking toward the 1970 Congressional and gubernatorial campaigns. That is our major interest right now, and what happens in 1970 may well determine what happens in 1972.

Mr. LAWRENCE. Senator, you just said you didn't have to make that decision now. I have heard that Fred Harris is angling for the '72 nomination. Is that right?

Senator HARRIS. You are not talking about me, myself?

Mr. LAWRENCE. I am, yes.

Senator HARRIS. I thank you for the question, but the answer is absolutely not.

Mr. LAWRENCE. What did you mean, then, when you said, "I don't have to make that decision"?

Senator HARRIS. I don't have to make the decision about Ted Kennedy.

Mr. LAWRENCE. Senator, is it politically wise or otherwise for Senator Kennedy to do as he did, to criticize specifically a military operation like Hamburger Hill in Vietnam?

Senator HARRIS. I think it is always wise for a senator to speak out on an issue which he considers to be a moral issue, and I might just say that while I, you know, don't want to get into the tactical questions involved, I think the thrust of what Senator Kennedy said is correct. I think that Mr. Nixon was quite right in putting on the record his own views about what our negotiated position is and should be in Paris, and what he would be willing to do to arrive at a political settlement in that war. While I didn't see anything new, really, in that, I think it will be helpful and put it in the right direction to lay it out.

I wish he had gone further, however. I wish he had made clear that we intend to lower the level of violence in Vietnam, lower the level of killing there, and bring home at least 50,000 American troops in 1969. I think that is the direction where we can find a peaceful settlement.

Mr. LAWRENCE. Which we would do unilaterally, without regard to what they do in Paris?

Senator HARRIS. Yes. I might say this, that back in November the North Vietnamese had withdrawn a substantial number of their people out of the Northern I-Corps area. If Saigon had been willing at that time to come to Paris to the peace table, I think we might have avoided a winter offensive, the violence of the winter offensive, and we might be further along in the talks there. We didn't do that, and I just think if we are going to continue to up the military pressure, then the other side is—first of all, the other side is going to wonder about whether we are really sincere in trying to arrive at a peaceful political settlement; and secondly, I think that our own people, Mr. Thieu in particular will not be convinced that they have to take over more of the military responsibility and that the political, social and economic reforms which will allow popular support for a government in the South must be made. They will not be convinced of that until, I think, we lower the level of violence, take the steps to do that, and I think we can bring 50,000 American troops home as soon as we can get transport for them. And then thereafter we could begin, I would hope, a phased mutual withdrawal of troops.

Mr. CLARK. Senator, if we can get back to politics for a moment, some of Eugene McCarthy's friends think he is going to have another go with the Democratic nomination by entering some primaries in 1972, and if he doesn't make it, he will head up a third-party ticket. Does that thought worry you?

Senator HARRIS. Well, there is no use worrying about something you can't do anything about, and I think every American and every senator and every Democrat has a right to do whatever he pleases. I see Senator McCarthy quite a little. I serve on two committees with him, the Finance Committee and the Government Operations Committee. Before I appointed the last couple of commissions I appointed, I talked with Senator McCarthy and notified him in advance. I have been appointing to various positions in the party, people who supported him prior to the convention last year. So if the decision is made that he will go outside the party, then that will be a decision that he makes. We certainly will not make that decision.

Mr. CLARK. But if you had a situation where there is another right wing candidate, whether George Wallace or somebody else runs again, and Senator McCarthy heading up what would amount to a fourth party ticket, couldn't this spell doom for the Democrats and just automatically re-elect Richard Nixon to a second term?

Senator HARRIS. Wouldn't it be just as tough for the Republicans? It seem to me it would be.

Mr. CLARK. It seems to me it is the Democrats who are going to be fractionated by McCarthy.

Senator HARRIS. You also mentioned a right wing party.

Mr. CLARK. If you add McCarthy to that equation, isn't it going to be the Democrats that are going to be cut up?

Senator HARRIS. I haven't any crystal ball to tell you what may happen to the former McCarthy movement, or what may happen to the former Wallace movement. That is something it seems to me that is outside my control. I can only say as Chairman of the Democratic National Committee it will be my purpose to try to carry out the platform of 1968 and to speak for this party in line with that platform on the critical issues of our day, and to help organize in such a way that our party will be responsive, that it will be a legitimate Democratic, open party, and that it will have constructive alternatives on the issues.

My judgment is that will entitle us to leadership and will bring us back into leadership in the country. If it doesn't, we will be sustained by the thought that at least we moved in the right direction.

Mr. CLARK. So you are not at all worried about Senator McCarthy or whether or not he heads a third party? Is that the consensus here?

Senator HARRIS. I would go back again to the first answer. I don't know of anything I can do about it except do my duty as Chairman of the Democratic National Committee and hope for the best.

Mr. LAWRENCE. Let's talk about the meaning nationally, Senator, the re-election of Mayor Yorty in Los Angeles. You made it something of a national issue by endorsing and getting into a local race for mayor, which was basically non-partisan. Now that you have been beaten out there, what does this do? What does it mean?

Senator HARRIS. It was not a local election, you know, in the normal sense. It was a widely heralded—a race of national importance. It was not a non-partisan race, because Mr. Bradley in the primary had the endorsement of the County Democratic Central Committee, which my own actions followed. I was very hopeful that Tom Bradley could be elected, because in my judgment, without question he was the best man. I think what has happened here is not so much a loss of position from where we were, because we were about where we were, before. What is lost is what we could have done with this win—I don't mean the Democratic Party. I believe the election of Tom Bradley would have been a great boost of spirits for the country, and we could have all felt better about ourselves had he been elected. I don't think we have fallen back so much as we have failed to go forward, as I had hoped we would.

Mr. LAWRENCE. You are talking now about the joys of positive thinking, but what about the joys of negative thinking? What about the right-wingers who now exult in the Yorty victory? They win a big city when they win Los Angeles.

Senator HARRIS. The point is, they had Yorty before.

Mr. LAWRENCE. I know, but it looked like he was gone.

Senator HARRIS. I would say this, Bill. You will recall that when Tom Bradley filed, nobody—and I underline "nobody" twice—thought Tom had a chance to be elected. Tom is a man that I have known for some time. I think he is eminently qualified, maybe the best qualified man to be a mayor in the country, who hasn't already held that post.

But you start out with this: Within the framework of student disorders, you have got a man running for office who is black, in a city where the black population is about 16 percent. Now, nobody thought Tom could be elected when he filed. He surprised everybody by getting 42 percent of the vote as against Yorty's 26 percent in the primaries. And then we all became convinced that he could win. In the last few days the polls began to show some other things, but I think we are, you know, we didn't do so very badly. We just didn't make the great leap forward I think we could have in this country. And again I say, not a great leap forward for the Democratic Party so much as a great leap forward for the kind of progress that this country ought to believe in and stand for. In my judgment it does, and we didn't make it in this instance, but we will.

Mr. CLARK. Well, Senator, law and order was certainly a significant issue in that California campaign.

Senator HARRIS. Yes.

Mr. CLARK. And it is an issue that a lot of people think put Mr. Nixon in the White House. When you combine what is happening in the way of further shifts in public sentiment and the President's appointment of Judge Burger as Chief Justice, which would certainly enhance his law-and-order image, don't you think it also probably has enhanced his chances of a second term in the White House?

Senator HARRIS. I would just say this about the law and order issue. To the degree that this issue was used against Tom Bradley it was spuriously used against him, because as a 20 year veteran of the Los Angeles police force, I think he was extremely well qualified on that issue. So, you know, I think you can't use it against him as it was done, and do it properly. But I would just say this: I think that for the long pull, for the good

of this country, we are not going to be best served by those who demagogue on the issue of law and order. We have got to have people who think and talk soundly, and sometimes courageously on the law and order issue. Otherwise, we are not going to have law and order.

For example, there are those who think that Ronald Reagan is Governor of California and extremely popular in the polls primarily because of the law and order issue, and that I would say is generally indicated. But look what has happened in California, what is happening. Though he speaks out toughly, though his rhetoric is very tough, where is law and order? Is it improving in California? I mean, can you do it just by statements? Can you do it by very strong demagogic appeals to the people? My judgment is you can't. You have got to have better police salaries, you have got to have better training, and you have got to get at a lot of underlying causes.

Mr. LAWRENCE. Senator Harris, can you confirm now that you are going to name former Vice President Humphrey as the head of this new Democratic Policy Committee, and if so, do you foresee the possibility of conflict with the Democratic leadership of the Senate and perhaps of the House?

Senator HARRIS. I will appoint the Democratic Policy Committee within this coming week, and I do intend to appoint Vice President Humphrey, the titular head of our party, as head of the Democratic Policy Council. I do not see any conflict between that committee, or that council, and the Policy Committee in the Senate, or with the leadership of the House. I have discussed this with them, and will be discussing it with them further before I actually make the announcements. But Senator Mansfield has made clear also that he doesn't see any conflict in there.

Mr. LAWRENCE. Will this committee include all of the '72 possibilities: Muskie, McCarthy, Kennedy, McGovern, Harris?

Senator HARRIS. I don't intend to do it on that basis. I have to enter another disclaimer about myself in '72. But I don't intend to do it on the basis of who is going to run for President, because goodness knows—but I do intend to try to follow the resolution; that is, choose leaders within the party, within the Congress, within the National Committee around the country, so there will be some governors, some mayors, some of our bright young stars, some of the leaders of Congress, with the National Committee itself to be represented. But primarily I intend to limit this committee, the council itself, to those who have been elected to party, or public office, and then we will have task forces under that council which will be made up of a great many other Democrats, some academic people, some of our brightest and coming young stars, and some people not yet stars, but whom we hope will be.

Mr. CLARK. Senator, back to the Vietnam War for a moment. Do you think that President Nixon's performance has lived up to candidate Nixon's promises that he had a plan to end the war in Vietnam?

Senator HARRIS. Well, I don't really want to get into that, because I think that gets tougher once you are in office than when you are a candidate. But I thought his statement was helpful. Now he is going out to see. Mr. Thieu—I am very worried about that. I think President Nixon has taken a commitment to the people of South Vietnam by his statements, not to any particular government, that we won't impose a government, and neither should Hanoi. So I think he ought to make that clear in his conversations with Mr. Thieu, that the commitment of the United States is to the people of South Vietnam and their free choice of their government. I was very concerned about President Thieu going to see President Park in South Korea and then traveling to Taipei just prior to this trip. I wonder what he intended to do by that, and whether by statements he intended to put further pressure on President Nixon to relax somewhat the commitment that President Nixon made to the people of South Vietnam. We mustn't do that.

Mr. CLARK. Well, Senator, the dispute seems to be over a coalition government and the extent to which Mr. Nixon is going to support the idea of a coalition government. Once again you seem to be in some dispute with Senator Mansfield, who has said that he feels we are moving relentlessly toward a coalition government.

Senator HARRIS. Well, I think that President Nixon made clear that all groups within the South, including the NLF, to the degree that any group will forego violence as the means of getting themselves to power, that they can take part in the government. Now, that means that we are moving, as Senator Mansfield has said, in that direction. My concern is that President Nixon not relax that in his talks with President Thieu. President Thieu has been making some other kind of statements lately and that concerns me very much, and as I say my question is: Does President Thieu intend by those trips and by that statement to put a greater pressure on President Nixon to relax in any of the talks with President Thieu what he has said, and that has amounted to a commitment, not to a government in the South, but to a commitment to the people of South Vietnam, a commitment which I think is in the right direction, and that we must keep.

Mr. LAWRENCE. Well, now, hasn't President Thieu, though, just about flatly said that he will not stand for a coalition government? How do you get agreement between these two men?

Senator HARRIS. Well, I think the President, you know—we have, we have spent over $100 billion out there, and we have spent more than 35,000 American lives, and I just think that President Nixon must make clear, as I thought he had begun to do the other night in his statement, that the people—what we are involved in, we are not going to escalate the limited objectives—and he made clear that we have limited objectives out there, and I think it is very good he should say that, because that is true. Now, we should not escalate those limited objectives. And that I just hope in his private talks with President Thieu, and in the communique which comes out of those private talks, that he will make clear that he is staying with what amounts, in my judgment, to a personal commitment, to a national commitment on his part to the people of South Vietnam, to choose their own government.

Mr. CLARK. Senator, I am sorry, but we are just about out of time. We could go on for some length, talking about the Vietnam war.

It has been a great pleasure having you with us on Issues and Answers.

Senator HARRIS. Thank you.

THE NATIONAL COMMITMENTS RESOLUTION

Mr. McGEE. Mr. President, the Senate will, before many days have passed, be considering the so-called national commitments resolution. The press has taken note of this fact, and lately has produced a number of editorials and columns which question whether this is the right approach for the Senate to take in reasserting its foreign policy role. As one who dissented when the resolution was reported to the Senate, I agree with the Christian Science Monitor, for instance, which has said the resolution does "seem to have dangerous possibilities." And I agree with columnist Charles Bartlett, who wrote on June 5:

The Senate obviously has a role to play in a transitional period of American foreign policy. But it will assume that role by dealing with the crucial questions instead of with peripheral issues like Senate Resolution 85.

Mr. President, I ask unanimous consent that the Monitor editorial and the Bartlett column be printed in the RECORD.

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

[From the Christian Science Monitor, May 20, 1969]

A RESTRICTIVE RESOLUTION

By the time Secretary of State Rogers returns from his two-week Asian tour, the Senate may have begun debate on Senate Resolution 85. The Senate had better be very certain that it knows what it's getting into.

This "National Commitments" resolution was developed by Sen. William Fulbright and his Foreign Relations Committee. It would declare it to be the "sense of the Senate" that the President shall make no commitment to any foreign nation unless that commitment be approved by Congress. A committee report further avers that the resolution's primary purpose is to assert congressional responsibility in any decision "to commit the armed forces of the United States to hostilities abroad, be those hostilities immediate, prospective or hypothetical. . . ."

Obviously the senators were thinking of Vietnam. Some committee members praise the resolution as reestablishing a necessary degree of congressional authority in foreign policy. The aim, they say, is to assure that a president won't again embark on some Vietnam-type of hostilities, with the Senate uncommitted and unconsulted. (Congress of course did give the president wide authority on Vietnam, in the Tonkin Bay resolution—and now wishes it hadn't).

Critics say the proposed resolution would be almost as dangerous a limitation on presidential authority as was the proposed Bricker amendment—that it represents senatorial pique and carries a strong whiff of isolationism.

Despite good senatorial intentions, the resolution does seem to have dangerous possibilities. (Resolutions don't have to be heeded by the White House, but they are influential.) In a time when swift response is needed, this resolution would mean that the White House would have to await the pleasure of the Senate. An atomic-age crisis might depend on a Senate quorum. Would President Kennedy have been able to move quickly and quietly in the Cuba missile crisis, if such a resolution had been on the books? Would President Roosevelt have been able to consummate his destroyer-bases swap with Britain?

It is of course essential that the Senate increase its influence and responsibility in foreign affairs. There has been overmuch presidential free-wheeling, particularly in the Johnson years. But the Senate can best boost its influence by convening competent committee hearings eliciting able testimony by holding influential debates on the floor, and by showing its own ability to respond to crises with clarity and dispatch. Congress will not improve matters by curtailing the freedom of the executive—by restricting the President's preeminence in foreign policy and his ability to act speedily in tune with fastmoving events.

[From the Washington (D.C.) Evening Star, June 5, 1969]

SENATE SEEKS PIECE OF THE ACTION

(By Charles Bartlett)

Still lacking a bite to match it barks of frustration at Congress' impotence in foreign affairs, the Senate has embarked on a complex nibbling operation.

The perennial mood to circumscribe execu-

tive power is being fanned by disappointment with President Nixon's stand against liberalizing East-West trade, by impatience with the Paris negotiations, and by the surge of popular sentiment against the military, focussed for the moment on the issue of the ABM.

One imminent reaction will be the Senate's consideration and probable passage of Senate Resolution 85, and assertion that a national commitment to a foreign power can only be executed through a treaty or convention that is approved by legislative action.

The resolution is designed to be a turning point in the erosion of Congressional power over foreign policy but it is conceded to be a small step, a splattering of balm which the State Department views with far less apprehension than it nursed toward the Bricker amendment in the 1950s.

The hard fact is that the disinclination of the executive branch to take Congress into partnership in foreign affairs is the growing legacy of a series of presidents whose earlier service as senators taught them that it is a mistake for any president to consult with Congress in a crisis until he knows exactly what he wants to do. As Harry Truman put it, "There can be only one voice . . ."

Congress is too hydraheaded an animal to be a comfortable partner in close deliberations on a taut situation. The President knows that he will bear the responsibility for the steps that are taken and he suspects that no member of Congress is as deeply immersed in the problem, from the standpoint of having read the cables and intelligence, as he and his staff. Presidents find it expedient to consult key legislators but difficult to take their advice.

Congress is spurred, on the other hand, by constitutional authorities who maintain it has been cowardly in deferring to executive wisdom. The quality of that wisdom is increasingly challenged by the disillusionment in Vietnam and by apprehensions of the entanglements that may arise from other commitments.

Senate Resolution 85 will not go far to balance the uneven tug-of-war. Congress has the constitutional power to declare war but the President holds the options in defending the national security. He is the Commander-in-Chief, empowered to meet the threats which he perceives.

More to the point is the suggestion by Sen. Gale McGee, D-Wyo., that the Senate concentrate on re-examining the assumptions and commitments which guide the President's conduct of foreign policy. The hypotheses on which treaties were ratified and bases were established in the 1950's should be restudied in the light of the new skepticism.

The SEATO Treaty, ratified 16 years ago with one dissenting vote, is a case in point. Few knowledgeable officials believe the end of the war in Vietnam will mark the end of guerrilla incursions against neighboring nations like Thailand and Cambodia. The threat of Communist takeover may be strong and the commitments are firm. How will the United States, fatigued and disillusioned with Southeast Asia react?

The key argument for the SEATO Treaty was derived from the NATO experience. "The pact is inspired," said Chairman Walter George of the Foreign Relations Committee, "by the conviction that a potential aggressor may be deterred from reckless conduct by a clearcut declaration of our intentions." While this premise had worked in Europe, it has proven inapplicable in Asia and the time is ripe for re-examination.

Senate dissent from the course of foreign policy is a valuable contribution when it bears on a situation in which options remain open. The weakness of much of the dissent on Vietnam has been its failure to provide alternatives. The senatorial pressure to reduce the troop commitment in Europe and the current scrutiny of the value of the base agreements in Spain, Greece and Turkey are far more useful.

The Senate obviously has a role to play in a transitional period of American foreign policy. But it will assume that role by dealing with the crucial questions instead of with peripheral issues like Senate Resolution 85.

PRISONERS OF WAR IN NORTH VIETNAM

Mr. FULBRIGHT. Mr. President, while the peace talks proceed in Paris without visible progress, North Vietnam has a significant opportunity to improve the negotiating atmosphere by performing a humanitarian service relating to prisoners of war. The bombing of North Vietnam, which resulted in so many Americans captured or missing in action—300 confirmed alive out of 1,400 missing—was halted more than 6 months ago. Still, according to the State Department, it has been impossible to obtain a list of the names of surviving American prisoners of war.

The North Vietnamese Government could perform a humanitarian service to the prisoners and their families, and also help to create a more favorable negotiating atmosphere by providing the names of the American prisoners of war; releasing sick and wounded prisoners on a reciprocal basis; permitting the regular delivery of mail; and allowing visits to the remaining prisoners by neutral representatives.

It is my sincere hope, as I know it is that of other critics of the war. that the North Vietnamese Government will see fit to take the steps suggested.

NEW JERSEY EDUCATORS ARE MEETING THE CHALLENGE OF EDUCATION

Mr. WILLIAMS of New Jersey. Mr. President, on Thursday, April 17, I had the honor of attending the Essex County Education Association's annual legislative dinner in Newark, N.J. It was a most impressive event. The more than 1,000 educators who attended were there to demonstrate their concern for quality education.

At the dinner, Alan Davenport, of Irvington, N.J., president of the association, delivered an address entitled "The Challenge of Crises." He eloquently and succinctly described many of the problems facing the education profession. His comments showed that our Nation's teachers want to provide the best possible education for young people. However, as Mr. Davenport also stated, educators must receive more help from government on all levels if relevant education is to be provided. I think it our duty as legislators to provide that assistance so that it will be commensurate with the dedication shown by Mr. Davenport and his fellow educators.

Because of the importance and relevancy of Mr. Davenport's comments, I ask unanimous consent that his speech be printed in the RECORD.

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

THE CHALLENGE OF CRISES

The theme of our dinner tonight is a pertinent one. There are crises and there are challenges around and among us in increasing amount. Because of our existence in Essex County as concerned educators, officials and parents, we must seek ways to resolve crisis by thoughtful and foresighted planning rather than by abrupt and destructive confrontations.

Last April many of you were in attendance when our Annual Dinner was brought to a sudden and shocking close by the news of the assassination of Dr. Martin Luther King. The major address of an excellent speaker, Braulio Alonzo, then NEA President, was not heard that night. It was to have been concerned with problems of inter-group relationships throughout the country as he had observed and discussed said problems. The fact that we cut a program short was a minor crisis. The fact that Dr. King had been assassinated was a major crisis. The fact that we did not know what was happening in the streets outside our meeting was a major crisis, for in many cities around the country the assassination was a trigger for violence and strife.

Tonight we have no single keynote speaker. We feel privileged to present a number of distinguished speakers who are working daily to meet the needs of our area in terms of planning and legislation. Before we move to these sections of the program, I have been requested to present the concerns of the leaders of our local education associations in Essex County. My remarks will be primarily based upon the points brought out in a most stimulating discussion held at a local presidents' Roundtable last month.

First let me state that most of the concerns of educators throughout the county are based upon factors over which we have had little control. This is a county of vast disparities, containing the largest school district in the state and also several with under 50 staff members. It contains areas of economically and culturally deprived blacks and areas of whites with exceptionally high average incomes. Today, wherever such disparities exist the seeds of polarization and conflict also exist.

Many of our concerns have statewide origins. We are concerned about proper teacher preparation. The facilities for higher education in New Jersey are historically, presently, and as planned for the future, in no way adequate for our needs; and yet we live in one of the most highly urbanized and wealthiest states in the nation. We are concerned that our state institutions may be trying to expand the top of the plant by trimming the roots; that we may be trying to develop more placement for liberal arts students in higher education at the expense of teacher training. We simply lack proper facilities and financing to do both.

Some of our specific concerns with teacher training are the following questions:

Where are we preparing the teachers to be capable of starting their service with successful experiences in inner city schools?

Are we developing programs which prepare teachers to lead their pupils in the growth of proper values concerning respect for all others in our society and the ethical values which go with this concern?

Are our teacher preparation courses sufficiently realistic in subject matter, innovative in procedures, adequate in student teaching experience and small enough in class size and teacher load to develop the kinds of starting teachers we so desperately need?

Many of the items of concern over higher education have been caused by the same basic problem which has caused concerns in the K to 12 public schools; the problem of school finance. Our public schools are financed in far too great a proportion by the

local property tax. Their progress is retarded by the fact that this is the closest tax area and citizens who are upset by rising costs of local, county, state and federal government often find they can be effective only in defeating local school budgets. Their protests against spiralling costs in all areas result in local school budget cuts. We, who feel so strongly concerning the importance of education that we have chosen this field for our major life's endeavor, feel wounded when a budget is cut, for it means expansion of some programs are also cut.

Perhaps we need a state income tax so that more citizens will pay a share of state aid to education. Perhaps we need expansion of the sales tax. Perhaps we need more excise or inheritance taxes. Certainly what we don't need is a continuation of the patchwork system which has grown up in this state. Probably we need a state tax convention or some other method of development of a master plan for equitable state taxation. Certainly we need greater state aid to educational expenses at all levels and a more equitable aid program in terms of the needs of the areas involved.

Some specifics on needs: In the Newark schools, where there is the greatest need for small group instruction, some 600 additional teachers would have to be hired to limit class sizes to 30. In all our inner city areas there is a problem brought about by our transient population. Some schools are running out of space on their registers because so many families move about within a district. We also have problems caused by the transient teachers. Turnover of staff is at a very high level throughout much of the county. A planned program for development can only be carried out where a large majority of the staff are going to remain within a school for a long enough period to see it implemented.

The final great concern of educators in this county is in terms of communications. The two major areas of the problem are the communication in terms of staff and school board and the communciation between staff and pupils.

Perhaps some chaos is necessary to realize the needs for orderly systems. The present situation in terms of negotiations and so called teacher militancy is a peaceful evolution in some systems and rather chaotic in others. We are finally coming down to a point of developing some specific ground rules. Hopefully the role of the teacher, the administrator, the board of education member and the parent will be accurately defined when we have finished. The negotiation of a comprehensive contract within a district is a new way of stating the rights and responsibilities of all those directly involved in the educational system. Let us hope that no one person or group becomes so excited about any one particular prerogative that they lose sight of the goal of setting a smooth pattern for the entire process of educating our children.

Communication between educators and their pupils is a far more complicated problem. We're all concerned with the so-called "generation gap" and are beginning to realize some of the causes, which is a first step in planning solutions. Our standards are so different from those of many of the pupils we teach, and it is small wonder. Most of us were not brought up in an age when television was the center of most of our pre-school education or the competing factor for most of our interest during our school days. Do children expect every teacher to have the polish, knowledge, talent and poise of the entertainers they observe daily on their television screens? None of us were raised in today's "anything goes" attitude towards the presentations on screen, stage and in books of much which would have been (or was) labelled obscene a few years ago. Legal rights of those thought guilty of crimes against society have been redefined, and naturally the rights of pupils in our schools have also been redefined. It is hard for many educators to adjust to changes in standards. Whenever an educator is having a hard time adjusting to a situation, there are always some of his charges present who will find a way to use this factor in terms of a trying-out or challenge to his authority.

One interesting sidelight concerns dress codes. This is far more a problem in the more affluent, suburban communities than in the inner city where low incomes are a problem. The feeling at our president's roundtable was that the suburban kids protested that they had the right to dress as sloppily as they pleased, because they had fewer really important issues to protest (and the right to protest is important to youth today). In the inner city schools the pupils dress as well as they can because they have a feeling of pride in dress and wish to show that they are important in this world.

Because all people have value to society simply by being themselves with their own contributions to make, it is a shame we can't do more to foster this feeling of presenting the best of each of us to the world around us. It is so important to those who are growing up. It is also important for those of us who are planning the way in which they grow. Let us have more planning to solve problems, more challenge for a better world and fewer crises in our country.

MEANINGFUL REHABILITATION FOR PRISON INMATES

Mr. GOODELL. Mr. President, on March 28 I attended a rather unusual graduation ceremony. Prison inmates do not ordinarily receive diplomas, but at Sing Sing Prison, in Ossining, N.Y., 16 men recently completed a pioneering in-prison computer programing training course conducted for the New York State Department of Corrections by the Electronic Computer Programing Institute—ECPI. Nine of the graduates are currently inmates, and seven who were recently paroled returned for the awarding of their diplomas.

This program is a breakthrough in our efforts to provide meaningful rehabilitation as a part of our penal system. What we need and seldom have had are men returned to public life, fully rehabilitated, from our correctional institutions. Vocational and educational programs must be a part of their preparation to rejoin society. Because this program is designed for the principle purpose of trying to reshape, redeem, and reclaim men's lives, it is a living example of hope and a model for future advances in this area.

Mr. President, I ask unanimous consent that the text of my speech at the Sing Sing graduation, a statement by Sidney Davis, president of ECPI, and an editorial from the New York Times on this event be printed in the RECORD.

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

GOODELL URGES EMOTIONAL AS WELL AS PHYSICAL RELEASE FROM PRISON CHAINS

(Remarks made by Senator CHARLES E. GOODELL on the occasion of a graduation ceremony at Sing Sing Prison for inmates completing a computer training course)

Of all of the degrading cycles of man, one of the most self-defeating is that of crime, prosecution, and imprisonment.

"The degree of civilization in a society," Dostoevski wrote in the 'House of Dead' "can be judged by entering its prisons."

If we accept Dostoevski's dictum, our society is less civilized than we pretend.

Now in this last great wilderness of social reform, a new symbol of hope has emerged. What we find in the Electronics Computer Programming Institute is infinitely more than just a symbol. It is a program designed for the principal purpose of trying to reshape, redeem, and reclaim men's lives.

The Computer Programming's innovative approach offers, a much needed, serious attempt at freeing those individuals so bound by that unholy troika, which kills the spirit and souls of men.

What society requires, and so seldom has had, is men returned to public life fully rehabilitated; or in the words of Webster, "restored to health."

For too long our correctional system has been shielded from public view and too slow to change. The consequences have been depressive, not just for a society on the outside which is free, but even more depressing for the imprisoned one.

Change, therefore, is imperative.

What is occurring here in Sing Sing is a momentous step forward. It is heartening that man can make use of coldly calculating computers to bring warmth, hope and understanding to other men; men who but for this search for solution, would be doomed to the hopelessness of the self-defeating cycle.

Nor should this be mistaken for a so-called "soft" attitude; on the contrary it is a "hard" attitude; hard in the sense that it is unafraid to grapple with facts, unafraid to admit error and unremitting in its search for light, where darkness now exists.

This approach, as any sound corrective program should, seeks to make certain that the newly entering inmate doesn't become infected with the psychological virus—"Abandon hope, all ye who enter here."

There must be more than opportunity for rehabilitation—rehabilitation must be made a part of the general theme of prison life.

Certainly the more heinous the crime the more harsh and lengthy should be the punishment. However, no one has been able to provide for us a definitive answer to the question as to how much time it takes to rehabilitate a man.

Chronology is not the yardstick by which to measure man's inner sense of search for social fulfillment.

Too often lengthy prison experience, rather than better preparing a man to exist harmoniously in the streets, often winds up drawing him further away.

The prisons of tomorrow must offer greater opportunity for the imprisoned to know and to better understand the other massive part of society so that he might be able to return to a rightful place there with a sense of dignity.

Presently, prisoners spend most of their time with other inmates consoling with one another and thereby accumulating unbalanced viewpoints of mankind's aspirations and potential.

In re-evaluating our approach to the prisoner, we must consider the utilization of untapped manpower. The successfully rehabilitated ex-convict has been shut off from many of our prisons.

Yet, this model is a living example of hope, a condition which many have abandoned.

The ex-offender knows the language, can recognize the feelings and can identify with the problems of the inmate. If former inmates can be used to work with the imprisoned, we can establish a realistic bridge to the offender. We have learned how the former alcoholic has dealt with the drunk, how the ex-addict deals with the narcotics user.

Thus, our prisons should not be afraid to open their doors to former residents. We must utilize the knowledge of those who have successfully returned to society. They

can help the man in the yard, who has no one to listen to but the already hardened convict talking out of the side of his mouth about what he'll do and to whom when he hits the street.

Man's spirit cannot be lifted if he is made to feel that he is forever consigned to halls of hopelessness.

We must help men to find meaningful alternatives.

There *must* be . . . there *has* to be a constant research for better ways to fight crime. Given the frailty of the human being obviously a total abstinence from sin is a Utopian dream. Man, therefore, uses punishment to prevent the breaking of his laws. And make no mistake; punishment is often an important factor in deterring crime; those who raise children are well aware of this fact. The question is when does the deterrent force go beyond its preventive point and become an emotional act of vengeance on the part of an irate community conscience.

Too often there are those among us who see punishment as a form of revenge for the transgression of the weak; an exacerbated Calvinistic attitude that breeds added resentment in the heart of the transgressor.

We demand of this offender that he spend some number of years in a social environment completely antipathetic to the social system he has just left and to which he will return upon his release.

This in itself is madness.

Can we expect a human being who comes into a penal institution already having shown a lack of understanding of his proper role in society to then magically absorb this understanding through constant exposure to a prison society inimical to that one outside the walls?

The obvious answer is that greater thought and greater effort must be given to preparing the inmate for the day of his release.

It is fine and wonderful that he be prepared academically and vocationally; employment will be a basic need; but an even greater need is the need to fully comprehend his role as a human being among other human beings.

We must help to mend broken lives so that thinking and aspirations become realistic.

A man released from prison can either make it or he can return to his former life of crime. This is our challenge.

As Oscar Wilde wrote in the Ballad of Reading Gaol:

"This too I know—and wise it were
If each could know the same—
That every prison that men build
Is built with bricks of shame,
And bound with bars lest Christ should see
How men their brothers maim."

STATEMENT BY SIDNEY DAVIS, PRESIDENT, ELECTRONIC COMPUTER PROGRAMING INSTITUTE, SING SING PRISON, MARCH 28, 1969

We at ECPI first came to the New York State Department of Correction and Sing Sing Prison 16 months ago with an idea. An idea to train prison inmates in computer programming. It was an idea that we were pretty sure would work—and today, only a year and a half later—a short time really, to originate and implement such a program—and get results—we have the evidence that it does work.

It works because it meets a need.

More and more we hear the words, rehabilitation, training, opportunity. These words signify a new awareness of the fact that as a society we must provide greater opportunity to more of our citizens—to all of our citizens.

In working through our schools, with tens of thousands of men and women from all backgrounds, young high school graduates, men in their thirty's and forty's with families to support, who find themselves in dead-end jobs, people on the welfare rolls referred to us by government agencies, aggressive people seeking a firmer grasp on a rising career—I have come to recognize a common current of desire—a desire for opportunity. These people seek an opportunity to prove themselves—and to improve themselves.

Because our society puts an ever greater demand on skills, on special training and experience, on ability—the people without an opportunity are left out. And they react accordingly.

I would pose the question: Where would these men graduating today be now if we could have offered them the same opportunity for education and training earlier in their lives?

We must extend the borders of opportunity. We must provide meaningful rehabilitation in human terms. Rehabilitation and training that has meaning. That offers people a genuine opportunity to prove their worth. Programs such as we are witnessing today, are not limited in application to prisons. They can be adopted by other institutions, by other Federal and state agencies, concerned with the basic problem of opportunity. You can call it poverty programs, rehabilitation programs, wider employment programs—but it comes down to opening the door to opportunity.

And that is what he had in mind when we first proposed this computer training program to Commissioner McGinnis and Warden Deegan.

We had confidence in the idea because we knew there was a need for computer programmers. Industry and business were crying for trained men. We had confidence, because we knew what was needed to make a computer programmer, and we had the knowledge, techniques and ability to train these men.

We knew we weren't working in a vacuum. The skills that these men learned here, would enable us to place them in responsible jobs when they left prison.

We can claim success because these men here today displayed a dedicated interest in learning a profession—and they had the motivation. That's the key word, *Motivation*. These men hoped that with the proper training in computer programming that a meaningful new career would be open to them—a career that offers dignity and respect. Members of our original pilot class had the same hopes and expectations. Ten members of that first class have been released and are working in the data processing field. Some of these men are sitting in our audience today. They now find that their hopes have become reality.

We are proud of these special students of ours—they have proved that they are willing to work, to study and learn. And in completing this course they have displayed a high level of ability. It's not an easy course; it's the same one we use in our 100 schools across the country. It's up-to-date with modern data processing procedures and language, and to complete it the student must show he has mastered programming language and techniques.

The computer training program here in Sing Sing has brought a special satisfaction to us at ECPI. The ceremony here today signifies more than the completion of one manpower training program. It is to us, a forerunner of many similar graduation ceremonies in institutions across the country. With our success here we have been able to introduce similar programs in two other prisons—the Lebanon Correctional Institution in Ohio, and the Luzerne Prison in Pennsylvania. Prisons in several other States are currently looking into computer programming training with extreme interest.

Rehabilitation and training programs such as this offer great hope to many, many men in our society. If we can reach more young men and women, before they get into trouble—if we can offer them an opportunity for training—a chance for a meaningful career—maybe then the need for programs such as this will lessen.

Maybe, someday, if we can reach these people in time, we can rebuild this institution into a great training and educational facility dedicated to hope and to the future—and not to the principle of imprisonment—I am sure that Commissioner McGinnis and Warden Deegan would join me in looking forward to such a day.

[From the New York Times]

SING SING'S GRADUATION

It was an unusual ceremony that told something about the graduates, something about the institution and something about society. The Sing Sing band, strong in the brass section, filled the wedge-shaped auditorium with a rousing rendition of "The Star-Spangled Banner," and the graduation speakers included Godfrey Cambridge, the comedian, and James Earl Jones, star of "The Great White Hope." Senator Charles E. Goodell told the graduating class, sitting erect and attentive, that it was probably the most law-abiding graduating class of the year.

The sixteen graduates had completed a pioneering in-prison course which qualified them as computer programing trainees, a classification that can mean up to $10,000 a year, with prospects for rapid advancement. Nine of the graduates were prisoners, scheduled for release soon. Seven had been inmates until recently and returned for the ceremony.

Not all prison inmates can be trained as computer programers, of course, but the initial success at Sing Sing illustrates that inmates can be trained for a far wider and more rewarding range of jobs than they have been in the past. There is little market outside of prisons for automobile license plate makers.

Job training as well as individual rehabilitation efforts have been too generally ignored in penal institutions that tend, even now, to consider themselves only holding operations in the war against crime. Correctional institutions are not correcting. Of all the men now in prison, about 40 per cent will be back after their release. This is an unacceptable figure which society has accepted for too long. Sing Sing itself has to graduate into the role of rehabilitation center, as do other prisons elsewhere. Last week's ceremony was welcome evidence that it is going to try.

FULL FUNDING OF EDUCATIONAL PROGRAMS

Mr. MUSKIE. Mr. President, throughout the Nation there is an urgent demand that Congress face honestly and forthrightly the funding problems of educational programs and agencies.

Each level of education from kindergarten through graduate school is interrelated and depends upon the work done by the other. We in Congress have recognized the interlocking nature of educational programs, and we have enacted legislation covering education from Headstart through graduate school.

But what has happened to these educational programs? Why is there growing concern over the future of Federal aid to education in this country?

Let us look at the budget estimates which will shortly be considered before the Subcommittee on Appropriations presided over by the able senior Senator from Washington (Mr. MAGNUSON).

We find in the requests for student aid funds—loans under title II of the National Defense Education Act, the edu-

cational opportunity grant program and the college work-study program—that only $461 million will be available for these three major financial assistance programs to college students, although colleges and universities asked for $814 million.

For NDEA title II loans, the President is asking for only $155 million. Last year the Congress provided $190 million. That did not meet the need. We ought to do better, for the need is greater.

Under the category of academic facilities construction, we find another example of a disparity between promise and performance. According to projections made by the spokesmen for higher education institutions before the Subcommittee on Education there is an annual need in the United States for about $4 billion for college academic facilities construction. Under the construction statute as amended, up to 50 percent of the cost could be met as a Federal share.

Congress authorized $1,074,750,000 for construction for fiscal year 1970 for 2- and 4-year colleges and graduate facilities. The amount contained in the revised budget is $65,850,000—less than 5 percent of the authorization. No construction funds are provided for 4-year undergraduate facilities. No construction funds are provided for graduate facilities.

In my own State of Maine, if this budget is accepted, our smaller schools, which have proceeded in good faith with their construction plans, will be in very serious difficulty. I have spoken to the administrative heads of some of these schools and I know their situation. Their problem is duplicated in State after State, school after school, throughout the Nation.

But this is not the only area of concern. Title II of the Elementary and Secondary Education Act, which pertains to school library resources for public and private elementary and secondary schools, was entirely eliminated from further funding in the revised budget. Last year, for this purpose, $253,111 was appropriated for the State of Maine, and that was not the full authorization. The Maine Bureau of Secondary Education estimates that approximately 257,000 school pupils will have fewer library books and other resources next year if the appropriation for title II, ESEA, is eliminated; 425 schools in Maine which are without libraries will be unable to to establish these vital instructional centers.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed material which was made available to me by the American Library Association containing information on the effect of the proposed fiscal year 1970 library budget cuts in the State of Maine.

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

LIBRARY SERVICES AND CONSTRUCTION ACT

The reduction in Title I appropriations, public library services, recommended by the Administration and the elimination of any funds for Title II, public library construction, will have a serious effect on development in the State of Maine, as shown by the following figures.

State	Title I—Services: Fiscal year 1969 allotments	Title I—Services: Fiscal year 1970 budget (estimated allotment)	Title II—Construction: Fiscal year 1969 allotments	Title II—Construction: Fiscal year 1970 budget (estimated allotment)
Maine	258,291	165,022	106,355	0

ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE II—SCHOOL LIBRARY RESOURCES*

According to the Maine Bureau of Secondary Education, approximately 257,500 school pupils will have fewer library books and other resources next year if the appropriation for ESEA II is drastically reduced or eliminated. All children will be affected, but Indian children will be especially hurt.

A reduction in federal funds under this title will mean that 425 schools in Maine which are without libraries, will still be unable to establish these information centers. Maine schools need the stimulus of federal support in order to improve the quality of school libraries in the State, most of which still do not meet either nationally accepted standards or the standards set by the State.

HIGHER EDUCATION ACT—TITLE II–A—COLLEGE LIBRARY RESOURCES*

William C. Ahrens, Librarian of the University of Maine, reports that his institution needs supplemental grants under HEA II in order to support new curricular programs with back files of journals, and extensive purchase of out-of-print and original material. Federal support is also needed for the filming of old Maine newspaper files and other historical records of the State and New England.

Kenneth P. Blake, Jr., Librarian of Colby College, reports that new courses in minority group history and culture has increased the demand for library materials. The Colby College Library is in need of federal grants for the purchase of both printed and audiovisual materials, and audio-visual and television equipment.

Mr. MUSKIE. Mr. President, in addition, from the same source, I ask unanimous consent to have printed in the RECORD a program summary for fiscal year 1968 covering the operation in Maine of the Library Services and Construction Act as amended.

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

MAINE LIBRARY SERVICES AND CONSTRUCTION ACT, AS AMENDED

PROGRAM SUMMARY OF FISCAL YEAR 1968

In fiscal 1968, Maine participated in all five programs of the Library Services and Construction Act. Titles I and II were continued from previous years; Titles III, IV–A, and IV–B were initiated as operational programs under the plans which had been developed in fiscal 1967. No matching funds were required for Titles III and IV in fiscal 1968.

PROGRAM FUNDS FISCAL 1968

Title	Total	Federal obligation
I, public library services	$431,760	[1] $255,257
II, public library construction	571,263	321,311
III, interlibrary cooperation	5,127	[2] 5,127
IV–A, State institutional library services	33,377	[2] 33,377
IV–B, services to the handicapped	20,099	[2] 20,099
Total	1,061,626	635,171

[1] Full allotment of $258,291 was not earned.
[2] Did not use full Federal allotments

*Information compiled from replies to questionnaires sent out by ALA Washington Office at the time of the January 1969 budget recommendations.

Title I. Public library services

Seven projects were carried on under this title, four of which were new in fiscal 1968. The largest, and oldest, project is the bookmobile service which brings service to 133,000 residents of Maine, still with little or no public library service. Eight bookmobile areas cover sixteen counties. Two Indian Reservations are served in Washington county.

Two other on-going projects are the publication of the *North Country Libraries*, and the maintenance of the *North Country Library Film Cooperative*. These are jointly funded with Vermont and New Hampshire. *North Country Libraries* is sent to all 253 public libraries in the State, and to all 1,600 trustees. The Film Cooperative reports continued increase in use:

Films borrowed			*Audience*	
1967	934	1967		41,021
1968	1,603	1968		50,033

Incentives to inservice training for librarians in towns of 10,000 population or less were offered through new scholarships to the Public Library Techniques course at the summer session, University of New Hampshire. Four librarians took the course. Two hundred and four (204) town libraries in Maine serve populations less than 10,000, so the training problem is great.

In an effort to encourage public libraries to attain Maine's minimum standards adopted in the Maine State Plan for Service, a new incentive project of periodical grants was carried out in 1968. (Companion project in 1967 was a reference book grant.) With emphasis on meeting the standard for library hours open, the project provided to such eligible libraries the opportunity to select one-year subscriptions to their choice of certain periodicals and periodical indexes. The purpose of the grants was to demonstrate the need for extensive periodical use in study and research. Sixty-eight (68) libraries participated.

Two more new projects in fiscal 1968 address themselves to the great problem in Maine of better understanding of the library programs in order to show the need for an increase in State and local support. A consultant to trustees was retained on a part-time basis to provide advice, education in library trusteeships, and program development. Only two other States have such a position. Response to this consultant's work has been good. The project is being continued as a long-range necessity.

Similarly, another new effort is being made with a public relations firm to attain better knowledge and acceptance of the library as a public service institution. Publicity in all media, publications, and special program design, such as for National Library Week, has been included in the 1968 project.

Title II. Public library construction

The one construction project on-going in 1968 is the Maine State Library and Cultural Building. Construction is under way, with completion anticipated in 1970.

Title III. Interlibrary cooperation

Establishment of the teletype-telephone network did not take place until March 1968, due to late funding. Four teletype machines in public libraries, Auburn, Bangor, Portland, and Waterville; four in colleges, Bates, Bowdoin, Colby, and University of Maine, are linked with the teletype in the State Library. Thirty-six (36) other public libraries and eleven (11) other colleges are furnished with a WATS telephone line, providing ex-

tensive coverage for interlibrary loan and reference question service.

A second project which is being supported under Title III is the development of area library councils. These councils consist of members from all types of libraries within a given area or community and have as their purpose the local development of cooperative activities.

Title IV–A. State institutional library services

The eight State-supported institutions in Maine have cooperated heartily in developing plans for improved library services to inmates of the correctional institutions, mental hospitals, and the School for the Deaf. Title IV–A funds were used to provide books and audiovisual materials, to improve quarters, and to organize existing collections. The State Library position of consultant to institutional libraries still remains vacant, so full implementation of the program has not yet been effected.

Title IV–B. Library services to the physically handicapped

The Maine Division of Eye Care and Special Service is being reimbursed from Title IV–B funds for additional library services to handicapped individuals. Talking book machines and mechanical aids, such as page turners, are being placed in public libraries for demonstration and publicity. Sixty-nine (69) libraries received collections of large-print books, totalling 2,123 copies. A series of regional meetings has been held to publicize and encourage use of these materials and pieces of equipment.

The officer responsible for administering the State Plan is Miss Ruth A. Hazelton, State Librarian, Maine State Library, Augusta, Maine.

Mr. MUSKIE. Mr. President, not only have funds for library resources in the Elementary and Secondary Education Act been eliminated. Library services have been reduced by one-half, and funds for construction of new public libraries have been entirely eliminated.

It is hard for me to understand why this service, open to all Americans, which has had unquestioned public acceptance for decades, merits the cold lines contained in the explanation of the 1970 budget:

In line with general policy to defer new construction starts in a tight budget, this reduction will eliminate funds for about 90 library construction projects from the 1970 budget.

I submit that the explanation given is susceptible only to the interpretation that education and the library, a component of education, are considered to be of "low priority." I hope and trust that Congress will show that it does not share this estimate of the value and utility of the services of the dedicated members of the teaching and librarian professions.

In the field of special education aids to elementary and secondary schools, the administration proposes to reduce ESEA title III from an authorization of $566,500,000 to $116,393,000. NDEA title V-A, guidance, counseling and testing, is eliminated, as well as NDEA title II for equipment and remodeling.

Congress has authorized $8,896,418,925 for education programs in fiscal year 1970. In the professional judgment of the U.S. Office of Education, $4,579,178,455 is needed to carry out the agency's responsibility for these programs. Yet the administration has proposed an education budget of $3,221,745,455. This is $5,576,673,470 less than authorized, and $1,357,433,000 less than requested by the professional staff at the U.S. Office of Education. These figures are a matter which should be given careful scrutiny by all of my Senate colleagues as in the months to come we are asked to exercise responsibility through our approval of the appropriation bills and conference reports which will come before the Senate.

Mr. President, I ask unanimous consent that there appear at this point in my remarks the full history of the 1970 budget of the U.S. Office of Education.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, SUMMARY OF FISCAL YEAR 1970 HISTORY

Appropriation and activity	Fiscal year 1969		Fiscal year 1970				
	Authorization [1]	Appropriation [2 3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments
Elementary and secondary education	$3,249,059,274	$1,475,993,000	$3,612,054,470	$1,553,855,000	$1,558,327,000	$1,525,876,000	$1,415,393,000
School assistance in federally affected areas	640,112,000	521,253,000	701,593,000	458,502,000	315,167,000	315,167,000	202,167,000
Education professions development	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000
Teacher Corps	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000
Higher education	1,689,428,706	815,444,000	1,981,700,000	1,204,372,000	1,071,188,000	897,259,000	780,839,000
Vocational education	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000
Libraries and community services	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000
Education for the handicapped	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000
Research and training	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000
Education in foreign languages and world affairs	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000
Research and training (special foreign currency)	(4)	1,000,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000
Salaries and expenses	(4)	40,804,512	(4)	58,412,000	46,725,000	43,375,000	43,375,000
Civil rights education	(4)	10,797,000	(4)	16,500,000	13,800,000	13,750,000	20,000,000
College for agriculture and the mechanic arts	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund	(4)	0	(4)	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000
Total	7,479,682,435	3,676,599,967	8,895,358,925	4,579,178,455	3,987,694,455	3,591,314,455	3,221,745,455
Elementary and secondary education:							
Educationally deprived children (ESEA–I)	2,184,436,274	1,123,127,000	2,359,554,470	1,171,500,000	1,226,127,000	1,226,000,000	1,226,000,000
Local educational agencies (ESEA–I)	(2,072,075,264)	(1,020,438,980)	(2,238,402,205)	(1,061,414,905)	(1,115,347,932)	(1,115,222,202)	(1,115,222,202)
Handicapped children (ESEA–I)	(29,781,258)	(29,781,258)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)
Juvenile delinquents in institutions (ESEA–I)	(12,459,014)	(12,459,014)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)
Dependent and neglected children in institutions (ESEA–I)	(1,487,086)	(1,487,086)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)
Migratory children (ESEA–I)	(45,556,074)	(45,556,074)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)
State administration (ESEA–I)	(23,077,578)	(13,404,588)	(24,727,070)	(13,659,900)	(14,353,873)	(14,352,603)	(14,352,603)
Dropout prevention (ESEA–VIII)	30,000,000	5,000,000	30,000,000	27,000,000	27,000,000	24,000,000	24,000,000
Bilingual education (ESEA–VII)	30,000,000	7,500,000	40,000,000	15,000,000	10,000,000	10,000,000	10,000,000
Supplementary educational centers (ECSA–III)	527,875,000	164,876,000	566,500,000	214,000,000	172,000,000	172,876,000	116,393,000
Library resources (ESEA–II)	167,375,000	50,000,000	206,000,000	41,400,000	46,000,000	42,000,000	0
Guidance, counseling, and testing (NDEA V–A)	25,000,000	17,000,000	40,000,000	19,800,000	18,000,000	12,000,000	0
Equipment and minor remodeling (NDEA–III)	204,373,000	78,740,000	290,000,000	16,155,000	17,950,000	0	0
Grants to States	(96,800,000)	(75,740,000)	(105,600,000)	(13,155,000)	0	0	0
Loans to nonprofit private schools	(13,200,000)	(1,000,000)	(14,400,000)	(1,000,000)	0	0	0
Equipment and minor remodeling (NDEA–III):							
State administration	[5] (10,000,000)	(2,000,000)	[5] (10,000,000)	(2,000,000)	0	0	0
Grants to local educational agencies	(84,373,000)	0	(160,000,000)	0	(17,950,000	0	0
Strengthening State departments of education (ESEA–V)	80,000,000	29,750,000	80,000,000	35,000,000	32,000,000	29,750,000	29,750,000
Grants to States	(76,000,000)	(28,262,500)	(76,000,000)	(33,250,000)	(30,400,000)	(28,262,500)	(28,262,500)
Grants for special projects	(4,000,000)	(1,487,500)	(4,000,000)	(1,750,000)	(1,600,000)	(1,487,500)	(1,487,500)
Planning and evaluation (ESEA Amendments of 1967, IV)	(4)	0	(4)	14,000,000	9,250,000	9,250,000	9,250,000
Total	3,249,059,274	1,475,993,000	3,612,054,470	1,553,855,000	1,558,327,000	1,525,876,000	1,415,393,000
School assistance in federally affected areas:							
Maintenance and operation (Public Law 874)	560,950,000	505,900,000	622,246,000	434,929,000	300,000,000	(300,000,000)	187,000,000
Payments to local educational agencies	(530,950,000)	(475,900,000)	(588,796,000)	(401,479,000)	(266,550,000)	(226,550,000)	(153,550,000)
Payments to other Federal agencies	(30,000,000)	(30,000,000)	(33,450,000)	(33,450,000)	(33,450,000)	(33,450,000)	(33,450,000)
Construction (Public Law 815)	79,162,000	15,153,000	79,347,000	23,573,000	15,167,000	15,167,000	15,167,000
Assistance to local educational agencies	(66,162,000)	(1,107,000)	(68,240,000)	(12,513,000)	(3,000,000)	(3,000,000)	(3,000,000)
Assistance for school construction on Federal properties	(13,000,000)	(13,000,000)	(11,107,000)	(10,000,000)	(11,107,000)	(11,107,000)	(11,107,000)
Technical services	(4)	(1,046,000)	(4)	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

Appropriation and activity	Fiscal year 1969		Fiscal year 1970				
	Authorization [1]	Appropriation [2 3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments
School assistance in federally affected areas—Continued							
Evaluation	(4)	$2	(4)	0	0	0	0
Total	$640,112,000	521,253,000	$701,593,000	$458,502,000	$315,167,000	$315,167,000	$202,167,000
Education professions development:							
Preschool elementary and secondary	350,000,000	95,000,000	440,000,000	145,000,000	115,000,000	104,500,000	95,000,000
Grants to States (EPDA pt. B-2)	(50,000,000)	(15,000,000)	(65,000,000)	(20,000,000)	(20,000,000)	(15,000,000)	(15,000,000)
Training programs (EPDA pts. C, D, & E)	(300,000,000)	(80,000,000)	(375,000,000)	(125,000,000)	(95,000,000)	(89,500,000)	(80,000,000)
Encouragement of educational careers (EPDA sec. 504)	2,500,000	0	5,000,000	1,500,000	1,500,000	500,000	0
Total	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000
Teacher Corps: Operations and training (EPDA pt. B-1)	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000
Higher education:							
Program assistance	69,541,706	63,691,000	161,120,000	70,772,000	74,772,000	48,620,000	42,120,000
Strengthening developing institutions (HEA III)	(35,000,000)	(30,000,000)	(70,000,000)	(35,000,000)	(40,000,000)	(35,000,000)	(30,000,000)
Colleges of agriculture and mechanic arts (Bankhead-Jones Act)	(12,120,000)	(11,950,000)	(12,120,000)	(12,272,000)	(12,272,000)	(12,120,000)	(12,120,000)
Proposed supplemental	(7,241,706)	(7,241,000)	0	0	0	0	0
Undergraduate instructional equipment and other resources:							
Television equipment (HEA VI-A)	(1,500,000)	(1,500,000)	(10,000,000)	(1,500,000)	(1,500,000)	0	0
Other equipment (HEA VI-A)	(13,000,000)	(13,000,000)	(60,000,000)	(13,000,000)	(13,000,000)	0	0
Institutional sharing of resources (HEA VIII)	(340,000)	0	(4,000,000)	(4,000,000)	(3,000,000)	(750,000)	0
Improvement of graduate schools (HEA X)	(340,000)	0	(5,000,000)	(5,000,000)	(5,000,000)	(750,000)	0
Construction	1,068,000,000	106,753,000	1,074,750,000	292,100,000	240,816,000	171,770,000	65,850,000
Public community colleges and technical institutes (HEFA I)	(224,640,000)	(50,000,000)	(224,640,000)	(83,700,000)	(67,000,000)	(43,000,000)	(43,000,000)
Other undergraduate facilities (HEFA I)	(711,360,000)	(33,000,000)	(711,360,000)	(166,300,000)	(133,464,000)	(87,000,000)	0
Graduate facilities (HEFA II)	(120,000,000)	(8,000,000)	(120,000,000)	(30,000,000)	(25,577,000	(20,000,000)	0
Construction:							
Interest subsidization (HEFA III)	(5,000,000)	0	(11,750,000)	0	(2,675,000)	(10,670,000)	(11,750,000)
Proposed supplemental		(3,920,000)	0	0	0	0	0
State administration and planning (HEFA I):							
State administration	(7,000,000)	((3,000,000))	(7,000,000)	((3,000,000))	(3,000,000)	(3,000,000)	(3,000,000)
State planning		((4,000,000))		((4,000,000))	(4,000,000)	(3,000,000)	(3,000,000)
Administration	(4)	(4,833,000)	(4)	(5,100,000)	(5,100,000)	(5,100,000)	(5,000,000)
Student aid	528,590,000	568,100,000	695,430,000	720,500,000	662,600,000	601,400,000	600,400,000
Educational opportunity grants (HEA IV-A)	[8] (70,000,000)	(124,600,000)	[8] (100,000,000)	(179,600,000)	(175,600,000)	(175,600,000)	(175,600,000)
Direct loans (NDEA II):							
Contributions to loan funds	(210,000,000)	(190,000,000)	(275,000,000)	(211,200,000)	(194,000,000)	(155,000,000)	(155,000,000)
Loans to institutions	(7)	(2,000,000)	(7)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Teacher cancellations	(6)	(1,400,000)	(6)	(4,900,000)	(4,900,000)	(4,900,000)	(4,900,000)
Insured loans (HEA IV-B):							
Advances for reserve funds	(12,500,000)	(12,500,000)	0		0	0	0
Interest payments	(4)	(62,400,000)	(4)	(81,400,000)	(62,400,000)	(62,400,000)	(62,400,000)
Computer services		(1,500,000)		(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)
Work-study programs (HEVA IV-C)	(225,000,000)	(139,900,000)	(225,000,000)	(175,500,000)	(165,000,000)	(154,000,000)	(154,000,000)
Student Aid:							
Cooperative education (HEA IV-D):							
Program support	(340,000)	0	(8,000,000)	(5,000,000)	(5,000,000)	(1,000,000)	0
Research and training	(750,000)	0	(750,000)	(500,000)	(500,000)	0	0
Special programs for disadvantaged students (HEA sec. 408):							
Talent search		((4,000,000))		(8,500,000)	(5,000,000)	(5,000,000)	(5,000,000)
Upward Bound	(10,000,000)	((29,800,000))	(56,680,000)	(31,700,000)	(31,700,000)	(30,000,000)	(30,000,000)
Special services in college				(18,700,000)	(15,000,000)	(10,000,000)	(10,000,000)
Personnel development	22,180,000	76,900,000	48,500,000	120,000,000	92,000,000	74,469,000	71,469,000
College teacher fellowships (NDEA IV)	(4)	(70,000,000)	(4)	(96,600,000)	(75,000,000)	(61,469,000)	(61,469,000)
Training programs (EPDA pt. E)	(21,500,000)	(6,900,000)	(36,000,000)	(16,400,000)	(10,000,000)	(10,000,000)	(10,000,000)
Public service education (HEA IX)	(340,000)	0	(5,000,000)	(5,000,000)	(5,000,000)	(3,000,000)	0
Clinical experience for law students (HEA XI)	(340,000)	0	(7,500,000)	(2,000,000)	(2,000,000)	0	0
Planning and evaluation	1,117,000	0	1,900,000	1,000,000	1,000,000	1,000,000	1,000,000
Total	1,689,428,706	815,444,000	1,981,700,000	1,204,372,000	1,071,188,000	897,259,000	780,839,000
Vocational education:							
Basic grants (VE Act of 1963, pt. B)	315,000,000	234,216,000	504,000,000	321,070,000	228,716,000	230,336,000	230,336,000
Transfer to Department of Labor	5,000,000	0	5,000,000	2,500,000	2,500,000	2,000,000	2,000,000
State advisory councils	(4)	0	Indefinite	3,850,000	1,850,000	1,680,000	1,680,000
National Advisory Council	[8] 100,000	0	150,000	150,000	150,000	200,000	200,000
Homemaking education (VE Act of 1963, pt. F)	(4)	14,000,000	25,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Programs for students with special needs (VE Act of 1963 pt. B)	40,000,000	0	40,000,000	15,000,000	15,000,000	0	0
Work-study (VE Act of 1963, pt. H)	35,000,000	0	35,000,000	28,000,000	28,000,000	0	0
Cooperative education (VE Act of 1963, pt. G)	20,000,000	0	35,000,000	17,500,000	17,500,000	14,000,000	14,000,000
Innovation (VE Act of 1963, pt. D)	15,000,000	0	57,500,000	30,000,000	30,000,000	13,000,000	13,000,000
Curriculum development (VE Act of 1963, pt. I)	7,000,000	0	10,000,000	5,000,000	5,000,000	2,000,000	2,000,000
Residential vocational schools (VE Act of 1963, pt. E)	45,000,000	0	55,000,000	5,000,000	5,000,000	0	0
Planning and evaluation	(4)	0	(4)	1,500,000	1,500,000	1,000,000	1,000,000
Total	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000
Libraries and community services:							
Library services	80,000,000	40,709,000	96,000,000	44,000,000	42,000,000	40,709,000	23,209,000
Grants for public libraries (LSCA I)	(55,000,000)	(35,000,000)	(65,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(17,500,000)
Interlibrary cooperation (LSCA III)	(10,000,000)	(2,281,000)	(12,500,000)	(3,500,000)	(2,500,000)	(2,281,000)	(2,281,000)
State institutional library services (LSCA IV-A)	(10,000,000)	(2,094,000)	(12,500,000)	(3,000,000)	(3,000,000)	(2,094,000)	(2,094,000)
Library services to physically handicapped (LSCA IV-B)	(5,000,000)	(1,334,000)	(6,000,000)	(2,500,000)	(1,500,000)	(1,334,000)	(1,334,000)
Construction of public libraries (LSCA II)	60,000,000	9,185,000	70,000,000	15,800,000	15,800,000	9,185,000	
College library resources (HEA II-A)	25,000,000	25,000,000	75,000,000	25,000,000	25,000,000	25,000,000	12,500,000
Acquisition and cataloging by Library of Congress (HEA II-C)	6,000,000	5,500,000	11,100,000	5,500,000	8,500,000	7,356,000	4,500,000
Librarian training (HEA II-B)	[10] 11,800,000	8,250,000	[10] 28,000,000	8,250,000	8,250,000	8,250,000	4,000,000
University community services (HEA I)	10,000,000	9,500,000	50,000,000	14,000,000	10,000,000	9,500,000	9,500,000
Adult basic education	70,000,000	45,000,000	80,000,000	53,500,000	50,200,000	50,000,000	50,000,000
Grants to States (Adult Education Act)		(36,000,000)		(42,800,000)	(40,160,000)	(40,000,000)	(40,000,000)
Special projects (Adult Education Act)		(7,000,000)		(8,200,000)	(8,040,000)	(8,000,000)	(8,000,000)
Teacher education (Adult Education Act)		(2,000,000)		(2,500,000)	(2,000,000)	(2,000,000)	(2,000,000)
Educational broadcasting facilities, grants for facilities (title III, Communications Act of 1934)	12,500,000	4,000,000	15,000,000	13,625,000	8,625,000	5,625,000	4,000,000
Total	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

Appropriation and activity	Fiscal year 1969		Fiscal year 1970				
	Authorization [1]	Appropriation [2] [3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments
Education for the handicapped:							
Preschool and school programs (ESEA VI–A)	$167,375,000	$29,250,000	$206,000,000	$34,000,000	$34,000,000	$29,250,000	$29,205,000
Early childhood programs (Public Law 90–538)	1,000,000	945,000	10,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Teacher education and recruitment	40,500,000	30,250,000	59,000,000	41,000,000	36,000,000	30,500,000	30,500,000
Teacher education (Public Law 85–926)	(37,500,000)	(29,700,000)	(55,000,000)	(38,000,000)	(34,000,000)	(29,700,000)	(29,700,000)
Physical education and recreation (Public Law 88–164)	(2,000,000)	(300,000	(3,000,000)	(2,000,000)	(1,000,000)	(300,000)	(300,000)
Recruitment and information (ESEA VI–D)	(1,000,000)	(250,000)	(1,000,000)	(1,000,000)	(1,000,000)	(500,000)	(500,000)
Research and innovation	26,250,000	14,600,000	36,500,000	27,500,000	21,500,000	18,350,000	18,350,000
Research and demonstrations (Public Law 88–164, sec. 302)	(14,000,000)	(12,800,000)	(18,000,000)	(18,000,000)	(15,000,000)	(14,050,000)	(14,050,000)
Physical education and recreation (Public Law 88–164)	(1,500,000)	(300,000)	(1,500,000)	(1,500,000)	(1,000,000)	(300,000)	(300,000)
Regional resource centers (ESEA VI–B)	(7,750,000)	(500,000)	(10,000,000)	(4,000,000)	(2,500,000)	(2,000,000)	(2,000,000)
Innovative programs (deaf-blind centers) (ESEA VI–C)	(3,000,000)	(1,000,000)	(7,000,000)	(4,000,000)	(3,000,000)	(2,000,000)	(2,000,000)
Media services and captioned films (Public Law 85–905)	8,000,000	4,750,000	10,000,000	6,000,000	5,500,000	4,750,000	4,750,000
Total	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000
Research and training:							
Research and development		74,976,000		116,800,000	86,800,000	68,800,000	68,800,000
Educational laboratories (Coop. Res. Act)	(4)	(23,600,000)		(37,200,000)	(33,600,000)	(25,750,000)	(25,750,000)
Research and developments centers (Coop. Res. Act)	(4)	(10,800,000)		(10,800,000)	(10,800,000)	(10,000,000)	(10,000,000)
General education (Coop. Res. Act) [11]	(4)	(26,951,000)		(45,200,000)	(26,025,000)	(26,950,000)	(26,950,000)
Vocational education (VE Act of 1963)	35,000,000	(11,375,000)	56,000,000	(16,600,000)	(11,375,000)	(1,100,000)	(1,100,000)
Evaluations (Coop. Res. Act)	(4)	(1,250,000)		(5,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
National achievement study (Coop. Res. Act)	(4)	(1,000,000)		(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Major demonstrations (Coop. Res. Act)	(4)	1,000,000		24,300,000	10,250,000	5,250,000	5,250,000
Experimental schools		0		0	0	0	25,000,000
Dissemination (Coop. Res. Act, sec. 1206 HEA and sec. 303 VE amendments)	(4)	4,226,000		7,200,000	7,200,000	7,200,000	7,200,000
Training (Coop. Res. Act)	(4)	6,750,000		11,000,000	6,750,000	6,750,000	6,750,000
Construction (Coop. Res. Act)	(2)	0		(3)			0
Educational statistical surveys (Coop. Res. Act)	(4)	500,000		2,455,000	2,200,000	2,000,000	2,000,000
Total	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000
Education in foreign languages and world affairs:							
Centers, fellowships, and research (NDEA VI)	16,050,000	15,165,000	30,000,000	21,000,000	15,500,000	15,000,000	15,000,000
Fulbright-Hays training grants (Fulbright-Hays Act)	(4)	3,000,000	(4)	3,500,000	3,500,000	3,000,000	3,000,000
International Education Act	40,000,000		90,000,000	5,000,000	5,000,000	2,000,000	2,000,000
Total	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000
Research and training (special foreign currency program):							
Institutional development grants for training, research, and study	(4)	800,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000
Research in foreign education	(4)	200,000	(4)	0	0	0	0
Total	(4)	1,000,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000
Salaries and expenses: Program administration	(4)	40,804,512	(4)	58,412,000	46,725,000	43,375,000	43,375,000
Civil rights education:							
Training for school personnel and grants to school boards (Civil Rights Act IV)	(4)	9,250,000	(4)	14,533,000	11,833,000	11,900,000	17,150,000
Technical services and administration (Civil Rights Act IV)	(4)	1,547,000	(4)	1,967,000	1,967,000	1,850,000	2,850,000
Total	(4)	10,797,000	(4)	15,500,000	13,800,000	13,750,000	20,000,000
Colleges for agriculture and the mechanic arts: Grants to States (2d Morrill Act)	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917: Grants to States (Smith-Hughes Act)	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund: Higher education and vocational student loans: Loans purchased upon default by student borrowers (HEA IV–B)	(4)	0	(4)	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund:							
Operating costs (HEFA III):							
Commission on sales of participation certificates	(4)	0	(4)	0	0	0	0
Interest expense on participation certificates	(4)	4,875,000	(4)	4,800,000	4,509,000	4,509,000	4,509,000
Administrative expenses	(4)	0	(4)	0	0	0	0
Loans to higher education institutions (HEFA III)	400,000,000	100,000,000	400,000,000	150,000,000	50,000,000	0	0
Total	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000
Total, Office of Education	7,479,682,435	3,676,599,967	8,896,418,925	4,579,178,455	3,987,694,455	3,591,314,455	3,220,745,455

[1] Includes indefinite authorizations.
[2] 1969 appropriation adjusted for comparability with 1970 appropriation structure.
[3] Includes proposed supplementals.
[4] Indefinite.
[5] Includes supervision which is funded under title V, ESEA.
[6] For new awards plus continuation cost.
[7] $25,000,000 authorized from fiscal year 1959 through duration of act.
[8] Specific authorization represents amounts only for technical assistance to carry out functions of National Advisory Council.
[9] Authorization included under grants to States, pt. B. Vocational Education Act of 1963.
[10] Includes library research which is shown under research and training.
[11] "General education" combines these prior year activities: General education research, demonstration and development, library improvement research, and educational media research.
[12] $100,000,000 authorized over 2 5-year periods through fiscal year 1970.

Mr. MUSKIE. Mr. President, Public Law 874, funds for schools in federally impacted or major disaster areas, one of the most respected Federal aid to education programs ever to be enacted, a program which has been extended and expanded by congressional initiative every 2 years since its enactment in 1950, is under budgetary attack once more.

If this program were fully funded, the estimated authorization would be approximately $650 million. But the budget estimates allow only $187 million, or 30 percent of the authorization, for the entire program. This is $318.9 million less than appropriated for fiscal year 1969.

I submit that a cutback of this magnitude cannot be sustained on the President's remarks that—

This reduction reflects a conclusion that within a budget that must be constructed in the fight against inflation, this program is of lower priority within the total program of federal support for education.

I do not believe that any American President would say to the people of this country that financing the operation and maintenance of an elementary or secondary school is inflationary. Support of education is a capital investment in the future of this country which will repay social and economic dividends many times the investment.

Mr. President, each and every program delineated in the 1970 budget for education has an impact upon the young people of our country. The educational assistance and services provided by our education programs strengthen their ability to contribute to the life and economy of our Nation. What we do now fixes the future of these young people. We have an awesome responsibility. It is one we cannot evade.

I intend—and it is my hope that my colleagues will support me—to do everything within my power to insure that the appropriations for education in this session of the 91st Congress will be

equitable and will be, to the best of our ability to do so, adequate.

Mr. President, I have but lightly sketched the dimensions of the subject. From the limited overview I have given, I hope I have made it clear why each of us should take a hard look, and an informed look, at the proposals being made by the administration to cut Federal aid to education.

TRIBUTE TO WEST BEND, WIS.

Mr. PROXMIRE. Mr. President, on Memorial Day it was my privilege to be in West Bend, Wis.—a beautiful town just north of Milwaukee—to participate in the ceremonies there in honor of America's war dead.

I have attended many, many such ceremonies, as have all other Members of the Senate, but I have never witnessed a more impressive turnout of townspeople nor a more sincere and eloquent expression of homage to the thousands of brave Americans who have given their lives for their country.

Patriotism is not just a word in West Bend—as Memorial Day in this lovely town made plain. Indeed, love of country is being taught in West Bend to hundreds of children and adults by a genuine community participation in this day of dedication to our war dead.

I pay tribute today to the fine Americans of this lovely Wisconsin community and the superlative citywide effort they made on Memorial Day, 1969.

LIMITATION OF LAMB IMPORTS

Mr. McGEE. Mr. President, the Senate will shortly be considering an amendment that would provide for a limitation of lamb imports into the United States. As one vitally concerned with both the area of meat imports as a whole and the well-being of the domestic lamb and sheep industry in particular, I wish to state my strong support for this amendment approved by the Committee on Finance.

The amendment is certainly reasonable because it provides an annual ceiling approximately 8 million pounds above the average annual imports for the last 15 years—a ceiling that will certainly permit countries shipping lamb here to enjoy a fair share of our market without damaging domestic production. Under the formula in this amendment, a growth of lamb imports would also be permitted.

The American lamb producer provides for domestic consumption the highest grade and quality of lamb in the world. Unlike the frozen imported product, domestic lamb is fresh, chilled meat, graded, inspected, and processed under exacting regulations.

It is true that our sheep numbers have gone down over the past few years, not because of lessening consumer demand but because of low lamb prices commencing in the early 1960's as well as rapid and continuing increases in production costs; namely, taxes, increased grazing fees, and higher labor costs. These costs alone now take about 70 percent of the sales dollar before any charges are made for equipment, replacement, and management. In fact, a recent study by the University of Wyoming showed that in 1968 many Wyoming sheep producers were making a return on their equity of only 1 to 1½ percent while some were operating at a loss.

At the present levels of wholesale prices for lamb, the producers now has an opportunity for improving the return on his investment, the opportunity to make a reasonable profit, to expand his operations, increase his flock and recover the losses in numbers that started in the early 1960's. Let us not deny the domestic producer this opportunity by permitting a flooding of our market with imports, only to cause a price drop that will again discourage domestic producers.

The sheep industry is a vital segment of agriculture in our semiarid West and Southwest. It provides a tax base vitally needed to support local and State governments.

Wool is also an important product of the sheep industry and any further decline in domestic wool production places this country in a vulnerable position. The United States needs domestic wool production.

Mr. President, the American producer must have a reasonable opportunity to sell his product based on his costs of production. Competing with lower labor costs and lower production costs in foreign countries is impossible without reasonable control of imports. This amendment will still permit foreign countries a fair share of our market.

For these reasons, I strongly support the amendment and urge its adoption.

MANIFESTO ON SOUTHERN AFRICA

Mr. BROOKE. Mr. President, on April 16, 1969, a most important document was issued at the Fifth Summit Conference of East and Central African States, meeting in Lusaka, Zambia.

Just a little over a year ago I had the privilege of visiting most of the nations represented at this conference, and enjoyed long and productive talks with many of their leaders. Consequently I was pleased, but not surprised, when the most moderate and reasonable statement to date on the situation in Southern Africa emerged from their summit meeting.

This "Manifesto on Southern Africa" is no less than a reaffirmation of faith in the dignity and worth of the individual. It is a statement of principle, stressing the right of all men to participate in making the laws by which they are governed. And it is an admission, which we would do well to accept for our own country as well, that in each of the signatory states "the struggle toward human brotherhood and unchallenged human dignity is only beginning."

In particular, I invite attention to the assertion that "all peoples who have made their homes in the countries of Southern Africa are Africans, regardless of the color of their skins." The signers of the manifesto are not seeking to substitute domination by a majority for rule by a minority; they want only an environment freed from racism.

Each of the territories of Southern Africa is dealt with individually in the manifesto. In particular, the emphasis on negotiation of differences should be of great interest to Americans.

Mr. President, I commend this vital and constructive document to the attention of Senators and to all other Americans. I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, May 2, 1969]

MANIFESTO ON SOUTHERN AFRICA

(Issued at the Fifth Summit Conference of East and Central African States, April 14–16, 1969, Lusaka, Zambia)

1. When the purpose and the basis of States' international policies are misunderstood, there is introduced into the world a new and unnecessary disharmony, disagreements, conflicts of interest, or different assessments of human priorities, which provoke an excess of tension in the world, and disastrously divide mankind, at a time when united action is necessary to control modern technology and put it to the service of man. It is for this reason that, discovering widespread misapprehension of our attitudes and purposes in relation to Southern Africa, we the leaders of East and Central African States meeting in Lusaka, 16th April, 1969, have agreed to issue this Manifesto.

2. By this Manifesto we wish to make clear, beyond all shadow of doubt, our acceptance of the belief that all men are equal, and have equal rights to human dignity and respect, regardless of colour, race, religion, or sex. We believe that all men have the right and the duty to participate, as equal members of the society, in their own government. We do not accept that any individual or group has any right to govern any other group of sane adults, without their consent, and we affirm that only the people of a society, acting together as equals, can determine what is, for them, a good society and a good social, economic, or political organisation.

3. On the basis of these beliefs we do not accept that any one group within a society has the right to rule any society without the continuing consent of all the citizens. We recognise that at any one time there will be, within every society, failures in the implementation of these ideals. We recognise that for the sake of order in human affairs, there may be transitional arrangements while a transformation from group inequalities to individual equality is being effected. But we affirm that without an acceptance of these ideals—without a commitment to these principles of human equality and self-determination—there can be no basis for peace and justice in the world.

4. None of us would claim that within our own States we have achieved that perfect social, economic and political organisation which would ensure a reasonable standard of living for all our people and establish individual security against avoidable hardship or miscarriage of justice. On the contrary, we acknowledge that within our own States the struggle towards human brotherhood and unchallenged human dignity is only beginning. It is on the basis of our commitment to human equality and human dignity, not on the basis of achieved perfection, that we take our stand of hostility towards the colonialism and racial discrimination which is being practiced in Southern Africa. It is on the basis of their commitment to these universal principles that we appeal to other members of the human race for support.

5. If the commitment to these principles existed among the States holding power in Southern Africa, any disagreements we might have about the rate of implementation, or about isolated acts of policy, would be matters affecting only our individual relationships with the States concerned. If these commitments existed, our States would not be justified in the expressed and active hostility towards the regimes of Southern Africa such as we have proclaimed and continue to propagate.

6. The truth is, however, that in Mozambique, Angola, Rhodesia, South-West Africa, and the Union of South Africa, there is an open and continued denial of the principles of human equality and national self-determination. This is not a matter of failure in the implementation of accepted human principles. The effective Administrations in all these territories are not struggling towards these difficult goals. They are fighting the principles; they are deliberately organizing their societies so as to try to destroy the hold of these principles in the minds of men. It is for this reason that we believe the rest of the world must be interested. For the principle of human equality, and all that flows from it, is either universal or it does not exist. The dignity of all men is destroyed when the manhood of any human being is denied.

7. Our objectives in Southern Africa stem from our commitment to this principle of human equality. We are not hostile to the Administrations in these States because they are manned and controlled by white people. We are hostile to them because they are systems of minority control which exist as a result of, and in the pursuance of, doctrines of human inequality. What we are working for is the right of self-determination for the people of those territories. We are working for a rule in these countries which is based on the will of all the people, and in acceptance of the equality of every citizen.

8. Our stand towards Southern Africa thus involves a rejection of racialism, not a reversal of the existing racial domination. We believe that all the peoples who have made their homes in the countries of Southern Africa are Africans, regardless of colour of their skins; and we would oppose a racialist majority government which adopted a philosophy of deliberate and permanent discrimination between its citizens on grounds of racial origin. We are not talking racialism when we reject the colonialism and apartheid policies now operating in those areas; we are demanding an opportunity for all the people of these States, working together as equal individual citizens, to work out for themselves the institutions and the system of government under which they will, by general consent, live together and work together to build a harmonious society.

9. As an aftermath of the present policies it is likely that different groups within these societies will be self-conscious and fearful. The initial political and economic organizations may well take account of these fears, and this group self-consciousness. But how this is to be done must be a matter exclusively for the peoples of the country concerned, working together. No other nation will have a right to interfere in such affairs. All that the rest of the world has a right to demand is just what we are now asserting—that the arrangements within any State which wishes to be accepted into the community of nations must be based on an acceptance of the principles of human dignity and equality.

10. To talk of the liberation of Africa is thus to say two things. First, that the peoples in the territories still under colonial rule shall be free to determine for themselves their own institutions of self-government. Secondly, that the individuals in Southern Africa shall be freed from an environment poisoned by the propaganda of racialism, and given an opportunity to be men—not white men, brown men, yellow men, or black men.

11. Thus the liberation of Africa for which we are struggling does not mean a reverse racialism. Nor is it an aspect of African Imperialism. As far as we are concerned the present boundaries of the States of Southern Africa are the boundaries of what will be free and independent African States. There is no question of our seeking or accepting any alterations to our own boundaries at the expense of these future free African nations.

12. On the objective of liberation as thus defined, we can neither surrender nor compromise. We have always preferred, and we still prefer, to achieve it without physical violence. We would prefer to negotiate rather than destroy, to talk rather than kill. We do not advocate violence; we advocate an end to the violence against human dignity which is now being perpetrated by the oppressors of Africa. If peaceful progress to emancipation were possible, or if changed circumstances were to make it possible in the future, we would urge our brothers in the resistance movements to use peaceful methods of struggle even at the cost of some compromise on the timing of change. But while peaceful progress is blocked by actions of those at present in power in the States of Southern Africa, we have no choice but to give to the peoples of those territories all the support of which we are capable in their struggle against their oppressors. This is why the signatory states participate in the movement for the liberation of Africa under the aegis of the Organization of African Unity. However, the obstacle to change is not the same in all the countries of Southern Africa, and it follows therefore, that the possibility of continuing the struggle through peaceful means varies from one country to another.

13. In Mozambique and Angola, and in the so-called Portuguese Guinea, the basic problem is not racialism but a pretence that Portugal exists in Africa. Portugal is situated in Europe. In fact that it is a dictatorship is a matter for the Portuguese to settle. But no decree of the Portuguese dictator, nor legislation passed by any Parliament in Portugal, can make Africa part of Europe. The only thing which could convert a part of Africa into a constituent unit in a union which also includes a European State would be the freely expressed will of the people of that part of Africa. There is no such popular will in the Portuguese colonies. On the contrary, in the absence of any opportunity to negotiate a road to freedom, the peoples of all three territories have taken up arms against the colonial power. They have done this despite the heavy odds against them, and despite the great suffering they know to be involved.

14. Portugal, as a European State, has naturally its own allies in the context of the ideological conflict between West and East. However, in our context, the effect of this is that Portugal is enabled to use her resources to pursue the most heinous war and degradation of man in Africa. The present Manifesto must, therefore, lay bare the fact that the inhuman commitment of Portugal in Africa and her ruthless subjugation of the people of Mozambique, Angola and the so-called Portuguese Guinea, is not only irrelevant to the ideological conflict of power-politics, but it is also diametrically opposed to the policies, the philosophies and the doctrines practised by her Allies in the conduct of their own affairs at home. The people of Mozambique, Angola, and Portuguese Guinea are not interested in Communism or Capitalism; they are interested in their freedom. They are demanding an acceptance of the principles of independence on the basis of majority rule, and for many years they called for discussions on this issue. Only when their demand for talks was continually ignored did they begin to fight. Even now, if Portugal should change her policy and accept the principle of self-determination, we would urge the Liberation Movements to desist from their armed struggle and to co-operate in the mechanics of a peaceful transfer of power from Portugal to the peoples of the African territories.

15. The fact that many Portuguese citizens have immigrated to these African countries does not affect this issue. Future immigration policy will be a matter for the independent Governments when these are established. In the meantime, we would urge the Liberation Movements to reiterate their statements that all those Portuguese people who have made their homes in Mozambique, Angola or Portuguese Guinea, and who are willing to give their future loyalty to those states, will be accepted as citizens. And an independent Mozambique, Angola or Portuguese Guinea may choose to be as friendly with Portugal as Brazil is. That would be the free choice of a free people.

16. In Rhodesia the situation is different insofar as the metropolitan power has acknowledged the colonial status of the territory. Unfortunately, however, it has failed to take adequate measures to re-assert its authority against the minority which has seized power with the declared intention of maintaining white domination. The matter cannot rest there. Rhodesia, like the rest of Africa, must be free, and its independence must be on the basis of majority rule. If the colonial power is unwilling or unable to effect such a transfer of power to the people, then the people themselves will have no alternative but to capture it as and when they can. And Africa has no alternative but to support them. The question which remains in Rhodesia is therefore whether Britain will re-assert her authority in Rhodesia and then negotiate the peaceful progress to majority rule before independence. Insofar as Britain is willing to make this second commitment. Africa will co-operate in her attempts to re-assert her authority. This is the method of progress which we would prefer; it could involve less suffering for all the peoples of Rhodesia; both black and white. But until there is some firm evidence that Britain accepts the principles of independence on the basis of majority rule, and is prepared to take whatever steps are necessary to make it a reality, then Africa has no choice but to support the struggle for the people's freedom by whatever means are open to her.

17. Just as a settlement of the Rhodesian problem with a minimum of violence is a British responsibility, so a settlement in South West Africa with a minimum of violence is a United Nations responsibility. By every canon of international law, and by every precedent, South West Africa should by now have been a sovereign, independent State with a Government based on majority rule. South West Africa was a German colony until 1919, just as Tanganyika, Rwanda and Burundi, Togoland, and Cameroon were German colonies. It was a matter of European politics that when the Mandatory System was established after Germany had been defeated, the administration of South West Africa was given to the white minority Government of South Africa while the other ex-German colonies in Africa were put into the hands of the British, Belgian, or French Governments. After the Second World War every mandated territory except South West Africa was converted into a Trusteeship Territory and has subsequently gained independence. South Africa, on the other hand has persistently refused to honour even the international obligation it accepted in 1919, and has increasingly applied to South West Africa the inhuman doctrines and organization of apartheid.

18. The United Nations General Assembly has ruled against this action and in 1966

terminated the Mandate under which South Africa had a legal basis for its occupation and domination of South West Africa. The General Assembly declared that the territory is now the direct responsibility of the United Nations and set up an ad hoc Committee to recommend practical means by which South West Africa would be administered, and the people enabled to exercise self-determination and to achieve independence.

19. Nothing could be clearer than this decision—which no permanent member of the Security Council voted against. Yet, since that time no effective measures have been taken to enforce it. South West Africa remains in the clutches of the most ruthless minority Government in Africa. Its people continue to be oppressed and those who advocate even peaceful progress to independence continue to be persecuted. The world has an obligation to use its strength to enforce the decision which all the countries cooperated in making. If they do this there is hope that the change can be effected without great violence. If they fail, then sooner or later the people of South West Africa will take the law into their own hands. The people have been patient beyond belief, but one day their patience will be exhausted. Africa, at least, will then be unable to deny their call for help.

20. The Union of South Africa is itself an independent sovereign State and a Member of the United Nations. It is more highly developed and richer than any other nation in Africa. On every legal basis its internal affairs are a matter exclusively for the people of South Africa. Yet the purpose of law is people and we assert that the actions of the South African Government are such that the rest of the world has a responsibility to take some action in defense of humanity.

21. There is one thing about South African oppression which distinguishes it from other oppressive regimes. The apartheid policy adopted by its Government, and supported to a greater or lesser extent by almost all its white citizens, is based on a rejection of man's humanity. A position of privilege or the experience of oppression in the South African society depends on the one thing which it is beyond the power of any man to change. It depends upon a man's colour, his parentage, and his ancestors. If you are black you cannot escape this categorisation; nor can you escape it if you are white. If you are a black millionaire and a brilliant political scientist, you are still subject to the pass laws and still excluded from political activity. If you are white, even protests against the system and an attempt to reject segregation will lead you only to the segregation, and the comparative comfort of a white jail. Beliefs, abilities, and behaviour are all irrelevant to a man's status; everything depends upon race. Manhood is irrelevant. The whole system of government and society in South Africa is based on the denial of human equality. And the system is maintained by a ruthless denial of the human rights of the majority of the population—and thus, inevitably of all.

22. These things are known and are regularly condemned in the Councils of the United Nations and elsewhere. But it appears that to many countries, international law takes precedence over humanity; therefore no action follows the words. Yet even if international law is held to exclude active assistance to the South African opponents of apartheid, it does not demand that the comfort and support of human and commercial intercourse should be given to a government which rejects the manhood of most of humanity. South Africa should be excluded from the United Nations Agencies, and even from the United Nations itself. It should be ostracized by the world community until it accepts the implications of man's common humanity. It should be isolated from world trade patterns and left to be self-sufficient if it can. The South African Government cannot be allowed both to reject the very concept of mankind's unity and to benefit by the strength given through friendly international relations. And certainly Africa cannot acquiesce in the maintenance of the present policies against people of African descent.

23. The signatories of this Manifesto assert that the validity of the principles of human equality and dignity extend to the Union of South Africa just as they extend to the colonial territories of Southern Africa. Before a basis for peaceful development can be established in this continent, these principles must be acknowledged by every nation, and in every State there must be a deliberate attempt to implement them.

24. We re-affirm our commitment to these principles of human equality and human dignity, and to the doctrines of self-determination and non-racialism. We shall work for their expansion within our nations and throughout the continent of Africa.

Sponsored by: Vernon J. Mwaanga, Permanent Representative of the Republic of Zambia to the United Nations.

SERIOUS PESTICIDE POLLUTION FOUND IN NATION'S RIVERS AND LAKES

Mr. NELSON. Mr. President, today I am releasing the results of a 2-year national pesticide study which found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

This study, conducted by the U.S. Bureau of Sport Fisheries and Wildlife, confirms that there is accelerating pollution of the environment by hard pesticides and is further evidence to confirm Rachel Carson's assertion in 1963 that there will be an environmental disaster unless this is quickly brought under control.

The study results show DDT ranging up to 45.27 parts per million—p.p.m.—in whole fish, a count more than twice as high as that found in Lake Michigan Coho salmon seized recently by the U.S. Food and Drug Administration as being unfit for human consumption, and nine times higher than the FDA interim tolerance level for fish.

These accumulations are a threat to the future of our fish and wildlife, and have ominous implications for the health of man. Pesticide poisoning has already put the peregrine falcon, the bald eagle, and certain marine life on the verge of extinction.

I have sponsored legislation since 1966 to ban the interstate sale and shipment of DDT and have recently proposed a permanent National Commission on Pesticides to review, monitor and research pesticides. Sweden, and the States of Michigan and Arizona have already banned DDT.

The Bureau of Sport Fisheries findings are quite consistent with the State-by-State pesticide survey conducted by my office. At least a dozen States have reported pesticide residues in fish above the Government's recommended safe level of five parts per million.

The Bureau study found that in 12 of the 44 lakes and rivers, DDT in some or all of the fish samples reached levels higher than the 5 parts per million guideline limit set recently by the FDA for fish. Mean DDT levels for the latest samples exceeded this limit in fish taken from eight of the rivers and lakes.

The highest DDT counts were found in white perch taken from the Delaware River in the heavily populated northeastern United States.

The study also found dieldrin, a pesticide even more toxic to humans than DDT, in fish from 15 of the rivers and lakes reaching levels higher than the 0.3 part per million FDA guideline limit for this pesticide in fish.

Dieldrin was highest in yellow perch taken from the Connecticut River, and high in Delaware River fish. However, this pesticide was also at high levels in a number of rivers throughout the South, as was DDT, although high counts were in other rivers in the East, Midwest, and West as well.

I obtained a copy of the study after a recent formal written request to the Bureau and after I learned the report's basic findings from independent sources. It had not as yet been made public, although plans had been made for its release later.

The data for the study were obtained from fish taken at 50 monitoring stations across the country in the spring and fall of 1967 and 1968. The fish were analyzed by five commercial laboratories and the samples for the fall of 1967 and the spring of 1968 were cross-checked.

The major conclusions of the report were first that "there are a number of widely scattered waters in which fish show consistently high residues of DDT, dieldrin and other organochlorine insecticides." The report said some of the waters are in agricultural drainage areas and others are in highly industrialized areas.

Second, the report said that because of considerable variation in residue levels in different samples, "caution should be applied in using and intrepreting these data." The report urged special studies to track down the sources of the pesticide contamination and resolve differences such as variations in fish samples and laboratory results, and a continuation of the monitoring program.

The fish were analyzed for the presence of 11 commonly used pesticides. The 11 all are toxic, persistent chlorinated hydrocarbon compounds.

In addition to the near 100-percent presence of DDT, dieldrin was found in 75 percent of the samples, with values ranging upward to nearly 2 p.p.m. Heptachlor and/or heptachlor epoxide were found in 32 percent of the samples, in levels ranging to more than 0.1 p.p.m.

Chlordane residues were in 22 percent of the samples, with similar levels. Although the concentrations were lower for dieldrin, the heptachlors, chlordane, they are significant because these pesticides are even more toxic than DDT.

The rivers or lakes where DDT counts reached levels in fish higher than the 5 p.p.m. FDA level are: the Hudson in New York, the Delaware, the Cooper in South Carolina, St. Lucio Canal and the Apa-

lachicola in Florida, the Tombigbee in Alabama, the Rio Grande in Texas, Lake Ontario, Lake Michigan, the Arkansas and the White in Arkansas, and the Sacramento in California.

Rivers or lakes where dieldrin counts reached levels in fish above the 0.3 ppm FDA level for this pesticide are: the Connecticut, the Hudson, the Delaware, the Savannah in Georgia, the Apalachicola, the Tombigbee, the Rio Grande, Lake Ontario, Lake Huron, the Illinois in Illinois, the Arkansas and the White, the Red River in Minnesota, the San Joaquin in California, and the Rogue in Oregon.

The study showed that fish in Lake Ontario have pesticide levels nearly as high as those in Lake Michigan. Lake Erie and Lake Superior findings were lowest of the Great Lakes, and Lake Huron findings were in the middle.

Species frequently used for the samplings were carp, buffalo, black bass, channel catfish, sunfish, yellow perch, and trout. The list includes several fish which are taken for sport or commercially and are popular table fish. Overall, 62 species were involved.

I ask unanimous consent that a summary of the Bureau's findings compiled by my office and the Bureau's report be printed in the RECORD.

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

Summary of high DDT and dieldrin counts from tables in Bureau of Sport Fisheries and Wildlife report*:

1. High levels for DDT and its metabolites (above the 5 part per million—ppm—interim guideline limit for whole fish set recently by the U.S. Food and Drug Administration):

Hudson River: Up to 11.49 ppm in Largemouth bass; up to 14.40 ppm in Goldfish.

Delaware River: Up to 9.87 ppm in White sucker; up to 6.59 ppm in Brown bullhead (catfish); up to 45.27 ppm in White perch.

Cooper River in South Carolina: Up to 6.37 ppm in Largemouth bass.

St. Lucio Canal in Florida: Up to 7.26 ppm in Channel catfish.

Apalachicola River in Florida: Up to 6.04 ppm in Channel catfish.

Tombigbee River in Alabama: Up to 15.63 ppm in Carp; up to 6.35 ppm in Carp sucker; up to 15.60 ppm in Striped mullet; up to 13.33 ppm in Largemouth bass.

Rio Grande River in Texas: Up to 13.17 ppm in Blue catfish.

Lake Ontario: Up to 7.89 ppm in Yellow perch; up to 11.79 ppm in White perch; up to 7.25 ppm in Rock bass.

Lake Michigan: Up to 7.45 ppm in Bloaters. (Concentrations of up to 19 ppm were found in Lake Michigan Coho salmon seized recently by the FDA as unfit for human consumption.)

Arkansas River in Arkansas: Up to 9.09 ppm in Carp; up to 5.81 ppm in Smallmouth Buffalo (sucker).

White River in Arkansas: Up to 6.72 ppm in Bigmouth buffalo (sucker); up to 7.75 ppm in Channel catfish.

Sacramento River in California: Up to 7.23 ppm in Carp; up to 9.11 ppm in Largemouth bass.

2. High levels for dieldrin (above the .3 ppm guideline limit for safety set by the FDA for this more toxic pesticide):

Connecticut River: Up to 1.58 ppm in White catfish; up to 1.94 ppm in Yellow perch; up to 1.21 in White perch.

Hudson River: Up to .35 ppm in Goldfish.

Delaware River: Up to .35 ppm in White sucker; up to .39 ppm in Brown bullhead (catfish); up to 1.24 ppm in White perch.

Savannah River in Georgia: Up to .62 ppm in Carp; up to 1.37 ppm in Striped mullet.

Apalachicola River in Florida: Up to .45 ppm in Large mouth bass.

Tombigbee River in Alabama: Up to .48 ppm in Carp sucker; up to 1.26 ppm in Striped mullet.

Rio Grande River in Texas: Up to .48 ppm in Channel catfish.

Lake Ontario: Up to .50 ppm in White perch.

Lake Huron: Up to .50 ppm in Channel catfish.

Illinois River in Illinois: Up to .30 ppm in Carp; up to .52 ppm in Bigmouth buffalo (sucker); up to .38 ppm in Channel catfish; up to .30 ppm in Black bullhead (catfish).

Arkansas River in Arkansas: Up to .40 ppm in Flathead catfish.

White River in Arkansas: Up to .34 ppm in Carp.

Red River in Minnesota: Up to .37 ppm in Channel catfish.

San Joaquin River in California: Up to .31 ppm in Channel catfish; up to .29 in Black crappie (just short of the tolerance limit).

Rogue River in Oregon: Up to .52 ppm in Carp; up to .44 ppm in Largescale sucker.

* The counts often vary between group samplings of fish at a station. Thus, the levels do not necessarily represent consistent findings for a number of samplings at a location.

NATIONAL PESTICIDE MONITORING PROGRAM: ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH

(By Croswell Henderson,[1] Wendell L. Johnson,[2] and Anthony Inglis [2])

ABSTRACT

As a part of the National Pesticide Monitoring Program, fish were collected from 50 sampling stations located in the Great Lakes and in major river basins throughout the United States. Three composite samples, consisting of five adult fish of each of three species, were collected at all stations during the spring and fall of 1967 and 1968. The composite whole fish samples were analyzed by commercial laboratories for residues of eleven organochlorine insecticides. DDT and/or metabolites were found in 584 of the 590 composite samples, with values ranging to 45 ppm (mg/kg wet weight, whole fish). Dieldrin was found in 75% of the samples, with values ranging upward to nearly 2 ppm. Other organochlorine insecticide residues were found in fewer samples, but some had fairly high residue levels. Relatively high residues of DDT and metabolities, dieldrin, heptachlor, epoxide and chlordane were found consistently during all sampling periods at some stations.

INTRODUCTION

In the President's Science Advisory Committee report, "Use of Pesticides," (19) one of the recommendations was that various Government agencies "Cooperate . . . to develop a continuing network to monitor pesticide residues in air, water, soil, man, wildlife and fish." To implement this recommendation, the Federal Committee on Pest Control established a subcommittee to develop and carry out monitoring programs and objectives.

"The objectives of the National Pesticide Monitoring Program are: (1) a continuing nationwide assessment of the general levels of pesticide residues in the environment, and (2) the location of possible problem areas within specific segments of the environment.

"These objectives are to be attained by sampling all elements of the environment on a nationwide basis. Sampling systems will be designed to represent the national picture as well as the major categories of environment within the United States. Data will be collected so that for each category, both the mean levels and the range of variation can be determined. Sampling will be repeated at appropriate intervals so that real trends in levels of pesticide residues can be detected.

"Possible problem areas will be located where the survey data indicate the concentration of a pesticide has developed above the general level or where there is an increasing concentration over a period of time." [3]

The fish monitoring program was initiated by the Bureau of Sport Fisheries and Wildlife in the spring of 1967. The procedures described in some detail by Johnson *et al.* (12) were followed as closely as possible.

This report contains data on organochlorine insecticide residues in fish at 50 nationwide sampling stations during the spring (April, May) and fall (October, November) of 1967 and 1968.

METHODS

Location of Sampling Stations: Fish sampling stations were located as nearly as possible to coincide with those described by Johnson *et al.* (12). These stations, numbered 1 to 50 corresponding in consecutive order to numbers 100045 to 100094 listed in the FCPC Catalog of Federal Pesticide Monitoring Activities (7). Stations were located in the Great Lakes and in major river systems throughout the United States (Figure 1), all near locations where water is monitored by other participants in the National Monitoring Program (4, 9, 22). Specific locations are listed in Table 4. Many stations were located near Bureau of Sport Fisheries and Wildlife facilities where assistance could be obtained in collecting fish.

Fish Collections: It was realized initially that the same fish species could not be sampled at all stations. Instructions were issued to field personnel to collect composite samples of each of three species at each station, preferably from a list of indicator species near the top of the food chain—carp, buffalo, black bass, channel catfish, green sunfish, yellow perch, rainbow trout and squawfish. Because of some difficulty in obtaining preferred species, the list was expanded to include suckers, other catfish, other trout, etc. Species were to be selected that could more than likely be obtained during each successive sampling period (e.g., spring and fall). Each composite would consist of five uniform size adult fish of the same species. Three composites, preferably the same three species, would be collected each spring (April, May) and fall (October, November) at each of the 50 stations.

Fish were collected by various means, including seines, gill nets, traps, hook and line, electrofishing, etc., and some were purchased from commercial fishermen. The only method not permitted was the use of fish toxicants or other chemicals to avoid possible interference with the residue analyses.

Collection were made by a large number of

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[3] Adopted by the Pesticide Monitoring Subcommittee at its 52nd meeting on November 21, 1968.

individuals, without whose help this program would have been impossible. While the program was spearheaded in the various Bureau of Sport Fisheries and Wildlife regions by the Division of Fishery Services, other divisions also participated in the field collecting. State fish and game personnel also assisted greatly in making many collections.

Each composite sample (five whole fish) was wrapped separately in aluminum foil, frozen, packed in dry ice and the three composites from each station shipped immediately by air express to commercial laboratories for organochlorine insecticide analysis.[4] Accompanying the shipment was a legend showing location, date collected, name of collector, method of collecting, species of fish and the length, weight and estimated age of each fish in each composite sample. Laboratories were notified by telephone or telegraph approximately when the shipment would arrive.

Laboratory Analysis: Five commercial laboratories in various sections of the United States participated in the residue analyses during one or more of the four sampling periods. These laboratories are designated by letter code A, B, C, D, and E throughout this report. Initially, it was believed that the use of sectionally located laboratories would expedite delivery and analysis of samples. Laboratories selected had been used previously for pesticide residue analyses by other Bureau of Sport Fisheries and Wildlife divisions with apparently satisfactory results. It was believed that cross-checks of samples between laboratories would show up any major differences or discrepancies and possibly corrections could be made, if necessary.

When arrangements were made with laboratories for residue analyses, they were notified as to the approximate number of samples and approximate dates they would be received. They were requested to analyze each composite sample (usually five whole fish) for eleven organochlorine insecticides—DDE, TDE, DDT, dieldrin, aldrin, endrine, lindane, heptachlor, heptachlor epoxide, chlordane and toxaphene. It was believed that these were the most significant pesticides with regard to residues in fish. Results were to be reported as ppm (mg/kg) wet weight, whole fish. No particular method of analysis was specified.

All laboratories used similar preparation techniques which consisted of grinding, homogenizing and using standard quartering techniques to obtain representative samples for analysis. Extraction, partitioning, cleanup, columns used, instruments used, and operating conditions varied somewhat between laboratories.

Complete details of methodology were not available from all of the laboratories and thus are not presented here. Laboratories A and B stated that they were using the method published by the U.S. Public Health Service "Guide to the Analysis of Pesticide Residues" (21) with minor modifications. Laboratories C, D and E stated that they were using methods adapted from the FDA analytical manual, Barry *et al.* (3).

Laboratories A, B and C conducted the analyses on the spring and fall 1967 samples; Laboratories C, D and E on the spring 1968 samples; and Laboratory C analyzed all of the fall 1968 samples.

[4] During the spring and fall, 1967 and the spring 1968 collections, the brain was dissected from each fish, packaged in a separate vial, frozen, and shipped in dry ice to laboratories for brain cholinesterase determination. The cholinesterase data are not included in this report, but may be reported separately at a later date.

Laboratory cross-checks were conducted on the fall of 1967 and spring 1968 samples. One laboratory prepared ten regular composite samples and sent subsamples of the fish homogenate to each of the other participating laboratories for residue analyses. Laboratories A, B, C, D, and E participated in the fall 1967 cross-checks and Laboratories C, D, E, F, and G in the spring 1968 cross-checks. Laboratories F and G were Bureau of Sport Fisheries and Wildlife laboratories which did not participate in the regular monitoring program but only in the laboratory cross-checks.

RESULTS

Fish Collections: More difficulty was encountered than had been anticipated in collecting the same species of fish at a particular station during all sampling periods. Only at 9 stations were the same three species collected during all four sampling periods. Two of the same species were collected at an additional 11 stations and one at an additional 21 stations. Thus 41 of the 50 stations had at least one species collected during all periods.

Also, more species were collected than had been anticipated. There were 62 species in the 590 composite samples. However, of these, 21 species were collected at only one station, 12 at two stations and an additional 6 at only three of the 50 stations. On the other hand, some species or genera were represented at many stations. A total of 97 samples of carp was collected at 34 stations, 105 samples of catfish at 31 stations, 111 samples of suckers at 35 stations and 61 samples of black bass at 22 stations. A list of species collected is shown in Table 1. Common and scientific names are those specified by the American Fisheries Society (1). Code letters are included in this table in order to identify the species in Table 4.

Much of the variation in species collected and the number of fish in a composite sample was in the first (spring 1967) collection. Apparently, initial instructions to the field collectors were not adequate, as much more uniformity was obtained in later collections. In the future, it is believed that at least two and possibly three species can be collected consistently at a station, and collection of the same species would be expedited if samples were taken only in the fall.

Laboratory Cross-checks: The results of the fall, 1967 laboratory cross-checks are shown in Table 2. It is apparent that there are inconsistencies in the results reported by different laboratories on subsamples of the same homogenate. One laboratory (A) found relatively low levels of DDT and its metabolites, and little or no residues of other pesticides. Laboratory B reported somewhat higher values, but the abnormal DDT/DDE+DDT+TDE) ratios in many samples make some of their results open to question. DDT results for Laboratories C, D, and E were in fair agreement in most samples; however, Laboratory D did not differentiate among members of the DDT complex. Some high aldrin values reported by Laboratories D and E, and the high toxaphene values by Laboratory D might also be questioned.

Actually only Laboratories A, B, and C participated in the regular sampling program during the spring and fall of 1967. The data on the cross-check samples were not adequate to attempt any corrections in the regular sampling data. However, as the data for Laboratories C, D, and E appeared more comparable, these laboratories were selected to conduct analyses on the regular spring 1968 collections.

The spring 1968 cross-checks (Table 3) appear more consistent than was found in the previous cross-checks; however, some inconsistencies remained. Laboratory E reported lower and Laboratory F higher results for the DDT complex than the other laboratories. Laboratory D reported higher dieldrin results and Laboratories D and E higher aldrin results on some samples. Laboratory F did not find residues other than DDT in any samples. Only Laboratories C, D, and E participated in the regular spring 1968 sampling program. The data from the cross-check samples still did not justify a correction factor for the regular samples; however, it did point out possible places to look for inconsistencies. As there were still uncertainties regarding the data, only one laboratory was used for analysis of the fall 1968 samples.

Residue Levels in Fish: Results of residue analyses for 11 organochlorine insecticides at the 50 sampling stations are shown in Table 4. Results are reported as ppm (milligrams per kilogram) wet weight, whole fish. Also shown are station locations, date collected, species of fish (see code—Table 1), the number of fish, and the average length and weight of all fish in the composite. When interpreting these data, consideration must be given to laboratory differences as shown in cross-check samples, and to possible variations in species and size of fish, seasonal variation, etc.

It is interesting to note that regardless of the laboratory conducting the analyses or the species collected, some stations were consistently high or low in residues compared with other stations during all sampling periods.

DDT and metabolites were found in all but 6 of the 590 composite samples examined. Five of those without DDT were at Station 50 in Alaska. Total DDT residue levels ranged up to 45 ppm and were consistently above 1.0 ppm (mean levels 1.0–16.0 ppm) at Stations 3, 4, 18, 20, 21, and 39 during all sampling periods and also above this level at Stations 2, 24, 28, 44, and 48 during three of the four sampling periods. The latest data (October 1968) show DDT residues at three other stations at comparatively high levels. Values reported from Stations 14, 16, and 30 exceeded 5 ppm.

Dieldrin residues were reported in approximately 75% of all samples analyzed. Values of individual composite samples ranged upward to a maximum of 1.94 ppm. Mean values above 0.1 ppm were reported from four sampling stations (Sta. 2, 4, 26, 31) during three of the four sampling periods. Values exceeding 0.1 ppm were also reported in the spring and fall 1968 from Stations 10, 14, 34, and 40.

Aldrin residues were not reported consistently from any station during all sampling periods. A few scattered values greater than 0.1 ppm were reported in the spring, 1968 samples. However, practically all of these were reported from one laboratory which had also reported relatively high values in the laboratory cross-checks.

Endrin was reported consistently in samples from only three stations (Sta. 15, 28, and 30) and then at relatively low levels (<0.1 ppm). A few scattered higher values were reported from several other stations but usually represented only one or two composite samples.

Some lindane residues were found in 16% of the total samples; however, levels were usually less than 0.1 ppm. While reported from a fairly large number of samples, lindane was not found consistently at any stations during all sampling periods.

Next to DDT and dieldrin, heptachlor and/or heptachlor epoxide were found in the largest number of samples, 32% of the 590 samples examined. Residues were found consistently during different sampling periods at a number of stations and at levels greater than 0.1 at Stations 2, 3, 18, and 24.

Chlordane residues were also reported from a fairly large number of samples, 22% of the total, with some samples containing relatively high levels. While lower levels were reported consistently during all sampling periods from several stations, levels greater than 0.1 ppm were reported from Station 26 during three of the four sampling periods.

DISCUSSION

While there are variations in results from different laboratories, possible differences in residue levels in various species of fish, and in individuals within a species, these data (Table 4) show some waters with fish consistently high in DDT, dieldrin and some other organochlorine insecticides. Recently, the Food and Drug Administration has announced an interim guideline of 5 ppm total DDT (including derivatives) residues in fish shipped in interstate commerce, pending review by an appointed commission (20). The latest data reported by this monitoring study in fall 1968 (Table 4) show that mean DDT levels in whole fish exceed this level at 8 of the 50 monitoring stations. Also some of the DDT, dieldrin and other organochlorine insecticide residues are considerably higher than those established by the FDA for milk, meat, fruits, vegetables and other food and feed crops (18). FDA tolerances for meat are on a fat basis while the results reported here are on a whole fish basis. If these results were reported as residues in fat, the levels shown would be roughly tenfold higher. Much accumulation of these residues may be in portions of the fish not normally consumed by humans, but which are consumed by and might be hazardous to fish-eating birds and other animals.

The data (Table 4) are presented in a manner that can be interpreted while taking into consideration the above variations. A major value of the data may be to point out possible problem areas where special studies are needed and to serve as a base for such studies. Some of its utility might be lost if summaries only were presented.

Variation Among Laboratories: It is obvious from the cross-checks (Tables 2 and 3) that there are differences in residue results reported by different laboratories. However, an examination of the overall data (Table 4) does not reveal differences as extensive as those shown in the laboratory cross-checks. The reasons for this are not definitely known. Some differences might be accounted for by incomplete homogenization of samples of whole fish, so that fat, stomach contents, etc., were not equally divided in subsamples distributed to different laboratories. However, consistently high or low results from the same laboratory would indicate other reasons. These could include incomplete extraction, partitioning, cleanup, instrument performance and interpretation.

It appears that each laboratory uses a referenced procedure but with its own modifications. Each usually considers its method the best and its results accurate. Who is to say which of the laboratory results presented here most nearly represents the actual picture? It is certainly necessary to use different laboratories for various Federal and State monitoring programs. Standardization of procedures for a particular substrate is mandatory if results are to be comparable (see Editorial by Yobs, 23). In a study such as this, it may be necessary to use only one laboratory, especially to determine yearly trends, until such standardization is affected.

Variation in Residue Levels in Fish: Following the large scale use of DDT and other organochlorine insecticides and the development of suitable analytical methods and tools in the late 1950's and early 1960's, many studies were initiated by various groups to determine residue levels in fish. Most early studies were concerned with the use of DDT or DDD in specific watersheds. Such studies may be illustrated by those in Clear Lake, California, by Hunt and Bishoff (10); in the Yellowstone River by Cope (6); in New York lakes by Burdick *et al.* (5); and in Sebago Lake, Maine, by Anderson and Everhardt (2). These studies usually consisted of the analysis of a relatively small number of fish and in some cases different species. Among conclusions reached were that DDT residues were present in practically all samples, that levels were far above those found in the water, and that individual fish varied greatly in residue levels. Differences in residue levels in individuals were attributed to fish movement, size, food habits and fat content. Some indication was given that there may be differences in levels concentrated by different species. In the above studies, the large variation in residues in individual fish somewhat overshadowed the differences in species. A summary of these and many other field and laboratory studies showing vast differences in residue levels in fish is reported by Johnson (11). Some more recent studies in Tule Lake by Godsil and Johnson (8), and in a Wisconsin stream by Moubry *et al.* (16), tend to support the above conclusions.

Some more extensive monitoring studies involving numerous bodies of water and larger numbers of different species of fish have been reported from New York by Mack *et al.* (15), from Massachusetts by Lyman *et al.* (14) and from Wisconsin by Kleinert *et al.* (13). These studies, the latter including dieldrin as well as DDT, show even wider variations in residue levels in different samples than had previous studies. In the Wisconsin study (13), no differences in residue levels were observed in different species but in the other two studies (14), (15), species differences were indicated. Differences in residue levels in different sizes of fish of two species were not apparent in the Massachusetts study (14).

A more detailed fish monitoring study is that conducted by the Bureau of Commercial Fisheries in Lake Michigan, Reinert (personal communication), Mount (17). In that study, where large numbers of fish from the same body of water were analyzed for DDT and dieldrin residue, there were obvious differences in residue levels in different species of fish. Also, larger fish of the same species were shown to have the highest residue levels. A relationship was shown between residues in fat and the whole fish and also between edible and nonedible portions of fish.

In the present study (Table 4), it is somewhat difficult to make a comparison between residue levels in species because of the small number of samples collected from the same location. An examination of the data reveal obvious differences at some stations (Sta. 4, 21, 22, and 24) but little, if any, at others. On the basis of total samples, regardless of the magnitude of DDT levels at particular stations, some species such as carp, channel catfish, white perch and lake trout appear in the high category more often than other species such as bullheads nad bluegills, which are most often low. Other species appear in the high, medium, or low categories about equally. No differences in residue levels are obvious from these data with regard to fish size. However, all these samples were adult fish with most in the 2- to 5-year age groups.

Overall, the residue levels of DDT and dieldrin reported in this study are of similar magnitude and variation as those reported from other studies (13, 14) at comparable locations. No comparable information was available on residue of other organochlorine insecticides.

Seasonal Levels and Trends: On the basis of present data (Table 4), no definite conclusions can be reached regarding differences in residue levels between samples collected in different seasons or in different years. A direct examination of the data indicates that levels of total DDT and heptachlor were higher in the fall than in the spring and that levels in 1968 were higher than in 1967. On the other hand, dieldrin values appear higher in the spring than in the fall, but an increase is also shown for 1968. However, when variation in laboratory crosscheck samples is considered, the picture is not clear. If only the data in which one laboratory analyzed all of the samples from a station during all sampling periods are considered, there are no major differences in seasonal or annual levels, with the possible exception of heptachlor epoxide. Other studies reported somewhat different observations regarding trends. The Massachusetts study (14) states that generally DDT levels showed an increase during the 3-year study (1965, 1966, and 1967). The Wisconsin study (13) concludes that their 3-year survey (1965, 1966, and 1967) did not indicate the rate at which DDT and dieldren levels were building up or diminishing and that resurveys will be necessary to establish trends.

CONCLUSIONS

The major conclusions that can be drawn from this study to date are: (a) there are a number of widely scattered waters in which fish show consistently high residues of DDT, dieldrin and other organochlorine insectides (some of these waters are in agricultural drainages and others in highly industrialized areas); and (b) there is considerable variation in residue levels in different samples, which could be caused by variation in laboratory analyses, or variation in fish from movement, food habits, species, size, age, fat content, etc. Because of these variations, caution should be applied in using and interpreting these data.

A nationwide fish monitoring program of the present modest magnitude could not be expected to resolve all of the differences. The major functions should be to provide a continuing assay which would indicate the magnitude of pesticide residues in this substrate of the environment, to determine trends in residue levels, and to locate possible problem areas where significantly high levels may indicate the need for special studies.

Special studies could be made by Federal or State agencies, universities, industries, conservation or other groups to trace down sources of insecticide contamination and to resolve other differences such as variation in laboratories, fish samples, etc., as mentioned previously.

Until these differences are resolved, the present monitoring program should continue with the use of the same indicator species at each station during each sampling period, and the use of a single laboratory for residue determinations. The data might be more useful if lipid content were determined for each sample. The addition of a few more sampling stations would provide more uniform nationwide coverage.

In the future it may be possible to correlate the fish data with residue data in other substrates, such as water, soils or wildlife (especially waterfowl), which are being obtained by other participants in the National Pesticide Monitoring Program.

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Table 1.—CODE FOR FISH SPECIES

Family	Common name	Scientific name	Code
Amiidae, bowfin:	Bowfin	*Amia calva* Linnaeus	BF
Clupeidae, herring	American shad	*Alosa sapidissima* (Wilson)	ASh
	Gizzard shad	*Dorosoma cepedianum*	GSh
Amiidae, bowfin	Bowfin	*Amia calva* Linnaen	BF
Clupeidae, herring	American shad	*Alosa sapidissima* (Wilson	ASh
	Gizzard shad	*Dorosoma cepedianum* (LeSueur).	GSh
Salmonidae, trout, whitefish, and graylings	Lake whitefish	*Coregonus clupeaformis* (Mitchill).	LWh
	Bloater	*Coregonus hoyi* (Gill)	Blo
	Round whitefish	*Prosopium cylindrecaum* (Pallas).	RWh
	Mountain whitefish	*Prosopium williamsoni* (Girard).	MWh
	Coho salmon	*Oncorhynchus """"kutch* (Walbaum).	CSa
	Sockeye slamon	*Oncorhynchus nerka* (Walbaum).	SSa
	Cutthroat trout	*Salmo clarki* Richardson (Walbaum).	CTT
	Rainbow trout	*Salmo gairdneri* Richardson	RBT
	Lake trout	*Salvelinus namaycush* (Walbaum).	LKT
	Arctic grayling	*Thymallus arcticus* (Pallas)	AGr
Hiodontidae, mooneye	Goldeye	*Hiodon alosoides* (Rafinesque).	GE
	Mooneye	*Hiodon tergisus* LeSueur	ME
Esocidae, pike	Chain pickerel	*Esox niger* LeSueur	ChPi
	Northern pike	*Esox lucius* Linnaeus	NPi
Cyprinidae, minnows and carp	Chiselmouth	*Acrocheilus alutaceus* Agassiz.	CM
	Goldfish	*Carassius auratus* (Linnaeus).	GF
	Carp	*Cyprinus carpio* Linnaeus	C
	Golden shiner	*Notemigonus crysoleucas* (Mitchill).	GSn
	Northern squawfish	*Ptychocheilus oregonensis* (Richardson).	NSq
	Tui chub	*Siphateles bicolor* (Girard)	TCh
Catostomidae, suckers	Carpsucker	*Carpiodes sp*	CpSu
	Longnose sucker	*Catostomus catostomus* (Forster).	LNSu
	Bridgelip sucker	*Catostomus columbianus* (Eigenmann).	BLSu
	White sucker	*Catostomus commersoni* (Lacépède).	WhSu
	Flannelmouth sucker	*Catostomus latipinnis* Baird	FMSu
	Largescale sucker	*Catostomus macrocheilus* Girard.	LSSu
	Klamath sucker	*Catostomus rimiculus* Gilbert.	KSSu
	Tahoe sucker	*Catostomus tahoeniss* Gill	TaSu
	Lake chubsucker	*Erimyzon sucetta* (Lacépède).	LCSu
	Smallmouth buffalo	*Ictiobus bubalus* (Rafinesque).	SMBu
	Bigmouth buffalo	*Ictiobus cyprinellus* (Valenciennes).	BMBu
	Spotted sucker	*Minytrema melanops* (Rafinesque).	SpSu
	Redhorse (sucker)	*Moxostoma sp*	RSu
	Humpback sucker	*Xyrauchen texanus* (Abott).	HBSu
Ictaluridae, freshwater catfish	White catfish	*Ictalurus catus* (Linnaeus)	WhC
	Blue catfish	*Ictalurus furcatus* (LeSueur).	BlC
	Black bullhead	*Ictalurus melas* (Rafinesque).	BkBH
	Brown bullhead	*Ictalurus nebulosus* (LeSueur).	BrBH
	Channel catfish	*Ictalurus punctatus* (Rafinesque).	ChC
	Flathead catfish	*Pylodictis olivaris* (Rafinesque).	FHC
Gadidae, codfish and hake	Burbot	*Lota lota* (Linnaeus)	Bot
Serranidae, sea bass	White perch	*Roccus americanus* (Gmelin).	WhP
	White bass	*Roccus chrysops* (Rafinesque)	WhB
	Striped bass	*Roccus saxatilis* (Walbaum)	StB
Centrarchidae, sunfish	Rock bass	*Ambloplites rupestris* (Rafinesque).	RkB
	Sacramento perch	*Archoplites interruptus* (Girard).	SaP
	Redbreast sunfish	*Lepomis auritus* (Linnaeus)	RBS
	Green sunfish	*Lepomis cyanellus* Rafinesque.	GrS
	Pumpkinseed	*Lepomis gibbosus* (Linnaeus)	Pks
	Bluegill	*Lepomis macrochirus* Rafinesque.	BGS
	Smallmouth bass	*Micropterus dolomieui* Lacépède.	SMB
	Largemouth bass	*Micropterus salmoides* (Lacépède).	LMB
	White crappi	*Pomoxis annularis* Rafinesque.	WhCp
	Black crappi	*Pomoxis nigromaculatus* (LeSueur).	BkCp
Percidae, perch	Yellow perch	*Perca flavescens* (Mitchill)	YeP
	Sauger	*Stizostedion canadense* (Smith).	Sag
	Walleye	*Stizostedion vitreum*	WE
Sciaenidae, drums	Freshwater drum	*Aplodinotus grunniens* Rafinesque.	FWD
Mugilidae, mullet	Striped mullet	*Mugil cephalus* Linnaeus	StMu

TABLE 2.—LABORATORY CROSS-CHECK SAMPLES ORGANOCHLORINE INSECTICIDES, FALL, 1967

Sample, number and location	Species	Number of fish	Total weight (pounds)	Date collected	Analysis by— Laboratory	Analysis by— Date of report	Organochlorine insecticides (p.p.m.) mg./kg. DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
F-5-1-OF; Stillwater River, Old Town, Maine	Chain pickerel	5	5.3	Nov. 6	A	Feb. 17	0.01	0.01	0.01	0.03					0.01			
					B	Mar. 18	.21	.01	.44	.66	0.02	0.02	0.08		0.01		0.02	
					C	Jan. 26	.06	.04	.03	.13	.01			0.10				
					D	Dec. 22	.20			.20	.06					0.04		0.36
					E	Jan. 29	.08	.02	.04	.14								
F-5-3-LMB; Hudson River, Poughkeepsie, N.Y.	Largemouth bass	5	5.4	Oct. 4	A	Feb. 17	.01	.02	.03	.06								
					B	Dec. 1	.03	.07	.05	.15	.01	.04		.03	.01	.29	.07	
					C	Jan. 29	.95	1.31	.92	3.18	.18					1.18		
					D	Dec. 22	2.31			2.31						3.00		
					E	Jan. 29	1.40	.52	.89	2.81	.19	2.30				1.70		
F-5-4-Su; Delaware River, Burlington, N.J.	White sucker	4	4.4	Oct. 5	A	Feb. 17	.01	.02	.03	.06								
					B	Mar. 18	.08	.07	.27	.42	.01		.01		.01	.01	.01	
					C	Jan. 25	2.08	1.92	.58	4.58	.35			.04				
					D	Dec. 22	.37			.37	.19	.09				.10		1.06
					E	Jan. 29	2.60	2.30	.60	5.50	.35	.03				.09		
F-5-18-OF; Lake Ontario, Port Ontario, N.Y.	White perch	5	4.4	Oct. 24	A	Feb. 17	.02	.02	.03	.07					.01			
					B	Mar. 18	.07	.02	.54	.63	.02		.09	.01	.02	.07	.01	
					C	Jan. 26	.55	.31	.47	1.33	.04			.06				
					D	Dec. 22	.36			.36	.25	.19				.17		1.25
					E	Jan. 29	1.40	.49	.56	2.45		.21				.33		
F-3-32-C; Missouri River; Garrison Reservation, N. Dak.	Carp	5	8.7	Sept. 26	A	Feb. 17	.01			.01								
					B	Mar. 18	.03	.06	.04	.13			.07	.02	.01	.03	.03	
					C	Jan. 25	.03	.02	.01	.06	.01							
					D	Dec. 22	.15			.15						.10		
					E	Jan. 29	.06	.02	.03	.11						.02		
F-3-34-Su; Red River, Noyes, Minn.	White sucker	4	8.0	Oct. 3	A	Feb. 17	.06	.08	.13	.27								
					B	Mar. 18	.02	.10	.08	.20	.01			.06	.01	.04	.03	
					C	Jan. 25	.61	.95	1.79	3.35	.08			.05				
					D	Dec. 22	3.45			3.45								
					E	Jan. 29	.75	1.80	.33	2.88	.08					.02		
F-3-26-B; Illinois River, Beardstown, Ill.	Bigmouth, buffalo	5	9.1	Oct. 11	A	Feb. 17	.02	.02	.01	.05								
					B	Mar. 18	.06	.02	.45	.54	.02		.04		.02			
					C	Jan. 24	.04	.08	.04	.16	.52			.02		.01	.24	
					D	Dec. 22	.16			.16								
					E	Jan. 29	.08	.07	.04	.19	.32	.04				.04	.11	
F-3-27-B; Mississippi River, Gutenberg, Iowa	do	4	16.0	Oct. 14	A	Feb. 17	.01	.02	.02	.05								
					B	Dec. 1	.01	.07	.05	.13				.04	.02	.03	.05	
					C	Jan. 25	.05	.09	.07	.22	.04			.02				
					D	Dec. 22	.23			.23	.12							
					E	Jan. 29	.09	.05	.11	.25	.04	.03			.01	.05	.06	
F-5-19-OF; Lake Erie, Erie, Pa.	Freshwater drum	5	3.0	Oct. 11	A	Feb. 17	.01	.02	.03	.06								
					B	Mar. 18	.11	.03	.28	.42	.02		.06	.01	.02	.01		.01
					C	Jan. 25	.09	.10	.13	.32	.03							
					D	Dec. 22	.22			.22	.11	.08				.12		.24
					E	Jan. 29	.18	.06	.21	.45	.04	.01				.03		
F-3-20-C; Lake Huron, Bayport, Mich.	Carp	5	7.9	Oct. 4	A	Feb. 17	.01	.01	.01	.03								
					B	Dec. 1	.03	.09	.04	.16		.04		.04	.01	.09	.10	
					C	Jan. 29	.21	.28	.09	.58	.01			.01		.17		
					D	Dec. 22	.74			.74	.13	.03				1.10		
					E	Jan. 29	.33	.23	.11	.67		.15				.33		

TABLE 3.—LABORATORY CROSS-CHECK SAMPLES ORGANOCHLORINE INSECTICIDES, SPRING, 1968

Sample, number and location	Species	Number of fish	Total weight (pounds)	Date collected	Analysis by— Laboratory	Analysis by— Date of report	Organochlorine insecticides (p.p.m.) mg/kg. DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
S-3-20-C; Lake Huron, Bayport, Mich.	Carp	5	17.9	Apr. 16	C	Aug. 16	0.44	0.39	0.10	0.93	0.02							
					D	May 18	.35	.30	.10	.75	.26							
					E	July 22	.18	.04	.14	.36		0.17			0.10	0.07		
					F	July 17	.29	.09	.06	.44								
					G	July 26	.5	.5	.2	1.2								
S-3-20-CC; Lake Huron, Bayport, Mich.	Channel catfish	5	8.4	do	C	Aug. 16	1.09	.81	.62	2.52	.04							
					D	May 18	3.50	.83	.25	4.58	2.58	.10						
					E	July 22	.52		.35	.87		.31			.11	.17		
					F	July 17	7.56	.03	3.90	11.49								
					G	July 26	1.4	1	.8	3.2								

TABLE 3.— LABORATORY CROSS-CHECK SAMPLES ORGANOCHLORINE INSECTICIDES, SPRING, 1968—Continued

Sample, number and location	Species	Number of fish	Total weight (pounds)	Date collected	Analysis by— Laboratory	Analysis by— Date of report	Organochlorine insecticides (p.p.m.) mg./kg. DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
S-3-21-LC; Lake Michigan, Sheboygan, Wis.	Bloater	5	6.7	May 10	C	Aug. 16	4.79	-------	2.10	6.89	.02	-------	-------	0.04	-------	.18	0.07	-------
					D	May 18	6.25	2.70	2.40	11.35	2.04	.82	-------	-------	-------	-------	-------	-------
					E	July 22	2.87	.10	1.30	4.27	-------	.02	-------	-------	-------	.12	-------	-------
					F	July 17	11.40	-------	5.86	17.26	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	2.9	.6	4.0	7.5	.2	-------	-------	-------	-------	-------	-------	-------
S-3-22-W; Lake Superior, Bayfield, Wis.	Lake whitefish	5	11.9	May 8	C	Aug. 16	.33	.08	.27	.68	.02	-------	-------	-------	.08	-------	-------	-------
					D	May 18	.49	.25	.34	1.08	.20	.02	-------	-------	-------	.02	-------	-------
					E	July 22	.23	.04	.28	.55	-------	.01	-------	-------	-------	.01	-------	-------
					F	July 17	1.44	.36	1.30	3.10	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	.5	.5	.6	1.6	.1	-------	-------	-------	-------	-------	-------	-------
S-3-22-LT; Lake Superior, Bayfield, Wis.	Lake trout	5	14.8	do	C	Aug. 16	.81	.08	.34	1.23	.02	-------	-------	.04	-------	-------	-------	-------
					D	May 18	.40	.25	.27	.92	.19	.02	-------	-------	-------	.01	-------	-------
					E	July 22	.46	.01	.20	.67	-------	-------	-------	-------	.01	.01	-------	-------
					F	July 17	.24	-------	.14	.48	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	.4	.1	.4	.8	-------	-------	-------	-------	-------	-------	-------	-------
S-3-26-OC; Illinois River, Beardstown, Ill.	Brown bullhead	5	2.0	Apr. 24	C	Aug. 16	.19	.04	.06	.29	.10	-------	-------	-------	-------	-------	-------	-------
					D	May 18	.40	.10	.10	.60	.26	-------	-------	-------	-------	-------	-------	-------
					E	July 22	.05	.06	.08	.19	.09	.02	-------	-------	-------	.01	-------	-------
					F	July 17	.26	.12	.21	.59	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	.3	.3	.1	.7	.2	-------	-------	-------	-------	-------	-------	-------
S-3-26-OS; Illinois River, Beardstown, Ill.	White crappie	5	3.2	do	C	Aug. 16	.31	.10	.27	.68	.24	-------	-------	-------	-------	-------	-------	-------
					D	May 18	.36	.10	.12	.58	.28	-------	-------	-------	-------	-------	-------	-------
					E	July 22	.11	.15	.14	.40	.11	.04	-------	-------	.03	.03	-------	-------
					F	July 17	.29	.10	.07	.46	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	.5	.4	.2	1.1	.3	-------	-------	-------	-------	-------	-------	-------
S-3-32-OF; Missouri River, Garrison Dam, N. Dak.	Goldeye	5	2.2	May 14	C	Aug. 16	.15	.37	.24	.76	.01	.13	-------	-------	-------	.23	-------	-------
					D	May 18	.36	.10	.20	.76	.12	.05	-------	-------	-------	-------	-------	-------
					E	July 22	.07	.03	.12	.22	.01	.01	-------	-------	.01	.01	-------	-------
					F	July 17	.26	.15	.21	.62	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	.2	.2	.2	.6	-------	-------	-------	-------	-------	-------	-------	-------
S-1-44-C; Yakima River, Granger, Wash.	Carp	4	4.5	Apr. 10	C	Aug. 16	2.43	.45	.16	3.04	.06	-------	-------	.02	-------	-------	-------	-------
					D	May 18	3.35	.96	.05	4.36	.26	-------	-------	-------	-------	-------	-------	-------
					E	July 22	1.53	.28	.20	2.01	.02	-------	-------	-------	-------	.07	-------	-------
					F	July 17	1.70	.34	.19	2.23	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	1.4	.8	.2	2.4	-------	-------	-------	-------	-------	-------	-------	-------
S-1-46-Su; Columbia River, Bonneville, Dam Oreg.	Largescale sucker	5	8.1	Apr. 12	C	Aug. 16	.45	.58	.27	1.30	.02	-------	-------	-------	-------	-------	-------	-------
					D	May 18	.35	.30	.05	.70	.11	-------	-------	-------	-------	-------	-------	-------
					E	July 22	.14	.14	.09	.37	.01	.01	-------	-------	.01	.01	-------	-------
					F	July 17	.12	.02	.04	.18	-------	-------	-------	-------	-------	-------	-------	-------
					G	July 26	1.1	.3	.1	1.5	-------	-------	-------	-------	-------	-------	-------	-------

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967-68

[Note: See table 1 for explanation of species column]

Location and station No.	Species	Collection data: Number of fish	Average: Length (inches)	Average: Weight (pounds)	Anal. lab. code	Date	Organochlorine insecticides (p.p.m.)[1] DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
ATLANTIC COAST STREAMS																		
Stillwater River, Old Town, Maine (1)	WhSu	7	16.0	1.6	C	S-67	0.06	0.05	0.08	0.19	0.01	-------	-------	-------	-------	-------	-------	-------
	WhSu	5	16.7	1.8	C	F-67	.09	.07	.06	.22	.03	-------	-------	0.36	-------	-------	-------	-------
	WhSu	5	16.3	1.6	E	S-68	.16	.14	.19	.49	.22	-------	-------	-------	0.01	0.01	-------	-------
	WhSu	5	14.4	1.2	C	F-68	.04	.05	.06	.14	-------	-------	-------	-------	-------	-------	-------	-------
	YeP	5	9.0	.3	C	F-67	.09	.06	.07	.22	.02	-------	-------	.27	-------	-------	-------	-------
	YeP	5	10.7	.5	E	S-68	.08	.03	.08	.19	-------	-------	-------	-------	-------	-------	-------	-------
	YeP	5	7.3	.2	C	F-68	.05	.04	.05	.14	-------	-------	-------	-------	-------	-------	-------	-------
	WhP	9	9.7	.5	C	S-67	.19	.15	.09	.43	.01	-------	-------	-------	-------	-------	-------	-------
	ChPi	7	13.3	.7	C	S-67	.12	.06	.05	.23	-------	-------	-------	-------	-------	-------	-------	-------
	ChPi	5	16.9	1.1	C	F-67	.06	.04	.03	.12	.01	-------	-------	.10	-------	-------	-------	-------
	ChPi	5	16.4	.8	E	S-68	.10	.04	.08	.22	-------	.01	-------	-------	-------	.01	-------	-------
	ChPi	5	15.8	.8	C	F-68	.06	.03	.05	.14	-------	-------	-------	-------	-------	-------	-------	-------

Connecticut River, Windsor Locks, Conn. (2)	WhC	6	11.5	.8	C	S-67	.91	1.06	.91	2.88	.28						
	WhC	4	10.0	.5	C	F-67	.53	.68	.50	1.71	1.58						
	WhC	5	11.3	.7	C	F-68	1.29	1.37	1.16	3.82	.37					.52	
	BrBH	5	10.9	.7	E	S-68	.04	.09	.12	.25	.16	.03			.04	.04	
	YeP	5	8.9	.4	C	S-67	1.41	1.09	.91	3.41	.31						
	YeP	5	8.9	.4	C	F-67	.34	.47	.41	1.22	1.94						
	YeP	4	8.3	.3	E	S-68	.33	.25	.53	1.11	.24	.14			.19	.19	
	WhP	12	9.2	.4	C	S-67	.72	1.25	1.84	3.81	.53						
	WhP	5	8.5	.4	C	F-67	.24	.42	.46	1.12	1.21						
	WhP	5	8.8	.4	E	S-68	.35	.28	.54	1.17	.19	.13			.13	.17	
	WhP	1	8.4	.3	C	F-68	1.17	.76	.78	2.71	.30					.65	.38
Hudson River, Poughkeepsie, N.Y. (3)	C	3	20.0	4.0	C	S-67	.59	1.31	.56	2.46	.02						
	WhSu	5	15.8	1.6	C	S-67	.47	.37	.37	1.21	.06						
	GF	5	9.1	.7	C	F-67	.82	1.21	.52	2.55	.35						
	GF	5	10.4	.9	E	S-68	.94	.63	.82	2.39	.17	1.25			.83	.83	
	GF	5	11.0	1.1	C	F-68	5.02	5.89	3.49	14.40	.22					8.46	7.29
	GSn	20	8.2	.2	C	S-67	.56	.47	.28	1.31	.04						
	PkS	5	6.0	.2	C	F-67	.15	.29	.18	.62	.10						
	PkS	5	6.2	.2	C	F-68	1.54	1.72	1.15	4.41	.09					2.40	2.24
	WhP	5	6.9	.2	E	S-68	1.00	.39	.85	2.24	2.4	.14		.01	.10	.23	
	LMB	5	12.1	1.1	C	F-67	.95	1.31	.92	3.18	.18					1.18	
	LMB	5	8.8	.4	E	S-68	.86	.63	.88	2.37	.19	2.43			2.58	1.79	
	LMB	5	12.6	1.3	C	F-68	3.70	4.61	3.18	11.49	.14					6.93	4.22
Delaware River, Camden, N.J. (4)	WhSu	9	13.2	.9	C	S-67	4.22	5.15	.50	9.87	.22						
	WhSu	4	13.9	1.1	C	F-67	2.08	1.92	.58	4.58	.35			.04			
	WhSu	5	14.2	1.0	E	S-68	.94	.46	.18	1.58	.04	.02			.01	.04	
	WhSu	5	13.0	.9	C	F-68	2.76	2.03	.66	5.45	.10					.20	
	BrBH	6	11.1	.8	C	S-67	2.46	3.85	.28	6.59	.16						.14
	BrBH	4	11.2	.8	C	F-67	2.89	3.15	.31	6.35	.39			.08			
	BrBH	3	11.1	.5	E	S-68	1.71	1.67	.31	3.69	.03	.02			.02	.02	
	BrBH	5	10.6	.5	C	F-68	2.68	2.89	.52	6.09	.17					.18	.41
	WhP	8	10.3	.6	C	S-67	14.40	15.60	3.72	31.72	.81						
	WhP	5	10.7	.8	C	F-67	18.40	16.60	1.73	36.73	1.24			.05			
	WhP	5	11.4	.7	E	S-68	17.80	20.80	6.67	45.27	.22	.29			.07	.09	
	WhP	5	9.9	.5	C	F-68	18.20	13.00	2.92	34.12	.25					.68	
Susquehanna River, Conowingo, Md.	C	5	12.0	1.9	C	S-67	2.11	.73	.08	2.92	.02						
	C	3	20.9	5.7	B	F-67	.03	.02	1.51	1.56	.05		1.50		.01	.02	.11
	C	3	21.0	4.6	E	S-68	.44	.23	.11	.78	.02	.01			.01	.01	
	C	2	23.2	6.3	C	F-68	.41	.40	.30	1.11	.08					.07	
	ChC	10	12.7	.7	C	S-67	1.11	.68	.65	2.43	.04						
	ChC	5	15.1	1.2	B	F-67	.01	.09	.01	.10							.01
	ChC	5	14.7	.8	E	S-68	.60	.56	.53	1.69	.03	.01			.01	.02	
	ChC	5	14.2	.8	C	F-68	.31	.24	.20	.75	.12					.04	
	YeP	10	8.0	.2	C	S-67	.46	.39	.22	1.07	.13						
	YeP	5	8.9	.4	B	F-67		.05	.01	.06	.01		.01			.01	.01
	YeP	5	8.4	.3	E	S-68	.13	.04	.11	.28	.03	.01			.01	.02	
	YeP	5	8.2	.2	C	F-68	.48	.30	.30	1.08	.10					.09	
Potomac River, Little Falls, Md. (6)	C	5	11.9	1.1	C	S-67	.12	.24	.02	.38	.19						
	C	3	14.9	2.0	B	F-67	.05	.15		.20	.02	.01		.01			.01
	C	3	19.5	3.4	E	S-68	.12	.29	.10	.51	.15	.01			.01	.02	
	C	5	17.5	2.2	C	F-68	.78	.78	.27	1.83	.07					.13	
	WhSu	3	14.2	1.3	B	F-67	.03	.07	.10	.20	.01	.01					
	WhSu	5	14.5	1.2	E	S-68	.07	.09	.13	.29	.03	.01			.02	.02	
	WhSu	5	14.1	1.2	C	F-68	.18	.17	.19	.54	.07					.06	
	BGS	12	5.2	.1	C	S-67	.11	.06	.10	.27	.02						
	SMB	13	8.1	.3	C	S-67	.21	.12	.08	.41	.05						
	SMB	4	10.0	.4	B	F-67	.02	.06	.03	.11	.01		.01				.01
	LMB	5	10.6	.6	E	S-68	.05	.04	.07	.16	.03	.01			.01	.01	
	LMB	5	10.0	.5	C	F-68	.66	.55	.57	1.78	.06					.11	
Roanoke River	C	2	23.0	6.3	B	S-67	.07	.10	.11	.29	.04					.03	.13
Roanoke Rapids, N. C., No. 7	C	3	18.2	2.7	B	F-67	.01	.10		.11			.01	.01			
	SpSu	3	16.3	1.8	B	S-67	.04	.09	.12	.25	.09					.01	.08
	RSu	5	10.4	.7	D	S-68	.49	.17		.66	.13						
	RSu	5	13.4	1.4	C	F-68	.29	.31	.26	.86	.07					.03	
	LCSu	5	10.6	.7	B	F-67	.02		.08	.10				.01	.01		.01
	ChC	5	9.4	.4	D	S-68	.19			.19	.05						
	BrBH	12	9.0	.3	B	S-67	.08	.12	.23	.43	.04				.01		.04
	BrBH	4	9.4	.4	B	F-76	.01	.06		.07			.03		.01		.03
	BrBH	5	8.4	.4	C	F-68	.23	.14	.07	.44	.02						
	LMB	2	13.1	1.2	B	F-67	.07	.16	.09	.32	.01			.01	.01		.02
	LMB	4	7.7	.2	C	F-68	.56	.45	.39	1.40	.06					.03	
	BF	6	14.1	1.2	D	S-68	.34	.08		.42	.14						

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967-68—Continued

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]										
			Average														
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal lab code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
ATLANTIC COAST STREAMS—Continued																	
Cape Fear River, Elizabethtown, N.C. (8)	GSh	5	13.8	1.0	B	S-67	0.14	0.18	0.21	0.54	0.09	0.01	----------	0.02	----------	0.03	0.20	----------
	GSh	5	12.2	1.0	B	F-67	.02	.69	.35	1.06	----------	----------	----------	.01	----------	----------	.03	----------
	GSh	5	13.9	.8	D	S-68	.31	.10	----------	.41	.14	----------	----------	----------	----------	----------	----------	----------
	ASh	5	17.3	1.3	D	S-68	.44	.18	----------	.62	.12	----------	----------	----------	----------	----------	----------	----------
	RSu	5	14.6	1.6	C	F-68	.49	.71	.58	1.78	.07	----------	----------	----------	----------	.07	----------	----------
	ChC	4	13.5	1.2	B	S-67	.05	.27	.15	.47	.02	.04	----------	.02	----------	.01	.13	----------
	ChC	5	10.0	.5	D	S-68	.32	.10	----------	.42	.13	----------	----------	----------	----------	----------	----------	----------
	BrBH	9	10.8	.6	B	S-67	.02	.03	.06	.11	.02	.01	----------	----------	.02	----------	----------	----------
	BrBH	5	9.4	.5	B	F-67	.02	.08	.03	.13	----------	----------	.01	----------	----------	----------	.01	----------
	BrBH	5	10.4	.6	C	F-68	.05	.07	.07	.19	.02	----------	----------	----------	----------	----------	----------	----------
	LMB	5	9.5	0.6	B	F-67	.02	.19	.21	.43	.05	----------	----------	----------	.01	----------	.01	----------
	LMB	5	12.0	.7	C	F-68	.52	.73	.48	1.73	.07	----------	----------	----------	----------	.05	----------	----------
Cooper River, Summerton, S.C. (9)	C	3	18.3	2.4	B	S-67	.05	.15	.19	.39	.02	.01	----------	----------	----------	.01	.04	----------
	SpSu	2	16.9	2.0	B	S-67	.07	.32	.21	.60	.02	.02	.01	.02	.02	.01	.12	0.03
	SpSu	3	17.2	2.3	B	F-67	.04	.06	.07	.16	.01	----------	.04	.01	.01	----------	.01	----------
	SpSu	5	11.4	.8	D	S-68	.77	.08	----------	.85	.10	----------	----------	----------	----------	----------	----------	----------
	SpSu	5	15.4	1.8	C	F-68	.73	.76	.62	2.11	.02	----------	----------	----------	----------	.07	----------	----------
	BGS	5	6.5	.2	B	F-67	.02	.02	.06	.10	----------	----------	.01	.01	.01	----------	.02	----------
	BGS	5	7.8	.4	D	S-68	1.31	.21	----------	1.52	.07	----------	----------	----------	----------	----------	----------	----------
	BGS	5	5.8	.2	C	F-68	.61	.34	.62	1.57	----------	----------	----------	----------	----------	.04	----------	----------
	LMB	2	16.8	2.1	B	S-67	.02	.12	.12	.25	.09	----------	----------	----------	----------	----------	.01	----------
	LMB	4	11.4	.9	B	F-67	.09	.17	.16	.42	----------	----------	----------	.01	.01	.03	.05	----------
	LMB	5	13.8	1.1	D	S-68	5.87	.50	----------	6.37	.27	----------	----------	----------	----------	----------	----------	----------
	LMB	5	12.4	1.0	C	F-68	1.65	1.02	1.39	4.06	----------	----------	.01	----------	----------	----------	----------	----------
Savannah R., Savannah, Georgia (10)	C	3	21.2	5.0	B	S-67	.08	.03	.13	.24	.06	----------	----------	----------	----------	.01	.04	----------
	C	3	21.3	5.2	B	F-67	----------	.06	.01	.07	----------	----------	----------	----------	----------	----------	.02	----------
	C	4	18.9	3.3	D	S-68	.78	.05	----------	.83	.62	----------	----------	----------	----------	----------	----------	----------
	C	3	18.6	4.7	C	F-68	.27	.30	.24	.81	.52	----------	.02	----------	----------	.08	----------	----------
	StMu	3	13.7	1.3	C	F-68	.20	.30	.25	.75	1.37	----------	.03	----------	----------	.08	----------	----------
	ChC	4	16.3	1.4	B	S-67	.10	.04	.18	.32	.07	----------	----------	.01	----------	.01	.02	----------
	WhC	5	13.1	1.3	B	S-67	.01	.09	.06	.16	.11	----------	----------	.09	----------	.01	.05	----------
	BGS	5	6.9	.4	B	F-67	----------	.07	----------	.07	----------	----------	----------	----------	----------	----------	.03	----------
	BGS	5	6.8	.3	D	S-68	.17	.01	----------	.18	.25	----------	----------	----------	----------	----------	----------	----------
	LMB	5	13.9	1.2	B	F-67	.02	----------	.08	.10	----------	----------	----------	.03	.02	----------	.05	----------
	LMB	5	14.0	1.2	D	S-68	.15	.02	----------	.17	.26	----------	----------	----------	----------	----------	----------	----------
	LMB	2	13.0	1.1	C	F-68	.08	.07	.07	.22	.15	----------	----------	----------	----------	.02	----------	----------
St. Johns River, Welaka, Fla., (11)	StMu	5	15.0	1.1	B	S-67	.04	.05	.13	.22	.04	.01	.01	----------	.01	.01	.14	----------
	StMu	3	17.3	2.0	B	F-67	.02	----------	.09	.11	----------	----------	.02	----------	----------	----------	.01	----------
	StMu	5	13.4	.9	D	S-68	.22	.12	----------	.34	----------	----------	----------	----------	----------	----------	----------	----------
	StMu	4	13.5	1.1	C	F-68	.14	.16	.15	.45	----------	----------	----------	----------	----------	.02	----------	----------
	ChC	12	10.5	.5	B	S-67	.02	.02	.06	.10	.03	.01	----------	----------	----------	.01	.02	----------
	ChC	5	13.1	.7	B	F-67	.01	.04	.06	.11	----------	----------	----------	.01	----------	----------	----------	----------
	ChC	5	9.7	.3	D	S-68	.11	.02	----------	.13	----------	----------	----------	----------	----------	----------	----------	----------
	ChC	5	10.4	.4	C	F-68	.05	.08	04	.17	----------	----------	----------	----------	----------	.02	----------	----------
	RBS	17	7.2	.5	B	S-67	.17	.14	.14	.45	.05	----------	----------	.01	----------	----------	.09	----------
	RBS	5	8.4	.4	B	F-67	.01	.14	.04	.19	.01	----------	----------	.01	.01	----------	.03	----------
	RBS	5	7.4	.3	C	F-68	.05	.06	.04	.15	----------	----------	----------	----------	----------	.02	----------	----------
	LMB	2	17.0	2.4	B	F-67	.02	.09	.04	.15	----------	----------	----------	----------	.01	----------	.07	----------
	LMB	2	16.7	2.4	D	S-68	.14	.02	----------	.16	.03	----------	----------	----------	----------	----------	----------	----------
St. Lucie Canal, Indiantown, Fla. (12)	WhC	6	11.5	.8	B	S-67	.15	.16	.20	.51	.09	----------	.01	----------	----------	----------	.09	----------
	WhC	5	12.2	.9	B	F-67	.03	.06	.03	.12	----------	----------	----------	----------	----------	----------	.01	----------
	WhC	1	12.0	.9	D	S-68	1.87	1.90	.05	3.82	----------	----------	----------	----------	----------	----------	----------	----------
	ChC	5	11.4	1.3	C	F-68	3.07	2.50	1.69	7.26	----------	----------	----------	----------	----------	----------	.15	----------
	BGS	10	8.1	.5	B	S-67	.13	.17	.15	.44	.09	----------	----------	----------	----------	----------	.09	----------
	BGS	5	6.7	.3	B	F-67	----------	.16	.02	.18	----------	----------	.01	----------	----------	----------	.01	----------
	BGS	5	6.8	.3	D	S-68	1.46	.20	.10	1.76	----------	.02	----------	----------	----------	----------	----------	----------
	BGS	5	7.0	.2	C	F-68	.76	.60	.68	2.04	.04	----------	----------	----------	----------	.05	----------	----------
	LMB	3	17.3	2.7	B	S-67	.09	.16	.21	.45	.04	----------	----------	----------	----------	----------	.07	----------
	LMB	4	11.5	.8	B	F-67	.01	.18	.06	.25	----------	----------	----------	----------	----------	----------	.04	----------
	LMB	5	10.2	.4	D	S-68	1.72	.28	----------	2.00	----------	----------	----------	----------	----------	----------	----------	----------
	LMB	5	11.0	.6	C	F-68	.57	.52	.67	1.76	----------	----------	----------	----------	----------	.03	.04	----------

GULF COAST STREAMS																		
Apalachicola River, Jim Wodoruff Dam, Fla. 13	SpSu	3	17.7	2.4	B	S-67	.08	.11	.12	.31	.04					.01	.04	
	SpSu	3	18.2	2.8	B	F-67	.24	.06	3.24	3.54	.02	.02	.27		.01		.02	
	SpSu	5	14.5	1.3	D	S-68	.18	.05		.23	.06							
	SpSu	5	18.4	2.5	C	F-68	1.83	.67	.44	2.94	.15					.04	.08	
	ChC	5	17.0	1.7	B	S-67	.22	.18	.30	.70	.04			.01		.01	.27	
	ChC	3	15.5	1.4	B	F-67	.02	.33	.04	.39	.02							
	ChC	5	8.8	.2	D	S-68	.31	.08		.39	.19							
	ChC	5	8.2	.2	C	F-68	2.68	1.64	1.72	6.04							.17	
	LBM	3	15.3	2.4	B	S-67	.18	.46	.46	1.10	.38		.02	.02	.01	.01	.66	
	LMB	5	15.8	2.1	B	F-67	.07	.01	1.03	1.11	.01		.06					
	LMB	5	10.9	.8	D	S-68	.38	.02	.08	.48	.24							
	LMB	5	11.2	.8	C	F-68	1.68	1.32	.80	3.80	.45					.09	.14	
Tombigbee River, McIntosh, Ala. No. (14)	C	5	15.0	1.6	B	F-67	.04	.09	.03	.16								
		5	17.0	2.7	C	F-68	9.48	4.82	1.33	15.63	.01			.37				
	CpSu	8	11.8	.8	B	S-67	.10	.24	.10	.44	.05		.03	.01			1.12	
		5	14.8	2.2	D	S-68	5.15	1.20		6.35	.48							
	StMu	5	14.4	1.3	B	S-67	.49	.40	.72	1.61	.34		.02	.02	.01		1.65	
	StMu	5	13.6	.8	B	F-67	.01	.10	.03	.14							.01	
	StMu	5	16.0	1.7	D	S-68	12.00	3.60		15.60	1.26							
	StMu	5	15.8	1.7	C	F-68	3.28	2.21	1.26	6.75	.04							
	LMB	4	12.3	1.0	B	F-67		.10	.03	.13								
	LMB	5	11.2	0.8	D	S-68	5.15			5.15								
	LMB	5	13.2	1.2	C	F-68	7.94	3.70	1.69	13.33	0.6							
	BF	3	22.7	4.4	B	S-67	.04	.10	.10	.24	.12		.01	.2		.01	.13	
Mississippi River, Luling, La. (15)	C	3	17.3	2.3	B	S-67	.02	.07	.06	.15	.04	.02	.09	.03		.01	.19	.03
	C	5	9.8	.7	B	F-67	.01	.05	.02	.08	.01	.01	.01			.01		
	C	3	22.0	5.6	D	S-68	.42	.10		.52	.08	.58						
	C	5	12.6	1.4	C	F-68	.07	.19	.06	.32	.09		.10			.08	.09	
	StMu	4	13.5	.9	B	F-67		.03	.01	.04			.01		.01			
	StMu	5	12.2	.7	C	F-68	.29	.44	.78	1.51	.18		.14		.89	.73		
	FWD	5	9.8	.4	D	S-68	.62	.24		.86	.05							
	ChC	3	13.0	.9	B	S-67	.04	.08	.07	.19	.05	.01	.01	.03		.02	.30	
	ChC	5	11.2	.6	B	F-67		.06		.06								
	ChC	5	11.9	.6	D	S-68	.16			.16								
	ChC	5	12.0	.6	C	F-68	.24	.45	.53	1.22	.17		.14				.23	
	LMB	2	14.4	1.9	B	S-67	.02	.05	.09	.16	.03			.01		.01	.08	
Rio Grande River, Brownsville, Tex. (16)	C	4	16.6	2.3	B	S-67	.02	.04	.27	.33	.10				.02	.01	.06	
	BMBu	2	17.0	3.1	B	S-67	.08	.08	.11	.27	.11						.10	
	GSh	2	11.5	.9	B	F-67	.05	.03	.03	.11							.01	
	GSh	5	11.7	.7	D	S-68	2.40	.10		2.50	.12							
	GSh	5	12.2	.6	C	F-68	2.34	.16	.13	2.63				.02				
	ChC	5	15.5	1.1	B	S-67	.11	.31	.22	.64	.03		.01			.01	.46	
	ChC	5	12.6	.6	B	F-67	.03	.01	.02	.06							.01	
	ChC	3	12.5	.6	D	S-68	2.69	.30		2.99	.48	.02						
	ChC	4	16.6	1.5	C	F-68	.61	.01	.02	.64								
	FHC	1	21.1	4.1	B	F-67	.08	.07	.05	.20	.01							
	BIC	4	10.5	.3	D	S-68	2.84	.05		2.89	.11	.07						
	BIC	2	10.4	.3	C	F-68	10.70	1.30	1.17	13.17	.01		.02	.02				
GREAT LAKES DRAINAGE																		
Genesee River	WhSu	5	13.1	.8	C	F-67	.06	.06	.08	.20	.02			.01		.01		
Scottsville, N.Y., No. 17	WhSu	5	13.6	.7	E	S-68	.01		.07	.08						.01		
	WhSu	5	12.7	.7	C	F-68	.10	.08	.10	.28	.02					.02		
	RSu	7	14.0	1.0	C	S-67	.35	.23	.12	.70	.04							
	RkB	9	7.2	.9	C	S-67	.08	.06	.06	.20	.01							
	RkB	5	7.9	.3	E	S-68	.16	1.42	.24	1.82	.03	.04			.03	.04		
	RkB	5	8.4	.4	C	F-68	.15	.15	.13	.43	.03					.08		
	WE	4	14.8	1.0	C	S-67	.11	.15		.26	.01							
	WE	1	25.2	4.0	C	F-67	1.27	1.57	1.39	4.23	.11			.01		.71		
	WE	2	16.6	1.5	E	S-68	.06	.03	.10	.19	.01	.03			.02	.03		
	WE	3	16.0	1.3	C	F-68	.76	.81	.44	2.01	.10					.65	.39	
Lake Ontario, Port Ontario, N.Y.	YeP	8	11.4	.7	C	S-67	1.15	.58	.73	2.46	.02				.42			
	YeP	5	11.8	1.0	C	F-67	1.60	.90	1.23	3.73	.01			.36		.47		
	YeP	5	9.8	.6	E	S-68	.25	.05	.20	.49	.02	.01		.01	.02	.02		
	YeP	5	11.0	.7	C	F-68	2.81	2.55	2.53	7.89	.05		.02			1.64		
	WhP	10	10.1	.7	C	S-67	1.43	.75	.93	3.11	.01							
	WhP	5	10.7	.9	C	F-67	.55	.31	.47	1.33	.04			.06				
	WhP	5	9.9	.6	E	S-68	1.67	2.54	3.25	7.46	.50	7.50			8.33	3.54		
	WhP	5	11.0	.8	C	F-68	4.84	3.36	3.59	11.79	.09		.02			1.74		
	RkB	10	8.6	.5	C	S-67	.69	.34	.41	1.44	.04							
	RkB	5	8.8	.6	C	F-67	.43	.27	.28	.98	.03			.09		.12		
	RkB	5	6.9	.3	E	S-68	.07	.11	.31	.49	.01	.01			.01	.02		
	RkB	5	8.3	.5	C	F-68	2.97	2.14	2.14	7.25	.03					.86		

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967-68—Continued

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]										
			Average														
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal lab code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Hepta-chlor	Hepta-chlor epoxide	Chlordane	Toxa-phene
GREAT LAKES DRAINAGE—Continued																		
Lake Erie, Erie, Pa. (19)	WhSu	8	13.2	1.0	C	S-67	0.12	0.18	0.20	0.50	0.02							
	WhSu	5	14.1	1.2	C	F-67	.09	.11	.13	.33	.03			0.01				
	WhSu	5	12.7	.9	E	S-68	.02	.04	.10	.16	.01	0.01				0.01		
	WhSu	5	13.8	1.0	C	F-68	.23	.27	.43	.93	.02					.03		
	FWD	10	10.2	.5	C	S-67	.28	.40	.30	.98	.03							
	FWD	5	11.0	.6	C	F-67	.09	.10	.13	.32	.03							
	FWD	5	13.8	1.2	E	S-68	.18	.09	.32	.59	.01	.03				.04		
	FWD	5	11.0	.6	C	F-68	.25	.41	.56	1.22	.07					.08		
	YeP	10	9.4	.4	C	S-67	.29	.24	.55	1.08	.03							
	YeP	5	9.1	.4	C	F-67	.23	.17	.26	.66	.04			.01				
	YeP	5	9.7	.5	E	S-68	.05	.04	.13	.22	.01	.01				.01		
	YeP	5	9.0	.2	C	F-68	.11	.30	.58	.99	.05					.05		
Lake Huron, Bayport, Mich. (20)	C	6	15.9	1.9	C	S-67	1.30	2.30	0.49	4.09	0.02							
	C	5	14.8	1.6	C	F-67	.21	.28	.09	.58	.01			0.01		0.17		
	C	5	18.7	3.6	C	S-68	.44	.39	.10	.93	.02							
	C	5	18.0	3.1	C	F-68	.15	.19	.08	.42								
	WhSu	6	16.4	1.5	C	S-67	.60	1.10		1.70	.01							
	ChC	6	16.2	1.5	C	S-67	1.90	1.70		3.60	.50							
	ChC	5	14.7	1.0	C	F-67	1.08	1.13	.30	2.51	.04			.03				
	ChC	5	16.8	1.7	C	S-68	1.09	.81	.62	2.52	.04							
	ChC	3	19.8	3.2	C	F-68	1.63	1.80	1.29	4.72	.04			.29				
	YeP	11	11.2	.8	C	S-67	1.10	.60		1.70	.03							
	YeP	5	11.6	.7	C	F-67	.59	.57	.43	1.59	.04			.01				
	YeP	5	11.4	.9	C	S-68	.40	.46	.26	1.12	.01			.02		.28		
	YeP	5	9.3	.4	C	F-68	.25	.32	.16	.73								
Lake Michigan, Sheboygan Wis. (21)	Blo	18	12.1	.8	C	S-67[2]	4.40	.84	1.50	6.74	.14							
	Blo	11	11.5	.6	C	S-67	4.40	.94	1.30	6.64	.14							
	Blo	5	11.4	.6	C	F-67	3.55	.35	1.97	5.87	.22							
	Blo	5	14.0	1.3	C	S-68	4.79		2.10	6.89	.02			.01		.18	0.07	
	Blo	5	11.7	.8	C	F-68	3.26	.59	2.58	6.43	.16							
	Blo	5	11.3	.7	C	F-68[3]	3.91	.55	2.99	7.45	.15							
	YeP	5	10.0	.4	C	S-68	1.18	.36	1.23	2.77	.08							
	YeP	5	8.3	.3	C	F-68[4]	.45	.24	.48	1.17	.07							
Lake Superior, Bayfield, Wis. (22)	LWh	9	17.3	1.8	C	S-67	.45	.06	.36	.87	.06							
	LWh	5	18.8	2.4	C	S-68	.33	.08	.27	.68	.04				.08		.05	
	RWh	5	13.8	0.7	C	F-67	.44	.04	.15	.63	.01			.01				
	RWh	6	10.2	0.4	C	F-68	.29	.04	.12	.45								
	LkT	11	17.4	1.5	C	S-67	.61	.15	.12	.88	.02							
	LkT	4	13.7	0.8	C	F-67	.51	.04	.25	.80	.03			.01				
	LkT	5	20.7	3.0	C	S-68	.81	.08	.34	1.23	.02			.04				
	LkT	5	22.5	3.3	C	F-68	.78	.14	.46	1.38	.03							
MISSISSIPPI RIVER SYSTEM																		
Kanawha River, Winfield Va. (23)	C	4	15.0	1.7	C	S-67	.11	.30	.06	.47	.02							
	C	5	12.9	1.1	C	F-67	.03	.06	.02	.11	.02					.01		
	C	5	8.3	.4	E	S-68	.02	.07	.05	.14	.01	.08				.02		
	C	5	12.5	1.1	C	F-68	.34	.57	.46	1.37	.03			.48	.72	.42		
	ChC	5	14.1	.9	C	F-67	.07	.13	.11	.31	.05					.02		
	BrBH	6	11.5	1.0	C	S-67	.06	.23	.07	.36	.04							
	BrBH	5	12.0	.9	C	F-67	.05	.10	.05	.20	.04					.01		
	BrBH	5	10.0	.5	E	S-68	.02	.11	.08	.21	.01	.08				.04		
	BrBH	5	12.0	1.0	C	F-68	.47	.66	.31	1.44	.03			.36	.64	.35		
	LMB	10	8.9	.5	C	S-67	.15	.25	.13	.53	.04							
	WhCp	5	9.2	.4	E	S-68	.17	.10	.19	.46	.01	.28				.04		
	WhCp	5	6.0	.1	C	F-68	.36	.46	.34	1.16	.03			.32	.65	.38		
Ohio River, Marietta, Ohio (24)	C	5	12.8	1.1	C	S-67	.50	.56	.34	1.40	.04							
	C	5	15.0	2.3	C	F-67	.06	.12	.08	.26	.02			.10		.05		
	C	5	16.7	2.5	C	S-68	.19	.35	.20	.74	.02							
	C	5	15.5	2.0	C	F-68	.77	.38	.37	1.52	.03					.89	.56	
	Rsu	4	14.1	1.1	C	S-67	.23	.44	.20	.87	.01							
	RSu	5	13.0	1.0	C	F-67	.12	.25	.07	.44	.02			.16		.09		
	RSu	5	13.8	1.1	C	S-68	.21	.31	.20	.72	.02			.02				
	RSu	5	14.5	1.4	C	F-68	.20	.35	.22	.77	.03					.46	.31	
	ChC	6	14.5	1.0	C	S-67	.86	1.10	.47	2.43	.05							
	ChC	5	14.3	.9	C	F-67	.64	.89	.73	2.26	.05			.27		.23		
	ChC	5	14.9	1.0	C	S-68	.65	1.05	.36	2.06	.04							
	ChC	5	14.5	.8	C	F-68	1.29	1.24	.78	3.31	.03					.93	.66[5]	

Cumberland River, Clarksville, Tenn., (25)	C	7	12.0	.8	B	S-67	.01	.03	.01	.05	.03						.01	.02		
	C	5	9.8	.4	B	F-67	.02	.04	.05	.11			.01	.01				.01		
	C	5	13.4	1.2	D	S-68	.83	.07		.90	.17	.11								
	C	5	11.2	.7	C	F-68	.30	.38	.18	.86	.02						.12			
	BGS	13	7.3	.3	B	S-67	.05	.03	.42	.50	.03						.02	.05		
	BGS	4	6.6	.02	B	F-67	.04		.13	.17			.01	.02				.02		
	BGS	5	6.7	.2	D	S-68	.16	.05		.21	.04									
	BGS	5	6.6	.2	C	F-68	.31	.26	.16	.73	.03						.09			
	LMB	8	10.8	.6	B	S-67	.08	.07	.18	.33	.06	.01			.01		.02	.03		
	LMB	5	10.3	.4	B	F-67	.01	.03	.01	.05			.02	.01				.03		
	LMB	5	14.5	1.7	D	S-68	.16	.05		.21	.05									
	LMB	5	10.6	.8	C	F-68	.67	.85	.56	2.08	.04		.01				.29			
Illinois River, Beardstown, Ill., (26)	C	4	16.3	2.5	C	S-67	.28	.30	.09	.67	.30							.50		
	BMBu	5	14.7	1.8	C	F-67	.04	.08	.04	.16	.52			.02			.01	.24		
	BMBu	5	14.8	2.1	C	F-68	.17	.22	.21	.60	.35			.07			.11	.17		
	CpSu	5	12.7	.9	C	S-68	.16	.11	.16	.43	.20									
	ChC	8	12.6	.8	C	S-67	.35	.45	.15	.95	.38							.65		
	BkBH	5	10.3	.6	C	F-67	.06	.13	.06	.25	.18							.18		
	BkBH	3	9.2	.4	C	S-68	.19	.04	.06	.29	.10									
	BkBH	5	10.6	.5	C	F-68	.30	.45	.40	1.15	.30			.05			.11	.24		
	WhCp	5	9.3	.4	C	F-67	.06	.09	.04	.19	.23							.13		
	WhCp	5	10.4	.6	C	S-68	.31	.10	.27	.68	.24									
	WhCp	5	8.7	.4	C	F-68	.19	.25	.28	.72	.27			.04			.08	.15		
Mississippi River, Gutenberg, Iowa (27)	C	4	17.8	2.5	C	S-67	.13	.16	.06	.35	.02									
	C	4	13.7	1.9	C	S-68	.27	.29	.15	.71	.02									
	C	4	19.5	3.3	C	F-68	.30	.38	.27	.95	.04						.12			
	BMBu	4	61.1	2.7	C	S-67	.17	.24	.13	.54	.05									
	BMBu	4	18.0	4.0	C	F-67	.05	.09	.07	.21	.04			.02						
	SpSu	5	15.9	2.0	C	S-67	.20	.27	.21	.68	.04									
	RSu	5	16.2	1.4	C	F-68	.26	.36	.35	.97	.05						.10			
	BGS	5	7.6	.4	C	F-67	.08	.12	.10	.30	.03									
	BGS	5	4.2	.2	C	S-68	.06	.03	.04	.13	.01									
	BGS	5	8.6	.3	C	F-68	.10	.14	.17	.41	.02				.01		.03			
	LMB	5	12.5	1.7	C	S-67	.08	.10	.07	.25	.01									
	LMB	5	12.6	1.0	C	F-67	.04	.03	.03	.10	.02									
	LMB	4	10.5	0.8	C	S-68	.15	.18	.14	.47	.01						.04			
	LMB	5	12.6	1.0	C	F-68	.14	.21	.22	.57	.02						.03			
Arkansas River, Pine Bluff, Ark. (28)	C	3	22.0	4.6	B	S-67	0.01	0.13	0.04	0.18	0.08	0.01	0.01				0.05	0.05		
	C	5	17.7	2.9	B	F-67	.01	.01	1.57	1.59	.03		.04		0.01					
	C	4	18.1	3.2	D	S-68	.65	.16		.81	.06									
	C	3	19.3	3.9	C	F-68	5.63	2.79	.67	9.09	.02									
	SMBu	3	17.0	3.1	B	S-67	.11	.15	.24	.50	.10	.01	.02	0.02			.01	.11	0.01	
	SMBu	5	16.2	2.4	B	F-67	.08	.64	.39	1.11	.02	.01	.11	.02	.04		.01	.02	.02	
	SMBu	3	18.1	3.2	D	S-68	1.39	.47		1.86	.17									
	SMBu	3	17.0	2.6	C	F-68	1.83	2.03	1.95	5.81	.05						.20			
	ChC	2	15.0	1.0	C	F-68	.89	.78	1.02	2.69	.02						.12			
	FHC	3	23.0	5.4	B	S-67	.16	.34	.77	1.27	.08	.01	.03	.07	.01		.05	.54		
	FHC	4	21.3	3.8	B	F-67	.05	.03	1.16	1.24	.02		.11	.01	.01		.01	.01		
	FHC	3	19.6	3.5	D	S-68	2.28	1.03		3.31	.40									
Arkansas River, Keystone Reservoir, Okla. (29)	C	4	13.8	1.4	B	S-67	.05	.03	.14	.22	.01	.01					.01	.03		
	C	5	12.7	1.0	B	F-67	.01	.06	.02	.08										
	C	5	11.8	.8	D	S-68	.13	.03		.16	.01	.01								
	C	5	12.2	.8	C	F-68	.15	.13	.10	.38	.01				.02		.04	.09		
	SMBu	9	10.7	.7	B	S-67	.07	.02	.15	.23	.02				.03		.01	.03		
	BGS	5	5.9	.1	B	F-67		.01	.02	.02								.02		
	BGS	5	5.8	.1	D	S-68	.13	.02		.15	.02	.05								
	BGS	5	5.8	.1	C	F-68	.17	.10	.10	.37					.02		.12	.06		
	LMB	4	14.0	1.7	B	S-67	.05	.05	.06	.15	.04						.01	.04	.01	
	LMB	5	13.6	1.7	B	F-67		.17	.02	.19	.01		.01		.01			.01		
	LMB	5	14.5	2.3	D	S-68	.19	.02		.21	.10	.07								
	LMB	5	13.8	1.6	C	F-68	.15	.14	.11	.40	.03						.08	.72		
White R., DeValls Bluff, Ark. (30)	C	3	20.0	4.1	B	S-67	.01	.09	.04	.14	.07						.01	.10		
	C	4	20.8	4.5	B	F-67	.01	.01	1.73	1.75	.01		.01							
	C	3	20.0	3.5	D	S-68	2.76	1.35		4.11	.34									
	C	2	21.0	4.9	C	F-68	1.56	1.30	.32	3.18	.04		.06							
	BMBu	3	17.3	2.7	B	S-67	.07	.13	.13	.33	.10		.01					.07		
	BMBU	5	15.8	2.3	B	F-67	.05	.02	.42	.49			.01		.01		.01			
	BMBU	4	16.6	2.5	D	S-68	1.30			1.30	.17									
	BMBU	3	18.0	3.5	C	F-68	2.19	2.21	2.32	6.72	.04		.06							
	ChC	3	19.0	1.7	B	S-67	.10	.08	.19	.37	.09						.01	.04		
	ChC	4	13.4	0.7	B	F-67		.09	.02	.10								.01		
	ChC	4	15.2	1.3	D	S-68	.91	.59		1.50										
	ChC	1	18.0	3.0	C	F-68	2.81	2.21	2.73	7.75	.06		.02				.19	.04		

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967–68—Continued

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]											
		Average																
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal lab code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Hepta-chlor	Hepta-chlor epoxide	Chlordane	Toxa-phene
MISSISSIPPI RIVER SYSTEM—Continued																		
Missouri River, Nebraska City, Nebr. (31)	C	9	14.2	1.6	C	S-67	0.22	0.26	0.15	0.63	0.09						0.28	
	C	5	16.3	2.5	C	F-67	.14	.16	.11	.41	.11			0.01		0.03	.22	
	C	5	15.7	2.1	C	S-68	.03	.05	.03	.11	.05					.01		
	C	5	16.8	2.9	C	F-68	.27	.28	.24	.81	.09							
	BMBu	2	16.5	3.1	C	S-67	.11	.21	.28	.60	.22						.30	
	ME	5	12.8	.7	C	S-68	.72	.14	.15	1.01	.22	.04						
	ChC	5	14.5	1.1	C	F-67	.43	.73	.87	2.03	.12			.02		.01	.24	
	ChC	5	17.2	1.9	C	S-68	.04	.09	.08	.21	.18	.01						
	ChC	5	15.3	1.1	C	F-68	.15	.22	.26	.63	.04					.05		
	BkBH	1	8.7	.4	C	S-67	.01	.02	.02	.07	.02							
	WhCp	5	9.0	.3	C	F-67	.09	.06	.06	.21	.06			.01				
	WE	3	11.0	.3	C	F-68	.02	.20	.22	.44	.24					.06		
Missouri River, Garrison Dam, N. Dak. (32)	C	5	16.2	2.3	C	S-67	.05	.03	.01	.08	.01					.01		
	C	5	15.6	1.7	C	F-67	.03	.02	.01	.06	.01							
	C	2	18.3	3.6	C	F-68	.08	.06	.07	.21	.04		0.03			.01		
	WhSu	15	12.1	0.8	C	S-67	.02	.02	.02	.06	.01					.01		
	WhSu	5	12.7	1.0	C	F-67	.02	.02	.01	.05	.01							
	WhSu	5	13.3	0.9	C	S-68												
	GE	20	11.5	0.5	C	S-67	.08	.07	.05	.20	.02							
	GE	5	11.4	0.6	C	F-67	.03	.02	.03	.08	.02							
	GE	5	10.8	0.4	C	S-68	.15	.37	.24	.76	.01					.23		
	GE	5	12.2	0.5	C	F-68	.05	.04	.05	.14	.01					.01		
	NPi	3	27.1	4.0	C	S-67	.06	.05	.08	.18	.01					.01		
	WE	5	19.4	2.7	C	S-67	.12	.06	.20	.38	.03					.01		
	WE	4	17.1	1.9	C	F-68	.06	.09	.08	.23	.02							
	Sag	4	16.0	1.2	C	S-67	.06	.04	.13	.23	.01							
	Sag	3	16.8	1.0	C	S-68	.06	.03	.10	.19	.02							
Missouri River, Great Falls, Mont. (33)	C	1	15.5	1.7	A	S-67	.04	.02	.03	.09	.02							
	LSSu	5	10.4	.5	A	F-67				.01								
	LNSu	5	15.7	1.4	C	S-68	.14	.24	.13	.51	.01					.02		
	RSu	1	18.0	1.9	A	S-67	.05	.05	.07	.17	.01							
	RSu	5	16.6	1.6	C	F-68	.75	.67	.96	2.38	.04					.11		
	BLSu	2	16.9	1.6	A	S-67	.07	.04	.09	.20	.02							
	GE	6	13.0	.7	A	S-67	.01		.01	.03	.01							
	GE	5	12.9	.8	C	S-68	.07	.03	.06	.16	.01					.01		
	GE	5	12.7	.5	C	F-68	.09	.08	.16	.33								
	FWD	1	15.5	1.7	A	S-67	.01		.01	.02	.01							
	ChC	1	18.0	2.0	C	F-68	.74	.50	.57	1.81	.04					.05		
	BkBH	1	11.0	.5	A	S-67	.01		.01	.02								
	YeP	5	6.1	.1	A	F-67	.03	.03	.02	.08								
	Sag	5	14.8	.8	C	S-68	.04	.03	.04	.11								
	RBT	4	8.5	.3	A	F-67	.01	.01		.01								
HUDSON BAY DRAINAGE																		
Red River, Noyes, Minn. (34)	C	7	10.9	.9	C	S-67	.29	.16		.45	.07					.01		
	C	2	12.5	1.0	C	S-68	.12	.04	.01	.17	.05							
	WhSu	4	10.4	.8	C	S-67	.10	.12		.22	.09					.01		
	WhSu	4	16.0	2.0	C	F-67	.61	.95	1.79	3.35	.08			.03				
	WhSu	1	11.5	.8	C	F-68	.17	.09	.37	.63	.03							
	GE	5	10.5	.7	C	F-67	1.04	.52	.69	2.25	.25			.03				
	GE	1	10.1	.5	C	F-68	1.90	.25	.21	2.36	.03							
	ChC	11	9.1	.5	C	S-67	.55	.57	.53	1.65	.12					.02		
	ChC	2	10.2	.4	C	S-68	.75	.09	.24	1.08	.37							
	Sag	5	12.5	.8	C	F-67	1.16	.75	1.87	3.78	.23			.06				
	Sag	1	12.0	.5	C	S-68	.10	.18	.07	.35	.19							
	Sag	3	11.5	.5	C	F-68	.39	.30	.37	1.06	.06			.06	.04	.07	.06	
	Bot	5	13.8	.9	C	S-67	.14	.14		.28	.04					.01		

COLORADO RIVER SYSTEM

Green River, Vernal, Utah (35)	C	10	15.6	1.8	B	S-67	.01		.03	.03								
	C	5	14 4	1.4	B	F-67	.01	.02	.02	.05							.01	
	C	5	15.7	1.9	D	S-68	.16	.01		.17	.01	.01						
	C	5	9.0	.3	C	F-68	.04	.03	.03	.10							.02	
	HBSu	4	19.6	2.8	B	S-67	.01	.01	.08	.10	.01						.01	
	FMSu	5	17.8	2.4	D	S-68	.53	.03		.56	.05	.05						
	ChC	1	15.5	1.1	B	F-67		.05	.01	.06			.01				.02	
	BkBH	7	6.7	.2	B	S-67	.02	.06	.16	.24	.10						.06	
	BkBH	5	8.1	.3	B	F-67	.01	.39	.10	.50	.01						.01	
	BkBH	2	7.1	.3	D	S-68	.10			.10		.05						
	BkBH	5	5.2	.1	C	F-68	.02	.02	.02	.06								
	GrS	5	4.0	.1	C	F-68	.03	.02	.02	.07								
Colorado River, Imperial Res., Ariz. (36)	C	6	15.2	1.6	B	S-67	.04	.01	.13	1.7	.02				.02		.01	.01
	C	4	17.2	2.1	B	F-67	.04	.01	2.71	2.76	.01		.02	.01	.01			
	C	5	16.8	1.9	D	S-68	.25	.06		.31	.01	.08						
	C	3	19.4	3.1	D	F-68	.18			.18								
	ChC	6	15.0	1.3	B	S-67	.07	.03	.22	.31	.05		.01		.02	.01	.02	
	ChC	3	18.5	1.9	B	F-67	.03		4.75	4.79	.04	.01	.71	.01				
	ChC	3	12.3	.8	D	S-68	.21	.01		.22	.03	.09						
	BGS	3	6.6	.2	D	F-68	.06			.06		.01						
	LMB	8	11.6	.9	B	S-67	.02	.03	.08	.12	.06				.02			
	LMB	4	13.3	1.2	B	F-67	.02	.01	.01	.04							.01	
	LMB	5	12.0	1.0	D	S-68	.19	.01		.20	.02	.11						
	LMB	3	10.3	.4	D	F-68	.09			.09								

INTERIOR BASINS

Truckee River, Fernley, Nev. (37)	C	1	27.5	11.5	A	S-67	01	.01		.02								
	C	3	12.1	1.1	A	F-67	.02	.01	.01	.03								
	C	5	18.8	3.2	C	F-68	.25	.17	.06	.48	.01							
	LSSu	5	10.5	.6	A	F-67	.02	.01		.02								
	TaSu	5	10.6	.5	C	S-68	.16	.10	.07	.33	.01							
	TCh	3	12.1	.9	A	S-67	.05	.01	.01	.06								
	ChC	5	10.1	.3	A	S-67	.02	.02	.02	.06	.01							
	BrBH	5	11.2	1.0	A	S-67	.03	.01	.01	.06								
	BrBH	5	10.4	.7	C	S-68	.22	.16	.06	.44	.02							
	BrBH	5	9.5	.4	C	F-68	.09	.08	.05	.22	.02							
	SaP	4	7.8	.3	A	S-67	.04	.01	.01	.06								
	LMB	5	12.0	1.0	C	S-68	.74	.43	.20	1.37	.03							
	LMB	5	13.1	1.4	C	F-68	.42	.35	.35	1.12	.06							
Utah Lake, Provo, Utah (38)	C	7	18.6	2.8	B	S-67		.03	.19	.22	.02						.02	
	C	5	16.3	2.2	B	F-67		.07	.01	.08			.01				.01	
	C	5	15.0	1.6	D	S-68	.26	.p3		.29	.04	.01						
	C	5	13.0	1.1	C	F-68	.06	.06	.02	.14	.02							
	ChC	9	17.7	2.0	B	S-67	.02	.04	.08	.14	.04						.03	.01
	BrBh	5	9.9	.5	B	F-67		.05	.01	.06							.02	
	BrBH	5	8.6	.4	D	S-68	.16	.04		.20	.04	.01						
	BrBH	5	9.2	.5	C	F-68	.02	.03	.02	.07								
	WhB	6	12.3	.8	B	S-67	.01		.03	.04								
	WhB	5	11.9	.8	B	F-67	.01	.13	.06	.20				.01			.03	
	WhB	5	10.1	.4	D	S-68	.19	.01		.20	.02	.05						
	WhB	2	10.6	.5	C	F-68	.08	.09	.06	.23								

CALIFORNIA STREAMS

Sacramento River, Sacramento, Calif. (39)	C	5	15.8	1.9	A	S-67	.06	.43	.32	.81	.10		.01	.02		.01		
	C	5	14.1	1.4	A	F-67	.86	.57	.07	1.50								
	C	5	15.9	1.5	C	S-68	4.84	1.56	.83	7.23	.15							
	C	5	11.7	.7	C	F-68	.81	.28	.28	1.37								
	ChC	2	13.0	.8	C	S-68	1.87	1.04	.47	3.38	.06			.01		.04		
	CHC	3	13.3	1.1	C	F-68	1.19	.81	.53	2.53	.02			.13			.04	
	BrBH	5	9.4	.6	A	F-67	1.36	1.01	.31	2.68								
	LMB	4	13.0	1.5	A	S-67	2.53	3.44	3.14	9.11	.14							
	LMB	1	16.0	2.3	C	S-68	4.48	1.95	.87	7.30	.06			.01				
	LMB	3	17.2	3.2	C	F-68	1.17	1.03	1.26	3.46	.05		.02			.04		
	NSq	4	16.7	1.9	A	F-67	.24	.12	.05	.40								
San Joaquin River, Los Banos, Calif. (40)	C	5	11.5	0,9	A	S-67	.07	.03	.02	.11	.01							
	C	3	15.3	1.4	A	F-67	.09	.04		.13								
	C	5	14.7	1.5	C	S-68	.49	.21	.04	.74								
	C	4	15.2	1.6	C	F-68	.19	.18	.07	.44	.04					.02		
	ChC	4	16.3	1.3	A	F-67	1.29	.51	.01	1.80	.01							
	ChC	4	15.7	1.6	C	S-68	.72	.82	.29	1.83	.14							
	ChC	5	15.6	1.4	C	F-68	1.15	1.33	.30	2.78	.31					.10		
	WhC	4	10.7	.7	A	S-67	.22	.08	.09	.39	.03		.01					
	GrS	1	8.0	.7	A	S-67	.05	.02	.02	.09								
	BkCp	5	8.4	.4	A	F-67	.02	.02	.01	.05								
	BkCp	2	11.3	.9	C	S-68	.56	.62	.20	1.38	.15							
	BkCp	5	12.0	1.2	C	F-68	.48	.65	.37	1.50	.29					.04		
	StB	1	25.0	5.1	A	S-67	.76	.28	.54	1.58	.03		.01					

Footnotes at end of table.

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967-68—Continued

[Note: See table 1 for explanation of species column]

Location and station No.	Species	Collection data: Number of fish	Average length (inches)	Average weight (pounds)	Anal lab code	Date	Organochlorine insecticides (p.p.m.)[1]: DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
COLUMBIA RIVER SYSTEM																		
Snake River, Hagerman, Idaho (41)	C	3	22.5	5.8	A	S-67	0.17	0.07	0.03	0.27	0.01							
	LSSu	5	18.2	2.5	A	S-67	.09	.02	.03	.14	.01							
	LSSu	5	16.1	1.5	A	F-67	.08	.02	.02	.12								
	LSSu	5	18.7	2.2	C	S-68	1.46	.20	.05	1.71	.02							
	LSSu	5	17.1	1.9	C	F-68	.60	.23	.18	1.01	.04							
	MWh	5	11.5	.6	A	F-67	.01			.02								
	BkBll	1	12.5	.9	C	S-68	.05	.02	.01	.08								
	RBT	3	13.7	1.3	A	S-67	.04	.01	.01	.06	.01							
	RBT	1	10.8	.6	A	F-67	.07		.01	.08								
	NSq	3	12.0	.5	A	F-67	.60	.05		.66								
	NSq	5	15.4	1.4	C	S-68	.86	.12	.04	1.02	.01							
	NSq	5	16.6	1.5	C	F-68	1.43	.16	.08	1.67	.02							
Snake River, Lewiston, Idaho (42)	C	1	16.3	2.0	A	F-67	.09	.02	.01	.11								
	LSSu	4	17.4	2.1	A	S-67	.05	.03	.04	.11	.01							
	LSSu	5	19.0	2.1	A	F-67	.05	.03	.05	.13								
	LSSu	5	18.0	2.0	C	S-68	.22	.07	.13	.42	.02							
	LSSu	5	17.4	2.0	C	F-68	.31	.17	.26	.74	.05							
	CM	2	12.6	1.1	A	S-67	.05	.02	.01	.08	.01							
	ChC	1	23.5	5.2	A	F-67	.39	.07	.10	.56								
	SMB	5	13.3	1.2	C	S-68	.55	.15	.07	.77	.03							
	SMB	4	8.3	0.3	C	F-68	.30	.11	.14	.55	.07							
	NSq	5	13.7	1.0	A	F-67	.22	.04	.02	.28								
	NSq	5	14.9	1.2	C	S-68	.83	.17	.05	1.05	.02							
	NSq	5	11.2	0.5	C	F-68	.44	.12	.14	.70	.06							
Salmon River, Riggins, Idaho (43)	LSSu	5	18.5	2.3	A	S-67	.05	.01	.02	.08								
	LSSu	5	17.2	1.8	A	F-67	.03		.01	.04								
	LSSu	5	18.0	2.1	C	S-68	.15	.04	.04	.23								
	LSSu	3	16.9	1.8	C	F-68	.19	.08	.11	.38								
	MWh	5	13.8	.9	C	S-68	.13	.02	.03	.18								
	SMB	1	17.0	2.8	A	S-67	.12	.01	.05	.18								
	SMB	2	10.2	.7	A	F-67	.08		.04	.12								
	NSq	3	12.3	.7	A	S-67	.05	.01	.01	.07								
	NSq	2	12.8	.8	A	F-67	.10	.02		.12								
	NSq	4	11.1	.5	C	S-68	.31	.04	.01	.36								
Yakima River, Grainger, Wash. Number (44)	C	3	12.5	1.3	A	S-67	.18	.10	.03	.31	.05							
	C	5	9.7	0.7	A	F-67	1.36	.50	.22	2.08		0.02						
	C	4	13.5	1.1	C	S-68	2.43	.45	.16	3.04	.06			0.02				
	C	5	13.4	1.2	C	F-68	2.73	.89	.33	3.95	.08							
	LSSu	5	17.3	2.2	A	S-67	.23	.25	.31	.78	.06				0.01			
	LSSu	3	18.0	1.8	A	F-67	.23	.03	.08	.33								
	LSSu	5	15.5	1.1	C	S-68	.91	.31	.48	1.70	.05							
	CM	5	12.8	.8	C	F-68	1.09	.25	.32	1.66	.03							
	SMB	3	10.2	.9	C	S-68	.73	.20	.09	1.02	.01							
	BkCp	5	6.8	.2	C	F-68	.99	.50	.09	1.58	.10							
	NSq	1	15.0	1.0	A	F-67	1.01	.33	.04	1.38								
Willamette River, Oregon City, Oreg. (45)	C	1	19.5	4.1	A	F-67	.12	.12	.03	.27				.02				
	LSSu	5	18.0	2.2	A	S-67	.12	.15	.14	.42	.03		.01	.01		0.01		
	LSSu	5	14.7	1.3	A	F-67	1.85	.28	.52	2.65				.02				
	LSSu	5	15.1	1.5	C	S-68	.28	.21	.17	.66	.01			.11		.03		
	LSSu	5	18.0	2.5	C	F-68	.31	.39	.40	1.10	.03					.05		
	WhCp	5	8.0	.3	A	S-67	.13	.11	.05	.29	.01							
	CSa	3	12.9	.9	A	F-67	.34	.01		.35								
	NSq	3	11.8	.7	A	F-67	.14	.10		.25								
	NSq	5	16.2	1.7	C	S-68	.78	.28	.10	1.16	.03			.09				
	NSq	5	16.5	2.2	C	F-68	.62	.29	.41	1.32	.03					.05		
Columbia Reservoir, Bonneville Dam, Oreg. (46)	C	2	19.5	3.6	C	F-68	3.41	.39	.23	4.03	.04						0.17	
	LSSu	5	14.2	1.1	A	S-67	.13	.20	.17	.50	.07	.01		.01	.02	.01		
	LSSu	2	17.4	2.0	A	F-67		.02	.02	.04								
	LSSu	5	15.6	1.6	C	S-68	.45	.58	.27	1.30	.02							
	BrBH	5	10.3	.6	A	S-67	.12	.13	.05	.30	.01		.01					
	RBT	1	15.3	1.4	A	F-67	.09	.01		.10								
	NSq	4	16.0	1.4	A	S-67	.14	.30	.07	.51	.05		.01	.01	.01	.01		
	NSq	3	8.7	2.2	A	F-67	.01	.45	.04	.50		.01						
	NSq	5	15.0	1.2	C	F-68	1.93	.99	.32	3.24								

PACIFIC COAST STREAMS																						
Klamath River, Holbrook, Calif. (47)	KSSu	5	13.5	1.0	C	F-68	.03	.02	.01	.06												
	BrBH	4	8.7	.4	A	S-67	.18	.09	.10	.37	.09											
	PkS	3	5.1	.1	C	F-68	.02	.02	.01	.04												
	YeP	5	8.5	.3	A	S-67	.27	.33	.20	.80	.09								.01			
	YeP	5	9.5	.4	A	F-67	.18	.10	.05	.33												
	YeP	5	9.4	.4	C	S-68	.03	.02	.02	.07												
	YeP	5	10.1	.5	C	F-68	.02	.02	.02	.06												
	RBT	2	19.1	2.9	A	F-67	.03		.02	.04												
	RBT	5	14.6	1.1	C	S-68	.34	.27	.09	.70								.02	.02	.02		
Rogue River, Gold Rey Dam, Oreg. (48)	C	2	21.1	4.7	A	S-67	1.20	.70	.20	2.10	.52				.01							
	LSSu	4	16.4	1.8	A	S-67	.47	.48	.60	1.55	.44	.01			.01		.04		.01			
	BLSu	5	11.1	.6	A	F-67	.07	.04	.07	.18												
	BLSu	5	14.9	1.4	C	S-68	.51	.41	.54	1.46												
	BLSu	5	12.6	.8	C	F-68	.39	.50	.62	1.51	.02								.04			
	BrBH	5	9.8	.5	A	F-67	.02			.02												
	BrBH	5	10.5	.6	C	S-68	.33	.24	.10	.67	.01											
	LMB	2	12.7	1.4	A	F-67	.15	.10	.22	.46									.01			
	SMB	4	6.9	.2	C	F-68	.34	.47	.44	1.25									.04			
	RBT	5	11.2	.5	C	F-68	1.33	.75	.77	2.85	.01								.03			
	CTT	2	14.8	1.1	C	S-68	.68	.61	.48	1.77	.02											
ALASKAN STREAMS																						
Chena River, Fairbanks, Alaska, (49)	LNSu	5	13.4	.9	A	S-67	.14	.01	.02	.16												
	LNSu	4	10.1	.7	A	F-67	.04	.02	.06	.12												
	LNSu	5	13.8	.9	C	S-68	.14	.07	.08	.29												
	LNSu	5	12.3	.7	C	F-68	.24	.21	.45	.90									.04			
	LWh	4	12.4	.9	A	S-67	.04	.02	.05	.10	.01						.02					
	LWh	2	8.3	.5	A	F-67	.09	.06	.10	.24												
	RWh	4	13.5	.8	C	S-68	.09	.05	.08	.22												
	RWh	5	8.6	.2	C	F-68	.19	.22	.53	.94									.03			
	AGr	3	12.5	.8	A	S-67	.04	.01	.06	.11	.01						.03					
	AGr	5	9.9	.4	C	F-68	.33	.34	.94	1.61									.08			
	NPi	4	12.9	.6	C	S-68	.10	.07	.04	.21												
	CSa	5	7.5	.3	A	F-67	.02		.01	.03												
Kenai River, Soldatna, Alaska (50)	LNSu	5	15.9	1.4	A	S-67	.03		.01	.05		.01										
	LNSu	5	14.4	1.4	A	F-67																
	LNSu	5	17.2	1.5	C	S-68			.01	0.01												
	LNSu	5	16.0	1.7	C	F-68																
	LWh	4	12.8	.5	C	S-68																
	RWh	5	11.7	.5	C	F-68		.01	.03	.04												
	RBT	3	16.4	1.6	A	S-67	.01		.01	.02		.01										
	RBT	5	12.9	1.0	A	F-67																
	LKT	3	19.6	3.4	A	S-67	.03		.11	.14		.01										
	LkT	4	15.8	1.0	C	S-68	.05	.03	.02	.01												
	LkT	5	13.8	1.0	C	F-68	.05	.03	.07	.15												
	SSa	5	9.4	.4	A	F-67																

[1] Milligrams per kilogram wet weight, whole fish.
[2] 2 separate samples analyzed.
[3] Sample collected at St. Joseph, Mich.
[4] Sample collected at Michigan City, Ind.

THE OBSTACLE TO PEACE

Mr. DODD. Mr. President, I want to call to the attention of Senators a remarkable editorial captioned "The Obstacle to Peace" which appeared in the Wall Street Journal for last Friday, June 6.

The central argument of the article is that, while many of the war critics in this country are prone to castigate the Saigon government as the chief obstacle to peace, the real obstacle, in fact, has been the inflexible and intransigent stand of Hanoi.

What do the Communists want? As the article put it:

The Communists propose a "coalition," by which they mean this: For openers, throw out the Thieu government. Then install a Saigon government from which anti-Communists are excluded. Have this new government negotiate with the Communists about a coalition, an election and the rest. With this conveyer belt to Communist rule the proposal on the table, the American critics of the war now insist that the first order of the day is bludgeoning President Thieu into accepting the notion of "coalition."

I agree with the editorial that the insistence by some of our critics that we yield to Communist demands on the question of a coalition government is a certain prescription for defeat and disaster. I also agree with the editorial that it would be tantamount to writing off the lives of the 35,000 American boys who have died in Vietnam, as well as writing off our commitment to the South Vietnamese people.

Mr. President, I ask unanimous consent that the Wall Street Journal editorial, "The Obstacle to Peace," be printed in the RECORD at this point.

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

THE OBSTACLE TO PEACE

With President Nixon flying off to Midway, attention falls naturally on our relations with the government of South Vietnam, a subject that also shapes up as the next big battlefield in the war of home-front opinion.

The most outspoken critics of the war would dearly love to believe that the Saigon government is the one great obstacle to peace, and they mount a constant drumbeat of criticism against it. So, when President Thieu speaks his mind, a prominent U.S. Senator criticizes him, for "lobbying against President Nixon's peace plan."

Now another Senator says the war cannot be ended as long as we continue to support President Thieu, and that there's no point in discussing negotiating tactics with him at Midway because his government will only refuse to "liquidate itself."

Certainly there is ample reason to criticize the Saigon government, particularly on the all-important grounds of simple effectiveness. Yet it must also be recognized that President Thieu and his government are the current representatives of a serious cause, for which some 75,000 South Vietnamese have died in combat, for which 860,000 refugees fled North Vietnam during the 1954 division. Even when distinguished from the merely non-Communist, this anti-Communist cause represents a substantial fraction of the South Vietnamese, though it is so factionalized it has done badly against the smaller but disciplined Communist minority.

Despite the United States' vast outpouring of lives and money, it has also done badly by this anti-Communist cause. It encouraged these people to rely on its protection and advice. It then trained their army for a European-style war. It was instrumental in overthrowing their established leadership and "liquidating" Diem, with no thought as to what might come afterward. Until the last year or so, it did not even arm the South Vietnamese as well as the Communists armed the Vietcong. Presidential adviser Henry Kissinger has written, "Whether we are dangerous to our enemies one can argue, but we are murder on our friends."

Even if this history is callously ignored, the fate of South Vietnam's anti-Communist cause would remain the touchstone of whether any resolution of the war is honorable from the U.S. standpoint. The United States fought in Vietnam to uphold the simple principle that communism in its various mutations should not be allowed to expand by force.

If this principle is now utterly written off, some 35,000 American boys have died in vain. And if the successful breach of that principle proves a contagious example, its effect on international stability will endanger the American national interest. At the very minimum, this principle requires that the anti-Communists in South Vietnam be insured the place in a post-war government to which their numbers entitle them.

In paring his position to this bedrock, President Nixon has expressed a readiness to give the Communists whatever they could win in an honest election or any other bona fide expression of self-determination. Doubtless President Thieu and his compatriots, quite pertinently questioning that the Communists will ever abjure the use of force, would prefer to deny them any political life in South Vietnam.

Yet so long as the United States' terms accord with its own honor, we see no reason why it should be impossible to sell them to President Thieu should that occasion actually arise. While he has made hardline statements in Korea and elsewhere, his position has proved flexible in the past on such questions as negotiating with the National Liberation Front. When it comes to intransigence, President Thieu cannot hold a candle to Syngman Rhee; yet the U.S. brought the Rhee government around to its terms for settling the Korean War without any really drastic action, let alone sponsoring a coup.

Getting the Communists to agree to genuine self-determination is quite another matter. James Reston proclaims it "astonishing" that the other side does not snap up President Nixon's latest offer, "which not only gives Hanoi a chance to get rid of the Americans, but to take over the country by legitimate political means."

Unlike the militant doves, Mr. Reston recognizes that the real intransigents are in Hanoi, but this is not one whit astonishing. Hanoi's goal has been and remains a united Communist Vietnam, and if political processes are in fact legitimate they will not produce that outcome. Averell Harriman, scarcely a screaming hawk, estimates that the Communists would poll less than 20% of the vote in an honest election.

Instead the Communists propose a "coalition," by which they mean this: For openers, throw out the Thieu government. Then install a Saigon government from which anti-Communists are excluded. Have this new government negotiate with the Communists about a coalition, an election and the rest. With this conveyer belt to Communist rule the proposal on the table, the American critics of the war now insist that the first order of the day is bludgeoning President Thieu into accepting this notion of "coalition."

The U.S. representations at Midway will be more prudent, we suspect, if they concentrate instead on the eventuality that the Communists never do agree to a settlement the U.S. can accept with honor. This means getting the South Vietnamese government and army into some shape to permit a progressive reduction in the U.S. combat commitment. That is to say, such measures as having the South Vietnamese army fight more of the battles even at some risk of losing a few of them, and of getting its officer promotion and assignment policies more in line with merit.

This approach by no means rules out trying to persuade Saigon to our view in any differences regarding negotiations, but now hardly seems the time for any pressure ploy. Before we drag out the big guns to use on our friends again, we ought to be reasonably sure our enemies are in fact willing to talk about something worthwhile. Barring behind-the-scenes developments of momentous proportions, the Communists' current posture is hardly reason for any precipitous reaction on our part.

Saigon may be an obstacle to peace if you are talking about peace through surrender. But if you are talking about peace through an honest compromise like bona fide self-determination, the true obstacle is still in Hanoi.

THE CLASSIFIED ABM CHART

Mr. SYMINGTON. Mr. President, on the floor of the Senate earlier today, the distinguished junior Senator from Tennessee (Mr. BAKER) brought up the fact that a week ago Sunday I observed that, in my judgment, the publication of a certain classified chart presented to the Committee on Armed Services by the Department of Defense would end the discussion as to whether we should only continue with the research and development of the ABM problem, or should deploy the Safeguard system now.

The Senator from Tennessee stated he does not agree that the publication of this chart would be determining, and he has a right to his opinion, as I have to mine.

The Senator then informed the Senate that said chart "does give statistical evaluation on how many Russian missiles it would take to overwhelm the defenses of the United States, the Minuteman system, and the Safeguard system, or any other system."

Mr. President, I do not believe that observation is entirely correct. The chart in question does not cover "any other system." Nevertheless, I am glad the Senator from Tennessee has seen fit to declassify certain aspects of said chart; and would hope now that the entire chart be declassified, because, as the Senator points out, the chart shows how many missiles it is estimated would be necessary to overcome the Safeguard system; and if the chart were declassified it would show the relatively few additional missiles needed to overcome the Safeguard phases.

In this connection, a letter published yesterday in the New York Times, written by one of the foremost experts in this field, Dr. Wolfgang Panofsky, who was also shown this chart by the Defense Department, is pertinent to this subject. I ask unanimous consent that it be printed at this point in the RECORD.

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

STANFORD, CALIF.,
May 29, 1969.

AGAINST DEPLOYMENT OF SAFEGUARD

To the EDITOR:

President Nixon, in his March 14 press conference, stated that he considered ABM for city defense both unwise and infeasible. He therefore decided to reorient the Sentinel to the Safeguard system dedicated to the defense of our retaliatory forces against a Soviet "first strike."

A "first strike" by the Soviets would only be possible if they could plan with confidence simultaneously to destroy not only the Minuteman force with their SS–9 missiles but also our Polaris fleet and our SAC bombers, a substantial fraction of which can be kept in the air at all times. In view of all available information, such a first-strike posture is inconceivable by 1975.

The Safeguard system is a reconfiguration of the components designed for city defense; this compromise, even if working perfectly, would buy very little. There are two reasons for this: (1) the "eyes" of the system are the radar, which is much more vulnerable than the hardened missile sites which it is to defend; the radar can be destroyed not only by a small fraction of the threatening SS–9 force but also by the now copiously deployed smaller Soviet missiles called SS–11 which are not a threat to Minuteman. (2) The number of ABM interceptors is so small that only a tiny fraction of an incoming force which might be a threat to Minuteman can be intercepted. Safeguard costs a great deal more—about $3 billion for the first "pilot operation"—than the value of the few Minutemen it could possibly save.

SECRET COUNT

Anyone can count the number of antimissiles once the holes to house them are dug. Yet Dr. John Foster, Department of Defense Director of Defense Research and Engineering, said on May 13: "The number of interceptors is kept secret for obvious reasons."

What are the reasons? The Defense Department has frightened us by a projected threat but has hidden the extent by which the proposed Safeguard system could possibly decrease that threat.

If the number of Soviet SS–9's grew at the rate forecast by Secretary Laird, and if as a result Minuteman were endangered at some future time without the Safeguard system, then the danger would be exactly the same a few months later, even if Safeguard worked perfectly.

What should be done? President Nixon's basic objective, i.e. defense of Minuteman, may become justifiable in the future, but the Safeguard hardware is inadequate. There is ample time to develop components to match the job. We have no reason to be stampeded by the argument that Safeguard is a "pilot plant." We cannot fire realistic missiles into North Dakota and Montana, and as soon as we deploy military systems we lose flexibility in improving them.

Considering this clearly absured technical situation, why is there support for Safeguard? Most proponents of ABM, including Dr. Edward Teller, have been candid—they really want a "thick" city ABM which the President himself and the Pentagon have declared impractical. For those who really wish to push for the "thick" ABM system later it matters little that Safeguard is unsuited to its announced mission.

Safeguard may or may not work, and can do very little if it does work; yet it generates pressure for expansion. Therefore the conservative Soviets will plan to increase their offensive forces to defeat our ABM; our planners in pressing for expansion of other military systems will insist that they cannot conservatively assume that our ABM will work.

Thus deployment of Safeguard now will further fuel the arms race, and not "insure the future security of this nation," let alone the world.

WOLFGANG K. H. PANOFSKY.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION—COMMUNICATION FROM THE PRESIDENT

A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1969 in the amount of $1,079,469 to pay claims and judgments rendered against the United States, which with accompanying papers was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED LEGISLATION TO AMEND THE FOOD STAMP ACT OF 1964

A letter from the Office of the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1964, as amended (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON MAJOR NATURAL GAS PIPELINES, AS OF DECEMBER 31, 1968

A letter from the Chairman, Federal Power Commission, transmitting a copy of the map, "Major Natural Gas Pipelines, as of December 31, 1968"; (with an accompanying map); to the Committee on Commerce.

PROPOSED LEGISLATION TO PROVIDE AN EXTENSION OF THE INTEREST EQUALIZATION TAX

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax, and for other purposes (with accompanying papers); to the Committee on Finance.

REPORT ON THE OPERATION OF THE TRADE AGREEMENTS PROGRAM

A letter from the Acting Chairman, U.S. Tariff Commission, transmitting, pursuant to law, the 19th report of the U.S. Tariff Commission on the operation of the trade agreements program, with a special chapter on the Kennedy Round, 1967 (with an accompanying report); to the Committee on Finance.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Federal disaster assistance to State and local governments, Office of Emergency Preparedness (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for improving internal audit of civilian payroll operations in the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for the Veterans Administration to acquire hospital sites before developing working drawings and specifications for construction of hospitals (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE INTER-AGENCY COMMITTEE ON MEXICAN AMERICAN AFFAIRS

A letter from the Chairman, Inter-Agency Committee on Mexican American Affairs, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Inter-Agency Committee on Mexican American Affairs (with an accompanying paper); to the Committee on Government Operations.

PROPOSED EXTENSION OF CONCESSION CONTRACTS, GRAND CANYON NATIONAL PARK (NORTH RIM), BRYCE CANYON AND ZION NATIONAL PARKS

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, proposed extension of two concession contracts under which the Utah Parks Co. will be authorized to continue to provide accommodations, facilities, and services for the public in Grand Canyon National Park (North Rim), Ariz., Bryce Canyon and Zion National Parks, Utah, for a 1-year term from January 1, 1969, through December 31, 1969, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON THE ELEANOR ROOSEVELT MEMORIAL FOUNDATION

A letter from the Chairman, Executive Committee, Eleanor Roosevelt Memorial Foundation, transmitting, pursuant to law, the sixth annual report for 1968 of the Eleanor Roosevelt Memorial Foundation (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE WORK AND OPERATIONS OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the third annual report of the work and operations of the Equal Employment Opportunity Commission covering the fiscal year ended June 30, 1968 (with accompanying papers and a report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A Senate joint resolution of the Legislature of the State of Alaska; to the Committee on Commerce:

"SENATE JOINT RESOLUTION 15

"Joint resolution relating to the establishment of the Continental Shelf as the exclusive fisheries zone for the United States

"Whereas the present 12-mile exclusive fisheries zone of the United States is not adequate for the conservation of the stock of fish which this country will need to utilize fully in order to remain a major fishing nation; and

"Whereas the United States has slipped to sixth place in world fisheries behind such nations as the Soviet Union and Communist China, which intend to expand their fishing efforts in the North Pacific; and

"Whereas the commercial fishermen of the Pacific Northwest, as well as the economy of the United States as a whole, are being detrimentally affected by the heavy flow of imported foreign seafood products, gear conflicts and other competition from the massive foreign fleets on the fishing grounds, and by the depletion of precious resources because of over-fishing and destructive fishing practices of foreign fleets; and

"Whereas the United States has failed to implement fully two provisions from Geneva Conventions which would give our nation

valuable bargaining tools in fisheries negotiations with other nations, the first of which states that sedentary species of fish on the Continental Shelf are part of the shelf and are considered to be the exclusive property of the coastal nation and the second of which provides for conservation of the living resources of the high seas and allows the United States to designate conservation areas and promulgate conservation measures to protect these resources;

"Be it resolved that the Congress of the United States is respectfully requested to enact legislation declaring that the Continental Shelf of the United States is this nation's exclusive fisheries zone.

"Copies of this Resolution shall be sent to the Honorable John W. McCormack, Speaker of the House of Representatives; to the Honorable Richard Russell, President Pro Tempore of the Senate; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"BRAD PHILLIPS,
"President of the Senate.

"Attest:

"BETTY HANIFAN,
"Secretary of the Senate.

"Passed by the House April 16, 1969.

"JALMAR M. KERTTULA,
"Speaker of the House.

"Attest:

"CONSTANCE H. PADDOCK,
"Chief Clerk of the House.

"[By the Governor.]

"KEITH H. MILLER,
"Governor of Alaska."

A House joint resolution of the Legislature of the State of Alaska; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 19

"Joint resolution relating to the definition of ammunition in the Federal Gun Control Act.

"Whereas Alaska is a state where subsistence hunting is the rule and not the exception; and

"Whereas recent federal legislation restricting the mail order of hunting ammunition places an undue burden on the subsistence hunter; and

"Whereas this burden is akin to taking the means of livelihood from the subsistence hunter;

"Be it resolved that the Legislature of the State of Alaska urges the 91st Congress of the United States to pass S. 845 amending the definition of ammunition.

"Copies of this Resolution are to be sent to the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable John W. McCormack, Speaker of the House; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"Passed by the House March 5, 1969.

"JALMAR M. KERTTULA,
"Speaker of the House.

"Attest:

"CONSTANCE H. PADDOCK,
"Chief Clerk of the House.

"Passed by the Senate April 16, 1969

"BRAD PHILLIPS,
"President of the Senate.

"Attest:

"BETTY HANIFAN,
"Secretary of the Senate.

"[By the Governor.]

"KEITH H. MILLER,
"Governor of Alaska."

A Senate memorial of the Legislature of the State of Florida; to the Committee on the Judiciary:

"SENATE MEMORIAL 343

"A memorial to the Congress of the United States, urging Congress to adopt H.J. Res. 15 by Representative William C. Cramer proposing an amendment to the Constitution of the United States relating to prayer and Bible reading

"Whereas, H.J. Res. 15 has been introduced by Representative William C. Cramer and is now pending in the Congress of the United States, and

"Whereas, the adoption of H.J. Res. 15 would allow the several states to ratify a constitutional amendment permitting prayer and Bible reading in public schools and institutions, and

"Whereas, the use of prayers and Bible readings has a lasting influence on the young people of our nation: Now, therefore, be it

"Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to adopt H.J. Res. 15 so that the several states may be given an opportunity to amend the constitution of the United States to allow the use of prayers and Bible readings in public schools and institutions.

"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.

"Approved by the Governor May 29, 1969.

"Filed in Office Secretary of State May 29, 1969.

"Attest: JIM ADAMS,
"Secretary of State."

A Senate memorial of the Legislature of the State of Florida; to the Committee on Finance:

"SENATE MEMORIAL 802

"A memorial to the President and the Congress of the United States proposing an amendment of the Federal Social Security Act

"Whereas, the Federal Social Security Act since its enactment in 1935 has permitted the various states to impose reasonable residence requirements for eligibility to the various public assistance programs the costs of which are partly paid from federal funds, and

"Whereas, the Federal Social Security Act so provides at the present time, with Florida having consistently required a reasonable continued residence as an eligibility factor for permanent public assistance payments, and

"Whereas, a federal court in California and other federal courts in other parts of the nation have declared the unconstitutionality of such residence requirements, alleging that they contravene the "equal protection of the laws" guarantee of the Federal Constitution and that they unduly restrict the freedom of Americans to travel at will within the country, and

"Whereas, this new judicial theory has recently been upheld by the United States Supreme Court and will result in state and local costs of public assistance in Florida being tremendously and permanently increased, now, therefore,

"Be It Resolved by the Legislature of the State of Florida, That the President and the Congress of the United States are requested to amend the Federal Social Security Act at once so as to provide for full federal financing of public assistance payments made to recipients who do not meet the residence requirements presently permitted by federal statute and contained in Florida law and the applicable statutes of other states, such federal financing to continue in each case only until the existing length of residence requirements have been met by each recipient.

Be it further resolved, That copies of this resolution be immediately transmitted to the President and Vice-President of the United States, to the Speaker of the House of Representatives, and to each senator and representative from Florida in the Congress of the United States.

"Approved by the Governor May 29, 1969.

"Filed in Office Secretary of State May 29, 1969.

"Attest:

"JIM ADAMS,
"Secretary of State."

A Senate concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Foreign Relations:

"SENATE CONCURRENT RESOLUTION 60

"A concurrent resolution to urge and request the Congress of the United States to take steps to see that this Nation shall cease giving aid to Communist countries

"Whereas, the government of the United States has been engaged in the Vietnam Conflict over a span of several years; and

"Whereas, many American lives have been lost and many sacrifices made by the citizens of this great Nation in defense of the principles of peace and independence; and

"Whereas, the principles of peace and independence being defended by the citizens of the United States are openly opposed in active warfare by the Communist countries and by communistic influences; and

"Whereas, at least eighty percent of the sinews of the war in Viet Nam are being provided North Viet Nam by Russia and its European satellites; and

"Whereas, the assistance given to North Viet Nam has been made possible almost entirely by the help of the United States to Russia and its Communist satellites.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that the members of the Congress of the United States, collectively and individually, are hereby urged and requested to exert their full authority and influence toward unremitting efforts to cause the United States Government to cease and desist promptly the furnishing of aid and assistance in any form, either directly or indirectly, to any communistic country or to any Communist or group of Communists.

"Be it further resolved that the Secretary of the Senate shall transmit without delay a copy of this Resolution to each member of the House of Representatives and the Senate of the Congress of the United States."

A resolution adopted by the Council of the City of New Orleans, La., petitioning the Congress to reject any attempt to tax, directly or indirectly, State and local government bonds; to the Committee on Finance.

A resolution adopted by the Monrovia Unified School District of California in support of title II of the Elementary and Secondary Education Act; to the Committee on Labor and Public Welfare.

BILLS INTRODUCED

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

By Mr. MILLER (for himself and Mr. HUGHES):

S. 2337. A bill to authorize the hiring of employees of detective agencies for other than investigative services; to the Committee on the Judiciary; and

S. 2338. A bill to amend the act of July 26, 1956, to give the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.; to the Committee on Public Works.

(See the remarks of Mr. MILLER when he introduced the above bills, which appear under separate titles.)

By Mr. HOLLAND:

S. 2339. A bill for the relief of Dr. Maria Luisa Gorostegui de Dourron; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2340. A bill to permit video tapes to be mailed at fourth-class postage rates; to the Committee on Post Office and Civil Service.

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

By Mr. MAGNUSON (by request):

S. 2341. A bill to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

S. 2342. A bill to amend the law relating to the citizenship of crewmembers of vessels of the United States in order to remove certain authority to replace U.S. citizens as such members with persons who are not citizens; and

S. 2343. A bill to revise the law relating to the issuance of provisional certificates of registry to vessels abroad; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above last two bills, which appear under separate headings.)

By Mr. BROOKE:

S. 2344. A bill to amend title II of the National Defense Education Act of 1958 in order to authorize cancellation of loans for teaching in Project Headstart programs; to the Committee on Labor and Public Welfare; and

S. 2345. A bill to prohibit departments and agencies of the Federal Government from conducting security clearances in certain cases on personnel of educational institutions; to the Committee on Armed Services.

(See the remarks of Mr. BROOKE when he introduced the above bills, which appear under separate headings.)

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2346. A bill to amend title 28, United States Code, section 753(e), to eliminate the maximum and minimum limitations upon the annual salary of reporters; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 2347. A bill to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. MUSKIE:

S. 2348. A bill to establish a Federal Broker-Dealer Insurance Corporation; to the Committee on Banking and Currency.

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

By Mr. YARBOROUGH:

S. 2349. A bill to provide for the wearing of uniforms by certain postal employees;

S. 2350. A bill to include certain holders of star route and other contracts for the carrying of mail within the provisions of title 5, United States Code, relating to Federal employee life insurance and health insurance benefits and civil service retirement; and

S. 2351. A bill to classify the Post Office Department positions of maintenance mechanics, mail processing equipment, at salary levels 8 and 9; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. YARBOROUGH when he introduced the above bills, which appear under separate headings.)

By Mr. BURDICK:

S. 2352. A bill for the relief of Melita T. Cabanilla; and

S. 2353. A bill for the relief of Dr. Leonardo M. Cabanilla; and

S. 2354. A bill for the relief of Dr. Bernard Weston March; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. HUGHES, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MANSFIELD, Mr. MONDALE, and Mr. YARBOROUGH):

S. 2355. A bill to establish an advisory commission to make a study and report with respect to freight rates; to the Committee on Commerce.

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

By Mr. MATHIAS (for himself and Mr. TYDINGS):

S. 2356. A bill to amend the Rivers and Harbors Act of 1965 to increase the authorization for the Chesapeake Bay Basin study, the construction of a hydraulic model of the Chesapeake Bay Basin and associated technical center; to the Committee on Pubilc Works.

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

By Mr. HATFIELD:

S. 2357. A bill to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 2358. A bill for the relief of Leonard G. Sigurdson; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2359. A bill for the relief of Dante Lardizabal Lagao; to the Committee on the Judiciary.

S. 2337—INTRODUCTION OF A BILL TO AUTHORIZE HIRING OF EMPLOYEES OF DETECTIVE AGENCIES FOR OTHER THAN INVESTIGATIVE SERVICES

Mr. MILLER. Mr. President, I introduce, with the cosponsorship of my colleague from Iowa (Mr. HUGHES), a bill to authorize the hiring of employees of detective agencies for other than investigative services. This is basically the same bill that was passed by the Senate on October 17, 1963, and another which I cosponsored in 1966. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

My bill would amend section 3108 of title 5, United States Code. This section was originally enacted as part of the act of March 3, 1893, 27 Stat. 591, and, in effect, prohibits the Federal Government or the District of Columbia from employing for any purposes employees of organizations which engage in investigative work.

Section 3108 now reads as follows:

An individual employed by the Pinkerton Detective Agency, or similar organization, may not be employed by the Government of the United States or the government of the District of Columbia.

Over a period of many years, the Comptroller General has uniformly held that this provision is a prohibition against the employment in Government service of employees of detective agencies and is applicable to contracts with detective agencies as firms or corporations as well as the contracts with, or appointments of, individual employees of such agencies. Thus, whereas firms or organizations which furnish only protective services may be employed by the Government, organizations which do both protective and investigative work may not be employed, even to supply protective services. The statute, therefore, results in discrimination against organizations which provide both types of services and is detrimental to the interest of the Government, since it serves to eliminate from competitive bidding numerous major detective organizations which would otherwise respond to Government invitations to bid on contracts for the furnishing of supplementary guard service. Undoubtedly, this causes an increase in the cost to the Government of contract guard service.

The purpose of my bill is to amend this restrictive legislation, which was originally adopted over 75 years ago, by repealing the prohibition so far as the use of employees of detective agencies to perform other than investigative work is concerned. The original enactment arose out of public and congressional concern resulting from the practice, once prevalent in private industry—especially steel and railroads—of employing certain detective agencies to recruit and furnish armed guards who were allegedly used as labor spies and strikebreakers in labor disputes, giving rise to bloodshed, loss of life, and destruction of property. Labor-management relations today are fully regulated by Federal and State statutes, and there is no longer any justification for the continuance of this discriminatory and costly prohibition.

Mr. President, I want to make it entirely clear that the bill I am introducing today is aimed specifically at a particular problem; that is, the fact that organizations which provide detective services may not provide protective or guard services for the Federal Government. My bill merely changes the so-called anti-Pinkerton provision to provide that no employee of a detective agency shall be employed in any Government service or by any officer of the District of Columbia for the purpose of providing investigative services. Thus while it would permit the Government to hire employees of detective agencies to perform protective services, it would continue the prohibition on the hiring of such employees to perform investigative services. This limits the bill to exactly the situation that needs correcting.

Mr. President, I urge early passage of this bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2337), to authorize the hiring of employees of detective agencies for other than investigative services, introduced by Mr. MILLER (for himself and Mr. HUGHES), 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. 2337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3108 of title 5, United States Code, is amended to read as follows:

"§ 3108. Employment of detective agencies; restrictions

"An individual employed by a detective agency may not be employed by the Government of the United States or the government of the District of Columbia for the purpose of providing investigative services."

S. 2338—INTRODUCTION OF A BILL TO EXTEND THE TIME FOR CONSTRUCTION OF A BRIDGE AT MUSCATINE, IOWA

Mr. MILLER. Mr. President, I introduce, with the cosponsorship of my colleague from Iowa (Mr. HUGHES), a bill to extend the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.

The bill authorizes an additional 3 years for the Commission to acquire, construct, and operate this bridge. At the present time construction must be started by July 8, 1969 and be completed by July 8, 1971. The bill would add 3 years to each of these dates.

The problem arises as a result of certain legal complications involving the construction of the new bridge. A court action testing the validity of a bridge act passed by the Iowa Legislature has taken longer than anticipated. Construction of the bridge will be delayed until the conclusion of this court action, and it is doubtful that the matter will be resolved by the Iowa Supreme Court prior to the present deadline set in the authorizing legislation for commencing construction. A similar bill has already been introduced in the House of Representatives and I understand that a favorable report from the Department of Transportation has been received concerning the House bill.

Mr. President, I urge early consideration of this bill so that it may be enacted before the July 8 deadline.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2338) to amend the Act of July 26, 1956, to give the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill., introduced by Mr. MILLER (for himself and Mr. HUGHES), was received, read twice by its title and referred to the Committee on Public Works.

S. 2340—INTRODUCTION OF A BILL TO PERMIT VIDEO TAPES TO BE MAILED AT FOURTH-CLASS POSTAGE RATES

Mr. STEVENS. Mr. President, I have today introduced a bill to permit the shipping of video tapes under fourth-class mail rates.

The present postal regulation places a unique burden on schools and communication media who utilize the 2-inch video tapes. Sixteen-millimeter film, which is of a narrower width, but approximately the same weight, can be shipped under a fourth-class rate. Video tapes cost approximately three times the amount of 16-millimeter films to ship by mail.

The existing law discriminates against video tapes because video tapes were not in common use when the law was enacted. The use of video tapes is becoming increasingly common both by educational and communication media, and the law should be changed to recognize this fact.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2340) to permit video tapes to be mailed at fourth-class postage rates, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2342—INTRODUCTION OF A BILL RELATING TO THE CITIZENSHIP OF CREWMEMBERS OF VESSELS OF THE UNTED STATES

Mr. MAGNUSON. Mr. President, I introduce, by request of the National Maritime Union, for appropriate reference, a bill to amend section 672(a) of title 46, United States Code, so as to require that 100 percent of licensed officers and 75 percent of unlicensed crewmembers on U.S.-registered vessels be citizens of the United States.

Present law requires that all licensed officers and pilots of U.S.-registered vessels be citizens. However, only 75 percent of the unlicensed crew must be citizens when the vessel departs a U.S. port unless the Commandant of the Coast Guard ascertains that they are not available. Further, the way the law now reads, the only time a U.S. vessel is required to have 75 percent citizen unlicensed seamen is when the vessel departs a port in the States.

The law additionally provides an overall escape clause to the effect that if a vessel on a foreign voyage is deprived of any member of the crew, the vacancy may be filled by an alien.

The security of U.S.-flag vessels, particularly during time of war or national emergency, is jeopardized by the employment on board of noncitizens that are picked up anywhere in the world without security checks.

The present law endangers the security of the vessel as well as maximum security ports associated with our security and defense efforts by allowing the employment of large numbers of aliens on U.S.-flag vessels. The primary reason for employing aliens is because they can be hired at a lower wage.

This legislation would require that 100 percent of the licensed officers and 75 percent of the unlicensed seamen on board U.S.-registered vessels be U.S. citizens at all times.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2342) to amend the law relating to the citizenship of crewmembers of vessels of the United States in order to remove certain authority to replace United States citizens as such members with persons who are not citizens, introduced by Mr. MAGNUSON (by request), was received, read twice by its title, and referred to the Committee on Commerce.

S. 2343—INTRODUCTION OF A BILL TO REVISE THE LAW RELATING TO THE ISSUANCE OF PROVISIONAL CERTIFICATES OF REGISTRY TO VESSELS ABROAD

Mr. MAGNUSON. Mr. President, I introduce, by request of the National Maritime Union, for appropriate reference, a bill to amend section 12 of title 46, United States Code, relating to the granting of provisional certificates of registry to vessels abroad.

The purpose of title 46, United States Code, section 12, is to permit the temporary registration under U.S. flag of a vessel purchased overseas to facilitate its return to the States.

The 6-month period presently allowed was enacted in 1915 and was then necessary to allow sufficient time for the vessels to return to the United States. This time period is no longer necessary because of the increased speed of vessels in the past 50 years. The situation that is now developing is that some operators are using the loose wording in the law to flout its intent.

This proposed change would prevent the recurrence of the *Good Eddie* and *Good Willie* situation by reducing the time period for provisional registry from 6 months to 2 months. These two ships, which are some 20 years old, were registered under the Nationalist Chinese flag until it was realized that by having a U.S. provisional certificate of registry, they could employ a predominantly foreign crew and carry Government cargo at U.S.-flag rates.

The only requirement that the owners had to comply with prior to getting a certificate was the citizenship requirement, which they did by setting up a U.S. corporation.

The requirements relating to crew, inspection and measurement do not in the present law apply until the vessel arrives in the United States which further encourages lack of adherence to the intent of the law. This bill would provide that the citizen crew requirement apply from the date of the certificate.

The condition of the vessels *Good Eddie* and *Good Willie* at the time that the certificates of provisional registry were issued is unbelievable. It is reported that there were no messing facilities, no sanitary facilities, no bunks, and some of the plates were loose. The condition of these vessels should have alerted those in the Government responsible for issuing the provisional certificates to the unlikelihood of the vessels ever returning to the United States—the supposed primary reason for the provisional granting of registry under U.S. flag.

And, of course, the owners of these two vessels have already transferred them to another foreign registry which is further indication that there never was a bona fide intent to bring the vessels back to full U.S. registry.

This bill would tighten up the law to prevent this type of embarrassment to the United States again, but would not interfere with the legitimate transfer of a foreign vessel to U.S. registry.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2343) to revise the law relating to the issuance of provisional certificates of registry to vessels abroad, introduced by Mr. MAGNUSON (by request), was received, read twice by its title, and referred to the Committee on Commerce.

S. 2344—INTRODUCTION OF A BILL TO AUTHORIZE CANCELLATION OF LOANS FOR TEACHING IN PROJECT HEADSTART PROGRAMS

Mr. BROOKE. Mr. President, it has recently come to my attention that the "forgiveness" or cancellation clauses of the National Defense Education Act student loan program do not apply to teachers in the vital and constructive Headstart program.

As the law is presently worded, teachers in State-approved elementary and secondary schools, or in institutions of higher learning, are given a 10-percent forgiveness of their loans from the Federal Government. Teachers in poverty areas are given an even larger cancellation, of 15 percent. Yet teachers in Headstart programs are not covered by either of these provisions.

I feel certain that this situation is due largely to legislative oversight. Surely it was not the intent of the law to penalize persons who chose to dedicate a year or more of service to this important program. The function of a Headstart teacher is just as important and just as useful as the service performed by a teacher in the regular public school system.

To correct this inequity in the present law, I am introducing legislation which would include Headstart within the definition of schools approved by the States as recognized educational institutions. This proposed legislation will have the effect of granting at least a 10-percent cancellation, and in most cases a 15-percent cancellation, to teachers serving in Headstart programs.

I ask unanimous consent that the full text of the bill be printed at this point in the RECORD, and I urge its prompt and favorable consideration by my colleagues.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2344) to amend title II of the National Defense Education Act of 1958 in order to authorize cancellation of loans for teaching in Project Headstart programs, introduced by Mr. BROOKE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(a)(3) of the National Defense Education Act of 1958 is amended by striking out "and" before "(C)" and inserting before the semicolon at the end thereof a comma and the following: "and (D) for the purpose of this paragraph the term 'elementary school' includes any Project Headstart program carried out pursuant to section 222 (a) (1) of the Economic Opportunity Act of 1964".

SEC. 2. The amendments made by this Act shall apply with respect to service performed during academic years ending after the date of enactment of this Act, whether the loan was made before or after such date.

S. 2345—INTRODUCTION OF A BILL TO PROHIBIT DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT FROM CONDUCTING SECURITY CLEARANCES IN CERTAIN CASES ON PERSONNEL OF EDUCATIONAL INSTITUTIONS

Mr. BROOKE. Mr. President, I am introducing today legislation that would do away with the present requirement that college professors teaching in university extension programs overseas be required to pass a national agency check before their assignment can be approved.

At the present time three universities—Boston University, University of Maryland, and Florida State University—conduct programs leading to a bachelor's or master's degree for Armed Forces personnel, their dependents, and civilian employees stationed throughout Europe and Asia. These schools utilize the teaching services of their regular staffs, and the salaries are paid by the university. The Department of the Army provides only logistical support—transportation and moving costs, housing, and the facilities in which the classes are conducted. The military maintains no control over the curriculum, and the courses are conducted according to the same standards which apply for university instruction in the United States.

During 1968, 43 national agency checks were requested. In each case it was required that the universities allow 6 months for the procedure to be completed, even though such a check generally involves nothing more than running the name through the files of the relevant Government agencies to determine if there is any negative information on the individual in question. Yet in one case a professor was denied clearance to participate in the program. In another instance involving my own State of Massachusetts, the clearance of a professor who once had done highly sensitive work in the field of arms control was delayed to the point where his participation in the program was rendered impossible.

Mr. President, we are not dealing here with the education of young children whose development might be adversely affected by exposure to subversive ideas. We are talking about the education of grown men and women, fully able to think for themselves. Security clearances and agency checks are not required before university professors can teach military personnel who might be sent to an American university for further education; why then should they be required of professors who are assigned to teach those same personnel in locations overseas? In my view, the requirement of a national agency check is not only unnecessary, but basically harmful to the concept of a university education.

Throughout Western history, universities have traditionally been the places in which information could be freely exchanged and ideas openly tested. It is within this marketplace of ideas that each man has been able to survey the choices available to him, and to make informed selections, in terms of philosophy or fact, on the basis of that which has greatest meaning for him. Nothing has ever been gained by limiting the choices. In fact, ideas and concepts gain from being challenged, and those who hold them emerge stronger in their convictions once all the options have been considered and evaluated. The notion of some political or ideological check on scholars engaged in free inquiry and instruction is alien to the entire concept of a university, wherever it functions.

It is this belief in the intrinsic value of academic freedom which impels me to introduce this legislation.

I ask unanimous consent that this proposed legislation, abolishing the agency check requirement for overseas teaching personnel, be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2345), to prohibit departments and agencies of the Federal Government from conducting security clearances in certain cases on personnel of educational institutions, introduced by Mr. BROOKE, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, from and after the date of enactment of this Act no department or agency of the Government may require or provide for any type of security clearance of any personnel or the dependents of any personnel of any college or university providing educational, instructional, or informational services to any department or agency of the Federal Government or to officers or employees of the United States, including members of the Armed Forces, or to the dependents of such officers or employees, including dependents of members of the Armed Forces. The foregoing provision shall not be construed as prohibiting a department or agency from conducting security clearances in the case of persons employed by educational institutions who are to have access to classified information of any department or agency of the Federal Government.

S. 2347—INTRODUCTION OF THE FOREIGN ASSISTANCE ACT OF 1969

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Foreign Assistance Act of 1961, as amended, and for other purposes.

The proposed bill has been requested by the President and Acting Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, 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 bill may be printed in the RECORD at this point, together with the letter from the Acting Secretary of State to the Vice President dated May 28, 1969.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection the bill and letter will be printed in the RECORD.

The bill (S. 2347) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes, 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. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Assistance Act of 1969".

PART I—ECONOMIC ASSISTANCE

SECTION 1. Part I of the Foreign Assistance Act of 1961, as amended, is hereby deleted and the following part I substituted therefor:

"PART I

"CHAPTER 1—POLICY

"SEC. 101. PURPOSE.—The Congress declares that it is part of our national purpose to help build a world community of economically viable nations devoted to the well-being of all their peoples and to the maintenance of peace. To this end, the United States shall join with other advanced nations in helping those less developed nations which demonstrate the will to help themselves to build the material base, technical skills and economic and social institutions necessary to attain this goal.

"SEC. 102. PRINCIPLES.—In carrying out the provisions of this Act, the President shall—

"(a) encourage the cooperation of the developed nations in mobilizing the resources and skills necessary to the task of development;

"(b) concentrate our assistance in countries with the greatest development promise and the strongest will to help themselves achieve self-sustaining growth;

"(c) emphasize technical and professional assistance designed to build institutions necessary for long-term national development;

"(d) give high priority to programs which encourage greater production and better distribution of food and enhance the ability of parents to choose the size of their own families;

"(e) encourage the investment of private resources from the United States and from the less developed countries themselves, to supplement other development efforts;

"(f) encourage broad popular participation by the peoples of the less developed nations in the planning, execution and benefits of development progress;

"(g) foster regional cooperative efforts among countries seeking common development goals;

"(h) channel United States assistance through international organizations and under other multilateral auspices whenever the common development effort will be best served thereby;

"(i) assist the less developed nations to safeguard their internal and external security; and

"(j) furnish assistance, wherever practicable, constituted of United States commodities and services furnished in a manner consistent with other efforts of the United States to improve its balance of payments position.

"CHAPTER 2—DEVELOPMENT ASSISTANCE

"SEC. 201. ASSISTANCE CRITERIA.—In furnishing development assistance under this chapter the President shall take into account—

"(a) the extent to which the recipient country demonstrates a determination to help itself and a willingness to pay a fair share of the cost of development programs;

"(b) the extent to which the recipient country is responsive to the vital economic, political, and social concerns of its people and to increasing their participation in the development process;

"(c) the extent to which the recipient country is creating a favorable environment for private enterprise and investment;

"(d) the extent to which the activity will contribute to self-sustaining growth, the development of human or material resources and the creation or strengthening of institutions essential to economic and social progress;

"(e) the extent to which the recipient country is concerned with increasing employment and standards of living of all segments of its population;

"(f) the extent to which the activity will contribute to regional cooperation;

"(g) the economic and technical soundness of the activity;

"(h) the consistency of the activity with other development activities being undertaken or planned;

"(i) the possible effects of the assistance involved upon the United State economy, with special reference to areas of substantial labor surplus, and to the export-expansion objectives of the United States;

"(j) whether financing could be obtained from other free-world sources on reasonable terms, including private resources within or without the United States; and

"(k) in the case of loans, reasonable prospects of repayment.

"SEC. 202. TECHNICAL ASSISTANCE.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, in order to promote the development of less developed friendly countries or areas through programs of technical assistance, bilaterally or through regional, multilateral or private entities; and for multilateral organizations and for programs administered by them in accordance with section 401(a)(1). There is hereby authorized to be appropriated to the President for purposes of this section $463,120,000 for the fiscal year 1970 and $530,000,000 for the fiscal year 1971, which amounts shall remain available until expended, distributed as follows:

	1970	1971
(1) Worldwide	$224,500,000	$260,000,000
(2) Alliance for Progress (sec. 204)	116,000,000	130,000,000
(3) Multilateral organizations (sec. 401(a)(1))	122,620,000	140,000,000

"To meet the changing requirements of these areas and programs the agency primarily responsible for administering part I may redistribute up to 10 per centum of the funds made available during any fiscal year for any such area or program to any other such area or program. Bilateral assistance under this section distributed under (1) Worldwide above shall not be furnished in any fiscal year to more than 40 countries.

"SEC. 203. DEVELOPMENT LOANS.—(a) The President is authorized to make loans payable as to principal and interest in United States dollars, on such terms and conditions as he may determine, in order to promote the development of less developed friendly countries or areas.

"(b) Funds made available under this section and section 204 shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower or higher than the applicable legal rate of interest of the country in which the loan is made. Such funds shall not be loaned at a rate of interest of less than 3 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than 2 per centum per annum. The authority of section 614(a) may not be used to waive the requirements of this subsection and the authority of section 610 may not be used to decrease the funds available under this section or under section 204 except to transfer such latter funds to funds made available under this section.

"(c) For the purpose of assisting privately owned United States flag vessels to secure cargoes from loan funds, funds made available under this part may be used to the extent required to make grants to recipients under this part to pay the freight differential between United States and foreign flag vessels on the carriage of cargoes by bulk carriers and liners carrying parcel shipments.

"(d) The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this section and section 204 in accordance with the foreign and financial policies of the United States.

"(e) There is hereby authorized to be appropriated to the President for the purposes of this section, $675,500,000 for the fiscal year 1970, which amount shall remain available until expended. Bilateral loans pursuant to this section shall not be made in any fiscal year to more than twenty countries.

"(f) Dollar receipts from loans made pursuant to this part or pursuant to predecessor authority contained in provisions repealed by the Foreign Assistance Act of 1969 and from loans made under the Mutual Security Act of 1954, as amended, shall be available beginning in fiscal year 1971 for use for the purposes of this section, section 204(b) and section 322: *Provided, however,* That receipts from loans made pursuant to this part or pursuant to predecessor development loan authority contained in provisions repealed by the Foreign Assistance Act of 1969 shall be available for such use beginning in fiscal year 1970. Such receipts and other funds made available under this section shall remain available until expended.

"SEC. 204. ALLIANCE FOR PROGRESS.—(a) In order to advance the welfare of the peoples of the Americas and strengthen the relations among the nations joined in the Alliance for Progress under the principles of the Act of Bogotá and the Charter of Punta del Este, and to encourage the countries and areas of Latin America to mobilize their own resources for development and to adopt reform measures to spread the benefits of economic, political, and social progress among their peoples, the President is authorized to furnish assistance under section 202 and this section, on such terms and conditions as he may determine, in order to promote the development of friendly less developed countries and areas of Latin America.

"(b) There is hereby authorized to be appropriated to the President for the purpose of making loans under this section, payable as to principal and interest in United States dollars and subject to the provisions of section 203, in addition to other funds available for such purpose, $437,500,000 for the fiscal year 1970, which amount shall remain available until expended.

"(c) Loans may be made under authority of this section only for social and economic development projects and programs which are consistent with the findings and recommendations of the Inter-American Commit-

tee for the Alliance for Progress in its annual review of national development activities.

"(d)(1) The President shall assist in the development in the American Republics of self-liquidating pilot housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and the improvement of housing conditions in Latin America.

"(2) To carry out the purposes of subsection (d)(1), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible United States investors, as defined in section 328(c), assuring against loss of loan investment made by such investors in—

"(A) pilot or demonstration private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

"(B) credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

"(C) housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

"(D) housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterprise programs; or

"(E) housing projects in Latin America 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than $6,500.

"(3) The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed $550,000,000: *Provided*, That $325,000,000 of guaranties may be used only for the purposes of subsection (d)(2)(A): *Provided*, That no payment may be made under this section for any loss arising out of fraud or misrepresentation for which the party seeking such payment is responsible or of which such party had knowledge at the time he became a holder of such guaranty: *Provided further*, That this authority shall continue until June 30, 1972.

"(4)(A) A fee shall be charged for each guaranty issued hereunder in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similiarly reduced.

"(B) The amount of $35,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of this section and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to this section or heretofore pursuant to prior Latin America and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of subsection (d)(4)(B).

"(C) Any payments made to discharge liabilities under guaranties issued hereunder or heretofore under prior Latin America or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (d)(4)(B) (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (d)(4)(E).

"(D) All guaranties issued hereunder or heretofore under prior Latin America or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(E) There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of subsection (d).

"(F) In the case of any loan investment guaranteed under this section, the agency primarily responsible for administering part I shall prescribe the maximum rate of interest allowable to the eligible United States investor, which maximum rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the agency prescribe a maximum allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of subsection (d)(4)(F).

"(G) Housing guaranties committed, authorized or outstanding under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (d)(4)(B).

"SEC. 205. RESEARCH AND EVALUATION.—(a) The President is authorized to use funds made available under section 202 to carry out programs of research into, and evaluation of, technical, economic, social and political problems of development, the factors affecting the relative successes and costs of development activities, the means, techniques and such other aspects of development assistance as he may determine, in order to increase the value and benefit of such assistance. In authorizing research designed to examine political, social and related obstacles to development, emphasis should be given to understanding of the ways in which development assistance can support democratic social and political trends in developing countries.

"(b) In conducting programs under this chapter, the President shall conduct a continuous evaluation of the effectiveness of development programs, both past and current, using modern management techniques and equipment, so that experience gained in the development process may increase the effectiveness of current and future development programs.

"SEC. 206. SELF-HELP FUND.—Notwithstanding the limitations of section 202 on the number of countries to which technical assistance may be furnished, the President is authorized during each fiscal year to use funds made available under such section to assist friendly less developed countries or areas, through self-help projects, emphasizing the participation of local human and material resources, up to a total amount not to exceed 1 per centum of the funds made available under section 202 for (1) worldwide distribution.

"SEC. 207. POPULAR PARTICIPATION.—(a) In furnishing assistance under this part, the President shall place emphasis on assuring maximum participation in the task of economic, social and political development on the part of the people of less developed countries through the encouragement of democratic private and local government institutions.

"(b) In order to carry out the purposes of this section, programs under this part shall—

"(1) recognize the differing needs, desires, and capacities of the people of the respective less developed countries and areas,

"(2) utilize the intellectual resources of such countries and areas in conjunction with assistance provided under this Act so as to encourage the development of indigenous institutions that meet their particular requirements for sustained economic and social progress, and

"(3) support civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

"(c) In order to carry out the purposes of this section, the President shall develop systematic programs in inservice training to familiarize United States Government personnel with the objectives of this section and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 percentum of the funds made available under section 202 may be used for carrying out the objectives of this subsection.

"SEC. 208. POPULATION PROGRAMS.—(a) While every nation is and should be free to determine its own policies and procedures with respect to problems of population growth and family planning within its own boundaries, nevertheless, voluntary family planning programs to provide individual couples with the knowledge and medical facilities to plan their family size in accordance with their own moral convictions and the latest medical information can make a substantial contribution to improved health, family stability, greater individual opportunity, economic development, a sufficiency of food, and a higher standard of living.

"(b) The President is authorized to provide assistance for programs relating to population growth in friendly countries and areas, on such terms and conditions as he shall determine, to foreign governments, the United Nations, its specialized agencies, and other international and regional organizations and programs, United States and foreign nonprofit organizations, universities,

hospitals, accredited health institutions, and voluntary health or other qualified organizations.

"(c) In carrying out programs authorized in this section, the President shall establish reasonable procedures to ensure, whenever family planning assistance from the United States is involved, that no individual will be coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

"(d) As used in this section, the term 'programs relating to population growth', includes, but is not limited to, demographic studies, medical, psychological, and sociological research and voluntary family planning programs, including personnel training, the construction and staffing of clinics and health centers important to effective population programs, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, the dissemination of family planning information, and provision of medical assistance and supplies.

"(e) It is the sense of Congress that the President give priority to devising imaginative efforts to substantially increase assistance programs relating to population growth and to encourage greater expenditures by other donors and recipient countries, to the end that voluntary population programs receive the emphasis necessary to become effective. The President may use funds made available under this part and foreign currencies owned or controlled by the United States to achieve the purposes of this section, and notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis.

"CHAPTER 3—PRIVATE DEVELOPMENT ASSISTANCE

"TITLE I—PRIVATE ENTERPRISE ASSISTANCE

"SEC. 301. ROLE OF PRIVATE ENTERPRISE.—The Congress recognizes that vigorous and responsible private enterprise in less developed countries is both an objective and instrument of the economic, political and social development which the United States seeks to encourage. Mobilization of private resources is a key to economic and social growth and serves as a means of participation in such growth by the people of less developed countries and the international community as a whole. Without support and encouragement of private enterprise, cooperative programs for advancing economic and social goals fail to utilize important resources and methods required in the developmental process and the effectiveness of development assistance and cooperation is diminished. Therefore, in administering assistance under this part, priority shall be given to an expanded role in economic and social development for private enterprise; and the President, in determining whether and to what extent the United States shall furnish development assistance under this part to any country or area, shall take into account—

"(a) the extent to which the country is creating a favorable environment for private enterprise and investment, both domestic and foreign, and for employers and free trade unions to work together in developing a healthy economy;

"(b) the effectiveness of policies to strengthen the institutional framework of systems of credit, savings, banking and marketing;

"(c) the adequacy of transportation, water, power and communications systems which undergird commerce and trade;

"(d) the adequacy of policies which provide incentives for private production, and which seek to eliminate uneconomic or discriminatory constraints on such production; and especially the adoption of incentives needed for a healthy agricultural sector; and

"(e) the availability of trained manpower to meet the short- and long-term requirements for human skills in all sectors.

"SEC. 302. CAPITAL AND TECHNICAL ASSISTANCE FOR PRIVATE ENTERPRISE DEVELOPMENT.—In administering assistance under this part, the President shall emphasize programs and projects which support and encourage the expansion of active private enterprise responsive to developmental needs. Such programs and projects may include (a) technical assistance to increase the abilities in less developed countries to manage and operate private entities, and to improve the skills of industrial and agricultural workers, (b) capital projects to increase the capacity of public and other facilities essential for private enterprise, and (c) loans to finance the importation of goods essential for private agricultural and industrial production. Such assistance shall to the extent possible be coordinated with self-help efforts including economic policies which support private enterprise activities and contribute to developmental objectives. The President shall coordinate assistance under this part with, and utilize to the extent he deems desirable, the facilities of the Overseas Private Investment Corporation established under title II of this chapter, and he is authorized to transfer funds made available under chapter 2 of this part to such Corporation for the purposes and subject to the terms and conditions governing the uses of such funds. Upon request by such Corporation and agreement with the agency primarily responsible for administering part I, the overseas missions and staffs of such agency may act on behalf of such Corporation, with or without compensation. In order to further effectuate the purposes of this chapter, not less than 50 per centum of the loan funds made available under sections 203 and 204 shall be available for loans made to encourage economic development through private enterprise.

SEC. 303. UNITED STATES PRIVATE ENTERPRISE PARTICIPATION.—(a) In furnishing assistance under this part the President shall, to the maximum extent practicable, utilize private trade channels and the services of United States private enterprise, including nonprofit organizations, labor unions, cooperatives, savings and loan associations, credit unions, private experts and consultants and educational institutions, and shall encourage continuing relationships between private United States institutions and their counterparts in less-developed countries.

"(b) The President shall take appropriate steps to enable United States private enterprise to respond effectively in providing goods and services for assistance programs and projects authorized under this Act. Insofar as practicable and consistent with the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act—

"(1) by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds;

"(2) by causing to be made available to prospective purchasers in the countries and areas receiving assistance under this Act information as to such commodities, articles, and services produced by small independent enterprises in the United States; and

"(3) by providing for additional services to give small business better opportunities to participate in the furnishing of such commodities, articles, and services financed with such funds.

"(c) The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to part II, such information to be furnished as far in advance as possible.

"SEC. 304. SUPPORT OF VOLUNTARY ASSISTANCE.—(a) The Congress recognizes that United States private citizens and organizations significantly assist less developed countries by creating institutions and engaging in activities relating to development relief and rehabilitation which advance the purposes of this Act.

"(b) The President is authorized (notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951, as amended, and of section 601 of this Act) to furnish assistance on such terms and conditions as he may determine to schools outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States and to hospital centers for medical education and research outside the United States founded or sponsored by United States citizens. For such purposes, there is hereby authorized to be appropriated to the President for the fiscal year 1970 $12,900,000, to remain available until expended.

"(c) The President is authorized to use funds made available under this part to pay transportation charges from United States ports, or in the case of excess or surplus property supplied by the United States, from foreign ports, on shipments by the American Red Cross and United States voluntary nonprofit organizations registered with and approved by the Advisory Committee on Voluntary Foreign Aid in order to further the efficient use of United States voluntary contributions for relief and rehabilitation of friendly peoples. Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by that country of local currencies to defray the transportation cost of such shipments from the port of entry of the receiving country or area to the designated shipping point of the consignee.

"(d) The President shall maintain a system for collecting information concerning private activities and opportunities for participation of individuals and associations in the development process and shall utilize to the extent possible such information in connection with programs carried out under this part.

"SEC. 305. ASSISTANCE TO UNITED STATES EDUCATIONAL AND RESEARCH INSTITUTIONS.—Not to exceed $10,000,000 of the funds made available in any fiscal year under section 202 may be used for assistance, on such terms and conditions as the President may determine, to research and educational institutions in the United States for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social develepoment of less-developed countries.

"TITLE II—OVERSEAS PRIVATE INVESTMENT CORPORATION

"SEC. 321. CREATION, PURPOSE, AND POLICY.—To mobilize and facilitate the participation of United States private capital and skills in the economic and social progress of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the Corporation), which shall be an agency of the United States under the policy guidance of the Secretary of State.

"In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

"(a) to conduct its financing operations on a self-sustaining basis, taking into account

the economic and financial soundness of projects and the availability of financing from other sources on appropriate terms;

"(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

"(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

"(d) to conduct its insurance operations with due regard to principles of risk management including, when appropriate, efforts to share its insurance risks;

"(e) to utilize, to the maximum practicable extent consistent with the accomplishment of its objectives, the resources and skills of small business and to provide facilities to encourage its full participation in the programs of the Corporation;

"(f) to encourage and facilitate efforts by private investors to conduct their operations in less developed friendly countries and areas in a manner that is sensitive and responsive to the special needs of those economies and societies;

"(g) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

"(h) to foster private initiative and competition and discourage monopolistic practices;

"(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance of payments objectives of the United States;

"(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering part I and the international trade, investment and financial policies of the United States Government; and

"(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

"SEC. 322. CAPITAL OF THE CORPORATION.—The capital of the Corporation shall be $100,000,000 which shall be paid in to the Corporation by the President of the United States, who is authorized to use for this purpose funds made available pursuant to section 203(f). Of such total, there shall be paid in $20,000,000 upon the creation of the Corporation and $20,000,000 during each of the fiscal years 1971 through 1974, upon the call, in whole or in part, of the board of directors of the Corporation. Upon each payment of capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

"Organization and management

"SEC. 323. (a) STRUCTURE OF THE CORPORATION.—The Corporation shall have a Board of Directors, a President, an Executive Vice President and such other officers and staff as the Board of Directors may determine.

"(b) BOARD OF DIRECTORS.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ('the Board') which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Chairman of the Board shall be appointed by the President of the United States from private life, by and with the advice and consent of the Senate and shall serve at the pleasure of the President, Four Directors (other than the Chairman of the Board and the President of the Corporation, appointed pursuant to subsection (c) who shall also serve as a Director) shall also be appointed by the President of the United States from private life, by and with the advice and consent of the Senate. Each such Director, unless appointed Chairman of the Board, shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

"The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

"All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

"(c) PRESIDENT OF THE CORPORATION.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies estabished by the Board.

"(d) OFFICERS AND STAFF.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed thirty-five may be appointed, compensated or removed without regard to the Civil Service laws and regulations, of whom not to exceed fifteen may be compensated at rates and steps of the General Schedule higher than those provided for grade 15 of the General Schedule established by section 5332 of title 5 of the United States Code, but not in excess of the highest rate of grade 18 thereof: *Provided,* That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5 of the United States Code.

"SEC. 324. INVESTMENT INCENTIVE PROGRAMS.—The Corporation is hereby authorized to do the following:

"(a) INVESTMENT INSURANCE.—(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

"(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

"(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government; and

"(C) loss due to war, revolution or insurrection.

"(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however,* That liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing.

"(b) INVESTMENT GUARANTIES.—To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided, further,* That the Corporation shall assure whenever practicable the participation in any project of unguaranteed private capital by eligible investors to the extent of at least one-third of the guaranteed amount (exclusive of interest and earnings), but in no event shall the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project, exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty.

"(c) DIRECT INVESTMENT.—To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1415 of the Supplemental Appropriation Act, 1953, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Bureau of the Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining.

"(d) INVESTMENT ENCOURAGEMENT.—To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors: *Provided, however,* That the Corporation shall not finance surveys to ascertain the existence, location, extent or quality, or to determine the feasibility of undertaking operations for mining or other extraction, of any deposit of ore, oil, gas or other mineral. In carrying out this authority, the Corporation shall coordi-

nate with such investment promotion activities as are carried out by the Department of Commerce.

"(e) SPECIAL ACTIVITIES.—To administer and manage special projects and programs, including financial and advisory support for private technical, professional or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions, the funds for which may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 302 or from other sources, public or private.

"SEC. 325. ISSUING AUTHORITY, DIRECT INVESTMENT FUND AND RESERVES.—(a)(1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 324(a) shall not exceed $7,500,000,000;

"(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 324(b) shall not exceed in the aggregate $750,000,000, of which guaranties of credit union investment shall not exceed $1,250,000: *Provided*, That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 324(b) or similar predecessor guaranty authority.

"(3) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 104 of the Government Corporation Control Act, as amended, may limit the obligations and contingent liabilities to be undertaken under section 324 (a) and (b), as well as the use of funds for operating and administrative expenses.

"(4) The authority of section 324 (a) and (b) shall continue until June 30, 1974.

"(b) There shall be established a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 322, shall be available for the purposes authorized under section 324(c), shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 326.

"(c) There shall be established in the Treasury of the United States an Insurance and Guaranty Fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in section 325(d), until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such reserve shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 204(d)(4)(B) and the amount made available to the Corporation pursuant to section 325(e); and (2) such sums as shall be appropriated pursuant to section 325(f) for such purpose. The allocation of such funds to each such Reserve shall be determined by the board after consultation with the Secretary of Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 326.

"(d) Any payments made to discharge liabilities under investment insurance issued under section 324(a) or under similar predecessor guaranty authority shall be paid first out of the insurance reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to section 325(f). Any payments made to discharge liabilities under guaranties issued under section 324(b) or under similar predecessor guaranty authority shall be paid first out of the guaranty reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to section 325(f).

"(e) There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 326, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

"(f) There is hereby authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the Insurance and Guaranty Fund or to discharge the liabilities under insurance and guaranties issued by the Corporation or issued under predecessor guaranty authority.

"SEC. 326. INCOME AND REVENUES.—In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

"(a) payment of all expenses of the Corporation, including investment promotion expenses;

"(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 325 and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the board may determine; and

"(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers and additions under subsections (a) and (b) hereof.

"SEC. 327. GENERAL PROVISIONS RELATING TO INSURANCE AND GUARANTY PROGRAMS.—(a) Insurance and guaranties issued under this title shall cover investments made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance or guaranties.

"(b) The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance or guaranty issued under this title, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance or guaranty is to be made, and any right, title, claim or cause of action existing in connection therewith.

"(c) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance and guaranties issued pursuant to this title shall constitute obligations, in accordance with the terms of such insurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(d) Fees shall be charged for insurance and guaranty coverage in amounts to be determined by the Corporation. In the event fees to be charged for investment insurance or guaranties are reduced, fees to be paid under existing contracts for the same type of guaranties or insurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

"(e) No insurance or guaranty of an equity investment shall extend beyond twenty years from the date of issuance.

"(f) No insurance or guaranty issued under this title shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance or guaranty.

"(g) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking such payment is responsible or of which such party had knowledge at the time he became a holder of such guaranty.

"(h) Insurance or guaranties of a loan or equity investment of an eligible investor in a foreign bank, finance company or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company or other credit institution.

"(i) Claims arising as a result of insurance or guaranty operations under this title or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(j) Each guaranty contract properly executed by such officer or officers as may be designated by the board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

"(k) In making a determination to issue insurance or a guaranty under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance or guaranty upon the balance of payments of the United States.

"SEC. 328. DEFINITIONS.—As used in this title—

"(a) the term 'investment' includes any contribution of funds, commodities, services, patents, processes, or techniques in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits, of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

"(b) the term 'expropriation' may include but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

"(c) the term 'eligible investor' means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however*, That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by other than the United States owners: *Provided further*, That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued; and

"(d) the term 'predecesor guaranty author-

ity' means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of authority relating to informational media guaranties).

"SEC. 329. GENERAL PROVISIONS AND POWERS.—(a) The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. It may establish offices and staffs in such other place or places and for such periods of time as it may deem necessary or appropriate.

"(b) The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 324(a), (b), and (d). Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this title as may be determined by the President.

"(c) The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this title.

"(d) To carry out the purposes of this title, the Corporaion is authorized: To adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to idemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; to require bonds of officers, employees, and agents and pay the premiums therefor; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 321(c)); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent or decendents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

"SEC. 330. ADVISORY COUNCIL.—In order to further the purposes of the Corporation there shall be established an Advisory Council to be composed of such representatives of the American business community as may be selected by the chairman of the board. The president and the board of the Corporation shall, from time to time, consult with such Council concerning the objectives of the Corporation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 of the United States Code for travel and other expenses incurred by them in the performance of their functions under this section.

"SEC. 331. REPORTS TO THE CONGRESS.—(a) The Corporation shall annually submit to the Congress a complete and detailed report of its operations.

"(b) Not later than March 1, 1974, the Corporation shall submit to the Congress an analysis of the possibilities of transferring all or part of its activities to private United States citizens, corporations or other associations.

"CHAPTER 4—MULTILATERAL AND REGIONAL ORGANIZATIONS AND PROGRAMS

"SEC. 401. GENERAL AUTHORITY.—(a) Multilateral organizations play an important role in the promotion of development and the maintenance of peace. To support programs of these organizations, the President is authorized, on such terms and conditions as he may determine—

"(1) to use funds made available under this part for voluntary contributions for such organizations and for programs administered by them; and

"(2) to transfer to the International Bank for Reconstruction and Development, the International Finance Corporation, the International Development Association, the Asian Development Bank, the African Development Bank, and the Inter-American Development Bank up to 10 per centum of funds made available for development assistance under chapter 2 of this part, for use pursuant to the laws governing United States participation in such institutions, if any, and the governing statutes thereof and without regard to the requirements of this or any other act.

"(b) In the event that funds made available under this part are used by or under the management of the financial institutions identified in section (a)(2) hereof, such funds may be used in accordance with requirements, standards or procedures established by such institutions concerning completion of plans and cost estimates, contracts and contractors, and determinations of feasibility, rather than with requirements, standards or procedures concerning such matters set forth in this or other acts; and such funds may also be used without regard to the provisions of section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241), whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs: *Provided,* That compensating allowances are made in the administration of other programs to the same or other areas to which the requirements of said section 901(b) are applicable.

"(c) Voluntary contributions to the United Nations Development Program may not exceed 40 per centum of the total contributed for such purposes (including assessed and audited local costs) for each calendar year. The President shall seek to assure that no contribution to the United Nations Development Program authorized by this Act shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

"(d) There is hereby authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1970, $7,530,000, which shall remain available until expended. Any unappropriated portion of the amounts heretofore authorized to be appropriated for loans for Indus Basin Development, for use beginning in fiscal year 1969, may be appropriated in any subsequent fiscal year.

"(e) In any case in which a fund established solely by United States contributions under this or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement.

"SEC. 402. REGIONAL PROGRAMS.—In furnishing assistance under this part, the President shall encourage the cooperation of less developed countries in regional programs and the promotion of regional development institutions, so that the economic, social, and political development of such regions may be more readily advanced. In so doing, the President may use regional, multilateral and bilateral channels of assistance, as he deems appropriate.

"SEC. 403. MULTILATERAL COORDINATION OF DEVELOPMENT PROGRAMS.—In furnishing assistance under this part, the President shall encourage the participation in development assistance by other developed countries and shall seek to insure multilateral coordination of development assistance programs. In so doing the President shall take into account the advantages of integrating programs of the United States with programs of multilateral organizations and other donors, and shall participate, where appropriate, in development assistance consortia and other groups which coordinate assistance from various sources for particular recipient countries.

"CHAPTER 5—EMERGENCY AND SUPPORTING ASSISTANCE

"SEC. 451. DISASTER ASSISTANCE.—Notwithstanding the provisions of this or any other Act, the President is authorized to use funds provided to carry out the provisions of this part to furnish assistance abroad on such terms and conditions as he may determine—

"(a) for famine or disaster relief;

"(b) for reconstruction or rehabilitation assistance for victims of famine or disasters; and

"(c) for aid in the preparation for, or prevention of, the effects of threatened famine or disasters.

Assistance under (a) or (b) shall be furnished no later than one year after the disaster or famine has ended.

"SEC. 452. SUPPORTING ASSISTANCE.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to or for friendly countries and areas, and to organizations and bodies eligible to receive assistance under this part, in order to support or promote economic or political stability or security.

"(b) There is authorized to be appropriated to the President to carry out the purposes of this section $514,600,000 for the fiscal year 1970, which shall remain available until expended. Bilateral assistance under this section shall not be furnished to more than twelve countries in any fiscal year.

"SEC. 453. CONTINGENCY FUND.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1970 not to exceed $40,000,000 for use by the President for assistance authorized by this part in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest.

"(b) The President shall provide quarterly reports to the Congress on the programing and obligation of funds under subsection (a)."

PART II—MILITARY ASSISTANCE

SEC. 2. Part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Section 503, which relates to general authority, is amended as follows:

(1) insert in subsection (a) the word, ", barter" between the words "loan" and "or grant";

(2) delete subsection (b);

(3) delete subsection (c); and

(4) redesignate subsection (d) as subsection (b).

(b) Section 504, which relates to authorization, is amended as follows:

(1) in the first sentence of subsection (a), delete "1969" and substitute therefor "1970";

(2) in the second proviso of subsection (a) insert after the word "country" the words "other than Greece, Turkey, the Republic of China, the Philippines and Korea"; and

(3) add new subsection "c" as follows:

"(c) The military assistance program for any country in any fiscal year shall not be increased beyond 20 percent of the amount justified to the Congress or $1,000,000, whichever is greater, unless the President determines that such an increase in such program is essential to the national interest of the United States and reports such determination to the Congress within thirty days after each such determination."

(c) Section 506(a), which relates to special authority, is amended by deleting "1969" each place it appears and substituting "1970".

(d) Section 507, which relates to restrictions on military aid to Latin America, is amended by deleting subsection (d).

PART III—GENERAL, ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

CHAPTER 1—GENERAL PROVISIONS

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

(a) Section 601, which relates to private enterprise, is deleted and the following section is substituted therefor:

"SEC. 601. STATE AND LOCAL ORGANIZATIONS.—In furtherance of the purposes of part I the President is encouraged to utilize, whenever he deems appropriate, the services of State and local organizations on contract or other basis to provide technical assistance authorized under part I. The President shall encourage and coordinate technical assistance activities of such State and local organizations, both those financed under part I and those otherwise financed, in order to promote their maximum development effect."

(b) Section 602, which relates to small business, is deleted.

(c) Section 608(a), which relates to advance acquisition of property, is amended by deleting in the second sentence "section 212" and substituting therefor "section 202".

(d) Section 609(a), which relates to the special account, is amended by deleting the words "chapter 4 of part I" and substituting therefor "section 452".

(e) Section 610, which relates to transfers between accounts, is amended as follows:

(1) In paragraph (a) insert after the words "funds made available for any provision of this Act" the first time they appear the words "(except funds made available pursuant to title II of chapter 3 of part I)".

(2) In paragraph (b), delete the words "sections 451" and substitute the words "sections 453" therefor and delete the words "section 402" and substitute the words "section 452" therefor.

(f) Section 611, which relates to plans and cost estimates, is amended by deleting the words "under title I, II, and IV of chapter 2 and chapter 4 of part I" in paragraphs (a) and (e) and substituting therefor the words "under chapter 2 of part I and section 452".

(g) Section 614(b), which relates to special authorities, is amended by deleting the words "chapter 4 of part I" and substituting therefor the words "section 452".

(h) Section 620, which relates to prohibitions against furnishing assistance, is amended as follows:

(1) Subsection (m) is amended by deleting the period at the end thereof, substituting a comma and adding the words "unless the President determines that the furnishing of such assistance is important to the national security of the United States and promptly reports such determination to the Congress, together with his reasons therefor".

(2) Subsection (s) is amended to read as follows:

"(1) In order to restrain arms races and proliferation of sophisticated weapons, and to insure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

"(1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes;

"(2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

"(3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

"(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision."

(3) Delete subsection (v).

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 4. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

(a) Section 621(b), which relates to eligibility of persons to receive funds, is amended by inserting in the first sentence after the words "funds made available under this Act" the following: "(other than funds made available pursuant to title II, chapter 3, of part I)".

(b) Section 625, which relates to employment of personnel, is amended as follows:

(1) in subparagraph (b) insert after the words "employed in the United States" the following: "(other than those employed under authority of title II, chapter 3 of part I)", and delete the words "one hundred and ten" and "fifty-one" and substitute therefor the words "one hundred and twenty" and "sixty", respectively.

(2) add a new subsection (k) as follows:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve under unlimited appointments in employment subject to paragraph (d)(2) of this section shall become participants in the Foreign Service Retirement and Disability System:

"(i) Foreign Service Reserve officers;

"(ii) Staff officers and employees who have completed at least ten years of continuous service, exclusive of military service, in employment pursuant to paragraph (d)(2) of this section.

Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended. The provisions of sections 571, 636, and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee. Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of paragraph (e) of this section shall apply in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended.

"(2) Any such officer or employee who, under the provisions of paragraph (1) of this subsection, becomes a participant in the Foreign Service Retirement and Disability System, shall be mandatorily retired for age during the third year after the effective date of this subsection if he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one, and thereafter at age sixty.

"(3) Any officer or employee who becomes a participant in the System under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (2) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(4) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(5) This subsection shall become effective on the first day of the first month which begins more than one year after the date of enactment of the Foreign Assistance Act of 1969, except that any Foreign Service Reserve officer or Staff officer or employee, who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant in the System before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation."

(c) Section 626(a), which relates to experts, consultants, and retired officers, is amended by deleting the words "rates not in excess of $100 per diem" and substituting therefor the words "rates not to exceed the per diem equivalent of the rate for grade 18 of the general schedule established by section 5332 of title 5 of the United States Code."

(d) Section 632(a), which relates to allocation or transfer of funds, is amended by inserting after the words "any funds available for carrying out the purposes of this Act" the following: "(other than funds available under title II, chapter 3 of part I)".

(e) Section 632(g), which relates to charging appropriations or accounts, is amended by inserting after the words "part I" the first time they appear, the following: "(other than title II, chapter 3 of part I)".

(f) Section 634, which relates to reports and information, is amended as follows:

(1) In paragraph (a) after the words "concerning operations" insert "(other than those reported pursuant to section 331)", and delete the last sentence.

(2) In paragraph (b), delete from the second sentence the words "from the Development Loan Fund established pursuant to section 201(a)" and substitute "pursuant to section 203" therefor.

(3) In paragraph (d), delete in the first sentence "1969" and substitute "1971" therefor and delete in the last sentence "303" and substitute "401(b)" therefor.

(g) Section 635(a), which relates to general authorities, is amended as follows:

(1) Insert between the words "of" and "commodities" the words "defense articles and".

(2) Add the following new second sentence: "Defense articles and commodities transferred to the United States Government in exchange for assistance provided under this Act may be used to carry out this Act, or may be transferred without reimbursement to any agency of the United States Government for stockpiling or other purposes."

(h) Section 635(h), which relates to general authorities, is amended by deleting "titles II, V, and VI (except development loans) of chapter 2 of part I" and substituting "sections 202 and 205" therefor.

(i) Section 636, which relates to uses of funds, is amended as follows:

(1) In paragraphs (c), (d) and (e), delete wherever it appears the following "title I of chapter 2 of part I" and substitute "section 203" therefor.

(2) In paragraph (f), delete "212" and substitute "202" therefor and delete "title I of chapter 2 of part I" and substitute "section 203" therefor.

(j) In section 637(a), which authorizes appropriations for administrative expenses, delete "1969, $53,000,000" and substitute "1970, $54,250,000" therefor.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 5. Section 634 of chapter 3 of part III of the Foreign Assistance Act of 1961 as amended, which relates to savings provisions, is amended by inserting after the words "section 642(a)" and "section 642(a)(2)" each time they appear the words "and the Foreign Assistance Act of 1969".

PART IV—AMENDMENTS TO OTHER ACTS

SEC. 6. Chapter 33, subchapter III, and chapter 35, subchapter IV of title 5, United States Code, are amended as follows:

(a) Section 3343(b), which relates to details of personnel to international organizations is amended by deleting "3" and substituting therefor "5" and is further amended by deleting the period at the end thereof, substituting a comma and adding the following: "except that under special circumstances, where the President determines it to be in the national interest, he may extend the 5-year period up to an additional 3 years."

(b) Section 3581(5), which relates to rights of personnel who transfer to international organizations, is amended by deleting the words, "the first 3 consecutive years after entering the employ of the international organization" and substituting therefor the following: "the first 5 consecutive years, or any extension thereof, after entering the employ of the international organization".

(c) Section 3582(b)(1) is amended by deleting the words "3 years" and substituting therefor the following: "5 years, or any extension thereof,".

(d) Section 3582(c) is amended by deleting the words "3 years" and substituting therefor the following: "5 years, or any extension thereof,".

(e) Section 3582(a)(1), which relates to rights of personnel who transfer to international organizations, is amended by deleting the semicolon at the end thereof, substituting a comma, and adding the following: "except that such service shall not be considered creditable service for the purpose of any retirement system for transferring personnel, if such service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization."

(f) Section 3582(a)(2), which relates to rights of personnel who transfer to international organizations, is amended by deleting this subsection in its entirety and substituting therefor the following:

"(2) to retain coverage, rights, and benefits under chapters 87 and 89 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund and the Employees' Health Benefits Fund, as applicable, and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapters 87 and 89 of this title." (g) Section 3582(d), which relates to agency contributions to retirement and insurance programs for personnel who transfer to international organizations, is amended to read as follows: During the employee's period of service with the international organization, the agency from which the employee is transferred shall make contributions for retirement and insurance purposes from the appropriations or funds of that agency so long as contributions are made by the employee.

SEC. 7. Section 101 of the Government Corporation Control Act, as amended (31 U.S.C. 846), is amended by deleting "Development Loan Fund;" and substituting therefor "Overseas Private Investment Corporation;".

SEC. 8. Chapter 53, subchapter II of title 5 of the United States Code is amended as follows:

(a) Section 5314, which relates to level III of the Executive Schedule, is amended by adding thereto the following: "(54) President, Overseas Private Investment Corporation."

(b) Section 5315, which relates to level IV of the Executive Schedule, is amended by adding thereto the following: "(92) Executive Vice President, Overseas Private Investment Corporation."

(c) Section 5316, which relates to level V of the Executive Schedule is amended by adding thereto the following: "(128) Auditor—General of the Agency for International Development; (129) Vice Presidents, Overseas Private Investment Corporation (3)."

The letter presented by Mr. FULBRIGHT follows:

DEPARTMENT OF STATE,
May 28, 1969.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to transmit herewith the proposed Foreign Assistance Act of 1969 which implements the recommendations contained in the President's foreign assistance message forwarded to the Congress today.

Respectfully yours,

ELLIOT L. RICHARDSON,
Acting Secretary.

S. 2348—INTRODUCTION OF THE FEDERAL BROKER-DEALER INSURANCE CORPORATION ACT

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, a bill (S. 2348) to establish a Federal broker-dealer insurance corporation.

The Government waited until the events of the 1920's and 1930's deprived millions of Americans of their savings before Congress took action to assure that this kind of disaster would not confront bank depositors again. Since 1933, the Federal Government has provided insurance for deposits in commercial and mutual savings institutions through the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation which were created by Congress during the Nation's severest banking crisis and business depression.

The need for such insurance was demonstrated by a series of financial panics in which suspension of payments by one or a few institutions was followed by "runs" on many sound institutions which were in turn forced to close their doors. The major purpose of deposit insurance then and now is to preserve public confidence in the ability of financial institutions to meet their liabilities.

Another purpose is to protect the savings of families of moderate means, who often lack the financial sophistication to make judgments regarding the relative soundness of the various financial institutions.

The events since 1933 have substantiated the belief that deposit insurance would help restore and maintain confidence in the Nation's banks.

Therefore, I am today proposing a bill which would create the Federal Broker-Dealer Insurance Corporation to protect investors from loss because of the failure of broker-dealer firms through whom they buy and sell securities. The bill would not in any way protect investors against investment losses.

Today, Americans who invest in the securities markets are almost as numerous as bank depositors in the 1920's and 1930's. The vast majority has moderate means. Over 25 million Americans own securities issued by individual corporations. Millions more participate in the securities markets through investment companies, pension funds, trust funds, endowment funds, and other types of institutional investing. The investing public is currently subject to risks, the precise magnitude of which is not known, from their dealings with broker-dealers whose financial resources and stability, in some cases, may be in doubt. There is the further danger that sound brokers may deal with other brokers who fail and thereby start a chain of failures.

Recently the Securities and Exchange Commission has been forced to ask for receivers for four firms which are not members of any stock exchange. While no data are yet available on the amount that the investing public stands to lose because of the current failures, the failure of Ira Haupt & Co. in 1963 would have left customers with losses of $9.5 million if members of the New York Stock Exchange had not voluntarily committed funds to make customers whole. Banks did lose many millions of dollars in that failure. For firms which are members of exchanges, as an outgrowth of the Haupt matter, there are voluntary trust funds which the exchanges can use to help bail out customers in cases of broker or dealer failures. In a major disaster, however, such trusts would not have sufficient assets to make all customers whole.

The back-office, fails, and paperwork problems of the securities industry have caused the present situation which endangers the entire industry. The ability of the securities industry to process transactions has not kept pace with the level of activity which has grown fourfold in 7 years. Firms which are unable to properly handle the prevailing levels of activity experience a number of substantial difficulties. These are manifested by books and records, which do not accurately reflect securities transactions consummated on their own and on their customer's behalf; they do not accurately

reflect capital position, conceal losses and thefts; and they lead to unprofitable operations and which eventually can cause situations which may deteriorate to the point of failure.

We should apply our lesson from the events of four decades ago, and from 36 years of successful Government operation of a banking insurance system to provide insurance for the Nation's investors in securities. The bill that I am introducing today will provide insurance against loss occasioned by the financial collapse of broker-dealers. All customers of broker-dealers and stock clearing corporations would be afforded protection.

The FBDIC has been designed to be self-sufficient. It would not cost the taxpayers of the Nation $1. In the first years of the program, the Treasury would pledge capital to be used if needed. That obligation would be reduced each year by the Corporation's reserves built up from assessments on broker-dealer members of the Corporation. In less than 20 years, the Treasury obligation would be completely eliminated or repaid, if used. There would be no reduction in assessments until all such commitments were canceled. Both the FDIC and the FSLIC work on this principle and Government commitments in both cases were retired promptly.

No new Federal agency would be created by the legislation. The Board of Directors of the FBDIC would be the Commissioners of the Securities and Exchange Commission. I envision that the staff of the Corporation would, as a practical matter, operate as another division of the Commission. Unlike the banking industry, all governmental regulation of broker dealers is already performed by one agency, the Securities and Exchange Commission. Therefore, new personnel to regulate insured firms would be kept to a minimum. I believe the proposed agency is patterned after the best features of both existing Federal insuring agencies. Again, I would like to emphasize that the insurance system would not be a burden on the taxpayers, but will be completely self-supporting.

The insurance system would do much more than assume that investors will not lose their savings if the broker-dealers with whom they deal fail. It could well prove to be the keystone to the solution of the "fails" problem in the securities industry. Fails are another manifestation of the problem and a danger area. A fail is a security which has been purchased and not delivered within the settlement period. When the market price at which the security has been traded falls, one of the parties is exposed to loss until the fail is cleared up.

Total fails in the industry have been as high as $4 billion at one point during the past year. One of the prime causes of this problem is the lack of a national over-the-counter clearing facility. All transactions taking place on securities exchanges and to an extent some over-the-counter transactions in New York City and on the Pacific coast are cleared. In other words, securities and money are exchanged through a clearing corporation. The clearing corporation matches and pairs off many transactions between a large number of brokers in the same security and balances many differences between their various brokers. When a clearing house is injected into the process, 30 to 70 percent of the movement of securities and money, depending on the system, is netted out by that pairing of buy-and-sell transactions.

In the present system, almost every over-the-counter transaction necessitates a separate delivery of securities and payment of money. One major obstacle to having an effective national over-the-counter clearing system is the lack of guarantee or insurance against the insolvency of those brokers who deal with the clearing corporation. Existing clearing corporations are reluctant to admit those outside their immediate spheres of influence and supervision because of this lack of guarantee. When this is solved, a giant step will be taken toward a final solution to the problems caused by the securities industry's failure to efficiently and adequately process its own paperwork. The FBDIC, in addition to insuring a firm's customer, would afford a measure of protection to clearinghouses and their participating brokers in the event of a member broker's failure.

Thus, the FBDIC will facilitate solutions to the current problems facing the securities industry and the investing public in two very visible areas: First, the industry's inability to process paper in its own back offices and to keep its book and records on an adequate and current basis; and, second, the lack of a national over-the-counter clearing system to aid in the exchange of money and securities between brokers. The first problem may cause the failure of a broker-dealer and the FBDIC will protect the investor from loss because of that failure. Because clearing corporations will not be protected from the financial loss occasioned by failure of their members, they will not be more willing to expand their services and the FBDIC will give financial assurances needed for the establishment of a national over-the-counter clearing system.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2348), to establish a Federal Broker-Dealer Insurance Corporation, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Federal Broker-Dealer Insurance Corporation Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "broker" means any broker as defined in subsection (a)(4) of section 3 of the Securities Exchange Act of 1934, and the term "registered broker" means any broker who is registered with the Securities and Exchange Commission pursuant to section 15(b) of that Act.

(2) The term "dealer" means any dealer as defined in subsection (a)(5) of section 3 of the Securities Exchange Act of 1934, and the term "registered dealer" means any dealer who is registered with the Securities and Exchange Commission pursuant to section 15(b) of that Act.

(3) The term "insured broker" means any broker whose customer accounts and liabilities are insured in accordance with the provisions of this Act.

(4) The term "insured dealer" means any dealer whose customer accounts and liabilities are insured in accordance with the provisions of this Act.

(5) the term "receiver" includes a receiver, liquidating agent, conservator, commission, person, or other agency charged by law with the duty of winding up the affairs of a broker or dealer.

(6) the term "customer account" means any account maintained for a customer in the normal course of business by any broker or dealer acting as agent or principal with respect to the customer. Such account shall include (i) credit balances of cash or securities, whether held for safekeeping or otherwise; (ii) fully paid securities; (iii) securities which are not fully paid for or which are collateral for a loan; (iv) other assets of the customer which have come to the broker or dealer in the normal course of business for safekeeping or otherwise; (v) debit balances of cash, and (vi) the value of any debit balances of securities. A customer who holds several accounts in separate capacities is deemed to be a different customer in each capacity.

(7) The term "insured customer account" means the net amount due any customer from his account maintained with an insured broker or insured dealer (after deducting offsets of any debit balances of cash and the value of any debit balances of securities) less any part thereof which is in excess of $50,000.

(8) The term "insured liability" means the net amount in cash and/or securities (after deducting offsets) due to any stock clearing corporation or any broker or dealer, which liabilities have occurred in the normal course of business and are not capital, either debt or equity, less, in the case of a stock clearing corporation, any part thereof which is in excess of $250,000, and in the case of a broker or dealer, any part thereof which is in excess of $50,000.

(9) The term "noninsured liability" means any liability of a broker or dealer not incurred in the normal course of business; any capital contributions of debt or equity; any loan for the purpose of financing the purchase or positioning of securities; and any other liability incurred other than in the daily operations of the business.

(10) The term "net capital" means the net worth of a broker or dealer (the excess of the total assets over liabilities), adjusted by—

(i) adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if the broker or dealer is a partnership, adding equities (or deducting deficits) in accounts of partners; and

(ii) deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent; insurance and expenses; good will; organization expenses; this change will make the assessment base larger and add doubtful assets to the base.

(11) the term "accounts of partners" means accounts of partners who have agreed in writing that the equity in accounts maintained with the partnership shall be included as partnership property.

(12) the term "stock clearing corporation" means any corporation which (i) provides brokers, dealers, banks and other persons for whom it acts with facilities for clearing securities contracts between them,

for delivering cash and securities to, and receiving cash and securities from each other, for procuring the transfer of cash and securities upon the books of the corporations or associations issuing the same, for procuring the exchange of any cash or securities for any other cash or securities, and for receiving or paying any amounts payable to or payable by such brokers, dealers, banks and other persons in connection with any loans made by or to them; (ii) acts as agent for such brokers, dealers, banks and other persons employing it, upon terms and conditions satisfactory to it, in connection with any of the foregoing transactions, or in connection with any loans made by or to them; and (iii) acts in place of such brokers, dealers, banks and other persons in connection with any of the foregoing transactions, or in connection with any loans made by or to them.

(13) The term "exchange" means any exchange as defined in section 3(a)(1) of the Securities and Exchange Act of 1934.

(14) The term "Corporation" means the Federal Broker-Dealer Insurance Corporation, established by this Act.

(15) The term "Board of Directors" means the board of directors of the Corporation.

(16) The term "Commission" means the Securities and Exchange Commission.

ESTABLISHMENT OF THE CORPORATION

SEC. 3. (a) There is hereby created a Federal Broker-Dealer Insurance Corporation which shall insure the customer accounts and liabilities of brokers and dealers to the extent authorized by, and in conformity with, the provisions of this Act.

(b) The Corporation shall be under the direction of a Board of Directors which shall consist of the members of the Securities and Exchange Commission who shall serve, ex officio, as members of the Board without additional compensation. The principal office of the Corporation shall be in the District of Columbia.

(c) Upon the date of enactment of this Act, the Corporation shall become a body corporate and as such shall have power—

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To make contracts.

(4) To sue and be sued, complain and defend, in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Corporation shall be a party shall be deemed to arise under the laws of the United States. *Provided*, No attachment or execution shall be issued against the Corporation or its property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court. The Board of Directors shall designate an agent upon whom service of process may be made in any State, territory, or jurisdiction in which any insured broker or insured dealer is located.

(5) To appoint by its Board of Directors such officers and employees as are not otherwise provided for in this Act, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this Act or any other Act shall be construed to prevent the appointment and compensation as an officer or employee of the Corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof.

(6) To prescribe, by its Board of Directors, bylaws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

(7) To exercise by its Board of Directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this Act, and such incidental powers as shall be necessary to carry out the powers so granted.

(8) To make examinations of and to require information and reports from brokers and dealers or stock clearing corporations as provided in this Act.

(9) To act as receiver.

(10) To prescribe by its Board of Directors such rules and regulations as it may deem necessary to carry out the provisions of this Act.

(d) The Board of Directors shall administer the affairs of the Corporation fairly and impartially and without discrimination, and shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The Corporation with the consent of any Federal Reserve bank, or of any board, commission, independent establishment, or executive department of the Government may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this Act.

INSURED BROKERS AND DEALERS

SEC. 4. Each registered broker and each registered dealer, without application or approval, shall be an insured broker or insured dealer under this Act and be subject to the provisons thereof.

ASSESSMENTS

SEC. 5. (a) Each insured broker and each insured dealer shall be assessed, under rules and regulations of the Corporation, at a rate which shall be one-half of 1 per centum per annum. The annual assessment of any such broker or dealer shall be the assessment rate multiplied by an amount equal to the net capital of such broker or dealer determined annually by audit of independent certified public accountants.

(b) Any insured broker or insured dealer which fails to make any report of condition or to file any certified statement required to be filed by it in connection with determining the amount of any assessment payable by such broker or dealer to the Corporation may be compelled to make such report or file such statement by mandatory injunction or other appropriate remedy in a suit brought for such purpose by the Corporation against the broker or dealer, and any officer or officers thereof, in any court of the United States of competent jurisdiction in the District or territory in which such broker or dealer is located.

(c) The Corporation, in a suit brought at law or in equity in any court of competent jurisdiction, shall be entitled to recover from any insured broker or insured dealer the amount of any unpaid assessment lawfully payable by such insured broker or insured dealer to the Corporation, whether or not such broker or dealer shall have made any such report of condition under subsection (b) of this section, or filed by any such certified statement, and whether or not suit shall have been brought to compel the insured broker or insured dealer to make any such report or file any such statement. No action or proceeding shall be brought for the recovery of any assessment due to the Corporation, or for the recovery of any amount paid to the Corporation in excess of the amount due to it, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except where the insured broker or insured dealer has made or filed with the Corporation a false or fraudulent certified statement with the intent to evade, in whole or part, the payment of assessment, in which case the claim shall not be deemed to have accrued until the discovery by the Corporation that the certified statement is false or fraudulent.

TRANSFER OF NET ASSESSMENT INCOME OR CORPORATION TO CAPITAL ACCOUNTS; PRO RATA CREDIT TO INSURED BROKERS AND INSURED DEALERS

SEC. 6. (a) After the capital stock subscription of the Treasury Department has been completely retired pursuant to section 11 of this Act, the Corporation shall transfer 50 per centum of its net assessment income to its capital account and the balance of the net assessment income shall be credited pro rata to the insured brokers and insured dealers based upon the assessments of each broker and dealer coming due during such calendar year. Each year such credit shall be applied by the Corporation toward the payment of the total assessment becoming due for the next assessment period; any excess credit to be applied upon the assessment next becoming due. Any excess of this assessment shall be refunded in cash.

(b) As used in this section, the term "net assessment income" means the total assessments which become due during the calendar year, less (1) the operating costs and expenses of the Corporation for the calendar year; (2) additions to reserve to provide for insurance losses during the calendar year, except that any adjustment to reserve which result in a reduction of such reserve shall be added; and (3) the insurance losses sustained in such calendar year plus losses from any preceding years in excess of such reserves. If the above deductions exceed in amount the total assessments which become due during the calendar year, the amount of such excess shall be restored by deduction from total assessments becoming due in subsequent years.

PAYMENT OF INSURANCE BY CORPORATION

SEC. 7. (a) Whenever an insured broker or insured dealer is closed, the Corporation shall make payment, as provided in this section, to holders of insured customer accounts or insured liabilities. For the purposes of this Act, an insured broker or insured dealer shall be deemed "closed" if it (1) is unable to meet the demands of holders of insured customer accounts or insured liabilities, and (2) has been closed for the purpose of liquidation without adequate provision being made for payment of such accounts or liabilities or without evidence of its ability to make such provision.

(b) When an insured broker or insured dealer has been closed, payment of the insured customer accounts and insured liabilities of such broker or dealer shall be made by the Corporation as soon as possible, subject to the provisions of subsection (c) of this section, either by cash or by securities to which the holder of an insured customer account or insured liability may be entitled. The Corporation, in its discretion, may require proof of claims to be filed before paying any insured customer account or insured liability. In any case where the Corporation is not satisfied as to the validity of a claim for an insured customer account or insured liability, it may require the final determination of a court of competent jurisdiction before paying such claim. The holder of an insured customer account or insured liability may demand the securities owed him in lieu of the value thereof, and the Corporation shall deliver to such holder the securities owed him in lieu of cash.

(c) In the case of a closed insured broker or dealer, the Corporation, upon making payment as provided in subsection (b) of this section, shall be subrogated to all rights of the payee against the closed broker or dealer to the extent of such payment, but such payee shall retain his rights with respect to any uninsured portion of his claim against such broker or dealer.

(d) Except as otherwise prescribed by the Board of Directors, the Corporation shall not be required to recognize as the owner of any portion of a customer account or insured liability appearing on the records of a closed

insured broker or insured dealer under a name other than that of the claimant, any person whose name or interest as such owner is not disclosed on the records of such closed broker or dealer as part owner of said customer account or insured liability, if such recognition would increase the aggregate amount of the insured customer accounts or insured liability in such closed broker or dealer.

(e) If, after the Corporation has given at least three months' notice to the holder of an insured customer account or insured liability by mailing a copy thereof to his last-known address appearing on the records of the closed broker or dealer, such holder fails to claim his insured customer account or insured liability from the Corporation within eighteen months after the appointment of a receiver for the closed broker or dealer, or fails within such period to claim all rights of the holder of an insured customer account or insured liability against the Corporation with respect to the insured customer account or insured liability, such holder shall be barred from making such claim.

(f) Payment of an insured customer account or insured liability to any person by the Corporation shall discharge the Corporation from any further liability with respect thereto.

APPOINTMENT OF CORPORATION AS RECEIVER

SEC. 8. (a) Notwithstanding any other provision of law, the Corporation shall be appointed receiver for any insured broker or insured dealer for which a receiver is required to be appointed under any law. It shall be the duty of the Corporation as such receiver to cause notice to be given, by advertisement in such newspapers as it may direct, to all persons having claims against a closed insured broker or insured dealer to enforce the individual liability, if any, of the stockholders and directors thereof; and to wind up the affairs of such closed insured broker or dealers in conformity with such laws except as herein otherwise provided. The Corporation may demand delivery of specific securities due in lieu of the value thereof; and any debtors of the insured broker or insured dealer may deliver the securities that they owe in lieu of the value thereof.

(b) In the event that the Corporation shall be appointed receiver for any firm, which is an insured broker or insured dealer, it is authorized as such (1) to take over the assets of and operate such firm, (2) to take such action as may be necessary to put it in a sound and solvent condition, (3) to merge it with another insured firm, (4) to organize a new firm to take over its assets, or (5) to proceed to liquidate its assets in an orderly manner, whichever shall appear to be to the best interests of the holders of insured customer accounts or insured liabilities, and in any event the Corporation shall pay the insurance as provided in section 7.

(c) If an insured broker or insured dealer is in danger of closing, the Corporation may ask the United States district court for the district in which the principal office of the broker or dealer is located to order the Corporation appointed as receiver for the broker or dealer. The district court shall make such order if it deems it to be in the public interest and for the protection of insured persons. The Corporation, when so ordered, shall operate such broker or dealer and wind up its affairs, and in doing so, conserve as much of the assets as possible for persons entitled to insurance benefits, and other creditors and interested parties.

(d) Notwithstanding any other provision of law, the Corporation, as receiver of an insured broker or insured dealer shall not be required to furnish bond and shall have the right to appoint an agent or agents to assist it in its duties as such receiver, and all fees, compensation, and expenses of liquidation and administration thereof shall be fixed by the Corporation, and may be paid by it out of funds coming into its possession as such receiver.

(e) A holder of an insured customer account shall have the right to transfer his account to any other insured broker or insured dealer and, upon notification of such transfer, the Corporation shall immediately transfer the assets due such holder to such insured broker or insured dealer.

LOANS OR PURCHASE OF ASSETS BY CORPORATION

SEC. 9. (a) If the Corporation determines that an insured broker or insured dealer is in danger of closing, in order to prevent such closing, the Corporation, in the discretion of its Board of Directors, is authorized to make loans to, or purchase the assets of, such broker or dealer upon such terms and conditions as the Board of Directors may prescribe. Such loans or purchases may be made in subordination of the rights of other creditors.

(b) Whenever in the judgment of the Board of Directors such action will reduce the risk of, or avert a threatened loss to, the Corporation and will facilitate a merger or consolidation of an insured broker or insured dealer with another insured broker or insured dealer, or will facilitate the sale of the assets of an open or closed insured broker or dealer to and the assumption of its liabilities by another insured broker or dealer, the Corporation may, upon such terms and conditions as it may determine, make loans secured, under such terms and conditions as it may determine, or make loans secured in whole or in part by assets of an open or closed insured broker or dealer, which loans may be in subordination to the rights of holders of customer accounts or insured liabilities and other creditors, or the Corporation may purchase any such assets or may guarantee any other insured broker or insured dealer against loss by reason of its assuming the liabilities and purchasing the assets of an open or closed insured broker or dealer. Any insured broker or insured dealer, or the Corporation as receiver thereof, is authorized to contract for such sales or loans and to pledge any assets of the broker or dealer to secure such loans.

(c) No agreement which tends to diminish or defeat the right, title, or interest of the Corporation in any asset acquired by it under this section, either as security for a loan or by purchase, shall be valid against the Corporation unless such agreement (1) is in writing, (2) was executed by the insured broker or insured dealer and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by such broker or dealer, (3) has been approved by the board of directors of the insured broker or insured dealer, which approval shall be reflected in the minutes of such board of committee, and (4) has been continuously, from the time of its execution, an official record of the insured broker or insured dealer.

APPOINTMENT OF EXAMINERS; HEARINGS; SUBPENAS

SEC. 10 (a) The Board of Directors shall appoint examiners who shall have power, on behalf of the Corporation, to examine any insured broker or insured dealer, and any closed insured broker or closed insured dealer, whenever in the judgment of the Board an examination of the broker or dealer is necessary. In addition to the examination provided for in the preceding sentence, such examiners shall have the power to make special examinations of any broker or dealer registered with the Commission, whenever in the judgment of the Board such special examination is necessary to determine the condition of any such broker or dealer for insurance purposes. Each such examiner shall have power to make a thorough examination of all the affairs of the insured broker or insured dealer and in doing so he shall have power to administer oaths and to examine and take and preserve the testimony of any of the officers or agents thereof, and shall make a full and detailed report of the condition of the insured broker or insured dealer to the Corporation. The Board in like manner shall appoint claim agents who shall have power to investigate and examine all claims for insured customer accounts and insured liabilities. Each claim agent shall have power to administer oaths and to examine under oath and take and preserve the testimony of any persons relating to such claims.

(b) For the purpose of any hearing under this Act, the Board of Directors, or member thereof or any person designated by the Board to conduct any such hearing, is empowered to administer oaths and affirmations, subpena any officer or employee of an insured broker or insured dealer, compel his attendance, take evidence, take depositions and require the production of any books, records, or other papers of the insured broker or insured dealer, which are relevant or material to the inquiry. For purpose of any hearing, examination, or investigation under this section, the Board of Directors may issue a subpena commanding each person to whom it is directed to attend and give testimony or for the taking of his deposition and to produce books, records, or other papers relevant or material to such hearing, examination, or investigation at a time and place and before a person therein specified. Such attendance of witnesses and the production of any such papers may be required from any place in any State, territory, or other place subject to the jurisdiction of the United States at any designated place where such a hearing is being held or such examination or investigation is being made: *Provided, however,* That the production of a person's documents at any place other than his place of business shall not be required in any case in which, prior to the return date specified in the subpena with respect thereto, such person either has furnished as directed a copy of such documents (certified by such person under oath to be a true and correct copy) or has entered into a stipulation with any authorized representative of the Corporation as to the information contained in such documents. Witnesses subpenaed under this section shall be paid the same fees and milage that are paid witnesses in the district courts of the United States.

(c) In cases of refusal to obey a subpena issued to, or contumacy by, any person, the Board of Directors may invoke the aid of any court of the United States within the jurisdiction of which such hearing, examination or investigation is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other papers. And such court may issue an order requiring such person to appear before the Board, or member or person designated by the Board, there to produce records, if so ordered, or to give testimony touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or carries on business or wherever he may be found. No person shall be excused from attending and testifying or from producing books, records, or other papers in obedience to a subpena issued under the authority of this chapter on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after hav-

ing claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) The Corporation shall have access to reports of examinations made by, and reports of condition made to, the Commission or any exchange, and may furnish to the Commission and to any exchange, reports of examination made on behalf of, and reports of condition made to, the Corporation.

(e) The Corporation may cause any and all records, papers, or documents kept by it or in its possession or custody to be photographed or microphotographed or otherwise reproduced upon film, which photographic film shall comply with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards. Such photographs, microphotographs, or photographic film or copies thereof shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies and shall be admissible to prove any act, transaction, occurrence, or event therein recorded. Such photographs, mircophotographs, or reproduction shall be preserved in such manner as the Board of Directors shall prescribe and the original records, papers, or documents may be destroyed or otherwise disposed of as the Board shall direct.

CAPITALIZATION

SEC. 11. (a) The Corporation shall have capital stock of $200,000,000 which shall be divided into shares of $1,000 each. The total amount of such capital stock shall be subscribed for by the Secretary of the Treasury. Payments upon such subscription shall be subject to call by the Board of Directors; except that stock having a total value equal to such amount as the Board of Directors estimates will be the first year's cost of operation of the Corporation shall be purchased by the Secretary of the Corporation shall be purchased by the Secretary of the Treasury at the time of subscription. The remaining subscription shall be subject to call by the Board of Directors only as needed to meet outstanding obligations of the Corporation. For the purpose of making payments for such stock there is hereby authorized to be appropriated to the Secretary of the Treasury such sums, not to exceed $200,000,000, as may from time to time be necessary. Any sums so appropriated shall remain available until expended.

(b) Stock of the Corporation held by the Secretary of the Treasury shall be retired by the Corporation, as rapidly as the Board of Directors deems feasible, from sums carried by the Corporation in its surplus account. The Corporation shall pay out of its capital account to the Secretary of the Treasury an amount equal to 5 per centum simple interest per annum on amounts advanced to the Corporation on stock subscriptions paid by the Secretary of the Treasury from the time of such advances until the amounts thereof are repaid.

BORROWING AUTHORITY

SEC. 12. (a) The Corporation is authorized to borrow from the Treasury, and the Secretary of the Treasury is authorized and directed to loan to the Corporation, on such terms as may be fixed by the Corporation and the Secretary, such sums as in the judgment of the Board of Directors are from time to time required for insurance purposes, not exceeding in the aggregate $3,000,000,000 outstanding at any one time. The rate of interest to be charged in connection with any loan made pursuant to this section shall not be less than the current average rate on outstanding marketable and nonmarketable obligations of the United States as of the last day of the month preceding the making of such loan.

(b) For the purpose of making the loans authorized by this section, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under such Act are extended to include such loans. All loans and repayments under this subsection shall be treated as public-debt transactions of the United States.

(c) In order that the Corporation may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this section, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Corporation, to be held in the Treasury subject to delivery, upon order of the Corporation. The engraved plates, dies, bed pieces, and other material executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Corporation shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other such obligations.

CORPORATION MONEYS

SEC. 13. (a) Money of the Corporation not otherwise employed shall be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. The Corporation shall not sell or purchase any such obligations for its own account and in its own right and interest, at any one time aggregating in excess of $100,000, without the approval of the Secretary of the Treasury: *Provided*, That the Secretary of the Treasury may waive the requirement of his approval with respect to any transaction or classes of transactions subject to the provisions of this subsection for such period of time and under such conditions as he may determine.

(b) The banking or checking accounts of the Corporation shall be kept with the Treasurer of the United States, or, with the approval of the Secretary of the Treasury, with a Federal Reserve bank, or with a bank designated as a depository or fiscal agent of the United States: *Provided*, That the Secretary of the Treasury may waive the foregoing requirement under such conditions as he may determine: *Provided further*, That this subsection shall not apply to the establishment and maintenance in any bank for temporary purposes of banking and checking accounts not in excess of $50,000 in any one bank, or to the establishment and maintenance in any bank of any banking and checking accounts to facilitate the payment of insured claims, or the making of loans to, or the purchase of assets of, insured brokers or dealers.

TAX EXEMPTION

SEC. 14. The Corporation, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

ANNUAL REPORT BY CORPORATION; AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The Corporation shall make a report of its operations to the Congress as soon as practicable after the 1st day of January in each year.

(b) The financial transactions of the Corporation shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in possession and custody of the Corporation.

(c) A report of the audit for each fiscal year shall be made by the Comptroller General to the Congress not later than January 15 following the close of each fiscal year. On or before December 15 following such fiscal year the Comptroller General shall furnish the Corporation a short form report showing the financial position of the Corporation at the close of the fiscal year. The report to the Congress shall set forth the scope of the audit and shall include a statement of surplus or deficit analysis; a statement of income and expenses; a statement of sources and application of funds and such comments and information as may be deemed necessary to inform Congress of the financial operations and conditions of the Corporation, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The report shall also show specifically any program expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of the law. A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the Corporation at the time submitted to the Congress.

(d) For the purpose of conducting such audit the Comptroller General is authorized in his discretion to employ by contracts, without regard to section 3709 of the Revised Statutes (5 U.S.C. 41), professional services of firms and organizations of certified public accountants, with the concurrence of the Corporation for temporary periods or for special purposes. The Corporation shall reimburse the General Accounting Office for the cost of any such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts.

PENALTIES

SEC. 16. (a) Each insured broker and insured dealer shall display at each place of business maintained by it a sign or signs, and include in all its advertisements a statement, to the effect that its customer accounts are insured by the Corporation: *Provided*, That the Board of Directors may exempt from this requirement advertisements which do not relate to customer accounts or when it is impractical to include such statement therein. The Board of Directors shall prescribe by regulation the forms of such signs and the manner of display and the substance of such statements and the manner of use. For each day an insured broker or insured dealer continues to violate any provisions of this subsection or any lawful provisions of said regulations, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.

(b) No insured broker or insured dealer shall pay any dividends on its capital stock or interest on its capital notes or debentures (if such interest is required to be paid only out of net profits) or distribute any of its capital assets while it remains in default in the payment of any assessment due to the Corporation. And director or officer of any insured broker or insured dealer who par-

ticipates in the declaration or payment of any such dividend or interest or in any such distribution shall upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both: *Provided*, That in case any such default is due to a dispute between the insured broker or insured dealer and the Corporation concerning the amount of such assessment, this subsection shall not apply if such broker or dealer shall deposit security satisfactory to the Corporation for payment upon final determination of the issue.

(c) The Corporation may require any insured broker or insured dealer to provide protection and indemnity against burglary, defalcation, and other similar insurable losses. Whenever any insured bank refuses to comply with any such requirement the Corporation may contract for such protection and indemnity and add the cost thereof to the assessment otherwise payable by such an insured broker or insured dealer.

(d) Any insured broker or insured dealer which willfully fails or refuses to file any certified statement, or pay any assessment, required under this Act shall be subject to a penalty of not more than $100 for each day that any such violation continues, which penalty the Corporation may recover for its use: *Provided*, That this subsection shall not be applicable under the circumstances stated in the proviso of subsection (b) of this section.

SEPARABILITY

SEC. 17. The provisions of this Act limiting the amount of insurance available to the holder of any insured customer account or insured liability to a maximum less than the full amount shall be independent and separable from the other provisions of this Act.

S. 2349—INTRODUCTION OF A BILL TO PROVIDE FOR THE WEARING OF UNIFORMS OF CERTAIN POSTAL EMPLOYEES

Mr. YARBOROUGH. Mr. President, it is common knowledge that our postal service has a number of inequities in its rules and regulations as they pertain to the employees of that service. One of these inequities is the current regulation that the maintenance and custodial employees of the Department are not entitled to a uniform allowance unless the employee works in a multioccupied building and is in "public view" a substantial portion of his work day. Letter carriers, clerks, and so forth, are provided uniforms and uniform allowances and my bill would entitle the maintenance-custodial employees to this allowance as well.

Clothing of the maintenance-custodial employees, due to the day-to-day work performed—cleaning and repair work—is subject to undue "wear and tear." At present, of the over 20,000 maintenance-custodial employees in the postal service, less than 2,000 are provided with uniforms. The clothing they wear must be paid for out of their own pocket. Included in this number are employees in PFS–1, the lowest salary level. This places an additional strain on an already meager salary. Based on the present law, a maintenance-custodial employee must work in a multioccupied building and be in public view before he is entitled to have his uniform provided. Certainly an individual's clothing can become soiled or torn working out of public view as readily as in public view. Our mail processing equipment personnel and building equipment personnel are required to perform preventive maintenance and repair on all types of mechanical equipment, from a small tying machine up to and including large bulk conveyor systems, which contain miles of conveyor belting, motors, gear boxes, elevators, air handling units, and so forth. In doing so they come into daily contact with sharp machinery, dirt, grease, battery acid and other elements detrimental to their clothing. Either a clothing allowance of $75 per year—or if the Department would choose to provide uniforms as they now do—would correct this situation. The passage of my proposal, which I now introduce, would mean providing uniforms for approximately 18,000 employees—employees, I might add, who deserve this consideration.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2349) to provide for the wearing of uniforms by certain postal employees, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3116 of title 39, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Except as provided in subsection (c) of this section, the Postmaster General may not require employees in the Postal Transportation Service to wear any uniform other than cap or badge.

"(c) Any maintenance-custodial employee, including any custodial building maintenance, and mail processing equipment employee, of the Department shall wear a uniform, as prescribed by the Postmaster General, while working for the Department. Such uniform shall be worn without regard to the number of hours spent working in public view."

SEC. 2. The amendment made by the first section of this Act shall become effective 60 days after the date of enactment of this Act.

S. 2350—INTRODUCTION OF A BILL TO PROVIDE LIFE INSURANCE AND HEALTH INSURANCE BENEFITS AND CIVIL SERVICE RETIREMENT TO STAR ROUTE CARRIERS

Mr. YARBOROUGH. Mr. President, there are currently 12,000 star route contracts in existence in our Nation. These star route carriers are an integral part of our postal system; in many of our smaller communities they are the backbone of mail transportation.

There are 812 such contractors in my home State of Texas. I can personally testify to the essential nature of their service to the public in Texas.

Vital as this service is, however, many of these star routes are relatively small operations, providing the contract holder with a minimal living standard. Though providing a "Federal service," these contractors often find it next to impossible to build any sort of retirement cushion for their years as senior citizens.

For the protection of the holders of star route contracts that are of insufficient size to permit an independent accumulation of a retirement fund but who have, nevertheless, served our Nation and the Post Office Department under contract for a significant length of time to qualify for Federal health, welfare, and retirement benefits, I am today introducing this bill.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2350) to include certain holders of star route and other contracts for the carrying of mail within the provisions of title 5, United States Code, relating to Federal employee life insurance and health insurance benefits and civil service retirement, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 87 of title 5, United States Code, is amended by inserting after section 8701 the following new section:

"§ 8701a. Coverage of mail contract holders

"Any individual who—

"(1) on or after the date of enactment of this section, is the holder of a star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of mail;

"(2) has held such contract for not less than one year;

"(3) actually performs the duties of transportation or delivery of mail under such contract; and

"(4) gives notice in writing to the Postmaster General or his designee of his desire to become subject to this chapter; may, under such conditions of eligibility as the Civil Service Commission may prescribe, be insured under the same terms and conditions as apply to employees eligible to be insured under this chapter. The Postmaster General is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section."

(b) The analysis of chapter 87 of such title, preceding section 8701, is amended by inserting after item 8701 the following new item:

"8701a. Coverage of mail contract holders."

SEC. 2. (a) Chapter 89 of title 5, United States Code, is amended by inserting after section 8901 the following new section:

"§ 8901. Coverage of mail contract holders

"An individual who—

"(1) on or after the date of enactment of this section, is the holder of a star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of the mail;

"(2) has held such contract for not less than one year;

"(3) actually performs the duties of transportation or delivery of mail under such contract; and

"(4) gives notice in writing to the Postmaster General or his designee of his desire to become subject to the provisions of this chapter;

may, under such conditions of eligibility as the Civil Service Commission may prescribe, become enrolled in an approved health benefits plan described in section 8903 of this title either for self alone or for self and family, under the same terms and conditions as apply to employees eligible to enroll in such plan under this chapter. The Postmaster General is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section."

(b) The analysis of chapter 89 of such title, immediately preceding section 8901, is amended by inserting after item 8901 the following new item:

"8901a. Coverage of mail contract holders."

SEC. 3. (a) Section 8331 of title 5, United States Code, is amended—

(1) by striking out the word "and" at the end of paragraph (1) (H);

(2) by inserting the word "and" at the end of pargaraph (1) (I);

(3) by inserting immediately after paragraph (1) (I) the following new clause:

("(J) a mail contract holder as defined by paragraph 17) of this section;";

(4) by striking out the semicolon at the end of paragraph (3) and inserting in lieu thereof a period and the following: "For a mail contract holder, basic pay means an amount equal to two-thirds of the gross amount payable under such contract or $2,400 a year, whichever is greater, but in no case in excess of $8,000 a year;";

(5) by striking out the word "and" at the end of paragraph (15);

(6) by striking out the period at the end of paragraph (16) and inserting in lieu thereof a semicolon and the word "and"; and

(7) by adding at the end thereof the following new paragraph:

"(17) 'mail contract holder' means an individual who—

"(A) on or after the date of enactment of this paragraph, is the holder of a star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of mail;

"(B) has held such contract for not less than one year;

"(C) actually performs the duties of transportation or delivery of mail under such contract; and

"(D) gives notice in writing to the Postmaster General or his designee of his desire to become subject to this subchapter."

(b) Section 8332(b) of such title is amended—

(1) by striking out the word "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "and";

(3) by inserting immediately after paragraph (6) the following new paragraph:

"(7) service rendered as a mail contract holder."; and

(4) by adding at the end thereof the following:

"The Commission shall accept the certification of the Postmaster General or his designee concerning service for the purpose of this subchapter of the type performed by a mail contract holder named by paragraph (7) of this subsection."

(c) Notwithstanding the provisions of section 8348(g) of title 5, United States Code, the annuity benefits payable by reason of the enactment of this section shall be payable from the Civil Service Retirement and Disability Fund.

(d) Notwithstanding any other provision of law, the amendments made by this section shall not affect any benefits under the Social Security Act of any holder of any star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of mail based on service actually performed by him under such contract.

S. 2351—INTRODUCTION OF A BILL TO CLASSIFY POST OFFICE DEPARTMENT POSITIONS OF MAINTENANCE MECHANICS, MAIL PROCESSING EQUIPMENT, AT SALARY LEVELS 8 AND 9

Mr. YARBOROUGH. Mr. President, since 1962, when the positions of maintenance mechanic, PFS–5 and PFS–6, were established, they have received no upgrading, other than the 1967 Pay Act, Public Law 90–206, which upgraded all PFS positions one level. In 1962, their position level was based on the equipment they worked on, the most complicated of which was a parcel or sack sorting machine.

Since 1962, the Post Office Department has installed equipment such as letter sorting machines, Mark II facer-cancelers, optical character readers, and so forth. All of this complicated equipment has increased the mechanical and technical ability required of these people.

Our MPE mechanics are sometimes required to pass a maximum of three examinations before obtaining these positions. This is in contrast with the one entrance exam required by other crafts. They are required to work on both printed and wired circuitry, electronic as well as electrical equipment. They perform all phases of mechanical work, from replacing a missing bolt to overhaul of the Mark II facer-canceler, an electronic monstrosity. In addition to mechanical ability, they must possess a high degree of proficiency in electricity and electronics. They must also have knowledge of welding, brazing, machining of parts and other related skills.

Currently, in many of our postal facilities, located in highly industrialized areas, we are experiencing great difficulty in recruiting people to these positions, due to the pay levels of this craft in private industry. For instance, the carrier technician is a PFS–6, while the MPE mechanic maintaining it is a PFS–6 or PFS–7. Today, many supervisory positions have position levels of PFS–8 and PFS–9, where the level of responsibility is less than that of a maintenance mechanic, PFS–6 or PFS–7.

Enactment of this legislation I introduce today would affect approximately 4,500 employees of the maintenance-custodial craft. It would also provide an inducement for recruitment of skilled and capable personnel to maintain the highly diversified equipment now utilized by the Post Office Department.

If we are to effect a true modernization of the Post Office Department, one of the first realistic steps will be the enactment of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2351), to classify the Post Office Department positions of maintenance mechanics, mail processing equipment, at salary levels 8 and 9, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2351

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, That (a) section 3518 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Maintenance Mechanic, Mail Processing Equipment. (KP–22a).

"(1) Basic function.—Performs preventive maintenance and repair work of journeyman level on the mechanical, electrical, electronic pneumatic or hydraulic controls and operating mechanisms of mail processing equipment.

"(2) Duties and responsibilities.—

"(A) Performs a variety of established preventive maintenance routines using preventive maintenance checklists developed for the equipment such as powered conveyors; letter sorting, parcel sorting, sack sorting, facing and canceling machines. Reports needed repairs as conditions indicating the possible need for repairs.

"(B) Performs adjustment, repair and overhaul work, as assigned. For example, locates and corrects malfunctions in conveyors such as those in a bulk, mail-flo or tray transport system; in facer-canceler machines such as the Mark II; in multi-position letter sorters; in sack or parcel sorters such as the carousel, multi-belt, or over-under types, or any equipment of similar nature.

"(C) Assists a foreman, engineer or skilled technician of higher level in the performance of involved trouble shooting; performs designated assignments in connection with such work as the alteration and modification of equipment and circuits, the repair of complex malfunctions in interlocking group control panels.

"(D) Reads schematics, blue prints, wiring diagrams, manufacturers' handbooks, specifications to locate and correct equipment malfunctions and failures, and to request or order parts and materials.

"(E) Uses necessary hand tools, power tools and equipment, gauging devices and test equipment; may use welding equipment if trained or qualified.

"(F) Annotates work orders as to work details, parts and time used, takes readings from meters, gauges, counters and other indicators, and maintains logs or other required records; reports on breakdowns or equipment under test.

"(G) Receives instruction on-the-job, in classroom, at Departmental National Training Center, or in trade schools and manufacturer's plants, as required.

"(H) Observes established safety practices and requirements pertaining to the type of work involved.

"(I) In addition, may perform the following:

"(i) Performs preventive maintenance and repair work on meter machines, tying machines, vending machines, conventional canceling machines and other postal machines and equipment of a similar nature.

"(iii) Performs such other duties as may be assigned.

"(3) Organizational relationships.—Reports to a foreman, engineer, building superintendent, or other designated supervisor. May supervise helpers or other lower level, mechanical employees as required."

(b) Section 3519 of such title is amended by inserting at the end thereof the following new subsection:

"(d) Advanced Maintenance Mechanic, Mail Processing Equipment. (KP—25a).

"(1) Basic function.—Performs involved trouble-shooting and complex maintenance work throughout the system of mail processing equipment; performs preventive mainte-

nance inspections of mail processing equipment, buildings and building equipment.

"(2) Duties and responsibilities.—

"(A) Performs the more difficult testing, diagnosis, maintenance, adjustment and revision work, requiring a thorough knowledge of the mechanical, electrical and electronic, pneumatic, or hydraulic control and operating mechanisms of the equipment. For example, performs trouble-shooting and repair of complex interlocking and supervisory group control panels, keying circuits, memory storage circuits, readout and feedback circuits, and associated mechanical and electrical components throughout the installation; locates and corrects malfunctions in scanning, triggering and other electromechanical and electronic circuits.

"(B) Observes the various components of the system in operation and applies appropriate testing methods and procedures to insure continued proper functioning.

"(C) Locates the source of and rectifies trouble in involved or questionable cases, or in emergency situations where expert attention is required to locate and correct the defect quickly to avoid or minimize interruptions to mail processing activities.

"(D) Installs or alters equipment and circuits as directed.

"(E) Reports the circumstances surrounding equipment failures, and recommends measures for their correction.

"(F) Performs preventive maintenance inspections for the purpose of discovering incipient mechanical malfunctions and for the purpose of reviewing the standard of maintenance. Initiates work orders requesting corrective actions for below standard conditions; assists in the estimating of time and materials required. Recommends changes in preventive maintenance procedures and practices to provide the proper level of maintenance; assists in the revision of preventive maintenance checklists and the frequency of performing preventive maintenance routes. In instances of serious equipment failures conducts investigation to determine the cause of the breakdown and to recommend remedial action to prevent recurrence.

"(G) Uses necessary hand and power tools, gauging devices, and both electrical and electronic test equipment.

"(H) Reads schematics, blue prints, wiring diagrams and specifications in locating and correcting potential or existing malfunctions and failures.

"(I) Observes established safety practices and requirements pertaining to the type of work involved; recommends additional safety measures as required.

(J) In addition may perform the following:

"(i) Oversees the work of lower level maintenance mechanical personnel, advising and instructing them in proper work methods, and checking for adherence to instructions.

"(ii) Makes in-process and final operational checks and tests of work completed by lower level maintenance mechanical personnel.

"(3) Organizational relationships.—Reports to foreman or other designated supervisor."

SEC. 2. (a) Each maintenance mechanic (mail processing equipment) classified in accordance with the provisions of the first section of this Act shall be assigned the same numerical step of the Postal Field Service Schedule which he had attained immediately prior to the effective date of such section.

(b) The advancement of any such mechanic to a higher salary level of the Postal Field Service Schedule by reason of the enactment of the first section of this Act shall not be deemed to be an equivalent increase within the meaning of section 3552 (a) of title 39, United States Code.

SEC. 3. The amendments made by the first section of this Act shall become effective on the first day of the first pay period beginning on or after the date of enactment of this Act.

S. 2355—INTRODUCTION OF A BILL TO ESTABLISH AN ADVISORY COMMISSION TO MAKE A STUDY AND REPORT WITH RESPECT TO FREIGHT RATES

Mr. BURDICK. Mr. President, I introduce a bill to establish an advisory commission to study the transportation freight pricing situation.

There is a rising tide of interest and concern in the impact of the pricing philosophy and practices of the Nation's second largest industry on the economic development of the several regions of the country. There are a multitude of concepts used to establish foreign rates depending on the nature of the situation, none of which are necessarily based upon the cost of providing the service. Consequently, the industry operates in a freight rate environment which, governed by thousands upon thousands of freight tariffs, are meaningless to nearly everyone involved in their use, including carrier pricing officers. It is not likely that good allocation of resources will ever occur from this kind of hodgepodge.

Accentuating the incomprehensibility of the freight rate system is the structure of the rate systems within a given mode. It is not too difficult to identify rates or commodities which far exceed the cost of providing that service. In a parallel fashion, rates can be identified on other commodities hauled by the same carrier, which are far less than the cost of providing the service. Subsequently, the producers of one commodity subsidize the producers of other commodities through the internal subsidy system of a carrier's freight rate structure. This creates a static situation where significant adjustments in rates are difficult to obtain. In the case of railroads, which are rapidly losing high value hauls to other modes, this becomes the low road to becoming true public utilities or perhaps even public ownership. This simply cannot be allowed as long as we feel strongly about private ownership and management of the Nation's railroads.

Innovations in transport technology do not fully become a part of the economic system until the price of the service responds to these changes. Rate structures must be structured to respond to changes in cost as well as changes in the value of service or the value of the commodity. Where competition is not sufficient to bring about such adjustments, then a regulatory system must exist which does recognize the need for a price system which insists that gains in efficiency be carried through to price structures.

New concepts of ratemaking must be clearly defined and they must be based upon objective analysis by an independent body. It is fast becoming obvious that fragmented government administration of the transportation industry is no longer constructive. An industry which so clearly needs to begin the journey toward functional coordination and cooperation must first be confident in a national transportation policy which facilitates efficient service. The role of Government in this partnership must be thoroughly reviewed before embarking down more untried highways.

At a time when the rural areas of America are struggling for survival, and urban areas face seemingly almost insurmountable problems, a study such as I propose will provide an important base for insight into how to solve many economic and sociological development problems of this Nation of ours.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2355), to establish an advisory commission to make a study and report with respect to freight rates, introduced by Mr. BURDICK (for himself and other Senators), was received, read twice by its title and referred to the Committee on Commerce.

S. 2356—INTRODUCTION OF A BILL TO INCREASE THE AUTHORIZATION FOR THE CHESAPEAKE BAY BASIN STUDY

Mr. MATHIAS. Mr. President, I am today introducing, for myself and the senior Senator from Maryland (Mr. TYDINGS), a bill to amend the Rivers and Harbors Act of 1965 to increase the authorization for the Chesapeake Bay Basin Study, the construction of a hydraulic model of Chesapeake Bay, and an associated technical center.

The Chesapeake Bay is the largest and most productive estuarine area in the United States, and one of our most magnificent resources. Situated in the midst of a rapidly growing urban and industrial area, it is extremely vulnerable to all of the adverse effects of population growth and technological progress. Its problems are almost incredibly complex, and its future health can be secured only through a far-sighted, comprehensive program, based on the most sophisticated methods of resource management.

The Congress has recognized that a specialized study of the bay is made imperative by its great size, the accelerating rate of growth in the bay area, and the inadequacies of our present understanding of the basin's complex physical, chemical and biological parameters. Accordingly, in section 312 of the Rivers and Harbors Act of 1965, the Congress authorized and directed the Corps of Engineers to make a complete study of Chesapeake Bay and to build, for this study, a hydraulic model of the bay.

This is to be a comprehensive estuarine study, multidisciplinary in scope and encompassing engineering as well as the physical, biological, and social sciences. Its specific objectives are:

First, to make a complete investigation and study of water utilization in the Chesapeake Bay Basin.

Second, to formulate a long-term water and land management plan for the development and use of the bay area's resources, with special attention to improving the economic and social well-being of the people of the Chesapeake Bay area.

Third, to define an early action program, setting forth those steps which require prompt execution to meet present needs and prevent further deterioration of the bay's resources and environment, and

Fourth, to recommend ways to carry out these plans and programs, including institutional arrangements, cost sharing and management of various resources.

Construction of the hydraulic model of the bay, and the associated technical center, is essential in order to obtain the quantitative data now lacking. This effort will be valuable not only to Chesapeake Bay, but to our understanding of estuarine areas generally.

The 1965 legislation authorized up to $6 million for this study and construction of the hydraulic model. At the request of the House Appropriations Committee, a reanalysis of the study was completed during this fiscal year, resulting in a revised cost estimate of about $15 million.

The legislation introduced today would provide authorization for full funding of this vital project. I hope that prompt congressional action on this bill will encourage the Bureau of the Budget to request adequate appropriations to get this important work underway.

Every year of delay permits the bay's resources to deteriorate further. We should act now, before it is too late to save this great national resource.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2356), to amend the River and Harbor Act of 1965 to increase the authorization for the Chesapeake Bay Basin Study, the construction of a hydraulic model of the Chesapeake Bay Basin and associated technical center, introduced by Mr. MATHIAS (for himself and Mr. TYDINGS), was received, read twice by its title, and referred to the Committee on Public Works.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 16

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Michigan (Mr. HART), the Senator from New York (Mr. JAVITS), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. YARBOROUGH) be added as consponsors of the bill (S. 16), to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation.

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

S. 268

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of the bill (S. 268), to strengthen and improve the Older Americans Act of 1965.

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

S. 870

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Tennessee (Mr. GORE) and the Senator from Oklahoma (Mr. HARRIS) be added as cosponsors of the bill (S. 870), to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings.

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

S. 1032

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of the bill (S. 1032) to amend the Urban Mass Transportation Act of 1964, and for other purposes.

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

S. 1033

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from California (Mr. CRANSTON) and the Senator from Utah (Mr. Moss) be added as cosponsors of the bill (S. 1033) to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges.

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

S. 1290

Mr. McCLELLAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of the bill (S. 1290) to incorporate College Benefit System of America.

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

S. 1494

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kansas (Mr. DOLE) be added as a cosponsor of the bill (S. 1494) to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act.

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

S. 1801

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of the bill (S. 1801), to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes.

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

S. 1816

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. GRAVEL) be added as cosponsors of the bill (S. 1816), to authorize the Secretary of Health, Education, and Welfare to make grants for treatment and rehabilitation centers for drug addicts and drug abusers, and to carry out drug abuse education curriculum programs, and to strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control.

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

S. 2035

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of the bill (S. 2035), to amend title 5, United States Code, to authorize consolidation of Federal assistance programs, and for other purposes.

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

S. 2259

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor 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 VICE PRESIDENT. Without objection, it is so ordered.

S. 2313

Mr. DOLE. 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 Alaska (Mr. STEVENS) be added as a cosponsor of 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.

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

S. 2315

Mr. NELSON. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at its next printing, my name and the name of the Senator from Kansas (Mr. PEARSON) be added as cosponsors of the bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act.

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

S.J. RES. 61

Mr. McCARTHY. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. CHURCH), the Senator from

Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Ohio (Mr. SAXBE), the Senator from Georgia (Mr. TALMADGE), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of the joint resolution (S.J. Res. 61), proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

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

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of the resolution (S. Res. 172), to provide for the emigration of Iraqi Jews.

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

SENATE CONCURRENT RESOLUTION 30—SUBMISSION OF RESOLUTION SUPPORTING GERONTOLOGY CENTERS

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of Mr. Moss, Mr. RANDOLPH, and myself, I submit for appropriate reference, a Senate concurrent resolution which proposes that Congress go on record in favor of encouraging and supporting programs of scientific research and training in aging, such as the Ethel Percy Andrus Gerontology Center, located at the University of Southern California. Testimony presented to the Senate Special Committee on Aging, of which I am chairman, has shown to my satisfaction that an additional investment in research and training in aging could produce much benefit to the entire Nation, not only to those who are now elderly.

We need to know much more than we now do about the process of aging, its causes and its control. Increasing our fund of knowledge in this area could enable us to improve the later years not only for those now old, but also for those who are now young but who can expect to be old themselves someday.

Furthermore, in view of our heavy national commitments in medicare, medicaid, and other programs for the health of older Americans, additional investments in scientific research and training in aging makes good sense not only from a humanitarian standpoint but also from the standpoint of the costs of these programs. As we learn more about old age, we can not only save money, but, more important, save lives and prevent human suffering.

My resolution also urges support for training in aging. It is axiomatic that the fruits of research in aging can benefit the Nation only as they are made known to those who can put them to good use.

Mr. President, I pay tribute to the American Association of Retired Persons and the National Retired Teachers Association, which sister organization took the leadership in establishing the Ethel Percy Andrus Gerontology Center at Los Angeles. Mrs. Andrus was the founder of these organizations and served many years as their president. The officers, staff, and members of these organizations deserve great credit for this support of research and training in aging. The resolution which I am submitting cites this center as an example of the type of research and training activity which should be encouraged and supported.

The VICE PRESIDENT. The concurrent resolution will be received, appropriately referred, and printed in the RECORD.

The concurrent resolution (S. Con. Res. 30) was referred to the Committee on Labor and Public Welfare, as follows:

S. CON. RES. 30

Resolved by the Senate (the House of Representatives concurring), That

Whereas there are over nineteen million older Americans sixty-five and over; and

Whereas the number of older Americans increases by over three hundred thousand per year; and

Whereas the average life span of an American child born today is seventy years as compared with forty-seven years in 1900; and

Whereas gerontology is a relatively new science; and

Whereas Congress is continually concerned with the well-being of older Americans, said concern having been demonstrated by the establishment of the Administration on Aging (Public Law 89-73); therefore,

It is the sense of Congress that programs of scientific research and training in aging, such as the Ethel Percy Andrus Gerontology Center located at the University of Southern California, be encouraged and supported.

PRINTING OF REVIEW OF REPORT ON A MODIFICATION OF THE OAHE DAM AND RESERVOIR, MISSOURI RIVER, N. DAK. (S. DOC. NO. 91-23)

Mr. KENNEDY. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH) I present a letter from the Secretary of the Army, transmitting a favorable report dated January 23, 1969, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a modification of the Oahe Dam and Reservoir, Missouri River, N. Dak., authorized by the Fish and Wildlife Coordination Act, approved August 12, 1958.

I ask unanimous consent that the report be printed as a Senate document with illustrations, and referred to the Committee on Public Works.

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

NOTICE OF HEARINGS ON CRIMINAL JUSTICE ACT OF 1964

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights of the Committee on the Judiciary has scheduled hearings for June 24, 25, and 26 on S. 650 and S. 1461, two bills introduced by the Senator from Nebraska (Mr. HRUSKA) and myself, proposing amendments to the Criminal Justice Act of 1964.

The hearings will begin at 10:30 a.m. each day in room 2228, New Senate Office Building. Anyone wishing to testify or desiring more information on the hearings may contact the subcommittee office in room 102-B, Old Senate Office Building, telephone extension 5527.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

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

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Warren E. Burger, to be Chief Justice of the United States.

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

THE SUPREME COURT OF THE UNITED STATES

The assistant legislative clerk read the name of Warren E. Burger, of Virginia, to be Chief Justice of the United States.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YOUNG of Ohio. Mr. President, I am not a member of the Judiciary Committee. However, I recall distinctly that the majority leader recently stated that on matters of confirmation thorough consideration would be given. I wonder if the action we are proposing to take today does not run counter to the statement of the majority leader.

I find that no report has come from the Judiciary Committee regarding the nomination of Judge Warren E. Burger to be Chief Justice of the United States. However, a printed hearing record has been placed on the desk of every Senator. I am somewhat interested in the matter. My father was a judge of the common pleas court, as we call it, in Ohio. That court is the court of highest trial jurisdiction. I always had an ambition to be a judge. I am sorry to say that it is too late in life now for that ambition to be realized.

I find somewhat to my surprise that approximately 1 hour and 45 minutes were spent in the hearing before the Judiciary Committee. I have talked with the chief clerk of the committee on that subject this morning. According to my information the hearing was held on June 3, 1969, from 10:35 in the morning until 12:20 in the afternoon, approximately 1 hour and 45 minutes. Few ques-

tions were asked in the course of the hearing.

I desire to direct some questions to the distinguished chairman of the Judiciary Committee. This morning I was handed, by a distinguished former Senator, a statement containing a number of pages from Randolph Phillips, chairman of the Committee Opposed to the Confirmation of Judge Warren Earl Burger to be Chief Justice of the United States.

My former colleague in the Senate tells me that Randolph Phillips was present in Washington and had filed a request to be heard before the committee.

I do not know Randolph Phillips. I do not know a thing about him. I am told by my former colleague, Ernest Gruening, that he knows him personally and that he is a reputable lawyer in the city of New York, and that Mr. Phillips desired to express his views on this nomination and that he is opposed to the confirmation of Judge Burger.

I wonder if the chairman of the committee knew Mr. Phillips was present and desired to be heard?

Mr. EASTLAND. Mr. President, the Burger nomination was received by the Senate on May 29, 1969, and referred to the Judiciary Committee.

On May 26 a notice was placed in the CONGRESSIONAL RECORD giving public notice of the time and place at which the hearing would be held.

Prior to that date the committee received a call from Diana Kearny Powell requesting to testify. Miss Powell was asked to submit a written statement to the committee incorporating the substance of the testimony she wished to give. Miss Powell subsequently submitted her statement to the committee together with a box of exhibits.

On the morning of June 3, the committee was open for business at 8 a.m. I am informed that a telegram was directed to the attention of John Holloman, committee counsel, from a Mr. Barkin, of New York, requesting that the hearing be postponed for 3 days in order that he might testify on the nomination.

Prior to the hearing Miss Powell came to the committee office and was given a seat at the hearing.

After the hearing had started a Mr. Phillips came into the committee office and complained that he had not been able to get to hear the testimony. He did not request to testify at any time.

At the conclusion of Justice Burger's testimony the committee was informed as to the substance of Miss Powell's statement. It was decided to have Miss Powell submit the statement and the box of exhibits for the committee file. Miss Powell was subsequently informed of this decision and was apparently satisfied with this decision.

On the night of June 3, Mr. Randolph Phillips called Mr. Holloman at his home to complain that he had not been able to gain admission to hear the testimony. At no time did he request to testify on the Burger nomination. He did ask if the committee had received a telegram from Mr. Barkin of New York. He was informed that it had been received and directed to his attention that morning but that the committee had declined to postpone the hearing. Mr. Holloman suggested that Mr. Phillips have Mr. Barkin submit his statement for the RECORD. Mr. Phillips said he would do so.

Mr. Phillips did not then and has not as of this date asked to testify or submit a statement to the committee. The committee has not as of this date received any further communication from Mr. Barkin nor has the committee received any statement for inclusion in the RECORD.

It has always been our experience when we were considering the nomination of a Supreme Court Justice that a number of unstable people wanted to appear and testify. I have always, since I have been chairman, appointed a subcommittee to take their testimony in executive session. Then, if the subcommittee thinks the committee should hear the testimony, it is heard.

I am not saying that Mr. Phillips is in that category. I do not know him. I never heard of him. I inquired if anyone wanted to testify against the nomination.

Mr. YOUNG of Ohio. Mr. President, I certainly go along with the chairman's views regarding this lady who wanted to be a witness. I also recall reading in the newspaper that some man, who certainly would be in the category of being a nut, said that he wanted to appear before the committee to place Judge Burger under arrest. Of course, the chairman of any committee would exclude that gentleman.

Mr. EASTLAND. That gentleman, Mr. Tijerina, announced that he intended to appear at the hearing and place Judge Burger under arrest. The committee never received any communication from him.

Mr. YOUNG of Ohio. Had I been in the chairman's place I would not have wasted any time of the committee on him.

Mr. EASTLAND. The chairman did not do it until he had talked to a number of key members of the committee to learn what their wishes were.

Mr. YOUNG of Ohio. I do not know this gentleman from New York City, Randolph Phillips, but I am told that he is a lawyer and a respected member of the New York bar.

In a typewritten memorandum, which I have, and which I will be glad to hand to the chairman of the committee, he states:

> 3. At 9:30 a.m., June 3, 1969, one-hour before the convening of the scheduled Hearing respecting the Confirmation of Judge Burger, Mr. Phillips appeared on the public waiting line before the Judiciary Committee hearing room's closed front door and from then until the conclusion of the hearing at approximately 12:15 p.m., was at all times either the first or second person in the line that grew to an estimated 150 members of the public.

At no time was he or any other member of the public in that line admitted, according to this memorandum. It is stated that he previously inquired of one of the majority leader's assistants if she would obtain for him admission to the hearing. Of course, obviously, he made a mistake. He should have asked the chairman of the committee.

Mr. EASTLAND. The hearing was first set for the caucus room. I was informed by the proper sources that there might be demonstrations and that it would be much easier if it was held in the regular room, where there were three exits. So it was transferred, at the request of the proper agencies, to the committee room.

I have in my hand a note from Mr. Holloman, the counsel of the committee, which states that Mr. Phillips did not request to testify. I know that I tried to ascertain exactly who wanted to appear in opposition to Judge Burger's nomination.

Mr. YOUNG of Ohio. The typewritten memorandum I have before me states this:

> When he saw on the day of the hearing that he would not be admitted to the Hearing, he went to the adjoining office of Mr. Holloman and asked his secretary to telephone Senator Mansfield's office and obtain directly from it authorization for Mr. Phillips to be admitted. The secretary refused to do so, saying "Mr. Phillips, you are at the head of the line, and you will be admitted as soon as there is a seat."

Mr. EASTLAND. The security people, when the room was filled, did not admit anyone else until there was a vacant seat. I must say that I agree with the security arrangements, which I did not make.

Mr. YOUNG of Ohio. I am not quarreling with that at all.

This morning, my administrative assistant talked to Mr. Holloman. It was reported to me that Mr. Holloman told him that this hearing lasted some 3½ hours—from 10:35 to 2 o'clock.

Since I had contradictory information, I immediately called up Mr. Holloman; and when he told me the hearing had lasted 4 hours, I said, "Don't give me any of that nonsense. I know that the Judiciary Committee was not in session from 10:35 until 2 p.m. You can tell that to someone else, but don't give that garbage to me." Then he admitted that it was from 10:35 to 12:20.

Mr. EASTLAND. If I recall——

Mr. YOUNG of Ohio. I am referring to the public hearing.

Mr. EASTLAND. I know.

It was from 10:35 to approximately 12:20. I recall that because I wanted to have an executive meeting of the committee, and I did not think we could hold a quorum after 12:30. We got through shortly before 12:30. We can adopt 12:20 as the time.

Mr. YOUNG of Ohio. Frankly, I have listened to what the majority leader had to say about giving consideration to hearings on confirmation.

I have this memorandum, and I will hand it to the chairman. I do not know Randolph Phillips. Apparently, he is in a different category from that of the lady and the man who were refused an opportunity to testify.

It appears to me he should be permitted to be heard by the Committee unless there is some immediate urgency about this matter, since this man and a number of other men have signed this petition stating that they want to be heard, including Robert L. Babrick, counsel to the committee—I assume he is a lawyer——

Mr. EASTLAND. Let me tell the Senator from Ohio that all the man had to do was to request it, like everybody else. Sixty or 70 witnesses were there in favor of confirmation and among them were five or six former presidents of the American Bar Association. We did not hear them, but we would have heard this gentleman if he had made a timely request. One cannot come in just before a committee meeting and expect to be heard. We might have heard him. I do not know. But, under the rules, he would have had no right to testify if somebody had invoked the rule.

Mr. YOUNG of Ohio. I had never heard of him until I received a telephone call yesterday, Sunday afternoon, and this morning this memorandum was placed in my hands.

Mr. EASTLAND. Why did not the man request to testify? Notice was given. It was in all the newspapers.

Mr. YOUNG of Ohio. I am unable to answer that, because I know nothing about it. I simply know what was handed to me this morning.

I would hope not to vote against the confirmation of the nomination; but inasmuch as only 1 hour and 45 minutes was given to a public hearing before the committee, when lawyers wish to testify, who apparently are not publicity seekers, it seems to me that consideration should be given to deferring this matter a few days.

Mr. EASTLAND. I do not think it should be deferred, especially because the committee was unanimous. Judge Burger is certainly highly qualified. He probably will not rule every time as I think he should. He is an outstanding lawyer, an outstanding judge, and he would grace this position.

Mr. YOUNG of Ohio. That may be.

Mr. EASTLAND. These are the times of other hearings: Mr. Justice White, 1 hour and 35 minutes; Mr. Justice Goldberg, 2 hours and 40 minutes; Mr. Justice Brennan, 2 hours and 50 minutes; Mr. Justice Potter Stewart, 6 hours and 30 minutes; Mr. Justice Whittaker, 2 hours and 50 minutes; Mr. Justice Sherman Minton, 1 hour and 45 minutes.

The committee was unanimous. There was no question about it. We are satisfied, and we certainly cannot put off the consideration of a vote for a man who does not avail himself of his rights.

Mr. Phillips had not made any request at any time to testify in opposition. If every committee of the Senate were to hear every person who wants to testify against a nominee, we would never transact any business.

Mr. YOUNG of Ohio. Of course, I have no information as to when this was filed.

Mr. EASTLAND. That was never filed.

Mr. YOUNG of Ohio. It is directed to the Honorable MIKE MANSFIELD, a Senator from Montana, majority leader, and the Honorable EDWARD M. KENNEDY, a Senator from the State of Massachusetts, majority whip. I never saw it until today.

Mr. EASTLAND. The Senator from Massachusetts said he never saw it.

Mr. YOUNG of Ohio. He never saw it until I handed it to him this morning. That is correct.

Mr. KENNEDY. Mr. President, I am not familiar with the document. I am wondering if there is anything in the document which the Senator from Ohio would wish to raise on the floor of the Senate at this time, so that the committee should have an opportunity to respond to.

Mr. YOUNG of Ohio. Frankly, I did not see this document until this morning, and I have not had the opportunity to study it thoroughly. I do not know the gentleman at all. However, I know that those men who signed that document there are distinguished lawyers in addition to Mr. Phillips. I had hoped they would be given an opportunity to be heard. Obviously, that communication should have been directed to the chairman of the Committee on the Judiciary instead of to the majority leader.

Mr. KENNEDY. With reference to the exchange here, and in support of what the chairman has said as far as the understanding of the requests that were made to the chairman and the members of the committee is concerned, I think the members of the committee were aware of the one lady that the chairman of the committee has referred to this morning; and there was a question whether that testimony should have been taken. I supported the feeling of the overwhelming majority that there was little she could add to the qualifications of Judge Burger. At that time, I think in the course of the discussion, we were asked if there was other testimony to be taken. As I remember, at that time there were no other individuals who wished to testify.

Mr. EASTLAND. There were no others except for Mr. Barbick's telegram requesting that the hearing be postponed.

Mr. KENNEDY. I think the chairman of the committee has stated the situation accurately.

Mr. YOUNG of Ohio. I know he has. Apparently this gentleman asked the chief clerk of the committee, but the chief clerk rebuffed him and the chairman never knew about that request.

Mr. EASTLAND. He never requested. Mr. Phillips never requested of the chief counsel to testify. He never made application at all.

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

Mr. EASTLAND. I yield.

Mr. LONG. Mr. President, the thought occurs to me that if there is any problem about what this witness would like to testify, there is a telephone in the cloakroom, and we could find out what he knows about Justice Burger that would justify a reopening of the hearings.

I know that in the Committee on Finance we cannot hear all people who would like to come before us. For instance, when we have a major revenue bill, we could hear 10,000 witnesses who resent the fact that their taxes are being increased. We have to ask them to get together by groups and designate someone to speak for their interest. If someone comes up with a point on which he thinks he should be heard, even though under the groundrules under which the hearings are being conducted we think we would not be in a position to hear him, we will either print what he has to say in the RECORD for him or keep it in the files if anyone wants it, or if he feels unsatisfied he might prevail upon some Senator to get us to hear that witness.

Mr. EASTLAND. But this man never made a request to testify.

Mr. LONG. I understand; and the point of the Senator from Massachusetts is pertinent. If they want to hold this matter up to the last moment it should be known what sort of objection this man has in mind, what is his complaint and the kind of evidence he thinks he could introduce against the nominee, which the committee has not considered. In the absence of that information it seems to me we should go ahead and vote on the matter.

Mr. DIRKSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. EASTLAND. I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I heard all about Randolph Phillips this morning. I heard about it at 6 o'clock. I read John Andrew Pearson's column. It is all in there. That is beside the point.

When Judge Warren Burger's name was submitted by President Nixon for Chief Justice of the United States, members of the press called me for comment. I had only one thing to say: "He looks like a Chief Justice, he speaks like a Chief Justice, and he acts like a Chief Justice."

The Chief Justice is the constitutional head of the judicial system of this Nation and the head of independent branch of government. It represents the last defense of freedom and our constitutional system. The Congress and the President, symbolizing the legislative and executive departments of government, and being elective and not appointive, can, of course, enact almost anything that they see fit to enact. But if it is repugnant to and contravenes the Constitution, if it is nothing but riding a wave of emotionalism then, of course, the Court has a plain and unmistakable duty. It is then that the Supreme Court becomes important as never before.

I wish to note that Judge Burger looks like a Chief Justice, and I think that very fact will inspire some faith, trust, and confidence on the part of the people.

I said he acts like a Chief Justice. In all his years on the U.S. Circuit Court of Appeals, which in our judicial system is the next echelon below the highest tribunal, he, with his associates, has passed on many cases. He has written many concurring and dissenting opinions. These indicate the temper, the outlook, and the philosophy of the man.

His courage and conviction have been often demonstrated by the fact that he has not been reticent in sharply criticizing his colleagues on the appellate bench and likewise the decisions of the Supreme Court.

He has been long aware of two important considerations. The first is that he knows full well that the judicial power when lodged in the hands of an arrogant judiciary can be a strong force for evil. He believes that the judiciary should stay on its side of the fence in our system of three independent branches of Government. This I deem to be of special significance. It is generally known that I

have vigorously opposed the intrusion of the Supreme Court in what Justice Frankfurter referred to as the legislative thicket. Only as the Court respects this separation of powers can we hope to have a felicitous, balanced Government and Judge Burger is committed to this principle.

He has another quality which should endear him to the Nation generally. He does not believe that God placed all the wisdom and omniscience in the head of a judge when he has been appointed to the bench. Judge Burger knows full well that in our complex society, cases come before the courts which call for restraint. Today, the whole complicated pattern of civil rights, of integrated school systems, of the impact of social environment, of campus disorders, of the many unsplendored things in the domain of crime, in the functions of police officers, in freedom of speech, the rights of the accused and many other matters are questions that come before the courts, and obviously an appointed judge is not always especially competent in one, two, or in all of these fields. Thus, Judge Burger has counseled that there should be restraint. I like that.

There is another thing I like and that is the nature and the length of his opinions. He has not found it necessary to use all of Webster's Unabridged Dictionary, or all the words in the English language to convey his opinions.

For instance, in the case of Scott against Civil Service Commission, a case in which a Federal job was denied to a homosexual, the majority, of course, went off into the clouds on that one, but Judge Burger stated it quite simply:

> Congress and the Executive make policies in various areas which many reasonable people consider unsound. But policy is not the business of the judges.

Mr. President, I have examined a number of other opinions by Judge Burger and from them I conclude that he talks like a Chief Justice.

Somewhere, I noted that a critic of Judge Burger questioned his capacity for leadership. That has such a hollow and spurious sound. I think back to the days when Peter Finley Dunne's book "Mr. Dooley and Mr. Hinnessey" was so very popular.

Mr. Dooley addresses a statement to Mr. Hinnessey and he says:

> Hinnessey, ye know, the Soopreme Coirt follows the ellection returns.

Mr. President, you know, that is a rather practical observation because at election time the people do express themselves and indicate the direction which the country should take. This is, after all, the people's country. The words of "We the people" still stand out.

I do not expect the new Chief Justice to become an arch-conservative or an arch-liberal. I do not expect him to become left of center, or right of center. I do not expect him to fall into the European appraisal of how a person is to be cataloged. I only expect him to apply commonsense and the wisdom of the law, which has developed from the experience of centuries, to the problems of today which may come before the Court.

This lack-of-leadership criticism intrigues me. I recall the incident of the father who filed an application blank for the admission of his daughter to Wellesley College.

The final question was, "Is she a leader?"

The father puzzled over that for quite a while and then he rather candidly replied that he was not sure that she was a leader but she was an awfully good and excellent follower.

A few weeks later came the reply from the admissions dean:

> DEAR MR. BROWN: We shall be delighted to admit your daughter for the full term. The new class will consist of 99 leaders and one follower.

Judge Burger's leadership will take care of itself. I believe that he meets every test for the Chief Justiceship of the United States and will carry on in the finest traditions of that Court since the days of the first Chief Justice of the United States, John Jay.

Mr. STENNIS. Mr. President, I am for the confirmation of this nomination. An examination of the majority opinions, the dissenting opinions, the legal articles, and other serious statements reflect quite clearly, to me, that the nominee has the qualifications, background, learning, and integrity that will cause him to be what I think is a true judicial officer given the opportunity of the coming years, perhaps one of outstanding stature.

As to the qualifications of the nominee—although at one time I would have accepted them as a matter of course—he seems to have a very clear and definite concept of the separation of powers, which is such a preeminent and necessary part of our form of government. I believe that we have slipped somewhat from that principle in the past 20 or 30 years. If we are to maintain our system of government, we must get back on that line.

I believe that Warren Burger will make an outstanding contribution in that field. It is clear from his record—made when he had no intention or expectation of coming to the office of Chief Justice of the United States—that he considers the legislative branch of the Government to have the responsibility to set certain major policies, guidelines, and systems of legislation; and that that is a matter, under our system, which does not belong to the court; that the courts are vested, under the Constitution, with judicial power to interpret the law as written in the Constitution, or the executive rules in a committee, to interpret the Constitution of the United States.

My impression is that the record proves this is preeminent in Judge Burger's mind; therefore, he will follow that general course, not to my liking, or to the liking of the present occupant of the chair, or to any other Senator or person, necessarily, but along the lines of the basic fundamental principles which, by and large, we have adhered to throughout our history.

I think that Judge Burger has the only concept of criminal law and procedure which will protect a free society.

I am not an expert on anything—as I have emphasized over and over—but this is a field in which I have had some experience during the most active part of my life.

I served 5 years as district prosecuting attorney and for more than 10 years carried the responsibility of a court of unlimited jurisdiction, which heard a great many criminal cases, some of which carried the most severe penalties known to law.

I am satisfied out of all this experience that it is the certainty of punishment—I emphasize, the certainty of punishment—which restrains people to a large degree from committing crimes.

Getting off on an idea now that a person is not to blame, and that because of his background, the community is to blame, or the schoolteacher, or the parents, or the minister, or somebody else, is not the experience of history. Certainly there should be punishment, with a view to the protection of the people as a whole, the protection of the man charged with the crime, and the protection of the victim. There is a balance that has been worked out on the anvil of experience, in the common law of England for centuries and centuries, which has been confirmed by thousands of years of experience. In my opinion, Judge Burger has a very fine understanding of that experience. Moreover, he has a wonderful way of applying it.

I believe there is a growing realization that this is one of the challenges of our time in the field of criminal law and criminal procedure. I believe Judge Burger will make a contribution that will put us back in the right direction. His philosophy and his down-to-earth application of these principles of law, I believe, will be felt and will be effective.

I emphasize what appears to be his integrity. I have never known Justice Burger, except perhaps at a social function or two, but his integrity and his high learning and experience I want to emphasize.

I commend the President of the United States for the fine statement he made about his approach in making this selection. He said it was the most important appointment he would make during his tenure. I believe that. That is why I wanted us to have a real session here and a rollcall vote.

If the Senate votes for his approval, especially by a large vote, it will be approving the nomination of Mr. Justice Burger, but it will be a more emphasized approval of his record and the things he has stood for. I commend the President very highly.

The President said many other things—and I had no idea that the President was going to appoint this gentleman—but I heard him say he considered this appointment and others to vacancies on this Court as a personal responsibility of his; that he took advice in many fields, as we all know so well, to which he could not give much personal attention, but he thought these appointments were his personal responsibility. That is in the statement, and I commend him for it.

I ask unanimous consent that the text of the comments made by President

Nixon in announcing the appointment of Mr. Burger be inserted in the RECORD at this point, as well as the account in U.S. News & World Report of Mr. Nixon's informal report to newsmen explaining how he chose Warren Burger as his nominee for Chief Justice of the United States.

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

PRESIDENT NIXON'S ANNOUNCEMENT OF THE APPOINTMENT OF A NEW CHIEF JUSTICE

Mr. Vice President, members of the Cabinet, ladies and gentlemen.

I have invited you to the White House tonight for an historic announcement—the nomination of the next Chief Justice of the United States.

This announcement is one that I have considered for many months since I knew that I would have the responsibility even before I became President.

And in making this announcement, and I say this with due respect to the great responsibilities held by all the members of the Cabinet here, I believe that the most important nomination that a President of the United States makes during his term of office is that of Chief Justice of the United States.

I say this for several reasons. The Chief Justice is the guardian of the Constitution of the United States. Respect for law in a nation is the most priceless asset a free people can have, and the Chief Justice and his associates are the ultimate custodians and guardians of that priceless asset.

And when we consider what a Chief Justice has in the way of influence on his age and the ages after him, I think it could fairly be said that our history tells us that our Chief Justices have probably had more profound and lasting influence on their times and on the direction of the nation than most Presidents have had. You can see, therefore, why this decision I consider to be so important.

"SUPERBLY QUALIFIED"

I have nominated a man who I think is superbly qualified to serve as Chief Justice. His education is one that he got the hard way. He went to law school at night and worked during the day-time, but he made a brilliant academic record. He was eminently successful in the practice of the law; he was appointed by President Eisenhower as an assistant Attorney General of the United States in 1953 and then, since 1956, has served on the Circuit Court of Appeals for the District of Columbia.

I have known him for 21 years and I would evaluate him as being qualified intellectually qualified from the standpoint of judicial temperament, qualified from the standpoint of his legal philosophy and, above all, qualified because of his unquestioned integrity throughout his private and public life.

Ladies and gentlemen, I'm very proud tonight to nominate as the 15th Chief Justice of the United States—Judge Warren Burger.

(From U.S. News & World Report)

HOW MR. NIXON MADE HIS CHOICE

This is President Nixon's own story of how he chose Warren E. Burger as his nominee to succeed Earl Warren as Chief Justice of the United States.

Mr. Nixon told the story at an informal meeting with newsmen in his White House office on May 22. It was a unique disclosure of the President's thinking in his search for a new Chief Justice and of the course that quest took.

The President gave the reasons for elimination of five men who had been mentioned in speculation.

Charles Rhyne, former head of the American Bar Association, was passed over because he is one of Mr. Nixon's closest friends, and the President said he felt that—particularly at this time—appointment of a personal friend would not be in the best interests of the Court.

Herbert Brownell asked to be removed from consideration. He thought that his appointment might stir controversy because of the role he played as Attorney General in the Eisenhower Administration.

Thomas E. Dewey, the President said, ruled himself out because of his age—67.

Associate Justice Potter Stewart, Mr. Nixon revealed, told the President he felt that a sitting member of the Court should not be appointed Chief Justice.

Attorney General John N. Mitchell—described by Mr. Nixon as superbly qualified—said he did not want to be considered.

The President explained the timing of Judge Burger's appointment by saying that he felt it should be made before the Court term ended, so the new Chief Justice could be indoctrinated by the outgoing Chief Justice.

Mr. Nixon's explanation of the standards he set:

The President said that the Chief Justice must possess, besides other qualifications, a leadership quality—a special quality of commanding the respect of the Court and being able to lead it.

Mr. Nixon added that it was vitally important that the nominee be a man who could be approved by the Senate without sharp controversy—with a strong vote of approval.

The President referred to the Fortas matter—the resignation under fire of Associate Justice Abe Fortas, appointee and close friend of Lyndon Johnson's. Mr. Nixon said that because of the Fortas case, he determined that his appointee should not be a crony or a political friend.

NO CLEARANCES

The Chief Executive said there were no political clearances for Judge Burger, nor would there be for any of his Supreme Court appointments. Also, he revealed that he decided against consultation with the American Bar Association.

Mr. Nixon took occasion to express agreement with a comment by former Justice Arthur Goldberg that religion should not be a factor in a Court appointment. The President said that the Court would not be used for the purpose of racial, religious or geographical balance while he is in the White House.

The kind of Chief Justice he was looking for, Mr. Nixon explained, was one who shared his belief that the Constitution should be strictly interpreted. He said he was not concerned about whether the man was liberal or conservative in his economic or social philosophy. He cited the late Justice Felix Frankfurter as an example of the type of Justice he had in mind, one who felt that it was his responsibility to interpret the Constitution and that it was the right of Congress to write the laws—and to have great leeway to write those laws.

THE FINAL DECISION

As for the choice of Judge Burger—the President said he had long felt that circuit or district-court judges who had proved themselves on the line of battle, on the firing line, should be elevated.

Looking over all the circuit-court judges, in terms of qualifications and appropriate age—61 or 62—Mr. Nixon determined at Camp David on the week-end of May 17–18, he said, that his choice should be Judge Burger.

The Chief Executive said that at no time during the past few months, until three minutes before he made his announcement, did he talk with Judge Burger.

Until a few hours earlier, Mr. Nixon added, the nominee did not know that he was being considered.

The President notified Attorney General Mitchell of his decision on Monday morning May 19. At that time, at Mr. Nixon's request, the necessary routine investigation was begun. This was completed by 12:30 p.m. on Wednesday, May 21. The Attorney General then met with Judge Burger, who said he was prepared to accept the appointment.

No others were informed except Chief Justice Warren, Vice President Agnew, Mr. Dewey and Mr. Brownell.

Mr. Nixon said that, while his study of Judge Burger's opinions and his knowledge of Judge Burger's philosophy indicate that the President and the Chief Justice-designate share many views, it is vitally important that the Chief Justice and all Justices of the Supreme Court know that they are absolutely independent of the executive and legislative branches of the Government.

Mr. Nixon emphasized his strong feeling that the relationship between the President and the Chief Justice and the other Justices must be cordial—but at arm's length.

If the nominee is confirmed by the Senate, Mr. Nixon added, Mr. Burger will be his own man—which, the President said, is the right thing.

Mr. STENNIS. Mr. President, I feel that the President will continue the high course that he has followed in filling other appointments. I believe history will record it was the high mark, if not one of many high marks, coming at a time when it was needed.

If I may add one word, the debate on this matter stirred up a new sense of responsibility, in my mind, on these appointments. I am not referring to any appointment or any President or anything of that nature, but I believe the Senate, to a degree, has neglected its responsibility in connection with the selection of judges of the Supreme Court and courts of appeals. Under our system, the President and the Senate, with its power of veto, are the only ones who have that power. What I say is the very opposite of reference to any individual or any President, but I believe these matters have been taken too much as a matter of course. I believe every Senator here has an obligation to his State to review very carefully, not only the membership of this Court, but every member of the court of appeals, especially the court of appeals that serves his State. I do not mean that a Senator has a chance to appoint them, of course, or be an active party, but he has a responsibility to see that they are men of integrity and ability and that those appointments are not given to men as a reward, but as a position of responsibility. I want to be very careful here about what I say. I believe that responsibility goes with respect to our district judges, to a degree.

Much has been said about the provision of life tenure being destroyed, with another system being installed and the system of life tenure being abandoned. I myself have introduced measures requiring that at least 50 percent of judicial nominees have judicial experience to be appointed to the Supreme Court. In our complicated society with its explosion of population and problems, I believe that unless the Senate and the President give more rigid attention to the selection of members of the Federal judiciary, the provision of life tenure will be destroyed and something else will have to be put in its place. That system

has many virtues. I would not want to brush it aside lightly at all, but I believe it is being criticized more than it ever has been. The President and the Members of this body are the ones who have the constitutional authority and responsibility to make corrections wherever corrections are needed and to firm up our approach and be more keenly aware of this.

Mr. President, that covers the remarks I had in mind. I wanted to point them out to the Senate and the country. That is just the belief of one Senator, but that is one, and I believe it is shared by others.

Again let me state we are very proud to have a man of this caliber, with his qualifications, background, and experience, elevated to what is in some respects the most important office under our Constitution.

Mr. THURMOND. Mr. President, it is with a great deal of pleasure that I rise to speak in favor of confirming the nomination of Judge Warren Earl Burger to be Chief Justice of the United States. It has been a long time since I have been able to praise a prospective member of the Supreme Court. I have long been critical of the Court's decisions and the influence they are having on our system of government and on the daily lives of the American people.

Mr. President, the recent hearings before the Senate Judiciary Committee confirmed the belief that President Nixon's nominee for Chief Justice of the United States ushers in a new era of constitutional history. Judge Warren Earl Burger was unanimously approved by the committee to be the new Chief Justice.

It is evident that Judge Burger has a record which is one of integrity and character. A judge should be "Mr. Integrity," and Judge Burger satisfied the committee on this score.

Mr. President, Judge Burger also impressed the committee with his grasp of fundamental constitutional questions, as expressed in his opinions on the District of Columbia Court of Appeals. The committee was pleased to find that Judge Burger has been a strict constructionist of the Constitution. He apparently has felt that the Court should interpret the law, but not legislate. His record indicates that he believes in strong enforcement of the law, and in equal treatment—with favoritism toward none.

It has been a long time since such qualities have been evident in a sitting Chief Justice. The President is to be congratulated for the care and prudence with which he sought out a man of judicial temperament. This judicial temperament was clearly illustrated in a statement which Judge Burger made last year indicating the inherent limitations of the Judicial Branch. Judge Burger said:

> That courts encounter some problems for which they can supply no solution is not invariably an occasion for regret or concern; this is an essential limitation in a system of divided power.

This statement shows Judge Burger's respect for fundamental constitutional principles.

Mr. President, Judge Burger's opinions are also firm when basic questions of right and wrong are involved in law. He has rejected the idea that medicine and science can assume the functions of the judicial system. In one opinion he wrote the following:

> The sciences are not the sources of law. The value judgments involved in shaping legal standards must rest on grounds other than those in which science can speak with authority.

Judge Burger has also expressed the feelings of many citizens who become alarmed when confessed criminals are set free on technicalities. The Judge said:

> Guilt or innocence become irrelevant in the criminal trial as we flounder in a morass of artificial rules poorly conceived and often impossible of application.

On another occasion, he said:

> The seeming anxiety of judges to protect every accused person from every consequence of his voluntary utterances is giving rise to myriad rules, sub-rules, variations and exceptions which even the most able and sophisticated lawyers and judges are taxed to follow.

These quotations from some of the past legal opinions of Judge Burger are like a fresh breeze rustling across the courtroom. They indicate an expansive mind of wise and true humanity.

Mr. President, Judge Burger realizes that a society must protect itself from marauders, whether they come from within or from without. Excessive concern for the rights of criminals, including those who have confessed or who have been caught redhanded, has led to disrespect of the law. The proper course of reform is to reform the bench, not to turn criminals free.

As Chief Justice, Judge Burger will have the chance to be the leader in the reform of judicial philosophy. The Chief Justiceship of the United States is the second most powerful position in the world, second only to the Presidency of the United States. By example and by leadership, the Chief Justice can exert a powerful force to restore the reputation of the Court, and to make the Court once again the object of universal respect. President Nixon has done his part. Chief Justice Burger will have as great an opportunity as any man ever had to make the Supreme Court synonymous with evenhanded justice.

Mr. HOLLAND. Mr. President, I feel that the Senate is in a very fortunate situation in considering the matter now pending before it. We are in a fortunate situation because the President has appointed, not one who is regarded highly merely because of his legal knowledge, his high standing as a citizen, or other qualities different from those displayed in the actual handling of controversial matters upon a high judicial bench, but instead one who for 13 years has been subjected to the acid test of having to pass upon highly controversial matters; and I suspect no other circuit court in the Nation has more such matters submitted to it than does the U.S. Court of Appeals for the District of Columbia.

In these 13 years, Judge Burger has proceeded quietly, carefully, in a scholarly fashion, and yet fearlessly; because, during a period when ultra-liberal decisions were highly popular, when the majority of the Supreme Court was handing down so frequently ultra-liberal decisions, and when the general public, or much of it, was reacting most cordially to such decisions, he hewed to a line which seems to me to be characterized as not only thorough, not only careful, not only judicious, not only fearless, but also in the area of the moderate conservatism not popular during most of those 13 years in many quarters in this Nation.

Mr. President, I have known Judge Burger since he was an Assistant Attorney General, in the early fifties. I thought highly of him then, but I would not have known then how to pass upon his nomination for appointment to the Supreme Court, much less to be Chief Justice of the United States. Now we have the information so needed when we pass upon such a nomination, because we can look at those 13 years of decisions, some written by him for the majority—as in the Adam Clayton Powell case—and some in which he agreed with the majority of the court, but a great many of them dissenting opinions, in which, without overstepping the bounds of kindness and decency and personal accommodation which must prevail on such a high court, nevertheless found him speaking out fully and clearly for the high principles of constitutional law or of jurisdictional law in which he believes.

We are most fortunate in having a record of that kind, as we consider such an appointment, carrying with it the enormous responsibility which it does. I have noted that Judge Burger has not hesitated to speak out strongly at times, yet, as I have already said, not offensively, against decisions dominated by the chief judge and by other members of the U.S. Court of Appeals for the District of Columbia. My own strong preference is for the philosophy firmly worded and firmly expressed by Judge Burger on numerous occasions. I think that we, passing now upon his nomination to this position of the very highest responsibility in our judicial system, have a right not only to look at his decisions during these 13 years, but also to express confidence in the fact that his judgment will be consistent in the years that lie ahead in this heavier responsibility with that which he has expressed so firmly on the court where he now serves.

It is my feeling that we can have that confidence, that we should have that confidence, and that we may look ahead to a time when that quality manifested by him so frequently in these 13 years will prove to be helpful to our country, helpful to the restored strength of the meaning of the Constitution as it was meant to be interpreted, helpful to law enforcement officers, helpful to the lower courts, and helpful to our whole people, in that, again, the whole people will have greater confidence in the judicial processes of the Nation.

I believe that Judge Burger will be a great public servant as Chief Justice of the United States. I hope and pray

that his service in that exalted position will be such as to restore that highest of our courts to a position where it will command the confidence of the vast majority of our people, will restore that court to a position where it can better contribute to sustaining the life and progress of our Nation.

It is a source of happiness to me that I should be privileged to vote for the confirmation of the nomination of Judge Burger to be Chief Justice of the United States. I approve the suggestion made by the distinguished Senator from Mississippi (Mr. STENNIS) a few minutes ago. I think it would be good for the Senate to always have a yea-and-nay vote on a nomination which is of such tremendous importance to all our people. I am glad that we are to have that privilege on this occasion.

I yield the floor.

Mr. ALLOTT. Mr. President, I wholeheartedly join in the statements just expressed by the distinguished senior Senator from Florida.

Not being a member of the Judiciary Committee, I feel that I should leave the major portion of the time to the members of that committee. However, having known Judge Burger for many, many years, even before he was Assistant Attorney General, I would be very remiss, I believe, if I were not to say a few words on this occasion.

Despite the fact that I have criticized some of the decisions of the Supreme Court in the last few years, I do not think this is a question of being a liberal or a conservative. I think it is a question rather of the selection of a man who has been trained in the law and who understands the law and who has been utterly absorbed by the law all of his life.

Of course, such a man is then concerned with interpreting in the light of our Constitution the various cases which come before him for determination.

The position of Chief Justice involves not only this aspect but also administrative duties. In these respects, I have no doubt that Judge Burger will make a great Chief Justice. However, I believe the greatest significance to our country lies in the fact that emphasis is going to be placed upon the interpretations of the Constitution in the light of precedents. And out of this will come better legislation from Congress.

After an interpretation has been made, if it has been made upon the basis of past precedents, Congress will also know what to write into the legislation which it passes here.

As a result of some of the decisions of the past few years, Congress has made great efforts to try to correct the rather foolish, if I may use that word, decisions which have sometimes emanated from that Court.

I have great confidence in Judge Burger. I hope and I pray that Judge Burger as Chief Justice of the United States will be able to return the stability to the Court which it has had for so many great years and will reaffirm the confidence of the people of America in that Court—a confidence which does not now exist.

For that reason, I say these words about my good friend in whom I have the greatest of confidence. I know that he will make a great Chief Justice.

Mr. COOPER. Mr. President, I do not serve on the Judiciary Committee, and I had not intended to make a statement today. I do not know the nominee, who will be confirmed, and for whom I shall vote. I have read a great deal about him. From everything I have read about him, he is a man of unchallenged integrity, of great legal knowledge and judicial background, and one who has made an outstanding judge. The personal integrity of members of the Court must be assured.

I believe it is a good thing at this juncture that the President of the United States has nominated a person to be Chief Justice of the United States whose record as a lawyer and as a judge can be evaluated from objective information, from decisions he has rendered, and from his philosophy illustrated by those decisions. His confirmation will have a stabilizing influence and will be welcomed throughout the United States. I support the nominee, Judge Burger.

The reason I speak is that I cannot agree with all that has been said today in speeches about the decisions of the Supreme Court and the record of the Court. Some speeches, in my view, reflect upon the Court and upon the retiring Chief Justice and I cannot agree.

All of us who have been lawyers—and whether we have been lawyers or not—disagree almost intuitively and spontaneously with certain decisions of the Court. We are rooted in our experience and by the natural impulse to preserve the status quo.

I find myself, as I read the decisions—and I do read them—finding fault with them. However, I am just one person. The opinion of the country must be heard. And whether it is heard or not, the Court as it studies the facts of every case must make its own decision.

I am not going into all of the cases of recent years. I have had thoughts about the Miranda decision. I have reservations about the one-man, one-vote decision which Justice Frankfurter predicted in his dissent in Baker against Carr would lead the courts into political thickets. And although one can say from the literal wording of the first amendment that the prayer decision was correct, yet the decision did offend, I believe, most of the people of the United States.

Nevertheless, the idea of stare decisis—that the opinions of the Court once rendered hold forever—is not correct.

Chief Justice Marshall interpreted the Constitution, although there is nothing at all in the Constitution which gave him literally the authority to do so, in that great case, Marbury against Madison, in which he held that the Supreme Court had the power and authority under the Constitution of the United States to nullify, in effect, the acts of the legislative branch.

Year after year, throughout the history of our country, the courts have overruled the decisions of the past. And it is a good thing that they did. Would we like the Dred Scott decision to have been maintained forever? Would we have preferred to retain the decisions upholding the right of contract and thus to have rejected legislation dealing with child labor laws, the minimum wage, and social security insurance which have helped our young people, women, workers, and elderly? Those decisions were in time rejected and reversed by the Supreme Court of the United States.

Another illustration: In the years after the Civil War, after the famous dissenting opinion of Justice Harlan, the grandfather of the present Supreme Court Justice, a justice from my own State, tried to give effect to the 13th, 14th, and 15th amendments and year after year their effectiveness was denied. At least, the Supreme Court under the leadership of Chief Justice Warren, has held that equal rights for all our people, under the Constitution do exist whatever a person's color, creed, or race. This Court, in the field of human rights and constitutional rights has tried to give effect to the Constitution.

There is controversy in weighing the rights of an individual and the rights of society. The Bill of Rights became a part of the Constitution—to give protection to the individual. We tend to think that we will always be protected, and not be in the position of those less able to secure their rights as individuals. However, the Constitution must protect everyone.

I am happy today to be able to cast my vote for Judge Burger to be Chief Justice of the United States. The Supreme Court like other institutions has made errors in decisions. But I believe that the Court, under the leadership of Chief Justice Warren, has followed the spirit and intent of the Constitution. It has made notable strides to make the promise of the Constitution a living reality.

Mr. LONG. Mr. President, last year I refused to support the confirmation of the nomination of Justice Fortas to be Chief Justice of the United States. The subsequent resignation of Justice Fortas, based on disclosures and perhaps other matters to which I am not privy, was not the kind of thing I had in mind in being opposed to the confirmation of that nomination. What concerned me was that the kind of decisions and the kind of philosophy that Justice Fortas was expressing and putting on the lawbooks were responsible for the enormous increase in crime in this country.

It seemed to me that what was happening, as evidenced by the attitude of five members of the Supreme Court, was making it more and more difficult for society to defend itself against the criminal element, and was making it easier and easier for the criminal element to deny law-abiding citizens their rights. It seemed to me that the duty of government to the law-abiding majority exceeded its duty to those who would destroy government and law.

When justices are promoted because they represent that type of philosophy, it causes others to seek to pursue the same type of philosophy, feeling that in do-

ing so they may themselves be promoted to such a high position as an associate justice or as chief justice. To have confirmed the nomination of Justice Fortas would have indicated that it was to be virtually impossible to convict a criminal of a serious crime because it would express approval of the trend to impose new rules and impediments on the police to be laid down after the fact which could not possibly have been anticipated by the law enforcement officers and the officials who tried to bring the criminal to justice.

The fact that the philosophy which did so much to help the criminals and impede effective law enforcement was not shared by Judge Burger, then a member of the Court of Appeals of the District of Columbia, is indicated by certain statements that have been made by him, which appear in the transcript of the hearing. Some of this has appeared in the RECORD, but in the hope that it might be some indication for those who seek promotion to the bench or promotion on the bench, as to the kind of philosophy that might help one to be nominated for a position in the Federal judiciary, or to be promoted if he is already a member of that body. I ask unanimous consent to have printed in the RECORD what appears on pages 39 through page 51 of the hearing record. These are two speeches, delivered by Judge Burger, one to the Ohio Judicial Conference at Columbus, on September 4, 1968, and another to the commencement class at Ripon College, Wis., on May 21, 1967.

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

RULEMAKING BY JUDICIAL DECISION: A CRITICAL REVIEW

(By Judge Warren E. Burger, Washington, D.C.) *

The State of Ohio has taken a significant step forward in vesting rule-making power in its judiciary in "partnership" with the Legislature. As our society has become more complex it has spawned an array of new problems and that should not surprise us. History teaches us that progress always reveals new needs to be met and that is how Man worked his way out of the swamps and the jungles and the forests.

This complexity of our society has manifested itself in a very marked way in terms of improvements in law and in judicial administration. In an earlier day legislators had more time it seems, to adjust the machinery of government, including the machinery of the courts, to meet new problems. It is clear that in the Twentieth Century legislative bodies have not found the time to respond to all the needs which are served by judges.

You now have the initiative of important rule-making power, and at the threshold it may be useful to dwell for a short time on the strengths, the weaknesses and the pitfalls which can attend the exercise or failure to exercise this power.

SOME HISTORY

I will direct myself to some history which, in terms of the law, is recent—the events of the use and non-use of rule-making power in the Federal system over the past 30 years with particular emphasis on the past dozen years as it relates to rules of criminal procedure.

You know this history as you know the creed of your church, but it bears repeating for the same reason people remind themselves of their moral guides every Sunday in church.

I believe the points I will make concerning use of rulemaking power are shared by a growing number of judges, lawyers and, I am glad to say, by an increasing number in the academic community. Too many law professors for a long time gave uncritical applause to anything and everything they could identify as an expansion of individual "rights," even when that expansion was at the expense of the rights of other human beings—the innocent citizens—presumably protected by the same Constitution. I see signs of a constructively critical attitude by law teachers toward some of the judicial techniques employed in recent years to make reforms in criminal law procedure and rules of evidence.

As we look back we can see that for about the first 150 years of our history the criminal law and its procedures remained fairly simple and quite stable. For 25 to 30 years after that there was a considerable ferment in criminal procedure and the rules of evidence, and in the last 10 years, more or less, we have witnessed what many scholars describe as a "revolution in criminal law." Today we have the most complicated system of criminal justice and the most difficult system to administer of any country in the world. To a large extent this is a result of judicial decisions which in effect made drastic revisions of the code of criminal procedure and evidence and to a substantial extent imposed these new procedures on the states.

This was indeed a revolution and some of these changes made were long overdue. All lawyers take pride, for example, in a case like *Gideon* v. *Wainwright*, which guarantees a lawyer to every person charged with a serious offense. The holdings of the Supreme Court on right to counsel, on trial by jury instead of trial by press, and on coerced confession will always stand out as landmarks on basic rights. These were appropriate subjects for definitive constitutional holdings rather than for rulemakiing procedure to which I now turn. (In fairness, it must be said that some states had achieved these improvements long before the Supreme Court did so.)

AD HOC OR "BY THE BOOK?"

My central point tonight is, that as we look back, it seems clear now that the Supreme Court should have used the mechanism provided by Congress for making rules of criminal procedure rather than changing the criminal procedure and rules of evidence on a case-by-case basis.

If a large undertaking like framing rules of procedure is performed on an *ad hoc basis*, we may be right some of the time, but if we do it "by the book," we are likely to do it correctly all of the time. Surely it is arguable that the basic concepts of orderly procedure must apply to the enormously complex task of rewriting a code of criminal procedure. Over these past dozen years, however, the Supreme Court has been revising the code of criminal procedure and evidence "piecemeal" on a case-by-case basis, on inadequate records and incomplete factual data rather than by the orderly process of statutory rulemaking.

I suggest to you that a large measure of responsibility for some of the bitterness in American life today over the administration of criminal justice can fairly be laid to the method which the Supreme Court elected to use for this comprehensive—this enormous—task. My thesis assumes the correctness of the objectives the Court sought to reach in all of these controversial holdings. To put this in simple terms, the Supreme Court helped make the problems we now have because it did not "go by the book" and use the tested, although admittedly slow process of rulemaking through use of the Advisory Committee mechanism provided by Congress 30 years ago.

JUDGES AND COURTS NOT "IMMUNE"

If anyone should think it unseemly that a judge should undertake to analyze and comment on the actions of the highest court, let me suggest that no court and no judge should be immune from examination of its functioning. Moreover, the need for such study is in direct proportion to the degree of reviewability of the particular court. A court which is final and unreviewable needs more careful scrutiny than any other. Unreviewable power is the most likely to include itself and the least likely to engage in dispassionate self-analysis. Presidents, governors and legislators, like most state judges, can be recalled by the people for good reasons—or none, but judges of Federal constitutional courts cannot be recalled.

Chief Justice Warren, and more recently Chief Justice-designate Fortas, have reaffirmed the value of constructive criticism of the courts and of judicial action. Of course, this is as it should be. In a country like ours, no public institution, or the people who operate it, can be above public debate. The important thing is that public discussion of the courts be constructive, objective and calm and not emotional or bitter or personal.

I question tonight not the court or the last decade's holdings of the court but its methodology and the loose ends, confusion and bitterness that methodology has left in its wake. There is no legitimate place in American life for some of the acrimonious, irrational criticism of the Supreme Court and it ought to stop.

THE BASIC FUNCTION OF JUDGES

The basic function of judges is to decide cases and resolve controversies. In performing that function, a court of last resort must, as we all know, construe and interpret constitutions, statutes, rules, contracts, wills and trusts and in so doing it will frequently "make" law. This is inherent in the evolution of common law. But traditionally the making of codes of procedure or evidence, or rule-making, is essentially a legislative function and this, as many noted legal scholars have pointed out, is because courts do not have the fact-gathering machinery or indeed the time needed for this difficult task; it is not because of a lack of competence. No one could seriously challenge the competence of nine justices of the Supreme Court to draft a code of criminal procedure, provided they could take the time and have the staff facilities necessary.

Facts and information are the raw materials of the law whether in deciding a particular case or in framing rules of procedure; nowhere in this more crucial than in the development of procedures. Rarely can one case or even a dozen cases, and no one text or authority nor even a dozen writers, supply an adequate factual foundation for building a structure of rules of procedure. Indeed, raw information and raw facts alone are not enough, for all raw material is useless, and can even be misleading until it is processed. We have techniques in rulemaking for this processing which are tried and tested. They are based on the adversary system itself, drawing on centuries of experience which taught us to defer conclusions until we had

* Text of an address delivered by Judge Burger to the Ohio Judical Conference in Columbus, Ohio, Sept. 4, 1968.

Judge Burger is a graduate of St. Paul College of Law (LL.B magna cum laude, 1931); was awarded a Doctor of Laws degree in 1966 by Mitchell College of Law; was on the faculty of Mitchell College of Law from 1931 to 1948; practiced law in Minnesota from 1935 to 1953; was assistant U.S. Attorney General from 1953 to 1956, and has been on the bench of the U.S. Court of Appeals, Washington, D.C., since 1956.

allowed the clash of opposing points of view and the competition of ideas to supply a base or predicate for acting and drafting.

NEED FOR ORDERLY RULEMAKING

It was, as I suggested, more than 30 years ago that the legal profession, the courts and Congress recognized the need for an orderly rule-making procedure for the Federal system. Federal judges, and particularly the Supreme Court, acknowledged that the press of their own daily work and the narrowness of the records of particular cases before them were obstacles to sound rulemaking.

It was also recognized that a legislative body, even with a great number of lawyers in its membership, was not a satisfactory instrument for making detailed rules of civil or criminal procedure. From the premise that neither the courts nor Congress could perform this function alone, a rule-making procedure was established by law to enable the Supreme Court to prescribe rules by use of an Advisory Committee appointed by the Court. This advisory "legislative" body included lawyers, judges and law professors. It in turn was to carry on hearings, seminars and empirical studies and then submit the proposed rules to the Supreme Court. The Court after study was empowered to approve and adopt them. Under the statute they were then to be sent to Congress and, absent a modification within a stated period, they would become the law. This as we know was the process by which the Federal Rules of Civil Procedure were born. This is what you are now about to do.

The genius of this scheme was that it was a joint enterprise of the Judiciary and Congress and the legal profession as a whole. While there were some critics of the Federal Rules of Civil Procedure so produced, the method of their drafting, preparation and adoption brought about overwhelming acceptance among lawyers, judges, scholars and public. First, there was a broadly based and representative Advisory Committee selected by the Supreme Court and as an official body it had great stature. Second, the Committee consulted every organization which was entitled to be heard. Bar associations and law schools carried on extensive studies and seminars at the request of the Advisory Committee. By the time the rules were drafted, they represented the best thinking of thousands of lawyers, judges and scholars in every state and local bar. This technique came to be recognized as a remarkably effective means of codifying rules of procedure and has been copied by many states. It is one of the significant contributions of modern law. One the Civil Rules were an accomplished fact, the Supreme Court, acting under this same statue, created an Advisory Committee for Criminal Rules. For three years this Committee of eminent and representative members of the profession, including many Federal judges, conducted studies, held hearings, consulted other groups, and prepared a tentative draft of the Federal Rules of Criminal Procedure. This was then circulated to thousands of lawyers and judges for criticism and comment. The Judicial Conferences of the eleven circuits and a great many bar associations held seminars to study and report their views on the proposed rules. The Advisory Committee then revised its tentative rules to take into account the suggestions received and circulated a second preliminary draft and the grinding processes of study, challenge, debate and criticism were repeated. By this stage, the Department of Justice, state prosecutors, defense lawyer groups and bar associations and law professors had all been given a "day in court."

After being examined and approved, these rules were adopted by the Supreme Court and sent to Congress, whose acquiescence made them law. That was 15 years ago.

THE PAST DOZEN YEARS

The sheer volume of holdings the past dozen years in what have been essentially changes in rules of criminal procedure and evidence has placed the Supreme Court directly in the business of creating on a case-by-case basis important new criminal rules which dwarf the Federal Rules of Criminal Procedure in impact even if not in volume. I suspect that a dozen years ago the Supreme Court did not anticipate the scope of its "revolution" in criminal procedure, for even in retrospect the starting point is not clear.

A substantial number of lawyers, judges and scholars believe that when the Supreme Court found itself traveling down the road of codifying detailed rights and procedures under the Bill of Rights perhaps that was a good time to pause. Such a pause was urged, not only by the Court's dissenters, but by responsible voices, including Judges Lumbard and Friendly of the Second Circuit, Justice Walter Schaefer of the Illinois Supreme Court, and Dean (now Solicitor General) Griswold, among others. I have said for five years or more what I say to you now. In such a pause the Court would have done well to ponder and carefully whether it was time for the entire subject of criminal procedural rules to be submitted to a Supreme Court Advisory Committee so that this remarkably efficient process could be directed to a broad scale re-examination of all the problems which the Supreme Court was concerned with, including the elusive concepts and problems of eyewitness identification at police lineup procedures, to mention but one example on which Judges generally have little or no first hand knowledge or experience.

A DANGEROUS, MISCHIEVOUS WEAKNESS

There is a dangerous and even mischievous weakness in making or revising sweeping general rules of procedure and evidence on a case-by-case basis. The axiom of lawyers that "hard cases make bad law," applies and by the very nature of the review jurisdiction of the Supreme Court the cases it decides to review are usually "hard" cases and not the ordinary or usual kind of case. The Court's limited time often requires that the "easy" cases be left to others. The state cases which come to the Court give them less choice, especially in a period of escalating constitutional concepts, but essentially the Supreme Court is its own "traffic manager."

These "hard" cases usually come to the Court on the narrow record of but one case which frequently presents emotionally appealing situations that I confuse and blur the bedrock consequences of a broad holding. With deference, I suggest that these cases are not always briefed and argued by men qualified by experience to present a case of great magnitude and consequence. Indeed, members of the Court have been heard to complain about the inadequacy of presentation. When the presentation for the accused is inadequate the mechanism of a brief from a friend-of-the-court is used. The Supreme Court cannot impose a friend-of-the-court on the State as an Appellee and this is where the States have been weak.

In short, the narrow record of the particular case, the appealing aspects of the "hard" case, and the presentation by inadequate briefs and arguments from lawyers who never before, and perhaps never again, will see the hallowed chambers of the Supreme Court, all combine to have a large issue decided without the careful, painstaking, deliberative processes of the Supreme Court's Advisory Committees which I have already described.

Justice White, dissenting in *United States* v. *Wade*, which established new rules for police lineups, said:

"The Court assumes a narrower evil as the basis for its rule—improper police suggestion which contributes to erroneous identifications. The Court apparently believes that improper police procedures are so widespread that a broad prophylactic rule must be laid down, requiring the presence of counsel at all pre-trial identifications, in order to detect recurring instances of police misconduct. I do not share this pervasive distrust of all official investigations. None of the materials the Court relies upon supports it. Certainly, I would bow to solid fact, but the Court quite obviously does not have before it any reliable, comprehensive survey of current police practices on which to base its new rule. Until it does, the Court should avoid excluding relevant evidence from state criminal trials."

Justice Black was even sharper with the five majority Justices; he said in his dissent:

"• • • even if this Court has power to establish such a rule of evidence, I think the rule fashioned by the Court is unsound. The "tainted fruit" determination required by the Court involves more than considerable difficulty. I think it is practically impossible. How is a witness capable of probing the recesses of his mind to draw a sharp line between a courtroom identification due exclusively to an earlier lineup and a courtroom identification due to memory not based on the lineup?"

The careful study processes of an Advisory Committee in rulemaking would have explored all these avenues, sifted out the facts, and worked out a reconciliation and accommodation of the differing points of view. More than that, such a Committee would refuse to act unless it had the "solid fact" basis Justice White and three other Justices referred to instead of the individual speculation of five Justices who may never have witnessed a lineup in a police station.

It is interesting to note that the briefs in the *Miranda case* filed by 29 States and the National District Attorneys' Association strongly urged the Supreme Court not to resolve great issues on a narrow record of a few cases without the broad study which characterized the development of the Federal Rules of Criminal Procedure.

The Supreme Court brushed this off, saying: "Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them."

All of us would agree that the Supreme Court should not let Advisory Committees or Congress "abrogate" any part of the Constitution, but I respectfully point out that four members of the Court disagreed with the five and that for nearly 200 years the "constitutional rights" which emerged from some of these cases were not seen by anyone. I hasten to add that no Court should ever be precluded from recognizing a constitutional right previously overlooked, but the Supreme Court's historic reluctance to "reach" for constitutional issues might well have led to allowing the rule-making process to function first as it has so admirably in the past before resolving a constitutional point.

LEADERSHIP SHOULD COME FROM THE COURT

Leadership in improving the administration of justice should, of course, come from the Supreme Court and under the statutory procedure it is not bound by what the Advisory Committee finally submits any more than it gives advance constitutional approval by adopting a set of rules. But for the life of me, I cannot see why the Supreme Court should assume this enormous task singlehanded and ignore the thousands of lawyers, judges and professors and such helpful groups as the ALI and others.

Members of the Supreme Court have been known to express regret and even annoyance from time to time at the lack of support for the Court's holdings from the legal profession and the Judiciary. But that should not be surprising when valid arguments have been responsibly advanced by four Justices in dissent urging the Court to go slowly and seek more reliable empirical data on the issue at hand and this is met by a lofty comment that on constitutional doctrine the Court

"does not conduct a poll." With four Justices and a large segment of the legal profession protesting that no constitutional doctrine is involved in the particular case, the five should not expect that their arch comment about polls disposes of the matter. A possible explanation for widespread lack of support for some of the Court's holdings lies in the homely reality that the legal profession would like to be in on the takeoff—perhaps via the statutory rule-making process—if they are to be of help in explaining landing which shake up the passengers.

You will recall that in *United States* v. *Wade,* Justice Black, speaking in dissent, said somewhat acidly:

*"I have never been able to subscribe to the dogma that the Due Process Clause empowers this Court to declare any law, including a rule of evidence, unconstitutional which it believes is contrary to tradition, decency, fundamental justice, or any of the other wide-meaning words used by judges to claim power under the Due Process Clause. * * * I have an abiding idea that if the Framers had wanted to let judges write the Constitution on any such day-to-day beliefs of theirs, they would have said so instead of so carefully defining their grants and prohibitions in a written constitution. With no more authority than the Due Process Clause I am wholly unwilling to tell the state or federal courts that the United States Constitution forbids them to allow courtroom identification without the prosecution's first proving that the identification does not rest in whole or in part on an illegal lineup. Should I do so, I would feel that we are deciding what the Constitution is, not from what it says, but from what we think it would have been wise for the Framers to put in it. That to me would be 'judicial activism' at its worst. I would leave the States and Federal Government free to decide their own rules of evidence. That, I believe, is their constitutional prerogative."*

Justice Black was addressing himself to the merits of what the Court was doing, whereas I am concerned with the procedure. But if his view has validity on the merits, surely it supports my thesis that the statutory rule-making process is better adapted to the Court's objective than trying to embalm a detailed rule in the Constitution under the Sixth Amendment right to counsel clause and without retroactive effect.

Some people think the word "consensus" has become a "bad" word, but I for one do not. It is only by developing a consensus that any of the great issues of the country are resolved and the matter of crime and criminal law is indeed one of the great issues. Granting for the moment the power as distinguished from the wisdom of drafting a detailed codification of rights and rules of evidence via constitutional interpretation, when these rules reach uniformity into every precinct station and sheriff's office in every town and hamlet in a nation of 200 million troubled and anxious people, I respectfully submit that the slower rule-making process would be more likely to produce a consensus and that the course of sound judicial statesmanship would have used that method. Among other things, the "sunburst" doctrine of discovery of constitutional rights which spring into being as of midnight on a stated day could have been avoided.

AN ADVANTAGE

There is, of course, another rather obvious advantage in statutory rule-making processes which is especially relevant in a period when the Federal Judiciary, and the Supreme Court particularly, is under attacks which renders a great many people confused and uncertain. The advantage lies in the support which develops slowly and steadily as the rule-making process unfolds, involving as it does not only the Advisory Committee but subcommittees, seminars and task forces which include hundreds of lawyers, judges, prosecutors and scholars—the entire spectrum of the legal profession and state and local bar associations all over the country. As the process is enriched by the information and experience and ideas which these participants contribute, a massive base of support for the ultimate result builds up. This insures its acceptance and gives those who are affected a "lead" time to make adjustments in their habits and practices.

There is an even more serious flaw in constitutionalizing details of procedure and evidence better left to the more flexible machinery of statutory rule-making. That process, while slow and cumbersome, produces more effective guidelines because rules can be stated more simply and precisely than a judicial opinion. Moreover, rule-making leaves open the door for change and adjustment to the realities of subsequent experience, whereas altering a constitutional ruling or changing a constitutional trend calls for a sharp break with the past. The more recent the rule to be changed, the greater the blow to stability of constitutional doctrine.

Yet we must recognize that the constitutional concepts "tacked on" in these dozen years or so may not be as permanent as they appear when they are consistently arrived at by the margin of one vote with four Justices sharply suggesting that the cake which the Court was baking did not have all the essential ingredients for a good cake and that it has not been in the oven long enough. To paraphrase one of the felicitous lines of Elizabeth Barrett Browning, consequences "so wrought may be unwrought so." Thus, the constitutional result so wrought against the protest of four, may be "unwrought" by so simple a happening as the advent of one of two new Justices. Whatever one's view of the merits of any particular ruling so cast aside, this is a highly unsatisfactory method of improving criminal justice. Even those who do not admire some of these rulings do not want to see constitutional doctrine rise and fall like governments under the Fourth Republic of France.

ANOTHER CHALLENGE TO THE COURT

Another challenge has been made of the Supreme Court's almost undignified haste to clothe detailed rules of evidence and police station procedure in the garb of constitutional doctrine. That mechanism may seem to render the rule beyond the reach of Congressional modification, but it has a melancholy tendency to depreciate the standing of constitutional doctrine even in the eyes of those who fully approve the end result reached. Constitutional doctrine in criminal justice ought to be a steady line on the graph of history, always upward, avoiding peaks and valleys. Looking back over the past dozen years one is left to wonder what has become of the Court's firm policy never to decide a case on a constitutional ground if any other plausible ground was available.

The doctrine of judicial supremacy is firmly established in this country, but we have never accepted a concept of judicial infallibility. Herein lies much that would suggest cogent reasons for a belief that several hundred well-trained and sophisticated legal minds functioning within the rule-making process free from the pressures of an appealing case might well do a more comprehensive job of drafting a workable set of rules than nine extraordinarily busy men with no more than a short time to devote to any one case, and without the fact-finding facilities and staffs of an Advisory Committee appointed by the Supreme Court.

Nowhere is this more in evidence than in the cases dealing with the elusive and difficult problems of eyewitness identifications. The role of the lawyer is ill-defined and pregnant with questions of conflict of interest. The lawyer goes to the lineup in the partisan role of an advocate but may be called upon to be a monitor and hence a potential witness, a role that will require him to abandon his advocate assignment. If he does this, will it not be said that he is somewhat a "tainted" witness because he began as a partisan advocate? One instance has already occurred in which the lawyer hastily called to the police station advised his client to lie face down and refuse to cooperate with the police. The police then had all the persons in the lineup lie in the same posture to be viewed by the witnesses, and one can see the confusion engendered by having the witnesses stepping gingerly among the prostrate bodies in the lineup. Will this become a new legal form—the lie-down lineup! If the witnesses observe all this confusion, and see which person is causing it, as they might, which side has tainted the process of identification with prejudice?

GETTING RULES IN THE STATES

It is correct that the rulemaking procedure under the Federal system provides no automatic means for making the rules applicable to the State. But that is by no means a dispositive objection. We must remember that once the soundness of the Federal Rules of Civil Procedure were seen, many States followed the leadership of the Supreme Court and adopted comparable rules of civil procedure for the States, in some cases almost a "Chinese" copy of the Federal Rules. Laying aside Justice Black's cogent arguments that procedure should be left to the States, the record shows that no real leadership has ever been exerted to persuade the States to adopt more enlightened and efficient criminal rules comparable to the 1944 Federal Rules of Criminal Procedures.

I have already pointed out that in adopting a rule proposed by an Advisory Committee, the Supreme Court does not prejudge its constitutionality. There of course, is always a process of interpretation, but I hardly need to offer evidence that construing and applying detailed rules, carefully worked out gives far fewer problems to trial courts, prosecutors, defense counsel and police than applying nuances of many of the new case-made rules of procedure.

The Supreme Court has tended to feel it could lay down broad objectives in these sensitive areas of interrogation and identification and leave it for others to work out the details. But these are crucial details which should have been worked out in advance as four Justices so sharply pointed out and indeed it is clear to many qualified persons that, had these problems and all their ramifications been thought through, other and different solutions might have been found acceptable to all members of the Court.

For three years, now, the American Bar Association has been engaged in what may be one of the most comprehensive and significant studies made of the administration of criminal justice in America. It is the Project on Minimum Standards of Criminal Justice, which has occupied a vast amount of the time of 80 lawyers, judges and law professors who make up the six Advisory Committees and the Special Committee which guides the whole project. Using methods somewhat like those which evolved the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure and lately the Federal Rules of Appellate Procedure, this Committee has published nine Reports which the House of Delegates of the American Bar Association has approved. Six or seven additional Reports will issue.

Probably no one will agree with everything in all of these Reports, for they cover the entire range of administration of criminal justice from arrest to ultimate confinement, when that occurs. Whether one agrees or not with all that is said, these Reports contain a rich treasure of raw material which can help any court or legislature in making rules or codes of criminal procedure. They will be made available to you. Material such

as this and the long experience under the Civil and Criminal Federal Rules give the States a vast storehouse of material which has been tested. You will not need to plow hard ground to develop a sound set of rules in Ohio but can draw on all that has gone before.

CLARIFICATION IS IMPERATIVE

The matter of clarifying the whole range of Rules of Criminal Procedure, including the new rules and procedures developed by the Supreme Court in various opinions, is imperative. It seems clear now, with the benefit of hind sight, that many of the problems sought to be solved by the controversial holdings of the Supreme Court on criminal procedure and evidence over the past dozen years, would have better been submitted to an Advisory Committee appointed by the Supreme Court (under Title 18, Section 3771). But that is in the past and it is more important to look ahead. It is ten years since the *Mallory case*, yet the guidelines of that subject are still neither clear nor comprehensive. And the courts have not begun to come to grips with all the problems which will flow from the very recent lineup and identification holdings.

As to the Federal Rules, I submit that either by creation of a new Advisory Committee or by enlarging studies now being carried on, the whole area of criminal procedure and all the problems touched upon in the holdings on interrogation, preliminary hearings, police line-ups, eyewitness identification, for example, be committed to re-examination and re-appraisal. By this procedure we can clear the air, clarify the ground rules, and get in with Society's basic responsibility of protecting an ordered liberty as well as protecting the rights of accused persons. We must do the best we can with the cases which arise under rules already laid down. On these there can, of course, be no moratorium. We should look back only as it contributes to visibility on the problems ahead.

Now as you look ahead I am sure that under the leadership of your great Chief Justice, Kingsley Taft, you will write a bright chapter in the history of Ohio law.

REMARKS OF HON. WARREN E. BURGER, JUDGE, U.S. COURT OF APPEALS, WASHINGTON, D.C., AT RIPON COLLEGE, MAY 21, 1967

A century ago plus one year, when this college was born, the country was confronted with many agonizing problems. Then as now the nation had recently experienced the great national trauma of the assassination of its President. Then as now the nation was struggling to fulfill to the Negro minority the promises of the Declaration and the Constitution. Then as now war occupied the minds of the people and the leaders, but happily by 1866, the shooting had stopped, and they were trying to bind up the wounds.

The people who lived in that period, the people who launched this institution were hopeful, and optimistic with a characteristic Mid-western confidence in their ability to meet and solve all problems.

Today, a century later, our people are not so optimistic or so confident, but I suspect that you, the members of this class, being young and hopeful, are not apprehensive or shaken by the debris of unsolved problems or the challenge of the new ones. It is good you have this buoyancy and optimism for you will need it in the years ahead.

We could well discuss today War and Peace, Poverty and Affluence, the breakdown of the home, the declining influence of the church, the disintegration of cities, or any one of dozens of similar problems which lie on your doorstep. All of these problems and more will compete for your attention in the final third of this 20th Century.

I will limit myself to one problem, but it is one which, like war, will affect every American and hang over every home and lurk at every dark corner. It is the problem which we might call Crime and Punishment—the problem of those persons who cannot seem to adjust to an orderly life pattern of study, work, family ties, and responsible citizenship, but instead, turn to crime. Perhaps this is not a conventional Commencement subject, but these are not ordinary times and people are not being entirely conventional these days.

Society's problem with those who will not obey law has never loomed so large in our national life as it does today. People murder others in this country at the rate of more than one for every hour of the day. There are more than 140 crimes of theft every hour; assault and violence and rape grow comparably. The murder rate is 10,000 human lives a year, which is higher than the death rate in our current military operations in Viet Nam which inspire such emotional and violent public demonstrations. And the growth rate of crime is now far greater than the growth in our population.

Perhaps the most alarming thing is the large amount of crime committed by persons under age 20, which suggests that homes, parents, schools, churches and communities have somewhere failed. Even worse is the fact that the highest rate of repeaters—recidivists—is in this under 20 age bracket. Nearly 60% of the 20 and under are repeaters.

In 1964, for the first time in our national history, the subject of crime became an issue in a national Presidential campaign. It became an issue because a vast number of people of this country were deeply apprehensive about the security of their homes, their children, their possessions and their personal safety on the streets, especially in large cities. This led President Johnson to create a National Commission on Law Enforcement and Administration of Justice under the Chairmanship of the Attorney General of the United States, with a score of distinguished Americans and a staff of highly qualified experts. The summary of crime statistics I have just given you is drawn from the recent Report of that Commission.

One week ago I attended a Conference in Washington to which the President had called about 100 lawyers, judges and others concerned with law enforcement, to consider ways of implementing the Crime Commission's Report. In spite of the enormous burdens he carries, the President came to the Conference and, among other things, said that next after the war in Viet Nam, the problems of law enforcement ranked highest.

We often hear the claim that the breakdown of law and order is due to this decision or that decision of some court—most often of the Supreme Court. It would be good if things were that simple, for if the overruling of one or two opinions would solve the problems of crime, I suspect the Supreme Court would be willing to reconsider. It is no aid to sensible public discourse to attribute the crime problem to any one decision or any one court.

Unfortunately, the problems and their solutions are far too complex to be resolved so easily. Let's probe into it.

Our whole history as a nation reflects a fear of the power of Government and a great concern for individual liberty, and these feelings led to place many protections around persons accused of crime. This has resulted in the development of a system of criminal justice in which it is often very difficult to convict even those who are plainly guilty. You know that this was a response to the abuses which people had suffered from the absolutist attitudes of rulers in Europe and in England in the 16th and 17th Centuries.

During the middle of this century—that is, from about 1933 to 1966—We have witnessed more profound changes in the law of criminal justice than at any other period in our history. In addition to court decisions, there have been many legislative enactments in both Congress and State Legislatures which have enlarged the protections of a person who is accused of crime. No nation on earth goes to such lengths or takes such pains to provide safeguards as we do once an accused person is called before the bar of justice and until his case is completed.

But governments exist chiefly to foster the rights and interests of its citizens—to protect their homes and property, their persons and their lives. If a government fails in this basic duty it is not redeemed by providing even the most perfect system for the protection of the rights of Defendants in the criminal courts. It is a truism of political philosophy rooted in history that nations and societies often perish from an excess of their own basic principle. In the vernacular of ordinary people, we have expressed this by saying, "Too much of a good thing is not good."

We know that a nation or a community which has no rules and no laws is not a society but an anarchy in which no rights, either individual or collective, can survive. A people who go to the other extreme and place unlimited power in Government find themselves in a police state, where no rights can survive.

Our system of criminal justice, like our entire political structure was based on the idea of striking a fair balance between the needs of society—we tried to establish order while protecting liberty. It is from this we derive the description of the American system as one of ordered liberty. To maintain this ordered liberty we must maintain a reasonable balance between the collective need and the individual right, and this requires periodic examination of the balancing process as an engineer checks the pressure gauges on his boilers.

What are the dominant characteristics of our system of criminal justice today? First, it is a system in which there are many checks and reviews of the acts and decisions of any one person or tribunal. Second it is a system which reduces to a minimum the risk that we will convict an innocent person. Third, it is a system which provides the utmost respect for the dignity of the human personality without regard to the gravity of the crime charged. There are exceptions to these generalities in some States and in some courts, but I think this is a fair appraisal of the plus side of our system of criminal justice.

What are some of the negative aspects of our system?

1. Our criminal trials are delayed longer after arrest than in almost any other system.

2. Our criminal trials extend over a greater number of days or weeks than in almost any other system.

3. Accused persons are afforded more appeals and re-trials than under any other system.

4. We afford the accused more procedural protections, such as the exclusion and suppression of evidence and the dismissal of cases for irregularities in the arrests or searches, than under any other system.

It sometimes happens that a development in the law which is highly desirable, standing alone, interacts with an equally desirable improvement and produces a result which is largely or even totally lacking in social utility. Let me give one example: the bail reforms of recent years were long overdue and helped to give meaning to the constitutional provisions on bail; similarly any decisions and statutes assuring a lawyer to every person charged with serious crime, were long overdue. Now look at the interaction: every person charged has a lawyer supplied to him and at the same time he has enlarged rights to be released without posting a conventional bail bond.

We can now see that in a great many cases, no matter how strong the evidence against him, or how desirable the long range value of a guilty plea and the benefits of

reduced charges and more moderate sentencing, the two "good" things—bail reform and free defense—interact to discourage a guilty plea because the "jail house grapevine" tells the accused that the thing to do is enter a not guilty plea, demand release without bond, and then use every device of pretrail motions, demands for a new lawyer, and whatnot to delay the moment of truth of the trial day. This means up to two years' freedom during which witnesses might die, or move, or forget details while the case drags on the calendar and consumes untold time of judges, lawyers and court staffs to process motions and continuances. This is one of the large factors in the congestion of the criminal dockets. Here, to repeat, two basically good things combine to produce a result never intended and wholly lacking in social utility or any meaningful relationship to the proper administration of criminal justice, in short an excess of basic principle.

If there is a general impression that the administration of justice is not working, one important result is that the deterrent effect of the law and punishment is impaired or lost. If people generally—law abiding and lawless alike—think the law is ineffective two serious impacts occur: the decent people experience a suppressed rage, frustration and bitterness and the others feel that they can "get by" with anything.

This is not because the people—good people or bad people—read the opinions of appellate courts. Of course they don't. But they *read about* and *hear about* the extraordinary cases, and as I suggested, they read and hear most about the failures of the law as in the Chessman and Willie Lee Stewart type of cases (which ran an agonizing course in the courts for 10, 12 years). Some people, have scornfully said that lawless people never read appellate court opinions. Quite true, but is the real issue whether people read the opinions or is it whether the *actions* of courts which are widely publicized have an effect on public attitudes? The celebrated case which takes 5 to 10 years to complete is common talk in the best clubs and the worst ghettos. If lax police work and lax prosecution will impair the deterrent effect of the law, repeated reversals and multiple trials in the highly publicized cases will likely have a similar effect. The existence of "speed traps" and the knowledge of vigorously enforced traffic laws will make us all more careful drivers. Many people, even though not all, will be deterred from serious crimes if they believe that justice is swift and sure. Today no one thinks that.

Is a society which frequently takes 5 to 10 years to dispose of a single criminal case entitled to call itself an "organized" society? Is a judicial system which consistently finds it necessary to try a criminal case 3, 4, 5 times deserving of the confidence and respect of decent people?

These are the negative factors. But by that I do not mean to say that any one of these is unreasonable or undesirable in and of itself. It is a hard fact, however, that in the present state of law there are more and more cases in which a defendant is tried and re-tried and re-tried again so that the trials and appeals may extend anywhere from 2–3–5 and occasionally as much as 10 years.

Many people tend to think of the administration of justice in terms of the criminal trial alone because this is the part of the process which occurs in the local community, but more than that because it is charged with the human element; it is exciting, colorful and dramatic. This is why the movies and TV have given so much time to criminal trials.

But this is not the whole of the administration of justice. The total process is a deadly serious business that begins with an arrest, proceeds through a trial, and is followed by a judgment and a sentence to a term of confinement in a prison or other institution. The administration of justice in any civilized country must embrace the idea of rehabilitation of the guilty person as well as the protection of society. In recent years, we have been trying to change our thinking in order to de-emphasize punishment and emphasize education and correction.

I have suggested that our system of trials to determine guilt is the most complicated, the most refined, and perhaps the most expensive in the world. We now supply a lawyer for any person who is without means and it is the lawyer's duty to exercise all of his skills to make use of the large number of protective devices available to every defendant. But where do we stand in the second stage of the administration of criminal justice—the treatment and disposition of those who are found guilty? We can gain some light by a comparison of our entire system with the countries of North Europe.

To begin with we find that in Norway, Sweden, Denmark and Holland, for example, there is much less crime generally than in the United States. In Sweden, with a million people, there are about 20 murders each year, and crimes of other kinds are appreciably at a lower rate than in this country. Washington, D.C., with about 800,000 population, has 160–170 murders each year.

I assume that no one will take issue with me when I say that these North Europe countries are as enlightened as the United States in the value they place on the individual and on human dignity. When we look at the two stages of the administration of criminal justice in those countries, we find some interesting contrasts. They have not found it necessary to establish a system of procedure which makes a criminal trial so complex or so difficult or so long drawn out as in this country. They do not employ our system of 12 men and women as jurors. Generally speaking their criminal trials are before 3 professional judges. They do not consider it necessary to use a device like our 5th Amendment under which an accused person may not be required to testify. They go swiftly, efficiently and directly to the question of whether the accused is guilty. By our standards their system of finding the facts concerning guilt or innocence is almost ruthless. In those systems they do not have cases like Chessman's in California or others you have read about where the accused has countless hearings and trials and re-trials and reviews over 10 or 12 years. In these long drawn out cases everyone loses sight of the factor of guilt and even the most guilty convict comes to believe the press releases of his own lawyer.

Here in our comparison we encounter an interesting paradox. The swift and efficient justice in North Europe is followed by a humane and compassionate disposition and treatment of the offender. The whole process from the moment of arrest to the beginning of sentence is free from the kind of prolonged conflict which characterizes our administration of criminal justice in which we have glorified and idealized the adversary system with its clash and contest of advocates.

I recently made comparisons of specific cases in Holland, Denmark and in the United States. A typical case in Denmark, for example, is disposed of in about six weeks and the first offender is almost always placed on probation under close supervision and free to return to a gainful occupation and normal family life. It is not unusual, as I have said, for an American case to have 2 or 3 trials and appeals over a period of from 3 to 6 years. When the American defendant is finally sentenced after this prolonged process, he has been engaged in a bitter warfare with Society for years.

Even after the American is committed to a prison we afford him almost unlimited procedures to attack his conviction or seek reduction of his sentence, and as a result American courts are flooded with petitions from prisoners and the warfare continues. Under our system the "jailhouse lawyer" has become an institution. In short, while the correction system struggles to help the man reconcile his conflict with Society, the statutes and judicial decisions encourage him to continue the warfare.

If the prisoner is like most human beings his battle with authority and in the courts develops a complex of hostilities long before he goes to prison. These hostilities are directed toward the police who caught him, the witnesses who accused him, the District Attorney who prosecuted him, the jurors who judged him, and the judge who sentenced him, and finally, even the free public defender who failed to win his case. I doubt that any defendant can conduct even prolonged warfare with Society and not have his hostilities deepened and his chance of rehabilitation damaged or destroyed. To encourage the continuance of this warfare with society after he reaches the prison hardly seems a sound part of rehabilitation, nor is it likely to contribute to restoring him to good citizenship.

Let me pursue our paradox: when we in America have lavished 3 or 5 or even 10 years of the complex and refined procedural devices of trials, appeals, hearings and reviews on our defendant, our acute concern seems to exhibit itself. Having found the accused guilty—as 80 to 90% of all accused persons are found—we seem to lose our collective interest in him. In all but a few States we imprison this defendant in places where he will be a poorer human being when he comes out than when he went in—a person with little or no concern for law or for his fellow men and very often with a fixed hatred of all authority and order, and he is mindlessly and aggressively determined to live by plundering and looting.

In referring to the North Europe countries, I do not intend to suggest that they have completely solved all these problems, but only that they seem to deal with them more intelligently and less emotionally. They do so by recognizing that for the most part people who commit crimes are out of adjustment with society and that confusion and personality problems have something to do with this. They do not find that any useful social purpose is served by giving him 2 or 3 trials and 2 or 3 appeals and drawing out the warfare with Society. And when they finally make the decision to deprive a guilty person of his liberty, they look ahead to the day when he will be free. They probe deeply for the causes of his behavior and to do this they place behavior scientists in the prisons. We do this, but only in a token sense. In the Federal Prison System, which is far better than most of the States, there is a ratio of approximately 1 psychiatrist or psychologist for each 1,500 inmates. In the State prisons the ratio of psychiatrists to prisoners is far less—as little as 1 psychiatrist for each 5,000 inmates; some States in the United States have none. And remember, we are talking about maladjusted people confined by Society with a purpose of healing them.

Yet in tiny Denmark the ratio is roughly 1 psychiatrist for each 100 prisoners and in the maximum security prisons, where the dangerous and incorrigible prisoners are confined, the ratio is 1 psychiatrist for each 50 prisoners.

The vocational and educational programs available in our best prisons are a help, but the rate of return of prior offenders shows that something is not working. With few exceptions in the more enlightened States the basic attitude of Legislatures is that criminals are bad people who do not deserve more. (Wisconsin happens to be among the most advanced of the States and this is not surprising when we remember that most of those who populate this State derive from the enlightened countries of North Europe.)

In part the terrible price we are paying in crime is because we have tended—once the drama of the trial is over—to regard all criminals as human rubbish. It would make more sense, from a coldly logical viewpoint, to put all this "rubbish" into a vast incinerator than simply to store it in warehouses for a period of time only to have most of the subject come out of prison and return to their old ways. Some of this must be due to our failure to try—in a really significant way—to change these men while they are confined. The experience of Sweden, Denmark and the other countries I mentioned suggests two things: that swift determination of guilt and comprehensive study of each human being involved and extensive rehabilitation, education and training may be the way. This, and programs to identify the young offenders at a stage early enough to change them, offer the best hope anyone has suggested.

In all of these countries there is also a more wholesome attitude toward the prisoner after he is released. The churches and the Government cooperate in maintaining what are called "after-care societies" which have existed for hundreds of years. Through these societies each released prisoner has an experienced and friendly counselor and advisor to assist him with his problems. These people are volunteers who might be compared with citizens in this country who take part in the VISTA program or the Big Brother movement.

Now you will perhaps be asking what does all this have to do with you. Perhaps only a few of you will become lawyers or judges or Congressmen. But that is precisely why I have tried to focus your minds on the problem which President Johnson, only last Saturday placed second to ending the war in Viet Nam.

We lawyers and judges sometimes tend to fall in love with procedures and techniques and formalism. But as war is too important to be left to Generals, justice is far too important to be left exclusively to the technicians of the law.

The imbalance in our system of criminal justice must be corrected so that we give at least as much attention to the Defendant after he is found guilty as before. We must examine into the causes and consequences of the protracted warfare of our sytem of justice fosters. Whether we find it palatable or not, we must proceed, even in the face of bitter contrary experiences in the belief that every human being has a spark somewhere hidden in him that will make it possible for redemption and rehabilitation. If we accept the idea that each human, however bad, is a child of God, we must look for that spark.

Should you come to the conclusion, as you watch our system of justice work, that we lawyers have built up a process that is inadequate or archaic or which is too cumbersome or too complex, or if you think we have carried our basic principle too far, or if for any reason you think the system does not meet the tests of social utility and fair fairness, you have a remedy. You have the right and the ultimate power to change it. Neither the laws nor the Constitution are too sacred to change—we have changed the Constitution many times—and the decisions of judges are not Holy Writ. These things are a means to an end, not an end in themselves. They are tools to serve you, not masters to enslave you.

Some of the elders may wonder whether the next generation, whose activities we see portrayed daily in unflattering settings, will be concerned with these problems. I think you will. I reject the idea that your generation as a whole is the Alienated Generation; on the contrary, there is much more evidence that you are the Involved Generation—one which has shown a unique quality which has too long been missing in American life. It is a quality which leads young people away from getting rich in advertising agencies and banks and brokers' offices, and into work with human beings through agencies like the Peace Corps and in Government service. In this unique quality lies the hope—indeed the best hope—to relieve the dismal picture I have been discussing.

This missionary zeal of your generation may find solutions.

Mr. McCARTHY. Mr. President, I intend to vote against the confirmation of Warren Burger as Chief Justice of the United States. I do not ask my colleagues to join with me in this opposition since the basis for it is somewhat personal and political. It is not directly related to his competence as a lawyer or as a judge. However, in confirming appointees to the Supreme Court considerations other than technical and even professional matters of the law are, I believe, important.

In 1952 Mr. Burger was a most active participant in the campaign against me when I was running for reelection. It is my opinion that the manner in which the issues were presented to the people of my district that year, first of all, misrepresented my position, but more significantly than that, they were designed to elicit an emotional if not prejudiced response. I should note that 1952 was the year in which these techniques were not limited to my campaign, but were rather generally employed.

Mr. NELSON. Mr. President, I should like to make a brief comment on the pending nomination.

First, let me say that I do not know Mr. Burger personally, and I am not familiar with his judicial philosophy.

My office advises me that they secured copies of the hearings this past Saturday afternoon. I did not see the record of the hearing until an hour ago, so I have not had an opportunity to do other than to glance at it for 4 or 5 minutes before coming to the Chamber.

I recognize the right of the President to choose his nominees to be submitted to the Senate, and, of course, the constitutional right of the Senate to evaluate the nomination and give its advice and consent.

My regret about this nomination is that it is for the high office of Chief Justice, and most Members of the Senate have not had the opportunity to explore in any detail the position or credentials of Mr. Burger. I certainly would not, of course, question a President's right to appoint somebody to the Cabinet or the Court who had a political philosophy different from mine. I do not think that is a basis of valid objection unless the position of the person involved is, in my judgment, so outrageous that as a matter of conscience I could not support him. That is not the case here, because I am not familiar with the nominee's background qualifications.

I respect the viewpoint of a number of distinguished Senators and lawyers around the country who strongly endorse Mr. Burger as Chief Justice. He may very well be one of the most qualified people to be Chief Justice. I do not know.

I recognize also, as everybody here does, that the President makes hundreds of appointments each year, including generals, admirals, members of the Cabinet, judges, and so forth. There is no way for an individual Senator to reach an independent, thoughtful conclusion about each of the President's appointments. It never will be possible to do so.

Most Members of the Congress on any single appointment do not know the nominee, have never met him, and have no way to make an independent judgment. Therefore, under our system, which I think is the best system anybody has thought of thus far, we rely upon the judgment and the care of the President in selecting the nominee for an important position. We rely upon the committee system to conduct hearings, reach conclusions, and make recommendations. Overall, I think it is a good system. The judgment of the committee this time might be the same as my judgment would have been if I had had the opportunity to listen to the testimony and evaluate it and see all of the information that was submitted to the committee. I did not have that opportunity. Therefore I had hoped that we would not act until there was time to read the hearing record.

In the case of Chief Justice Warren, he was nominated in September and confirmed in March, so that a period of 5 months elapsed. Recently statements have been made by all and sundry that there would be a very careful process of evaluating the background of all these appointees very carefully because of the tragedy of the last nomination of President Johnson to be Chief Justice.

I might say to the Senate that if I knew then what the public knows now, I would not have supported President Johnson's nomination for Chief Justice. I did not know it and neither did anybody else in the Senate.

I know nothing derogatory of Mr. Burger. I wish to emphasize that. He may very well be the finest appointment that could be made. I have no objection to him based upon any knowledge I have about his viewpoints, philosophically or otherwise. I hope—and it seems certain he is going to be confirmed—that he will be a great Chief Justice. I have considerable respect for those who have spoken on the floor of the Senate and members of the bar who have highly praised him for his qualifications and background.

However, while it is impossible for any Senator to make independent personal evaluations of all the selections for appointment to high office the President makes, it does seem to me that at least in this one position, and perhaps in a half dozen or so other positions, but certainly in the position of Chief Justice, all Members should have enough time to make a very careful personal independent evaluation. That is within the realm of practical possibility for Members of the Senate, whereas it is not practical for all nominations made by the President. Therefore, as I said previously, we find it necessary to rely on a system which has worked very well, the judgment of the President himself and the members of the committee.

As the chairman of the committee mentioned, the recommendation was unanimous. However, in this position I do not wish to rely upon the sole judgment of the President and this committee or any other committee, or of this

President or any other President. I was mistaken the last time the issue was before us.

I do not know anything about the validity of the statement in the Washington Post this morning by Mr. Pearson in which he stated:

> Burger's amazing discussion at the Santa Barbara Center for the Study of Democratic Institutions at which Burger blasted the Fifth Amendment, cast doubt on the jury system, and decried the presumption of innocence until proved guilty.

I know there is nothing here in quotations. I know, too, having participated in conferences in which a transcript is kept, important issues of all kinds are expressed, viewpoints are expressed, doubts raised, to make a challenge, in order to get a debate going. I have done it myself. I have played a part in conferences as the devil's advocate. I would hate to have anyone take one of those quotations, for instance, and say that they must mean what I stand for.

I would not judge anybody's philosophy based solely on challenges and issues one might raise, for instance, at the Center for the Study of Democratic Institutions where everybody is expected to raise all of the tough questions he can think of. However, I have not read the transcript. I would like to read it. I might very well come to the conclusion that everything Mr. Burger said was very thoughtful; that he was not taking a position that would militate against my conscience. I might very well come to that conclusion. However, I have not had a chance to read the transcript. It was only called to my attention this morning.

Therefore, I want to make known that I am voting against confirmation, because of my lack of knowledge and not because of criticism of the committee, the President, or Mr. Burger. But I decided after the last instance, at least, so far as these very top decisions are concerned—the decisionmaking authority so important as in the case of the Supreme Court—that unless I have had time to personally satisfy myself, I would cast a negative vote only on the grounds that I have not personally satisfied myself and on no other grounds. I emphasize again this may be the most distinguish appointment of the century. I do not know.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield for a question?

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. NELSON. I yield.

Mr. FULBRIGHT. The Senator's remarks bring back to mind the discussion of a resolution in 1964 at which time the Senator from Wisconsin very wisely raised similar questions. I was then in the position of opposing his views, or at least of taking the position that there should be no delay. I did not oppose his views. As a matter of fact, I thought he expressed what the resolution meant. The only reason I mention it is that the Senator's instincts at that time were correct and I have often regretted that I did not take his advice. That is the only reason I mention this, because the Senator was so correct in his judgment at that time. I then did not know the facts. None of us knew the facts. I had not the slightest idea that we had been deceived, that the Committee on Foreign Relations had been given false information and that we were acting on that false information.

Here, I am like the Senator from Wisconsin, in that I know nothing derogatory about Judge Burger. I know very little about him. Like the Senator from Wisconsin, I was just handed a record of the hearings a few minutes ago. There are certain similarities, though, with my slight knowledge, because there has been so much said by Members of this body and others about Justice Douglas' recently, and his having participated or having had something to do with the Center for Democratic Studies. A great deal has been made about that by Members of this body, and others, that he resign because of that, and because of his chairmanship or membership—I do not know whether it is one or both—in the foundation which is a tax-exempt charitable foundation.

I read in the newspapers that Judge Burger is also, or has been, either chairman or a member of a charitable foundation. I make nothing of that in either case, but I do think it is strange that so much is being made of Justice Douglas's participation in two similar activities.

The main point I raise—and I join the Senator from Wisconsin in his views about it—is the urgency to confirm this nomination. His prompt confirmation is being urged upon us, as was done in the case of the Gulf of Tonkin resolution. We were told, then, that there was great urgency, very early in the morning, and we spent an hour and a half being told that it was vital to the security of this country that we had to act immediately, that very day, in order to give full force and effect to the resolution.

I must say that we have got a Chief Justice of the United States who has been Chief Justice for a long time now. He is acting, as I understand it, until he is replaced. I honestly do not see any urgency whatever. There is not even a vacancy in the position. The present term of the Court does not end for 3 or 4 weeks, and then there will be a recess. Thus, I do not see the slightest urgency.

I was told—I say to the Senator from Wisconsin I do not know this to be a fact—but I received on Saturday a communication about a telegram which was sent on June 2, a Monday, at 10:13 a.m., requesting the right to be heard by the Committee on the Judiciary. It was sent at 10:13 eastern daylight time, Monday, June 2. The following telegram was from the Western Union office at Union Terminal, Washington, D.C. It was received prior to 12 a.m. that day by John H. Holloman, chief counsel to the Committee on the Judiciary, U.S. Senate, in the Senate Office Building. The telegram was a request to be heard in opposition to the appointment. I do not know the man who sent it. I know nothing about the facts of his testimony. I do not wish to try to raise any substantive questions at all. All I raise is that the question——

Mr. EASTLAND. If the Senator will yield, that was a telegram sent the day before the hearings requesting that the hearings be put off for 3 days——

Mr. FULBRIGHT. How long?

Mr. EASTLAND. Three days—to decide whether he wanted to testify——

Mr. FULBRIGHT. I thought he wanted to testify. This communication says—I do not vouch for it. I do now know the writer of the telegram. I do not know the man who sent the telegram——

Mr. EASTLAND. The whole thing was from Mr. Barbick's organization.

Mr. FULBRIGHT. Then I was coming to Mr. Phillips before he appeared——

Mr. EASTLAND. Mr. Phillips. He never made a request to testify.

Mr. FULBRIGHT. It may not be. There may not be a word of it true. I do not know that. I cannot verify it. I was just asked to raise the question——

Mr. EASTLAND. I can tell the Senator that he never made a request to testify.

Mr. FULBRIGHT. Mr. Phillips did not?

Mr. EASTLAND. That is correct.

Mr. FULBRIGHT. Then this statement I have is in error, and I regret that it is in error. It is not the first time, I suppose, but in justice to Mr.——

Mr. EASTLAND. Wait a minute—Mr. Phillips called after the hearing and talked to the counsel of the committee and asked about this telegram from Mr. Barbick. I am informed that at that time he made no request. He was told by the counsel to have Mr. Barbick submit a statement, which he never did.

Mr. FULBRIGHT. Well, I certainly have no basis other than this statement which was left in my office by Mr. Phillips. I did not personally see him. I was not in the office. I am not trying to make a brief for Mr. Phillips.

All I am saying is that this would indicate there is a very unusual urgency about it and undue haste in action here, which has reminded me—at least it struck a very strong chord in my heart—because of my experience with the Gulf of Tonkin resolution. The remarks of the Senator from Wisconsin reminded me of that, although, of course, he did not refer to it, but simply by his statements at this time.

I do not see, myself, why there is such urgency, that none of us—at least I have not had the opportunity to read the hearings which were delivered this morning.

I should like the Senator to state for the RECORD, so that it would certainly ease my conscience a bit, as to why it is necessary to vote today on the confirmation of this nomination, in view of the fact that there is a functioning Chief Justice of the United States at this moment.

Mr. EASTLAND. The chairman sets a hearing down when the nomination comes in. We hold hearings. There was only one person who requested to testify against the nominee prior to the hearing. The committee decided not to take the testimony of that person. The request for a postponement by Mr. Barbick was declined and he has not submitted his statement to the committee as requested.

Mr. FULBRIGHT. Was that Mr. Phillips?

Mr. EASTLAND. No, it was not. Mr. Phillips never made any request. The committee was unanimous. We think this is an outstanding appointment. We think that Judge Burger will be a great Chief Justice. There was no one against him. No one brought up anything against him.

Mr. FULBRIGHT. I have nothing against him. I am only reminding the Senator that in the case of Mr. Justice Fortas, when he was first nominated to the Court, the American Bar Association endorsed him and there was no opposition to him and the committee recommended him. Now nearly everyone—not everyone, but a number have regretted voting that way.

Mr. EASTLAND. We could have taken the testimony at the hearing of former presidents of the American Bar Association, and of judges and outstanding lawyers in this country, to testify in favor of this nominee.

Mr. FULBRIGHT. According to one article in the New York Evening Post, even last year, the American Bar Association—let me read it—"found Fortas highly acceptable, when Johnson nominated him last year to be Chief Justice and the American Bar Association again endorsed him as highly acceptable, although it has since been disclosed that Fortas served as an adviser to the President while he was sitting on the Court."

In other words, that is an endorsement by everyone. But I think the Senator from Mississippi and I both voted the same way with regard to the nomination of Justice Fortas. I believe he did, if my memory serves me correctly; and, in that case, he had been equally well endorsed by the American Bar Association and others.

I just want to associate myself with the Senator from Wisconsin. I am not trying to make a case on the substance. I do make a case on the procedure, that this procedure is not a good procedure. I made the point that the previous Chief Justice was nominated in November and confirmed in March. I would say there is quite a difference in having a hearing on a Tuesday and on the following Monday having the nomination brought up here on the floor of the Senate and being asked to vote on it before anybody had had an opportunity to even read the record that was made in the hearing.

Mr. EASTLAND. He was sitting on the Court under a recess appointment, and refused to attend the hearings, and refused to be questioned.

Mr. FULBRIGHT. Who? Chief Justice Warren?

Mr. EASTLAND. Chief Justice Warren.

Mr. FULBRIGHT. There was plenty of time to evaluate him, in any case.

Mr. EASTLAND. We sat there for weeks and heard people bring every kind of charge that they could against him.

Mr. FULBRIGHT. Against him?

Mr. EASTLAND. Yes.

Mr. FULBRIGHT. The Chief Justice? It is even more different from this case than I had thought. Not only did the committee take the time, but it heard the opposition.

Mr. EASTLAND. As I said earlier, any nomination for Justice of the Supreme Court draws people from all over this country in opposition, for various reasons. So we appoint a subcommittee, of which the Senator's colleague is usually chairman, which subcommittee takes that testimony, and if the committee thinks it is worthwhile, those people can testify publicly before the full committee. But in this case we followed the normal procedure. The matter certainly has not been rushed.

Mr. ERVIN. Mr. President, I would like to ask the Senator from Arkansas to yield to me for an observation concerning the comment he made on the difference in procedure in the appointment of Abe Fortas as Associate Justice and that in the instant case. That observation is that at the time Abe Fortas was originally nominated to be an Associate Justice of the Supreme Court of the United States, he had never served as a judge. He had not written a judicial opinion. He had never made any speeches in which he said the Constitution had no fixed meaning.

On the contrary, Judge Warren Burger has been writing judicial opinions here, almost in the shadow of this Capitol, for approximately 11 years, in some of the most controversial cases that have reached the U.S. Court of Appeals for the District of Columbia in that time.

I would think that a person who follows the decisions of the U.S. Court of Appeals for the District of Columbia, or even reads them in the newspapers, would be pretty well acquainted with Judge Burger's capacity as a judge.

Mr. FULBRIGHT. As a matter of fact, I do not follow the decisions of the Court of Appeals for the District of Columbia to any extent, unless it is something very special. I would feel much better about it if the Senator from North Carolina had asked some questions of Judge Burger, because I remember how many questions he asked of Mr. Fortas last year, and the final outcome of that. Again, he was quite correct. As he remembers very well, I think he did ask a few questions of Mr. Fortas. In this case he did not.

Mr. ERVIN. It was not necessary, because I had read Judge Burger's opinions.

Mr. FULBRIGHT. I mean for my benefit, not for the Senator's. The Senator is not the only one interested. There are 100 Senators who are interested, and 200 million people. Not for the Senator's benefit does he ask questions, nor do I, but for the benefit of all of us, revealing what are the facts. I regret very much that the Senator from North Carolina did not ask Judge Burger questions, no matter how much he knows about him. That is more reason for asking some questions. I did not know anything about him.

Mr. ERVIN. I will say to the Senator from Arkansas that in Judge Burger's case I have followed his decisions on the court of appeals for some years. He has written decisions in some of the most controversial cases. He has also dissented in some of the most controversial cases. When a man has written out in concrete cases what his philosophy of the Constitution is for a period of 11 years, he reveals his attitude toward constitutional government. I am satisfied that he loves the Constitution, I did not need to ask him any questions.

Mr. FULBRIGHT. Does the Senator happen to know whether there is any truth at all to the statement which the Senator from Wisconsin just read, about Judge Burger's having stated—I forget exactly how the Senator stated it—that he did not particularly like certain aspects of the Constitution. The Senator read it a moment ago. I hesitate to characterize it. Would the Senator read it again? I wonder if the Senator from North Carolina knows whether there is anything to it.

Mr. NELSON. Mr. President, again, this is not a quotation.

Mr. FULBRIGHT. What he is alleged to have said at Santa Barbara.

Mr. NELSON. Yes. It is Mr. Pearson's phrasing of what he says was said at Santa Barbara:

> Judge Burger's amazing discussion at the Santa Barbara Center for the Study of Democratic Institutions, at which Burger blasted the fifth amendment, cast doubt on the jury system, and decried the presumption of innocence until proved guilty.

I do not make any judgment from that, because I would want to see the quotations and the context.

The only point I make here is that I would like the opportunity to read the transcript, which is printed and available, I was advised this morning.

Mr. ERVIN. Mr. President, the Senator from North Carolina puts far more credence in the committee transcript than in any column written by any journalistic commentator.

Mr. NELSON. I would only say to the Senator from North Carolina that I have not had a chance to read the transcript. I have not had a chance to read the committee hearings, which we just secured this morning. And I have not seen the committee report. The only point I am making is that I am satisfied that a distinguished Senator such as the Senator from North Carolina and other Senators here on the floor and members of the American bar have satisfied themselves on the nominee's qualifications, and they may be 100 percent right. I just made a decision, at the last instance, that I was not going to rely, in this kind of appointment upon anybody else's judgment, no matter who they may be, because I got stung on that one. That is the very narrow point on which I am objecting today.

Mr. FULBRIGHT. Mr. President, the only point I make is that the Senator aroused in me memories of having been grievously deceived once before, in 1964, by acting hastily. I told the Senator we had a meeting in the morning, at 9 o'clock, and met for an hour and a half, and heard from the greatest officials in the Government, and it was all false. Therefore, I am allergic to voting on these important things so hastily. I do not know what happened at Santa Barbara, but is there anything in this record referring to such a statement as he made

at that meeting, or is there anything in the record before us which I have not read that has to do with his service on the tax-exempt foundation, how much he received, and what he did for it—very much along the lines of which they are attacking Justice Douglas today? It seemed to me a coincidence which was rather strange. Was that examined in the hearing?

Mr. ERVIN. He made a statement in response to a question posed to him by the distinguished Senator from Maryland (Mr. TYDINGS), in which he stated fully all of the outside activities with which he had been associated, most of which were judicial in nature. Nobody specifically asked him about the receipt of $2,000 from the Mayo Foundation. According to the press he had served for nothing as a member of the board of the Mayo Foundation for some years prior to that time, and I think he had received that payment for 2 years only. He had actually discharged his duties as a member of the board for some years. I do not think there could have been any conflict between that work and any judicial duties he could have been called upon to perform.

Mr. FULBRIGHT. I do not know what the investments of the Mayo Foundation are. I do not know whether it owns any hotels or gambling hotels, or what the foundation owns. I have not the slightest idea what it owns, nor where its money comes from.

I do not know anything about it. I just wondered whether the hearing record has anything about it, or whether we will have a chance to read it before we vote.

Mr. ERVIN. His association with the Mayo Foundation was disclosed by Judge Burger during the executive session. I do not criticize the Senator from Arkansas or the Senator from Wisconsin for not wanting to vote on a nomination for such an important office in what they confess to be—I started to say a state of ignorance, but that is a term I prefer not to use.

Mr. FULBRIGHT. Lack of information is nicer.

Mr. ERVIN. A state of lack of information, and not having had sufficient time to acquaint themselves with the record of the nominee.

Mr. FULBRIGHT. I am sure the Senator will agree there has not been much time to read this record, because it was only made available this morning, as far as my office is concerned.

Mr. ERVIN. I do not know about that. I merely rose to point out the difference between the original nomination of Mr. Fortas and this nomination. I voted for Mr. Fortas the first time he was nominated. At that time, he had made no speeches saying that the Constitution had no fixed meaning, and had participated in no decisions which were absolutely contrary, not only to the words of the Constitution, but the interpretation placed upon those words for more than 175 years.

This man has been writing opinions for some 10 or 11 years. He has written opinions on some of the most controversial cases to come before the court during that time; and, unlike the Senator from Arkansas, I have studied these things, and am satisfied that this man has a complete devotion to the Constitution of the United States, and that he will manifest that devotion in his service upon the Supreme Court, just as he has done during the approximately 11 years that he has been a member of the circuit court of appeals.

I thank the Senator for yielding.

Mr. FULBRIGHT. It is very reassuring to have the Senator's views about it, but I submit that it would be useful for us for the Senator from North Carolina always to develop cases as he did last summer. The thorough way in which he developed that case was most useful.

Mr. President, I do not wish to leave the record in its present state, without putting in this statement left in my office. I do not vouch for its authenticity, but since the record was made rather quickly—I think the total time that hearing lasted was only about 2 hours, that is, the open hearings in which the testimony was taken—I believe it may be useful.

This is a statement Mr. Phillips left in my office, I believe on Saturday:

2. On Tuesday, June 3, 1969, after the Committee on the Judiciary had heard and voted unanimously to recommend to the Senate of the United States the confirmation of the Honorable Warren Earl Burger as Chief Justice of the United States, Mr. Randolph Phillips, as Chairman of the Committee on Opposition to said Confirmation and on behalf of its counsel and because Mr. Phillips had formerly been Special Consultant to a Committee of this Senate, telephoned Mr. Holloman at his home in Alexandria, Va. (XXXXXXXXXXX shortly after 9 P.M. that evening to inquire why there had been no answer to the above telegram, as requested, and whether the above request to be heard in opposition had been referred to attorney Holloman's clients, that is the 17 United States Senators constituting the Committee on the Judiciary of the United States Senate. Mr. Holloman said it had not been answered nor referred to the Senate Committee Members because in substance he had been too busy.

3. At 9:20 A.M., June 3, 1969, one-hour before the convening of the scheduled Hearing respecting the Confirmation of Judge Burger, Mr. Phillips appeared on the public waiting line before the Judiciary Committee hearing room's closed front door and from then until the conclusion of the hearing at approximately 12:15 P.M. was at all times either the first or second person in the line that grew to an estimated 150 members of the public. At no time was he or any other member of the public admitted to the Hearing.

4. Mr. Phillips was informed by security personnel who were more numerous than Senators that, aside from the Committee Members' 17 Chairs, the Witness Table Chairs, and the Chairs reserved for the members of the news media, there were only 65 public seats and that all these seats had been reserved.

Mr. EASTLAND. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield.

Mr. EASTLAND. The statement that there were 65 chairs——

The PRESIDING OFFICER. The Senate will be in order.

Mr. EASTLAND. And that they had been reserved, of course, is false on its face.

Mr. FULBRIGHT. That is not my statement. It is in the statement I am reading.

Mr. EASTLAND. I understand; but I would like to say what the fact is.

Mr. FULBRIGHT. Oh, yes.

Mr. EASTLAND. The doors were open to all members of the press and to those persons who had indicated to the committee that they would like to be present in order to testify for or against the nominee, if called upon. When the room was filled up, including standing room, no more were admitted until there were empty seats, and then other people could come in. It was all done on the recommendation of the proper security people. Miss Powell had informed the committee of her intention to be present. She was promptly given a seat when she appeared.

Mr. FULBRIGHT. I appreciate that. I think it is very healthy and proper for the chairman of the committee to clarify this record, because this was given to me, and I assumed it had been given to other people, and it ought to be made clear on the record what the truth of the matter was. I do not dispute the Senator's word.

Mr. EASTLAND. The truth of the matter is that Mr. Phillips never made any request to testify. He did call the counsel the night following the hearing, but did not request to testify at that time. I do not know if Mr. Phillips is associated with the same organization as a Mr. Robert L. Bobrick, who wired the committee on June 2, the day before the hearing, requesting to testify and stating as follows:

NEW YORK, N.Y.

I am unable to appear tomorrow June 3rd because of an engagement in the United States District Court. I should appreciate at least 3 days notice prior to date of my appearance.

Respectfully yours,

ROBERT L. BORICK.

NEW YORK, N.Y.

He did not give any reason as to what his objection was. He had no grounds for objection to the appointment at all.

Mr. FULBRIGHT. I do not know that he had any, either. But I wish to finish reading this statement. I do not wish to delay this matter unduly, although I still do not see why there is any particular reason for hurry.

Continuing the statement:

5. The day prior—

Which would be, I assume, June 2—

Mr. Phillips inquired of the Majority Leader's Administrative Assistant if she would obtain for him an admission to the Hearing and that lady graciously stated that if he had any difficulty being admitted the next day she would send word up to the guard to admit him. When he saw on the day of the hearing that he would not be admitted to the Hearing, he went to the adjoining office of Mr. Holloman and asked his secretary to telephone Senator Mansfield's office and obtain directly from it authorization for Mr. Phillips to be admitted. The secretary refused to do so, saying "Mr. Phillips, you are at the head of the line, and you will be admitted as soon as there is a seat." Mr. Phillips thus had his choice of going downstairs to the street and over to the Old Senate Office Building where in Room 133 the Majority Leader has his office, thus losing his place in line, or remaining at the head of the line. He chose to re-

main at the head of the line. During the course of the Hearing, Mr. Phillips observed a Miss Polly Dement of Mr. Holloman's office escort a gentleman, who had arrived on line after Mr. Phillips and several other members of the public, around the corridor and through the security cordon guarding the corridor to the back door to the Committee Hearing Room.

6. A courteous white-haired gentleman whom Mr. Phillips believes was named Paul McCardle or a name so sounding had a typewritten list of names of persons to be admitted to the Hearing and only after he had confirmed that such a person was applying for admission did the security officers allow him to enter the Hearing Room. Mr. Phillips could not ascertain whether the typewritten list was made a part of the official record. He was informed that the various proponents of the Confirmation, such as heads of various bar associations, had entered their names into the record as favoring the confirmation and not sought time to state their views but had them placed in the written record.

7. It appears clear therefor that all of said 65 seats, allegedly available to the public, were exclusively allotted to the proponents of the Confirmation and not one to a representative of The Opposition to the Confirmation.

That is the story of Mr. Phillips as given here, and the chairman of the committee has stated that this is not an accurate reflection of what actually happened.

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

Mr. FULBRIGHT. I yield.

Mr. HARTKE. Mr. President, it occurs to me in view of what has happened that it does not require that a vacancy be filled at this time. The Supreme Court will continue to act. The Chief Justice is still there. I understand that he plans to stay for the rest of this month.

In view of the questions which have been raised, it would appear that we should consider some of the statements made by individuals to the effect that this matter will be looked into thoroughly. And since questions have been raised, I hope that the Judiciary Committee will take it upon itself to give an opportunity to this man to be heard and let him say what he has to say. If it does not amount to anything, a lot of people will feel better, and Senators will feel better. It might clear the air.

Mr. FULBRIGHT. Mr. President, I appreciate what the Senator has had to say. I think it is quite consistent with what the Senator from Wisconsin has said.

I do not know these to be facts. I cannot say that it is not true. I accept the word of the Senator from Mississippi.

I do not see the urgency of this matter. In view of the great embarrassment to the Court, to the Senate, and to some of those who originally voted for members of the Court, it does seem that this is the proper time to take time to consider the matter.

If we had not had the experience we recently had with the Court, I would not think anything about it. I have not only had experience with the Court, but I have also had a very bad traumatic experience with the executive branch with reference to the war in Vietnam. And I am not disposed to be a party to such hasty and, I think, ill-considered action that has absolutely nothing to do with Mr. Burger's qualifications. I do not know enough to presume to give an opinion about the matter at all. I cannot see how it would hurt anything to delay the matter.

On the contrary, it would be extremely helpful to let everyone have the opportunity to read the record. Whether there is anything at all to the statement—and I did not read it all—it certainly leaves a bad taste in the mouth of a number of members of the bar.

The statement gives the names of a number of men. This was not signed only by Mr. Phillips or Mr. Bobrick. It was also signed by other men. I believe that one of them is a professor of law at Yale. Many other people feel that greater time ought to be given to the consideration of the nomination. Some of them have reason to oppose the nomination.

Mr. HARTKE. Mr. President, I notice from the calendar that there is no pressing business.

Since the calendar was last called, on June 2, one item has been added, to adjust the salaries of the Vice President, another to fix the date of citizenship of an individual for the purposes of the War Claims Act of 1948, another to amend title I of the Land and Water Conservation Fund Act of 1965, and another to amend the tariff schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing.

I do not see that the Senate would be deprived of the opportunity to move forward with its necessary business. The calendar is not crowded. Another few days would clear the air for many of us.

Mr. FULBRIGHT. The Senator is quite right. Nothing is pressing. The Senate has been recessing over a few days for weeks now because there is nothing on the calendar to be acted on.

I do not know that I have anything further to say. I think it would be wise if the matter were put over for a few days so that everyone would have the opportunity to read the record and consider the matter a little further.

I must say that I do not understand the constant attacks upon Justice Douglas. I realize that many people do not agree with his views. Many of his decisions have not been in accordance with my views. However, I think to attack him on the grounds of having served on a tax-exempt foundation and having appeared at the Center for Democratic Studies—two of the things he has done—seems to me to be a little odd at this particular time.

Mr. President, I yield the floor temporarily.

Mr. COTTON. Mr. President, not being a member of the Committee on the Judiciary, although it had been my privilege to serve on that committee for some years in the past, I had not intended to take any part in the colloquy today. However, I doubt if there is anyone within the sound of our voices who does not know exactly the significance of what is going on in the Senate Chamber this afternoon.

Mr. President, I have been a Member of the Senate for many years. I have voted to confirm a long string of Justices who were nominated to be members of the Supreme Court of the United States whose philosophy I did not approve and whom I never would have selected to sit on the Supreme Court.

I acted on the basis that I have never understood it to be the duty of a U.S. Senator in voting to confirm a Presidential nominee to follow the test of whether he liked the man or his philosophy, or whether he was a liberal or a conservative.

The test is whether his reputation and character was unquestioned. A Senator is not justified in voting against the confirmation of a nominee simply because of the fact that he would not have selected that particular man if he were President.

Mr. President, on that theory the Senator from New Hampshire in his 15 years in the Senate has voted again and again and again for Supreme Court Justices whose philosophy he suspected, and in almost every case his suspicions were proven justified. The Senator from New Hampshire has voted for them even though he was reluctant to see them elevated to that position. He has voted to confirm Justices that have never served on a court. And some of them had never practiced law to any great extent.

The Senator from New Hampshire, as a younger man, served for 10 years as a county prosecutor. When the Supreme Court of the United States handed down one of its decisions that made it a matter of minutes rather than hours that a proper warrant describing the offense should be drawn in order to hold the accused, the Senator from New Hampshire was then compelled to remark that it did not seem as if any member of the Supreme Court of the United States had ever even been around a police court long enough to realize the necessary procedure that has to be resorted to in the course of the law.

We have watched the Supreme Court throw every kind of safeguard and protection around every kind of criminal in the United States. We have watched the gradual erosion of the opportunity and capacity of enforcement officers to enforce law. We have read decisions that in the name of free speech have justified all kinds of filth and obscenity in this country. We have witnessed the Supreme Court enter into the area of State legislatures, with its long arm reaching into every State in the Union and dictating how many members they should have in their legislature and how they should be selected. We have seen all these things happen.

I have always admired my friends on the other side of the aisle, but I have never admired them so much or regarded them with such great respect as I do this afternoon. When I think how some of us sat through the past administrations and, because we were simple enough to believe that there was just one yardstick to be applied in selecting a Justice of the Supreme Court, and that was, one, that he was the choice and nominee of the President of the United States; two, that he had good character and reputation; three, that, in ability, he at least satisfied the minimum requirements——

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

Mr. COTTON. I yield.

Mr. EASTLAND. Does the Senator agree that Judge Burger is a man of honor, unquestioned integrity, and one of the greatest judges in this country?

Mr. COTTON. Mr. President, I certainly agree with every word the Senator from Mississippi has said; and I will now add that until this afternoon, I wondered in my own mind whether Judge Burger was another liberal or whether he had some regard for the Constitution of the United States and was a conservative. But my doubt has been dispelled, because the moment this performance started this afternoon in the Chamber, I instantly knew that I could have confidence in Judge Burger.

Mr. EASTLAND. I think it is a great appointment, and I think he will make a great Chief Justice when his nomination is confirmed. Not one word has been uttered against him this afternoon. No one can point to one reason why his nomination should not be speedily confirmed.

Mr. COTTON. I thank the Senator.

So far as I am concerned, I do not care whether we vote this afternoon or tomorrow afternoon or a week from now. But I have grave doubts in mind whether the remarks that have been made on the floor this afternoon simply evidence a desire to give full consideration. I think it is a pattern. I think it is quite evident that from now on, Members of this body are likely to drag their feet and filibuster if the nominees for the Supreme Court do not in their judgment fall within the groove and pattern of the type of legal and social philosophy that appeals to them.

Mr. EASTLAND. Judge Burger's philosophy is the law. He has no philosophy except what the Constitution means.

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

Mr. COTTON. I yield.

Mr. NELSON. For my own clarification, are any of the remarks I have heard the distinguished Senator make directed toward the reservation that I raised on the floor?

Mr. COTTON. Oh, no. I assure the distinguished Senator that I have the highest confidence in his complete sincerity and objectivity.

Mr. NELSON. Does the Senator know what the reservation is that I raised on the floor?

Mr. COTTON. Yes. I know that it refers to the Drew Pearson story about an alleged speech Judge Burger is supposed to have made in Santa Barbara. I read that article with deep interest, and I noted this: It did not attempt to quote a single word as a direct quotation from what Judge Burger is supposed to have said.

Mr. NELSON. Did the Senator hear——

Mr. COTTON. I heard the distinguished Senator from Wisconsin. He was very fair, and he called attention to that. I have served in the Senate a long time, and I would not for 1 minute question the sincerity of any Member of this body. I certainly do not question that of the Senator from Wisconsin.

Mr. NELSON. I just wanted to make it clear that I have reached no judgment based upon the merits at all. I raised the point that I never saw the committee hearing record until this morning, that there is no committee report, that I wanted to check what was said about the conference in Santa Barbara, and that I might very well conclude that I agree with everything he said. That is the sole, narrow point I make. I would be happy to read that record tonight, which I did not know was available until an hour ago, and vote tomorrow at 2 o'clock, and it is most likely I would vote for him.

I believe I have heard the Senator from New Hampshire at least once or twice, say, "I just got the committee report today, and I do not think we should vote until we have had a chance to read the committee record." Has not the Senator made that objection?

Mr. COTTON. I may well have made that objection.

The Senator from New Hampshire has no quarrel whatever with the Senator from Wisconsin. Not one word that he has said has been directed toward the Senator from Wisconsin or any other Senator individually.

Mr. NELSON. Mr. President, will the Senator yield further?

Mr. COTTON. I yield.

Mr. NELSON. Let me assure the Senator that if any President nominated a distinguished conservative or liberal or middle-of-the-roader to the bench, and his character, as the Senator from New Hampshire has stated, was above reproach, I would have no hesitation voting for the nominee, even though I might have a philosophical difference with him. I wish that to be understood by the Senator.

Mr. COTTON. I thank the Senator from Wisconsin. I am very much gratified by his assurance. My confidence in him, which was already great, is augmented.

I would like to make this point: Down through the years we have had other reports, unanimous reports, come in from the committee on the nominations of Justices of the Supreme Court. We have taken the reports of the committee, we have subordinated our own political prejudices, if we have them, and I guess we do, and our own ideas about the philosophy of the nominee. We have moved ahead and confirmed them.

I am not suggesting this has to be done this afternoon.

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

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator yield?

Mr. COTTON. I yield.

Mr. FULBRIGHT. That is the very point the Senator from Wisconsin and I are making. There is no report. The Senator says he has taken the report. There is no report on the nominee. We have only a very small record of the hearing.

Does the Senator know of any precedent where we rush in before writing the report and ask the Senate to vote?

Mr. COTTON. We have a unanimous report from the committee in favor.

Mr. FULBRIGHT. There is no report from the committee on my desk. There is nothing here but a record of the testimony. There is no report from the committee.

Mr. COTTON. What are the facts?

Mr. FULBRIGHT. I do not know who was there and voted. Usually that is referred to in a report as a point of reference.

All the Senator from Wisconsin and I say is that we have no report.

Mr. COTTON. Mr. President, of course, the distinguished Senator from Alabama and the distinguished Senator from Wisconsin are completely technically justified in their position.

Mr. FULBRIGHT. Mr. President, I think the Senator should apologize to the Senator from Alabama because I am from Arkansas.

Mr. COTTON. I beg the Senator's pardon.

Mr. FULBRIGHT. I do not know whether that was a slip of the tongue or not.

Mr. COTTON. Well, no. It may have been a Freudian slip, but I do mean the Senator from Arkansas and the Senator from Wisconsin.

Of course, they are completely justified in insisting on delay in this matter. I doubt in my own mind, not questioning their sincerity, but I can look across the aisle, and I can see every evidence of a situation that there is something more to this than the question of whether we are going to vote tonight or tomorrow. That is of very little significance.

Mr. FULBRIGHT. What does the Senator mean by that? Is he saying that the Senator from Wisconsin and I are lying to the Senate, or is he saying something else?

Mr. COTTON. I was careful about that, because I knew the Senator would say something like that.

I said that as I look across the aisle and listen to this debate I can detect beneath it something more than the mere question of whether we vote this afternoon or tomorrow, and that remark does not reflect on the sincerity of either the Senator from Arkansas or the Senator from Wisconsin.

Mr. FULBRIGHT. I do not understand the English language, then. Maybe I was thinking of something else. It certainly sounds that way to me and I think to everybody else.

Mr. COTTON. Mr. President, I find in the Daily Digest of the CONGRESSIONAL RECORD at page D459, for Tuesday, June 3, 1969, this report:

NOMINATION—SUPREME COURT

Committee on the Judiciary: Committee, in executive session, unanimously approved for reporting the nomination of Warren E. Burger, to be Chief Justice of the United States, prior to which action, in open session, the nominee was introduced to the committee by Senators Byrd of Virginia and Spong. Judge Burger was present to testify and answer questions in his own behalf.

So much for the question of whether the Senate knows or does not know this was a unanimously favorable report of the Committee on the Judiciary.

I want to take the time to smooth the feathers of the distinguished Senators from Arkansas and Wisconsin.

The distinguished Senator from Arkansas is a man whose leadership, whose tremendous ability I have admired so

much and who has been here so long and has played such an important part in Senate procedure that I doubt he is so naive that he never senses certain feelings on the part of groups in the Senate until they stand up and make a speech about it. I doubt if he has been here all this time and is incapable of analyzing what is being said in the cloakroom. I doubt if he lacks the perception to feel a distinct wave when something is happening in the Senate.

Anyone is stretching the words of the Senator from New Hampshire a long, long way—because he very carefully expressed them—when they attempt to say that I, for one single, fleeting instant, questioned the sincerity of either the Senator from Arkansas or the Senator from Wisconsin. I never did. I have known them and have admired them too long for that.

All that the Senator from New Hampshire said—and if this be treason, make the most of it—was that I had been here a long time and felt that I could sense an undercurrent when there is an undercurrent, that I had been here a long time and had voted again and again for nominees of the President of the United States to the Supreme Court whom I would never have selected and for whom I have been reluctant to vote.

Today, the first time the nomination comes down from the man who sits in the White House now, suddenly, and in spite of this unanimous report—which I think should be evidence enough that the report was unanimous on the part of the committee—because of two or three lines in a column written this morning and some communication that was pushed around to the offices, two or three lines a columnist wrote that did not even attempt to quote the words of Judge Burger—and, mark my words, that columnist is smart enough and able enough, if he had a direct statement that really questioned the jury system—I have never heard a bunch of lawyers when they got together that did not "crab" about juries—if he had the direct quote to criticize the Constitution of the United States—and if every lawyer were to be disbarred who said that the fifth amendment has been abused, there would be very few lawyers available around today——

Mr. EASTLAND. Mr. President, will the Senator yield right there?

Mr. COTTON. But if there had been—I shall yield after this one sentence—if there had been a direct quote from Judge Burger that suggested we should get rid of the jury system or the fifth amendment to the Constitution, you can bet your sweet life it would have appeared word for word between quotation marks in that column.

Yes, I am glad to yield to the Senator from Mississippi.

Mr. EASTLAND. Nothing like that was said by Judge Burger. There was a seminar at which he and a judge from Illinois discussed a number of questions. There were two other lawyers there, in addition to Judge Burger and the judge from Illinois, and six students. These questions were thrown out for discussion. It was apparent that the questions that were discussed were not the personal opinions of anyone who participated in that seminar.

Now the questions have been made about this democratic thing and about Judge Burger receiving compensation.

I have here what he actually received:

June 24 and 25, transportation by air to Santa Barbara and return to Washington, $330.

Taxicab, to Dulles Airport from residence, $6.50.

Taxicab at Santa Barbara—hotel limousine did not arrive—$7.

Taxi fare from Dulles to residence, $6.50.

Tips at airport and for cabs and hotel, $6.

Now, if that had been me, I would have had a much larger expense account than that. He paid part of his expenses to go out there to this seminar. That is the truth about it. It was realized throughout the whole thing that these questions were made up by Judge Burger and the judge from Illinois. They were thrown out for discussion by the group. It did not mean—none of them meant—that that was the position of any judge. Judge Burger certainly did not take any position on the fifth amendment or anything like that.

Mr. COTTON. Mr. President, I will yield the floor in a minute, but before I do, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I thank the Senator from New Hampshire for yielding to me. I might be able to throw a little light on this subject about trial by jury.

Reference was made to the fact that in my Commonwealth of Pennsylvania, under the waiver of a trial by jury, about 80 percent of cases are not tried by a jury but by a judge. I should know, because I am the author of that act, when I was the chairman of the Criminal Law Committee of the Pennsylvania Bar Association in the late 1930's. I am very proud of the fact that we in Pennsylvania have the right to the waiver of a trial by jury, if defendant agrees to it.

I would make only one further comment or suggestion and that is that while there has been a good deal of "horsing around" here in this august Chamber today, I have not myself heard any just or competent criticism regarding the competence of Judge Burger.

I do point out that this matter is on the calendar by action of the majority party, a majority list which is made up for our consideration, and we are here as their servants to consider such a list. If there are those who thought it should not have been brought up today, I suggest that they missed their forum. They could have taken it up within their own caucus or their own steering committee.

I thank the Senator from New Hampshire for yielding to me.

Mr. COTTON. The Senator from New Hampshire will conclude by saying this: that——

Mr. EASTLAND. Would the Senator from New Hampshire let me comment one bit further?

Mr. COTTON. Yes, I yield to the Senator from Mississippi.

Mr. EASTLAND. The sense or the meaning of Judge Burger's remarks out there were that the adversary system in this country was not the most efficient system but it was the best system in the world, and he quoted Winston Churchill who said:

> A democracy is not the most efficient government but it is the best government in the world.

That was the sense of what his remarks were.

Mr. COTTON. Mr. President, let the Senator from New Hampshire say this: It was not the purpose of the Senator of New Hampshire to discuss the merits of the nominee.

It was not the purpose of the Senator from New Hampshire to suggest that any Senator is not thoroughly justified, if he wants more time, in asking for it and calling attention to the reasons why he wants more time to consider it. But the Senator from New Hampshire could not resist remembering the years that he had unhesitatingly voted, time after time, for the confirmation of the nominations of good men—I have great respect for the members of the Supreme Court—even though he could not bring himself to be very happy about their appointment because of the philosophy they entertained. It seems to me that what is sauce for the goose is sauce for the gander, and when a man has been nominated, admittedly for nearly the highest office in the land, he should be subjected to the closest scrutiny. But there has not been one single cogent point raised today why we should not vote on this nomination, in the opinion of the Senator from New Hampshire.

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

Mr. COTTON. I yield.

Mr. FULBRIGHT. I submit that nothing can convey any question on the merits on that record, which does not reveal anything at all about the candidate. The Senator has said it is the highest office, or next to the highest office, of the land. The committee met, according to the record, at 10:35 a.m. and adjourned at 12:20 p.m., having taken all the testimony and having had an executive session. The Senator said there is a report. Customarily we have a report that is printed. Most times we give a résumé of what happened. I do not see whether there was even a record vote taken on this matter. Does the Senator know whether there was a record vote taken?

Mr. COTTON. I know the report of the committee said it was unanimous.

Mr. FULBRIGHT. The Senator has been around here some time. He knows we get unanimous reports on the floor of this body when there are only three Members here. I do not know; I am just saying I do not know whether there was a record vote on it.

Mr. HRUSKA. Mr. President, if the Senator will yield, I am sure the Senator from Arkansas would like to have positive, affirmative information on the subject. Having sat through the hearing and in the executive session afterward, I am here to state, and I do state, there was a record vote.

Mr. FULBRIGHT. How many Senators were present to make the vote?

Mr. EASTLAND. Thirteen.

Mr. HRUSKA. Twelve to nothing.

Mr. EASTLAND. Thirteen.

Mr. HRUSKA. Thirteen out of 15, which is a better record than the Senate has.

Mr. FULBRIGHT. The Senator from New Hampshire was saying this is an important position. I submit that 1 hour and 45 minutes' consideration by the committee is not oversolicitous of the importance of that job.

Mr. COTTON. But let me say to the Senator from Arkansas that I have been here in the past and that I have seen other Associate Justices—not Supreme Court Justices, but Associate Justices—have their nominations reported and acted upon and confirmed, without any question, without any longer time than that taken.

Mr. FULBRIGHT. What experience I have had with nominations to the Supreme Court, or the Chief Justice, particularly last year, indicated we should go considerably beyond that.

Mr. COTTON. Mr. President, the distinguished Senator from Mississippi asked me to yield. I yield to him.

Mr. EASTLAND. Before the Senator got the floor, I had said that, on the nomination of Mr. Justice White, the committee took from 10:30 to 12:05, 1 hour and 35 minutes; went into executive session, and approved the nomination. The Senate was in session. The nomination was brought to the Senate, and his nomination was confirmed that afternoon. The hearings were held that day. The committee voted that day. The Senate approved the nomination that day.

On the nomination of Mr. Justice Goldberg, the hearings were 2 hours and 5 minutes.

On Mr. Fortas, 2 hours and 40 minutes.

On Mr. Brennan, 2 hours and 50 minutes.

On Mr. Potter Stewart, 6 hours and 30 minutes.

On Mr. Whittaker, 2 hours and 50 minutes.

On Mr. Minton, 1 hour and 45 minutes.

And I had not heard anybody object at all.

Mr. COTTON. May I inquire from the Senator from Mississippi whether in any of those cases the committee filed a written report summarizing the evidence and giving the committee's reasons?

Mr. EASTLAND. No. In the case of Mr. White, we could not have, because, as I recall, he was approved within 1 hour after the Senate convened that day. Perhaps I am wrong in that statement. It was the same day, anyway.

Mr. FULBRIGHT. Mr. President, I wonder if the Senator will yield to me?

Mr. COTTON. I yield.

Mr. FULBRIGHT. I thought nearly everyone in this body, after the experience of a few months ago, in the very tragic case of Justice Fortas, took a vow that we were not going to continue this practice. The Senator described so accurately that the committee pays no attention to these matters and gives no attention to the nominations. We give that much attention to the nomination of an Ambassador to Mali. Is the Senator suggesting that the Committee on the Judiciary does not consider these nominations sufficiently important to give even 2 hours' or 3 hours' consideration to appointments to the most important Court in the land? I do not see that as a valid reason or excuse for this procedure.

I thought, after the experience of last year, the Judiciary Committee, along with every other Senator, took a kind of vow to do better in the future. Really, the reason why we are all concerned is the experience with Justice Fortas. I do not think there is any doubt about it. I think everybody in this body was embarrassed by what happened in the case of Justice Fortas. I think the Senator from Mississippi was.

Mr. EASTLAND. Mr. President, we could have spent weeks listening to witnesses, prominent judges, former presidents of the American Bar Association, who wanted to testify in favor of this nomination. We had a full committee meeting. Every member of the committee asked the nominee what questions he wanted to ask him. The members of the committee were unanimously satisfied that his nomination should be approved, and a vote was taken. I do not know what else could have been done. We could not manufacture testimony against him. We could not manufacture witnesses against him. We could not manufacture propaganda against him. We had nothing like that. We took the testimony of every person except one, and the committee decided not to do that, informally.

Mr. FULBRIGHT. Nearly all bills that come before this body are accompanied by reports. I confess I have not followed closely the procedure of the Judiciary Committee. Every treaty that is brought to the Senate by our committee to the Senate has a report of the action of the committee. It summarizes what is in the treaty and describes what it is about. But I make no point of that. The point I make is the very narrow point made only after the Senator from Wisconsin rose. Why is there such a hurry? Why do we not have time to read a very short hearing? I admit the testimony covers only about 20 pages in the hearings, including the statement of the Judge. I must say this is a very casual treatment for the Chief Justice of the United States. It seems to me we owe him a little more attention than that, merely in recognition of the importance of the position.

Mr. COTTON. Mr. President, I close by saying this. Incidentally, I did not know that every Senator took some kind of vow at the time of the confirmation of the nomination of Justice Fortas. In fact, at that time I did not learn, until long afterward, that there was anything wrong.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I meant last fall, not at the time of the nomination, but was not the Senator somewhat embarrassed by the developments of last fall?

Mr. COTTON. I was not embarrassed. I did not appoint him.

Mr. FULBRIGHT. The Senator voted for him.

Mr. COTTON. I surely did. I voted for many others.

Mr. FULBRIGHT. Last summer, when he was appointed and when he was nominated to be Chief Justice, I, along with a few other Senators prevented that from being done. The chairman of the committee was one of them. In view of what has happened, it would have been somewhat tragic if he had been confirmed as Chief Justice. Will the Senator agree to that?

Mr. COTTON. I beg the Senator's pardon.

Mr. FULBRIGHT. Would the Senator agree that it was unfortunate?

Mr. COTTON. Yes, I agree to that, Everyone wants the Senator from New Hampshire to stop talking so we can vote, and I am going to stop.

Mr. FULBRIGHT. I do not care. I am not urging the Senator to stop. I think he is making a record that is at least much more informative than the record we have before us.

Mr. COTTON. In order to accommodate the Senate, I shall, with all respect, decline to yield any further, and proceed to finish my statement.

Mr. FULBRIGHT. I thought the Senator agreed with me.

Mr. COTTON. I do not yield any further; I am sorry.

Mr. President, let the record show that the committee that voted unanimously in approval of the confirmation of Judge Burger consisted of JAMES O. EASTLAND, of Mississippi; JOHN L. MCCLELLAN, of Arkansas; SAM J. ERVIN, JR., of North Carolina; THOMAS J. DODD, of Connecticut; PHILIP A. HART, of Michigan; EDWARD M. KENNEDY, of Massachusetts; BIRCH E. BAYH, of Indiana; QUENTIN BURDICK, of North Dakota; JOSEPH E. TYDINGS, of Maryland; ROBERT C. BYRD, of West Virginia; EVERETT MCKINLEY DIRKSEN, of Illinois; ROMAN L. HRUSKA, of Nebraska; HIRAM L. FONG, of Hawaii; HUGH SCOTT, of Pennsylvania; STROM THURMOND, of South Carolina; MARLOW W. COOK, of Kentucky; and CHARLES MCC. MATHIAS, JR., of Maryland.

Mr. President, I have served on the Committee on the Judiciary. I have confidence in the Committee on the Judiciary. I have followed them before, even when I did so with reluctance. When this committee has considered this matter and unanimously—I do not assert that every one of the members were present, but I understand 13 were—and when these men, a majority of whom were, of course, of the opposite party from the President, considered his nomination and reported unanimously in its favor, I am satisfied to vote. That is what we have done in the past, and I hope we are not going to establish a new system of putting ourselves in the place of a President of the United States, and dragging our feet every time that he sends down an important nomination.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I wish to ask the Senator from Mississippi a question.

I know there are times when committees report nominations, and we take them up on the floor. This is true as to many independent agencies. It is usually because there is an emergency due to a vacancy, or some kind of reason for it. Otherwise, a report is handed down. I guess we have done it sometimes before all the evidence has been printed. But that has usually been in cases where

there is some emergency involved, and then afterward the committee files a report of what it did.

I do not know that the Committee on the Judiciary always follows that rule.

Mr. EASTLAND. No; it does not.

Mr. MAGNUSON. But it seems to me that there ought to be, in all these cases, a report. I know that in this case it would be very brief, because it would simply reflect what the committee did that day, and might contain a little biography of the nominee, and all those things that go with it. I am a great believer——

Mr. EASTLAND. That is all in the hearings.

Mr. MAGNUSON. I know, but this is the point I am coming to: I am a great believer in the committee system, and in many cases, as the Senator from Wisconsin has said, we have to follow the committee's advice on these matters. We cannot run everything down.

But if someone should write me tomorrow and say, "You voted for the new Chief Justice of the United States, or for a very important bill; will you tell me why you voted as you did?" I can answer such letters by sending them the report, but I cannot send them this hearing, because the hearing merely says, at the end, that the committee went into executive session.

What I usually do, for the information of the inquirer, is say, "Here is the committee report, and I have faith in the committee; therefore, I voted to follow the committee report."

My question was that it seems to me that on a matter as important as the confirmation of the Chief Justice of the United States, there ought to be, even though we may vote on Judge Burger today, a committee report stating what the committee did. Otherwise, we have only this hearing report, which would be of no help in showing what the committee formally did.

There have been statements made on the floor that the action of the committee was unanimous. But you would have to cut out a part of the CONGRESSIONAL RECORD to make such an answer complete. It seems to me that, as a matter of procedure, there ought to be reports.

Mr. EASTLAND. Now, the custom is——

Mr. MAGNUSON. I will finish in a moment. Sometimes we have such reports made, because of some emergency, even later, but there ought to be a formal report submitted, as there are in 99 out of 100 nominations.

Mr. EASTLAND. That is not correct.

Mr. MAGNUSON. It is for most other nominations.

Mr. EASTLAND. The Senator has been a member of the Committee on the Judiciary.

Mr. MAGNUSON. Yes.

Mr. EASTLAND. How many years?

Mr. MAGNUSON. About 8 years.

Mr. EASTLAND. Having been a member of the Committee on the Judiciary about 8 years, then, my friend from Washington knows that the only case in which there is a report on nominations is when there is controversy, and then there is a majority report and a minority report.

There is no controversy here. Not one word was said against this nomination.

Mr. MAGNUSON. I merely suggest that there ought to be a formal report made, whether it is before the vote or after the vote, depending on the will of the Senate, so that there would be something to show that the committee made its unanimous report, signed by the committee members, particularly in the case of a position as important as that of Chief Justice of the United States. I do not think that rules out any of the rest of them, but I merely wanted to know whether there would be a formal report on this nomination. The chairman has answered the question that that is not the practice in the Committee on the Judiciary, and therefore the only thing we will have is the testimony.

Mr. EASTLAND. We could file a report sometime, but everyone was in favor of the nomination.

Mr. MAGNUSON. What I am trying to suggest is that if we have a report, we can point to that and say, "Here is what the committee did. This is the way they felt about it." I merely suggest that; I do not remember what we did when I was a member of the Committee on the Judiciary in such cases.

Mr. EASTLAND. We followed the same system then.

Mr. MAGNUSON. But we did file reports on people when they were nominated.

Mr. EASTLAND. No, only in case of contests. I was on the committee before my friend from Washington became a member.

Mr. MAGNUSON. Yes.

Mr. EASTLAND. When there is a contest, of course, there is a report.

Mr. MAGNUSON. Naturally there would be then; individual, minority, and majority views.

Mr. EASTLAND. That is correct.

Mr. MAGNUSON. But it seems to me there ought to be a report filed.

Mr. EASTLAND. This was something unanimous; not a word against the man.

Mr. MAGNUSON. I am not talking about that. I am talking about the procedure again, of filing a report.

Mr. EASTLAND. I know what the Senator is talking about.

Mr. MAGNUSON. I am a little like the Senator from Arkansas. I do not know Judge Burger. I have never met him. I do not even recall reading about him prior to this appointment. That is why I have to rely upon the members of the committee, who were unanimous, and there ought to be something available other than just statements—a written report that the committee action was unanimous, that Judge Burger's name was sent up in nomination, his biography, the fact that the committee found he was a man of integrity and great legal ability, and all that, which is usual in reports. That would give us something to send on.

Otherwise, I am going to have to say, in all honesty, "I do not know the man." I do not know anything against him, I can say that; but if I had a report, there would be something I could fall back on.

Mr. NELSON. Mr. President, I might say to the Senator from Washington, if we had a rollcall response to fit a third category, as "I do not know" category I would vote that way instead of aye or nay. I rose only to explain my vote. I made no criticism of Judge Burger. Like the Senator from Washington, I have never met him and never seen him. I know nothing about him. I respect the judgment of the committee and the people who have spoken in his favor, but I do not know him.

By way of explanation of declining to vote for him, it was not on the merits, but because I received the hearing record this morning. I have not had a chance even to read it, and I wager there are not on this floor right now more than two or three Senators, other than members of the Committee on the Judiciary, who have even read the hearings.

After the late unfortunate affair on the Court, assurances were being given by everyone that there would be a careful review of any of the appointments. I would at least consider it my responsibility to read the record of the hearings before voting for a Chief Justice.

That is all I have to say.

I have explained that I might very well read the hearings and read the transcript at Santa Barbara, which has been made a public matter, not by me, but by someone else, and vote for Mr. Burger. But at least we should have the chance to read the record.

I might very well agree with everything he said or disagree with some of it and that might have nothing to do with whether I determined he is qualified to be the Chief Justice of the United States.

The Senator from New Hampshire responded to statements made by me or by the Senator from Arkansas and made the point that there is something partisan or something concealed in the fact that the Senator from Arkansas and I raised a question about voting now without reading the record.

I assure the Senator that I sat for 10 years in a legislative body, if that is of importance, and voted for every single appointment made by a Republican Governor save one. The Senator is not the only one who has supported the appointments made by another party. Every one does it.

I have not raised any point about the qualifications. However, this is a public matter. I am not going to say to the people of my State, "Yes, I voted for him without having had a chance to read the hearing record."

There are not many Senators in the Chamber who can say, "I got the record at 10 o'clock this morning. I sat down and read the 116 pages and satisfied myself on the basis of that record."

There is not any Senator in the Chamber who will say he has been able to read the transcript of the discussion at Santa Barbara, which I understand is available. It may not be of importance at all.

I am voting against the confirmation solely on the basis that I have not had an opportunity to read the hearings record.

I received a letter from a man in my State at the time one of President Johnson's nomination for Chief Justice was pending in the Senate. The man outlined two reasons why I should not support the nomination.

I wrote a devastating answer that responded to what he said and proved him to be wrong—except that he turned out to be 100 percent right.

He wrote me a letter 2 or 3 weeks ago and said:

Are you man enough now to admit that you were wrong?

I wrote him a letter in which I said:

I am prepared to admit I was wrong. I have been in politics a long time. I have eaten lots of crow. I have never developed a taste for it. I do not want to eat any more. I was mistaken.

I think I could have voted "yea" without any problem. However, as a matter of principle on any appointment to the Supreme Court of the United States or any elevation of a Supreme Court Justice to the office of Chief Justice of the United States, I am not going to vote "yea" until I have read the hearing record.

I have listened time after time to distinguished senior Senators delay the consideration of an issue by saying, "I just got the hearing record this morning."

I have never heard anyone argue with any senior Senator on that. They would say, "Well, would the Senator like to have it delayed until tomorrow or the day after?" Every time I have heard that point raised, there would be a delay.

It strikes me as mighty funny, after all the trouble we have had that in respect to something that raises a very serious question in the minds of the American public, we should not be able to say, "We read the record. We read the facts. We support the nominee."

I am satisfied that 999 out of 1,000 times I would vote for the nominee. Everything I have heard on the floor and elsewhere would make me favor it.

I would not vote against him because I disagreed with him philosophically, whether he was to the right or left of me. I would not want a Supreme Court composed of every one of my philosophical viewpoints anyway. I do not trust my viewpoint that much.

I think it is sound practice to have some people representing various viewpoints. I never would oppose anyone on that ground. I point out that after all of this fuss, Members of the Senate will be voting on this nomination without having read a page of the hearings record.

Mr. DIRKSEN. Mr. President, all of this has a pretty hollow sound.

The congressional summary for June 2 will show that in this session of Congress 2,416 nominations for civilian positions, other than postmasters, have been submitted to this Congress; 1,721 have been confirmed. There were reports on only three. Where were these voices all this time?

It is time to vote.

Mr. NELSON. Mr. President, I do not think the Senator was present when I addressed myself to that exact point.

Mr. DIRKSEN. I was present.

Mr. NELSON. I said the Senate acts on hundreds and hundreds of appointments. There is no conceivable way in which every Senator can make an investigation and judgment on each one of the appointments. However, at least as to the half dozen top positions in the Government, it is feasible for a Senator to make an independent check and to read the record and then to cast his vote.

That applies to only a handful of positions. It would be impossible to do it for all.

Mr. SAXBE. Mr. President, the Senator from Kentucky (Mr. COOK) is necessarily absent today and has asked that I express for him his high regard for Chief Justice-designate Warren E. Burger and his hope that the nomination will be overwhelmingly confirmed by the Senate. Since the Senator from Kentucky is unable to be present to vote for Judge Burger's nomination, he has asked that I place in the RECORD for him the remarks he would have made had he been able to be here. I ask unanimous consent that his remarks be printed in the RECORD.

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

STATEMENT BY SENATOR COOK

Mr. President, it is with a sense of sincere pride that I support the President's nomination of Judge Warren E. Burger to be Chief Justice of the United States. I had the privilege, as a member of the Committee on the Judiciary, to be present and to participate in the hearing at which Judge Burger was questioned by our committee. Never have I been in the presence of a more articulate and intelligent witness.

Certainly recent events indicate that this is not one of the high points in the history of the Supreme Court. The Nation needs a man of impeccable character, and the Court needs a man with proven judicial experience. Warren Burger certainly possesses these attributes as no other man available for selection. I congratulate the President on his choice and wish for the new Chief Justice many happy and productive years on our highest Court.

Mr. HANSEN. Mr. President, it is with real pleasure that I will cast my vote for the confirmation of Warren E. Burger as this country's next Chief Justice of the U.S. Supreme Court.

He is a distinguished judge and will serve, I am sure, with credit to our country.

Judge Burger brings to the Court a significant background of experience, integrity, and competence.

It is my hope that his service will do much to restore to the U.S. Supreme Court the prestige and respect it so justly deserves. His appointment will, I believe, add strength to the law-abiding forces of American society. It will give encouragement to all people of good will who recognize the first responsibility of society to make it possible for people to live together in peace—without fear.

I am convinced Judge Burger believes in the separation of powers; that he regards it as his duty to rule on cases within the framework of a rather strict interpretation of what the Constitution says. He is willing to let the legislative branch of Government write the law.

Mr. President, I welcome Judge Burger to the Court and wish him Godspeed in his duties.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Judge Warren E. Burger to be Chief Justice of the United States? On this question the yeas and nays have been ordered. Those voting in favor of the confirmation of the nomination will vote "yea"; those opposed will vote "nay."

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT (when his name was called). Mr. President, in view of the circumstances, I ask leave to answer "present."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Arkansas will be so recorded.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

I also announce that the Senator from Alaska (Mr. GRAVEL) is absent because of a death in the family.

I further announce that the Senator from California (Mr. CRANSTON), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) are absent on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), and the Senator from Vermont (Mr. PROUTY) would each vote "yea."

The result was announced—yeas 74, nays 3, as follows:

[No. 35 Ex.]

YEAS—74

Aiken	Brooke	Dodd
Allen	Burdick	Dole
Allott	Byrd, Va.	Dominick
Anderson	Byrd, W. Va.	Eagleton
Baker	Cannon	Eastland
Bayh	Case	Ellender
Bellmon	Cooper	Ervin
Bennett	Cotton	Fannin
Bible	Curtis	Goodell
Boggs	Dirksen	Griffin

Gurney	McGee	Smith
Hansen	McGovern	Sparkman
Harris	Miller	Spong
Hartke	Mondale	Stennis
Hatfield	Montoya	Stevens
Holland	Mundt	Symington
Hruska	Muskie	Talmadge
Jackson	Packwood	Thurmond
Jordan, N.C.	Pearson	Tower
Jordan, Idaho	Proxmire	Tydings
Kennedy	Randolph	Williams, N.J.
Long	Russell	Williams, Del.
Magnuson	Saxbe	Yarborough
Mathias	Schweiker	Young, N. Dak.
McClellan	Scott	

NAYS—3

McCarthy	Nelson	Young, Ohio

ANSWERED "PRESENT"—1

Fulbright

NOT VOTING—22

Church	Hollings	Murphy
Cook	Hughes	Pastore
Cranston	Inouye	Pell
Fong	Javits	Percy
Goldwater	Mansfield	Prouty
Gore	McIntyre	Ribicoff
Gravel	Metcalf	
Hart	Moss	

So the nomination was confirmed.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER FOR ADJOURNMENT UNTIL THURSDAY, JUNE 12, 1969 AT 11 A.M.

Mr. KENNEDY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. on Thursday next.

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

ORDER FOR RECOGNITION OF SENATOR DODD

Mr. KENNEDY. Mr. President, I ask unanimous consent that on Thursday, after the completion of the period for the transaction of routine morning business, the Senator from Connecticut (Mr. DODD) be recognized for not more than 1 hour.

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until 11 a.m. on Thursday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that they may be appropriately referred.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the same period all committees be authorized to file reports, together with individual, minority, or supplemental views.

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

AUTHORIZATION FOR PRESIDENT OF THE SENATE TO SIGN DULY ENROLLED BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President of the Senate be authorized to sign duly enrolled bills until June 12, 1969.

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

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I wish to ask the distinguished acting majority leader whether or not there will be some business on Thursday.

Mr. KENNEDY. Mr. President, on Thursday, after disposition of routine morning business, and after the address by the Senator from Connecticut, the Senate will proceed to the consideration of S. 1708, the bill to amend title I of the Land and Water Conservation Fund Act of 1965. We expect to have at least one rollcall vote on that legislation. Thereafter the Senate will go over until Monday next.

NOMINATION OF CARL J. GILBERT TO BE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS—REFERRAL OF NOMINATION

Mr. FULBRIGHT. Mr. President, there is a matter on the calendar about which I have just had a discussion with the distinguished chairman of the Committee on Finance. I wish to propound a unanimous-consent request with regard to one of the nominations on the Executive Calendar.

After consulting with the distinguished Senator from Louisiana, I ask unanimous consent that the nomination of Hon. Carl J. Gilbert, of Massachusetts, to be a Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary, be referred to the Committee on Finance with instructions to report back the nomination within 30 days.

After consultation with the Parliamentarian this referral, or unanimous-consent request, will not affect the original jurisdiction of the Committee on Foreign Relations to appoinments of this nature but does constitute a special case which will give the Committee on Finance an opportunity to hear this nomination.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

THE PROPOSED SAFEGUARD ABM SYSTEM

Mr. BAKER. Mr. President, on the subject of the recommended anti-ballistic-missile system, I wish to make two additional points.

First, with respect to the remarks of the distinguished senior Senator from Missouri (Mr. SYMINGTON) today I think it is clear under the circumstances that there is a substantial controversy over the deployment of the Safeguard system or any anti-ballistic-missile system in the defense of the United States.

I think it is unfortunate that in some quarters it has become a highly emotional matter. That has not been the case with the distinguished senior Senator from Missouri. I think he might join with me in stating that is so on some occasions.

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

Mr. BAKER. I yield.

Mr. SYMINGTON. I do join with the Senator in that regard.

Mr. BAKER. Mr. President, the only two points I would like to make at this late hour are as follows: One, the distinguished senior Senator from Missouri pointed out in a previous interview, as I said earlier today, that if a certain chart were released by the Defense Department it is possible that the argument over the deployment of the ABM system might be over. Clearly, he has seen that chart, as I have. I think it is clear the argument is not over. I think it is clear that there continues to be a substantial controversy, and it is clear that there is a substantial controversy in philosophy over what is best and proper for the defense of the United States.

I respect those who oppose the system. I personally support deployment of the system.

I make this last point. One of the arguments advanced in opposition to deployment of the ABM system is that the response of the Soviet Union might be to deploy a greater number of offensive missiles so that it might overwhelm the new ABM. As far as I know, no one claims that Safeguard or any ABM system is infallible or that it can entirely protect the United States against attack by an aggressor. On the other hand, I think we are all trying to do the best we can in the defense of this country. It is important to this debate that it now appears, and I have been informed, that the time has come when it is cheaper to build and deploy ABM Sprints than to deploy additional Minutemen. The time is at hand when it will be cheaper for us to build a component of a defensive system, an ABM Sprint, and its proportionate share of the radar cost, than it is for the Russians to build an offensive weapon to try to counter it. We are all concerned with the cost of defense. We are all concerned most with defense as an abstract quality of necessity for this country. I believe those two points, however, are significant in this colloquy.

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

Mr. BAKER. I yield.

Mr. SYMINGTON. I appreciate the position of the distinguished Senator

from Tennessee. It is not with respect to people like him, however, that I am anxious for the chart to be declassified. The able Senator from Tennessee has been on record as being in favor of the deployment of this Sentinel/Safeguard system for some time. The Senator from Missouri is against deployment, although I am for further research and development; therefore, the release of the chart, in my opinion, would not affect his opinion any more than mine. But the people who should decide are the people of the United States, and I am convinced in my own mind that, if this chart were released, it would show those people that such a very small addition of Soviet SS–9's would be necessary to nullify this planned deployment of Safeguard, that the people would be unwilling to pay this high price for this deployment.

If we would have more information released in favor of those opposed to the system as against what is being released by those for the system, I believe it would be more in the democratic process. I say this without the slightest criticism of the distinguished Senator from Tennessee, for whom I have respect and admiration.

Previously I have protested information being declassified in apparent effort to support those who favor deployment of this system.

This morning, we have another illustration of this problem—an article printed on the front page of the New York Times, written by William Beecher, who says:

> The analysis, by intelligence experts in the Pentagon primarily, suggests that multiple warheads now being tested by the Russians may be capable of being guided to three scattered targets and powerful enough to destroy hardened missile silos.

That statement, Mr. President, declares that the Soviets today are testing MIRVS—not MRVS but MIRVS. Mr. Beecher is a responsible newspaper man, therefore, must have been given this information by someone in the Department of Defense. I would add that additional information was declassified in the story by Mr. Beecher.

I do not believe that the thrust of Mr. Beecher's story is correct.

If it is not true, then it should be denied, else the American people will be asked again to agree to further taxes for national security without first being given all the facts.

I thank my colleague for yielding.

Mr. BAKER. I thank my colleague from Missouri for his important and relevant remarks.

I would point out, however, Mr. President, that, as he points out, cost is an important aspect of defense, and in this particular situation, we actually have approached, probably for the first time in history, a situation where it is cheaper to build a defensive system and all of the attendant paraphernalia that goes with it, than it is to build its counterpart in the offensive weapons arsenal, specifically cheaper than to build a Minuteman and put it in its silo, and cheaper than it is for the Russians to build an offensive weapon in an effort to overcome our defensive system.

We are talking about great sums of money, Mr. President, but at the same time we always must think of the cost exchange ratio; that is, the cost to the Russians to build a weapon to overcome our defenses, and the cost of defensive weapons as distinguished from the cost of an offensive deterrent.

I believe that in the case of the chart which the distinguished senior Senator from Missouri and I have both examined, by now virtually every aspect of it is known in this RECORD with one exception, that one exception being the appraisal by the U.S. Military Establishment, by the Department of Defense, of the number of warheads that would have to be delivered by the Russians in order to overwhelm our Minuteman as protected by the Safeguard system.

I believe that that information should not be declassified. It has nothing to do with the argument except in this sense: Is the investment in Safeguard so great and our advantage so slight that we should not undertake it?

My reply to that is: My information is that now Safeguard is cheaper to build than the offensive deterrent, and that Safeguard is cheaper to build than the Russian offensive deployment that would be required to overcome it.

If that is the case, I believe there is abundant demonstration of the desirability of turning this Nation to a defensive strategy instead of exclusively an offensive one.

Mr. SYMINGTON. Well, Mr. President, the one sure way to resolve this discussion is to release the chart. Let the chart speak for itself.

I did not mean to get into a colloquy with respect to the ABM system this afternoon, and am only doing so because my position on this matter was referred to earlier in the day.

But I would leave an additional thought with my colleagues this afternoon: Having spent many years in the defense part of our Government, and many years before that in the electronics industry, in private business, there are three basic aspects I know are pertinent to this ABM system:

First is the missile itself. I put in the RECORD some time back a list of the $23 billion and $50 million in missiles which has been spent on missiles later abandoned for one reason or another. We all know, as was so well illustrated in North Dakota last summer, that even missiles we have been working on for years, end up in test failure.

Next the radar. The radar incident to the Sentinel, Safeguard system is a great deal more complicated than the missile; in fact, the vulnerability of the radar itself could well be the core of the weakness of this entire system.

We have had open testimony that the "psi" of the radar was less than 10 percent of the "psi" of the Minuteman base.

My colleague from Louisiana (Mr. LONG) asked me what "psi" means. That is a "per square inch" measurement—comparable to B.t.u.'s—British thermal unit—for heat. In effect, it refers to the amount of concrete around a base or site. This is a summary.

We have had open testimony before the Armed Services Committee that the "p.s.i." of the radar is less than 10 percent of the "p.s.i." of a Minuteman base. The Spartan missile would never have been designed to defend a missile base site, rather was designed as a thin-area defense against the Chinese attack. Therefore the Sprint is the basic missile incident to the functioning of defense of the Minuteman base by the Safeguard system.

The Sprint is not a rifle. It has to be guided, and the way it is guided is by means of the MSR radar—not the long-range—PAR—radar, but the short-range—MSR—radar. Actually, the Spartan also has to be guided by the MSR.

Therefore, it is fair to say that if a radar with a p.s.i. of less than 10 percent of the Minuteman site is knocked out by, say, the SS–11's, of which the Soviets have hundreds, then any SS–9 extrapolation would not make any difference, because the Sprints themselves would be worthless.

That is the second component part of the Safeguard system.

By all odds, the most complicated aspect of the Safeguard system is the third component, the computer; in fact, two of the world's foremost authorities on computation say this required computer has problems that have not even been worked out in theory. We all know the computer itself has not yet been completed. When you consider the number of hours and months and years expended on a launch to the moon, where each operation is carefully watched by some of our foremost engineers and scientists, as against GI's handling a system all around the United States, if completely deployed by phase 2, a system which would have to operate instantaneously and automatically, in a matter of seconds, you can realize why some of us have grave apprehension about the wisdom of deploying this system at this time.

Mr. President, someone recently said to me, "We thought you were one of us." I thereupon looked up what I have worked for and voted for, in the interest of the security of the United States, this since I came into Government. The total of the defense budgets is $953 billion; and because, for the first time, I oppose a weapons system I consider unadvisable, I am not "one of us." What is the logic in that; especially as I want to do whatever is necessary for the security of my country.

There are varying opinions about whether this cold war is becoming warmer; but I am confident every American would agree that, when Mr. Stalin was alive, the cold war aspect of our foreign relations was far more serious than today. Then there was a monolithic structure behind the Iron Curtain, and a man running things whom we all know was interested in taking over the world. That is far from true today.

In 1950 the total budget for the Military Establishment of the United States—Army, Navy, Air Force, and Marine Corps—was $13.8 billion.

I remember meeting the late great President Eisenhower, in the Pentagon building. He was here to testify before the Appropriations Committee, whose chairman at that time was Senator Mc-

Kellar. Then he was president of Columbia University. I met him in his office in the Pentagon, where all five-star generals have offices. I pleaded with him to see what he could do to add $500 million to that $13.8 billion figure. But we did not get the extra $500 million.

Although the cold war is far less dangerous to the security of the United States today—and I have reported the $13.8 billion figure which was up 3 years before the death of Marshal Stalin—that figure, year by year, has now risen from $13.8 billion a year to $80 billion a year.

Recently I read that the originally requested amount this year for ammunition in Vietnam alone, is more than double the total Federal appropriation for primary and secondary education—$5.2 billion for ammunition in this sad war, $2.3 billion for primary and secondary education.

The current total annual cost of the Defense Department to the American taxpayer is over $17 billion more than the total Federal individual income tax take of the United States.

It is for reasons such as these that I welcome such discussions as to what we need to do and what we do not need, for our national security.

I opposed this system when it was presented to the Congress by the previous administration although I must say I thought, its design a more logical design for defending cities than for defending missile sites. In any case, all this discussion is constructive.

We have grave problems in this country today, troubles also with our allies and the neutrals, in all parts of the world in addition to the Far East. They appear as important as the strife being waged in South Vietnam. There are troubles here at home, not only in our cities, but also in our suburban and rural areas. An increasing number are worried about the future integrity of the U.S. dollar. Consider the fact that today in America we have over $1 trillion in life insurance. In addition, all people in Government as well as private industry are interested in retirement plans. Most working people are interested in pension plans. Then we have social security and medicare and medicaid. So I believe we must be careful, as Senators to do our best to preserve the integrity of the dollar.

A week ago yesterday there was an article published called "Money, Money, Money—Where?" This article pointed out, as the Senator from Louisiana (Mr. LONG), chairman of the Finance Committee knows so well, that prime rates today in this country are 7½ percent—today that rate went up to 8½ percent—and that short-term commercial loans in the New York market today are running between 9 and 10 percent; and I have heard of loans at considerably higher rates.

At the same time we are also having basic disagreement with our allies with respect to proposed additional credit by means of special drawing rights in the International Monetary Fund. As a result, said this article, we may have the crunch of a double crisis from a fiscal and monetary standpoint; a credit crisis in the United States at the same time there develops a currency crisis in Europe.

Only this morning, Mr. President, I read that the leading countries of Europe, countries wherein today, from the standpoint of their current position, are more prosperous than any others in world history, are in basic disagreement with the United States over the nature and degree of the annual amount of additional greenbacks wherein can be obtained through the SDR programs, designed for additional borrowing on the part of the United States.

It is the development in recent years of this new type and character of problem, Mr. President, that I would hope we all give full consideration to as we vote this on this military budget. We know that militarily, politically, and economically, the policies of the United States in recent years have now given us problems which, if not surmounted, could find us in serious trouble indeed.

Mr. BAKER. I was happy to yield to my distinguished colleague from Missouri.

I have a high and abiding respect for the breadth of his views and his consideration of the balance of equities in terms of the financial realities of the situation as we find it today, as well as in terms of the more pointed question as to whether we should deploy an ABM system, or whether we should resort to some other method for the defense of this country.

All these problems are interrelated, and I appreciate the remarks the Senator has made in this connection.

I would reiterate one single point: The valid question is how we can most cheaply and most effectively accomplish the defense of the United States. I suggest once again, Mr. President, that on the basis of the figures that are supplied to me, it is cheaper to build a defensive system—the Sprint and its associated radar—than it is to put a single Minuteman in its silo, and cheaper than it is for the Russians to build an additional missile to try to overcome that defensive step by the United States.

If that be the case, and I am so advised, then it seems to me that the merits of economy are on the side of missile defense, to say nothing of the moral and the humanitarian considerations. It gives me great pause and concern when I find the alternative proposition urged, that the United States should not build a defensive system, but rather build more and more, and bigger and bigger, offensive weapons, and point them at Moscow. If I lived in Moscow, I would be considerably upset. I have heard no such reactions from the Russians to the proposals by the United States to build a defensive system, which, by the nature of its engineering design, is incapable of rendering any injury to any nation beyond the continental limits of North America.

Mr. President, on the point that the defensive system is vulnerable, of course it is, as is an offensive system, which is just as radar-dependent, let us not fall into the temptation to believe there is a single, massive, whirling radar upon which our defenses are dependent. I believe my colleague from Missouri would agree, with his great background in the electronics industry, that what we are speaking of is a very advanced system of phased—array radar, interspersed at different and distant intervals, which is not nearly as vulnerable as a single point system of microwave transmission.

I believe that the economics, the humanitarian considerations, and the urgency of the world situation today support the deployment of a defensive system.

Mr. SYMINGTON. Mr. President, we are now skirting fairly close to classified information. All I can say is that one of my colleagues whom I respect almost as much as I do the able Senator from Tennessee pointed out to me recently that a scientist, whom he quoted by name, told him these radars in Sentinel/Safeguard could be "interlocked."

That scientist is a good friend of mine, so I asked, "How could you say you can interlock these radars, when you know there is only one radar per site."

He said, You could redesign it with more than one radar.

I said, "If you have to redesign it, why not wait a little while before deployment?"

To that, he had no answer.

Mr. BAKER. Mr. President, I yield the floor.

Mr. LONG. Mr. President, I have listened with great interest to the debate between my distinguished friends, the Senator from Tennessee and the Senator from Missouri, on this issue, on which we shall be required to vote.

The Senator from Louisiana is not going to give anyone any secret information on this subject, because he has none, and therefore he can speak freely and say anything he wishes to say.

I recall that when the Senator from Missouri first came to this body, I was one of the economizers and he was one of the big spenders. The Senator from Missouri was cautioning us that the cutback in military spending being made by the Eisenhower administration was altogether too great. I had been working on trying to find ways to save on the military construction budget. I was contending that the reduction was not nearly enough, that we ought to be saving a lot more than that.

The Senator from Missouri, at that time, was pointing out that much of the Eisenhower defense thinking was based on the theory that if we had a war, it would be a great atomic war, and that we had better position ourselves so that we could also fight a war with less than atomic weapons, because that might be the kind of war we would be forced to fight.

I believe history has proved that that is correct, and that we should have had a Defense Establishment with which we could fight either way, hoping our enemy would not put us in a position where we had to use nuclear weapons, but that if that happened we should be in a position to use them.

Thinking along that line has progressed to the further extent that if we

had to use nuclear weapons, we would hope we did not have to use strategic weapons to destroy the enemy's cities, but that we could achieve our purpose by using tactical nuclear weapons on the field of battle, to keep his army, with huge amounts of manpower, from overwhelming ours.

We can find a lot of ways to save money in the military budget. There are things we can do without. I have always been convinced that we did not need all those troops over there in Europe, that we could get by with one division as well as five. I believe the Senator from Missouri shares that view. If we brought them back, I would favor putting them back in civilian life, or putting them on a reserve status, so as to save the large amounts of money they are costing us, and eliminate that tremendous drain on our balance of payments.

But here we have a fundamental question of whether this Nation should ever be in a position that we are confronted with another nuclear power which is building a nuclear defense against our nuclear weapons, and have no defense against their weapons.

Mr. President, I am not familiar with all the technical problems involved in building a nuclear defense. I do recall that when I was debating the space satellite bill some years ago, I was making the point that we ought to realize the magnitude of the grant we were giving this space satellite company, because it would be within the capability of someone, within a few years, to broadcast from those satellites out there programs that could be seen all the way around the world.

The Senator from Missouri at that time made a speech explaining how difficult and complicated it would be, and how there was no way to be sure that at any time in the foreseeable future that would be practicable.

Well, we are seeing the programs from the satellites now. Of course, they are not being beamed independently from up there, but it is demonstrated that we can put the signal up there and relay it back, put power behind what we receive back here, and televise it from coast to coast, thus achieving the same result.

Some companies are working on what they think will be a breakthrough to give an 80-to-1 yield on atomic energy, for the purposes of providing commercial power. If we do that, we will be having batteries, in a few years, that would make it possible to broadcast directly from a satellite a signal strong enough to be seen by half the world at one time.

Things that seemed impossible or unthinkable a few years ago are becoming old hat nowadays. I recently bought the latest version of color television, the one recommended by the salesman in the store.

There are devices in that instrument that cause it to correct itself against various atmospheric and needed adjustments to change from one situation or another. They are built into the set. The picture changes automatically without one knowing why it happens. It just happens.

A person turns on the set and waits a moment and it will adjust itself. How they did it I have no idea. However, if one puts enough good minds to work on it, those things can be done.

We ought to hope that all of the money we spend on the missile defense will be wasted. We ought to hope that it will never be necessary to employ the missile defense to shoot down enemy missiles aimed at our country. However, we should not sit here and say, "It can't be done."

In the past, it has been the other way around. If we were to sit here and say, "Why, it can't succeed. Don't try it," we would find that while we were saying this, the Soviet Union might very well go ahead to develop a missile defense which would put us at their mercy.

It would be a tragedy to sit here while Red China went ahead at a tremendous sacrifice to their people to find the resources with which to develop missiles and a missile defense to confront us with an attack against which we had no defense, while Red China could defend itself.

We cannot risk that. To borrow a phrase that the Senator from Missouri used when he came here in about 1953, "It does not do you much good to be the richest man in the graveyard."

We should have a defense with which to protect ourselves. We should have a defense second to none.

I am not too worried about our ability to afford things. If we take the national debt and the national income and make one single calculation to put them in terms of constant dollars, we find that all of our fears about the national debt and how much the Nation is spending tend to diminish.

We would find in terms of constant dollars, whether in terms of 1968 or 1948 dollars, that if we put it on the basis of what a dollar will buy and project it either forward or backward to see what the comparative situation is, we are as well able to afford a missile defense now as we have been at any time in the past.

It has been pointed out to me that our national debt in relation to our gross national product—and particularly if one looks at it in terms of the part held not by the Federal Government itself, but by the people and companies outside of the Federal Government—it is less than when we entered World War II. And we are much bigger and stronger now. However, we need to make that kind of a correction to understand the relative strength of our Nation and its ability to afford something today compared to its ability to afford something many years ago.

Something has been said about our gold outflow. Our main difficulty with that, in my judgment, has been the fact that we too long continued to follow policies we followed at a time when we wanted the other fellow to build up his gold reserve at our expense. We continued to follow it long after the situation no longer justifies it.

We continue to follow trade and aid policies which were founded on the basic assumption that we need to help the other fellow improve his position whether he cooperates with us or not. Many of those policies are still in effect today although the circumstances have long since changed.

We consider the possibility of building a successful missile defense, we should also keep in mind that many things have been done in the past such as the building of the first atomic bomb and the first hydrogen bomb which others said could not be done. Many things have been done in space which others said could not be done.

Unfortunately, in the space area, because of our failure to pursue our objectives relentlessly, we let the Soviet Union get there first. We are now beginning to overcome the lead of the Soviet Union that existed at one time. Perhaps we will be the first nation to land a man on the moon.

However, if we permit ourselves to be pessimists and say that it cannot be done and that we cannot delploy a successful missile defense system, to the point that we never even try to build one, then assuredly our enemy will have it first.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 29) to correct the enrollment of Senate Joint Resolution 35.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 192) to reprint a brochure entitled "How Our Laws Are Made."

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 162) authorizing the printing of the book, "Our American Government," as a House document.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 3480) for the relief of the New Bedford Storage Warehouse Co.

CAMPUS UNREST—SURFACE IMPRESSIONS AND ROOT CAUSES

Mr. EAGLETON. Mr. President, as the Nation breathes a sigh of relief to mark the close of an academic year marked by disorders and violence—a sigh once reserved for the passing of summer from our tormented and strife-torn cities—it is well to reflect on the events of the last year.

Many questions were raised in our academic communities which will not soon be answered. Why do the students raise such profound hell? How did they get that way? Who are they? What do they represent? What do they want? When will it all end?

I do not have all the answers. I doubt that anyone does. However, the questions cannot be ignored, for while only a few

students participate in the burnings, a great many are deeply concerned and highly critical of the American society, its government, its purposes, its goals, and its values. Many of these concerns deserve our attention. All too many people feel that if the campus leaders were rounded up, expelled, and jailed, the trouble would end.

This is a dangerous oversimplification. As Carl Schorske, University of California historian notes:

In history when you confuse revolution with a few malefactors, you're in trouble.

For, in fact, the activists, idealists, radicals, and the moderates all gather fuel for their indignation in the same place—in the ills of our society, the trauma of the times, the disparity between promised ideals and actual deliveries, between stated goals and shoddy performance, and, always, in the contradictions of the generation gap.

I fully expect, during this session of the Congress, that we will be debating various proposals to restrain campus disorders. I would hope, during this debate, that we would also discuss some of the underlying causes of these disorders as well.

In this regard, Saul Pett, an Associated Press special correspondent, wrote a very penetrating article which was carried yesterday in some of our Nation's leading newspapers, including the St. Louis Post-Dispatch.

One excerpt from this article which I found to be particularly pertinent read as follows:

A boy of 20 sees the big bomb on the horizon, a cold war that does not end, a hot war that does not end, a draft that does not end, poisonous race conflict that does not end, while the air around him grows dirtier, the streams get more polluted, the countryside gets more cement, traffic grows more congested, bigness gets bigger and less responsive to individual need, government, universities, corporations and unions all grow larger and in the great shapeless flood, a single human being sinks deeper in numbers, a cipher in somebody's computer.

A boy of 20 today sees technology as a runaway ravenous monster providing more and more machines and less and less space and serenity for the individual human. In his lifetime, a boy of 20 finds it difficult to see that his country has solved any major human problems.

Mr. President, I ask unanimous consent that the article by Saul Pett be entered into the RECORD at this time as well as a speech I recently delivered in Kansas City, Mo., on this same subject.

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

[From the St. Louis Post-Dispatch, June 8, 1969]

WHY IS YOUTH IN TURMOIL?

(By Saul Pett)

(NOTE.—For America's colleges, this has been a far from silent spring. Campus after campus stirred with an uneasy life of dissent, demonstration, and violence. Are there voices beyond these that give some meaning and coherence to the year's chaos? An Associated Press reporter who has searched diligently and listened attentively seeks to illuminate the pattern behind the pattern.)

NEW YORK, June 7—"You brought us up to care about our brothers," the boy said to his elders. "You brought us up not to run away from injustice but to recognize it and fight it and destroy it.

"And now you castigate us. You castigate us because we think and we care. You demean our consciences, the consciences for which you are largely responsible. And you insult us by describing protest as our social fun.

"Now I want to get this much clear. To think is to make oneself very uncomfortable. To care is to sacrifice something and to act on that is to risk something. To enjoy that is sick and we don't enjoy it.

"We'd rather live. We'd rather be together and play our music and be in the mountains. This world remains somewhat consumed by insanity. We acknowledge, we do acknowledge with gratitude, you know, the great gifts that you've brought to this earth. But some of these gifts trouble us very deeply, and what troubles us even more deeply is that fact that you would have us ignore that which remains to be done. . . .

"The world seems ready to destroy itself and I ask you not to contribute to that destruction."

The boy's name is Pat Stimer and he is student body president at the University of Colorado, a relatively quiet campus at Boulder. Stimer is a student activist who believes in fighting for change within the system and in this appeal was talking to the Board of Regents of his university.

How do you react? Does he bore you, impress you or irritate you? Do you think he was eloquent and his words illuminating? Or do you find your stomach muscles tightening, your back stiffening and the thought mounting: Just who in the hell does he think he is, this kid who never fought a war or a depression or met a payroll, who is he to lecture his elders—did you almost say, betters?—on the meaning of words and the nature of hypocrisy?

Your answers may tell you much about a subject most people are bored with and a few yet understand—the great student uprising of 1969, the shattering spring of wild discontent now pausing for graduation and summer. It leaves behind more questions than it answered. Why? How? Why do they raise such profound hell? How did they get that way? Who are they? What do they represent? Is it contagion or conspiracy? And, praise God, when will it end?

It will not end soon, according to many experts, even if the Vietnam war ends tomorrow. The war has been the greatest single cause of student unrest or, as one man puts it, "the well in which all the agitators let their buckets down." But it was the war which let students to examine the system and now, to them, Vietnam is but a symptom of society's other sins. Now there are other wells and other buckets.

"We are in for a long haul," say Roger W. Heyns, chancellor of the University of California, Berkeley. "New recruits to protest are coming up all the time along a transmission belt of attitudes which runs stronger between the young and the younger than between children and parents.

"And if you think I'm radical or farout," many college activists have told Kenneth Keniston, the Yale psychologist, "wait until you see my younger brother or sister."

Student activists are a mixed bag of bright, articulate, likeable and obnoxious kids who, the experts tells us, most frequently come from affluent, middle-class liberal homes. They include idealists seeking reforms within the system, on their campus and in Washington. They include radicals vaguely seeking a revolution to replace the system with a vaguely-conceived Marxism, which is unlike Russia's—they are equally critical of Russia and the United States—and is, in fact, unlike any now existing.

Finally, they include outrageous nihilists who come to the barricades loaded with their own psychological baggage, who get their kicks out of breaking windows, goading a cop, tossing a dean out, or saying, as one did recently to Morris Abram, distinguished liberal, former diplomat at the United Nations and now president of Brandeis University:

"Substance? I'm not interested in substance. I'm here probing your moral blubber to see if you have any vertebrae left."

The nihilists, we are told, are a small minority within the activists, who have been attracted to the movement by the increasing publicity. They are, we're told, the 'alienated," the ones who hit the hard drugs or sex as if it were a club with which to beat their elders. They are, according to Dr. Seymour Halleck, University of Wisconsin psychiatrist, the "casualties of devastating combination of affluence, permissiveness and neglect."

All activists together make up a tiny minority within the whole American student body. You may find it reassuring that most collegians are still typically collegiate and unpolitical. They are mightily "concerned" about their dates, their fraternities, whether Yale decapitates Harvard at football. One night during the student revolt at the University of Connecticut, a night of a crucial rally before the barricades, there were at least 700 other students solemnly engaged elsewhere on the campus in an annual rite, a beer-chugging contest in which one demigod drank 19 bottles in 60 minutes.

Surely a generation which can do that can't be all bad.

But in addition to the activists and the casual collegians there is a large group, in fact, a majority on some campuses, of moderates who are deeply concerned and highly critical of the American society, its government and its values. They may disagree with the activists on tactics but are usually sympathetic with their goals. They do not themselves seize buildings but when the cops bust heads it is the moderates who come a running, join the majority and make possible, for example, the closing of a university. It is the moderates at the better universities. Keniston says, who usually supply American society with its leaders.

Without them the college revolt would be deader than the Edsel and, according to Carl Schorske, University of California historian, their elders make a big mistake in thinking the campus uproar would end if the ringleaders were just rounded up.

"In history," Schorske says "when you confuse revolution with a few malefactors, you're in trouble. The British made that mistake about the Boston Tea Party."

Together, the activists, the idealists, the radicals and the moderates all gather fuel for their indignation in the same place—in the ills of modern society, the trauma of the times, the disparity between promised ideals and actual deliveries, and, always, in the contradictions of the generation gap.

"If you wonder," Mayor John V. Lindsay of New York said recently, "why so many students seem to take the radicals seriously, why they seem to listen to clearly unacceptable proposals and tactics, ask yourself what other source in the past has won the confidence of young people.

"Is it the Government telling us that victory in Vietnam was around the corner, or that we fight for a democratic ally that shuts down newspapers and jails the opposition? Is it the military, explaining at Bemtre that 'it became necessary to destroy the town in order to save it'?

"Is it the moralizer, warning of the illegality of marijuana smoking as he remembers fondly the good old days of illegal speakeasies and illegal bathtub gin? Is it the television commercial promising an afternoon of erotic bliss in Eden if you only smoke a cigarette which is a known killer? Is it the university, which calls itself a special institution, divorced from worldly pursuits, while

it engages in real estate speculation and helps plan and evaluate projects for the military in Vietnam?"

After talking to students across the country this turbulent spring, one could ask other questions. Whom should they believe?

Is it the veteran of the depression who raised his children in the hope they would never have to worry about money and now is angered that they don't? Is it the middle-aged man who audibly yearns to escape the "rat race" of modern living and is appalled when his son seeks to avoid it in the first place? Is it the "enlightened mother" who hoped her children would not be inhibited by sex and now is horrified that they aren't?

Is it the good union man in Detroit, who took part in violent, illegal sitdown strikes in the 1930s and now is shaken by the spectacle of his daughter taking part in violent, illegal seizures of college buildings? Is it the income-tax cheater lecturing his son about rifling the dean's files? Is the judge, who remembers that it was the Americans who insisted at the Nuremberg war crimes trials that Germans should be held accountable for not disobeying their Nazi leaders, the same judge who now deals sternly with draft card burners?

Is it the white northern "liberal" who cheered when his son went south to fight for black civil rights and now thinks things are moving too fast when they bus Negro kids into his neighborhood? Is it the veteran of World War II, proud of the army he fought with across France, trying now to explain to his son why the United States Army denied, hedged and finally admitted it was its secret nerve gas at its secret installation that killed those 6000 sheep?

Is it the middle-aged mother, the lady working so hard at the League of Women Voters, trying to console her daughter and restore her faith in the democratic process after the trauma of 1968—the rising expectations of the young, the deaths of Robert F. Kennedy and the Rev. Dr. Martin Luther King, the defeat of Eugene J. McCarthy, the bloody, nightmarish chaos at the Chicago Democratic convention, the nomination of a man who had won no primaries?

But from the opposite cliff at the generation gap, the elders are asking many questions of their young. Whom among you shall we take seriously?

Is it the revolutionary who grows impatient when asked what he would replace the system with? Is it the young logician who justifies burning a university building by the "napalming of babies in Vietnam"? Is it the fearless student leader who knowingly breaks the law and immediately demands amnesty as his price for not continuing to break the law? Is it the young critic, whom Harvard taught to be critical and who now says to a Nobel laureate: "We're going to close down Harvard and when we get it the way we want it, we'll give it back?"

Is it the young master of the confrontation, who spits at the cops and then howls, before television cameras, about police brutality? Is it the rationalizer who, as John W. Gardner says, is "vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty?" Is it the boy who was raised on "demand feeding" and now insists on instant gratification and instant reform? Is it the thoughtful rebel who profoundly dishonors his father by burning his country's flag? Is it the astute historian who acts as though history began with his birth and he and his peers are the sole avengers of the oppressed, the sole apostles of the good, the true and the beautiful?

Is it the young sociologist, armed with movie footnotes from "The Graduate," who insists that all adults are money-grubbing, status-seeking, wife-trading, booze-swilling hypocrites whose only advice to the young is to make a killing in plastics? Is it, finally, the radical destroyer who is unaware that a society, any society, once destroyed is difficult to replace, that any organization of human beings is a fragile thing and, as Richard Rovere notes, "it is devilishly hard to get a human society in which decency has any room to function"?

In the human species, generation gaps, of course, are not unique to this era. Children have been shocking and baffling parents probably since the first caveman's son announced he could do his thing only in a treehouse.

There seems, however, little consolation in the fact that generation gaps are old stuff. This is the one we have to deal with. It may be wider now or merely more visible and painful because the parents of today's college students probably tried harder to become for their children "friends" and confidantes instead of wardens. In any case, the gap is wide and deep and each generation seems frozen in an angle of vision imposed by its own time.

A boy of 20 sees the big bomb on the horizon, a cold war that does not end, a hot war that does not end, a draft that does not end, poisonous race conflict that does not end, while the air around him grows dirtier, the streams get more polluted, the countryside gets more cement, traffic grows more congested, bigness gets bigger and less responsive to individual need, government, universities, corporations and unions all grow larger and in the great shapeless flood, a single human being sinks deeper in numbers, a cipher in somebody's computer.

A boy of 20 today sees technology as a runaway ravenous monster providing more and more machines and less and less space and serenity for the individual human. In his lifetime, a boy of 20 finds it difficult to see that his country has solved any major human problems.

Unsettled though he may be by recent events, a man of 50 looks back and finds solace in the progress made in his life. He saw a great and crushing national depression ended and the government of his country begin to assume responsibility for the economic welfare of its people and the power structure reshaped to include labor with capital and a war won that urgently needed to be won, a war in which it was easy to distinguish the good guys from the bad.

He can remember when there were no jet planes or space travel or polio shots or television or two-car families or pensions for the aged and electricity for the farmers. If in recent years, he began to doubt his government, he can remember many years when he didn't. If today's national problems begin to overwhelm him, he still nourishes an old-fashioned faith that somehow America produces the right man at the right time.

In any case, he is 50 and middle-aged and tired and it was a helluva rough day at the office. He has fought his wars, earned his living, raised his children, adjusted his dreams and asks now, perhaps not unreasonably, for a little peace.

One generation takes affluence for granted. The other can't and never will. It is, perhaps, the single most tangible fact that separates them.

When it could, one generation went to college worrying about money, a concern which in retrospect was both an advantage and disadvantage. It limited our choices but it also gave us less room to grope for our "real identity" or find "our thing." We had to be specific. We went to college to learn a profession or a specialty that would get us a job.

This generation today is the first in our history, experts agree, which is not going to college just to earn a living. Freed of money problems, it is free to explore its mind and conscience, to delay the traditional burdens of adulthood, to learn more about more things, to concern itself with the quality of life and the needs of others.

This generation of young middle-class whites results from what is both good and bad in their country. They grew up taking for granted food on the table and a car in the garage and a freedom to move up and down and sideways in the social structure. Fewer Jews today have to worry about making the country club. Fewer Irish Catholics have to worry about getting a job in a Boston bank because they're Irish Catholics. Accustomed to economic security, accustomed to a relative absence of discrimination, they are more shocked than their fathers were to discover that poverty and bigotry still exist.

One generation takes comfort in what has been done. The other is outraged by what remains undone.

For example, Morris Abram, Brandeis University president, and his son.

"I measure the world by what I knew as a boy and what there is today," the father says. "My son never lived in a society where segregation was commonly accepted. I did. I see great progress. He doesn't."

For example, Henry Norr, graduate student, radical and leader of the Students for a Democratic Society at Harvard. He told an older man:

"Your generation had the depression and the war, and for you the system proved itself, especially as it rewarded you. My generation grew up free of that loyalty and deep attachment. We were free to see its faults. When I was 10, I was totally fascinated by cars, read all the catalogues. Later it dawned on me that maybe a system which put that much into tail fins and left a lot of people hungry was all screwed up."

For example, Manuel Delgado, Mexican-American, radical student at the University of California, Berkeley. He said:

"My father still thinks this is a land of equal opportunity because somebody like Thurgood Marshall made it to the Supreme Court. I don't. He thought the way to a better life was when you made money, you'd move out of the Mexican ghetto to a white neighborhood. But then the whites moved out and he was in a ghetto again, having given up much of his culture to get there. I see no reason why we should give up any of our culture. That's why I fight for a college of ethnic studies."

For example, Jim Nabors, black radical student at Berkeley:

"My father thinks the better world will come through the ballot box and people like Adlai Stevenson. I think it can come only through revolution and people like Malcolm X."

This generation of college students was the first born into the atomic age. As children many of them watched those dandy documentaries about what would happen if the bomb fell—who would die, who would live, would a man be morally justified in using a gun to keep radioactive neighbors out of his family fall-out shelter? And all of today's students are old enough to remember when the world wobbled close to the real thing in the missile crisis of 1962.

To what extent the threat of nuclear destruction shadows their thinking is difficult to determine. They talk little about it but most people who study students are convinced it is a huge factor yet to be defined.

"In a way, it's like the Eskimos," Kenneth Keniston says. "They don't talk much about the cold but obviously it affects their lives enormously." The student says little about the bomb in a personal way but he does say, frequently, "Who can plan his life 20 or 30 years ahead?"

In his study of "The Young Radicals," Keniston wrote: "It is now realistic to imagine not only one's own unannounced death and perhaps the death of one's intimates through natural catastrophe but to envision the 'deliberate' destruction of all civilization, all life . . . Technological death has a peculiar quality of impersonality, automacity and

absurdity to it . . . Paradoxically, malice, anger and hostility are no longer necessary to create a cataclysm beyond the imaginings of the darkest sadist . . .

"Auschwitz, Hiroshima and Nuremberg, the principle that people owe more to world humanity than blind obedience to their own national leaders are the birth pangs of the postwar generation, and their lessons—the bureaucratization of genocide, the clean ease of the unthinkable and the ethic above nationality—have marked youth."

Additionally, there is the immediate violence that surrounds the boy of 20 today. It comes directly into his livingroom on television. It turns public events into private traumas more often than in the boyhood of his father. Until he went to war, his father's exposure to violence usually was more remote. Generally he didn't see it; he read about it. The difference is enormous. The boy of 20 today has, in effect, seen boys of 20 die in war in his own living room, black and white Americans killing each other in his living room, police clubbing students, pickets beating strike-breakers. Most importantly, he has seen the sudden searing deaths of his heroes, John F. Kennedy, the Rev. Dr. Martin Luther King and Robert F. Kennedy, deaths which, one writer noted, "severed America's most vital links between youth and age."

Precisely how this whole litany of shock affected the boy of 20 remains to be measured. One can easily guess, though, that it sharpened his sense of mortality, his own and his heroes', his sense of life's unpredictability, of profound national disarray, sickness, injustice, anarchy even in the most civilized nations. After a diet of violence, does the seizure of a university building seem singular to him? Does the unthinkable become thinkable?

Henry Norr, 23 years old, graduate student, class orator last year at Harvard and this year one of the leaders of its revolt, tries to calculate the effects on him of watching real violence on television as a boy. He says, "When you see it almost as if it's there right behind the TV set, it seems so close you could reach around the box and do something about it."

Among people who study students, there seems little doubt they are more mature than their parents were at the same age. They have traveled more, seen more, experienced more. They frequently experience sex at an earlier age. How important is this in shaping their attitudes?

"Considerably," reasons Huston Smith, professor of philosophy at the Massachusetts Institute of Technology. "To enter the world of sex is to be initiated into the major mystery that separates youth from manhood. It introduces a different sense of self, a sense of being in full measure a man or a woman . . . The times are out of joint because university structures have not changed to take sufficient account of the fact that students are now more like teachers."

Smith includes the factor of drugs. Many students have smoked marijuana. Far less have tried LSD. Both provide escape, both solve nothing.

"They can, however, magnify, mystify, at times clarify, and above all multiply the ways in which a problem or situation is viewed," Smith says. "This leads the users to feel that in some sense that is not totally trivial they have a wider angle of vision than their elders."

More and more, students become an increasing proportion of our population and they want an increasing voice in our destiny. They look at our technology, our resources and talents and they see no reason why anyone should go hungry or be ill-housed.

"We expect youth to be idealistic," Smith says, "but never has idealism had such grounds for impatience, for never has the gulf between the possible and actual been so great. What passed previously for inability to improve the social order has come to look like unwillingness . . ."

And always there is the Vietnam war. "It is foundational, pivotal . . . This most doubted war in our history eats away and festers; it pollutes everything. Students interrupt careers, risk lives, sacrifice lives, forgo prospects of marriage and family for what? In the eyes of myriads of students, for evil, to use our massive might to try to dictate to our self-interest the outcome of a civil war half way 'round the world."

The moral authority of pastor and parent diminishes. The moral authority of government and law diminishes. On all levels, the process of decision is questioned and attacked. What was sacrosanct yesterday is public debate today. Catholic priests oppose their Pope. Blacks oppose whites. Citizens march on Washington. Buildings are set afire within sight of the White House.

"God is dead!" cry the cynics. "Mankind will be!" cry the pessimists.

Prosperity increases. The welfare burden increases. Big cities approach bankruptcy. Taxpayers disrupt school board meetings. Teachers close down schools by strikes. Policemen and firemen threaten to walk off their jobs. American soldiers circulate underground newspapers denouncing the Army. The unthinkable multiplies.

The right-wing blames it all on the Communists, who, they're convinced, are running things behind the scenes. The left-wing blames it all on the military-industrial complex, which, it is convinced, is running things behind the scenes.

Others ask: Is anyone in charge? To the blowing of trumpets, man reaches the moon while the earth wobbles. The world shifts, jolts, changes with no stability or grand plan in sight. Thoughtful Americans search mind and soul for an answer.

"There is," says John W. Gardner, a thoughtful man, "an almost overpowering temptation to believe that somewhere along the line we made one big mistake, forgot one big truth, overlooked the one key to salvation. We want a simple answer. But the pat formula will never appear. Many things are wrong. Many things must be done."

Campus Unrest—Surface Impressions and Root Causes

(Speech by Senator Thomas F. Eagleton, Democrat of Missouri, at Metropolitan Junior College Commencement, Kansas City, Mo., June 6, 1969)

The American public received a violent shock in the summer of 1965 when the Watts area of Los Angeles exploded. We were appalled at the arson, the looting, the sniping. The shock was intensified in succeeding summers as rioting mobs ravaged Detroit, Newark, Chicago, Washington and other cities.

Many thoughtful but complacent Americans were equally shocked by the revelations of the Kerner Commission on the causes and origins of the riots. The report spelled out in painstaking, and often painful, detail the hunger, poverty, despair, frustration and isolation that are the everyday lot of the residents of America's urban ghettos. For those who took the time to read it, the Kerner Commission report transformed the understandable, immediate reaction to repress to a recognition of the grave problems underlying the riots and a concern for their solutions.

Today, we are experiencing another phenomenon which is equally as shocking to many Americans as the urban riots, but far less easy to understand. The university riot of 1969 has replaced the ghetto riot of Watts, 1965 and Newark, 1967, as the current subject of public dismay.

While the inner city violence usually sprang from a climate of deprivation, campus violence often springs from a climate of relative opulence, intellectually at least. Environmentally, Watts and Hough are far different from Harvard and Cornell.

Despite the obvious external differences between the nature of urban and campus violence, I think we should recognize a basic ingredient, a factor common to both. In the ghetto and on the campus there is a pervasive feeling of discontent, uneasiness and frustration which can be triggered into unrestrained, even illegal, conduct.

At the time of the various ghetto riots, many suggested, myself included, that two simultaneous approaches were needed.

First, of course, violence and illegal conduct had to be checked. Life and property had to be protected. Law had to be enforced.

Second, and more difficult, the conditions which gave rise to the violence had to be recognized and dealt with. Sadly, I must confess . . . despite massive evidence of need . . . despite the Kerner Commission Report . . . despite squalid, inhumane conditions of human existence which can no longer be ignored, our movement in this second area has been pitifully slow and has been retarded both by a less than decisive national will and by a blood-and-dollar-draining war that drones on endlessly.

I believe today with respect to the campus as I did with respect to the ghetto that we have to cope with the disturbance on two levels simultaneously.

First, our institutions of higher learning must be preserved. They must be permitted to function. The faculty and administration must not be intimidated.

Second, and again more difficult, the root causes of the eruptions must be recognized and treated.

In taking such an approach we must be careful that the tip of the iceberg—the immediate disorder—does not so provoke our passions as to prevent us from attempting to cope with that which is obscure, but massively present below the surface.

The tip of the iceberg in Watts and Hough was violence—unrestrained, often deadly, always unconscionable.

The tip of the iceberg on the campus is sometimes violence and intimidation, often disruption and confrontation.

It is a group of armed Cornell students arrogantly marching in triumph from a seized building.

It is the eviction of deans from their offices and the destruction of college records.

It is the burning of a Student Union building.

It is the curious inconsistency of students loudly proclaiming that the military has too great an influence on our society, but demanding the total expulsion of ROTC from the campus, even though the ROTC program serves as the principal check on the establishment of a professional officer caste in our military.

It is the fulminations of the SDS who are bent on substituting chaos for order, who believes in disruption for disruption's sake.

It is the boisterous catcalls of a student group who would shout down a speaker while at the same time bemoaning the fact that they are not being listened to.

The surface manifestations are numerous. Some are silly. Some are reprehensible. Some are dangerous.

But as in the case of Watts and Hough, these disquieting events reflect some far deeper and darker currents in American life, for on many of our college campuses there is, similarly, a frustration, a hopelessness, a sense of not belonging.

Today's students were born in the era of the Cold War. Most were small youngsters in the era of the Korean War. Now, they are approaching adulthood in the era of the Vietnam War. It is a war which had obscure beginnings, fought for obscure purposes. It is a war in which these students will be

called upon to fight under a draft system that is inequitable.

Today's students are acutely aware of a society which promises great promises and dreams great dreams . . . and invites great disappointments by leaving so much unfulfilled. The slogans of the recent past—New Deal, New Frontier, Great Society—all seem pretty shallow in a nation riven by the poverty gap, the culture gap, the racial gap and all the other separations that divide us. There is a gnawing frustration in seeing the Kerner Commission Report become, not a summons to action, but just another volume on the sociologists' bookshelf.

Today's students find it difficult to comprehend how the President and the Congress can devote much time and debate to cutting millions of dollars from a Job Corps budget or an educational program and at the same time shrug off with seeming indifference a two-billion-dollar cost over-run on a new airplane.

Today's students find themselves being educated in an environment . . . under a methodology . . . and for purposes which many college administrators themselves find inadequate. HEW Secretary Finch pointed out recently that: "We cannot assume, out of hand, that campus conflict is simply conflict for its own sake: in many instances it is solidly based on legitimate grievances."

In a speech which President Nixon describes as "the most significant and perceptive analysis of what is wrong with our approach to higher education," Professor S. J. Tonsor said this:

"Until there is a restoration of genuine educational purpose, there will be no restoration of confidence by society in its institutions of higher education. That educational purpose does not lie in the first place in pure or applied research, in problem solving or in providing revolutionary change or defending traditional values in the society, though all of these may result from the legitimate endeavors of higher education. Higher education has as its chief goals the education of young men and women in such a way as to make them capable participants in our complicated technological civilization, sophisticated and creative members of our common culture and active and concerned citizens."

Professor Tonsor is right, and as much as I would like to consider the current wave of campus disorders as nothing more than a passing adolescent escapade similar to the panty raid of the past, I cannot.

There are fundamental conditions on the campus which must be attended.

All of us—government, the college administrations, the public, the students—have a rightful part to play in the process of curing the conditions and restoring a genuine educational purpose.

Government has the responsibility to negotiate an end to a war, to revise the draft, to be about the business of redressing the inequities that pervade American life. Insofar as college disturbances are concerned, government should be wary of being taunted into a momentary, emotional, vindictive response which, in the words of Attorney General Mitchell, "would certainly play right into the hands of the militants."

University administrators have the obligation to take an in-depth look at their own system and methodology in a world which has changed so enormously in the past two decades, the educational process cannot remain transfixed and immutable.

The public at large has the task of realizing that there is a difference between legitimate student frustration and student chaos. Just as the illegal invasion by several clergymen into a Dow Chemical building does not accurately represent the entire religious community, so too, the rantings of a Mark Rudd do not represent the totality of student thinking.

Finally, and perhaps most importantly, the student has a role to play. He should freely express his concern for change. He must question. But he must also summon a degree of sophistication, and be guided by the processes of reason that befit an inquiring intellect so that he may discern the difference between those who would build and those who would destroy.

Today's college student is intellectually dishonest if he expects others to display a more measured and enlightened response to his actions than the student himself is willing to display in pursuit of his goals. Confrontation does produce attention. But violence will produce repugnance and possibly repression, while reason—not surrender, but reason—can produce action and constructive change.

Students must leave government, the college administration and the citizenry as a wholesome alternative to repression.

In essence what I am asking for is a pledge to be true to your ideals, a pledge to see that change is accomplished, not ignored, and the sophistication to seek reform without ruination.

The campus revolt of 1969 is a test for us all. It constitutes an examination of ourselves and our nation which we dare not flunk.

JUSTICE DOUGLAS AND THE PARVIN FOUNDATION

Mr. THURMOND. Mr. President, on several occasions I have raised objection to the political activities of Mr. Justice Douglas. By associating himself with activist organizations such as the Center for the Study of Democratic Institutions, he lays himself open for conflicts of interest which cast doubt on his judicial objectivity, and bring the Supreme Court into low repute.

Today, I would like to point out how certain of his activities in the past in connection with the Parvin Foundation have led to international repercussions. Justice Douglas has taken an active part in the so-called Inter-American Center for Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency. These activities of the Inter-American Center culminated in vicious attacks upon the United States, the U.S. President, and U.S. policies. Thus we have an Associate Justice of the Supreme Court acting virtually as a CIA agent, with ludicrous results. Justice Douglas has denied knowledge of the CIA's participation, but he has not denied the essential facts as revealed in the press. The incident points up the danger of active participation in political groups.

The organization to which I refer went out of existence 2 or 3 years ago, but not before its activities at least indirectly had helped to foment the revolutionary situation in the Dominican Republic in 1963, and which necessitated the intervention of the U.S. Marines to save that country from Communist takeover.

Justice Douglas became a board member of the Inter-American Center for Economic and Social Studies because of his office as president of the Parvin Foundation. The history of this Inter-American Center is most curious. It began under the name of the Institute of International Labor Research, whose chairman was the notorious Socialist, Norman Thomas.

The institute originally began in Costa Rica as a training school for leftwing radicals under the tutelage of such leftist Latin politicians as Juan Bosch and Jose Figueres.

Mr. KENNEDY. Mr. President, will the Senator yield, or does he wish to continue? I have some familiarity with the individuals about whom he is talking.

Mr. THURMOND. I will be glad to. One of Mr. Figueres' supporters, are you?

Mr. KENNEDY. No. I am able to pronounce his name correctly, and I would think that when you are using it in making charges about an individual, it is helpful to pronounce his name correctly, with due respect to an individual.

Mr. THURMOND. Some pronounce it "Figueres" and some "Figueres."

Mr. KENNEDY. How?

Mr. THURMOND. Some pronounce it "Figueres" and some "Figueres." Are you trying to correct my pronunciation in English, or are you holding yourself up as an English teacher? Are you an expert because you went to Harvard? What was your record at Harvard?

Mr. KENNEDY. All I was trying to get——

Mr. THURMOND. I will not show up your record at Harvard; that is all right.

Mr. KENNEDY. I was trying to get the way Mr. Figueres pronounces his name.

Mr. THURMOND. I will not go into your record at Harvard.

The institute was organized by one Sacha Volman, a naturalized U.S. citizen from Rumania, with a long history of radical organizing activities. Shortly after 1960, the CIA began to channel nearly $1 million into this institute under the irrational theory that the best way to fight communism is to support leftwing socialism, a fine distinction which is difficult for an ordinary American to understand. Both varieties of socialism are variants of Marxist doctrine, and differ only in the extent of their commitment to Marxist-Leninist doctrines of violent revolution.

Shortly after this period, the institute moved to the Dominican Republic, when Juan Bosch came into power, and changed its name to the Inter-American Center of Economic and Social Studies.

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

Mr. THURMOND. I am glad to yield.

Mr. KENNEDY. The Senator has talked about the center that existed in Costa Rica. I have some familiarity with the center and what it was trying to do.

Would the Senator tell us a little bit about the center—what kind of students were going to the center?

Mr. THURMOND. The Senator from Massachusetts can tell the Senate what he pleases.

Mr. KENNEDY. I was asking you.

Mr. THURMOND. I am presenting now the record of Justice Douglas, which I think demands that he resign. If the Senator wants to defend Justice Douglas or say anything else on this subject, he has a right to do so when I finish.

Mr. KENNEDY. What has Justice Douglas got to do with the center?

Mr. THURMOND. If the Senator from Massachusetts will listen and not interrupt so much, he will learn.

Mr. KENNEDY. I have been listening.

Mr. THURMOND. If the Senator from Massachusetts will just keep quiet a few minutes, until I get through, he might learn something.

Mr. KENNEDY. I have been listening to the suggestions and the charges of the Senator from South Carolina in trying to identify Justice Douglas with the center for——

Mr. THURMOND. Mr. President, I will not yield.

The PRESIDING OFFICER. The Senator from South Carolina refuses to yield.

Mr. THURMOND. Mr. President, the Inter-American Center then joined with the Parvin Foundation and the National Association of Broadcasters in a program to fight illiteracy in the Dominican Republic. Justice Douglas became a board member of the Inter-American Center, where he naturally was in a position of oversight on all of the Center's projects. At this time, the major source of income of the Center was the CIA.

Because of Bosch's long association with the Inter-American Center, it is safe to conclude that the school was one of his major resource centers for the planning and operation of his government. In fact, as a well-spring of Marxist thought and activities, the Inter-American Center made major contributions to the general feeling in the Dominican Republic that the country was running headlong toward Communist takeover. Responsible citizens in the Dominican Republic felt that Bosch was unable to discriminate against the general leftist-Marxist clique that always surrounded him and the Marxist-Leninist clique that quickly infiltrated his government. The attitude of those who overthrew the Bosch Government was clearly demonstrated by the fact that Volman had to hide out for several days after the coup until he could leave the country. Thereupon, the Inter-American Center—which still had a press operating in Mexico—published a scathing attack on the U.S. policy of intervention in the Dominican situation. The Inter-American Center has apparently gone out of business since these events.

Nevertheless, the history of these events clearly shows how Justice Douglas laid himself open to increasing involvement in U.S. political affairs. From a supposed attempt to teach literacy in the Dominican Republic, this organization, with an Associate Justice of the U.S. Supreme Court on its board of directors, was inextricably drawn to open attacks upon the policies of the President of the United States, with all the domestic implications of such an attack. It is clear that Justice Douglas scarcely understands the relationship of the three branches of our Government, nor the necessity for a Supreme Court Justice to remain aloof from social and political involvements which frequently sweep the participants into untenable positions. This is another example of Justice Douglas' lack of judgment in pursuing outside activities, and I call upon him again to resign his post as Associate Justice of the U.S. Supreme Court.

Mr. President, many of the details which I have just reviewed are related in an article published in the New York Times of February 22, 1967, and I ask unanimous consent that the article, entitled "Thomas Upholds CIA-aided Work," be printed at this point in the RECORD.

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

THOMAS UPHOLDS C.I.A.-AIDED WORK—EX-SOCIALIST LEADER SAYS HE DIDN'T KNOW AGENCY ROLE

(By Steven V. Roberts)

Norman Thomas, the former Socialist Party leader, defended yesterday a program under which Latin-American politicians of the democratic left were trained largely at the expense of the Central Intelligence Agency.

Mr. Thomas was chairman of the Institute of International Labor Research, which ran schools in Costa Rica and the Dominican Republic and a publishing house in Mexico between 1957 and 1965.

J. M. Kaplan, former president of the Welch Grape Juice Company, disclosed last week that the foundation bearing his name had channeled about $1-million in C.I.A. funds to the institute. Neither Mr. Thomas nor anyone else connected with the institute knew the source of the funds, Mr. Kaplan said.

The J. M. Kaplan Fund was identified as a conduit for C.I.A. funds during a Congressional investigation in 1964.

WHAT WE DID WAS GOOD WORK

"I'm not ashamed of what we did," Mr. Thomas, now 82 years old, said in a telephone interview. "What we did was good work, and no one ever tried to tell us what to do. I am ashamed we swallowed this C.I.A. business, though. If I had a choice I would never have accepted C.I.A. support. That would have let them crush the project at any minute or made us persona non grata in the countries we were working with."

Mr. Thomas said he had "heard rumors" that the money came from the C.I.A., but "they were always denied when I asked Mr. Kaplan about them."

"I ought to have been more curious," he said. "I'm not trying to save myself from justified criticism. I ought to have known, but I didn't."

Mr. Thomas said the institute was the "brainchild" of Sacha Volman, a naturalized citizen from Rumania who had once worked for Radio Free Europe and had spent more than seven years in Nazi and Russian concentration camps.

"Volman came to the conclusion that nothing was being done successfully in Latin America to find an alternative to the Communists or the military oligarchies," Mr. Thomas said.

ORGANIZED 17 PARTIES

Mr. Volman then organized 17 left-of-center parties throughout Latin America to oversee a leadership training school in San Jose, Costa Rica, Mr. Thomas said. The institute was formed in 1957 to provide funds, and Mr. Volman became director of the school, which was called the Institute of Political Education.

Funds were scarce in the early years, and Mr. Thomas approached Mr. Kaplan for help in 1960. According to Mr. Kaplan, the first grant of $35,000 was not C.I.A. money. Shortly thereafter, he said, the C.I.A. asked him if it could make "substantial contributions" to the institute through the Kaplan Fund.

The school in Costa Rica ran 10-week sessions with about 50 to 60 Latin American politicians in each group. According to Mr. Thomas' financial adviser, many American Senators, Representatives and educators lectured in Costa Rica and later in the Dominican Republic.

"We were teaching people how to run a country," the adviser said.

The faculty also included Juan Bosch, later president of the Dominican Republic, and Jose Figueres, former president of Costa Rica. The two men have been among the most prominent democratic leftists in Latin America since World War II.

MOVED TO SANTO DOMINGO

The school left Costa Rica in 1963 when the Kaplan Fund said it could not contribute directly to political parties—which controlled the school—and retain its tax-exempt status.

The school was moved to Santo Domingo in the Dominican Republic, where Mr. Bosch had become president. It was reorganized as the Inter-American Center of Economic and Social Studies. In addition to its classes, the center also conducted the first economic survey of the Dominican Republic.

In another enterprise the center, known as C.I.D.E.S., joined with the Parvin Foundation of Santa Barbara, Calif., and the National Association of Broadcasters to produce films to teach literacy to the Dominicans.

Supreme Court Justice William O. Douglas, a board member of the Parvin fund, became a board member of the center, which was to administer the literacy project in the field.

Justice Douglas said yesterday he was unaware that the center had received most of its funds from the C.I.A.

The literacy project and the center's training school were abandoned when Mr. Bosch was overthrown by a military coup late in 1963. "Mr. Volman had to hide out for several days before he escaped from the country," Mr. Thomas said.

"This C.I.A. thing is the strangest thing I've ever heard of," Mr. Thomas said. "When Bosch was overthrown we always thought the C.I.A. was fighting against us."

The publishing company in Mexico was discontinued in 1965, and the institute closed down last year.

"We still had a little money," Mr. Thomas said with a chuckle, "so we used to publish a strong attack on the American Government's intervention in the Dominican Republic. The C.I.A. didn't get much for that money."

Mr. KENNEDY. Mr. President, will the Senator yield? Is the Senator prepared to yield now for some questions?

Mr. THURMOND. I will be glad to yield to the Senator.

Mr. KENNEDY. Mr. President, I have listened to the Senator from South Carolina. I wish the Senator from South Carolina would give us some idea as to the exact participation by Justice Douglas in this center because, as the Senator from South Carolina must know from his study, this center existed for some 2 or 3 years and was involved in bringing the non-Communist left in the Latin American countries to a center to teach them to be able to organize and fight against the radical left in these countries. As we later found out, it was supported by the CIA, and when that became apparent, obviously none of the countries in Latin America or the political parties would send their young people to the center. During the prior period they invited many Americans to come there, to lecture, and to participate in some of the seminars.

I would like to find out if whether the Senator is saying that the Justice came

down and lectured, as they do in many colleges and universities, or what? What was the association of the Justice with the school? Will the Senator tell me?

Mr. THURMOND. I just explained.

Mr. KENNEDY. I listened.

Mr. THURMOND. Mr. President, Justice Douglas has taken an active part in the so-called Inter-American Center for Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency.

Therefore, for a Justice of the Supreme Court to become associated with a foundation which is financing an organization in South America, and take an active part in it, can only create controversy, and involve a U.S. Supreme Court Justice in an organization that, in turn, brought about criticism, as I said earlier, of the President of the United States, the foreign policies of the United States, and attack upon the United States.

Mr. KENNEDY. With reference to what the Senator has said—and he read it three or four times—I wish we might be able to get a clearer explanation of whatever the Senator wishes to convey on this matter. Is it that the Parvin Foundation made some contribution to a center in Latin America which the Senator from South Carolina has labeled as a left-leaning socialistic organization?

Mr. THURMOND. Yes, I used those words.

Mr. KENNEDY. That same school was also being supported by the Central Intelligence Agency; and eventually, as we know, when the CIA part became revealed, they withdrew support and the school collapsed.

I have difficulty in following along, other than the general names the Senator mentioned. I am wondering what special discredit it brings to Justice Douglas to mention the person who fled from Communist Romania.

Furthermore, the Senator made charges about the association with the center and then failed on the floor of the Senate to indicate exactly what that association was other than that in a financial way the Parvin Foundation supported it.

Mr. THURMOND. Is the Senator asking a question?

Mr. KENNEDY. I am not sure whether the Senator stated that Justice Douglas went down to lecture.

Mr. THURMOND. Justice Douglas is a U.S. Supreme Court Justice. He is supposed to stay here and decide cases. He is running around all over the country making speeches, and he is making them for fees and other things. He took nearly $85,000 from the Parvin Foundation in 6 years. He took $500 a day from this Center for the Study of Democratic Institutions, which had all kinds of participants.

I had printed in the RECORD last Thursday, if the Senator was here, his record on that point.

Today I am putting Justice Douglas' record in the CONGRESSIONAL RECORD showing that he, as chairman of the Parvin Foundation, was a board member of this Inter-American Center for Economic and Social Studies that I just mentioned.

My opinion is that Justice Douglas should stay out of these things and be completely aloof from any controversial questions. He should not be a member of this foundation or that foundation. He should not be drawing funds and compensation for working with these foundations. Now, he is connected with this Parvin Foundation which contributed to this Inter-American Center for Economic and Social Studies which is causing a lot of repercussion.

Mr. KENNEDY. What was that word?

Mr. THURMOND. And it has culminated in vicious attacks on the United States, the President of the United States, and policies of the United States. If these activities are in line with the duties of a Supreme Court Justice, I misinterpret the duties of a Supreme Court Justicee.

Mr. KENNEDY. Was the Justice criticizing U.S. policies, or was this organization criticizing U.S. policies?

Mr. THURMOND. He was chairman of the Parvin Foundation that furnished money to this organization, the Inter-American Center for Economic and Social Studies, and the activities of this Inter-American Center resulted in vicious attacks on this country and its policies.

Mr. KENNEDY. Does the Senator mean the actions of the center resulted in the attacks?

Mr. THURMOND. The Senator is correct.

Mr. KENNEDY. Down in Costa Rica. Down in that center in Costa Rica they were criticizing the United States.

Mr. THURMOND. This Parvin Foundation contributed money.

Mr. KENNEDY. One would not have had to go to Costa Rica to hear criticism of the Dominican Republic.

Mr. THURMOND. I disagree. Justice Douglas should not have taken any part in this matter. I condemn him for it and I think it is another reason why he should resign from the Supreme Court.

Mr. KENNEDY. The Senator is referring to taking part in any educational and cultural institutions. What about medical institutions? Just this afternoon we confirmed—and I voted for it—the nomination of Justice Burger who received funds from the Mayo Foundation, which is one of the great institutions in the medical field.

Mr. THURMOND. I do not think Supreme Court Justices should take part in any matter that later might come before the Supreme Court.

Mr. KENNEDY. Is the Dominican Republic going to come before the Supreme Court?

Mr. THURMOND. If the Senator will permit me to finish he can have the floor, and I am just about finished with my remarks.

I do not think the Supreme Court should take part in any matter of a political nature which he may later have to pass upon. I think that a Supreme Court Justice must not put himself in a position where he will be embarrassed later by having to act on matters in which he has taken an active part. That is all I have to say.

I yield the floor.

Mr. KENNEDY. I think there has been much talk about the role and responsibility of justices. It is my feeling, looking back over the history of the judiciary, particularly in that our judicial system sprang from the English system, that going back 400 or 500 years the judges throughout that time have been encouraged and expected to have at least some kind of association with the events that are taking place in everyday life.

Now, obviously, as we have seen during the past few weeks and the past few months, there have to be narrowly defined and sharply defined criteria which should be established. But we should not have the Justices of this great Nation completely isolated, completely unaware of any of the kinds of issues or of the dynamics taking place in American life and society. Certainly I think that when a Justice of the Supreme Court, such as Mr. Douglas, who has had such a distinguished career, has participated in educational activities which have been supported by agencies of the Government of the United States, including the Central Intelligence Agency, we should not expect to utilize the opportunity to say that we are going to condemn that Justice just because we disagree with what his views happen to be on many of the important issues of the time.

That is a great disservice to him as an individual and it is also a disservice to the institution. Similarly, I feel that Judge Burger, from his experience and association on the Mayo Foundation, and he has participated in that foundation for many years, is able to relate and gain from his experience with that association. Obviously, we might be able to find extreme cases where there will be medical issues which will come up before the Supreme Court later, which may be related to the Mayo interests in some distant way, and some might come out and say, "Well, this is something improper."

I think it gets to the basic question as to really what we will have on the judiciary. I certainly would not want, in our country, a judiciary completely isolated or completely remote from the great forces which exist in our society today. I think that with all due respect to the Senator from South Carolina, if I use the words "reaching" or "stretching" to describe what it takes to try to make Justice Douglas appear an un-American and unethical individual, I do not think that would be a gross overstatement. Certainly, I could not let those kinds of charges against an individual who had served the judiciary with such distinction and has been such a noble American be aired on the floor of the Senate while I was in the Chamber and let them go unresponded to.

Mr. THURMOND. Mr. President, I shall have other speeches to make on this subject, and if the Senator wants to be in the Chamber at that time, I invite him to be present.

Mr. KENNEDY. Fine.

Mr. THURMOND. I think it is perfectly ridiculous for an Associate Justice of the Supreme Court, or a Chief Justice of the United States, to serve on a foundation upon which, later, he may have to pass judgment. It is wrong for them to accept outside compensation, as Justice Douglas has done from the Parvin Foundation. He has received about $85,000 from them. It is wrong for a Justice of the Supreme Court to accept compensation, as he did, from the Center for the Study of Democratic Institutions to the extent of $500 a day. I think it is wrong for him to serve as a member of the board of directors on the Inter-American Center—I want to bring out that he sat on this very center as a member of the board of directors.

All these things are calculated to entwine him in controversial matters on which later he may have to pass judgment.

Mr. KENNEDY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Justice Douglas has placed himself in a controversial position, which I think is untenable and I think more than ever, as I have stated heretofore, his record is such that he should feel ashamed to stay on the Supreme Court.

Mr. KENNEDY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. KENNEDY. Could the Senator give us the other directors of that center? Does he have the list with him now?

Mr. THURMOND. I do not have the names, although I will be very glad to get them for the RECORD if the Senator would like to have them.

Mr. KENNEDY. I think they should be included in the RECORD.

Mr. THURMOND. I am not discussing others today.

Mr. KENNEDY. I believe they should be included in the RECORD, because I believe there are many distinguished friends of ours from Latin America who have demonstrated time and again their identification and association with the free forces of Latin America, and I think we should have that included so that there is no suggestion, by association, that Justice Douglas is serving with anyone but very distinguished and outstanding individuals.

Mr. THURMOND. The only difference there is that Justice Douglas is on the Supreme Court and they are not. Justice Douglas is supposed to uphold the standards of this country and he is not doing it.

Mr. KENNEDY. Could I ask the Senator what kinds of controversy the Senator is talking about? This seems to come to the Senator offhand. Where has the Justice been involved in matters of controversy which have come before the Supreme Court. Would the Senator answer that?

Mr. THURMOND. Answer what? [Laughter.]

Mr. KENNEDY. Could the Senator give us one example, or half a dozen examples or illustrations, where Justice Douglas has been involved in some kind of controversy which has eventually come to the Supreme Court of the United States and on which he has voted, or because he has been involved, perhaps, he has had to disqualify himself?

Mr. THURMOND. It is perfectly ridiculous—is not the Senator a lawyer?—it is perfectly ridiculous for any lawyer to think that a Supreme Court Justice should be a member of any board or foundation——

Mr. KENNEDY. Could the Senator answer the question?

Mr. THURMOND. Where later he may have to pass upon some legal question concerning them.

Mr. KENNEDY. Well, now, could I ask the Senator for an example of that?

Mr. THURMOND. The tax-exempt situation of the Parvin Foundation may end up in the Supreme Court, I can tell the Senator that. And, if Justice Douglas is on that Court, he may have to act or be called upon to act upon some facet of the case.

Mr. KENNEDY. Will the Senator give us one example of a past controversy? The Senator has been talking about controversies so generously here this afternoon in which Justice Douglas has been involved which have eventually come up to the Supreme Court. Would the Senator give us some examples?

Mr. THURMOND. I have recited instance after instance. The Parvin Foundation is one I have recited, and the——

Mr. KENNEDY. What?

Mr. THURMOND. The Center for the Study of Democratic——

Mr. KENNEDY. That will come up before the Supreme Court?

Mr. THURMOND. It may. It could come up.

Mr. KENNEDY. In what way?

Mr. THURMOND. On some legal question, if they are not entitled to a tax exemption. That point will probably be raised. Then, suppose it does go up to the Supreme Court? What is Justice Douglas going to do then?

Mr. KENNEDY. What are some of the others? That is the tax exemption of a corporation which could apply to any charitable group in which a Justice might be involved. But what are the other kinds of controversies in which the Senator says the Justice has been involved that can come up to the Supreme Court? Where, in any time in the past since Justice Douglas has been on the Supreme Court, has he had to disqualify himself? Will the Senator give me any examples where he has had to disqualify himself?

Mr. THURMOND. With certain personnel involved in one of the organizations which may end up with a case in the Supreme Court.

Mr. KENNEDY. Has there been one in the past on this question?

Mr. THURMOND. That is not the question.

Mr. KENNEDY. That is the question I am asking the Senator from South Carolina.

Mr. THURMOND. He has no business to be involved in a matter which later may come to the Supreme Court and cause him to be biased or prejudiced in any way.

Mr. KENNEDY. How many years has Justice Douglas been on the Supreme Court?

Mr. THURMOND. Many years longer than he should have been. [Laughter.]

Mr. KENNEDY. How many times has Justice Douglas had to disqualify himself because controversies on matters in which he was involved? Would the Senator from South Carolina, who has been so easy with the reputation of a distinguished Justice of the Supreme Court, respond to that question?

Mr. THURMOND. Maybe he should have disqualified himself from consideration of other cases——

Mr. KENNEDY. What consideration?

Mr. THURMOND. The point is, he should not put himself in the position where he would have to disqualify himself; and, furthermore, he should not put himself in the position where what he is doing does not look right. A man in public office has got to appear to be right as well as be right. It does not appear right when a Justice of the Supreme Court puts himself in the position to draw $85,000 from a foundation which later may have a case before the Supreme Court. It does not look right for a Justice of the Supreme Court to draw $500 a day from this center—the Center for the Study of Democratic Institutions. He may have to act on something there. He may have to act on other cases about which I spoke this afternoon, this Inter-American Center, for example.

Why should he put himself in the position to have to disqualify himself? Why should he embarrass this country? Why should he take any part in anything except being a Supreme Court Justice? That is a big enough job in itself.

Mr. KENNEDY. The Senator is not going to get any argument from me about that being a big enough job in itself. That is not the question the Senator has raised. He has raised the question of controversies which Justice Douglas has been involved in while on the Court. Justice Douglas has been on the Supreme Court for 30 years and the Senator from South Carolina has been one of his strongest and most vocal opponents; one would expect that a Judge would have to disqualify himself from at least some cases in that period of time, but the Senator cannot quote one example here on the floor, where he can be challenged, during all the 30 years that Justice Douglas has been on the Supreme Court, where he has had to disqualify himself from a case that came up because of prior kinds of activities. What the Senator is saying is "Sometime in the future"——

Mr. THURMOND. I mentioned——

Mr. KENNEDY. Tax-exempt foundations may be involved.

Mr. THURMOND. I mentioned this afternoon activities in which he should not have participated—activities as a member of boards, activities from which he was drawing compensation while a Supreme Court Justice, and making controversial speeches. I happened to have been at the University of Florida when he made a speech there. I was amazed that he was discussing foreign policy. I was amazed that he was discussing domestic policy.

I was amazed that he was expressing himself on all kinds of policies concern-

ing which he might later have to decide a case.

Mr. KENNEDY. Did he in fact have to?

Mr. THURMOND. Cases may come up in the future.

Mr. KENNEDY. Has he had to in the past?

Mr. THURMOND. Cases may come up later.

Mr. KENNEDY. Has he had to in the past?

Mr. THURMOND. Mr. President, I yield the floor.

"COLLEGE CAMPUS UNREST—THE GENERATION GAP IN PERSPECTIVE"—ADDRESS BY SENATOR MILLER

Mr. DOLE. Mr. President, last Friday, June 6, the distinguished senior Senator from Iowa (Mr. MILLER) delivered an address at Iowa Wesleyan College in which he set forth a perceptive analysis of the unrest existing on a number of our college campuses and a knowledgeable, realistic prescription for dealing with it.

I 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:

COLLEGE CAMPUS UNREST—THE GENERATION GAP IN PERSPECTIVE

(By Senator JACK MILLER)

Having been, at one time, a part of academic life myself, there is always a certain nostalgia that comes over me when I have the privilege of appearing at a function such as this. My feelings run deep, because my wife and I very nearly decided to make our future in what we, at that time, at least, regarded as the peaceful and somewhat detached quietude of a typical campus, given over to research, writing, the stimulating dialog of the classroom, and the not so stimulating correction of examination papers.

Through an occasional lecture and my membership on the Board of Visitors of my Alma Mater, Columbia University Law School, I still manage to hold onto a little of the vocation which remains very close to my heart.

With this background, you can understand why I really care about what is happening to academic life and to the role of the college and university in our society. Moreover, as one who is a part of our government, I am acutely aware of the profound impact these developments will have on the future of our country. You share this concern and awareness, or you would not be here this evening.

One third of our population is under the age of fifteen; and nearly one-half is under the age of 26. This shift in the age balance of our population has been accompanied by popularization of the idea of universal higher education, although there is no agreement over exactly what this means. To some, it means voluntary higher education for everyone, regardless of diligence or aptitude. To others, it implies compulsory higher education. To most, I would hope, it carries the import of higher education for all who can benefit from it and who wish to make the effort, with necessary assistance—grants, loans, tax credits, or some combination—for those who could not otherwise afford it. Two years ago, the Ford Foundation's Director of Education Programs predicted that there would be school for everyone from age three to age twenty as a general pattern by 1980. This would appear a bit overstated, but events are surely moving in this direction.

Educators and public officials who observe these changes and note that one-third of the total college and university enrollment is concentrated in thirty of over one thousand such institutions are concerned over the place of the private college in the future of higher education. Congress clearly shares this concern and believes there is a place—that a balance is needed and a choice should be available. This is why we have enacted legislation providing assistance to private colleges and their students—granted that certain restrictions have been included to satisfy the church-state problem.

I believe there is general recognition that we need both public and private institutions of higher learning. This rests not alone on a realization that it would be impossible for public colleges and universities to accommodate all of the students. If public opinion so dictated, it would only be a matter of years when private schools would be overcome by the forces of economics and have to close their doors. But public opinion is not so inclined—and for the very good reason that freedom of choice of education is a part of our heritage. Public opinion moves the Congress, the state legislatures, the foundations, alumni associations, and friends of these private colleges to provide the funds needed to relieve economic pressures so that freedom of choice will be a reality for a large share of our student population.

Having had the benefit of both private and public higher education, I can affirm that each has something to offer which may not be found in the other. To some students, the pluses afforded by the private college are decisive; and to others, the advantages of public institutions are compelling. It would be a great tragedy if they had no choice.

Although much has been done at the federal level by way of assistance to higher education, no one believes we have done much more than begin to feel our national way to what must be done. Moreover, much of what has been done has been undone by the inflation spawned by mismanagement of our federal government. A student finding that the cost of his education today is $1,000 a year more than it was in 1960 will not be overly impressed by a federally guaranteed loan of $1,000 a year. Certainly inflation must be stopped; but, beyond this, public opinion will demand a better, more realistic, and more carefully integrated program of federal aid to higher education.

As the principle of universal higher education impacts on our campuses along with the changed balance in the age of our population, the role of the college and university in our society will take on even greater importance than it has today. We have, indeed, come a long way from the absence of public acceptance of institutions of higher learning and their faculties into the mainstream of the community. For years, they were regarded with suspicion and skepticism—as places and people far removed from reality; and, no doubt, this image was partially generated by some of the skepticism and aloofness which prevailed on some of the campuses themselves. However, as the general public has become better educated, there has grown a wider acceptance of the dynamic role of the college and university as "one of society's most cherished institutions," to take a phrase from Dr. Grayson Kirk.

The college and university have such a magnificent potential for helping to make ours a good society that no one should be surprised over the human reactions of disappointment, frustration, and antagonism over the violence and crude exhibitionism taking place on many campuses. These reactions are widespread, deep, and bitter. It will not do to try to excuse or explain such incidents by some nebulous phrase such as "generation gap"; or by alluding to the natural idealism of young people not yet tempered by the patience and tolerance of maturity. When supposedly mature faculty members join in such unseemly actions, there is no excuse at all.

It is serious, indeed, when the President of the United States feels compelled to say "it is time for faculties, boards of trustees and school administratiors to have the backbone to stand up against" the violence and disruptions on our campuses.

It is also time to recognize that our freedoms are not absolute. There is no absolute right of free speech. There is no absolute academic freedom, either. There are correlative responsibilities to be observed, and if they aren't, the result will be anarchy.

It would be a sad day if public opinion demanded that Congress pass a law making it a crime to seize a building on a campus, rifle the files of a professor, or desecrate a library. This is a problem for local law enforcement officials, because there are laws and municipal ordinances prohibiting such acts and, to my knowledge, no exception is made in these laws or ordinances for acts that take place on a campus.

Disciplinary problems which do not involve violation of law are for the college administration to handle. Certainly the rules of discipline should be reasonable—taking into account not only the individual student, but the rights of other students and the good name of the college or university. But if anyone believes there can be academic freedom without academic *discipline to see to it that freedom is matched with responsibilities,* he hasn't learned the tragic lesson of the degeneration of higher education in some of the universities in Latin America.

There seem to be four kinds of people involved in these violent disturbances on our campuses: (1) those who aren't even students; and there is nothing in the concept of academic freedom which suggests that they cannot and should not be treated as trespassers; (2) students who have no other motivation except to tear down the college and its reputation; and they should be expelled; (3) students who wish to see constructive change, but have had the poor judgment to use "the end justifies the means" ethic; and they must be disciplined; and (4) faculty members; and they should be fired. And I would repeat: If the actions of any of these people constitute a violation of law, the local law enforcement officers should handle the violation quite apart from, and in addition to, any disciplinary violation to be handled by the college.

It is difficult for an adult, even a parent, to fully appreciate the mental turmoil of many of our young people. However, I believe that adults have to share some of the blame for what s going on—especially some of our political, religious, academic, civic, and professional leaders. Corrupt, unethical, dishonest, or anti-social conduct by one in a position of leadership can, with its attendant publicity, produce the sick skepticism which causes a young life to be wasted. There is a sort of "neo-intellectualism" pervading too many of the speeches and writings of this group, and it is rubbing off on the young, searching, trusting, and, often, gullible mind. It deals in glittering generalitiess and cliches without any real meaning, because they are seldom if ever translated into specifics. It raises false hopes of instant change—instant educational excellence, instant prosperity, instant peace, instant social justice. Because it lacks realism and inevitably results in disappointment and frustration, it appears to be motivated by a synthetic idealism which, perhaps, slightly distinguishes it from demagoguery.

"We can't afford not to afford" to do something. "We have the resources" to do something. Maybe we can; maybe we can't. Per-

haps there are; perhaps not. Only by dealing in specifics can a real judgment be made.

The "neo-intellectuals" are very adept at begging the question by making use of labels, such as: "liberal," "conservative," "moderate," "McCarthyism," "stone age thinking," "leftist, "radical," "martyr," "militarism," "the establishment," and "civil rights leader."

I recall a few years ago when one of my former colleagues and I debated on television, and he criticized "the establishment" in the Senate. This was an interesting label, but when I found out what he was criticizing, it became evident that he was unhappy because a very substantial majority of the members of the Senate had voted against some of his pet ideas. It would have been a little more intellectually honest, I think, if he had simply talked about the "Senate majority" so that the listeners would have had a true perspective. (Before the debate was over, I am sure they had the true perspective.)

Probably no "neo-intellectual" poses a greater threat to the young mind than one who is a member of a faculty. Whereas the college is a center of learning and research to lead its students in their search for truth, a "neo-intellectual" professor actually hinders that search. Doctor Kirk had this to say during a discussion on academic freedom which, I believe, bears on the point:

"Academic freedom for a professor means that his career may not be jeopardized by the expression of his views to his students or to the public. But however much a professor may assert his rights as a citizen to speak out on any topic, he ought to think twice before he makes a ringing public declaration on a controversial subject, particularly if it is far removed from his own field of scholarly competence. He should hesitate before doing so simply because no matter how loud or sincere his disclaimers, he can never entirely shed his scholar's gown. It may well be that when he seeks to take off his academic gown he will have beneath it only the Emperor's clothes, but he cannot escape a certain popular *presumption* of intellectual authority—and he has the responsibility not to abuse it. A scholar has an implied professional commitment to approach all issues more in the spirit of a judge than in that of an advocate. He has an obligation, in Sir Walter Moberly's words, to be 'doubly watchful and critical of the unconscious operation on his mind of his own pet prejudices and sympathies . . . an obligation more easily acknowledged than observed.' When a scholar fails to keep this admonition in mind, in the long run he puts in danger the public acceptance of the essential integrity of the university."

My guess is that Doctor Kirk had in mind, *particularly*, the attempt by some faculty members in recent years to extend their expertise in the field of science or literature into the field of international law or political science. This is not to say that one who is an expert in physics may not also, through long experience, become an expert in some phase of international relations; but there are very few who have had the opportunity for such experience. When they undertake to assume a position of authority in some field that is not their own, this does not add to either their prestige or to that of the college or university with whose name they are associated. And it certainly is most unhelpful to the student.

No one with his eyes open can dispute the fact that change is taking place in our world and in our society—rapidly. And change, *for the better*, should take place. But if that change is to be for the better—and not for the worse—we must recognize that certain things don't change: truth, moral principles, the nature and integrity of man. No amount of "neo-intellectualism" and no amount of money or material affluence can change them. There should never be a generation gap with respect to them.

You can be proud, as I am, that Iowa Wesleyan College is dedicated to these basic, unchanging spiritual values. They provide the foundation on which true excellence in education is built, through which responsible progress is made to meet the needs of a changing world and a changing society, and by which good citizenship is achieved. What better reason could there be for giving her your support?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

ADJOURNMENT TO 11 A.M. THURSDAY, JUNE 12, 1969

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order, until Thursday, June 12, 1969, at 11 a.m.

The motion was agreed to; and (at 4 o'clock and 35 minutes p.m.) the Senate adjourned until Thursday, June 12, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1969:

VETERANS' AFFAIRS

Donald E. Johnson, of Iowa, to be Administrator of Veterans' Affairs.

DEPARTMENT OF STATE

John R. Stevenson, of New York, to be Legal Adviser of the Department of State.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The following-named persons to be Members of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency:

I. W. Abel, of Pennsylvania.
Harold Brown, of California.
William J. Casey, of New York.
Douglas Dillon, of New Jersey.
William C. Foster, of the District of Columbia.
Kermit Gordon, of the District of Columbia.
James R. Killian, Jr., of Massachusetts.
John J. McCloy, of New York.
Lauris Norstad, of Ohio.
Peter G. Peterson, of Illinois.
J. P. Ruina, of Massachusetts.
Dean Rusk, of the District of Columbia.
William W. Scranton, of Pennsylvania.
Cyrus Roberts Vance, of New York.
John Archibald Wheeler, of New Jersey.

U.S. ATTORNEY

Leigh B. Hanes, Jr., of Virginia, to be U.S. Attorney for the western district of Virginia for the term of 4 years, vice Thomas B. Mason, resigned.

OFFICE OF SCIENCE AND TECHNOLOGY

Hubert B. Heffner, of California, to be Deputy Director of the Office of Science and Technology, vice Ivan L. Bennett, Jr., resigned.

CALIFORNIA DEBRIS COMMISSION

Col. Charles R. Roberts, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the Act of Congress approved 1 March 1893 (27 Stat. 507) (33 U.S.C. 661), vice Col. Frank C. Boerger, Corps of Engineers, retired.

DIPLOMATIC AND FOREIGN SERVICE

John C. Pritzlaff, Jr., of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malta.

IN THE ARMY

The following-named person for appointment in the Regular Army of the United States, in the grade specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be captain

Garcia, Amelia, XXXXX

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:

Cottingham, Tracy T., III
Mercer, Wayne D.
Otte, Kenneth L.

The following-named distinguished military students 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:

Akerman, David A.
Altersitz, Larry A.
Bandholz, Robert P.
Banning, Robert F.
Barker, Larry C.
Bateman, Charles A.
Bishop, John R.
Bishop, Michael H.
Blumberg, Fred M.
Brenaman, Ronnie Kevin
Brown, David E.
Ecadwallader, Ralph E.
Carlson, Joseph E.
Clark, Garland H.
Clark, William M.
Connolly, William F.
Cox, James R.
Crowley, Robert W.
Damm, James E.
Deverna, Edward W., Jr.
Didonato, Louis M.
Dolge, David M.
Dumais, Marc R.
Glicoes, Laurence A.
Graham, Robert E.
Greenawald, William E.
Hagovsky, John M.
Hale, David C.
Hansen, Kurt
Hatfield, Chester J.
Haywood, Douglas A.
Hodenpel, Edward W. K.
Holly, George J., III
Horton, Thomas A.
Hudson, Douglas B.
Hurt, Charles S.
Jarutowicz, Gary L.
Johnson, Robert H.
Jones, William B.
Kay, James S.
Kirk, Richard T.
Kirner, Paul T.
Knauf, Andrew L.
Koht, Lowell I.
Kruckeberg, Jo P.
Lanzoni, Lynn E.
Lightfoot, Charles L.
Luker, Johnny F.
Magby, George C.
Maher, Thomas J.
Marino, John J., Jr.
McCartney, Jeffrey J.
McGowen, Stanley S.
McKean, William A., Jr.
Minnick, Howard C., Jr.
Montgomery, Seth H.
Morgan, Rodney W.
Mullen, Walter S.
Peek, Timothy M.
Petrashune, Michael J.
Rafferty, Richard M.
Ramirez, John B.
Reilly, Peter J.
Rinker, Michael L.
Roberts, Sherman D.
Rodgers, William H.
Scott, James F.
Sexton, Willie W.
Shelverton, Claude W., III
Sherwood, Roger J.
Simard, Rune E. J.
Spiker, Harold S.
Stachel, John L.
Stowe, John H.
Tallman, Raymond D., II
Weaver, James R., Jr.
Wheeler, John H.
Williams, James D.
Williams, James H.
Woodard, Michael C.
Yerkes, William N.

CONFIRMATION

Executive nominations confirmed by the Senate June 9, 1969:

SUPREME COURT OF THE UNITED STATES

Warren E. Burger, of Virginia, to be Chief Justice of the United States.