ing facility plays in our space and aircraft development programs, I place General Ferguson's remarks in the RECORD.

The address follows:

REMARKS AT ARNOLD ENGINEERING DEVELOPMENT CENTER, FORMAL OPENING OF NEW AIRFIELD, ARNOLD AIR FORCE STATION, TENN., MAY 28, 1969

General LUNDQUIST, distinguished guests, ladies and gentlemen.

It is a pleasure for me to be here with you today to celebrate the formal opening of a long-awaited and much-needed addition to this important national test facility.

The Arnold Engineering Development Center is a great national facility—indeed, as I have stressed on many occasions this past year, it is a great national resource. By operating as a service to the military, NASA, educational institutions and civilian industry, Arnold plays a vital role in maintaining and advancing our nation's aerospace technology.

Virtually every major space and aircraft system in our nation's inventory spent part of its early life here in Middle Tennessee.

In a very real sense, the route to the moon passes through Tullahoma, Tennessee and the Arnold Center. Through the use of the giant wind tunnels, unique test cells and space simulation chambers at the Arnold Center, the nation is able to reduce the costs and times required to develop today's complex aerospace systems.

On this significant occasion, we recognize once again the wisdom of General Henry Arnold, the vision of Dr. Theodor von Karman, and the foresight of the other men of science and government who advocated and fought for these facilities a quarter century ago. Where would we be today without their vision and direction?

Consider the tragic and unnecessary losses in aircraft, in missiles and spacecraft, the money and time misspent—and most importantly—consider the lives which might have been lost if we had to test in the air what we now probe on the ground in these Arnold facilities.

The Arnold Center is more than a sprawling collection of mortar, inlets, compressors, combustors, nozzles, diffusers, and pressure tanks. It is a closely knit group of dedicated men and women—professional in their approach, responsive to the problems of an expanding aerospace environment, and imbued with a strong sense of urgency to meet the nation's critical needs for improved facilities and new test techniques.

AEDC and similar facilities must continue to grow if they are to fill their vital role in the technological world of tomorrow. To this end, we have the responsibility and the obligation to inform our fellow citizens and their elected government representatives of the need for new and improved test facilities.

There are some important reasons why we should expand our facilities here and at our other test sites throughout the country.

First, we must look at the competition—it is clearly evident that the Soviet Union is placing a heavy emphasis on progressive research, test, and technical facilities. They are sparing no effort to insure that they will have the facilities to test their future aerospace systems.

The second reason for concern is the state of our own facilities. While they have been adequate to meet our present needs, we have definitely reachd a limit in our ability to "make-do" on a year-to-year basis. Advances in the state-of-the-art are rapidly making obsolete some of the facilities and methods of testing used here today. For example, we have no test cell in this country at present which is completely adequate for testing the C–5A engine without flying it.

Third, we know from our experience at Arnold and other facilities that our test capability must anticipate future requirements before the requirements themselves are clearly understood. It is virtually impossible to advocate a major new facility on the strength of a specific future program. In many cases, the facility must exist before the technologies necessary to the program can be identified.

Fourth, we must face the fact that it takes from three to five years to design and construct any greatly advanced test facility. It usually takes even longer to justify the expenditure, get budget approval and have the money appropriated.

These four points add up to the fact that we are already behind the times and the state-of-the-art in planning for future test facilities. Our test facilities are the foundation of our aerospace future, and we cannot afford to let this foundation crumble.

There are two groups presently studying our national test requirements. One is the Joint Coordinating Board of the Department of Defense and the National Aeronautics and Space Administration. The other is the Joint Commanders' Ad Hoc Group for Testing Facilities. The urgency of this matter leads us to hope that they can make recommendations as far reaching as those made by Dr. von Karman's Scientific Advisory Committee, which led to the establishment of the Arnold facilities.

We are assembled today at a visible milestone of progress in the 20-year history of the Arnold Center. We have been pressing for construction of this runway for years, and its completion means that our operation here will serve its many users more efficiently.

This landing strip will eliminate the necessity for trucking rocket motors and other critical and sensitive test items over highways from Stewart Air Force Base, Northern Field and other airports in the area. It will speed up the testing process as well as eliminate a major inconvenience to the using agencies.

This runway represents yet another useful addition to one of our country's most vital national resources.

We all share your enthusiasm and your aspirations for the continued growth and achievement of the Arnold Engineering Development Center.

Thank you.

SENATE—*Tuesday, June 17, 1969*

The Senate met at 12 o'clock noon, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Almighty God, look upon this good land, which Thou hast given us, and forsake us not in our hour of need. Let Thy spirit come upon us once more with purging, cleansing, and redeeming power. Search out the dark places of our souls, our homes, our schools, our cities, our whole culture, and by the light of Thy presence, lead us again to true brotherhood, to moral rectitude, and to the spiritual splendors of our fathers. Deliver us from the ravages of division, discord and hostility, and lead us to unity, concord and peace. Bring us to Thee and to Thy law; forgive us and encompass us in Thy love, lest we perish. Put Thy law in our minds and Thy love in our hearts, that we may show by our lives what we proclaim with our lips—a nation whose God is the Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication addressed to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 17, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the Chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 16, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, No. 395.

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated, as requested by the Senator from Montana.

FEDERAL POWER COMMISSION

The bill clerk read the nomination of John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission.

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

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

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

LEGISLATIVE SESSION

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

JOSEPH F. McCAFFREY—25 YEARS A WASHINGTON CORRESPONDENT

Mr. MANSFIELD. Mr. President, this month marks the 25th year as a Washington correspondent of a very good and close friend, Joe McCaffrey, of the American Broadcasting Co.

Joe McCaffrey, I think, gives out more news about what happens in the House and Senate than any other commentator. I must admit, in all candor, that if I want to find out on occasion what is happening, especially in the other body or in conferences, I have to listen to Joe McCaffrey when he comes on at 10 minutes to 7, 5 days a week.

I have enjoyed my friendship with him. He is an impartial commentator. He is a very good man, who tries to see and report all sides of a question.

I extend to my friend Joe McCaffrey my best personal wishes on his 25th year as a Washington correspondent. During this entire time he has served Congress and the Nation well.

Mr. DIRKSEN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. DIRKSEN. Mr. President, I have had a good many experiences with Joe McCaffrey over a long period of time. He is by all odds one of the most amiable and affable correspondents I have ever encountered. He is thorough in his work. He has a deft touch when it comes to the newsy quality he imparts to virtually everything he does in the broadcast field. His friends are legion everywhere in the city and on Capitol Hill.

I share with the majority leader his high esteem for the service rendered by Joe McCaffrey, and we wish him well as he observes his 25th anniversary as a broadcaster. I wish him another 25 years; and by that time—who knows—he may be broadcasting from the moon. [Laughter.] That will be worth going miles to see.

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

Mr. MANSFIELD. I yield.

Mr. COTTON. Mr. President, I should like to add my word to the remarks of the distinguished majority and minority leaders.

As one of the less glamorous Members of the U.S. Senate who has, I hope, worked long and faithfully but without quite as much flair for publicity as others, I have found that Joe McCaffrey recognizes all Members of Congress whenever they make a contribution to or render service in any particular connection, even though they are not potential presidential or vice presidential candidates, or often in the news. I think his fairness and his accuracy are—I am not going to criticize others by saying "superior," but there are none in my experience to whom I can listen with so much confidence and know that he is dealing with facts.

I congratulate him on 25 years of service and hope for him many more years of service.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE WAR IN VIETNAM

Mr. PELL. Mr. President, on three occasions this year, I have protested our Vietnam policies on the floor of the Senate, making a total of 28 times that I have spoken out in past years in this body on the war.

I speak again today on the same subject because I remain deeply concerned about the course of our Vietnam policy. Recent events and developments have done little to allay that concern.

Despite official protestations to the contrary, until President Johnson's "abdication" speech of March 31, 1968, it seemed that our Vietnam policy was based on the theory that at some point on the escalation ladder the military pressure on the enemy would become so great that they would capitulate, and give up the struggle. Although that speech was an admission that a military victory was not possible, the fighting and dying in Vietnam has continued. Fifteen thousand, one hundred and fifty-two young Americans have made the final sacrifice for their country since then, bringing total U.S. combat losses to more than 36,000 killed and 225,000 wounded. Our total numbers of combat casualties exceed those we suffered in World War I. After a year of talks with the other side in Paris, it is still a war of attrition in Vietnam against an enemy with a seemingly endless supply of manpower, bearing in mind that the offer of Chinese soldiers has so far been declined—and a determination to expend that manpower as necessary to prevent political defeat.

Some military leaders, supported by armchair strategists sitting comfortably at home, say that Washington-prescribed ground rules have prevented a military victory, that "we are fighting the war with one hand tied behind our back." They are right, in a sense. There have been restraints, but those restraints have kept us out of a wider and more devastating war. The two basic rules of land warfare are that you must destroy both the enemy's men and the enemy's source of supplies. The source of the other side's manpower is both in North Vietnam, which we earlier tried to dry up, and in South Vietnam, which we are trying to save and where we have often been confronted with the dilemma of waging war on the very people we are fighting to protect. The sources of the enemy's supplies go beyond North Vietnam, however, to China, Russia, and other Communist countries. To invade North Vietnam would certainly trigger a war with her treaty ally China, just as our movement into North Korea in 1950 brought in the Chinese. Russia, too, could not sit idly by and see her treaty ally, North Vietnam, overrun by American troops. The net result, in all likelihood, could be a nuclear war that would destroy much of mankind. To bomb the source of supplies could bring the same result, as could the blockading of Hanoi. Thus, the military alternatives, as I see them are: First, go all out for a military victory that would lead us down the road to a general war; second, continue to fight a war of attrition at the existing level; or third, cease our search and destroy missions, assume a less aggressive military posture, and commence withdrawing our men at a substantial rate, thus forcing the South Vietnamese to assume the burden that is rightfully theirs and which they have the manpower to assume. The question is whether they have the will to assume that burden or a sufficiently inspiring and accepted government to give their manpower the leadership that is necessary. The replacement of a twentieth of our men by the South Vietnamese is certainly a step in the right direction. But, I ask, is it a large enough step to result in a real change in direction. Far more significant would be a change in orders to our combat commanders, deescalating our present, long standing search and destroy strategy to hold and secure strategy.

As I have said repeatedly, I believe that we should follow the latter strategy, both as a means of reducing U.S. casualties and as a demonstration by specific actions of our efforts to reach a compromise settlement in Paris. The war is a military stalemate, with neither side capable of winning—or losing—by force of arms. Under these circumstances, I am unable to appreciate how the sacrifice of additional American lives, on future Hamburger Hills, can result in positive political gains in terms of who is to control South Vietnam in the future. In regard

to the tactical importance of Hamburger Hill and the loss of life there, I believe the words of the commanding officer of our forces in that battle speak for themselves. He was Maj. Gen. Melvin Zais, and he is quoted in the Providence Journal of June 7 as saying when home in Fall River, Mass., on leave:

> After we finished he (the enemy) was gone and there was no tactical reason to remain on that hill. It had no military importance whatsoever.

The other side has shown, in 4 years of pounding by everything we have, that "hitting it over the head" will not make it give in. And our soldiers have by their courage and skill shown the enemy that it cannot take South Vietnam by force. There have been mistakes aplenty in this war. But I believe that history may demonstrate that one of the most serious was the decision made by the Johnson administration to exert all-out military pressure in South Vietnam following the bombing halt, destroying the possibility of creating the hoped for favorable climate in Paris.

There has been much speculation over the fighting capacity of the South Vietnamese forces. Now is the time to test their capacity—and their will. The South Vietnamese boast of having more than one million men under arms, while the combined Vietcong and North Vietnamese forces have only about one-quarter that number. If U.S. troops were withdrawn to a substantial degree, we would still leave behind an awesome array of weapons and materiel which should give the South Vietnamese overwhelming military power—if only they were as dedicated to their cause as the American soldier, and—the big "if"—if they had the support of the people of South Vietnam.

In 1965 this became an American war. It is time that the war was turned back to those whose responsibility it is to wage it, to the rightful owners, the Vietnamese. Until we do, there is little incentive for the Thieu government to bargain seriously in Paris or elsewhere. Why would they want to run the risk of negotiating themselves out of office?

Instead of taking steps to broaden its base preparatory to serious political bargaining with the NLF, the Thieu government has evidenced its fear of free and open political competition in South Vietnam. Twenty-three newspapers have been closed in the last year. Political and religious leaders who dare speak out for peace or in opposition to government policy soon find themselves behind bars; corruption pollutes the air; and even folk singers who sing of peace are muzzled. Torture remains a part of the normal interrogation process for the less conspicuous political prisoners, and here I commend to my colleagues the very interesting report of June 10 of the U.S. Study Team on Religious and Political Freedom in South Vietnam. I would be in jail if I were a South Vietnamese Senator and had the temerity to express the views I am expressing today on this floor. All this, I am sure, speaks loudly to the other side of fear and weakness, not confidence and power. I believe that the Saigon government really does not want to talk seriously about a political compromise—in Saigon, Paris, or anywhere else. The Saigon Thieu-Ky regime knows that, with peace, and without American troops and dollars, the prospects for their remaining in power would be slim indeed.

All told, I believe the only way that the South Vietnamese Government can be convinced of the necessity for dealing realistically with the National Liberation Front is for President Nixon to move forward with a definite, unconditional plan for a gradual pulldown of all U.S. troops.

I would add here that the planned withdrawal of 25,000 troops and the stated but highly conditioned possibility of further withdrawals, does not, to my mind, constitute the kind of clear notice that should be served on President Thieu. The withdrawal, rather, smacks of a sop to American public opinion.

There certainly is no question that with the South Vietnamese manpower available and the weapons and air and firepower we could turn over to them, they should be able to more than hold their own provided they had the will to do so. They certainly would have the means.

There is, of course, the danger that a Communist South Vietnam, and ultimately a unified Communist Vietnam, might eventually emerge from the opening of the political processes to all political views. But, even if an Asian Yugoslavia evolves, I believe that American interests will still be far better served by such a result than they would be by continuation of this bloody, indeterminate war. In fact, it is possible that a unified, independent Vietnam could serve as a strong bulwark against Chinese expansionist tendencies. This might even have certain advantages over a continuation of a divided Vietnam, ripe for a reopening of conflict.

It will be generations before Vietnamese emotions, conditioned by over two decades of warfare, are no longer dangerous. Many in this country still become aroused at the mention of our own Civil War. There has been so much blood, terror, and tragedy on both sides that recriminations in some degree are likely, regardless of which side ends up in control of South Vietnam.

Most important, if a government unfriendly to the Thieu government did evolve, I believe the United States would have a responsibility to those individual Vietnamese who sided with us no matter whether for reasons of patriotism or cupidity. A settlement, with international guarantees, providing amnesty for all parties is certainly the minimum protection to be sought. And, if the need arose, and here I emphasize there is no reason why it should since the South Vietnamese would certainly have the men and means to look after themselves, I believe our responsibility goes a lot further in that provision should be made for political asylum for those who request it.

There are various possibilities—special programs such as those provided for the Hungarian refugees following the 1956 revolt, and for those who fled Castro's Cuba; and undertaking by our SEATO allies to provide resettlement arrangements; or, as I have suggested before, even by purchase of a resettlement area in a not too distant sparsely populated region with a similar climate, such as Borneo. There are, of course, other possibilities. The point is that there is, I believe, a special U.S. obligation to prevent a retaliatory bloodbath in South Vietnam. The cost of providing a sanctuary would be but a pittance compared with the same $90 million a day that the war now costs the American taxpayer.

Mr. President, I hope the President will reject the siren song of those who plead for a little more time and military pressure. The track record of too many of those still involved in Vietnam policymaking is strewn with such pleas. I hope he will also reject the urgings of those who believe a token withdrawal of U.S. forces will serve to placate American public opinion. Unless such a minimal withdrawal of less than 5 percent of our troops is quickly followed by a more significant assumption by the South Vietnamese Government of the responsibility for its war, the result may be only a continuation of the misery and bloodshed.

I hope that the President will take risks for peace and produce tangible evidence of his willingness to take further steps to sort out our interests from those of the Thieu government. I suggest that he publicly advise President Thieu at the earliest opportunity, first, that the United States has already delivered on its commitment and that it is now up to South Vietnam to carry on the fight, militarily and politically; second, that the U.S. forces will scale down offensive operations in expectation of some comparable response from the other side; and, finally, third, that the bulk of our American troops will be withdrawn in accordance with a definite, specific timetable.

Mr. SCOTT. Mr. President, I agree that it is highly desirable for South Vietnam to take over as much of the operation of the war in Vietnam as it can. I am not an authority on how much South Vietnam can take over on any given day.

I have long since advocated the withdrawal of a substantial number of troops. I indicated 25,000 or 50,000 would be substantial.

President Nixon has done what no one has been able to do before, and that is to deescalate the war. This President has pursued the very suggestions which have been made to various administrations over the years—namely, to try to work out acceptable solutions, beginning with the withdrawal of forces, replacement by the South Vietnamese, going on with provisions for supervision of national and free elections, discussions over possible future coalition governments, and much better accord with South Vietnam than has ever been achieved before, and in other respects which I am sure are underway at the present time.

I know that the medical detachment from Washington, Pa., and another detachment from Philadelphia that are due to return in August will not regard their withdrawal as in any sense a sop or token. They are physical fighting human beings who will be delighted to be back in their homes. This is true of many who will come back. The sooner they come back,

the better. But I am not going to tell the Commander in Chief how many should be withdrawn.

I do recall that General Zais, who has been quoted with regard to the withdrawal from "Hamburger Hill," further made the very pungent and bitter comment that if they had not cleared that ridge, "they," the enemy, "would have come down and killed us where we slept."

I will take the tactics and strategy of a man who is concerned with not getting our soldiers killed. Our strategy is to save Americans and the American Armed Forces from carrying on any greater proportion of the combat than we must. But, as I have said before, I am not going to try to second guess the generals in this matter, and I am not going to tell the President that he should pull all the troops out tomorrow.

The sooner we can pull them out, the better. The sooner South Vietnam can take over, the better. But I do not want any of our soldiers coming back here and saying they came back under terms other than honorable.

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

Mr. SCOTT. I yield.

Mr. PELL. I would not dream of establishing the precise number or the specifics of the timetable. The suggestion I would make is that the timetable and our definite intentions be publicly set forth.

In connection with General Zais' remarks, I ask unanimous consent to insert in the RECORD an article quoting General Zais, published in the Providence Journal on June 7, the gist of which is apparently a little different from the report the Senator from Pennsylvania used.

Mr. SCOTT. Mr. President, if the Senator from Rhode Island will yield, I heard General Zais, myself, on the 11 o'clock news, say what I just got through saying. If that is not included in his statement, I will be delighted to see it.

Mr. PELL. I ask unanimous consent to insert the article into the RECORD and let General Zais speak for himself. I particularly invite the attention of my colleagues to the last sentence of the article.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

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

A GENERAL'S DEFENSE OF "HAMBURGER HILL"

(By Thomas J. Morgan)

The name "Hamburger Hill" was dreamed up by some enterprising reporter, the general who commanded the 101st Airborne Division in the controversial battle said yesterday, but added that the assault itself was only too real and led to a "gallant victory."

Maj. Gen. Melvin Zais, 53, a native of Fall River, returned to his home state last Thursday for leave between Army assignments. He is visiting his mother, Mrs. Jennie Zais, to whom yesterday was "the greatest day of my life."

She cheerfully made room for a troop of reporters and television crews who invaded the living room to speak with her son, who is focal point of a clash in the U.S. Senate.

The paratrooper assault on Ap Bia Mountain, a 3,000-foot hill in the A Shau Valley near the Laotian border, cost more than 50 American lives last month. The action was condemned by Sen. Edward M. Kennedy, D-Mass., as a "senseless" waste of lives and as an action which bespoke of hypocrisy when compared to the U.S. position voiced at the Paris peace talks.

Republican leaders promptly rejoined the majority whip, and after several days of cross-fire, the Senate storm died down.

So far as General Zais is concerned, nothing has changed. His mission, as he saw it, "was simply to enter the A Shau Valley and locate and destroy any elements of the North Vietnamese Army (NVA) and any caches of munitions and supplies."

Calling the whole affair "a routine military operation," General Zais said his Screaming Eagles Division found the enemy at Ap Bia—Hill 937. After more than a dozen assaults which lay the hill blasted bare of trees, a four-battalion convergence drove the enemy from his bunkers.

The general, whose older son, Barrie E. Zais, 27, is an Army captain now serving in Vietnam, and who on Wednesday presented a diploma to his other son, Michell M. Zais, 22, at West Point, defended his military moves at the time by saying the enemy was prepared to move east and threaten the coastal area around Hue, a major city.

Yesterday he rejected "explicitly" Senator Kennedy's allegation that the assault troops themselves "questioned the madness" of the action, which sent them against the mountain "a dozen times or more."

"Morale was as high as it possibly could be," General Zais said emphatically. With more than just a touch of pride, the general noted not a single American life was lost on the final, victorious assault.

Newsmen asked him about a supposedly new tactic of searching out for the enemy in small groups, in line with U.S. policy in Paris which calls for no further escalation of the war by the United States.

"Yes, we have been searching out in small groups," General Zais said, "but that's what we are there for: We didn't go there for a tropical vacation."

What is there about the Vietnam War which has so embittered and split the American people as no other war? he was asked.

"You'll have to remember," he said thoughtfully, "that we never were mobilized so spontaneously as we were after Pearl Harbor. We gradually drifted into this one and it is understandable that the people are growing impatient."

Hill 937—Ap Bia—Hamburger Hill is abandoned now, he said.

"This is not a war of hills," General Zais said. "You simply fight the enemy where you find him. Ap Bia was where we found him. After we finished, he was gone and there was no tactical reason to remain on that hill, it had no military importance whatever."

INTEREST RATES, THE 10-PERCENT SURTAX, AND WARTIME WAGE AND PRICE CONTROLS

Mr. LONG. Mr. President, in 1967, when President Johnson suggested that Congress enact the 10-percent tax surcharge, he warned that failure to pass it would cause "spiraling interest rates and severely tight money."

The Secretary of the Treasury, Henry Fowler, reiterated this same theme not once, but twice, during public hearings before the Committee on Ways and Means, where he argued long and hard for the surtax. He said:

We also need this tax increase to avoid excessively high interest rates and tight money.

And at a later point, he noted:

I have dwelled at some length of the importance of the proposed tax increase for the performance of finance markets and interest rates, because to my mind that is a key reason for its enactment.

The Chairman of the Council of Economic Advisers agreed. His argument was:

Without a tax increase, the cruel and unequal bite of tight money and high interest rates would impose some restraint on the growth of demand and the inflation of money incomes. But the additional revenues generated by that kind of restraint would not flow to the Government. Rather, they would flow to those who have money to lend.

That was the background against which the surtax was passed.

President Kennedy has broken faith with the American people on the question of interest rates by condoning high rates after promising them low rates. As one who ran for Vice President on the same platform, President Johnson must share the blame. Nonetheless, President Johnson used the threat of still higher rates as a lever to get congressional support for his surtax.

Now, Vietnam is the only instance in this Senator's recollection in which this Nation has fought a major war without imposing some sort of wage and price controls on the economy. Because we have not enacted those controls, prices have gone up to far higher levels than they need to have risen, and demands for wage increases have been right with them. As far as I am concerned, if we are going to ask our economy to support a war effort, then the least we should do is dress it out in full battle gear with restraints on wages and prices both, and whatever else is needed to keep our economy in check. We have successfully fought inflation at home at the same time we fought a war abroad by doing this in the past.

Today, we are advised that the moneylenders of America have raised their prime interest rates to the unheard of level of 8½ percent. Now, if that is the rate they plan to charge their best corporate borrowers, just imagine what they are going to charge the poor people of our land who have to borrow to pay doctors' bills, educate their children, or buy a home.

President Nixon is standing at the crossroads. He can move in one direction and demand that the bankers rescind their interest rate increases, just as President Johnson forced the steel companies to roll back their price hikes 2 years ago. After all, interest is nothing more than the price bankers charge for the product they sell. Or President Nixon can take the other road and concede publicly that he has more sympathy for the moneylenders than he has for the money borrowers.

If he chooses the latter course, he must recognize that the premise on which the 10-percent surtax was enacted a year ago is a false premise. The surtax has not halted inflation. It has probably added to inflation by increasing the prices consumers must pay for the products they buy, and by contributing to greater demands for higher wages to pay for those products.

Nor has the surtax slowed the pace of

interest rates. Rather, it has probably caused bankers to raise their rates so that they will realize the same, or higher, profits that they enjoyed before the surtax was enacted.

The surtax and high interest rates are not compatible. The American people probably can stand the burden of one or the other, but they should not be shackled with both. Everybody knows that the merciless tax of inflation, mirrored in the interest rate increase announced by the bankers, strikes hardest at the aged, the young and the poor, and those living on fixed incomes, with no regard for the concept of ability to pay. The national interest demands that our people be protected from that sort of tax. The 8½ percent interest rate must not be allowed to stand.

I would hope that President Nixon and his Secretary of the Treasury, together with other responsible persons who have some influence in this new administration, will do what they can to bring down this outrageous 8.5 percent prime interest rate, accompanied by higher rates on top of that.

I ask unanimous consent to have printed in the RECORD at this point a list showing the increases in the prime interest rate since August 3, 1960.

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

Prime interest rate

	Percent
Aug. 23, 1960	4.5
Dec. 6, 1965	5.0
March 10, 1966	5.5
June 29, 1966	5.75
Aug. 16, 1966	6.0
Jan. 26, 1967 (some banks, 5.5%)	5.75
Mar. 27, 1967	5.5
Nov. 20, 1967	6.0
Apr. 19, 1968	6.5
Sept. 25, 1968 (some banks, 6.0%)	6.25
Dec. 2, 1968	6.5
Dec. 18, 1968	6.75
Jan. 7, 1969	7.0
Mar. 17, 1969	7.5
June 10, 1969	8.5

Source: Federal Reserve Bulletin.

EIGHT GREAT NORTH CAROLINIANS

Mr. ERVIN. Mr. President, on May 18, 1969, Appalachian State University, at Boone, N.C., dedicated four new dormitories which bear the names of eight great North Carolinians: Charles A. Cannon and his wife, Ruth Coltrane Cannon, David Stanton Coltrane and his wife, Lela Hayworth Coltrane, Moses H. Cone and his wife, Bertha Lindau Cone, and O. Max Gardner and his wife, Fay Webb Gardner.

Pursuant to an invitation extended to me by Dr. William H. Plemmons, president of Appalachian State University, and one of America's greatest educators, I had the privilege of making the dedicatory remarks on that occasion. I ask unanimous consent that a copy of these dedicatory remarks be printed at this point in the RECORD.

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

EIGHT GREAT NORTH CAROLINIANS

As one who treasures in his memory the sacrificial services performed by D. D. Dougherty and B. B. Dougherty in founding and nurturing Appalachian State University, and appreciates the priceless contributions of the institution to the economic, the educational, the cultural, and the spiritual life of North Carolina and the nation, I cherish this opportunity to participate in the dedication of these four magnificent dormitories as places of abode for students coming to this University for intellectual and spiritual light.

It it fitting, indeed, that these dormitories bear the names of eight great North Carolinians: Charles A. Cannon and his wife, Ruth Coltrane Cannon, David Stanton Coltrane and his wife, Lela Hayworth Coltrane, Moses H. Cone and his wife, Bertha Lindau Cone, and O. Max Gardner and his wife, Fay Webb Gardner, who brought enlargement and enrichment of life to multitudes of our people.

Two of them, Charles A. Cannon and Mrs. Lela Hayworth Coltrane, still abide with us, continue their good works and grace this occasion. The others have joined "the choir invisible of those immortal dead who live again in minds made better by their presence."

Tyrannous time compels me to strive to confine within narrow limits my appraisal of the careers of those whose names these domitories bear. I mention them in alphabetical order.

CHARLES A. AND RUTH COLTRANE CANNON

Charles A. Cannon was born on November 29, 1892, at Concord, North Carolina, where he stills resides.

After attending the public schools of Concord, Fishburne Military Academy at Waynesboro, Virginia, and Davidson College, he accepted employment with the textile manufacturing firm now known as the Cannon Mills Company, of Kannapolis, North Carolina, which his father, James W. Cannon, one of the South's pioneers in this field, had founded.

On his father's death, Mr. Cannon, who was then only 29 years old, became the managing head of the enterprise. As the result of his consummate ability and unflagging efforts in this capacity, the Cannon Mills Company has become the world's largest manufacturer and merchandiser of household textiles. It now employs 22,000 persons in 19 plants in North and South Carolina.

Mr. Cannon is also Chairman of the Board of the Cabarrus Bank and Trust Company, a director of the New York Life Insurance Company, and President of the Wiscassett Mills Company of Albemarle, North Carolina, the Social Circle Cotton Mill of Social Circle, Georgia, and the Imperial Cotton Mills of Eatonton, Georgia. As President of the North Carolina Cotton Manufacturers Association, and Chairman of the Board of Governors of the American Textile Manufacturers Institute, and in other capacities, he has rendered invaluable assistance to the textile industry as a whole.

Despite the demands of business upon his energy and time, Mr. Cannon has crowded into his busy days diligent service on the North Carolina State Highway Commission, the North Carolina Commission on the Blue Ridge Parkway, the Robert L. Doughton Memorial Commission, the North Carolina Medical Care Commission, the North Carolina Sanatorium Commission, the North Carolina Citizens Committee for Better Schools, the Board of Trustees of the University of North Carolina, the Board of Trustees of Duke University, and the Board of Trustees of Cabarrus Memorial Hospital.

Mr. Cannon has done much to better the public schools of Kannapolis and Cabarrus County and to encourage boys and girls of that area to attend institutions of higher learning. He gives his religious allegiance to the Presbyterian Church and supports the good works of that and other denominations.

These activities reveal Mr. Cannon's strong mind, tremendous energy, compassionate heart, and religious faith. But they do not make manifest his other characteristics, such as the sense of humor which delights his friends, the forthrightness which makes him abhor guile and obstentation, and the courage which inspires him to fight for the things he holds dear.

When 19 years of age, Charles A. Cannon married Ruth Louise Coltrane, a Concord girl of charming personality and high intelligence, who was his constant inspiration until her death on December 22, 1965.

While majoring in history at Greensboro College, where she graduated with highest honors, Mrs. Cannon became imbued with the desirability of making North Carolina's history known and preserving its historic landmarks.

To this end, she served as President of the North Carolina Society for the Preservation of Antiquities, as Chairman of the Roanoke Island Historical Association, as Vice President of the Tryon Palace Restoration Committee, and as an officer of numerous historical and patriotic organizations; directed the publication of "Old Houses and Gardens in North Carolina" and several historical records; sponsored the outdoor dramas "The Lost Colony" at Manteo and "Horn In The West" at Boone; and aided in the restoration of the historic town of Bath, and the marking of many historic sites.

Mrs. Cannon loved the beautiful and the good as well as the historic. Her vision inspired the Elizabethan Garden at Manteo and the colonial style of architecture which distinguishes the business section of Kannapolis.

As an active Presbyterian, she was much concerned with the Presbyterian institutions at Banner Elk: Lees-McRae College, Grandfather Home for Children, and the Charles A. Cannon, Jr. Memorial Hospital. She joined her husband in establishing a college scholarship program for the young people of their area and in his support of Wingate College, which named one of its dormitories in their honor.

The marriage of Mr. and Mrs. Cannon was blessed by two sons, William C. Cannon and Charles A. Cannon, Jr., and two daughters, Mrs. Robert Hayes and Mrs. Richard Spencer.

Charles A Cannon, Jr. died in action while serving as a Lieutenant in the United States Air Force in the Second World War. As a consequence, he will be numbered forever among those of whom Britain's heroic poet, Rupert Brooke, said:

"These laid the world away; poured out the red
Sweet wine of youth; gave up the years to be
Of work and joy, and that unhoped serene,
That men call age; and those who would have been,
Their sons, they gave, their immortality."

DAVID STANTON COLTRANE AND LELA HAYWORTH COLTRANE

David Stanton Coltrane was born on his father's farm in Randolph County, North Carolina, July 27, 1893. After attending public schools in Randolph and Guilford Counties, and spending a year as a student at Guilford College, he entered North Carolina State University at Raleigh, where he studied agriculture and graduated in 1918.

After graduation, Mr. Coltrane spent two years as county farm agent in Randolph County and seventeen years as a North Carolina field representative of the American Limestone Company of Knoxville, Tennessee. From 1937 until 1963, he served North Carolina ably and successively as Assistant Commissioner and Commissioner of the Department of Agriculture, as Assistant Director and Director of the State Budget Bureau, as Assistant Director and Director of the Department of Administration, and as Consultant on Economy and Efficiency to the Governor's Office.

Although he was approaching the age of

three score years and ten, Dave Coltrane, as he was called by his intimates, accepted from Governor Sanford in January 1963, appointment as Chairman of the newly-created North Carolina Good Neighbor Council, which was charged with responsibility for maintaining and promoting good racial relations in North Carolina.

He was a fortunate selection for this post, which he actively filled until his death. He did not accept the present-day delusion that racial problems can be solved by the coercive power of law. He believed that their solution must be sought in compassion, goodwill, and tolerance, which induce mutual understanding and a spirit of cooperation.

As a consequence, he kept the lines of communication between the races open, and assembled men of both races around conference tables to discuss frankly and honestly all divisive issues and to seek their solutions. He established scores of local good neighbor councils in various areas of the State to perform similar functions.

When tense situations threatened to erupt into violence, he walked courageously into their midst, and by his quiet persuasion helped to bring about what has been aptly called "a sense of the possibility of reconciliation."

In performing his duties as Chairman of the North Carolina Good Neighbor Council, he sought to motivate disadvantaged Negroes to acquire skills qualifying them for industrial employment, and to encourage industries to give them employment when they had done so.

Notwithstanding the pressures of his official duties, Mr. Coltrane was active in the affairs of farmer organizations; operated two farms in Granville County; held important posts in the Methodist Church; and served as a trustee of the North Carolina Wesleyan College at Rocky Mount, North Carolina.

His accomplishments were applauded by his contemporaries in many ways. Honorary doctorates were bestowed upon him by North Carolina State University and Saint Augustine College, and buildings were named for him at Agricultural and Technical University and Winston-Salem State College.

On August 10, 1920, Mr. Coltrane was happily married to Lela Hayworth, of Asheboro, North Carolina, a lady of outstanding intelligence and personality, who won Ph. B. and A.B. degrees as a student at Elon College in Elon College, North Carolina. The children of this marriage are Major James Ralph Coltrane and Mrs. J. H. Robertson. It is worthy of note that after her children attained adulthood, Mrs. Coltrane pursued graduate studies at North Carolina State University at Raleigh and was awarded the M.S. degree by that institution.

While fulfilling in the highest degree her duties as wife and mother, Mrs. Coltrane has served in these capacities: A Trustee of High Point College, a Trustee of the Methodist Retirement Home, an officer of the North Carolina Division of the United Daughters of the Confederacy, a member of the Board of Missions of the Methodist Church, a member of the Board of the Young Women's Christian Association, a member of the North Carolina Civil War Centennial Commission, and a member of the North Carolina State Mental Health Association. In so doing, she has made contributions of great moment to the civic, the cultural, the educational, and religious life of North Carolina.

David S. Coltrane died unexpectedly at Raleigh on October 31, 1968, survived by his wife, his son, and his daughter.

Mrs. Coltrane continues to reside in Raleigh, where she maintains an active interest in everything which betters the life of her community and the State.

MOSES H. AND BERTHA LINDAU CONE

Moses H. Cone, the first son of Herman Cone and his wife, Helen Guggenheimer, was born in Jonesboro, Tennessee, June 29, 1857. The family moved to Baltimore, Maryland in 1870, where his father engaged in the wholesale grocery business.

Young Moses was educated in the schools of Jonesboro and Baltimore, but did not attend college. Having an avid curiosity, he read books on all subjects, and thus made himself a highly educated man with many intellectual interests.

When Moses was a teen-ager, his father gave him a job as a "drummer," and sent him into the South to obtain orders for groceries which were filled by the Baltimore store.

In performing this work, young Moses traveled by train to the principal towns and by horseback to rural areas. In the course of this employment, he visited mountain areas in Western North Carolina, and fell in love with the region around Blowing Rock in Watauga County, where he puchased some 3,500 acres of land which embraced Flat Top and Rich Mountains.

Here he built his permanent home, planted orchards, flowers, and flowering shrubs, constructed lakes and drives, and raised cattle and sheep. All in all, he made this estate one of indescribable beauty. While he maintained a winter home in Baltimore, and resided at times in the home of his brother, Ceasar Cone, in Greensboro, this estate remained his legal residence for the remainder of his life.

During the latter part of the 19th century, small textile plants operated by water power came into being in many parts of the South. Moses Cone visited many of these plants soliciting orders for groceries from the general stores they operated. In this way he became familiar with the difficulty these textile plants had in marketing their products for fair prices.

To aid the southern textile plants in solving this problem, he and his brother, Ceasar Cone, established the Cone Export and Commission Company as an agency for marketing the products of southern textile mills in national and foreign markets. This organization was incorporated in 1890, and since that time has operated in New York City and in Greensboro, where Ceasar Cone established his home.

Shortly thereafter, Moses and Ceasar Cone built the Proximity Cotton Mill, the White Oak Cotton Mills, and other textile plants in northeast Greensboro. As their operations increased, they acquired other plants in Greensboro and elsewhere, and enlisted the aid of their younger brothers in their enterprises.

Some years after the death of Moses Cone, all of these plants were merged into the Cone Mills Corporation, which now employs 16,000 persons in 26 textile plants in North Carolina, South Carolina, and Alabama, and makes more denim than any other organization in the world.

The love of Moses Cone embraced not only the mountains, but their people. He undertook to better the educational opportunities of their children. When the Legislature of North Carolina incorporated what is now Appalachian State University as a state institution under the name of Appalachian State Teachers College in 1903, Moses Cone became one of the incorporators and trustees of the institution, and throughout the remainder of his life furthered the development of the institution by his talents and his means.

While a young man, Moses Cone met and married Bertha Lindau of Baltimore, a woman of remarkable personality, who shared his interests and his dreams. They adhered to the Jewish religion and practiced in their daily lives its highest precepts.

They shared two great dreams. One of them was to establish a hospital to minister to the sick and injured, and the other was to make their estate at Blowing Rock accessible to all who believe that "the heavens declare the glory of God, and the firmament showeth His handiwork."

Moses Cone died December 8, 1908, before these dreams were realized. In consequence of his own request, his body was buried on Flat Top Mountain. After his death, Moses H. Cone's relatives joined Bertha Lindau Cone in establishing the Moses H. Cone Memorial Hospital at Greensboro, and donating the estate at Blowing Rock to the Federal Government as trustee for all lovers of beauty.

Bertha Lindau Cone died in 1947, and was buried beside her husband on Flat Top Mountain.

O. MAX AND FAY WEBB GARDNER

O. Max Gardner, a son of Dr. Oliver Perry Gardner, and his wife, Margaret Young, was born in Shelby, North Carolina, March 22, 1882. He lost both parents by death early in life, and was reared by a sister, Bessie Gardner, who subsequently married Clyde R. Hoey.

After attending the public schools of Shelby, and enlisting at the age of 16 for service in the Spanish American War, he entered the North Carolina State University at Raleigh, where he received the degree of Bachelor of Science in 1903. Afterwards he studied law at the University of North Carolina at Chapel Hill. He was a great athlete, serving as Captain of the football teams at both of these institutions.

He began the practice of law in Shelby in 1907, and was soon recognized as one of North Carolina's ablest lawyers and most eloquent orators.

Max Gardner had much intellectual and physical vigor. Hence it is not surprising that he was extremely active in the business, the civic, the political and the religious life of Shelby and Cleveland County, serving as President of the Cleveland Cloth Mills; as Director of the Belmont Mills, the Dilling Mills, the Dover Mills, and the First National Bank of Shelby; as President of the Cleveland Springs Corporation, the Cleveland County Board of Agriculture, the Shelby Chamber of Commerce, and the Shelby Kiwanis Club; as Chairman of the Democratic Executive Committee of Cleveland County; and as President and teacher of the Men's Bible Class of the First Baptist Church of Shelby. He also supervised the farming of approximately 2,000 acres of land.

He was chosen by the citizens of Cleveland County to represent them in the state Senate in 1911 and 1915, and by the citizens of North Carolina to serve them as Lieutenant Governor from 1917 to 1921.

He served on the Board of Trustees of North Carolina State University and the University of North Carolina at Chapel Hill.

He championed the cause of the Democratic Party in many statewide campaigns, and thereby attained great popularity throughout the state. As a consequence, he was nominated without opposition as the Democratic candidate for Governor in 1928, and received a majority of 70,000 in the general election of that year, notwithstanding Herbert Hoover, the Republican candidate for President, carried the State by a 60,000 majority.

Max Gardner's tenure as Governor coincided with the Great Depression which brought despair to the people, and made it exceedingly difficult for the state to finance the public schools and other essential governmental functions. At this time, Governor Gardner made this statement:

"If by some magic we in North Carolina could regain our faith in ourselves and each other, in our institutions and agencies of public and private service, the whole face of the state would be transformed within 60 days.

"We should remember that there has been no change in the basic character of our people. We are the same we have always been and North Carolina possesses everything she ever possessed except money. And some day we can make money again if we do not turn yellow and quit. We must carry on in North Carolina."

As a result of Governor Gardner's courage and faith, North Carolina continued to edu-

cate her children and to perform her other governmental tasks, and emerged from the Great Depression a finer and stronger state.

When his term as Governor ended in January 1933, Max Gardner established a law firm in Washington, D.C., and soon acquired a choice clientele in the nation's Capital.

By his legal learning and business acumen, Max Gardner acquired substantial wealth. He was extremely generous in his contributions to North Carolina State University, Gardner-Webb College, and charitable and religious institutions.

He declined to accept a number of high offices tendered to him by President Roosevelt, and continued in active practice as one of the leading lawyers of Washington until 1946, when he became Under Secretary of the Treasury. While serving in this post, President Truman named him Ambassador to the Court of Saint James, and he was on the point of sailing for England to fill that post when he died in New York on February 6, 1947.

Max Gardner was singularly fortunate in his choice of a wife. On November 6, 1907 he married Fay Lamar Webb, the daughter of the beloved jurist, Judge James L. Webb. She was a lady of much beauty and many graces.

Mrs. Gardner was educated in the public schools of Shelby, and at the Lucy Cobb School for Girls in Athens, Georgia. She shared her husband's ambitions and by her charisma did much to aid their consummation. North Carolina never had a more charming "First Lady" in the Governor's Mansion.

Time does not permit me even to catalogue the services which Mrs. Gardner rendered to the Baptist Church, the Democratic Party, and the various charitable, civic, cultural, historical, patriotic, political, public, and social organizations to which she belonged. I must content myself with stating that she was a Trustee of Gardner-Webb College, the North Carolina Orthopedic Hospital, the Children's Home Society, and the Harry S. Truman Library. The truth is that she did everything within her power to enrich the lives of our people. For her distinguished public and humanitarian services, the University of North Carolina at Greensboro conferred upon her the degree of Doctor of Humane Letters.

Mrs. Gardner died January 16, 1969, mourned by all North Carolina.

Governor and Mrs. Gardner were the parents of a daughter, Margaret Love Gardner, who is now the wife of N. E. Burgess; and three sons, Ralph Webb Gardner, who is affiliated with the law firm established by his father; James Webb Gardner, who died January 19, 1946; and O. Max Gardner, Jr., who died November 10, 1961.

WHAT THEIR LIVES TEACH

I have attempted to draw verbal portraits of those whose names these buildings bear.

Inasmuch as biography is history teaching by example, this question arises: What do their lives teach?

It seems to me that their lives teach these things:

1. A free society, such as ours, exalts the individual and grants him leave to develop his talents as fully as he wills.

2. An individual who truly avails himself of this leave becomes a person of strong mind, great heart, true faith, and ready hands.

3. An individual of this character recognizes that God and society impose upon him the obligation to employ his talents and his means to enlarge and enrich the lives of his fellowmen as well as those of the members of his family.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF PROPOSED PROJECT TO BE UNDERTAKEN FOR THE MARINE CORPS RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, the location, nature, and estimated cost of the Twin Cities Naval Air Station, Minnesota Helicopter Landing Mat Expansion, proposed to be undertaken for the Marine Corps Reserve (Air); to the Committee on Armed Services.

REPORT OF THE FEDERAL TRADE COMMISSION

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Annual Report of the Federal Trade Commission, fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE OFFICE OF COAL RESEARCH

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a copy of the 1969 report of the Office of Coal Research, relating to coal research activities undertaken during calendar year 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

THIRD- AND SIXTH-PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, reports relating to third- and sixth-preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the interim emergency report of the National Advisory Committee on Handicapped Children, May 6, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

James J. Needham, of New York, to be a member of the Securities and Exchange Commission.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Harold F. Faught, of Pennsylvania, to be Assistant Postmaster General.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Legislature of the Virgin Islands petitioning the Congress to establish a constitutional government for the people of the U.S. Virgin Islands, subject to the plenary powers of the Congress of the United States over the Territory of the Virgin Islands; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Franklin County Board of Supervisors, Malone, N.Y., with reference to continued tax exemption of bonds of local government; to the Committee on Finance.

A resolution adopted by the City Council of the City of Philadelphia memorializing the Congress of the United States to designate the birthday of the late President, John Fitzgerald Kennedy, a national legal holiday; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 123. A bill joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates (Rept. No. 91–236).

By Mr. MOSS, from the Committee on Commerce, with amendments:

S. 1689. A bill to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes (Rept. No. 91–237).

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. PROUTY (for himself and Mr. COTTON):

S. 2420. A bill to amend the Social Security Act and related provisions of law to increase old-age, survivors, and disability insurance benefits payable under title II of such Act, to increase the amount of income individuals may earn without suffering deductions from benefits payable under such title, to exempt individuals over age 70 from the reduction on account of earnings, to increase the widow's benefit, and otherwise to improve the social security program; to the Committee on Finance.

(The remarks of Mr. PROUTY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DIRKSEN:

S. 2421. A bill for the relief of Elisabetta Foglia; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2422. A bill to amend part B of title IV of the Higher Education Act of 1965, relating to the students insured loan program, in order to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest allowed for the purposes of such part; to the Committee on Labor and Public Welfare.

(The remarks of Mr. BAYH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. McGOVERN:

S. 2423. A bill for the relief of Dr. Benigno Buentipo; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2424. A bill to amend the Social Security Act; to the Committee on Finance.

(The remarks of Mr. HARTKE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. HARTKE, Mr. HART, Mr. LONG, and Mr. PEARSON):

S. 2425. A bill to authorize the Secretary of Transportation to provide for a long range program of comprehensive regional planning for, and coordination of, transportation, including therein the undertaking of research and development and the conducting of demonstrations, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HOLLAND:

S. 2426. A bill for the relief of Doctor Delsa Evangelina Estrada de Ferran; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2427. A bill for the relief of Cal C. Davis and Lyndon A. Dean; to the Committee on the Judiciary.

By Mr. HART:

S. 2428. A bill for the relief of Doctor Norberto S. Portugal; to the Committee on the Judiciary.

By Mr. LONG:

S.J. Res. 124. A joint resolution relating to increasing the voluntary limitations on the exportation of wire rods to the United States by foreign steel producers; to the Committee on Finance.

S. 2420—INTRODUCTION OF THE SOCIAL SECURITY AMENDMENTS OF 1969

Mr. PROUTY. Mr. President, I, together with the distinguished senior Senator from New Hampshire, Mr. COTTON, introduce for appropriate reference a bill to amend the Social Security Act. I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

Mr. President, the Social Security Act has been amended 12 times in the 34 years since its original enactment. To some I suppose statistics might indicate the Social Security Act has been the subject of enough major amendments. However, Mr. President, the Social Security Act deals with the problems of people living in an ever-changing society. For the most part, the people with whom the act is concerned are those who are most seriously affected by the changes in society.

Each of us recognizes the tremendous growth of affluence which has taken place in our country since the end of World War II. Because our country is one in which concern is shown for the individual, we have also realized that large segments of our society have been left behind. For example, nearly 10 percent of our total population is age 65 or over and yet, nearly 6 million of those 20 million individuals live below the level which has been established as the poverty threshold.

Herman B. Brotman, Chief of Reports and Analysis, of the Administration on Aging, points out that the elderly are not moving out of poverty as quickly proportionately as the under age 65 population. In May 1968, writing in "Useful Facts No. 37" issued by the Administration on Aging, he reported:

> The 65+ population, continuing the modern trend of faster growth than the under-65 group, increased between 1965 and 1966 by approximately 300,000 or 1.6 percent to 17.9 million. But the aged who were poor also increased, from 5.3 million to 5.4 million, up 1.8 percent. Thus, while the proportion of all under-65 persons living in poverty fell from 16 to 14 percent, the proportion of the aged who were poor remained about the same, 30 percent. People aged 65+ made up 9.3 percent of the total noninstitutional population but 18.1 percent of the poor.
>
> Another 2.3 million or almost 13 percent of the 65+ population were on the borderline between poverty and low income, making a total of 42.5 percent of aged living below the low-income level.

Mr. President, I believe that it is intolerable for such a situation to exist in our country. The contrast between the "haves" and "have nots" is becoming more and more vivid.

Our Nation's annual gross national product is fast approaching the one trillion dollar mark.

However, over 6 million of our citizens aged 65 or over find it difficult, if not impossible, to obtain the basic necessities.

Nonaffluent older Americans find life so uncomfortable that they are forced to live a day-by-day bare existence made tolerable only by the faith in our democratic institutions which they trust will not let their plight go unnoticed.

Last year in testimony before the Labor and Public Welfare Committee, Margaret Mead, the noted anthropologist, stated:

> I wish to emphasize particularly how deeply a rapidly changing society like ours is dependent upon the ongoing participation of its alert and experienced older people . . . To accomplish this essential inclusion of our older people, we need income maintenance which will give them dignity, independence and the means for social participation.

Mr. President, we are not achieving that end. Ninety percent of this country's older Americans rely primarily upon the social security system for their economic well-being after their active working years. Most of them find their dignity eroded by the inflation which eats away at their meager monthly benefit. Most of them find their independence thwarted by our failure to realistically adjust social security benefits in order to keep pace with an inflation which is so difficult to control. Each of them find their opportunities for social participation limited by the Nation's overall preoccupation with the welfare of its youth to the exclusion of concern for its aged.

In January 1967 our Nation acted to alleviate to some extent the hardship facing older Americans. At that time we in this body passed a major social security bill which would have provided a minimum benefit of at least $70 a month.

Mr. President, I remember well the evening that this body passed this bill. It gave me momentary satisfaction because year after year from 1961 on, I proposed bill after bill and amendment after amendment to provide a $70 minimum monthly benefit. Unfortunately, my satisfaction was fleeting because during the conference with the House that $70 minimum monthly benefit was reduced to $55.

Mr. President, I must admit that there are times when I become very discouraged in the pursuit of my efforts to improve the plight of older Americans. I do not think that the lack of success by those of us who want to provide adequate income for older Americans is due to the Nation's viewing its older citizens with coldness and calculated neglect. Instead, Mr. President, I believe it is simply a case where the Nation does not fully realize the facts concerning the economic problems of older Americans and the facts which clearly indicate that those problems can be solved without undue hardship or inconvenience to the rest of the society.

Mr. President, I am optimistic that the bill Senator COTTON and I are introducing today which, if enacted, would substantially improve our social security system.

Section 2 of the bill, Mr. President, would increase social security benefits for all recipients. This is needed, Mr. President, because all social security recipients find themselves in a worse economic position today than 2 years ago when we passed the last social security increase. In December 1967, Congress enacted a 13-percent increase in social security benefits. However, the consumer price index has increased from 118.2 at that time to 125.6 in March 1969, indicating that over 69 percent of the beneficial effect of the increase had already been eliminated.

Section 2 increases the minimum monthly benefit from $55 to $70 and provides benefit increases on a graduated basis from 7 percent at the highest benefit to 28 percent at the minimum benefit level.

I ask unanimous consent, Mr. President, that two charts showing the actual dollar increases for social security recipients be printed in the RECORD immediately following my remarks.

Section 3 of the bill, Mr. President, increases the benefit for widows receiving social security from 82½ percent of the amount their husbands were entitled to, to 100 percent. Mr. President, I am sure that all of us can empathize with the sense of loss, tragedy, and hopelessness confronting the widow who has lost her loved one. All of us can understand the sorrow which is a part of that stage of life unique to the older American. I think all of us also realize that no amount of money can eliminate the sorrow resulting from the loss of a loved one. By the same token, we should be able to understand that when our social security law imposes such a drastic reduction in income to a grieving widow, it multiplies the problems and depression with which she is already faced.

Under the present law, if an aged couple is receiving social security benefits of $150 a month, the wife would receive only $82.50 a month following the death of her husband. In other words, the income coming into her household will suddenly decrease by nearly 50 percent. Under the bill I am introducing today, the widow in the example I have just given would receive at least $100 a month, thereby decreasing the degree of economic shock which affects her household under the present law.

Mr. President, section 4 of this bill corrects a provision in the present law which can be supported by neither logic nor equity. Under the present law an individual is entitled to receive full social security benefits at age 65, but he does not have to. Many individuals are healthy at age 65 and can continue making a substantial contribution to the work force. Therefore, they continue full employment and receive no social security benefit. However, week after week, month after month, both they and their employers continue to pay the social security payroll tax.

Now, Mr. President, this situation would make some sense if the individual who continued working after age 65 would receive a greater social security benefit when he finally decided to retire. However, in almost every case the individual who continues full employment after the age 65 will not receive 1 penny more in social security benefits when he finally decides to retire. As far as I can tell, there are only two exceptions to this

situation. The first exception occurs whenever Congress increases the base salary to which the social security payroll tax is applied. In that case the individual may receive a slightly greater benefit if his income is equal to or greater than the base salary amount to which the social security payroll tax is applicable.

The other exception, Mr. President, is the case of an individual who begins to work under the social security system late in life so that the necessary quarters for social security eligibility are obtained after age 65.

In order to be fair to those individuals who continue full employment after age 65, section 4 of this bill would give them the right to elect whether or not they wish to continue payment of the social security payroll tax.

Sections 5 and 6 of the bill are concerned with the retirement test or earnings limitation contained in the present Social Security Act.

Mr. President, we all realize that in 1935 when the Social Security Act originated, this Nation was in the depths of a great depression. It made some sense at that time to discourage the continued employment of older Americans so as to make room in the work force for the thousands of middle-aged Americans standing in the relief lines. Today, our Nation probably has as full an employment situation as is possible. In short, many industries need the skills and labor of older Americans. Under the present law, the individual eligible for social security benefits loses $1 for every $2 he earns over $1,680 a year and under $2,880. He loses dollar for dollar for any earned income which exceeds $2,880. I, for one, believe that present-day situations do not justify the existence of such a penalty against older Americans who are willing and able to work.

In 1961 and 1964 I proposed legislation which would totally eliminate the retirement test or earnings limitation under social security. Since that time I have compromised my original proposal by substituting the liberalization of the earnings limitation in lieu of its complete elimination. I have done this because I realize that total elimination would cost the social security system a considerable amount of money and when one looks at all of the economic problems facing older Americans, priorities must be set to give preference to those who need the money the most. Nevertheless, I am convinced that both equity and logic necessitates liberalizing the present law.

Section 5 of this bill would increase the earnings limitation from the present $1,680 a year to $2,400 a year. This is identical to a social security amendment twice adopted by this body.

Section 6 of the bill would lower the age to which the earnings limitation applies from 72 to age 70. In other words, any individual who continues employment after age 70 would not be affected by the earnings limitation.

Mr. President, this bill does not cure all of the problems facing older Americans. In fact it does not cure all of the problems presently affecting the social security system. However, I believe that it embodies those improvements in the social security system which must be taken immediately. I believe, Mr. President, that the enactment of this bill would begin to ease the unnecessary hardships facing this Nation's older Americans.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and charts will be printed in the RECORD.

The bill (S. 2420), to amend the Social Security Act and related provisions of law to increase old-age, survivors, and disability insurance benefits payable under title II of such act, to increase the amount of income individuals may earn without suffering deductions from benefits payable under such title, to exempt individuals over age 70 from the reduction on account of earnings, to increase the widow's benefit, and otherwise to improve the social security program; introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2420

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 "Social Security Amendments of 1969".

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 2. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$20.00	$61.10	----------	$85	$70.00	$105.00
$20.01	20.64	62.20	$86	87	71.50	107.30
$20.65	21.28	63.30	88	89	72.80	109.20
$21.29	21.88	64.50	90	90	74.20	111.30
$21.89	22.28	65.60	91	92	75.50	113.30
$22.29	22.68	66.70	93	94	76.70	115.10
$22.69	23.08	67.80	95	96	77.80	116.70
$23.09	23.44	69.00	97	97	79.40	119.10
$23.45	23.76	70.20	98	99	80.80	121.20
$23.77	24.20	71.50	100	101	82.30	123.50
$24.21	24.60	72.60	102	102	83.50	125.30
$24.61	25.00	73.80	103	104	84.20	126.30
$25.01	25.48	75.10	105	106	85.70	128.60
$25.49	25.92	76.30	107	107	87.00	130.50
$25.93	26.40	77.50	108	109	88.40	132.60
$26.41	26.94	78.70	110	113	89.80	134.70
$26.95	27.46	79.90	114	118	91.10	136.70
$27.47	28.00	81.10	119	122	92.50	138.80
$28.01	28.68	82.30	123	127	93.90	140.90
$28.69	29.25	83.60	128	132	95.30	143.00
$29.26	29.68	84.70	133	136	96.50	144.80
$29.69	30.36	85.90	137	141	97.10	145.70
$30.37	30.92	87.20	142	146	98.60	147.90
$30.93	31.36	88.40	147	150	99.90	149.90
$31.37	32.00	89.50	151	155	101.20	151.80
$32.01	32.60	90.80	156	160	102.60	153.90
$32.61	33.20	92.00	161	164	104.00	156.00
$33.21	33.88	93.20	165	169	105.40	158.10

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$33.89	$34.50	$94.40	$170	$174	$106.70	$161.10
$34.51	35.00	95.60	175	178	108.10	162.20
$35.01	35.80	96.80	179	183	109.30	164.00
$35.81	36.40	98.00	184	188	109.80	164.70
$36.41	37.08	99.30	189	193	111.30	167.00
$37.09	37.60	100.50	194	197	112.60	168.90
$37.61	38.20	101.60	198	202	113.80	170.70
$38.21	39.12	102.90	203	207	115.50	173.30
$39.13	39.68	104.10	208	211	116.60	174.90
$39.69	40.33	105.20	212	216	117.80	176.70
$40.34	41.12	106.50	217	221	119.30	179.00
$41.13	41.76	107.70	222	225	120.60	180.90
$41.77	42.44	108.90	226	230	121.90	184.00
$42.45	43.20	110.10	231	235	122.30	188.00
$43.21	43.76	111.40	236	239	123.50	191.20
$43.77	44.44	112.60	240	244	125.00	195.20
$44.45	44.88	113.70	245	249	126.20	199.20
$44.89	45.60	115.00	250	253	127.60	202.40
		116.20	254	258	129.00	206.40
		117.30	259	263	130.20	210.40
		118.60	264	267	131.60	213.60
		119.80	268	272	133.00	217.60
		121.00	273	277	134.30	221.60
		122.20	278	281	134.40	224.80
		123.40	282	286	135.70	228.80
		124.70	287	291	137.20	232.80
		125.80	292	295	138.40	236.00
		127.10	296	300	139.80	240.00

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAM.LY BENEFITS—Continued

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1965 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$128.30	$301	$305	$141.10	$244.00
		129.40	306	309	142.40	247.20
		130.70	310	314	143.80	251.20
		131.90	315	319	145.10	255.20
		133.00	320	323	146.30	258.40
		134.30	324	328	146.40	262.40
		135.50	329	333	147.70	266.40
		136.80	334	337	149.10	269.60
		137.90	338	342	150.30	273.60
		139.10	343	347	151.60	277.60
		140.40	348	351	153.00	280.80
		141.50	352	356	154.20	284.80
		142.80	357	361	155.70	288.80
		144.00	362	365	157.00	292.00
		145.10	366	370	158.10	296.00
		146.40	371	375	158.20	300.00
		147.60	376	379	159.40	303.20
		148.90	380	384	160.80	307.20
		150.00	385	389	162.00	311.20
		151.20	390	393	163.30	314.40
		152.50	394	398	164.70	318.40
		153.60	399	403	165.90	322.40
		154.90	404	407	167.30	325.60
		156.00	408	412	168.50	329.60
		157.10	413	417	169.00	333.60
		158.20	418	421	169.50	336.80
		159.40	422	426	170.60	340.80
		160.50	427	431	171.70	344.80
		161.60	432	436	172.90	348.80
		162.80	437	440	174.20	350.40
		163.90	441	445	175.40	352.40
		165.00	446	450	176.60	354.40
		166.20	451	454	177.60	356.00
		167.30	455	459	179.00	358.00
		168.40	460	464	180.20	360.00
		169.50	465	468	181.00	361.60
		170.70	469	473	181.50	363.60
		171.80	474	478	182.10	365.60
		172.90	479	482	183.30	367.20
		174.10	483	487	184.50	369.20
		175.20	488	492	185.70	371.20

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1965 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$176.30	$493	$496	$186.90	$372.80
		177.50	497	501	188.10	374.80
		178.60	502	506	189.30	376.80
		179.70	507	510	190.00	378.40
		180.80	511	515	190.50	380.40
		182.00	516	520	191.10	382.40
		183.10	521	524	192.30	384.00
		184.20	525	529	193.40	386.00
		185.40	530	534	194.70	388.00
		186.50	535	538	195.80	389.60
		187.60	539	543	197.00	391.60
		188.80	544	548	198.20	393.60
		189.90	549	553	199.40	395.60
		191.00	554	556	200.00	396.80
		192.00	557	560	200.50	398.40
		193.00	561	563	201.80	399.60
		194.00	564	567	202.80	401.20
		195.00	568	570	203.80	402.40
		196.00	571	574	204.90	404.00
		197.00	575	577	205.90	405.20
		198.00	578	581	206.90	406.80
		199.00	582	584	208.00	408.00
		200.00	585	588	209.00	409.65
		201.00	589	591	209.50	410.80
		202.00	592	595	210.00	412.40
		203.00	596	598	210.50	413.60
		204.00	599	602	211.00	415.20
		205.00	603	605	211.50	416.40
		206.00	606	609	212.20	418.00
		207.00	610	612	213.20	419.20
		208.00	613	616	214.20	420.80
		209.00	617	620	215.30	422.40
		210.00	621	623	216.30	423.60
		211.00	624	627	217.30	425.20
		212.00	628	630	218.00	426.40
		213.00	631	634	218.50	428.00
		214.00	635	637	219.00	429.20
		215.00	638	641	219.50	430.80
		216.00	642	644	220.30	432.00
		217.00	645	648	221.30	433.60
		218.00	649	650	222.40	434.40"

(b) The amendment made by subsection (a) shall be effective with respect to monthly benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted.

INCREASE IN AMOUNT OF WIDOW'S BENEFITS

SEC. 3. (a) Section 202(c) (1) and (2) of the Social Security Act is amended by striking out "82½ per centum" wherever it appears therein and inserting in lieu thereof "100 per centum".

(b) The amendments made by subsection (a) shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after the month following the month in which this Act is enacted.

ELECTIVE EXEMPTION FROM FUTURE COVERAGE BY CERTAIN INDIVIDUALS WHO ARE ALREADY FULLY INSURED

SEC. 4. (a) Subsection (c) of section 211 of the Social Security Act is further amended (1) by striking out "or" at the end of paragraph (5) thereof, (2) by striking out the period at the end of paragraph (6) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (6) thereof the following new paragraph:

"(7) The performance of service by an individual during the period for which there is in effect a certificate filed by such individual under section 1402(i) of the Internal Revenue Code of 1954."

(b) Subsection (c) of section 1402 of the Internal Revenue Code of 1954 is further amended (1) by striking out "or" at the end of paragraph (5) thereof, (2) by striking out the period at the end of paragraph (6) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (6) thereof the following new paragraph:

"(7) the performance of service by an individual during the period for which there is in effect a certificate filed by such individual under subsection (i)."

(c) Subsection (a) of section 210 of the Social Security Act is amended (1) by striking out "or" at the end of paragraph (18) thereof, (2) by striking out the period at the end of paragraph (19) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (19) thereof the following new paragraph:

"(20) Service performed by an individual during the period for which there is in effect a certificate filed by such individual under section 1402(i) of the Internal Revenue Code of 1954."

(d) Subsection (b) of section 3121 of the Internal Revenue Code of 1954 is amended (1) by striking out "or" at the end of paragraph (18) thereof, (2) by striking out the period at the end of paragraph (19) thereof and inserting in lieu of such period a semicolon followed by the word "or", and (3) by adding after paragraph (19) thereof the following new paragraph:

"(20) service performed by an individual during the period for which there is in effect a certificate filed by such individual under section 1402(i)."

(e) Section 1402 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(1) EXEMPTION CERTIFICATE.—Any individual who has attained age 65 and is a fully insured individual (as defined in section 214(a) of the Social Security Act) may at any time file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this chapter) certifying that he elects to have exempted from coverage by the insurance system established by title II of the Social Security Act any employment performed by him, or any self-employment engaged in by him.

"(2) Effective period of certificate.—A certificate filed by an individual pursuant to this subsection shall be effective, in the case of employment (as defined in section 3121 (b) and section 210 (a) of the Social Security Act), performed by him on and after the first day of the first calendar quarter which begins more than 30 days after the date such certificate is filed, and, in the case of self-employment in a trade or business (as defined in subsection (c) and section 211 (c) of the Social Security Act), engaged in by him for the taxable year in which the certificate is filed and all succeeding taxable years."

INCREASE IN AMOUNTS INDIVIDUALS MAY EARN WITHOUT SUFFERING DEDUCTIONS IN THEIR BENEFITS

SEC. 5. (a) Paragraphs (1), (3), and (4) (B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140 wherever it appears therein and inserting in lieu thereof "$200".

(b) The first sentence of paragraph (3) of such subsection (f) is amended by striking out "year, except of the first $1,200 of such excess (or all of such excess if it is less than $1,200), an amount equal to one-half thereof shall not be included" and inserting in lieu thereof "year".

(c) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$200".

(d) The amendments made by the preceding subsections of this section shall apply only with respect to taxable years ending after the date of the enactment of this Act.

REDUCTION FROM 72 TO 70 THE AGE AFTER WHICH DEDUCTIONS ON ACCOUNT OF EARNINGS ARE NO LONGER IMPOSED

SEC. 6. (a) Subsections (c)(1), (d)(1), (f)(1), and (j) of section 203 of the Social Security Act are each amended by striking out "seventy-two" and inserting in lieu thereof "seventy".

(b) Subsection (h) (1) (A) of such section 203 is amended by striking out "the age of 72" and "age 72" and inserting in lieu thereof in each instance "age 70".

(c) The heading of subsection (j) of such section 203 is amended by striking out "Seventy-two" and inserting in lieu thereof "Seventy."

(d) The amendments made by the preceding subsections of this section shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for months in taxable years (of the individual whose earnings are involved) ending after the date of the enactment of this Act.

The material presented by Mr. PROUTY is as follows:

SPECIFIC MONTHLY SOCIAL SECURITY BENEFIT INCREASES FOR INDIVIDUALS UNDER THE PROUTY-COTTON BILL [1]

Those now receiving—	Would receive—
$55 to $61.10	$70.00
$62.20	71.50
$63.30	72.80
$64.50	74.20
$65.60	75.50
$66.70	76.70
$67.80	77.80
$69.00	79.40
$70.20	80.80
$71.50	82.30
$72.60	83.50
$73.80	84.20
$75.10	85.70
$76.30	87.00
$77.50	88.40
$78.70	89.80
$79.90	91.10
$81.10	92.50
$82.30	93.90
$83.60	95.30
$84.70	96.50
$85.90	97.10
$87.20	98.60
$88.40	99.90
$89.50	101.20
$90.80	102.60
$92.00	104.00
$93.20	105.40
$94.40	106.70
$95.60	108.10
$96.80	109.30
$98.00	109.80
$99.30	111.30
$100.50	112.60
$101.60	113.80
$102.90	115.50
$104.10	116.60
$105.20	117.80

SPECIFIC MONTHLY SOCIAL SECURITY BENEFIT INCREASES FOR INDIVIDUALS UNDER THE PROUTY-COTTON BILL [1]—Continued

Those now receiving—	Would receive—
$106.50	$119.30
$107.70	120.60
$108.90	121.90
$110.10	122.30
$111.40	123.50
$112.60	125.00
$113.70	126.20
$115.00	127.60
$116.20	129.00
$117.30	130.20
$118.60	131.60
$119.80	133.00
$121.00	134.30
$122.20	134.40
$123.40	135.70
$124.70	137.20
$125.80	138.40
$127.10	139.80
$128.30	141.10
$129.40	142.40
$130.70	143.80
$131.90	145.10
$133.00	146.30
$134.30	146.40
$135.50	147.70
$136.80	149.10
$137.90	150.30
$139.10	151.60
$140.40	153.00
$141.50	154.20
$142.80	155.70
$144.00	157.00
$145.10	158.10
$146.40	158.20
$147.60	159.40
$148.90	160.80
$150.00	162.00
$151.20	163.30
$152.50	164.70
$153.60	165.90
$154.90	167.30
$156.00	168.50
$157.10	169.00
$158.20	169.50
$159.40	170.60
$160.50	171.70
$161.60	172.90
$162.80	174.20
$163.90	175.40
$165.00	176.60
$166.20	177.60
$167.30	179.00
$168.40	180.20
$169.50	181.00
$170.70	181.50
$171.80	182.10
$172.90	183.30
$174.10	184.50
$175.20	185.70
$176.30	186.90
$177.50	188.10
$178.60	189.30
$179.70	190.00
$180.80	190.50
$182.00	191.10
$183.10	192.30
$184.20	193.40
$185.40	194.60
$186.50	195.80
$187.60	197.00
$188.80	198.30
$189.90	199.40
$191.00	200.00
$192.00	200.50
$193.00	201.80
$194.00	202.80
$195.00	203.80
$196.00	204.90
$197.00	205.90
$198.00	206.90
$199.00	208.00
$200.00	209.00
$201.00	209.50
$202.00	210.00
$203.00	210.50
$204.00	211.00
$205.00	211.50
$206.00	212.20
$207.00	213.20
$208.00	214.20
$209.00	215.30
$210.00	216.30
$211.00	217.30
$212.00	218.00
$213.00	218.50
$214.00	219.00
$215.00	219.50
$216.00	220.30
$217.00	221.30
$218.00	222.40

[1] Both monthly benefit amounts are based on retirement at at age 65.

SPECIFIC MONTHLY SOCIAL SECURITY BENEFIT INCREASES FOR AGED COUPLES UNDER THE PROUTY-COTTON BILL

Those now receiving—	Would receive—
$82.50 to $91.70	$105.00
$93.30	107.30
$95.00	109.20
$96.80	111.30
$98.40	113.30
$100.10	115.10
$101.70	116.70
$103.50	119.10
$105.30	121.20
$107.30	123.50
$108.90	125.30
$110.70	126.30
$112.70	128.60
$114.50	130.50
$116.30	132.60
$118.10	134.70
$119.90	136.70
$121.70	138.80
$123.50	140.90
$125.40	143.00
$127.10	144.80
$128.90	145.70
$130.80	147.90
$132.60	149.90
$134.30	151.80
$136.20	153.90
$138.00	156.00
$139.80	158.10
$141.60	160.10
$143.40	162.20
$145.20	164.00
$147.00	164.70
$149.00	167.00
$150.80	168.90
$152.40	170.70
$154.40	173.30
$156.20	174.90
$157.80	176.70
$159.80	179.00
$161.60	180.90
$163.40	182.90
$165.20	183.50
$167.10	185.30
$168.90	187.50
$170.60	189.30
$172.50	191.40
$174.30	193.50
$175.80	195.30
$177.90	197.40
$179.70	199.50
$181.50	201.50
$183.30	201.60
$185.10	203.60
$187.10	205.80
$188.70	207.60
$190.70	209.70
$192.50	211.70
$194.10	213.60
$196.10	215.70
$197.90	217.70
$199.50	219.50
$201.50	219.60
$203.30	221.60
$205.20	223.70
$206.90	225.50
$208.70	227.40
$210.60	229.50
$212.30	231.30
$214.20	233.60
$216.00	235.50
$217.70	237.20
$219.60	237.30
$221.40	239.10
$223.40	241.20
$225.00	243.00
$226.80	245.00
$228.80	247.10
$230.40	248.90
$232.40	251.00
$234.00	252.80
$235.70	253.50
$237.30	254.30
$239.10	255.90
$240.80	257.60
$242.40	259.40
$244.20	261.30
$245.90	263.10
$247.50	264.90
$249.30	266.40
$251.00	268.50
$252.60	270.30
$254.30	271.50
$256.10	272.30
$257.70	273.20
$259.40	275.00
$261.20	276.80
$262.80	278.60
$264.50	280.40
$266.30	282.20
$267.90	284.00
$269.60	285.00
$271.20	285.80
$273.00	286.70
$274.70	288.50
$276.30	290.10
$278.10	292.10
$279.80	293.70
$281.40	295.50
$283.20	297.30

SPECIFIC MONTHLY SOCIAL SECURITY BENEFIT INCREASES FOR AGED COUPLES UNDER THE PROUTY-COTTON BILL [1]—Continued

Those now receiving—	Would receive—
$284.90	$299.10
$286.50	300.00
$288.00	300.80
$289.50	302.70
$291.00	304.20
$292.50	305.70
$294.00	307.40
$295.50	308.90
$297.00	310.40
$298.50	312.00
$300.00	313.50
$301.50	314.30
$303.00	315.00
$304.50	315.80
$306.00	316.50
$307.50	317.30
$309.00	318.30
$310.50	319.80
$312.00	321.30
$313.50	323.00
$315.00	324.50
$316.50	326.00
$318.00	327.00
$319.50	327.80
$321.00	328.50
$322.50	329.30
$324.00	330.50
$325.50	332.00
$327.00	333.60

[1] Both monthly benefit amounts are based on retirement at age 65.

S. 2422—INTRODUCTION OF A BILL AUTHORIZING FLEXIBLE INTEREST RATES FOR THE STUDENT INSURED LOAN PROGRAM

Mr. BAYH. Mr. President, the question of how much Federal assistance will be made available to higher education will be debated in committee and on the floors of the Senate and the House in the next few months. Tragically, education is a low priority field as far as the Nixon administration is concerned. The revised budget which the President has submitted to this Congress reflects an unfortunate lack of emphasis in this important area. Hopefully Congress will exercise its prerogative and insure that budgetary inequities do not maim the fine and essential system of education we have in the United States.

However, Mr. President, there are some programs in the field of higher education which cannot wait for long. One of these is the guaranteed student loan program under the National Defense Education Act.

Under this program, the Federal Government pays the interest on loans made by private banks to college students during the duration of the student's undergraduate education. Last year, faced with the problem of rapidly rising interest rates, Congress found it necessary to raise the authorized interest payment from 6 to 7 percent. However, this year the guaranteed loan program is completely unworkable. With the prime interest rate at a whopping 8.5 percent, loans are just not available at 7 percent.

Mr. President, today I introduce a bill to help ease the flow of loan money.

My proposal would permit the Commissioner of Education to raise and lower the amount of interest paid by the Federal Government under the guaranteed student loan program. By permitting the Commissioner to act in this matter, we would eliminate the stumbling block of Congress having to deal with the problem of the interest ceiling in a time when the rates are increasing at an astronomical rate. If we do not permit some flexibility in this program, we will be cutting off the only source some students have of financing their college educations.

I have talked with a number of students, a number of bankers, and a number of officials at institutions of higher learning, who feel that unless Congress takes action quickly, it will be impossible for the institutions and the students involved to make the necessary plans relative to what they are going to do next September.

But the guaranteed loan program is not the only area which concerns me. The major student assistance programs under NDEA face a severe financial squeeze as a result of an economy move by the administration. The effects of these proposed cuts could be catastrophic nationwide unless Congress acts and acts quickly. We cannot cut back on Federal assistance to higher education and expect the States to pick up the slack. Most States already have more budgetary problems than they can handle, and to expect them to accept this additional burden, I think, is either naive or shows complete ignorance of the plight of most States' budgets.

For example, the State universities in my home State of Indiana this spring felt the effects of student unrest. Prior to this time, Hoosier campuses had been relatively free from disorders and dissent. When student protest came to Indiana, it came not as the result of demands totally unrelated to the educational process but out of a sincere desire of the students for a college education. The possibility of obtaining a university degree has become increasingly difficult for many Indiana students.

This spring, Hoosier students were confronted with an unexpected fee increase at their colleges—in some cases as much as 75 percent.

The most immediate contributing factor to the fee increase was the action taken by the 1969 session of the Indiana General Assembly. The legislature voted drastic cuts in State assistance to higher education. It abolished new State scholarship and the operating budgets for the main campuses of Indiana University and Purdue University were reduced by $1.4 million and $900,000 respectively. The budgets were reduced at a time when a number of students that have to be taught and housed and fed and cared for was increased. The budgets of the other two State universities, Ball State and Indiana State, were not cut, but the appropriations allotted were totally inadequate to meet the demands of increased enrollment and nationwide inflation. All four schools in Indiana are now faced with the unhappy prospect of higher education becoming, in the words of one concerned student, "A privilege for the wealthy rather than a right for the qualified."

These sudden and high fee increases meant that some students, especially those from lower income families, would not be able to return to school next fall—that some would not be able to begin school next fall, and for others it meant going further into debt and mortgaging their futures for college education. As one Indiana educator said:

I see good students, good engineers as it were, who are going to have to leave this university because they came here on loans, and they came here with their mothers working and scrubbing floors and she can't hack it another two years if the fees go up.

No doubt many students in other State colleges and universities around the country are faced with this same dilemma.

One of the largest student assistance programs is the national defense student loan program. And yet this program is totally dependent upon current funding. Unless Congress makes money available for NDSL, thousands of potential college students will be denied a university education.

Congress for each of the last 3 years has appropriated $190 million for the national defense student loan program. However, the Nixon administration's fiscal year 1970 budget request is $155 million for the same program. The 1970 authorization level for NDSL is $275 million and applications from schools around the country already indicate a need and eligibility of at least $273 million. A cutback from $190 million to $155 million would mean that between 44,000 and 50,000 deserving students will not receive NDSL assistance to go to college next fall. Institutional requests show that even if Congress maintains the present level of funding, countless other potential students will not receive loans. In Indiana, my home State university requests for next fall total $9.6 million: if Congress appropriates only the $155 million requested, the maximum Hoosier colleges could receive would be $4.3 million. NDSL projected funding is as low as 37 percent of the demand for one State.

Appropriations for the work-study program, by which we have been trying to give needy students an opportunity to get their education and under which the Federal Government pays 80 percent of the cost of part-time employment made available to students by the colleges have been increasing each year, but the amount is still inadequate to meet the need. For example, for the school year 1969–70, there were $275 million in gross applications from U.S. institutions of higher learning of which $219.3 million was approved by regional boards. Yet the total of all Federal funds available to meet this demand was a mere $169 million.

We tell students we are going to provide additional employment for them and see to it that they have an opportunity to work their way through college. Yet, we do not give them enough funds to do the job we say is needed.

The Nixon budget before Congress asks for only $154 million. The budget request would be inadequate to fund the program in 1968–69, and yet in 1969–70, 350 more schools will begin to participate in the program and the minium wage paid to the students soon will be increasing by 15 cents an hour.

At a time when society is stressing self-help and many are advocating that students earn their educations, it seems to me that we should be increasing appropriations for the work-study program, not reducing them.

On Wednesday, June 11, the Senate Appropriations Committee voted to include in the second supplemental $16 million for educational opportunity

grants. This was the same amount which was cut from the 1969 Appropriations bill by the conference committee. I compliment the committee. I concur wholeheartedly with the Appropriations Committee on the need to restore these badly needed funds. The fact that the committee and the Senate this year have had to take their time to restore funds that were eliminated last year demonstrates the imprudence of slashing education programs. Cutting the investment in education is not economy; it is folly.

In 1965, Congress established the educational opportunity grant program for students of exceptional financial need. American universities were encouraged to recruit actively minority and needy students and contracts were let to State, local, and nonprofit private organizations to identify and encourage these students. Believing in the slogan, "To get ahead, get a good education," Congress established the economic opportunity grants program to help deserving students break the poverty cycle. In the first operating year of the program, 133,900 beginning students went to college at a cost of $54,113,941. Unfortunately, current figures show regression instead of progress in the program.

This year, 140,500 initial grants were awarded, but without the restored $16 million, only 100,200 new students will be able to start college on educational opportunity grants—a mere 50 percent of those who are eligible. In 1 school year, without these additional funds, 40,300 potential students would be denied their chance at a college degree.

The EOG program receives funding 1 year in advance of the current fiscal year. One of the problems facing administrators of this program is that renewal students have first priority for available funds. Each year, more and more renewal students are added to the program, and as appropriations are cut back, fewer and fewer initial grants for new students are available. Colleges are going as far down in their recruiting as the ninth grade telling these economically deprived students that there is a way for them to go to college if they will just work hard and have faith. But then when these students apply for college, they find that there is no more money in the till for initial-year grants. Unfortunately, it is extremely difficult to predict accurately how many renewal students there will be at every college. Full funding for the program would help eliminate this uncertainty on the part of the student and the college. Full funds would permit financial aid offices to plan how much the school and private sources will have to make available in matching funds.

The budgetary request for educational opportunity grants appears to reflect this need for full funding, but an analysis of the fiscal year 1969 appropriation and the fiscal year 1970 request will show how misleading absolute figures can be. The administration has requested $175.6 million and this year's appropriation was $124 million. However, to this $124 million was added $9 million in funds that the Office of Education was not permitted to spend in 1968 and $11 million in unexpected unused renewals. These additions bring the current operating budget of EOG to $144 million. This next academic year, obligations to 180,400 returning students will be fulfilled. Yet, because of the low appropriation, even with an addition of $20 million in redeemed and holdover money, only one-half of the eligible beginning students will receive grants. Of course, the restoration of the $16 million—which the Appropriations Committee, in its wisdom, restored—will help keep the program close to the 1968–69 level.

The Office of Education estimates that the following year's renewals will be as many as 188,400. Even if Congress appropriates the entire $175 million requested for the 1970–71 school year, there will be enough funds for only 120,000 initial year grants—again, only about half of the eligible students who could have entered college if the program were fully funded. If Congress permits cutbacks and does not support full funding, will it be any wonder that minority groups doubt the depth of our commitment to solve the problems of educational inequality? I think the answer is obvious.

Mr. President, I cannot stress too strongly the importance of immediate congressional consideration of appropriations for higher education. Three of the four programs I have mentioned all have different funding timetables. If we wait until August or September to appropriate funds for title IV, it will be too late for the national defense student loan and guaranteed loan programs. They are now totally dependent upon current funding.

Both the Education and Labor and Labor and Public Welfare Committees have urged that the national defense student loan program be granted one year's forward funding. Under the present system, funds are usually appropriated for these loans after the schools have sent out acceptances. Without more advanced funding, it is almost impossible for colleges to plan ahead on the number of students who will be matriculating and the number of loans that will be needed and available. This would eliminate the terrible uncertainty that now accompanies a basically sound program. I strongly urge the President and the Senate and House Appropriations Committees to approve forward funding for this program. It would be in the best interests of our educational institutions and of the students who are tomorrow's leaders.

For years we have been hearing that education is the key to the future. I firmly believe that an investment in the education of our young people is an investment in the future of America. The unrest on college campuses has caused great concern in this Nation, quite understandably. Although a very small percentage of the colleges in the United States have experienced disorders and these have been perpetrated by a small minority of the students, there are those who are advocating the elimination of Federal aid to higher education. If Congress were to take this action, we would be playing into the hands of the student radicals—the far-out few who say you cannot make it in the system. We would be giving proof to the charge that the over-30 generations have no sympathy with the problems of the young. Education is not a field which can be cut back one year and the difference made up the next. Repercussions will be felt for years if we do not fund, at an adequate level, the programs we have already undertaken. Cutbacks in the name of economy is false economy and just plain foolish. Congress must take the following steps: First, increase appropriations for title IV of the Higher Education Act to full authorization levels; second, lift the restrictions on the interest paid by the Government under the guaranteed student loan program so that students can obtain these loans to finance their educations, and third, provide for 1-year forward funding for the national defense student loan program so that the colleges and the students will know how much money will be available prior to the beginning of the academic year.

I concur wholeheartedly with John Kenneth Galbraith when he said:

> People are the common denominator of progress. So . . . no improvement is possible with unimproved people, and advance is certain when people are liberated and educated.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2422), to amend part B of title IV of the Higher Education Act of 1965, relating to the students insured loan program, in order to provide that the Secretary of Health, Education, and Welfare shall prescribe the maximum rate of interest allowed for the purposes of such part, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 2424—INTRODUCTION OF THE OMNIBUS SOCIAL SECURITY AMENDMENTS OF 1969

Mr. HARTKE. Mr. President, I introduce at this time, for appropriate reference, the Omnibus Social Security Amendments of 1969, which are intended as a modernization of the old Social Security Act.

The United States was negligently late in recognizing the need for and benefits of economic security. When Congress passed the Social Security Act in the mid-1930's, 27 countries already had well-developed national retirement systems. The great depression forced this Nation to deal with the problem of economic insecurity in an increasingly industrialized and urbanized society.

The social security system today covers almost all workers, including those who are self-employed. Last year, 90 million people contributed to social security; $180 billion has been paid to beneficiaries since its inception. Every month, more than 15 million social security benefit checks are issued. Ninety to 95 percent of all those reaching retirement age now are eligible for benefits. Presently, there are more than 18 million Americans over the age of 65.

Despite the number of Americans and the amount of money involved, there has never been a full review of the social security system and its impact on the Nation. Not surprisingly, many anomalies, inequities, and injustices exist in the present law.

Today, Mr. President, I introduce a bill

encouraging such a full-scale review of the entire social security and welfare system, and correcting some of the existing inequities.

The most urgent concern in any revision of the Social Security Act is to increase the benefits to meet the existing need. Inflation is rapidly eroding the gains of every American. In an inflation, the elder American living on social security is like a prisoner living in an ever-contracting cell. He paid his fair share, only to discover that his return frequently assigns him to a life of poverty.

As a distinguished task force reported to the Finance Committee:

> The Social Security System has failed to keep up with the rising income needs of the aged.

To remedy this situation, my bill raises the minimum income benefit to at least $100, provides for a 10-percent increase in existing benefits, and ties future increases to increases in the cost of living as determined by the Department of Labor.

The need for higher benefit levels is clearly revealed in the fact that the average social security payment to retired workers is now $98 a month, to aged widows $86, and to disabled workers $112. Of course, this means that many people receive lower amounts and about 2.8 million beneficiaries receive the minimum benefit. The minimum for a worker at age 65 or later is only $55. This was raised only last year from the minimum of $47. These meager amounts hardly mean a happy retirement.

I might point out to the Senate that when I introduced the $100 minimum in the Committee on Finance last year, we were not even able to receive enough votes to provide for $1,200 a year for a person on social security. My interest in this amendment was the previous administration's proposal which no other member of the Finance Committee indicated he was going to enter into, was to provide for a minimum benefit of $70 a month. This minimum benefit of $70 a month, that I proposed in committee, did pass the Finance Committee, and also the Senate; but the House of Representatives, in conference with the Senate, insisted that the amount be reduced to $55 a month.

Providing a 10-percent increase in benefits and a minimum benefit of at least $100 a month as proposed by my bill will be an important step in assuring retired Americans an adequate income.

There is now, I believe, very widespread acceptance of the idea that social security benefits should be increased automatically as the cost of living rises. In 1968, both the Republican and Democratic Parties included proposals to do this in their platform. Since both parties would seem to be in agreement, there is little reason for not having tied benefit increase to cost of living by the time of adjournment of this Congress.

I might also point out that during President Nixon's campaign, he made a speech in Pennsylvania, verified by the present Secretary of Health, Education, and Welfare, Mr. Finch, in hearings before the Finance Committee that President Nixon had, indeed, promised the American people that benefits in social security would be tied to the increase in the cost of living. What I want to do is to help the President keep his promise.

Our older people on social security have had $3 billion in purchasing power taken away by inflation from their pensions alone since 1965. These people should not have to wait 1, 2, or 5 years until Congress provides some form of relief. To give some indication of the urgency of the problem it is indicated that at the present rate, price rises would wipe out a 7-percent increase long before it reaches social security beneficiaries.

By tying benefits to the cost of living, Congress can insure that elder Americans' investment in their retirement is "inflation proof."

Mr. President, my proposed bill also revises the funding formula for social security so that the employer, employee, and the Federal Government all would contribute a one-third share.

The probability that a contribution from general revenue would be required to finance the social security system has been acknowledged from the beginning. In 1935, the Committee on Economic Security which recommended the adoption of the social security system also recommended that the Federal Government make contributions. The 1938 and 1948 Advisory Councils on Social Security also supported a Federal contribution from general revenues. A Government contribution was enacted in the Social Security Act in 1943 but was eliminated in 1950.

I believe that a Government contribution to the social security system is necessary because:

First, any more increase in the payroll tax, which is essentially a regressive tax, would create an oppressive burden for the low-paid workers, the young workers, and the small businessmen;

Second, adequate benefits cannot be provided by raising payroll taxes;

Third, contribution by the Federal Government to the social security system should reduce the cost of other welfare programs.

One of the most self-defeating provisions of the present social security law is the limitation on earnings. It is indeed a bizarre paradox in America. A desire to work penalizes a man after a certain age. At the present time, a beneficiary who earns more than $1,680 a year receives a reduced social security benefit. I propose that Congress immediately increase the earnings limitation to $2,400 and over a period of 7 years eliminate it entirely. Older Americans should not be penalized for investing their retirement or discouraged from participation in our society. At the present time, 26 percent over the age of 65 are participating in either part-time or full-time employment.

The law in the medieval age treated woman as an inferior creature. They were denied many rights granted to men. Most of these feudalistic laws have been eliminated from our legal system but the concept of a woman's inferiority is alive and well in our social security system. Under present law, a man can draw 150 percent of his monthly benefits if he is married. If he is a widower, he receives his full benefits. But, if he leaves a widow, she can receive only 82½ percent of his total allotment. A widow's expenses are not less costly than a man's. A woman faces the prospect of not only losing her husband but almost half of her income. My legislation would eliminate this discrimination and allow a surviving spouse of a primary beneficiary to receive 100 percent of the social security benefits.

Mr. President, my bill would also provide the supplementary medical insurance program for the aged in the areas of eye, hearing, and dental care. It will include the provision of eyeglasses, hearing aids, and dentures where they are needed, as well as the necessary attendant examinations and treatment of other conditions related to these. Studies reveal that the elderly have the greatest need for dental care and the least ability to pay.

In the area of eye care the basic facts are the same: it is the elderly who are in the greatest need because they have the greatest sight impairment, but because of their limited income they are far more likely to live with their disability rather than have it properly cared for to make their later years as enjoyable as they might be.

I would imagine that a person like myself, who goes to the eye doctor for an annual examination, has to adjust his bifocals every once in a while, so that it really means something to him personally when he receives that final examination for special sight device.

This bill also removes the present exclusion in the area of hearing impairment.

The amount of hearing impairment is considerably greater than that of visual impairment, although I venture that most people, seeing so many more eyeglasses than hearing aids in use, would be surprised to know that fact. Whereas there are an estimated 5,390,000 persons in the Nation with eye problems at least severe enough to make them unable even with glasses to recognize a friend walking on the other side of the street, more than 8½ million have—by their own or family member's account in answering the health survey questions—"deafness or serious trouble hearing with one or both ears."

Although I believe the greatest legislative accomplishment of the 89th Congress was the establishment of the social security-based health insurance program for persons over the age of 65, I also believe that this program must not remain limited only to elderly persons.

Rather, I believe this program must be changed and so expanded that beneficiaries of social security-provided disability insurance payments may share in its benefits, may be included in the Federal health insurance program.

To achieve this most worthwhile purpose, Mr. President, I am introducing a bill to provide that individuals entitled to disability insurance benefits—or child's benefits based on disability shall be eligible for health insurance benefits under title XVIII of the Social Security Act.

Mr. President, just as the men and

women who are elderly and retired on social security payments must live and manage on very limited income and have a great need that their health care costs be met by the social insurance method, so, too, it is most necessary that the health care costs of those who must live and manage on limited income because they are disabled, because they are beneficiaries of the disability insurance program, be met by the very same concept of social insurance enacted into Federal law.

REFUND OF THE PAYROLL TAX

With the steady increase in the taxable wage base, the social security payment is becoming increasingly regressive. The poor pay proportionately higher percentages of their income. Presently the payroll tax of the Social Security Act annually consumes $1.5 billion of the incomes of those families whose income falls below the poverty line. This collection of $1.5 billion a year from families below the poverty level conflicts with the avowed national policy of eliminating poverty.

Because the payroll tax is inequitable, the income tax law should be amended to provide a partial refund of social security taxes. I propose a formula in the bill today by which 90 percent of the payroll tax paid by workers in the lowest income groups would be refunded.

CONCLUSION

Mr. President, I have discussed briefly some of the major provisions of the bill I am introducing today. It is not my claim that the proposals contained in this bill are perfect, but I believe they represent a concern for the welfare of our elder citizens, a concern that should be, and I trust will be, shared by Congress. I conclude my remarks by asking that a section-by-section outline of my bill be printed in the RECORD; and I also ask unanimous consent that the text of the entire bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the analysis and the text of the bill will be printed in the RECORD.

The bill (S. 2424), to amend the Social Security Act, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Omnibus Social Security Amendments of 1969".

TITLE I—OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

INCREASE IN BENEFIT AMOUNTS

SEC. 101. (a) Section 215 (a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$32.60	$90.80 or less	----------	$160	$100.00	$150.00
$32.61	33.20	92.00	$161	164	101.20	151.80
$33.21	33.88	93.20	165	169	102.60	153.90
$33.89	34.50	94.40	170	174	103.90	155.90
$34.51	35.00	95.60	175	178	105.20	157.80
$35.01	35.80	96.80	179	183	106.50	159.80
$35.81	36.40	98.00	184	188	107.80	161.70
$36.41	27.08	99.30	189	193	109.30	164.00
$37.09	37.60	100.50	194	197	110.60	165.90
$37.61	38.20	101.60	198	202	111.80	167.70
$38.21	39.12	102.90	203	207	113.20	169.80
$39.13	39.68	104.10	208	211	114.60	171.90
$39.69	40.33	105.20	212	216	115.80	173.70
$40.34	41.12	106.50	217	221	117.20	176.80
$41.13	41.76	107.70	222	225	118.50	180.00
$41.77	42.44	108.90	226	230	119.80	184.00
$42.45	43.20	110.10	231	235	121.20	188.00
$43.21	43.76	111.40	236	239	122.60	191.20
$43.77	44.44	112.60	240	244	123.90	195.20
$44.45	44.88	113.70	245	249	125.10	199.20
$44.89	45.60	115.00	250	253	126.50	202.40
		116.20	254	258	127.90	206.40
		117.30	259	263	129.10	210.40
		118.60	264	267	130.50	213.60
		119.80	268	272	131.80	217.60
		121.00	273	277	133.10	221.60
		122.20	278	281	134.50	224.80
		123.40	282	286	135.80	228.80
		124.70	287	291	137.20	232.80
		125.80	292	295	138.40	236.00
		127.10	296	300	139.90	240.00
		128.30	301	305	141.20	244.00
		129.40	306	309	142.40	247.20
		130.70	310	314	143.80	251.20
		131.90	315	319	145.10	255.20
		133.00	320	323	146.30	258.40
		134.30	324	328	147.80	262.40
		135.50	329	333	149.10	266.40
		136.80	334	337	150.50	269.60
		137.90	338	342	151.70	273.60
		139.10	343	347	153.10	277.60
		140.40	348	351	154.50	280.80
		141.50	352	356	155.70	284.80
		142.80	357	361	157.10	288.80
		144.00	362	365	158.40	292.00
		145.10	366	370	159.70	296.00
		146.40	371	375	161.10	300.00
		147.60	376	379	162.40	303.20
		148.90	380	384	163.80	307.20
		150.00	385	389	165.00	311.20
		151.20	390	393	166.40	314.40
		152.50	394	398	167.80	318.40
		153.60	399	403	169.00	322.40
		154.90	404	407	170.40	325.60
		156.00	408	412	171.60	329.60
		157.10	413	417	172.90	333.60

"I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$158.20	$418	$421	$174.10	$336.80
		159.40	422	426	175.40	340.80
		160.50	427	431	176.60	344.80
		161.60	432	436	177.80	348.80
		162.80	437	440	179.10	350.40
		163.90	441	445	180.30	352.40
		165.00	446	450	181.50	354.40
		166.20	451	454	182.90	356.00
		167.30	455	459	184.10	358.00
		168.40	460	464	185.30	360.00
		169.50	465	468	186.50	361.60
		170.70	469	473	187.80	363.60
		171.80	474	478	189.00	365.60
		172.90	479	482	190.20	367.20
		174.10	483	487	191.60	369.20
		175.20	488	492	192.80	371.20
		176.30	493	496	194.00	372.80
		177.50	497	501	195.30	374.80
		178.60	502	506	196.50	376.80
		179.70	507	510	197.70	378.40
		180.80	511	515	198.90	380.40
		182.00	516	520	200.20	382.40
		183.10	521	524	201.50	384.00
		184.20	525	529	202.70	386.00
		185.40	530	534	204.00	388.00
		186.50	535	538	205.20	389.60
		187.60	539	543	206.40	391.60
		188.80	544	548	207.70	393.60
		189.90	549	553	208.90	395.60
		191.00	554	556	210.10	396.80
		192.00	557	560	211.20	398.40
		193.00	561	563	212.30	399.60
		194.00	564	567	213.40	401.20
		195.00	568	570	214.50	402.40
		196.00	571	574	215.60	404.00
		197.00	575	577	216.70	405.20
		198.00	578	581	217.80	406.80
		199.00	582	584	218.90	408.00
		200.00	585	588	220.00	400.60
		201.00	589	591	221.10	410.80
		202.00	592	595	222.20	412.40
		203.00	596	598	223.30	413.60
		204.00	599	602	224.40	415.20
		205.00	603	605	225.50	416.40
		206.00	606	609	226.60	418.00
		207.00	610	612	227.70	419.20
		208.00	613	616	228.80	420.80
		209.00	617	620	229.90	422.40
		210.00	621	623	231.00	423.60
		211.00	624	627	232.10	425.20
		212.00	628	630	233.20	426.40
		213.00	631	634	234.30	428.00
		214.00	635	637	235.40	429.20
		215.00	638	641	236.50	430.80
		216.00	642	644	237.60	432.00
		217.00	645	648	238.70	433.60
		218.00	649	650	239.80	434.40"

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for the month of January 1970 on the basis of the wages and self-employment income of such insured individual, such total of benefits for such month or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to January 1970, for each such person for January 1970, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for the month of January 1970, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1970, or".

(c) Section 215(b)(4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled, after December 1969, to benefits under section 202(a) or section 223; or

"(B) who dies after December 1969 without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2)."

(d) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1967 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1969.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before the month of January 1970, or who died before such month."

(e) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1969.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for the month of December 1969 and became entitled to old age insurance benefits under section 202(a) of such Act for the month of January 1970, or who died in such month, then for purposes of section 215(a)(4) of the Social Security Act (if applicable) the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(g)(1) Section 227(a) of the Social Security Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(2) Section 227(b) of such Act is amended by striking out in the second sentence "$40" and inserting in lieu thereof "$75".

(3) Section 228(b)(1) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(4) Section 228(b)(2) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(5) Section 228(c)(2) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(6) Section 228(c)(3)(A) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(7) Section 228(c)(3)(B) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(8) The amendments made by this subsection shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969.

COST-OF-LIVING INCREASES IN BENEFITS

SEC. 102. Section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"COST-OF-LIVING INCREASES IN BENEFITS

"(w)(1) For purposes of this subsection—

"(A) the term 'price index' means the annual average over a calendar year of the Consumer Price Index (all items—united city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1969, or if later, the calendar year preceding the year in which the most recent cost-of-living adjustment has been made in monthly benefits under this title by reason of the provisions of this subsection.

"(2) As soon after January 1, 1971, and as soon after January 1, of each succeeding year as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary shall determine the per centum of increase (if any) in the price index for the calendar year ending with the close of the preceding December over the price index for the base period. If the increase occurring in the price index for the latest calendar year with respect to which a determination is made in accordance with this paragraph over the price index for the base period is equal to at least 2 percent, there shall be made, in accordance with the succeeding provisions of this subsection, an increase in the monthly insurance benefits payable under this title equal to the percent rise in the price index adjusted to the nearest one-tenth of 1 percent.

"(3) Increase in such insurance benefits shall be effective for benefits payable with repect to months beginning on or after April 1 of the year in which the most recent determination pursuant to paragraph (2) is made.

"(4) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(5) Any increase to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied. If the amount of any increase payable by reason of the provisions of this subsection is not a multiple of $0.10, it shall be reduced to the next lower multiple of $0.10."

LOWERING OF AGE AT WHICH OTHERWISE UNINSURED INDIVIDUALS MAY BECOME ENTITLED TO BENEFITS

SEC. 103. (a) Section 228 (a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65,

"(2) is a resident of the United States (as defined in subsection (3)), and is (A) a citizen of the United States, or (B) an alien lawfully admitted for permanent residence in the United States (as defined in section 210(i)) continously during the 5 years immediately preceding the month in which he files application under this section, and

"(3) has filed application for benefits under this section,

shall (subject to the limitations in this section) be entitled to a benefit under this section for each month beginning with the first month after September 1966 in which he becomes so entitled to such benefits and ending with the month preceding the month in which he dies. No application under this section which is filed by an individual more than 3 months before the first month in which he meets the requirements of paragraphs (1) and (2) shall be accepted as an application for purposes of this section."

(b) Section 228(c)(1) of such Act is amended by striking out "The" and inserting in lieu thereof "Except as otherwise provided in subsection (i), the".

(c) Section 228 of such Act is further amended by adding at the end thereof the following new subsection:

"INDIVIDUALS EXEMPT FROM REDUCTION ON ACCOUNT OF GOVERNMENTAL PENSION SYSTEM BENEFITS

"(i) Notwithstanding the provisions of subsection (c), if at the beginning of any month an individual has not less than 4 quarters of coverage (whenever acquired), the benefit amount of such individual for such month under this section shall not be reduced on account of any periodic benefit under a governmental pension system for which he or his spouse is eligible for such month."

(d) The amendments made by this section shall be applicable with respect to benefits payable under section 228 of the Social Security Act for months after the month following the month in which this Act is enacted, but only on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

LOWERING OF AGE AT WHICH ACTUARIALLY REDUCED BENEFITS MAY BE PAID

SEC. 104. (a)(1) Section 202 (a)(2) of the Social Security Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(2) Section 202(b)(1) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(3) Section 202(c)(1) and (2) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(4)(A) Section 202(f)(1)(B), (2), (5), and (6) is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(B) Section 202(f)(1)(C) of such Act is amended by striking out "or was entitled" and inserting in lieu thereof "or was entitled, after attainment of age 62,".

(5)(A) Section 202(h)(1)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(B) Section 202(h)(2)(A) of such Act is amended by inserting "subsection (q) and" after "Except as provided in".

(C) Section 202(h)(2)(B) of such Act is amended by inserting "subsection (q) and" after "except as provided in".

(D) Section 202(h)(2)(C) of such Act is amended by—

(i) striking out "shall be equal" and inserting in lieu thereof "shall, except as provided in subsection (q), be equal"; and

(ii) inserting "and section 202(q)" after "section 203(a)".

(b)(1) The first sentence of section 202(q)(1) of such Act is amended (A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (B) by striking out, in subparagraph (A) thereof, "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(2)(A) Section 202(q)(3)(A) of such Act is amended (i) by striking out "husband's, widow's, or widower's" each place it appears therein and inserting in lieu thereof "husband's, widow's, widower's, or parent's", (ii) by striking out "age 62" and inserting in lieu thereof "age 60", and (iii) by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's or parent's".

(B) Section 202(q)(3)(B) of such Act is amended by striking out "or husband's" each place it appears therein and inserting in lieu thereof ", husband's, widow's, widower's, or parent's".

(C) Section 202(q)(3)(C) is amended by striking out "or widower's" each place it appears therein and inserting in lieu thereof "widower's, or parent's".

(D) Section 202(q)(3)(D) of such Act is amended by striking out "or widower's" and inserting in lieu thereof "widower's, or parent's".

(E) Section 202(q)(3)(E) of such Act is amended (i) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f)(1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit to which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", (iii) by striking out "over such widow's or widower's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit" and, (iv) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(F) Section 202(q)(3)(F) of such Act is amended (i) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f)(1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit for which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's widower's, or parent's insurance benefit", (iii) by striking out "over such widow's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit" (iv) by striking out "62" and inserting in lieu thereof "60", and (v) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(G) Section 202(q)(3)(G) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 202(q)(5)(B) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 202(q)(6) of such Act is amended (i) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (ii) by striking out, in clause (III), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(5) Section 202(q)(7) of such Act is amended—

(A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's"; and

(B) by striking out, in subparagraph (E), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(6) Section 202(q)(9) of such Act is amended by striking out "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(c)(1) The heading to section 202(r) of such Act is amended by striking out "Wife's or Husband's" and inserting in lieu thereof "Wife's, Husband's, Widows, Widowers, or Parents".

(2)(A) Section 202(r)(1) of such Act is amended (i) by striking out "wife's or husband's" the first place it appears therein and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's", and (ii) by inserting immediately before the period at the end thereof the following: ", or for widows, widower's, or parent's insurance benefits but only if such first month occurred before such individual attained age 62".

(B) Section 202(r)(2) of such Act is amended by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's".

(d) Section 214(a)(1) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died or (if earlier) the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year in which she attained (or would attain) age 62,".

(e)(1) Section 215(b)(3) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died, or, if it occurred earlier but after 1960, the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year occurring after 1960 in which she attained (or would attain) age 62,".

(2) Section 215(f)(5) of such Act is amended (A) by inserting after "attained age 65," the following: "or in the case of a woman who became entitled to such benefits and died before the month in which she attained age 62,"; (B) by striking out "his" each place it appears therein and inserting in lieu thereof "his or her"; and (C) by striking out "he" each place after the first place it appears therein and inserting in lieu thereof "he or she".

(f)(1) Section 216(b)(3)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(2) Section 216(c)(6)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 216(f)(3)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 216(g)(6)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(g)(1) Section 202(q)(5)(A) of such Act is amended by striking out "No wife's insurance benefit" and inserting in lieu thereof "No wife's insurance benefit to which a wife is entitled".

(2) Section 202(q)(5)(C) of such Act is amended by striking out "woman" and inserting in lieu thereof "wife".

(3) Section 202(q)(6)(A)(i)(II) of such Act is amended (A) by striking out "wife's insurance benefit" and inserting in lieu thereof "wife's insurance benefit to which a wife is entitled", and (B) by striking out "or" at the end and inserting in lieu thereof the following: "or in the case of a wife's insurance benefit to which a divorced wife is entitled, with the first day of the first month for which such individual is entitled to such benefit, or".

(4) Section 202(q)(7)(B) of such Act is amended by striking out "wife's insurance benefits" and inserting in lieu thereof "wife's insurance benefits to which a wife is entitled".

(h) Section 224(a) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(i) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1969, but only on the basis of applications for such benefits filed after September 1969.

LIBERALIZATION OF EARNINGS TEST

SEC. 105. (a)(1)(A) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$200".

(B) The first sentence of paragraph (3) of such subsection (f) is amended by striking out ", except that of the first $1,200 of such excess (or all of such excess if it is less than $1,200), an amount equal to one-half thereof shall not be included".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$200".

(3) The amendments made by this subsection (other than the amendment made by paragraph (1)(B)) shall be effective only with respect to taxable years ending after December 31, 1968, and before January 1, 1972. The amendment made by paragraph (1)(B) of this subsection shall be effective with respect to taxable years ending after December 31, 1968.

(b)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$250".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1971 and before January 1, 1974.

(c)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$300".

(2) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$300".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1973 and before January 1, 1976.

SEC. 2. (a) Subsections (b), (d), (f), (h), (j), and (k) of section 203 of the Social Security Act are repealed.

(b) Subsection (c) of such section 203 is amended (1) by striking out "Noncovered

Work Outside the United States or" in the heading, and (2) by striking out paragraph (1) thereof.

(c) Subsection (e) of such section 203 is amended by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsection (c)".

(d) Subsection (i) of such section 203 is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (c) or (g)".

(e) Subsection (l) of such section 203 is amended by striking out "or (h)(1)(A)".

(f) The second sentence of paragraph (1) of subsection (n) of section 202 of the Social Security Act is amended by striking out "Section 203 (b), (c), and (d)" and inserting in lieu thereof "Section 203(c)".

(g) Paragraph (7) of subsection (t) of section 202 of the Social Security Act is amended by striking out "Subsections (b), (c), and (d)" and inserting in lieu thereof "Subsection (c)".

(h) Paragraph (3) of section 208(a) of the Social Security Act is repealed.

(i) The amendments made by this section (other than subsection (h)) shall apply only with respect to benefits payable for months beginning after December 31, 1975, and the amendment made by subsection (h) shall become effective on January 1, 1976.

CHILD'S BENEFITS FOR STUDENTS

SEC. 106. (a)(1) Section 202 (d)(1)(B)(i) of the Social Security Act is amended by striking out "full-time student and had not attained the age of 22" and inserting in lieu thereof "qualified student and had not attained the age of 26".

(2) Section 202(d)(1)(E) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(3)(A) Section 202(d)(1)(F)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(F)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(4)(A) Section 202(i)(1)(G)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(G)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(b) Section 202(d)(6) of such Act is amended (1) by striking out "22" each place it appears therein and inserting in lieu thereof "26", and (2) by striking out "full-time student" each place it appears therein and by inserting in lieu thereof "qualified student".

(c)(A)(i) The first sentence of section 202(d)(7)(B) of such Act is amended (I) by striking out "full-time student" and inserting in lieu thereof "full-time student, or part-time student, as the case may be," and (II) by striking out "full-time attendance" each place it appears therein and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(ii) The second sentence of section 202(d)(7)(B) of such Act is amended by striking out "full-time attendance" and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(B) Section 202(d)(7) of such Act is further amended by adding after subparagraph (C) thereof the following new subparagraphs:

"(D) A 'qualified student' is an individual who—

"(i) is a full-time student or a part-time student, and

"(ii) is determined by the Secretary (in accordance with regulations prescribed by him) to be making satisfactory progress in the courses of study pursued by him in the educational institution in which he is enrolled;

except that no individual who has attained age 22 shall be a qualified student after the date he first becomes eligible for a baccalaureate degree from an educational institution in which he is or has been enrolled.

"(E) A 'part-time student' is an individual who is in attendance at an educational institution (as defined in subparagraph (C)) and is carrying a course load as determined by the Secretary (in accordance with regulations prescribed by him) which, in light of the standards and practices of the institution involved, is not less than one-half the course load which would be carried by a full-time student in such institution, except that no individual be considered as a 'part-time student' if he is paid by his employer while attending an educational institution at the request, or pursuant to a requirement, of his employer."

(d) Section 203 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"DEDUCTIONS FROM CHILD'S BENEFITS OF PART-TIME STUDENTS

"(m)(1) Deductions, at such time or times as the Secretary shall determine, shall be made from any child's insurance benefit (under section 202(d)) to which an individual is entitled for any month in which such individual is a part-time student (as defined in section 202(d)(7)(E)), if such individual would not have been entitled, under section 202(d), to such a benefit for such month except for the fact that he was a qualified student (as defined in section 202(d)(7)(D)) during such month. For any month in which such individual is a part-time student carrying a course load in the educational institution in which he is enrolled of not less than three-fourths of a full course load (as determined by the Secretary under regulations prescribed by him), the deduction from the child's benefit of such individual shall be equal to one-fourth of the amount of such child's benefit and, for any other month, the deduction from the child's benefit of such individual shall be equal to one-half of the amount of such child's benefit.

"(2) An individual referred to in paragraph (1) shall report to the Secretary such information as the Secretary shall by regulations prescribe to enable the Secretary to make deductions from such individual's benefits in accordance with such paragraph.

"(3) Whenever any individual, without good cause, fails or refuses to make any report required pursuant to paragraph (2), the Secretary may (in accordance with regulations prescribed by him for such purpose) make penalty deductions from the child's insurance benefits to which such individual is entitled. Any such penalty deduction shall not exceed the amount of the child's insurance benefit to which such individual is entitled for one month, and not more than one such penalty deduction shall be made for any one such failure or refusal."

(e) Section 222(b) of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(f) The last sentence of section 225 of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(g) The amendments made by the preceding provision of this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act four months after the month which follows the month in which this Act is enacted; except that, in the case of an individual who was not entitled to a child's insurance benefit under subsection (d) of such section for the month in which this Act is enacted, such amendments shall apply only on the basis of an application filed in or after the month in which this Act is enacted.

(h) Section 205 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"NOTIFICATION OF RECIPIENTS OF CHILD'S INSURANCE BENEFITS OF PROVISIONS RELATING TO STUDENTS

"(r) The Secretary shall establish and put into effect procedures designed to provide notification to individuals receiving child's insurance benefits under section 202(d) of the provisions of such section relating to eligibility for such benefits in the case of individuals who have attained age 18 and are qualified students. In the case of individuals who are receiving child's insurance benefits for the month in which they attain the age of 14, such notification shall be provided in such month, or, if that is not feasible, at the earliest time thereafter that is feasible. In the case of individuals who first become entitled to child's insurance benefits for a month after the month in which they attain the age of 14, such notification shall be provided in the month in which they first become entitled to such benefits, or, if that is not feasible, at the earliest time thereafter that is feasible.

DEFINITION OF DISABILITY

SEC. 107. (a) Section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i)(1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)" and inserting in lieu thereof "paragraph (2)".

(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if the applicant has not died before such month and if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

USE OF COMBINED EARNINGS IN COMPUTATION OF BENEFITS FOR MARRIED COUPLES

SEC. 108. (a) Section 202(a) of the Social Security Act as amended by section 104 of this Act is further amended to read as follows:

"(a)(1) Every individual who—

"(A) is a fully insured individual (as defined in section 214(a)),

"(B) has attained age 60, and

"(C) has filed application for old-age insurance benefits or was entitled to disability insurance benefits for the month preceding the month in which he attained age 65, shall be entitled to an old-age insurance benefit for each month beginning with the first month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

"(2) Except as provided in subsection (q), such individual's old-age insurance benefit for any month shall be equal to his primary insurance amount for such month as determined under section 215(a), or as determined under paragraph (3) of this subsection if such paragraph is applicable and its appli-

cation increases the total of the monthly insurance benefits payable for such month to such individual and his spouse. If the primary insurance amount of an individual for any month is determined under paragraph (3), the primary insurance amount of his spouse for such month shall, notwithstanding the preceding sentence, be determined only under paragraph (3).

"(3) If both an individual and his spouse are entitled to benefits under this subsection (or section 223), or one of them is so entitled and the other would upon satisfying subparagraphs (A) and (C) of paragraph (1) be entitled to benefits under this subsection, then (subject to paragraph (4)) the primary insurance amount of such individual, and the primary insurance amount of such spouse (who shall be deemed to be entitled to benefits under this subsection, whether or not satisfying such subparagraphs, beginning with the later of the month in which such spouse attains age 60, or the month in which such individual became entitled to benefits under this subsection), for any month, shall each be equal to the amount derived by—

"(A) adding together such individual's average monthly wage and such spouse's average monthly wage, as determined under section 215(b),

"(B) applying section 215(a)(1) to their combined average monthly wage determined under subparagraph (A) (subject to the next sentence) as though such combined average monthly wage were such individual's average monthly wage determined under section 215(b), and

"(C) multiplying the amount determined under subparagraph (B) by 75 percent.

If the combined average monthly wage resulting under subparagraph (A) exceeds the average monthly wage (hereinafter referred to as the 'maximum individual average monthly wage') that would result under section 215(b) with respect to a person who became entitled to benefits under this subsection (without having established a period of disability) in the calendar year in which the primary insurance amounts of such individual and spouse are determined under this paragraph, and who had the maximum wages and self-employment income that can be counted, pursuant to section 215(e), in all his benefit computation years, then the determination under subparagraph (B) shall take into account only that part of such combined average monthly wage which is equal to the maximum individual average monthly wage but the amount determined under such subparagraph shall be increased by 25.88 per centum of the difference between such combined average monthly wage (or so much thereof as does not exceed 150 per centum of the maximum individual average monthly wage) and such maximum individual average monthly wage before applying subparagraph (C). The primary insurance amount of an individual and his spouse determined under this paragraph shall not be increased unless there is an increase in the primary insurance amount of either of them pursuant to provisions of this title other than this paragraph.

"(4) Paragraph (3) shall not apply—

"(A) with respect to any individual for any month unless, prior to such month, such individual and his spouse shall have each acquired, after attainment of age 50, not less than 20 quarters of coverage (counting as a quarter of coverage for purposes of this subparagraph any quarter all of which was included in a period of disability, as defined in section 216(i),

"(B) with respect to any individual for any month unless there is in effect with respect to such month a request filed (in such form and manner as the Secretary shall by regulations prescribe) by such individual and his spouse that their primary insurance amounts be determined under paragraph (3),

"(C) with respect to any individual or his spouse for any month if such individual or his spouse shall have indicated, in such manner and form as the Secretary shall by regulations prescribe, that he or she does not desire a request filed pursuant to subparagraph (B) to be effective with respect to such month, or

"(D) for purposes of determining the amount of any monthly benefits which (without regard to section 203(a)) are payable under the provisions of this section other than this subsection on the basis of the wages and self-employment income of an individual or his spouse."

(b)(1) Section 202 (e)(2) of the Social Security Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of such deceased individual" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of such deceased individual for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of such individual as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which he died".

(2) Section 202(f)(3) of such Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of his deceased wife" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of his deceased wife for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of his deceased wife as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which she died".

(c) Section 203(a) of the Social Security Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) when the primary insurance amount of the insured individual is determined under section 202(a)(3), such total of benefits for any month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B)(i) the amount appearing in column V of the table in section 215(a) on the line on which appears in column IV the amount determined under subparagraph (B) of such section 202(a)(3) for such individual and his spouse, or

"(ii) if the amount so determined under such subparagraph (B) does not appear in column IV—

"(I) the amount appearing in column V on the line which appears in column IV the next higher amount, if the amount so determined under such subparagraph (B) is less than the last figure in column IV, or

"(II) an amount which bears the same ratio to the amount appearing on the last line of column V as the amount determined under such subparagraph (B) bears to the amount appearing on the last line of column IV, if the amount so determined under such subparagraph (B) is greater than the last figure in column IV."

(d)(1) Section 215(f)(1) of the Social Security Act is amended by inserting "(or section 202(a)(3))" after "determined under this section".

(2) The second sentence of section 215(f)(2) of such Act is amended by inserting before the period at the end thereof the following: ", or as provided in paragraph (3) of section 202(a) if such paragraph is applicable (but disregarding any increase which might result under the second sentence of such paragraph solely from changes in the maximum wages and self-employment income that can be counted in the years involved)".

(e) Section 223(a)(2) of the Social Security Act is amended by inserting after "section 215" the following: "or under section 202(a)(3)".

(f)(1) The amendments made by subsections (a), (b), and (c) of this section shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

(2) In the case of an individual or his spouse who became entitled to benefits under section 202(a) or section 223 of the Social Security Act prior to the second month following the month in which this Act is enacted (but without regard to section 202(j)(1) or section 223(b)(2) of the Social Security Act), the average monthly wage of such individual or spouse, as the case may be, for purposes of section 202(a)(3)(A) of the Social Security Act, shall be the figure in the column headed "But not more than" in column III of the table in section 215(a)(1) of the Social Security Act in effect immediately prior to the enactment of this Act on the line on which in column IV of such table appears the primary insurance amount of such individual or spouse, as the case may be, for the month in which this Act is enacted, unless the average monthly wage of such individual or such spouse, as the case may be, is, after the enactment of this Act, redetermined under section 215(b) of the Social Security Act.

INCREASE IN BENEFITS FOR WIDOWS AND WIDOWERS

SEC. 109. (a) Section 202 (e)(1) and (2) of the Social Security Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(b) Section 202 (b)(1) and (2) of such Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(c) The amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after the month following the month in which this Act is enacted.

ELIMINATION OF REMARRIAGE AS DISQUALIFYING EVENT FOR ENTITLEMENT TO WIDOW'S OR WIDOWER'S BENEFITS

SEC. 110. (a)(1) Section 202(e)(1)(A) of the Social Security Act is repealed.

(2) Section 202 (e)(1) of such Act is amended by striking out "she remarries, dies, becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "she dies, becomes entitled to an old-age insurance benefit".

(3) Section 202 (e)(2) of such Act is amended by striking out "and paragraph (4) of this subsection".

(4) Section 202(e) of such Act is further amended by striking out paragraphs (3) and (4) thereof.

(b)(1) Section 202(f)(1)(A) of such Act is repealed.

(2) Section 202(f)(1) of such Act is amended by striking out "he remarries, dies, or becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "he dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(f)(3) of such Act is amended by striking out "and paragraph (5)".

(4) Section 202(f) of such Act is further amended by striking out paragraphs (4) and (5) thereof.

(c)(1) Section 202(s)(2) of such Act is amended by striking out "Subsection (f)(4), and so much of subsections (b)(3), (d)(5), (e)(3)" and inserting in lieu thereof "So much of subsections (b)(3), (d)(5)".

(2) Section 202(s)(3) of such Act is amended by striking out "(e)(3),".

(3) Section 202(k)(2)(B) of such Act is

amended (A) by striking out "(other than an individual to whom subsections (e)(4) or (f)(5) applies)", in the first sentence, and (B) by striking out the second sentence thereof.

(4) Section 202(k)(3) of such Act is amended (A) by striking out the "(A)" at the beginning of paragraph (A) thereof, and (B) by striking out paragraph (B) thereof.

(d) The amendments made by this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act beginning with the second month following the month in which this Act is enacted; but, in the case of an individual who was not entitled to a monthly insurance benefit under section 202(e) or (f) of such Act for the first month following the month in which this Act is enacted, only on the basis of an application filed in or after the month in which this Act is enacted.

MINIMUM CHILD'S INSURANCE BENEFIT

SEC. 111. (a) The first and second sentences of section 202(d)(2) of the Social Security Act are each amended by inserting immediately before the period the following: ", or, if greater, $30".

(b) The last sentence of section 203(a)(3) of the Social Security Act is amended by adding immediately before the period the following: "; and except that if the total of benefits for such month includes any benefit payable to any individual under section 202(d) which is reduced below $30, then the benefit to which such individual is entitled under section 202(d), notwithstanding any other provision of this subsection, be increased to $30".

(c) The amendments made by this section shall be effective for months after the month following the month in which this Act is enacted.

ELIMINATION OF REDUCTION IN DISABILITY BENEFITS ON ACCOUNT OF RECEIPT OF WORKMEN'S COMPENSATION BENEFITS

SEC. 112. Effective with respect to benefits under title II of the Social Security Act for months after January 1969, section 224 of the Social Security Act is repealed.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND

SEC. 113. In addition to the funds appropriated for each fiscal year to the Federal old-age and survivors insurance trust fund and to the Federal disability insurance trust fund, under section 201 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year which ends June 30, 1971, an amount to each such fund which is equal to 50 per centum of the amount appropriated to such fund pursuant to such section.

TITLE II—HEALTH INSURANCE

INCLUSION OF CHIROPRACTORS' SERVICES

SEC. 201. (a) Section 1861(r) of the Social Security Act is amended (1) by striking out "or" at the end of clause (2), and (2) by inserting immediately before the period at the end of clause (3) the following: ", or (4) a chiropractor licensed as such by the State, but only for purposes of section 1861(s)(1) and 1861(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them".

(b) The amendments made by this section shall be effective with respect to services furnished after the month following the month in which this Act is enacted.

ENTITLEMENT OF DISABLED TO HOSPITAL INSURANCE BENEFITS

SEC. 202. (a)(1) Section 226(a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65 and is entitled to monthly insurance benefits under section 202,

"(2) is entitled to disability insurance benefits under section 223,

"(3) is entitled to child's insurance benefits under section 202(d) and is under a disability (as defined in section 223(c)) which began before he attained the age of 18, or

"(4) is a qualified railroad retirement beneficiary, shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the condition specified in paragraph (1), (2), (3), or (4), whichever is applicable, beginning with the first month after June 1966 for which he meets such condition."

(b) Section 226(b) of such Act is amended—

(1) by striking out "after June 30, 1966, or on or after the first day of the month in which he attains age 65, whichever is later" in paragraph (1) and inserting in lieu thereof "on or after the later of (i) July 1, 1966, or (ii) the first day of the month in which he attained age 65 or the month in which his disability began, whichever is applicable"; and

(2) by striking out "under section 202" in paragraph (2) and inserting in lieu thereof "under section 202 or 223".

SEC. 2. (a) The heading of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(b) The heading of part A of title XVIII of such Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(c) Section 1811 of such Act is amended by inserting before the period at the end thereof the following: ", and for individuals who are under a disability and are entitled to benefits under section 223 or 202(d) of this Act or under section 2(a)5 or 5(c) of the Railroad Retirement Act of 1937".

(d)(1) The heading of part B of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(2)(A) Section 1831 of such Act is amended by striking out "individuals 65 years of age or over who" and inserting in lieu thereof the following: "individuals who are 65 years of age or over or are entitled to hospital insurance benefits on the basis of disability and who".

(B) The heading of section 1831 of such Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(e) Section 1836 of such Act is amended to read as follows:

"ELIGIBLE INDIVIDUALS

"SEC. 1836. Every individual who—

"(1) is entitled to hospital insurance benefits under part A, or

"(2) has attained the age of 65 and is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this part, is eligible to enroll in the insurance program established by this part."

(f)(1) The first sentence of section 1837(c) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)".

(2) The second sentence of section 1837(c) of such Act is amended to read as follows: "For purposes of this subsection and subsection (d), an individual who satisfies paragraph (1) of section 1836 but not paragraph (2) of such section shall be treated as satisfying such paragraph (1) on the first day on which he is (or on filing application would have been) entitled to hospital insurance benefits under part A."

(3) Section 1837(d) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)", and

(B) striking out "such paragraphs" and inserting in lieu thereof "such paragraph".

(4) Section 1837 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) For purposes of subsections (b), (c), and (d) of this section (and for purposes of sections 1838(a) and 1839(c)), any enrollment under this part which terminates in the manner described in section 1838(c) shall thereafter be deemed not to have existed."

(g)(1) Section 1838(a) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)" in paragraph (2)(A) and inserting in lieu thereof "paragraph (1) or (2)";

(B) by striking out "such paragraphs" in paragraph (2)(B) and inserting in lieu thereof "such paragraph";

(C) by striking out "such paragraphs" in paragraph (2)(C) and inserting in lieu thereof "such paragraph"; and

(D) by striking out "such paragraphs" in paragraph (2)(D) and inserting in lieu thereof "such paragraph".

(2) Section 1838 of such Act is further amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In the case of an individual satisfying paragraph (1) of section 1838 whose entitlement to hospital insurance benefits under part A is based on disability rather than on age, and who ceases to be entitled to such benefits due to the ending of such disability (and the consequent termination of his entitlement to benefits under title II of this Act or the Railroad Retirement Act of 1937) before he attains 65 years of age, his coverage period (and his enrollment under this part) shall be terminated. The termination of a coverage period under the preceding sentence shall take effect on a date determined under regulations, which may be determined so as to provide a grace period (not in excess of 90 days) in which coverage may be continued."

(f)(h)(1) Section 1840(a)(1) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(2) Section 1840(a)(2) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(3) Section 1840(c) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(i) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR THE DISABLED

"SEC. 22. Individuals who are entitled to annuities under paragraph 5 of section 2(a), and individuals who are entitled to annuities under section 5(c) and have a disability described in section 5(1)(1)(ii), shall be certified by the Board under section 21 in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in such section 21; and for the purposes of this Act and title XVIII of the Social Security Act individuals certified as provided in this section shall be considered individuals described in and certified under such section 21."

ENTITLEMENT TO HEALTH INSURANCE BENEFITS FOR THE AGED AT 62 FOR WOMEN

SEC. 203. (a)(1) Section 226(a)(1) of the Social Security Act (as amended by section 202 of this Act) is further amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man, the age of 65, and".

(2) Section 226(b)(1) of such Act is amended by inserting "(in the case of a man) or age 62 (in the case of a woman)" immediately after "65".

(b) Section 1831 of such Act is amended by inserting "(in the case of men), or 62 years of age or over (in the case of women)," immediately after "65 years of age or over".

(c) Section 1836(1) of such Act is amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man, the age of 65, and".

(d)(1) Section 21 of the Railroad Retirement Act of 1937 (as added by section 105 of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)," after "age 65".

(2) Section 21(b)(1) of section 21 of such Act (as added by section 111(b) of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)" after "age 65".

(e) Section 103(a)(1) of the Social Security Amendments of 1965 is amended by inserting "(in the case of a man), or age 62 (in the case of a woman)" after "age 65".

(f)(1) Subject to paragraph (2) of this subsection, the amendments made by the preceding provisions of this section shall take effect on the first day of the second month following the month in which this Act is enacted.

(2) For purposes of section 1837 of the Social Security Act a woman, who, on the effective date of the amendments made by this section, has not attained age 65 but has attained age 62, shall be deemed to first have satisfied paragraph (1) of section 1836 of the Social Security Act on such effective date. No woman shall, by reason of the amendments made by this section, be entitled to any benefits provided under title XVIII of the Social Security Act or section 21 of the Railroad Retirement Act of 1937 for any period prior to such effective date.

COVERAGE OF PRESCRIBED DRUGS

SEC. 204. (a) Section 1832(a)(1) of the Social Security Act is amended to read as follows:

"(1) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) for—

"(A) medical and other health services; and

"(B) prescribed drugs, except those described in paragraph (2)(B); and".

(b) Section 1832(a)(2)(B) of such Act is amended by inserting immediately before "furnished by a provider" the following: ", and prescribed drugs,".

(c) Section 1832(a) of such Act is further amended by adding at the end thereof (after and below paragraph (2)(B)) the following new sentence: "As used in this part (and in part C to the extent that it relates to this part), the term 'services', unless the context otherwise indicates, includes prescribed drugs.".

(d) Section 1833(b) of the Social Security Act is amended by striking out "$50" and inserting in lieu thereof "$75".

(e)(1) Section 1835(a)(2)(B) of the Social Security Act is amended by striking out ", such services" and inserting in lieu thereof "or prescribed drugs, the services".

(2) Section 1835(a) of such Act is further amended by adding at the end thereof the following new sentence: "In the case of prescribed drugs, the certification requirement of paragraph (2)(B) shall be satisfied by the physician's prescription.".

(f) Section 1861(m)(5) of the Social Security Act is amended by striking out "(other than drugs and biologicals)" and inserting in lieu thereof "(including prescribed drugs, but not including any other drugs and biologicals)".

(g) Section 1861(s)(2) of the Social Security Act is amended by striking out "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" each place it appears and inserting in lieu thereof "including drugs and biologicals)".

(h)(1) Section 1861(t) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The term 'prescribed drugs' means drugs and biologicals which require a prescription of a physician for the use of an individual.".

(2) The heading of such section 1861(t) is amended to read as follows: "DRUGS AND BIOLOGICALS; PRESCRIBED DRUGS".

POSTHOSPITAL EXTENDED CARE SERVICES

SEC. 205. (a) Section 1814(a)(2)(D) of the Social Security Act is amended to read as follows:

"(D) in the case of posthospital extended care services, such services are or were required to be given on an inpatient basis because the individual needs or needed skilled nursing care on a continuing basis for—

"(i) any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861(e)) prior to transfer to the extended care facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services, or

"(ii) any condition requiring such extended care services and the existence of which was discovered or confirmed as a result of findings made while the individual was receiving outpatient diagnostic services, or, in the case of an individual who has been admitted to an extended care facility for such a condition, any other condition arising while he is in such facility;".

(b) The first sentence of section 1861(i) of such Act is amended to read as follows: "The term 'posthospital extended care services' means extended care services furnished an individual (A) after transfer from a hospital in which he was an inpatient for not less than three consecutive days before his discharge from the hospital in connection with such transfer, or (B) after he has received outpatient hospital diagnostic services, if, after reviewing the findings revealed by such services, his physician and the hospital from which he received such services certify (not later than seven days after the termination of such services) that he is in immediate need of extended care services, and if he is admitted to an extended care facility within fourteen days after the date on which his need for extended care services was so certified."

COVERAGE OF DENTAL CARE, EYE CARE, DENTURES, EYEGLASSES, AND HEARING AIDS

SEC. 206. (a) Section 1861(r)(2) of the Social Security Act is amended by striking out "but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone".

(b) Section 1861(s)(8) of such Act is amended (1) by inserting "(A)" immediately after "(8)", and (2) by striking out "(other than dental)," and (3) by adding thereunder the following new subparagraph:

"(B) dentures, eyeglasses, hearing aids, and other prosthetic devices relating to the oral cavity, jaw, eyes, or ears, including replacement thereof; and".

(c)(1) Section 1862(a)(7) of such Act is amended to read as follows:

"(7) where such expenses are for routine physical checkups, or immunizations;".

(2) Section 1862(a) of such Act is further amended (A) by inserting "or" at the end of paragraph (11) thereof, (B) by striking out paragraph (12) thereof, and (C) by redesignating paragraph (13) thereof as paragraph (12).

(d) The amendments made by the preceding provisions of this section shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

(e)(1) The first sentence of section 1839(a)(2) of the Social Security Act is amended by striking out "one-half" and inserting in lieu thereof, "one-third".

(2) Section 1844(a)(1) of such Act is amended by inserting "two times" after "equal to".

(3) The amendments made by this subsection shall be effective in the case of insurance premiums payable under the supplementary medical insurance program established by part B of title XVIII of the Social Security Act for months after June 1970.

(b)(1) Section 1861(r) of the Social Security Act is amended (A) by striking out "or" at the end of clause (2), and (B) by inserting immediately before the period at the end thereof the following: ", or (4) a doctor of optometry, but only for purposes of sections 1861(s)(1) and 1961(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them.

(2) Section 1862(a) of such Act (as amended by subsection (b) of the first section of this Act) is further amended (A) by striking out the period at the end of paragraph (12) (as redesignated by paragraph (2) of such subsection (b)) and inserting in lieu of such period "; or", and (B) by adding after such paragraph (12) the following new paragraph:

"(13) where such expenses constitute charges with respect to the referral of an individual to a physician (as defined in section 1861(r)(1)) by a doctor of optometry arising out of a procedure in connection with the diagnosis or detection of eye diseases."

(3) The amendments made by this subsection shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

AMENDMENT TO TITLE XIX OF THE SOCIAL SECURITY ACT

SEC. 207. (a) Section 1902(a)(17)(D) of the Social Security Act is amended by striking out "or is blind or permanently and totally disabled".

(b) The amendment made by this section shall apply to calendar quarters commencing after December 31, 1970.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL HOSPITAL INSURANCE TRUST FUND

SEC. 208. In addition to the funds appropriated for each fiscal year to the Federal Hospital Insurance Trust Fund, under section 1817 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with fiscal year which ends with June 30, 1971, an amount to such Fund which is equal to 50 per centum of the amount appropriated to such Fund pursuant to such section.

TITLE III—PUBLIC WELFARE AMENDMENTS

REQUIREMENTS OF COMPLIANCE WITH MINIMUM STANDARDS

SEC. 301. (a) Section 2(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (13) the following new paragraph:

"(14) provide, with respect to all individuals seeking or receiving assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(b) Section 402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (22), and

(2) by striking out the period at the end of clause (23) and inserting in lieu thereof "; and (24) provide, with respect to all in-

dividuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(c) Section 1002(a) of such Act is amended—

(1) by striking out "and" at the end of clause (12), and

(2) by striking out the period at the end of clause (13) and inserting in lieu thereof "; and (14) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(d) Section 1402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (11), and

(2) by striking out the period at the end of clause (12) and inserting in lieu thereof "; and (13) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(e) Section 1602(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (16),

(2) by striking out the period at the end of paragraph (17) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) provide, with respect to all individuals seeking or receiving aid or assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(f) The amendments made by the preceding provisions of this section shall be effective with respect to calendar quarters beginning after December 31, 1969.

(g) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"NATIONAL MINIMUM STANDARDS AND UNIFORM ACCEPTANCE REQUIREMENTS

"SEC. 1122. (a) The Secretary shall from time to time (as provided in subsection (c)) determine and promulgate—

"(1) the minimum amount of aid or assistance which (with appropriate adjustments based on other income and resources as required by the relevant provisions of this Act) would have to be paid to eligible recipients under titles I, X, XIV, XVI, and part A of title IV, and

"(2) the manner in which other income and resources should be taken into account in determining need for aid or assistance under such titles and the other conditions which it might be appropriate to impose in determining eligibility for such aid or assistance,

in order to assure that the purposes of such titles are being carried out effectively and without discrimination between applicants and recipients in different States. The minimum standards determined and promulgated under paragraph (1), and the acceptance requirements determined and promulgated under paragraph (2), shall (subject to subsection (b)) apply uniformly and equally throughout the United States with respect to aid and assistance provided under State plans approved under such titles.

"(b) The minimum standards and acceptance requirements determined and promulgated under subsection (a), which shall take into account the full need of all recipients, may vary as between the several programs of aid or assistance involved to the extent necessary to take into account the different requirements of the classes of individuals to whom such programs respectively apply, and may vary as between individuals in different geographic areas to the extent necessary to take into account any differences between cost levels in such areas; but any such variation shall be designed only to prevent aid or assistance under the programs involved from being of greater net benefit to one individual or class of individuals than to another.

"(c) The minimum standards and acceptance requirements described in subsection (a) shall be promulgated by the Secretary between January 1 and March 31 of each year, beginning with the year 1970, and such promulgation shall be conclusive for each of the four calendar quarters in the period beginning with the July 1 next succeeding such promulgation; except that the Secretary shall initially promulgate such standards and requirements as soon as possible after the enactment of this section and such initial promulgation shall be conclusive for the two calendar quarters in the period beginning January 1, 1970, and ending June 30, 1970."

TITLE IV—AMENDMENTS TO INTERNAL REVENUE CODE

CREDIT FOR SOCIAL SECURITY TAXES

SEC. 401. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. Special Credit for Social Security Taxes Paid by Low-Income Individuals.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to his low-income credit for the taxable year as determined under subsection (b).

"(b) AMOUNT OF LOW-INCOME CREDIT.—

"(1) MARRIED INDIVIDUALS.—In the case of a husband and wife, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such husband and wife for such taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the combined total adjusted incomes of such husband and wife exceed $1,600.

If a husband and wife each file a separate return for the taxable year, their low-income credit shall be apportioned between them in such manner as the Secretary or his delegate prescribes by regulations.

"(2) OTHER INDIVIDUALS.—In the case of any other individual, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such individual for the taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the total adjusted income of such individual for the taxable year exceeds $1,600.

"(c) DEFINITIONS.—

"(1) TOTAL ADJUSTED INCOME.—For purposes of subsection (b), the total adjusted income of an individual (or of a husband and wife who file a joint return) for any taxable year is the adjusted gross income minus the deduction for personal exemptions provided in section 151.

"(2) SOCIAL SECURITY TAXES.—For purposes of subsection (b), the social security taxes of an individual for any taxable year is—

"(A) the sum of—

"(i) the tax imposed by section 3101 which is deducted and withheld from the wages paid to such individual during the taxable year, and

"(ii) the tax imposed by section 1401 on the self-employment income of such individual for the taxable year, reduced by

"(B) the amount allowable under section 6413 (c) as special refund of tax imposed on wages.

"(d) TREATMENT AS OVERPAYMENT OF TAX.—For treatment of the credit allowed by this section as an overpayment of tax, see section 6401(b)."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Special credit for social security taxes paid by low-income individuals.

"Sec. 41. Overpayments of tax."

(c) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive-credit) is amended to read as follows:

"(b) EXCESSIVE CREDITS UNDER SECTIONS 31, 39, AND 40.—If the amount allowable as credits under sections 31 (relating to tax withheld on wages), 39 (relating to certain uses of gasoline and lubricating oil), and 40 (relating to special credit for social security taxes paid by low-income individuals) exceeds the tax imposed by subtitle A (reduced by the credits allowable under subpart A of part IV of subchapter A of chapter 1, other than the credits allowable under sections 31, 39, and 40), the amount of such excess shall be considered an overpayment."

(d) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

The material presented by Mr. HARTKE, follows:

OUTLINE OF THE OMNIBUS SOCIAL SECURITY AMENDMENTS OF 1969

Section I—Title of Act "Omnibus Social Security Amendments of 1969."

TITLE I. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

Sec. 101. Provides minimum benefit amounts of $100.00.

Sec. 101(g). Provides for a 10% raise in benefits.

Sec. 102. Provides for benefit payments to increase with the cost of living.

Sec. 103. Provides for the lowering from 72 to 65 the age for special minimum benefits for certain otherwise uninsured individuals.

Sec. 104. Provides for the lowering of age at which actuarially reduced benefits may be paid to 60.

Sec. 105. Provides for an increase in limitation to $2,400, and over a period of 7 years eliminate it entirely.

Sec. 106. Provides for the extension from 22 to 26 the age limit for the receipt of child's insurance benefits by individual attending school, and to permit reduced child's benefits to be paid to individuals attending school on a part-time basis.

Sec. 107. To provide that the definition of "disability" shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967.

Sec. 108. To permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit.

Sec. 109. To provide for an increase in the amount of the insurance benefits payable to widows and widowers.

Sec. 110. To provide that remarriage shall not disqualify an individual from receiving widow's or widower's benefit.

Sec. 111. To provide that each child entitled to a child's insurance benefit shall receive a benefit of at least $30 per month.

Sec. 112. Would allow disabled workers to receive both social security benefits and workmen's compensation.

Sec. 113 Provides for a one-third contribution by the U.S. government to Federal Old Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund.

TITLE II. HEALTH INSURANCE

Sec. 201. To provide for the inclusion of chiropractors service under the Health Insurance Program.

Sec. 202. To provide the individuals entitled to disability insurance benefit and individuals entitled to permanent disability annuities under the Railroad Retirement Act of 1937 shall be eligible for health insurance benefits.

Sec. 203. To provide for entitlement of Health Insurance Benefits for the Aged at 62 for women.

Sec. 204. To provide for coverage of prescribed drugs under the Health Insurance Program.

Sec. 205. Provides for post hospital extended care services under Health Insurance Program.

Sec. 206. To include dental care, eye care, dentures, eyeglasses and hearing aids among the benefits provided by the insurance program.

Sec. 207. To change the eligibility for assistance under Title XIX of the Social Security Act.

Sec. 208. Provides for a one-third contribution to the Federal Hospital Insurance Trust Fund.

TITLE III. PUBLIC WELFARE AMENDMENTS

Sec. 301. To provide for nationally uniform minimum standards and eligibility requirements for public assistance.

TITLE IV. AMENDMENTS TO INTERNAL REVENUE CODE

Sec. 401. To amend the Internal Revenue Code of 1954 to allow a portion of the social security taxes paid by low income individuals to be used as a credit against any Federal income tax due and to refund the balance of such portion to such individuals.

S. 2425—INTRODUCTION OF THE 1969 NATIONAL TRANSPORTATION ACT

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, on behalf of myself, the Senator from Indiana (Mr. HARTKE), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), and the Senator from Kansas (Mr. PEARSON), the National Transportation Act of 1969.

Under the provisions of this proposed legislation, the Secretary of Transportation would be authorized and directed to designate appropriate "major transportation regions" within the United States with the concurrence of the Governors of the States. Existing regional commissions could qualify under the terms of the bill.

It would be the function of each regional commission to develop plans, research, and development programs and demonstration projects for balanced and coordinated regional transportation development. Each region would be required to formulate a long-range overall transportation plan designating the priority of transportation needs and identifying the transportation resources of the region, and develop specific plans for the development of an improved transportation system within the region. Further, each regional commission would initiate research and development programs to improve intercity passenger transportation and any other transportation service essential to the region. Actual demonstration projects responsible to the region's needs would be authorized by the bill.

Federal assistance for regional commission expenses, planning, research and development programs and demonstration projects would be disbursed pursuant to a formula based upon area of the region, population of the region, and number of municipalities within the region and would be limited to a maximum of 90 percent. Annual appropriations would be required to provide Federal funding.

This bill would authorize the Secretary of Transportation to initiate a long-range program of comprehensive regional planning, coordination, and development to provide a balanced transportation system throughout the United States.

The development of a balanced and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to our commercial life, our national defense, the general welfare of our citizens and the preservation and enhancement of our environment. The daily frustrations and obstacles facing the consumer of transportation services, whether innercity, intercity, or transcontinental, are symptomatic of the fact that our present transportation facilities, transportation planning and transportation development are inadequate to meet the current and future transportation needs of the United States.

If we are to serve our transportation needs—and I am convinced that we must serve those needs if we are to serve the basic needs of our society—then we must have comprehensive, coordinated transportation development consistent with the preservation and enhancement of our environment. Too long we have fragmented and dispersed our efforts in the transportation field. The overriding national policy to be served must be one of assuring our citizens adequate, efficient and expeditious transportation for commuting to work, access from the innercity areas to industrial areas, access to airports, intercity travel or any other form of movement of people and goods necessary to our commercial life, national defense, and recreational endeavors. Our transportation needs will not be well served if we continue to develop each mode of transportation without due consideration to the overall transportation needs of our communities and careful appraisal of the appropriate mixing of alternate modes of transportation.

The difficulties inherent in pursuing a fragmented development of the various modes of transportation are recognized by nearly all familiar with our national transportation system. I am pleased that Senator HARTKE, chairman of the Surface Transportation Subcommittee; Senator LONG, chairman of the Maritime Subcommittee; and Senator HART, chairman of the Energy, Natural Resources, and the Environment Subcommittee, as well as Senator PEARSON, have joined with me in sponsoring this measure. While we appreciate that each mode of transportation needs individual study and warrants the attention of the Congress, the requirement of the public for a transportation system coordinated and balanced to serve its total needs demands a more integrated transportation planning and development system.

We can no longer defer the need to coordinate our transportation development and we can no longer ignore the demands for a more efficient transportation system. This bill attempts to remedy the situation by merging the expertise and understanding within each region as to the transportation needs of that area and the Federal Government's ability to provide financial assistance and guidance in assuring that our national and international transportation needs are properly pursued, and the environment so essential to our daily lives is enhanced and preserved.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2425), to authorize the Secretary of Transportation to provide for a long-range program of comprehensive regional planning for, and coordination of, transportation, including therein the undertaking of research and development and the conducting of demonstrations, and for other purposes, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2425

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 "National Transportation Act of 1969".

FINDINGS OF FACT

SEC. 2. The Congress finds—

(1) That the development of a balanced and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to the commercial life, national defense and general welfare of the people of the United States;

(2) That present transportation facilities, transportation planning, and transportation development are inadequate to meet the minimum current and future transportation needs of the people of the United States;

(3) That the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic, and recreation assets, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States, and that the planning and development of transportation facilities should be consistent with these goals; and

(4) That systematic and coordinated planning and development of balanced transportation facilities within and between all regions of the United States must be encouraged and should be vigorously pursued as provided in this Act.

STATEMENT OF PURPOSE

SEC. 3. The primary purpose of this Act is to provide for the planning and development of a balanced transportation system throughout the United States. In furtherance of this purpose this Act is designed to encourage the major regions, geographic and economic, of the United States to plan for and provide, with the aid and support of the Federal Government, coordinated transportation planning and development within and between such regions. It is the intent of this Act to encourage such regions to undertake planning, research and development programs, and demonstration projects which will lead to improved and compatible transportation capabilities related to the needs of regional development and also to encourage diversity of approaches and experimentation which will be suitable and productive for the regions of the country.

ESTABLISHMENT OF REGIONS

SEC. 4. The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized and directed, within six months of the effective date of this Act, to designate appropriate "major transportation regions"

within the United States with the concurrence of the Governors of the States and the authorized representative of the District of Columbia in which such regions will be located, provided that there is a relationship between the areas within each such region geographically, demographically, and economically. As used in this Act, the terms "State", "States", and "United States" include the several States, the District of Columbia, and Puerto Rico.

REGIONAL COMMISSIONS

SEC. 5. (a) Upon designation of major transportation regions, the Secretary shall invite and encourage the States wholly or partially located within such regions to establish appropriate multi-state regional commissions.

(b) Each such commission shall be composed of one member from each participating State in the region and one Federal member, hereinafter referred to as the "Federal cochairman" who shall be the Secretary or his designee. Each State member may be the Governor, or a person who shall be appointed by and serve at the pleasure of the Governor, or such other person as may be provided by the law of the State which he represents. The State members of the commission shall elect a cochairman of the commission from among their number. Notwithstanding the foregoing provisions relating to State membership, in the event the Secretary finds that an existing regional commission embraces within its functions and purposes the field of transportation development, the Secretary may, at the request or with the consent of the participating States, accept such regional commission as the transportation regional commission for the purposes of this Act.

(c) Decisions by a regional commission shall require the affirmative vote of the Federal cochairman and of a majority, or at least one if only two, of the State members. In matters coming before a regional commission, the Federal cochairman shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter and the State members shall consult with representatives of appropriate local sub-divisions within their respective States.

(d) Each State member of a regional commission shall have an alternate, appointed by the Governor, or as otherwise may be provided by the law of the State which he represents. The Secretary shall appoint an alternate for the Federal cochairman of each regional commission. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State or Federal cochairman for whom he is an alternate.

(e) If any one State is designated a major transportation region, the Secretary may establish a commission for such State in a manner agreeable to him and to the Governor of such State.

FUNCTIONS OF REGIONAL COMMISSIONS

SEC. 6. In carrying out the purposes of this Act each regional commission shall with respect to its region—

(1) develop plans, research and development programs, and demonstration projects for balanced and coordinated regional transportation development, and establish a priority ranking for such plans, programs, and projects, and in accomplishing the objectives of this clause each regional commission shall—

(A) evaluate the relative benefit of the plan, program, or project in serving the essential transportation needs of the affected area;

(B) evaluate the prospects that the plan, program or project on a continuing rather than a temporary basis will improve the economic, environmental, and social development of the area served by the plan, program, or project; and

(C) with respect to its planning function—

(i) initiate and coordinate the preparation of long range overall transportation plan for such region, such plan to designate the priority of transportation needs of the affected area and identify transportation resources of the affected area; and

(ii) develop comprehensive and coordinated plans utilizing the long range overall transportation plan as a guide, and establish priorities thereunder, that give due consideration to other Federal, State, and local transportation planning in the region; and relate transportation development to other planning and development activities and needs of the region, including but not limited to preservation and enhancement of the environment;

(iii) prepare specific plans for the development of improved and compatible transportation systems within such region; and

(iv) conduct investigations, research, surveys, and studies to provide data required for the preparation of plans;

(D) with respect to research and development programs—

(i) initiate research and development of intercity systems aimed at immediate improvements in intercity passenger service using existing facilities and available equipment; or

(ii) initiate research and development of safe and reliable high speed prototype intercity passenger systems, susceptible of early demonstration; or

(iii) initiate research and development of equipment for use in urban areas for the purpose of providing at an early date a prototype demonstration system providing high speed passenger transportation for such areas; or

(iv) initiate research and development of transportation systems that provide compatibility between urban and intercity systems; or

(v) initiate research and development of any other transportation systems essential to the needs of the affected area;

(E) with respect to demonstration projects, insure that such projects reflect the priority of the transportation needs of the affected area as determined by the commission in accordance with this section; and

(F) cooperate with Federal, State, and local agencies in the conducting or sponsoring of research and development programs and demonstration projects required to improve regional transportation;

(2) review and study, in cooperation with the appropriate agencies involved, Federal, State, and local public and private transportation plans, programs, and projects and, where appropriate, recommend modifications or additions which will increase their effectiveness and compatibility in the region;

(3) provide a forum for consideration of transportation problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;

(4) formulate and recommend, where appropriate, interregional compacts and other forms of interstate and interregional cooperation to carry out recommended programs for improved transportation, and work with Federal, State and local agencies in developing appropriate model legislation;

(5) prepare legislative and other recommendations with respect to both short-range and long-range transportation programs and projects for Federal, State, and local agencies and the methods of their implementation; and

(6) provide for and encourage financial participation by State and local governments and private industry to the maximum extent practicable including, but not limited to the provision of land to conduct prototype demonstrations.

ADMINISTRATIVE POWERS OF REGIONAL COMMISSIONS

SEC. 7. (a) To carry out its duties under this Act, each regional commission is authorized to:

(1) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(2) accept, use and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible; and

(3) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

(b) In order to obtain information needed to carry out its duties, each regional commission shall:

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable, a cochairman of such commission, or any member of the commission designated by the commission for the purpose, being hereby authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local department or agency (who is hereby so authorized, to the extent not otherwise prohibited by law) to furnish to such commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection.

EXPENSES OF REGIONAL COMMISSIONS

SEC. 8. (a) Not to exceed 90 per centum of the administrative expenses of each regional commission as approved by the Secretary may be paid by the Federal Government. The remaining 10 per centum of such costs or expenses shall be paid by the States included in each region. The share to be paid by each such State shall be determined by the regional commission. The Federal Cochairman shall not participate or vote in such determination. In determining the amount of the non-Federal share of such costs or expenses, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services.

(b) Each regional commission may appoint an Executive Director, who shall be responsible for the day-to-day management of the operations conducted by the Commission. The Executive Director shall receive compensation at a rate not to exceed $———— per annum.

(c) Each regional commission may employ, in addition to an Executive Director, such technical, clerical, or other personnel on a regular, part-time, or consulting basis as may be necessary for the discharge of its functions. Regional commissions for regions comprising two or more States shall not be bound by any statute or regulation of any participating State in the employment or discharge of any officer or employee.

PERSONAL FINANCIAL INTERESTS

SEC. 9. (a) Except as permitted by subsection (b) hereof, no State member or alternate and no officer or employee of a regional commission shall participate personally and substantially as a member, alternate, officer, or employee, through decisions, approval, disapproval, recommendations, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employee, or any person or organization

with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply if the State member, alternate, officer, or employee first advises the regional commission involved of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the commission may expect from such State member, alternate, officer, or employee.

(c) No State member of a regional commission, or his alternate, shall receive any salary, or any contribution to or supplementation of salary for his services on such commission from any source other than his State. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year or both.

(d) Notwithstanding any other subsection of this section, the Federal cochairman and his alternate on a regional commission shall not be subject to any such subsection but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) A regional commission may, in its discretion, declare void and rescind any contract or other agreement pursuant to this Act in relation to which it finds that there has been a violation of subsection (a) or (c) of this section, or any of the provisions of sections 202 through 209, title 18, United States Code.

APPROPRIATIONS

SEC. 10. There are hereby authorized to be appropriated $——— for the fiscal year ending June 30, 1970, and for each fiscal year thereafter through the fiscal year ending June 30, ——, for the purposes of carrying out the provisions of this Act. Appropriations authorized under this Act shall remain available until expended.

FINANCIAL ASSISTANCE TO REGIONS

SEC. 11. (a) The Secretary shall apportion the sums appropriated pursuant to this Act for each fiscal year among the major transportation regions in the following manner:

(1) One-third in the ratio which the total area of each region bears to the total area of all regions;

(2) One-third in the ratio which the total population of each region bears to the total population of all the regions as shown by the latest available Federal census; and

(3) One-third in the ratio which the population in municipalities and other urban places, of five thousand or more, in each region bears to the total population in municipalities and other urban places of five thousand or more in all the regions, as shown by the latest available Federal census. For the purpose of this provision, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(b) In no case shall the total Federal contribution to the cost of any plan, program, or project hereunder be more than 90 percent of the total cost of such plan, program, or project. In determining the amount of the non-Federal share of such costs, the Secretary shall give due consideration to all contributions, both in cash and in kind, fairly evaluated, including but not limited to land, space, equipment, and services.

(c) The Secretary shall authorize the release of funds hereunder to a region on the basis of the establishment of an acceptable regional commission and the existence of plans, programs, or projects, which are approved by such commission and comply with this Act. Any funds which are apportioned to a region under subsection (a) of this section which, by agreement between the regional commission and the Secretary, are not needed by that region may be expended for plans, programs, or projects in another region as determined by the Secretary, except that no region shall receive more than 25 percent of the total funds appropriated pursuant to this Act for any fiscal year.

(d) Funds available for expenditure hereunder for any region may be utilized for plans, programs, or projects involving only such region or in cooperation with other regions, or through payment of funds authorized hereunder to departments or agencies of the Federal Government for conducting such plans, programs, or projects.

(e) Each regional commission is authorized in its discretion to transfer not to exceed —— per centum of any funds which are apportioned to the region under subsection (a) of this section to the Secretary for the conduct of such research and development in the field of transportation as he may deem desirable. In utilizing such funds the Secretary is authorized to enter into contracts with public or private agencies, institutions, organizations, corporations, and individuals without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5a).

RECORDS AND AUDIT

SEC. 12. (a) Each regional commission receiving assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the plan, program, or project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the plan, program, or project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

ANNUAL REPORTS

SEC. 13. (a) Each regional commission established pursuant to this Act shall make a comprehensive and detailed annual report each fiscal year to the Secretary with respect to such commission's activities and recommendations for plans, programs, and projects. The first such report shall be made for the first fiscal year in which such commission is in existence for more than three months. Such reports shall be transmitted to the Secretary not later than September 30 of the calendar year following the fiscal year with respect to which the report is made.

(b) The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending June 30, 1970. Such report shall be printed and shall be transmitted to the Congress not later than January of the year following the fiscal year with respect to which such report is made.

POWERS OF SECRETARY

SEC. 14. In performing his duties under this Act, the Secretary is authorized to—

(1) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each such department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(2) call together and confer with, from time to time, any persons, including representatives of labor, management, transportation, and government, who can assist in meeting the problems of area, regional or national transportation, and make provision for such consultation with interested departments and agencies of the Government as he may deem appropriate in the performance of the functions vested in him by this Act;

(3) employ experts and consultants or organizations therefor as authorized by section 3109 of title 5 of the United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently, while so employed: *Provided*, That contracts for such employment may be renewed annually; and

(4) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

MISCELLANEOUS

SEC. 15. (a) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing.

(b) Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(c) All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized and no provision hereof shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any region, State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

Mr. HARTKE. Mr. President, I am pleased to join as a cosponsor of the National Transportation Act of 1969. The United States has relied for too long on a fragmented disjointed approach to providing for the needs of the traveling public and of shippers. In this Nation's recent history by far the greatest emphasis has been placed on utilization of highways and airways—but in many areas these modes are reaching their saturation points. The environmental and economic implications of continuing to place primary reliance upon the automobile and the airplane are frightening. The citizenry deserves and is beginning to demand viable alternatives—the evident success of the high speed ground experiment in the Northeast corridor holds promise for developing highly satisfactory alternatives. We must begin to apply this kind of experimentation to other areas. We must begin soon to provide for a balanced transportation system—a system which provides rapid, convenient, and economical transportation from doorstep to doorstep even where more than one mode is utilized.

This bill would promote systematic transportation planning and experimentation for the first time on a national scale and would at the same time insure

that the system developed would conform to local requirements.

I commend the distinguished chairman of the Commerce Committee (Mr. MAGNUSON) for having taken the leadership in this effort and I intend to lend enthusiastic and active support toward attaining the objectives of this legislation.

ADDITIONAL COSPONSORS OF BILLS

S. 1707

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at its next printing, the name of the Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of the bill (S. 1707), to establish a Commission on Government Procurement.

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

S. 1872

Mr. INOUYE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of the bill (S. 1872), to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950).

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

S. 2014

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Arkansas (Mr. FULBRIGHT), I ask unanimous consent that, at its next printing, his name be added as a cosponsor of the bill (S. 2014), to amend the Food Stamp Act of 1964, and other acts, to provide adequate food and nutrition among low-income households, and for other purposes.

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

S. 2360

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Ohio (Mr. YOUNG), and the Senator from Pennsylvania (Mr. SCOTT) be added as cosponsors of the bill (S. 2360), to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona.

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

SENATE RESOLUTION 211—SUBMISSION OF A RESOLUTION RELATING TO ARMS CONTROL, MIRV, AND NATIONAL SECURITY

Mr. BROOKE (for himself and other Senators) submitted a resolution (S. Res. 211) expressing the sense of the Senate relating to arms control, MIRV, and national security.

(See the above resolution printed in full when submitted by Mr. BROOKE.)

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENT

AMENDMENT 43

Mr. HUGHES. Mr. President, I submit an amendment intended to be proposed by me to the bill (S. 1809) to provide for continuation of programs authorized under the Economic Opportunity Act of 1964. I ask that the amendment be received, appropriately referred, and printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, appropriately referred, and printed in the RECORD.

The amendment was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

AMENDMENT No. 43

At the end of the bill add the following new section:

"ALCOHOLIC COUNSELLING AND RECOVERY PROGRAM AUTHORIZED

"SEC. 10. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraph:

"'(8) An "Alcoholic Counselling and Recovery" program designed to discover and treat the disease of alcoholism. Such a program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counsellors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.'"

Mr. HUGHES. Mr. President, recently we read of a man dying in jail in the Washington metropolitan area for lack of medical attention. He was the victim of one of the most common and pernicious diseases known to man—alcoholism.

This was not a rare occurrence in our civilized society. This particular incident just happened to get into the papers.

Ten years ago, research people were estimating that there are 5 million alcoholics in America. Today, despite dramatic growth in our population, the same figure is commonly heard.

I am convinced that this estimate is far short of the mark. I am also convinced that there has been an alarming increase in alcoholism in recent years almost everywhere in this land.

Perhaps more than any other vicious disease, alcoholism afflicts the whole man and the whole society. It disrupts the family, the church, the school. And it seriously disables the economy.

In no sector does the disease strike with more tragic impact than on the poor. Those of you who have seen skid rows or the drunk tank of the average jail know what I mean. The effect of alcoholism on impoverished families already hard pressed to meet the minimum needs for subsistence is one of the saddest aspects of American life.

As in most other instances, people afflicted with the multiple handicaps of poverty have less access to community services and facilities for alcoholics. In addition, alcoholism is often a barrier between the family and available services. The chronic alcoholic is not likely to complete a job training program or to look after family's food and health needs even when welfare help is available.

In point of grim fact, the alcoholic and his or her family have frequently been excluded from community services because of the stigma of alcoholism. In effect, they are punished, rather than treated for illness.

Of particular concern are the most common effects of alcoholism: First disruption of family life, and second, loss of employment and decreased employability.

In these two areas, alcoholism has the most impact in terms of perpetuating individuals and families in poverty. To meet these problems, the most effective interventions are before the person has reached the bottom, that is, while there are still family ties and prospects for employment to provide incentive for achieving rehabilitation.

Multiservice centers operated by community action agencies and neighborhood health centers are key points of contact for the low-income alcoholic and his family.

By virtue of their structure and orientation, these agencies are ideally suited to provide services for the alcoholic which are truly responsive to his and his family's needs.

They are oriented toward alcoholism as a problem related to the conditions of poverty and contributing to the continuation of poverty. Further, they are peculiarly capable of dealing with alcoholism as a community problem; and mobilizing needed community resources.

There are currently several local programs operating as components of community action agencies. These programs are organized to provide a specific service for alcoholics and families within the context of the other activities of the agency. These programs do not aim simply to "cure" the alcoholic; rather, they seek to initiate and maintain sobriety so that the alcoholic and his family can mobilize their resources and utilize other services available in the community. Thus, the alcoholic and his family are given hope, the most essential element in rehabilitation.

In addition, the programs focus on prompting community acceptance of the alcoholic and his family, developing sources of support for them among friends and neighbors, and, ultimately, enabling them to provide support to others struggling with the problems of alcoholism.

Experiences of operating programs indicate they can achieve a high degree of success with a relatively small investment of funds. This high cost-effectiveness is related to the use of voluntary assistance—Alcoholics Anonymous and Al-Anon family groups—and the close relationships with other available services.

Mr. President, the potential for using OEO funds and facilities to help individuals and families at the poverty level gain relief from this dread disease already exists under the proposed legislation.

But without this amendment I have proposed, the objective of treating alcoholism and its effects will be lost in gen-

eralization and lipservice, as has too often been the case in the past.

The thrust of my amendment is to make sure that specific programs in the areas of prevention, treatment, and rehabilitation of alcoholics in the poverty sector be initiated and continued. The purpose also is to direct the use of existing program and facilities of OEO in helping impoverished families afflicted by the existence of this disease among its family members.

I submit to you, Mr. President, there is no investment we make that will pay richer dividends in human values and economic resources than the modest investment called for in this amendment to help America's poor families cope with this pernicious disease and its disastrous effect.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969—AMENDMENT

AMENDMENT NO. 44

Mr. YARBOROUGH (for himself and Mr. PELL, Mr. JAVITS, Mr. GOODELL, Mr. MONTOYA, Mr. CASE, Mr. WILLIAMS of New Jersey, Mr. NELSON, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. KENNEDY, Mr. HART, Mr. YOUNG of Ohio, Mr. EAGLETON, Mr. MCCARTHY, Mr. MUSKIE, Mr. BROOKE, Mr. GORE, Mr. PROUTY, Mr. METCALF, Mr. TYDINGS, Mr. HARRIS, Mr. HOLLINGS, Mr. SPONG, Mr. MOSS, Mr. SCHWEIKER, Mr. COTTON, Mr. MCGOVERN, Mr. GRAVEL, Mr. BURDICK, Mr. CHURCH, Mr. RANDOLPH and Mr. INOUYE) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes, which was ordered to lie on the table and be printed.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert B. Krupansky, of Ohio, to be U.S. Attorney for the northern district of Ohio for the term of 4 years, vice Merle M. McCurdy, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, June 24, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON HOUSING AND URBAN DEVELOPMENT LEGISLATION

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency will begin hearings on 1969 housing and urban development legislation on July 15, 1969.

Hearings will be held upon all bills pending before the subcommittee at the time the hearings commence.

All persons wishing to testify should contact Miss Doris I. Thomas, room 5226, New Senate Office Building; telephone 225–6348.

Mr. President, at a later date, and prior to the hearings, I shall submit for the RECORD a list of the bills to be considered during the hearings.

ANNOUNCEMENT OF HEARINGS ON MILITARY POLICIES AND PROGRAMS IN LATIN AMERICA

Mr. CHURCH. Mr. President, the subcommittee on Western Hemisphere Affairs of the Senate Foreign Relations Committee will hold a series of hearings beginning June 23 on U.S. Military Policies and Programs in Latin America.

The first witnesses, to be heard June 23 at 10 a.m. in room 4221, New Senate Office Building will be:

Ralph Dungan, former Ambassador to Chile, 1964–67.

Prof. George C. Lodge of the Harvard Business School, former Assistant Secretary of Labor for International Affairs, 1958–62.

David Bronheim, former Deputy U.S. Coordinator of the Alliance for Progress, 1965–67.

On July 8, the subcommittee will hear from G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, and Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs.

The purpose of the hearings is to explore the full range and scope of U.S. military activities in Latin America, their political impact in Latin America, and their implications for U.S. foreign policy. The activities in question include not only the military assistance and sales program but also U.S. military missions and service attachés, mobile training teams, other training programs both in the Canal Zone and the United States, military bases and other facilities, ship loans, joint United States-Latin American military exercises, orientation tours of the United States for Latin American military officers, military decorations received by U.S. officers and bestowed on Latin American officers, and, finally, the role of the United States in inter-American military activities, such as regional conferences and meetings, the Inter-American Defense Board, and the Inter-American Defense College.

The breadth of these activities raises a number of questions—

What are the coordination and control procedures of the executive branch?

What is the role of Congress in authorizing and approving?

What is the impact on the image of the United States in Latin America?

What is the relationship, if any, to the increasing number of increasingly authoritarian military governments in Latin America?

What basic U.S. national interest is served by these activities, and what is their cost-benefit ratio?

"FOOD FOR WORK" RAISES NEW HOPE FOR WORLD'S HUNGRY, U.S. FARMERS

Mr. MCGOVERN. Mr. President, during recent months the Nation has given welcome and well-justified attention to the problem of overcoming hunger and malnutrition in the United States. Concurrently, there has arisen a new idea that holds out great promise for helping to overcome hunger throughout the world. This is the food-for-work plan, which was incorporated in the legislation enacted in the past session to extend the life of the Food for Peace Act for 2 more years.

The new food-for-work plan has a most exceptional potentiality. It might enable the United States to export increased quantities of our farm products for famine relief and economic development purposes overseas, while actually reducing our net budget expenditures and improving our balance of payments over what they otherwise would be.

And by increasing total world demand for and consumption of food, it would likewise strengthen farm prices both in the United States and in other countries.

Surely these are possibilities that deserve the most constructive and conscientious attention from our AID and Department of Agriculture officials.

At present, I understand that the Department of Agriculture is exploring how to devise operating procedures and to negotiate agreements with importing countries to put the food-for-work provision into effect. A food-for-work association is being organized by our farm organizations and other interested groups, under the leadership of the National Association of Wheat Growers, to encourage and assist in this effort. As I noted several times last year when the Food for Peace Act extension bill was before the Committee on Agriculture and later as it was being acted upon in the Senate, I consider this a most promising advance and I earnestly hope the administration will put it into effect as expeditiously as possible.

Recently the Farmers Union Herald published an article pointing to the tremendous potentials in India for the new food-for-work plan. The Herald is one of the outstanding farmers' cooperative publications in the northern Midwest, and indeed in the entire country. The article was one of a four-part series written by Robert Handschin, director of research for the Farmers Union Grain Terminal Association, who with eight other American newsmen recently returned from a 3-week tour of India's agricultural areas.

Mr. Handschin's article quickly comes to grips with the central problem in the developing countries—the need to create jobs and purchasing power for the huge numbers of people who are being added to the labor force both by the swift growth of population and by the displacement of farm laborers out of agriculture by mechanization and advanced technology. He perceives that the food-for-work amendment might resolve this problem, and in the process lead to the day when, as Handschin writes:

There will no longer be hungry, jobless people while our acres stand idle and farm surpluses depress prices here and in many other countries.

Mr. President, the series of articles by Mr. Handschin was printed in the CONGRESSIONAL RECORD of May 8, 1969. I now ask unanimous consent that the announcement by the National Association of Wheat Growers of its campaign to promote expanded exports of U.S. farm commodities through implementation of the food-for-work amendment and other means, and a memorandum by its president, Mr. E. L. Hatcher, describing the Food for Work Association being formed for that purpose, be printed in the RECORD.

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

WHEATGROWERS SEEK TO BOOST BUYING POWER FOR U.S. FOOD IN HUNGER AREAS OF WORLD

The National Association of Wheat Growers has launched a drive to reverse "the present gloomy outlook for farm exports."

E. L. Hatcher, wheat farmer from Lamar, Colo., and president of the national association, announced he is writing to leaders of other farm organizations, farm supply businesses, and processors and exporters of farm commodities this week to ask for their cooperation and support.

"We aim to hitch American food-power to the needs of hungry people by promoting direct action to raise their earning power and their buying power," Hatcher explains.

A memorandum accompanying Hatcher's letter analyzes the slump in farm exports and outlines plans for "a concerted and constructive effort to turn the current trend around."

Hatcher said the "decline in the Food for Peace program that has set in during the past few years" is "a factor of very serious proportions."

"This is an outgrowth of the present United States Government policy of promoting the expansion of agriculture in importing countries to make them 'self-sufficient in food production'," Hatcher stated.

Hatcher asserted that the "self-sufficiency" policy "must be modified so as to give to American agriculture the larger role in the world economy that its comparative efficiency warrants." He added:

"The principal means by which we propose to advance this goal is *to promote trade and food aid policies on the part of the United States which will lead to massive expansion of demand for and consumption of food in the world.*

"Our specific object is to promote increased purchasing power among the low-income people in the developing countries who will spend a large share of any increase in their incomes for food. If *human need* can be transformed into *effective demand,* all the food that all the world's farmers can produce could be sold—and at remunerative prices."

Hatcher announced that the Wheat Growers Association has retained Robert G. Lewis, a consulting economist in Washington, to plan and direct the campaign.

Lewis was a Vice President of the Commodity Credit Corporation and Administrator in the U.S. Department of Agriculture until 1967, and has been a consultant to the Agency for International Development on food and development policies. He authored a study last year which made the first major criticism of the policy adopted in 1966 of urging self-sufficiency in food production upon developing nations. Lewis originated the "Food for Work amendment" to the Food for Peace law which was enacted by Congress last year with the support of the Wheat Growers and other farm groups.

Hatcher's memorandum termed the Food for Work amendment "particularly effective because it provides for positive measures to expand demand for food in the importing countries." Encouraging implementation of this amendment will be one of the major goals of the campaign, Hatcher said.

The amendment provides that when U.S. farm commodities are sold under the Food for Peace law to developing countries, the local currencies received in payment by the U.S. Government may in turn be sold at a discount for dollars. Buyers of the currencies must spend them to pay wages in works of public improvement.

According to Lewis' study the U.S. Government would need to realize only a small percentage-return on the market value of commodities sold in this manner in order to reduce its net costs below the alternative of paying farmers to reduce U.S. farm output by an equivalent amount.

BUILDING SALES OPPORTUNITIES FOR U.S. AGRICULTURE IN THE HUNGRY COUNTRIES

(Memorandum from E. L. Hatcher, president, National Association of Wheat Growers)

APRIL 1969.

American farmers and agribusiness industries face a drastic cut-back in their export markets.

We all know of the drop in U.S. agricultural exports that has occurred this year. To some extent this reflects temporary conditions of world supply and demand.

But there is also a long-range factor of very serious proportions. This is the decline in the Food for Peace program that has set in during the past few years. For example, P.L. 480 wheat exports alone may decline this year by more than 100 million bushels below last year. This is an outgrowth of the present United States Government policy of promoting the expansion of agriculture in importing countries to make them "self-sufficient in food production".

Recent official U.S. Government forecasts signify that a major share of the usual "Food for Peace" outlet for American farm products may disappear within the next few years. In March 1968, the Administrator of AID summed up for the first time some of the specific implications for American farm exports of the "self-sufficiency" policy, declaring:

". . . Pakistan has an excellent chance of achieving self-sufficiency in food grains in another year. India . . . hopes to achieve self-sufficiency in food grains in another three or four years. She has the capability to do so. Turkey . . . total production this year may be nearly one-third higher than in 1965. The Philippines are clearly about to achieve self-sufficiency in rice . . ."

AID's magazine *War on Hunger* reported later that "The Government of India is predicting that the country will be self-sufficient in food grains by the early 1970's." Undersecretary of State Katzenbach said self-sufficiency might be achieved in India "as early as 1971."

Some countries that formerly imported grain under Food for Peace programs are now becoming exporters of grain as a result of the self-sufficiency campaign. For example, the Foreign Agricultural Service of the U.S. Department of Agriculture reported in *Foreign Agriculture* on February 3, 1969:

"For the past two years Iran has switched sides at the world wheat trading counter—becoming a seller rather than a buyer. Exports during 1967 totaled 100 thousand metric tons; during 1968, about 250 thousand."

Other former-importers of grain also are entering the world export market, many as a result of U.S. encouragement and aid. Meanwhile, the *surplus* of grain-producing capability in the U.S. and other advanced countries already exceeds the total volume of food grains moving in world trade, and is growing.

The recent and apparently continuing decline in P.L. 480 exports is not being replaced by commercial exports. Total U.S. farm exports have ceased to expand in the past few years, and efforts toward self-sufficiency threaten further inroads upon U.S. farmers' foreign markets in many of the prosperous countries as well as in the poor countries.

This adds up to a most serious outlook. In the case of wheat, for example, exports have been taking far more than the domestic market. In recent years wheat exports have ranged from 144 percent to 168 percent of domestic food use. Exports under Food for Peace programs alone have amounted to more than the total demand for domestic food use in some years.

Exports represent a major market also for many other crops. Moreover, any loss of markets for wheat will result in immediate difficulties for most other crops and for livestock products, if acreage that is now devoted to wheat should become available for production of feed grains.

This outlook is serious also for the suppliers of farm production materials, for the businesses that sell farm commodities and manufacture and export food products, and all other industries that serve agriculture and the food business.

The worst thing about this is that it does not mean the end of—nor even any significant decline in—human hunger in the world. Our own experience in the United States shows that "self-sufficiency"—or even huge surpluses—do not necessarily insure that food will get to those who need it.

The National Association of Wheat Growers is asking you to join in a concerted and constructive effort to turn the current trend of U.S. farm exports around, and onto a steady, sustained, and speedy upward course.

We believe that the present policy of promoting "self-sufficiency in food production" in the developing countries must be modified so as to give to American agriculture the larger role in the world economy that its comparative efficiency warrants.

The principal means by which we propose to advance this goal is *to promote trade and food aid policies on the part of the United States which will lead to massive expansion of demand for and consumption of food in the world.* Our specific object is to promote increased purchasing power among the low-income people in the developing countries who will spend a large share of any increase in their incomes for food. If *human need* can be transformed into *effective demand,* all the food that all the world's farmers can produce could be sold—and at remunerative prices.

We believe the new "Food for Work" amendment to P.L. 480 that was enacted by Congress last year can be particularly effective, because it provides for *positive measures to expand demand for food in the importing countries* to be linked directly to the *importation of added food supplies.* Public works projects carried out under this amendment can result in immediate large-scale increases in total consumption of food, while liberalized policies concerning imports of labor-intensive goods into the United States will make it possible for these newly-developed markets for American farm products to be transformed onto a permanent commercial basis.

The National Association of Wheat Growers has retained Robert G. Lewis to plan and direct a campaign of at least one year's duration to advance these purposes. Mr. Lewis is an economic consultant who has extensive experience in government agricultural programs and trade policy. He originated the Food for Work amendment last year, and with the support of our

organization, persuaded Congress to enact it. His Food for Work proposal was developed in the course of a study of the Food for Peace program which Mr. Lewis conducted under the sponsorship of several of the Nation's leading farm and commodity organizations, food processors, and export firms. (Copies of the Study can be obtained from Mr. Lewis at $2 per copy.)

All farm organizations, business firms, and individuals who are interested in the expansion of farm commodity export markets are eligible to join in the "Food for Work Association" which we are establishing to carry on this campaign. Mr. Lewis will serve as executive director of the campaign with the title of President. I have been designated by the Board of Directors of the National Association of Wheat Growers to serve as Chairman of the Organizing Committee. All participating organizations or individuals subscribing a minimum of $100 per month for a year ($1,200) will be entitled to representation on the Board of Directors. All funds collected and disbursed will be accounted for in monthly statements to all members of the Board of Directors, and the Board will meet periodically to review progress of the campaign.

Specific activities to be carried out in the campaign will include:

A. Counseling with government officials in AID, the U.S. Department of Agriculture, the Department of State, and elsewhere as needed, to encourage and assist in carrying out projects under the Food for Work amendment, and to promote the use of P.L. 480 to expand markets for U.S. farm commodities;

B. Analysis of trade data, trends, and influences, and preparation of information for participants in the campaign;

C. Promotion of understanding and support among the public, Members of Congress, and special interest groups such as religious and welfare agencies, for measures leading to increased exports and consumption of U.S. farm and food products and the establishment of long-term two-way trade opportunities for American agriculture on a basis of comparative efficiency;

D. Promotion of interest on the part of importing-country goverments in participating in agreements authorized under the Food for Work amendment, including labor-intensive public works to produce roads, bridges, sanitation facilities, water works, schoolhouses, and other "public capital" needed in order to stimulate economic development;

E. Seeking financial support from investors for public works projects in developing countries sponsored under the Food for Work amendment; and

F. Development of recommendations to members of the Association for any legislation needed or desirable in promoting the expansion of exports and consumption of U.S. farm commodities.

I appeal to you to subscribe financially to the full extent of your ability to support the campaign I have outlined above. Your annual subscription may be paid in full, or in monthly or larger installments. Your checks should be made to and mailed, together with the name and address of your designee to represent you on the Board of Directors, to: Food for Work Association; Robert G. Lewis; President; 3512 Porter St., N.W., Washington D.C. 20016 (tel. 363-1119).

I sincerely believe that the campaign we are inaugurating here can turn the present prospect of declining farm markets and rising surpluses into a new and promsing era for American agriculture, and for all the workers and industries which serve it. I hope you will join us in this effort.

FLOOD INSURANCE

Mr. DODD. Mr. President, I invite the attention of Senators to the historic moment occurring next June 25, when the first flood insurance policies will be issued in Fairbanks, Alaska, and in Metairie, La., under the National Flood Insurance Act of 1968.

The coverage afforded by these initial policies soon will be available throughout the United States, and so, at last, the hour has come when, thanks to this act, millions of Americans will be able to insure themselves, at reasonable rates for the first time, against one of the most prevalent and devastating of natural disasters.

I take great satisfaction in the availability of this new protection against the sudden and savage destitution of our fellow citizens. My own State of Connecticut is prone to flood damage, and in the past, has suffered greatly from the loss of life and property. Moreover, Connecticut is home to a large segment of the national insurance business, which is fully entitled to share in the provisions of this act. The position of the private insurance business has not been impaired.

In fact, the door is being opened on an entirely new phase of the insurance business. Disastrous floods engulf large areas and victimize everyone living there in one way or another. As a result, the private insurance industry has found it impossible to make flood policies "spreadable" at prices most Americans can afford. Henceforth, the private companies can afford, in cooperation with the Federal Government, to underwrite the staggering losses inflicted by floods.

In noting that this risk to the Nation's safety and economy is now being effectively met, thanks to the vast Federal resources behind the program, I would like to add that I also take great personal satisfaction in the event.

Back in 1956, when I was a Member of the House of Representatives, I demonstrated my concern over this breach in our national defenses against nature by introducing a bill for a National Disaster Insurance Corporation.

The bill was to provide for low-cost insurance and noninterest loans to victims of all kinds of natural calamities. Under it, policies against hurricane and earthquake damage also would have been available. These broad proposals became known as the Dodd plan.

As I still calculate the requirements of our country, it was unfortunate that only the flood provisions of my bill survived when it was incorporated into the 1965 Flood Insurance Act. On that occasion, we lost an opportunity to look to the Federal Government for assistance from the other tragic moments of nature's anger.

Moreover, as many Senators will recall, the 1956 measure restricting disaster insurance to flood damage never became effective. No funds to implement it were ever appropriated. Other reasons for its failure certainly include the minimal business opportunities given to private insurance companies and the absence of a table of premium rates, varying according to the flood risks in the different sections of the country.

We all can be grateful that these defects have been eliminated by our acceptance of the National Flood Insurance Act of 1968.

In the passage of this legislation, we can detect a model effort that blueprints for us how the Federal Government and private industry can work together in order to construct for the Nation a much needed safeguard.

The practicable system of flood insurance rates is the product of a joint effort by the Department of Housing and Urban Development, the U.S. Army Corps of Engineers and the private insurance companies.

I am most pleased, of course, by their success in this restricted area of disaster insurance. But in contemplating it, I cannot help but wonder, even more than I did 13 years ago, why we lack the commonsense and good intent to develop similar insurance protection against other natural catastrophes.

Surely, comprehensive insurance of this kind is bound to be written into law sooner or later. One of humanity's nobler instincts is the always helpful response of the individual to his neighbor victimized by nature. Why then, can we not buttress the individual's sense of responsibility with a complementary effort by the Government?

Between this moment and what I believe will be the inevitable moment coming when the Government will have to share my anxiety in this matter, why should we gamble with the welfare of thousands, or even hundreds of thousands, of Americans and their ability to recover from natural misfortunes that we all must fear and that we sensibly should anticipate.

In line with the specific proposals I made in the House of Representatives back in 1956, I believe that the broad approach to be made by the Federal Government in this field of our obligations should encompass such preparations for disaster as rent-free shelter for disaster victims and the stockpiling of temporary housing for emergencies.

The Flood Insurance Act of 1968 is a step in the right direction, and I am gratified to see this public service becoming a reality after so much effort and so much delay.

Now that the provisions of this act are becoming effective, we should be inspired with the confidence to confront the challenge it creates: We have built a part of the national insurance dike, but we should not walk off the job leaving it unfinished.

THE RACIAL BALANCE DECISION OF THE SUPREME COURT

Mr. ALLEN. Mr. President, on June 2, 1969, the Supreme Court of the United States handed down what we believe will become one of the most controversial decisions in the history of the Court. This conclusion is arrived at by reason of the truly revolutionary principle of "racial balance" announced by the Court, and on a consideration of the almost unlimited field for application and dangerous potential for mischief inherent in the principle.

Mr. President, I refer to the decision in United States against Montgomery County, Ala., School Board. The factual background in a nutshell is this: The Federal District Court in Montgomery, Ala., established an absolute standard for employment and assignment of schoolteach-

ers in the Montgomery County school system in the following language:

In each school the ratio of white to Negro faculty members (must be) substantially the same as it is throughout the school system.

This particular ruling was taken on appeal to the U.S. Court of Appeals for the Fifth Judicial Circuit, where the racial ratio standard for assignment of teachers to separate schools was rejected and the lower court order was modified to provide for "substantial or approximate" attainment of racial ratio as a future goal. The Supreme Court overruled the circuit court of appeals and reinstated the racial ratio standard as controlling criteria in future teacher assignments.

Mr. President, I submit that the principle established by this decision is that of "racial balance" and that it is of such importance as to call for much more critical attention than it has yet received.

In this connection, the problem of critical analysis is made somewhat difficult by reason of the devious approach employed by the Supreme Court in laying down the principle and by reason of the refusal of the Court even to mention the far-reaching implications of the principle. In short, the Court affirmed the obverse of the principle of racial balance without mentioning the necessary proposition from which the obverse is inferred. Let me illustrate.

A proposition stating that the Constitution requires racial participation in employment in public services proportionate to the numerical strength of the separate races in a community is precisely the same as declaring that the Constitution requires racial balance in the employment of races in public services. The obverse of this proposition is that any deviation from racial balance is unconstitutional.

It will be recalled that the Supreme Court approved the order of a Federal district court which assigned racial ratios to separate schools as a means of correcting racial imbalance reflected in employment and assignment of teachers. In doing so, the Supreme Court necessarily established the principle that proportionate racial participation or racial balance in the employment and assignment of teachers is an affirmative requirement of the Constitution.

The fact that the Supreme Court incorporated the requirement of racial balance into the Constitution by upholding the obverse of the above proposition rather than by directly affirming the principle cannot alter the fact that the principle of racial balance is clearly and unavoidably laid down as an affirmative requirement of the Constitution. The only question left open by the Court is to what degree the standard is to be achieved.

The term "racial balance" implies the existence of an ideal degree of racial participation in public services. This ideal is considered to reflect racial participation in employment or services proportionate to the numerical strength of the races in the population of a community. When such proportion is expressed as a ratio, as was done in the case under consideration, the effect is to prescribe racial balance as the goal.

In the instant case the Federal district court judge directed the assignment of teachers to achieve racial balance in this language:

In each school the ratio of white to Negro faculty members (must be) substantially the same as it is throughout the school system.

We do not imply that the Supreme Court has said that henceforth every Federal district court judge in the United States must order assignment of teachers to schools in a manner to achieve immediate and precise racial balance. On the contrary, the Supreme Court in establishing the principle of racial balance expressed the opinion that it did not believe the district court judge intended to apply the principle inflexibly as to time and presumably as to mathematical exactitude.

On the other hand, the Supreme Court went out of its way to make clear that "substantial and approximate" attainment of the ideal racial participation would not meet the Supreme Court concept of constitutionally required racial balance. In fact the Supreme Court specifically rejected the "substantial or approximate" criteria, suggested by the U.S. Court of Appeals, in favor of the mathematical ratio imposed by the Federal district court.

So while "racial balance" has been established as an affirmative requirement of the Constitution, the precise degree of conformity required remains hanging. However, we do know that something less than exact proportionate racial participation may be acceptable to the Supreme Court but that something more than "substantial or approximate" balance is required.

Previous Supreme Court attitudes regarding a constitutional mandate of mathematical preciseness in allocating legislative powers of State and Federal Governments leaves little room to doubt that the Court intends in this case to impose near precise racial balance as the constitutional requirement for employment in public services.

In any event, no one can seriously question the fact that under the Constitution, as revised and edited by the Warren Court, racial participation in public employment must be proportionate to the numerical strength of the races in the population and that such standard is in essence the standard of racial balance. Neither can it be doubted that this essentially social concept of racial balance has been dressed out by the Court and armed with the coercive powers of Federal Government under the guise of a principle of constitutional law.

One result of this decision is that Federal district courts throughout the United States are now vested with near unlimited discretionary powers over public school systems. Such courts can compel employment and assignment of teachers until racial balance is achieved in each school in the separate school systems throughout the Nation. Additional discretionary powers vested in Federal district court judges include the power to veto over expenditures of capital funds, veto over location of new schools, a power of supervision over recruitment, hiring, firing, promotion, and transfer of teachers and administrative personnel, as may be necessary to achieve the new constitutional mandate of racial balance.

And, while the decision was rendered in a case involving employment and assignment of public school teachers, it cannot seriously be questioned that the principle applies with equal force to assignment of schoolchildren. Consequently, Federal district courts are now vested with power to redraw school attendance boundaries, to close schools and compel transfer and bussing of pupils, and otherwise to supervise the public school systems in a manner to reach what is now said to be a constitutional mandate of racial balance in public schools.

In addition, the principle has application to employment in all public services of which teaching is but one. It has application to employment in the civil services and to firemen and policemen on all levels of government.

The principle has application also to all private employment in firms doing business with any branch of Federal, State, and local governments.

Another inevitable result of the decision is that every racial minority in the United States may now allege deviation from racial balance in employment as a basis for legal action to compel racially proportionate employment. In addition, the Federal executive is authorized and empowered by this decision to send its agents throughout the land armed with authority of the Supreme Court decision to further dictate employment practices in private employment.

Consequently, we can reasonably expect to see ushered in a new era of litigation which may extend from now to eternity or until the Supreme Court holds that the "racial balance" mandate of the Constitution prohibits an employee from exercising the right to quit, change jobs, or move when to do so would result in creating a now constitutionally prohibited racial imbalance in in employment.

We recognize that this last projection may seem to be unreasonable but we most sincerely submit that it does not strike us as more unreasonable as a possibility than the ruling that the Constitution requires hiring and assignment of employees by racial quotas in order to achieve a racial balance in employment.

And I do maintain that the Supreme Court decision is unreasonable in the extreme. It is irrational, arbitrary, and invidious. It utterly disregards the public interest; it disregards individual merit and experience and qualifications; it disregards educational criteria such as the availability of qualified and experienced teachers as may be required by education considerations. Furthermore, it disregards the will and wishes of the teachers and pupils involved and it disregards the will and wishes of the people of the communities involved and thus disregards the necessity for public support of the education system. Finally, the racial balance mandate disregards what parents may believe to be the best interest of their children in a most intimate matter affecting the health, safety, and moral welfare of their children.

The Supreme Court decision goes even further than this. It specifically defies the will of Congress. For example, in the appropriation bill for the Department of Health, Education, and Welfare, passed in October 1968, it was specifically provided:

> No part of the funds contained in this act may be used to force bussing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

In addition the Civil Rights Act of 1964 states:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance . . .
>
> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Innumerable expressions of legislative intent of a similar nature have been incorporated in Federal aid to education statutes—but aside from misleading the people, what avail are these expressions of congressional intent in the face of this last Supreme Court decision?

The Supreme Court has declared a new ball game. Congressional intent no longer matters, nor the will and wishes of State legislatures, nor of elected local school officials, nor that of teachers or even parents of the children. Racial balance is the new and controlling constitutional criteria for determining the location of new schools, in decisions related to closing and consolidating schools, in transferring and busing children, and in the assignment of pupils and teachers. Consequently all decisions on these questions are now supposed to be within the purview of discretionary powers of a single Federal district court judge.

Mr. President, tyrannical powers are thus vested in Federal district court judges. This is a situation unparalleled in the history of our Nation or in the history of any nation of free people. For in truth, such powers are absolutely incompatible with a government of a society of free people.

Let me cite an example of tyrannical control. The U.S. Court of Appeals for the Fifth Judicial Circuit decided to turn control of the Mobile County, Ala., school system over to the Department of Health, Education, and Welfare. This is the judicially assigned responsibility of the Department of Health, Education, and Welfare as laid down by the Court:

> The District Court shall forthwith request the Office of Education of the United States Department of Health, Education, and Welfare to collaborate with the Board of School Commissioners of Mobile County in the preparation of a plan to fully and affirmatively desegregate all public schools in Mobile County, urban and rural, together with comprehensive recommendations for locating and designing new schools, and expanding and consolidating existing schools to assist in eradicating past discrimination and effecting desegregation.

Mr. President, the above language is an order to the Federal district court judge to request the Department of Health, Education, and Welfare to restructure the public school system of an entire county having a population of approximately 300,000 people, despite the specific language of an act of Congress which prohibits expenditure of HEW funds for achieving racial balance in public schools.

Yet, under authority of the racial balance decision of the Supreme Court, the Department of Health, Education, and Welfare can do nothing but reorganize the public school system to achieve racial balance.

The above approach can reasonably be expected to be followed throughout the United States.

After years of judicial doubletalk we now know that the ends to be achieved by Federal courts is not "desegregation" nor "nondiscrimination" but rather "racial balance" defined by the Court as racial participation in the public services proportionate to the numerical strength of the races in a particular unit of employment. And this theoretical social ideal imposed by the Supreme Court as law of the land must be achieved to a degree that is more than substantial or approximate even though less than mathematically precise.

Mr. President, I predict that the people of our Nation are not going to accept tyrannical control over the lives of their children affecting, as it does, the safety, and moral welfare of their children. This can mean but one thing; Federal district courts have to continue to resort to processes of the inquisition to enforce its school orders. They can gain compliance only by threatening elected local school officials with confiscation of their property by imposition of heavy fines and threats of imprisonment or both without benefit of trial by jury. This fact expresses a judgment on the whole sorry system.

On the part of the Federal executive, it must continue the vicious practice of depriving innocent children of food, money, and other benefits authorized by Congress. In areas other than public education the executive must continue to deprive and threaten to deprive the aged, sick, poor, handicapped of necessities of life as a means of compelling compliance with its dictatorial orders. In still other areas the Federal executive must continue to threaten abrogation of contracts and thus financial ruin of private business as a means of enforcement.

Mr. President, I submit that the enforcement techniques adopted by the Federal judiciary and the Federal executive are alone enough to condemn the policies and decisions which gave them birth. These techniques reveal an underlying callousness and even viciousness on the part of disciples of force and violence some of whom currently wield this hideous power in our Republic.

Mr. President, there is but one solution to this corruption—it is to amend the Constitution of the United States to return control of public schools to the States and to the people. I have submitted a proposed constitutional amendment for submission to the States to do just that.

DETROIT CONCERT BAND RECEIVES FINE TRIBUTE

Mr. GRIFFIN. Mr. President, a very fine musical organization in my home State, the Detroit Concert Band, recently received a singular recognition.

Of all the bands in the United States and Europe, the Detroit Concert Band, under the baton of Dr. Leonard Smith, was selected by the British Broadcasting Corp. for an hour-long documentary on the life and music of John Philip Sousa.

As the Detroit News has observed, the BBC discovered what Michigan people have known for a long time: no musical organization in the world can play a John Philip Sousa march like the Michigan Concert Band.

Mr. President, I ask unanimous consent that a splendid article concerning this band and its director, published in the June 4 issue of the Detroit News, under the heading "Quest for 'Sousa Quality' Ends Here," be printed in the RECORD.

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

QUEST FOR "SOUSA QUALITY" ENDS HERE

(By Armand Gebert)

What the British Broadcasting Corp. (BBC) discovered through time and research, Detroiters have been enjoying for 23 years.

It's this: No musical organization in the world can play a John Philip Sousa march like the Detroit Concert Band.

The BBC realization of this fact is the reason why one of its producers, Kenneth Corden, and a team of technical experts were flown here from London to film an hour-long documentary on the indefatigable "March King."

The "Sousa quality," as Corden calls it, is what the Detroit Concert Band has under the baton of Leonard Smith.

It's this quality of a precise beat, martial musical vigor and showmanship that is being captured in filming and recording sessions in the Masonic Temple auditorium.

The 55-member band has been augmented by 11 other leading wind and brass instrumentalists for the sessions which started yesterday and are being completed today.

Corden, who was born the year Sousa died, 1932, said he started researching in 1967 "to capture the real man (Sousa) in music and life."

Days were spent interviewing persons who knew and played under Sousa's direction, in poring over manuscripts in libraries and in listening to recordings—including tapes of the Detroit Concert Band.

"Wherever I went the Detroit Concert Band and Leonard Smith were always recommended," he said. "I couldn't ignore these recommendations. That's why I'm here. They were right."

Sousa's compositions are popular in Britain and on the Continent. What about the bands that play them there?

Corden was prepared for the question. "Over there musicians play music exactly as it's written," he said. "But Sousa didn't put down all of his effects. He was a showman and kept a few tricks to himself. This is the quality I was seeking."

He found it by talking to people like William Bell, who played tuba in Sousa's band from 1921 to 1924 and later joined the New York Philharmonic.

Bell, 66, who is now a faculty member at Indiana University, is one of the instrumentalists who were brought here especially for the color television documentary.

The big genial man, who recalls appearing in Detroit with Sousa, said during a break at yesterday's session: "Sousa would

have approved. A better band, couldn't have been selected."

Original Sousa arrangements, which are part of Smith's library, are being used for the documentary.

"El Capitan," "The Washington Post," "U.S. Field Artillery," "Liberty Bell," "The George Washington Bicentennial" and, of course, the famous "Stars and Stripes Forever" are included in the program.

The Sousa showmanship? Well, what is expected to delightfully startle British audiences is generally accepted as part of the score by Detroiters.

Examples: The highlight in "Stars and Stripes Forever" when piccolo players, trombonists, trumpeters and cornetists leave their seats and march toward the footlights to perform.

Another moment is during the "Over Hill, Over Dale" segment in the "U.S. Field Artillery" when pistol shots are suddenly fired from the band's percussion section.

However, even Detroiters are apt to be surprised when they hear a portion of Debussy's "Golliwog's Cakewalk" in the production.

Corden explained that this is intended as a polite musical retort to the French composer who as a music critic of a Sousa band concert in Paris in the early 1900s wrote: "American music may be the only kind which can find a rhythm for unspeakable cakewalks."

Smith, who has been conductor of the Detroit Concert Band since 1946, said being selected to perform in the BBC documentary is one of the "big highlights in the band's history." He said he considers it "a recognition of our efforts to maintain the high Sousa tradition.

Smith, Leopold Stokowski, the American choreographer George Ballanchine, and other prominent world musicians will be among those who will give commentaries in the production. Original film clips and photographs of Sousa will also be featured.

Detroit is also represented in technical aspects of the production. Lare Wardrop, a cameraman for WWJ-TV, The Detroit News, and Gary Galbraith, a free lance cameraman, worked under Corden's direction.

The film is expected to be released by the BBC in Britain in November and it will be shown in this country on National Educational Television stations in late November or December.

But Detroiters won't have to wait that long to hear Sousa performed as they like it. The Detroit Concert Band will be appearing at Belle Isle and the State Fairgrounds in a series of programs from June 15 through August 10—and Smith promises many selections by the March King.

STATEMENT OF PHAM THE TRUC, MEMBER OF SOUTH VIETNAM HOUSE OF REPRESENTATIVES

Mr. FULBRIGHT. Mr. President, there has come to my attention a statement issued in Tokyo by Pham The Truc, a Member of the House of Representatives of South Vietnam. Mr. Truc's statement is a severe condemnation of both South Vietnamese and United States policies and a plea for peace. In view of President Thieu's recent militant statements concerning suppression of dissent from his government's policies, it will be interesting to see if Mr. Truc is allowed to return to South Vietnam.

I ask unanimous consent that Mr. Truc's statement be printed in the RECORD.

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

AN APPEAL TO THE PEOPLE OF THE UNITED STATES OF AMERICA AND JAPAN, MAY 30, 1969

(By Pham The Truc)

Thousands of people every day are being killed and the land devastated in the cruel war in Vietnam. Why can't peace be established in Vietnam—a peace for which not only the people of Vietnam but also all peace-loving peoples of the world are longing?

The following is my view on this question.

The regime of Nguyen Van Thieu and Nguyen Cao Ky which is the offspring of a military clique is still, in its basic nature, a military dictatorship. It has only been able to maintain its status by the continuation of this war. In order to buy the favor of supporters, this regime encourages them to exploit the poor and acquiesce in their activities of corruption. The corruption in Vietnam is no less inhuman for the people of Vietnam than the war itself and the fundamental rights of the Vietnamese people are being trampled upon.

Furthermore, the present Saigon regime never hesitates to enact whatever repressive measure it can lay hands on in trying to banish, detain, and oppress religious leaders, politicians, intellectuals and students. The recent arrests of the Rev. Thick Thien Minh as well as a number of students are good examples of this oppression.

The government tries to control the Diet to keep the people quiet and their voices unheard. The government is, for example, giving special favor to pro-governmental Congressmen while threatening those who try to alert the people of the corruption existing in society. Furthermore, the regime is even oppressing the judicial sectors of their own government.

Thus, the principles of democracy in Vietnam are being trampled upon and the morale of the people is facing a fatal crisis.

In other words, the present government is a regime which lacks the support of the majority of the people, exclusively relying on a few people who gain profits out of war procurements and exploit the poor.

It is the United States government which supports this unpopular government of Vietnam, and by advocating the "Vietnamization of the war" it intensifies the military actions. Thus, the United States government is making the solution of the war all the more difficult and adding to the atrocities of an already bloody war.

Through these serious errors, leaders of the United States government have proved again that there is not the slightest improvement in their basic understanding of Vietnam and Asia.

As a citizen of Vietnam and also as a member of the Congress, I present the following requests of the United States government:

(1) The United States government should immediately stop supporting the military regime of Nguyen Van Thieu and Nguyen Cao Ky. (All the treaties which have been concluded between the United States government and the military regime of Vietnam have no value to the Vietnamese people whatsoever.)

(2) The United States government should withdraw all military forces from Vietnam. (There is no ground for President Nixon's view expressed in his eight-point proposal of May 14, namely, that the United States military forces cannot be withdrawn without the risk of mass slaughter.)

(3) The United States government should be sincere in the Paris Peace Talks. By being "sincere" I mean that *Peace* for the Vietnamese people, and not the 'face' of the United States government, should be the priority. Political settlement, and not military settlement, should be the priority.

A believer in God, I pay my respects to the people of the United States who love peace, freedom and equality. I pray from my heart that God and the American people's pious faith in God will reflect the noble tradition of the United States and will show leaders of the United States the right policy toward peace in Vietnam.

(NOTE.—Mr. Pham The Truc. 1940 Born in Dalat City, Vietnam; 1963 Graduate of Dalat University; 1963–67 Teacher of Binh Thuan High School; October 1967 Elected Congressman; Belongs to Dan Toc Group in the Congress.)

CLARIFICATION OF THE AMERICAN INSURANCE ASSOCIATION'S STATEMENT

Mr. BAYH. Mr. President, on January 24, 1969, a Washington Post article, dated January 21, 1969, and entitled "Building Bond Prejudice Cited," was at my request printed in the CONGRESSIONAL RECORD. Subsequently it has been brought to my attention by David Q. Cohen, counsel for the American Insurance Association, that the Post article contained a paragraph reported inaccurately as a direct quotation of the American Insurance Association in a statement to the Small Business Administration task force members—September 10, 1968. The paragraph in question was actually contained in a memorandum from the Small Business Administration to its construction task force members and read as follows:

Negroes and other American minorities are almost nonexistent as entrepreneurs in all phases of the construction industry. As contractors they generally lack the necessary managerial and technical skills, experience and financial capacity. As a result, they operate at a low level of efficiency, organization, and profitability.

I ask unanimous consent to have printed in the RECORD both the Washington Post article and the American Insurance Association statement entitled "The Surety Industry and Minority Group Contractors," to further clarify this correction.

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

[From the Washington Post, Jan. 21, 1969]

BUILDING BOND PREJUDICE CITED

(By Vincent Cohen)

John Davies was awarded a $9000 Navy contract for subcontracting work at the David Taylor Model Basin in Maryland last year. The general contractor required him to submit a corporate surety bond for the work. Davies is black.

He applied to more than a dozen bonding companies. He was turned down by all of them, although he had completed jobs larger than $9000 without a bond. The contract was taken from him and offered to the second choice, a white contractor who got a bond—and the job.

The problem faced by John Davies is similar to the problems of 8000 minority contractors around the Nation.

They find it virtually impossible to get bonded and without bonds they cannot compete for what they feel is their fair share of the $1000 billion spent in construction each year.

The obstacles facing contractors like Davies are rooted not only in the normal problems of business but in traditional patterns of discrimination and in what black contractors feel is unfairness on the part of the bonding companies.

They form a vicious circle from which, until recently, there was no way out.

A construction bond is a guarantee to the owner of a project that a contractor can do the job well and that he can finish it. If the

contractor fails, the company that issued the bond is liable for any damage or inconvenience incurred by the owner.

Surety companies say they use three criteria in judging whether to bond a contractor: capability, character and credit. Surety association statements like the following, minority contractors contend, show there is a fourth "C"—color.

"As contractors, Negroes and other American minorities lack the necessary management and technical skills, experience and financial capacity. As a result, they operate at a low level of efficiency, organization and profitability."

This assertion came in an American Insurance Association statement to the Small Business Administration Construction Task Force, Sept. 10, 1968.

Davies and other members of the Washington Area Contractors Organization, a group of black contractors, say generalizations like the Association's statement show prejudice against them by the surety companies. The companies say the problem lies in the inability of minority contractors to fulfill adequately the three "C's."

The greatest problem, according to David Q. Cohen, spokesman for the surety industry, is the first "C"—capability.

Only in recent years has a handful of blacks and other nonwhites penetrated construction union ranks. This exclusion has cut them off from training that has proved valuable to white contractors.

Even with the absence of this training, contractors like Davies get jobs and complete them successfully. But Davies admits organized training for minority noncontractors and construction workers is badly needed.

Davies and other WACO members say bonding company judgments of contractor character are "subjective, to say the least." Surety companies admit their decisions are subjective. But they say each contractor must be considered in light of the job for which he wants the bond and of his record. They have issued repeated statements to SBA denying that race is a factor in their deliberations.

Cohen and others involved in bonding say past business dealings and on-the-job attitudes are the main points considered.

The credit criterion boils down to one thing: can a contractor get enough unrestricted cash to do the job and protect himself and the owner in case of unforeseen problems?

The assets of most minority contractors are limited to the capital they have saved from their construction work. Surety companies look on most loans against personal or company assets as liabilities, even if they temporarily put cash in the company account.

Many of the larger well-connected white contractors have made use of the funds of friends and family. Minority contractors are hard put to find such resources.

Black contractors, like Davies, feel that surety companies and government officers who require 100 per cent of the bid price of a job in ready liquid assets are unfair.

From 10 per cent to one-third of a project's price is usually needed to complete the first part of the job. After this, the contractor receives the first draw on the contract payment from the owner.

The problems of the minority contractor are now being studied by private and government agencies.

The Small Business Administration has developed an 18-city program called Action Construction Teams. The NAACP recently announced an organization called the Afro-American Builders Corporation already involving 1200 contractors in 20 cities.

In Washington, the Washington Area Contractors Association and Uptown Progress, a group of black mid-city businessmen planning for urban renewal, have plans for breaking the bonding wall.

The working model is the General and Specialty Contractors Association, Inc., of Oakland, Calif.

This group received a $300,000 grant from the Ford Foundation last year to develop programs to upgrade minority contractors and solve the bonding problem.

The resulting program provides working capital loans for member contractors.

GSCA also offers management training for contractors who may have construction ability but not business management know-how. Construction employe training is also given.

GSCA also helps its contractors bid on jobs and fill out bonding applications. Surety companies say faulty applications account for many bond rejections.

When the bond is obtained, GSCA advisers assist the contractor in construction performance. GSCA accountants help with the books and GSCA lawyers advise on legal matters.

After the member contractor completes a job, GSCA, advisers urge him to move immediately to a higher-priced project. When he reaches $2.5-million jobs, he is on his own.

Surety company executives, bond officials, community leaders and white contractors in the Oakland area sit on GSCA's board and assist in program development and implementation.

N. G. Tademy, a black GSCA contractor, advanced his job range from about $130,000 to more than $300,000 in the first six months of GSCA's operation.

Davies and other minority contractors say they need the large and profitable government jobs to grow. But the government has very stringent bonding requirements on all jobs over $200,000.

However, the Federal requirement for neighborhood company participation in the redevelopment of cities may force big white contractors to take in minority group members as partners to get part of the redevelopment money.

With billions to be spent on construction in 1969, contractors like John Davies now have some hope of moving up instead of around in a circle.

[Statement of the American Insurance Association]

THE SURETY INDUSTRY AND MINORITY GROUP CONTRACTORS

In order to properly appreciate the role of suretyship in the present efforts to make a more adequate place for the minority group construction contractor in our economy, it is extremely important to comment on what contract bond suretyship is, and how it functions. Unless some of the basic concepts are understood, many of the misunderstandings which have already become apparent from the meetings held under the auspices of the Small Business Administration will persist and becloud constructive thinking about the subject.

A construction project bond is fundamentally a form of security, the demand for which invariably derives from the person for whom the work is to be performed (whether he be an owner or a prime contractor). Like other types of security, it is rarely ever voluntarily tendered by a debtor. The furnishing of the security as a prerequisite to obtaining a contract for the work is mandated by the owner on the potential prime contractor, or by the latter on his potential subcontractors. *The person who is required to furnish the surety bond does not receive any protection whatsoever from the bond.* The protection of the bond always flows to the benefit of others, such as the owner and labor and materialmen.

Since it is the owner, whether public or private, who lays down the bond requirement on the person who is to furnish it, it is essential to comprehend exactly *what the owner expects from the surety.* These expectations can be summarized in the following three ways:

1. That the surety qualify the proposed contractor as to his ability to perform the contract for the contract price within the time set for completion of the project. In other words, that the surety determine for the owner's benefit whether the proposed contractor has the integrity, experience, know how, equipment and adequate working capital (extrinsic, of the contract price for the work) to bring the project to a successful completion.

2. That the proposed contractor and his surety assure the owner to the extent of the amount fixed in the bond, that they will indemnify him for any reasonable costs in completing the project which are in excess of the agreed price for the work.

3. That the proposed contractor and his surety assure that persons who furnish labor and material for the project to the contractor or his immediate subcontractors will be promptly paid.

We stress that the foregoing functions are expected of the surety by the owner. These services are exactly those for which the owner is willing to pay (as a part of the cost of the construction). It is apparent, therefore, that a surety which is not prepared to carry out these functions defeats the expectations of the owner and in a sense shortchanges him if it does not.

It is well to keep in mind that the demand for the suretyship arises from two sources, the public domain and the private domain. Throughout the United States, the lowest responsible bidders are, as a matter of public policy and to protect the public purse, required by statute to furnish surety bonds guaranteeing performance of the contract and payment for labor and material furnished for the work. It is not deemed sufficient for public purposes that the bidder be simply the lowest bidder if he does not have the character, financial resources, skill and know how and equipment to bring the public work to a successful conclusion on time. For example, officials of a school district, and the inhabitants thereof, are not very happy when they are told that a school which was contracted to be finished by September 1 will not be finished until Christmas. The fact that a surety bond will compensate the school district in money for the damages suffered in housing the school population in the interim does not ameliorate the administrative problems of the school district in providing adequate schooling facilities for the community. Years of surety company experience in dealing with owners, clearly confirm that they want performance on time as one of the principal objectives of the suretyship, not money damages from the contractor or his surety. It is a serious mistake to think otherwise.

Consequently, it should be obvious that anyone who anticipates that surety companies will blind themselves to the reasonable expectations of owners, whether public or private, and issue bonds for unqualified contractors is in effect asking sureties to abdicate one of their principal functions. To indulge in such a practice would be an unwarranted disservice to the owner. No surety company can reasonably be expected, unilaterally and in disregard of the long known desires of owners, to adopt a radical concept of underwriting premised on the needs *of the bond applicant* rather than on the needs *of the owner.*

In the light of these preliminary thoughts, it is now appropriate to touch on some facts relevant to participation by minority group contractors in the pattern of the American construction economy. From the many discussions in which we have participated, we infer a commonly held misimpression—that the bonding requirements are a stumbling block to minority group advancement in the construction economy. The fact of the matter is, that on the roughly $75 billion of annual

construction in the United States, only in the field of public works is a bond a common prerequisite to obtaining a contract. Public work involves about $15 billion a year. Of the remaining $60 billion of construction, traditionally about 20% at most is required by owners to be bonded. This means $12 billion of bonded private work. The grand total of bonded work, public and private, therefore, amounts to about $27 billion, leaving $48 billion of normally unbonded work. These figures demonstrate the fallacy of the contention that surety bond requirements are an obstacle to the upgrading of minority group contracts. The facts being what they are, the surety industry cannot legitimately be faulted for the inability of minority groups to participate in a so-called fair share of construction expenditures in the United States.

It should be recalled, too, and also recognized as a fact that the statutory requirements for suretyship from public works contractors have been historic in the proper administration of public works construction. Such requirements preceded the use of corporate suretyship in the United States, the services of which grew up only as an accommodation to the public requirements. Similarly, suretyship for private construction was a response to what some owners conceived to be necessary for their protection. Thus, the market for contract surety bonds was not, and is not, created by surety companies, but by the needs of owners, whether public or private. Surety companies, like the sellers of any commodity or service, must tailor their products to the demands and requirements of the buyers, who in the case of contract surety bonds are in essence the owners.

The surety industry defers to no one, person or group, in decrying the difficulties which beset minority contractors in their efforts to participate more freely in competition for the construction dollar. But it must not be forgotten that the surety industry is not the cause of such difficulties. They are deeply rooted in the mores of our society which for so long have deprived most of the minority groups of meaningful access to good educational and training opportunities, intellectual and vocational. This unfortunate history has disabled most of the minority group, contractors and others, from amassing sufficient capital, management skills and know how to compete successfully with the majority of our population.

Absolute candor compels us to point out that the chief and recurring difficulty which most minority group contractors encounter in applying for surety bonds arises from their marked deficiencies in experience, management and other skills in running construction jobs of more than limited scope. While very many also lack working capital, to a certain degree, with the availability of financing through such governmental sources such as the Small Business Administration coupled with various lending techniques, such financial weakness is often secondary to the lack of expertise. These deficiencies are accurately described in a recent memorandum of the Small Business Administration dated September 10, 1968 and addressed to "Construction Task Force Committee Members", to wit,

"Negroes and other American minorities are almost nonexistent as entrepreneurs in all phases of the construction industry. As contractors they generally lack the necessary managerial and technical skills, experience and financial capacity. As a result, they operate at a low level of efficiency, organization and profitability."

In view of the service which owners, whether public or private, expect of surety companies and to which surety companies must be responsive, it cannot be anticipated that minority group contractors will quickly find an expanded market for their surety bond requirements at least until such time that minority group skills and expertise are markedly improved.

We believe that it will serve no useful purpose, economic or sociological, for surety companies to issue contract bonds indiscriminately to all applicants, qualified or not. Such an unqualitative underwriting policy will unquestionably undermine the present confidence of owners in contract surety bonds. It will not only anger owners left with unfinished projects, but will also inflict a mortal wound on the performance reputation of minority group contractors as a class. Furthermore, the surety industry cannot be expected to bear the burden of charges by the construction industry that an extremely liberalized underwriting policy aids and abets competition from allegedly "irresponsible contractors", at a time in our economy when the construction industry is suffering from "profitless prosperity", meaning thereby much work with little opportunity for profit even for the most expert construction firms.

Having just highlighted the dilemma in which the surety industry finds itself in considering how it can be helpful in the upgrading of economic opportunities for minority group contractors, we turn now to a definition of the areas wherein we believe the industry can be helpful *as part of a team* to further the general objective.

We believe that the Ford Foundation and the Small Business Administration to a large degree cogently and acutely analyzed the handicaps facing minority group contractors. We believe that the Foundation's organizational scheme for a preliminary appraisal of such contractors and their potential bondability for specific jobs is sound. We believe it essential that there be some objective apparatus, mainly independent of the surety business and with credibility in the minority group, which must review a proposed bidder's financial status, his experience record, and his technical know how and advise him candidly whether he reasonably meets acceptable criteria for performing the work he wishes to undertake. The surety industry, to the extent that it is represented by the membership of the American Insurance Association, pledges itself to work with any such objective reviewing bodies, particularly with those under sponsorship of the Small Business Administration and the Ford Foundation, in making available to them gratis knowledgeable surety bond underwriting personnel as consultants. These individuals will assist in the appraisement of a minority group contractor's bondability and will assist in attempting to place the bonds of any who, having completed the preliminary screening process, may appear to merit surety company backing for the construction obligations he seeks to undertake.

RESTORATION OF THE ANTELOPE CREEK LANDS TO THE NAVAJO TRIBE OF INDIANS

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a star print be made of S. 2119, to provide for the restoration of the Antelope Creek lands to the Navajo Indian Tribe of Indians; to insert the word "Upper" before the word "Colorado" on page 2, line 24, and the word "Upper" before the word "Colorado" on page 3, line 13.

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

GENOCIDE CONVENTION—A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, in June 1949, President Harry S Truman transmitted to the Senate the Convention on the Prevention and Punishment of the Crime of Genocide. The convention was adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948. The basic purpose of the convention is the prevention of the destruction of a human group. The convention defines genocide to mean certain acts, enumerated in article II, committed with the intent to destroy, in whole or in part, a national, ethical, racial, or religious group, as such. The first resolution of the General Assembly on this subject stated:

> Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings.

The distinction between those two crimes, therefore, is not a difference in underlying moral principles, because in the case of both crimes, moral principles are equally outraged. The distinction is that in homicide, the individual is the victim; in genocide, it is the group. The General Assembly also at this time pointed out in a resolution that the physical extermination of human groups is of such grave and legitimate international concern that civilized society is justified in branding genocide as a crime under international law. On September 23, 1948, Secretary of State Marshall stated:

> Governments which systematically disregard the rights of other nations and other people and are likely to seek their objectives by coercion and force in the itnernational field.

To say that genocide is a matter of "international concern" is to understate its importance. Yet for 20 years this Genocide Convention has lain dormant in the Committee on Foreign Relations, and the Senate has done nothing toward ratification of this very basic declaration of human rights—the right to live. The time is now—and the time is long overdue—for Senate ratification of the convention on the prevention and punishment of the crime of genocide.

COMMENCEMENT ADDRESS BY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, GEORGE ROMNEY

Mr. BAKER. Mr. President, a week ago I attended graduation exercises at the University of Tennessee, my alma mater, where my good friend, the Honorable George Romney, delivered the commencement address.

More than a thousand graduates, their families and friends were privileged to hear a dynamic and very forceful address by Secretary Romney, in which he spoke candidly of our Nation's problems, foreign and domestic, and earnestly sought to enunciate some reasonable solutions to those problems.

Because I believe that Secretary Romney's remarks are so pertinent to the turbulent nature of the times and so vitally important to the health and welfare of our Nation, I ask unanimous consent that the text of his speech be printed in the RECORD.

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

ADDRESS BY GEORGE ROMNEY, SECRETARY OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNIVERSITY OF TENNESSEE COMMENCEMENT, KNOXVILLE, TENN., JUNE 10, 1969

We ourselves have spawned in our country a small but growing number of energetic, reactionary barbarians whose fervent objective is to destroy America and its institutions. They say, "We should destroy a system that has not abolished war, prejudice and poverty."

Recently I was asked, "How did we get in the mess we're in, and what can I do about it?"

The mess we're in is so complex and pervasive that our national survival is at stake. Our mortal threat is both internal and external. It is not just the result of mistakes and failures. It is also the result of success and progress.

Abroad, until recent years, America has been a beacon of hope for the people of all nations. This was true immediately following World War II, as we generously gave succor to our former enemies, aided our wartime allies, and through the Truman policy of containment protected vulnerable free nations threatened by communist aggression.

Our early postwar foreign policies were tremendously successful. But as is too frequently the case, the once successful containment policy outlived its time. It was continued after it should have been replaced by a positive policy.

For containment is inherently a negative policy of reacting to comunist initiatives. It distorted our vision of world events. We were looking so hard for evidence of communist aggression that we thought people who had been resisting Chinese influence and domination for over a thousand years had suddently becomes aggressive Chinese agents.

Contrary to our traditional, sound military policy of avoiding a land war in Asia, we intervened in the South Vietnamese conflict—even though their leader did not seek our direct and active combat assistance to the point of Americanizing the conflict.

This was the most tragic foreign policy and military mistake in our history. It even tends to unite Russia and China in South Vietnam despite their belligerent antagonism elsewhere.

The initial mistake of intervention, and other subsequent mistakes, have contributed to creating at the present time most of the very conditions which we thought required our intervention in the first place. We now have a conflict between the leader of the free nations and the combined communist nations.

The vital question is, what do we do now? We have three basic choices:

1. We could admit our mistakes and pull out.

2. We could negotiate a camouflaged surrender.

3. We could do only what is necessary in our bargaining and fighting to prevent our past mistakes from becoming an even greater mistake for those we intended to help, as well as for ourselves.

The probable result of either of the first two alternatives would be a collapse of resistance to outside communist domination in Southeast Asia, and its collapse or weakening elsewhere.

I am convinced that the President will pursue every means of securing a peaceful settlement, short of abandoning those who would then become the victims of our past mistakes.

What can you do?

1. You can have faith in and support the President's commitment to a peaceful solution. He has offered a specific, positive, fair basis for settlement.

2. You can support policies that will prevent future Vietnams, including the policy that only Congress should involve us in a foreign war, except in the event of direct attack on a foreign foe.

3. You can help us avoid essentially the same error at home we made abroad by our mistaken over-reaction to the communist threat in Southeast Asia. Communist subversion is a continuing domestic threat, but we must not let it divert us from our own responsibiily to turn the searchlight inward and solve our own internal ills constructively.

Our chief domestic ill is racism, black and white. It has intensified the urban crisis. What are the major successes and failures that produce it?

The founding of this nation culminated centuries of struggle, pain and sacrifice. It is the highest political expression yet known to man. I believe the Declaration of Independence contains inspired principles of self-government written by men raised up by Providence for that very purpose. But their principles were compromised by the continuation of slavery.

Failure to resolve this contradiction ultimately plunged us into Civil War. Lincoln saved the Union and freed the slaves, but millions because of race continued as second class citizens at best.

The agricultural and industrial revolutions compelled millions of white and black immigrants to migrate to the big cities. They lacked the education and training for their new alien urban environments.

Following World War II our successful efforts to build moderate income housing, renew our cities and construct freeways also facilitated the middle income flight to the suburbs, regularly bulldozed the poor out of their homes, and increased their congestion within the inner city.

Today, an impoverished inner city surrounded by affluent suburbs is the common metropolitan pattern. As a result, Americans are increasingly separated into economic and social as well as racial enclaves.

The plight of the inner city poor has been aggravated as industry and business have followed the movement to the suburbs, removing jobs beyond the reach of those who lack both private and mass transportation.

As the problems in our cities have mounted, the electorate and local officials turned more and more to Washington, knowing there was more money there and thinking there was greater wisdom. But federal money and bureaucratic panaceas alternately have raised false hopes and produced failures, followed by disillusionment, frustration and bitterness.

Those who were skeptical of state and local government's ability to solve our mounting problems now know that there are federal weaknesses too. And those of us now in Washington know we must decentralize governmental responsibility and energize private enterprise and the people and their voluntary institutions, if we are to overcome our domestic racial and urban crises.

What can you do?

1. You can oppose every barrier to equal and full citizenship for all.

2. You can esteem others as yourself, regardless of racial, economic and social status, extending to each the basic human dignity that is his right.

3. You can develop the skills necessary for you to be able to help others.

4. You can fulfill your citizenship by being active in the political party of your choice.

5. You can work to modernize state and local governments.

6. You can identify critical problems in your own neighborhood, community, or state and become active in existing voluntary organizations dedicated to achieving solutions—or if none exist, you can enlist other concerned citizens in taking joint organized action.

7. You can refuse to take without giving.

8. You can choose a companion to whom you want to be completely true, be a good parent, and provide a home founded on faith in God, America, and your fellow men.

Some of those who would destroy America say, "This society is only interested in higher prices and profits." They are wrong.

Our economy is unique. Its marketplace is an economic polling booth. Its most distinctive aspect is not capitalism or profits, but its responsiveness to its consumer electorate. That's what makes profits possible. Profits are a yardstick for measuring product acceptance by sovereign consumers.

The countries that advocate "production for use" instead of production for profit all have lower standards of living, shoddier goods, and much higher prices.

Never forget that where there is no free market, there is no freedom.

Our American economy has progressively reduced poverty. In 1900, about 90% of the people were poor; in 1920, 50%; in 1930, 34%; and in 1968, 15%.

Fifteen percent is too much. There is reason for growing concern, because with rampant inflation and pockets of monopoly we are losing ground—particularly in the field of housing. We desperately need to reverse the soaring cost of housing that is pricing families out of decent homes faster than Congress can pass new laws and appropriate more subsidies.

Yet we are capable of building houses of better value at lower cost by using modern technology and management. If we built automobiles the way we build houses, we wouldn't need any freeways—most people couldn't afford one car, let alone two or more.

And with graduates like those from your new school of architecture, we can make houses available for all family income levels that promote pride of occupancy because of their quality and beauty.

What can you do? You can support the Administration's policies to fight inflation. You can be active in your home communities and states to bring about needed changes in building codes, zoning and house building practices that now fragment the housing market.

Always remember that America is the product of the world's authentic revolution—a revolution that recognized the need not for just another "nation," but for a "process" that would promote a continuing revolution.

It is a process for solving our human and social problems. It is a means of shackling and dividing power. It is a means of shielding every group from the tyrannical excesses and violence of the few or the many. It is a means of dissent, debate, and change without violence.

My adult lifetime has encompassed the revolution that started with the great depression and the New Deal. As Leo Rosten has pointed out, America's process made possible "in the past 35 years a profound transfer of power, a distribution of wealth, an improvement of living and health without liquidating millions, without suppressing free speech, without the obscenities of dogma enforced by terror."

In my opinion we are at the commencement of another revolutionary period. It can take us further along the road of national fulfillment, if we understand and use our built-in "process" of choice and change without violence.

Your generation's passion for honesty, and hunger for idealism, can delight America's beacon of hope—if your knowledge of America, your devotion to it, is used to create a new age of peace, brotherhood, and greater social and economic justice.

If you want to understand more about America, get a copy of Father R. L. Bruck-

berger's book, "Image of America." In it he tells you why America's revolution is the worlds only authentic revolution.

What can you do?

You can understand what made America as great as she is, and how you can make America an even better example for others.

Understand America, or perish—or better, understand America and live—live and help others to live more fully and joyously.

ROOM TO ROAM

Mr. McGOVERN. Mr. President, the U.S. Government is still the biggest landholder in our Nation, with over 700 million acres. Some 27 million are in national parks, 186 million in national forests, and 23 million in fish and wildlife refuges.

The major Federal land-managing agency is the Interior Department's Bureau of Land Management which operates 480 million acres of public lands.

Many people think of these lands in the West as grazing lands and of the Alaska portion as frozen tundra.

This is far from the facts. BLM's public land holdings cover every conceivable kind of land and every possible use.

They are truly multiple use lands dedicated to public use.

Last year the Superintendent of Documents sold over 200,000 copies of a BLM booklet, "Room To Roam," a wonderfully illustrated recreation guide to the public lands.

It had some defects—one of which was the omission of key public land areas in South Dakota.

A new, second edition of "Room to Roam" has just been issued by the Superintendent of Documents. It is a great improvement over the first edition. It is more descriptive and more complete with information not only on the BLM's public lands but also on other scenic, natural, and historic attractions in the West.

Western South Dakota is now included, with Custer's Gold Discovery Trail, the Badlands, Wind Cave, Jewel Cave, the Bear Butte National Wildlife Refuge, Mount Rushmore, and the BLM's Makotopi conservation project all shown.

The Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, sells this book for 75 cents. I predict it will be another best seller.

The Secretary of the Interior, the Director of the BLM, and their staffs are to be commended for this public interest program which so attractively displays unique recreation opportunities on the public's lands.

BETH ISRAEL SCHOOL OF NURSING

Mr. GOODELL. Mr. President, it was recently my pleasure to attend the commencement exercises at the Beth Israel School of Nursing. The Beth Israel School of Nursing, under the leadership of the Honorable Charles H. Silver, president of the Beth Israel Medical Center, and Mrs. Rose Muscatine Hauer, director of the nursing school, has been in the forefront of the nursing profession.

I am pleased to ask unanimous consent to have printed in the RECORD the commencement remarks made by Mr. Silver on June 4, 1969. These remarks state well the importance and contribution of the Beth Israel School of Nursing. I commend them to the attention of the Senate.

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

ADDRESS BY HON. CHARLES H. SILVER, PRESIDENT, BETH ISRAEL MEDICAL CENTER, AT COMMENCEMENT EXERCISES OF SCHOOL OF NURSING, JUNE 4, 1969

Let me have the pleasure of saying right at the outset how happy I am—and how proud you must be—that this is the largest graduating class in the history of the Beth Israel School of Nursing.

And I would be less than fair to these lovely young ladies if I did not add that it is definitely one of the best.

One good reason for our growth and progress is the happy place that has been your home for the last few years. No school of nursing possesses anything finer as housing for its students than our Fierman Hall.

But buildings in themselves are simply not enough and I sincerely feel that our most important asset is the kind of splendid young people we send out into the world. They are a credit to their profession and our most valuable credential as we mark the major milestone of eighty years of service to humanity.

I think you will agree with me that this year's graduates will protect our position among the great nursing schools of America.

And much of the credit goes to that wonderful woman whose heartfelt interest in cultivating their skills and preparing for this great day entitles her to our deep personal tribute. I speak, of course, of our First Lady of Nursing, the Director of our School of Nursing, Mrs. Rose Muscatine Hauer.

I am sure she would want to share your applause with her extremely able and conscientious assistants: Mrs. Leanore Nathanson, Mrs. Helen Fausner and Miss Elizabeth Bruce.

Because of the lessons you have learned at Beth Israel, you are well-equipped to uphold the high tradition which our School of Nursing has maintained since its founding in 1902. Tonight, you join a dedicated legion of more than 3000 nurses who have established the name of our Medical Center as a symbol of hope and of health for the sick and ailing throughout this country as well as in hospitals and on battlefields in the far corners of the earth.

This troubled world of ours was never more in need of healing and it will benefit by the blessing of your care wherever your career may take you. But I devoutly hope that you will elect to remain with us to carry on your mission of compassion within the walls of Beth Israel where you have begun so well.

Yet, because you learned to be nurses under the constant guidance of our gifted faculty, Beth Israel will be a part of you wherever you may be—and you will always be a part of Beth Israel.

It is a very special distinction to wear the cap of a Beth Israel nurse. It marks you as a scientist of a very special sort, an expert trained in her own particular art . . . and I consider it to be the most beautiful and gentle art of all.

In other years, it meant much to me that our commencement exercises were held at Public School 20, the Anna Silver School. That is because this particular school is where I learned my first lessons as a child, not only in the classroom but at home from that blessed and beloved person who taught me what it means to really care and to be considerate of the needs of others.

Her name was Anna Silver—and she was my mother.

Now, as our graduating classes grow larger, we have moved uptown to one of our city's great colleges. I think there is something appropriate and very meaningful in this.

It is right that our commencement should take place in a college, for this is one of the areas in which Beth Israel has pioneered. We have brought to nursing something of greater value than its customary rigid discipline. That is the bright, alert—yet challenging—academic atmosphere of our campus.

After all, you have really been attending a college for the past few years and you are young and vivid human beings, very much alive—as I have often had occasion to observe. We have tried to give you the kind of undergraduate life that would make you feel that your university is the mammoth, magic city of New York . . . and every day of school rich and rewarding.

I am constantly grateful that in this vast ocean of dissension and unrest around us today, Beth Israel is truly an island of compassion, and Fierman Hall, which sets an example for the nursing academies of tomorrow, is a tower of comfort and happy companionship. For this, I think we should all take a moment to thank our cherished friends and benefactors, Minnie and Harold Fierman.

This may also be the proper time to thank the dedicated Chairman of our Nursing Committee and his devoted family who have done so much for Beth Israel Medical Center. I speak of our able and gracious Chairman, Seymour Phillips.

Because of such men and our other faithful members of the Board of Trustees, we have been able to open even greater opportunities in the expanding fields of nursing.

You are on the brink of a bold and beautiful adventure. We feel that you are ready because our eyes have been on the future—your future—and we have confidence that you will make your mark in the missions of mercy which you have chosen as your life's work.

We have come to know at Beth Israel that it takes generations to build a hospital . . . and only seconds to need one.

We have come to know that it takes years to educate a nurse and that many lives will depend upon what she has learned.

Inspired by this knowledge, we are constantly expanding and developing our nursing programs for the classes that will follow you, and I am happy to say that in all of this work we are fortified by the constant encouragement and assistance—yes, by the leadership and vitality of our new General Director—Dr. Ray Trussell.

In all of our endeavors we are fortunate to have the unfaltering help, the tireless hands and heart, of our nursing faculty and medical staff. They are all members of the great and growing Beth Israel family who have worked together to help make this day possible for you—and to make a better day nearer for the ill and needy who seek the help and hope that Beth Israel can bring.

We are grateful to welcome as a distinguished member of our Beth Israel family the dynamic young statesman who represents our commonwealth in Washington: Senator Charles E. Goodell.

It is not easy to find a fitting phrase with which to close these words of love and congratulation to our graduates. Perhaps it is enough to say that nothing really closes . . . no, not the doors of Beth Israel which will always remain open to you . . . and certainly not our hearts which are so full of pride in your accomplishments and hope for your happiness and well-being in the days ahead.

You have come to the moment of truth and triumph. You are Beth Israel nurses.

Go forth and heal.

In healing others, you shall, yourself, be healed.

In bringing your blessings to the world which sorely needs them—you shall, yourself, be blessed.

PERSONAL RANKS OF AMBASSADOR OR MINISTER

Mr. FULBRIGHT. Mr. President, as Senators know, article II, section 2 of the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls." In spite of this provision, however, a number of Government officials have been accorded "personal" ranks of Ambassador or Minister without Senate confirmation.

Thus, as of May 1, 1969, there were 20 individuals with the personal rank of Ambassador and 63 with the personal rank of Minister. All of these officers are recognized as Ambassadors or Ministers, but they have never been confirmed by the Senate. This is somewhat as if the President were to confer the personal rank of brigadier general on a major or the personal rank of admiral on a commander.

According to the information received from the Department of State, these titles are conferred in several ways: First, by Presidential appointment; second, by Presidential letter; third, by direction of the President; and fourth, on behalf of the President. In the first two instances, the appointments are made over the President's signature. In the third instance, the appointment is made by some person delegated to do so by the President, such as one of his special assistants. In the last instance, the appointment is made by someone on behalf of the President, usually the Secretary of State. In no case, however, is the Senate formally advised when these appointments are made or that they are contemplated. Moreover, there are cases where individuals have been given the personal rank of Ambassador even though they never appeared before the Committee on Foreign Relations or were never confirmed by the Senate.

In a letter dated January 26, 1968, the Department of State maintains—

> The greatest present-day requirement for personal ranks is in connection with United States participation in numerous international organizations and to fulfill the practical day-to-day necessities of diplomatic intercourse.

In addition, the State Department says:

> Such designations are related to special assignments, or are granted in connection with certain limited but routine diplomatic assignments with the intention of assisting the person upon whom it is conferred to carry out his assignment or mission in a more effective fashion by providing somewhat more status and prestige than would normally accrue to that person.

Mr. President, I do not find this justification very persuasive. The Constitution is quite clear on this matter. It gives the President the power to appoint ambassadors and ministers "by and with the advice and consent of the Senate." It does not say that the President, the Secretary of State, or anyone designated by the President, may accord the personal rank of ambassador or minister on any individual, whether he is in the Foreign Service or not.

This matter was discussed by the Committee on Foreign Relations in executive session on June 10, 1969. At that time it was decided to send a letter to the Secretary of State in which the committee went on record as opposing the practice of conferring personal ranks of Ambassador or Minister on individuals for any purpose and recommending that it be discontinued unless hereafter authorized by law.

Mr. President, I ask unanimous consent that my correspondence with the Department of State on this subject, including the list of individuals currently holding personal ranks of Ambassador or Minister, be printed in the RECORD.

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

JUNE 10, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, on May 13, 1969, Mr. John M. Steeves, the Director General of the Foreign Service, testified before the Committee on Foreign Relations, on the procedure for selecting Career Ambassadors and Ministers and the practice of conferring *personal* ranks of Ambassador or Minister on individuals *without* Senate confirmation. Subsequently, on June 10, 1969, the Committee discussed these matters in executive session and decided to express itself formally through this letter.

Regarding the personal ranks of Ambassador or Minister, Article II, Section 2 of the Constitution provides that Ambassadors and Ministers shall be appointed by the President "by and with the advice and consent of the Senate." In spite of this provision, however, over the years a number of Government officials have been accorded *personal* ranks of Ambassador or Minister *without* the knowledge or approval of the Senate. This is somewhat as if the President were to confer the personal rank of Brigadier General on a Major or the personal rank of Admiral on a Commander.

As of May 1, 1969, there were 20 individuals with the personal rank of Ambassador and 63 with the personal rank of Minister. All of these officers are *recognized* as Ambassadors or Ministers, but they have never been confirmed for such positions by the Senate. As a matter of fact, the Senate is not even informed when these appointments are made or that they are contemplated. Moreover, there are cases where individuals have been given the personal rank of Ambassador even though they *never* appeared before the Committee on Foreign Relations or were never confirmed by the Senate for *any* position.

According to a letter dated January 26, 1968, which was received from Assistant Secretary William B. Macomber, "persons given the personal rank of ambassador or minister have never been considered to be 'ambassadors and other public ministers' in the sense of Article II, Section 2 of the Constitution, and thus do not require Senate approval." "Such designations," the State Department maintains, "are related to special assignments, or are granted in connection with certain limited but routine diplomatic assignments with the intention of assisting the person upon whom it is conferred to carry out his assignment or mission in a more effective fashion by providing somewhat more status and prestige than would normally accrue to that person."

In the Committee's view, however, the Constitution is quite clear on this matter. It gives the President the power to appoint Ambassadors and Ministers "by and with the advice and consent of the Senate." It does not provide that the President, the Secretary of State, or anyone designated by the President, may accord the *personal* rank of Ambassador or Minister on any individual, whether he is in the Foreign Service or not or whether he has ever been confirmed by the Senate.

Such being the case, the Committee wishes to go on record as opposing the practice of conferring *personal* ranks of Ambassador or Minister on individuals for any purpose and recommends that it be discontinued unless hereafter authorized by law. On the other hand, if the President wishes to designate an individual as his "Personal Representative" or "Personal Emissary" to carry out a *temporary, routine diplomatic assignment,* the Committee would have no objection as long as such appointment is for a *special assignment of limited duration.*

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, January 12, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of December 20 regarding designations of the personal rank of Ambassador. I had hoped to be able to reply before now, but the precedents for according the personal rank of Ambassador are such that it has proved necessary to do more historical research on the matter before responding in detail. I am pressing to have this research completed at the earliest possible date and will hope to have a reply for you shortly.

Sincerely yours,

H. G. TORBERT, JR.,
Acting Assistant Secretary for Congressional Relations.

DECEMBER 20, 1967.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have received a list of twenty-two individuals who are currently serving with the personal rank of Ambassador accorded by the President.

I would appreciate receiving a statement of the legal and/or historical authority for according the personal rank of Ambassador, bearing in mind Article II, Section 2, of the Constitution which provides in part that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls."

In addition, it would be appreciated if you would furnish me with a list of individuals who are currently serving with personal ranks of Minister accorded by the President.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, January 26, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U.S. Senate

DEAR MR. CHAIRMAN: Further reference is made to your request of December 20, concerning the according of personal rank of Ambassador, which was acknowledged on January 12. You also requested a list of individuals currently serving with personal ranks of Minister accorded by the President.

The practice of using executive agents for a great variety of special missions in Foreign Affairs has been a clearly established prerogative of the Executive since the days of George Washington, according to our Histori-

cal Office. They report that the first occasion of record on which a personal rank was bestowed on an executive agent was in 1897, when President McKinley sent Whitelaw Reid as "Ambassador extraordinary on special mission" to congratulate Queen Victoria on the sixtieth anniversary of her accession to the throne.

While the practice of designating special Ambassadors began in connection with ceremonial missions, it did not remain limited to them, but was extended by analogy to other temporary missions. The greatest present-day requirement for personal ranks is in connection with United States participation in numerous international organizations and to fulfill the practical day-to-day necessities of diplomatic intercourse.

The "ambassadors and other public ministers" whom the President is empowered by Section 2 of Article II of the Constitution to appoint "by and with the advice and consent of the Senate" are those officers having diplomatic functions in the regular diplomatic service of the United States. Such appointments to office can be made only by the Executive Branch of the Government in the manner provided by the Constitution. An Ambassador, Minister or other diplomatic officer is appointed to an office which is a public station or employment and embraces the ideas of tenure, and emolument.

As indicated earlier, the President has traditionally designated, in the discharge of his diplomatic function, so-called "special" and "personal" agents and representatives without obtaining the advice and consent of the Senate. Such designations are related to special assignments, or are granted in connection with certain limited but routine diplomatic assignments with the intention of assisting the person upon whom it is conferred to carry out his assignment or mission in a more effective fashion by providing somewhat more status and prestige than would normally accrue to that person. It does not in itself accord the recipient any additional powers, extra compensation or allowances or any other monetary benefits and is, of course, limited in duration to a specific assignment or mission. Consequently, persons given the personal rank of ambassador or minister have never been considered to be "ambassadors and other public ministers" in the sense of Article II, Section 2 of the Constitution.

In 1955, the Department of Justice made a study of the duties and responsibilities of the President in order to determine those specific duties or "powers" which could not be delegated and which required the personal attention of the President. Specific reference was made to the President's prerogative of conferring the personal rank of ambassador and the personal rank of minister on officers of the Foreign Service and other officials in connection with specific assignments requiring special rank for effective performance. The Department of Justice was of the opinion that such powers of the President could not be delegated since it was clearly a "personal act by the President".

Enclosed is a list of individuals who are currently serving with the personal ranks of Minister accorded by the President.

I hope the above information will be of help to the Committee.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

PERSONAL RANKS ACCORDED BY THE PRESIDENT, ACTIVE AS OF MAY 1, 1959

AMBASSADOR

Name	Date	Designation
Katie Louchheim, of District of Columbia	Nov. 25, 1968[1]	U.S. member on the Executive Board of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), Paris.
Glenn A. Olds	Apr. 7, 1969[1]	Representative of the United States on the Economic and Social Council of the United Nations.
Christopher H. Phillips, of New York	Mar. 28, 1969[1]	Deputy Representative of the United States in the Security Council of the United Nations.
Seymour M. Finger, of New York (FSO-1)	Jan. 27, 1967[1]	Senior adviser to the U.S. Representative to the United Nations.
Richard D. Kearney	Mar. 22, 1967[1]	A member of the International Law Commission, United Nations.
Henry DeWolf Smyth, of New Jersey	June 21, 1961[1]	The representative of the United States to the International Atomic Energy Agency, and as the representative on the Board of Governors of the IAEA.
Philip H. Trezise, of Michigan (FSO-CM)	Nov. 4, 1965[1]	Representative of the United States to the Organization for Economic Cooperation and Development (OECD), Paris.
Emil Mosbacher, Jr., of New York	Jan. 28, 1969[2]	Chief of Protocol for the White House.
Donald L. McKernan	Sept. 26, 1966[1]	In connection with his designation as Special Assistant to the Secretary of State for Fisheries and Wildlife, accorded the personal rank of Ambassador during the periods of his representation of the United States at international conferences and meetings on fish and wildlife matters.
Bernard Zagorin, of Virginia	Dec. 13, 1966[1]	U.S. Director of the Asian Development Bank.
Raymond Telles, of Texas	Apr. 18, 1967[1]	Chairman of the U.S. Section of the Border Development Commission.
Samuel D. Berger, of New York (FSO-CM)	Mar. 7, 1968[1]	Deputy Ambassador to the Republic of Vietnam.
William E. Colby, of Maryland (FSR-1)	Nov. 27, 1968[1]	Deputy for pacification, Saigon, Republic of Vietnam.
Milton Barall, of New York (FSO-1)	Oct. 9, 1967[1]	Head of the Caribbean Study Group.
Joseph F. Friedkin, of Texas	July 2, 1968[1]	Commissioner of the U.S. Section on the International Boundary and Water Commission, United States and Mexico.
Henry Cabot Lodge, of Massachusetts	Jan. 22, 1969[2]	Personal representative to head the U.S. delegation at the Paris meetings on Vietnam.
Lawrence E. Walsh, of New York	do	Personal representative at the Paris meetings on Vietnam.
William W. Scranton, of Pennsylvania	Apr. 8, 1969[2]	U.S. representative to the Plenipotentiary Conference on Definitive Arrangements for the International Telecommunications Satellite Consortium.
John N. Irwin II, of New York	Mar. 7, 1969[1]	Personal representative of the President to conduct important negotiations with the highest ranking officials of the Government of Peru.
Gerard C. Smith, of District of Columbia	Mar. 11, 1969[1]	Head of the U.S. delegation to the Conference of the 18-Nation Disarmament Committee, at Geneva, convening Mar. 18, 1969.

MINISTER

Roswell D. McClelland, of Connecticut (FSO-1)	Aug. 29, 1967[3]	Deputy chief of mission, Athens, Greece.
Norman B. Hannah, of Illinois (FSO-1)	July 18, 1966[1]	Deputy chief of mission, Bangkok, Thailand.
Russell Fessenden, of Ohio (FSO-1)	Oct. 17, 1967[1]	Deputy chief of mission, Bonn, Germany.
Melvin L. Manfull, of Utah (FSO-1)	Mar. 18, 1967[1]	Deputy chief of mission, Brussels, Belgium.
Leonard J. Saccio, of Connecticut (FSO-1)	Aug. 31, 1965[1]	Deputy chief of mission, Buenos Aires, Argentina.
Francis W. Herron, of Iowa (FSO-1)	Aug. 29, 1967[3]	Deputy chief of mission, Caracas, Venezuela.
Clinton L. Olson, of California (FSO-1)	June 3, 1966[1]	Deputy chief of mission, Lagos, Nigeria.
Philip M. Kaiser, of New York (FSR-1)	Sept. 14, 1964[3]	Deputy chief of mission, London, England.
Eugene V. McAuliffe, of Massachusetts (FSO-1)	Dec. 3, 1968[1]	Deputy chief of mission, Madrid, Spain.
James M. Wilson, Jr., of the District of Columbia (FSO-1)	Nov. 22, 1966[1]	Deputy chief of mission, Manila, Philippines.
Henry Dearborn, of New Hampshire (FSO-1)	July 14, 1967[1]	Deputy chief of mission, Mexico, Mexico.
Emory C. Swank, of the District of Columbia (FSO-1)	Mar. 6, 1967[1]	Deputy chief of mission, Moscow, U.S.S.R.
William H. Weathersby, of California (FSIO-1)	Feb. 5, 1968[1]	Deputy chief of mission, New Delhi, India.
Rufus Z. Smith, of Illinois (FSO-1)	Oct. 26, 1968[1]	Deputy chief of mission, Ottawa, Ontario, Canada.
Robert O. Blake, of California (FSO-1)	Sept. 13, 1968[1]	Deputy chief of mission, Paris, France.
Jordan T. Rogers of Maryland (FSO-1)	Aug. 1, 1968[1]	Deputy chief of mission, Rawalpindi, Pakistan
William Belton, of West Virginia (FSO-1)	Oct. 19, 1967[1]	Deputy chief of mission, Rio de Janeiro, Brazil.
Francis E. Meloy, Jr., of Maryland (FSO-1)	May 4, 1964[1]	Deputy chief of mission, Rome, Italy.
Nicholas G. Thacher, of New York (FSO-1)	Aug. 31, 1964[1]	Deputy chief of mission, Terhan, Iran.
David L. Osborn, of Tennessee (FSO-1)	Dec. 17, 1966[1]	Deputy chief of mission, Tokyo Japan.
William C. Burdett, of Georgia (FSO-1)	Jan. 25, 1968[1]	Deputy chief of mission, Ankara, Turkey.
Jack W. Lydman, of District of Columbia (FSO-1)	Apr. 7, 1966[1]	Deputy chief of mission, Djakarta, Indonesia.
Edwin W. Martin, of Maryland (FSO-CM)[4]	Oct. 9, 1967[1]	Consul general, Hong Kong.
Leonard Weiss, of Illinois (FSO-1)	Sept. 13, 1968[1]	Counselor of Embassy for economic affairs, Bonn, Germany.
Stanley M. Cleveland, of Nevada (FSO-1)	Oct. 9, 1967[1]	Counselor of Embassy for economic and commercial affairs, London, England.
Herbert D. Spivack, of Tennessee (FSO-1)	Aug. 29, 1967[3]	Counselor of Embassy for political-economic affairs, New Delhi, India.
Robert A. Brand, of Connecticut (FSO-1)	Dec. 14, 1967[1]	Counselor of Embassy for economic affairs, Paris, France.
Manuel Abrams, of Florida (FSO-2)	Nov. 1, 1967[3]	Counselor of Embassy for economic and commercial affairs, Rome, Italy.
Martin F. Herz, of New York (FSO-1)	July 26, 1968[1]	Counselor of Embassy for political affairs, Saigon, Vietnam.
Herman H. Barger, of Connecticut (FSO-1)	Apr. 10, 1968[1]	Counselor of Embassy for economic and commercial affairs, Tokyo, Japan.
Robert A. Fearey, of Maryland (FSO-1)	Nov. 22, 1966[1]	Political adviser to the commander in chief of the Pacific, Honolulu/CINCPAC.
Raymond G. Leddy, of Pennsylvania (FSO-1)	July 15, 1968[1]	Political adviser to the commander in chief, Southern Command, Panama/CINCSOUTH.
John O. Bell, of Maryland (FSO-1)	Aug. 23, 1965[1]	Political adviser to the commander in chief, Strike Command, Tampa/CINCSTRIKE.
Robert M. Brandin, of New Jersey (FSO-1)	July 14, 1967[1]	Chief of the SHAPE Liaison Section, Brussels.
Robert H. B. Wade, of Maryland (FSR-1)	Sept. 14, 1964[3]	U.S. permanent representative to the UNESCO, Paris.

Footnotes at end of table.

PERSONAL RANKS ACCORDED BY THE PRESIDENT, ACTIVE AS OF MAY 1, 1959—Continued

MINISTER—Continued

Name	Date	Designation
George S. Newman, of New York (FSO–1)	Sept. 20, 1968 [1]	Special assistant for press affairs, Saigon, Vietnam.
Stanley S. Carpenter, of Virginia (FSO–1)	Aug. 29, 1967 [1]	Civil administrator of the Ryukyu Islands, Naha, Okinawa.
Eddie W. Schodt, of Virginia (FSO–1)	Nov. 8, 1968 [1]	U.S. member and chairman of the advisory committee to the High Commissioner of the Ryukyu Islands, Naha, Okinawa.
Donald C. Bergus, of Pennsylvania (FSO–1)	Jan. 30, 1968 [1]	Counselor of the U.S. interests section of the Spanish Embassy in Cairo.
George K. Tanham, of Florida (FSR–1)	Apr. 5, 1968 [1]	Special assistant to the Ambassador for counterinsurgency, Bangkok, Thailand.
James S. Killen, of Washington	Nov. 27, 1967 [1]	Director, U.S. AID mission to Turkey.
Michael H. B. Adler, of the District of Columbia	Sept. 20, 1968 [1]	Director, U.S. AID mission to Nigeria.
Wesley G. Haraldson, of North Dakota (FSO–1)	Jan. 25, 1966 [1]	Director, U.S. AID mission to the Philippines.
John P. Lewis, of Indiana	July 23, 1965 [1]	Director, U.S. AID mission to India.
C. William Kontos, of Illinois	Dec. 3, 1968 [1]	Director, U.S. AID mission to Pakistan.
William A. Ellis, of Washington	Oct. 17, 1968 [1]	Director, U.S. AID mission to Brazil.
Donald G. MacDonald, of Maryland	Jan. 9, 1967 [1]	Director, U.S. AID mission to Vietnam.
Howard L. Parsons, of Iowa (FSO–1)	Nov. 21, 1967 [1]	Director, U.S. AID mission to Thailand.
William D. Miller, of Pennsylvania (FSR–1)	Mar. 28, 1966 [1]	Counselor of Embassy for public affairs, New Delhi/USIA.
Edward J. Nickel, of Connecticut (FSIC–1)	June 6, 1968 [1]	Counselor of Embassy for public affairs (JUSPAO), Saigon/USIA.
William I. Cargo, of Florida (FSO–1)	Oct. 19, 1967 [1]	Deputy U.S. permanent representative on the Council of the North Atlantic Treaty Organization, Brussels/NATO
Timothy W. Stanley, of Connecticut	Nov. 28, 1967 [1]	Defense adviser to the chief of the U.S. mission to the NATO.
Thomas W. Wilson, Jr., of District of Columbia (FSR–1)	do	Political adviser to the chief of the U.S. mission to the NATO/Brussels.
Jacques J. Reinstein, of New Hampshire (FSO–1)	Aug. 31, 1967 [3]	American civil deputy commandant, NATO Defense College, Rome.
Weir M. Brown, of Illinois	July 3, 1962 [1]	Deputy to the U.S. representative to the Organization for Economic Cooperation and Development, Paris/OECD.
George S. Vest, of Virginia (FSO–1)	Oct. 31, 1967 [1]	Deputy chief of mission to the European communities, Brussels.
Charles H. Mace, of Ohio (FSO–1)	May 13, 1965 [1]	Deputy representative of the United States to the European office of the U.N. and other international organizations, Geneva.
Henry Brodie, of Maryland (FSO–1)	Mar. 17, 1966 [3]	U.S. representative on the Council of Representatives of the Contracting Parties to the General Agreement on Tariffs and Trade, Geneva/GATT.
Verne B. Lewis, of Maryland (FSO–1)	July 21, 1965 [1]	Deputy representative of the United States to the International Atomic Energy Agency, Vienna/IAEA.
Stuart H. Van Dyke, of Virginia	Oct. 1, 1968 [1]	U.S. representative to the Development Assistance Committee of the OECD, Paris.
Robert P. Boyle, of Virginia	Aug. 9, 1968 [2]	Representative of the United States on the Council of the International Civil Aviation Organization, Montreal/ICAO.
William J. Stibravy, of New Jersey (FSO–1)	Sept. 24, 1968 [1]	U.S. representative to the United Nations Industrial Development Organization, Vienna.
Walter M. Kotschnig, of Maryland	Aug. 27, 1962 [1]	Deputy representative of the United States in the Economic and Social Council of the United Nations, New York

[1] Rank given by letter from the President.
[2] Rank given in commission from the President in connection with straight Presidential appointment.
[3] Rank given by letter written at direction of the President.
[4] Was an FSO–1 at time rank was accorded.

U.S. RELATIONS WITH CHINA

Mr. FULBRIGHT. Mr. President, in mid-February, Communist China abruptly canceled a meeting between Chinese and American diplomats in Warsaw which would have resumed these long-interrupted discussions.

The Secretary of State happened to be testifying before the Committee on Foreign Relations on the Nonproliferation Treaty on the day the Chinese announced that they were canceling the meeting because the United States had "engineered" the defection of a Chinese diplomat in the Netherlands. I asked the Secretary for his comments and he replied that he "would be surprised" if the diplomat's defection were the reason for the Chinese decision.

Stanley Karnow, the able and experienced "China watcher" of the Washington Post, who has reported on mainland developments from Hong Kong for many years, is of a somewhat different opinion. In an article which was published in the June 2 issue of the Washington Post, he argues that evidence made available in Hong Kong makes it plain that the meeting "was torpedoed by U.S. errors that inadvertently undermined the Peking faction that advocated a fresh approach to the United States." Mr. Karnow cites, in particular, President Nixon's comments on China at his first press conference and "the awkward handling" of the defecting Chinese diplomat who was turned over to the United States by the Dutch Government despite Chinese suggestions and whose arrival in Washington was then publicized by the State Department just before the Warsaw talks were scheduled to be resumed.

Mr. Karnow's article deserves the close attention of those who believe that some positive steps should be taken in our relations with Mainland China. The present situation, as far as these relations are concerned, is both dangerous and anachronistic.

I ask unanimous consent that the article and the comments made by President Nixon at his first press conference in January be printed in the RECORD.

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

AMERICAN ERRORS TORPEDOED PEKING BID FOR RAPPROCHEMENT

(By Stanley Karnow)

HONG KONG—As he campaigned for election year, Richard Nixon repeatedly asserted that, if successful, he would explore ways to improve United States relations with Red China. And after his victory, apparently responding to his overtures, the Chinese Communists offered to resume the Sino-American diplomatic meetings in Warsaw.

In mid-February, however, Peking abruptly cancelled the talks on the grounds that the "anti-China atmosphere . . . created by the U.S. Government" made it "most unsuitable" to hold the scheduled meeting.

As a result, the occasion for significant discussions between the United States and China has been lost—at least for the time being.

Now, looking back on that episode in the light of reliable evidence made available here, it is clear that elements inside the ruling Chinese hierarchy were seriously seeking some kind of rapprochement with the Nixon Administration.

The evidence makes it equally plain, moreover, that the chance for contacts was torpedoed by U.S. errors that inadvertently undermined the Peking faction that advocated a fresh approach to the United States.

This breakdown, it should be stressed, did not come from any willful attempt to sabotage a reconciliation. Instead, as so often happens, it stemmed from actions taken and statements uttered without regard for consequences in a particularly delicate set of circumstances.

To understand what occurred, it is necessary to appreciate the motives that prompted certain Chinese leaders to entertain the idea of easing the Sino-American deadlock.

For one thing, the Russian invasion of Czechoslovakia was a traumatic shock that dramatically reminded the Chinese that their vast northern and western borders were vulnerable to Soviet attack.

In addition, the halt to American bombing of North Vietnam confirmed their view that the threat of a U.S. assault from Southeast Asia was far less than the danger of a Soviet thrust.

Accordingly, moderate Chinese military and civilian leaders managed to persuade Mao Tse-Tung's doctrinaire disciples that the moment was ripe for Peking to end its rigid isolationism and pursue a flexible foreign policy.

These moderates had no intention of embracing Americans amid vows of everlasting friendship. They calculated, however, that gestures towards the United States especially if reciprocated, would exacerbate Soviet fears of a deal between Peking and Washington and thereby discourage Russian adventurism.

Obviously aiming to communicate their new pragmatism to Washington, high-ranking Chinese began hinting to Western diplomats in Peking that, after all, the Soviet "revisionists" were much worse than the U.S. "imperialists".

Prior to President Nixon's inauguration, there was a perceptible sense of anticipation in Peking that a shift in China's attitude towards the United States was in the offing.

But this feeling was suddenly deflated when Mr. Nixon, speaking at his first press conference in early January, sounded like his old self.

He emphasized his opposition to Red China's admission to the United Nations, reaffirmed U.S. support for Taiwan and added, in effect, that "We won't change until the Communists change first." In short, he held out not even an olive twig.

About the same time, the awkward handling of a Chinese diplomat who defected in the Netherlands further served to kill hopes for an early improvement in ties between the United States and China.

When the diplomat initially defected, Chinese Foreign Ministry officials in Peking virtually appealed to the Dutch authorities not to turn him over to the United States imme-

diately lest the case jeopardize the Sino-American talks due to be held in Warsaw.

But the Dutch government, recalling troubles with the Chinese in 1966, ignored both Peking's appeal and the advice of its own experts, and gave the defector to the American Central Intelligence Agency.

From the Chinese viewpoint, that move was still acceptable as long as the incident was unpublicized. As the defector reached Washington, however, a State Department spokesman announced his arrival and indicated that he might be given asylum.

With that seemingly minor misstep and the President's gratuitous press conference remarks as ammunition, the Peking hardliners shot down the moderate Chinese advocates of a more supple foreign policy. The Warsaw meeting was called off at the last minute.

Considering current trends in China, it is probable that the moderates will find another opportunity to propose fresh talks with the United States. The story of the last lost occasion suggests, though, that Chinese sensitivity as a function of Peking's shakiness cannot be underestimated.

EXCERPT FROM PRESS CONFERENCE OF PRESIDENT NIXON—JANUARY 27, 1969

Relations with China

Q. Mr. President, now that you are President, could you be specific with us about what your plans are for improving relations with Communist China and whether you think you'll be successful or not.

A. Well I have noted, of course, some expressions of interest on the part of various Senators and others in this country with regard to the possibility of admitting Communist China to the United Nations.

I also have taken note of the fact that several countries, including primarily Italy among the major countries, have indicated an interest in changing its policy and possibly voting to admit Communist China to the United Nations.

The policy of this country and this Administration at this time will be to continue to oppose Communist China's admission to the United Nations.

There are several reasons for that. First, Communist China has not indicated any interest in becoming a member of the United Nations. Second, it has not indicated any intent to abide by the principles of the U.N. Charter and to meet the principles that new members admitted to the United Nations are supposed to meet, and, finally, Communist China continues to call for expelling the Republic of China from the United Nations and the Republic of China has, as we—I think—most know, been a member of the international community and has met its responsibilities without any question over these past few years.

Under these circumstances, I believe it would be a mistake for the United States to change its policy with regard to Communist China in admitting it to the United Nations.

Now there is a second immediate point that I have noted and that is the fact that there will be another meeting in Warsaw. We look forward to that meeting. We will be interested to see what the Chinese Communist representatives may have to say at that meeting, whether any changes of attitude on their part on major substantive issues may have occurred.

Until some changes occur on their side, however, I see no immediate prospect of any change in our policy.

CRITICISM OF POLICIES OF UNITED STATES AND SOUTH VIETNAMESE GOVERNMENTS

Mr. FULBRIGHT. Mr. President, last week the former commander of the South Vietnamese forces in I Corps, Gen. Nguyen Chanh Thi, issued a statement sharply critical of the policies being carried out in Vietnam by both the United States and the South Vietnamese Governments. General Thi is a popular leader whose removal by General Ky brought on the 1966 Buddhist uprisings, the last serious threat to the Saigon military regime. Since his ouster he has been living in Washington.

In discussing the prospects for peace, General Thi said:

In order to bring lasting peace to the Vietnamese people, there must be an atmosphere of military as well as political deescalation in the country.

The first steps to show the sincerity of both sides in the search for peace and the ending of suffering of the Vietnamese people should be a reduction of military operations and at the same time, increased freedom for the people of Vietnam so that they can express themselves freely without threat of arrest of fear of terrorism.

He went on to make specific recommendations for changes in political and military policy. Unfortunately, the Midway Conference and the subsequent statement by Mr. Thieu do not offer any reason to hope that any significant policy changes are going to be made by either Government.

Because I believe that General Thi's statement will be of general interest, 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:

STATEMENT OF GEN. NGUYEN CHANH THI

It is by now very clear that a total military victory cannot be won by either side in the Vietnam war. Yet the jockeying of both sides for a better military posture continues ruthlessly, despite the fact that neither would significantly improve its bargaining position at the conference table.

The continuing military struggle, while negotiations are underway, has caused the Vietnamese people to be caught between the attacks and operations of the Allies and the Communists, making the population the innocent victims of this senseless competition for a better military posture.

In spite of the fact that a political settlement, *not* a military victory, is being sought, the Allies armed forces are still saturating South Vietnam with bombs, napalm and defoliants in quantities unheard of before in the history of mankind. This situation has existed for the last few years, but has reached terrifying proportions since the halt of the bombing or North Vietnam.

The suffering of the Vietnamese people as a result of the deaths of innocent civilians and the destruction of homes, land and means of living is incalculable. It is difficult to assess the efficacy of such a strategy in a political war where the main weapons are not superiority of arms and men, but the morale, motivation, loyalty and allegiance of the people. My own personal experience, acquired through more than 25 years of fighting against guerrillas, has convinced me that large scale bombing and defoliation do not contribute much to the war effort. On the contrary, they cause more harm than good, they hinder more than help the cause of winning the people to the side of freedom and democracy.

Thus, though some progress might have been achieved in Paris, the lives, aspirations and essential rights of the Vietnamese people are still in jeopardy. In order to bring lasting peace to the Vietnames people, there must be an atmosphere of military as well as political deescalation in the country.

The first steps to show the sincerity of both sides in the search for peace and the ending of suffering of the Vietnamese people should be a reduction of military operations and at the same time, increased freedom for the people of Vietnam so that they can express themselves freely without threat of arrest or fear of terrorism.

I earnestly appeal to you to stop or at least de-escalate several of the senseless war techniques which impose casualties and unmeasurable sufferings of the people and the devastation of their environment:

1. The Allied forces should limit their destruction operations in populated areas. It would be of great help in the search for peace that the U.S. should stop bombing, particularly bombing raids by B–52s, and napalming the villages and hamlets of South Vietnam. In such a political war as that in Vietnam, the presence of 10 enemy in a community should not be an excuse to kill 100 innocent persons. A reduction of these military activities, and even their cessation, will not greatly increase the risks of the Allies nor lengthen the war during the course of negotiations.

2. The U.S. government must reconsider its policy of defoliation. Vietnam is an agricultural country, the life of 90% of our people depends on the fertility of the soil of our Fatherland. The long range consequences of this policy of unrestrained defoliation are unknown. However, the destruction of people's environment might disturb the development of the Vietnamese population for many generations to come.

3. The Saigon government must not block the way to peace by abusing the word "DEMOCRACY". To win the "hearts and minds of the people", to win their loyalty and allegiance to the cause of freedom and democracy, it is necessary that the government stop paying lip-services to "democracy" while putting into prison thousands of students, religious and political leaders and while closing scores of newspapers. The government must begin to give the Vietnamese people the democracy for which they have fought so long and so hard.

4. The Saigon government should immediately free all non-communist political detainees. The government must realize that the time of hard political struggle with the communists is not very far away. Nationalists cannot help win this competition if the majority of them are in jail or in exile because of personal differences. It is no longer the time to pursue personal ambitions; it is a time to work together for the survival of Vietnam as a democratic nation.

5. The Vietnamese people should be given the opportunity of true self-determination and I emphasize here the word TRUE. In Vietnam, this can come only when the person who directs the government and the elections is not himself a candidate. Peace and democracy can exist and last only when people are given the chance to select their own leaders from the hamlet level to the national level in free and fair ways, without threats or coercion.

On their side, the Communists must stop rocketing civilians in the towns and cities, using women, children and the aged as shields in their attacks on military posts and administrative headquarters, and put an end to their policy of deliberately attracting allied artillery and air raids on innocent and helpless civilians living in hamlets and villages.

The de-escalation of the military operations can be the result of a bilateral understanding, but even in the absence of it, the Allied armed forces should take unilateral action. Although some military setbacks may result, your show of concern for the welfare and the future of the Vietnamese people will earn such support that will more than outweigh the setbacks and improve the Allied bargaining position manyfold.

Only your understanding of the aspirations for freedom and democracy of the Vietnamese people will bring lasting peace to our Father-

land and put an end to the loss of American and Vietnamese life and the destruction of our Nation.

SEA LEVEL CANAL

Mr. THURMOND. Mr. President, one of the basic decisions in the construction of the Panama Canal was the question of type decided after full debate in the Congress in 1906 in favor of the high-level lake and lock plan under which the canal was built and has been subsequently operated.

Since the revival of the issue over type in 1945 after the advent of the atomic bomb, the subject has been discussed extensively in technical literature and the CONGRESSIONAL RECORD. The latest angle in the complicated question is that of economic justification with special reference to supertankers and ore vessels.

A recent editorial in the Chicago Tribune covering the economic aspect of the problem is informative and timely. Citing the experience of supertankers since the closing of the Suez Canal, the Tribune draws a parallel with the Panama Canal. The Tribune says:

This experience proves that American shipping experts were right when they told the Johnson Administration there was no economic justification for a sea level canal in Panama. The present high-level lake-lock canal, with improvement nearing completion and others now contemplated, will be adequate for potential traffic well into the next century. Ships that are too large for the present canal would avoid a sea level canal because of the toll costs.

The editorial in the Tribune points up the need for modernization of the present facilities, such as I have proposed in S. 2228. It supports the contention of experts that no sea level canal is necessary. I commend the Tribune for its grasp of the problem, and its fine support of our interests in Panama.

I would like to add, however, that the suggestion for amending the present treaty by increasing the annuity paid to Panama is open to question. The improvements proposed in S. 2228 would not require any amendments to the existing treaty. On the merits of increasing the annuity, the following remarks are in order:

The $1,930,000 annuity now paid Panama, mentioned in the editorial, consists of two parts: First, $430,000, which was increased in the 1936 treaty from the $250,000 obligation of the Panama Railroad alliance by the United States under the 1903 treaty because of the devaluation of the gold dollar; and second, $1,500,000 additional instigated by the Department of State and which the Congress requires to be borne by the State Department budget because of the protests of shipping interests that have to pay tolls, as more than $100 million annually is injected into the Panamanian economy annually from U.S. agencies in the Canal Zone and other U.S. programs in Panama, a further increase in the annuity is open to serious reservation. Moreover, such an increase would not settle anything but would definitely lead to further demands.

Mr. President, as this editorial will be of interest to many Members of Congress, I ask unanimous consent that it be printed in the RECORD.

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

[From the Chicago Tribune, June 7, 1969]

NO SEA LEVEL CANAL

An authoritative study in the New Middle East, a London periodical, concludes that there is no commercial future for the Suez Canal, which has been closed since the six-day war in 1967. The development of giant tankers and ore carriers and the advent of containers for dry cargoes will make the Suez canal noncompetitive with other routes.

A single tanker of 200,000 tons plying between British ports and the Persian gulf can cut more than $1 a ton off the price of carrying the same quantity of oil via the canal route in the largest tankers (75,000 tons) that could transit the canal fully loaded in 1967.

This experience proves that American shipping experts were right when they told the Johnson administration there was no economic justification for a sea level canal in Panama. The present high-level lake-lock canal, with improvements nearing completion and others now contemplated, will be adequate for potential traffic well into the next century. Ships that are too large for the present canal would avoid a sea level canal because of the toll costs.

The Johnson administration negotiated new treaties for the existing canal, making extraordinary concessions to Panama, in return for the right to construct a sea level canal in Panama. The 1903 treaty, giving the United States effective sovereignty in the Canal Zone "in perpetuity," would be abrogated by the new treaty, which would acknowledge Panama's sovereignty and provide for joint ownership and operation of the canal.

Another treaty would imperil the security of the canal by requiring Panama's consent for defense operations outside of a diminished Canal Zone.

Publication of these treaties by THE TRIBUNE resulted in so much opposition in the United States and Panama that they were never formally signed. The Nixon administration has taken no position on the question, but the military junta in Panama has announced that it favors a sea level canal.

The Nixon administration should not try to revive these treaties. Panama's compensation, now $1,930,000 a year, should be increased, but this could be done by amending the present treaty.

SENATOR EAGLETON SPEAKS ON THE ROLE OF CONGRESS IN DEFENSE SPENDING

Mr. MUSKIE. Mr. President, the able junior Senator from Missouri (Mr. EAGLETON) recently delivered a timely and provocative address on the necessity for Congress to face up to its responsibility to oversee the military budget and defense spending. He pointed out that too often in the past, Congress has abdicated this responsibility, and said:

It's time for Congress to stop complaining about being had by the military and start scrutinizing Pentagon expenditures.

Mr. President, I commend Senator EAGLETON'S remarks to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY SENATOR THOMAS F. EAGLETON, MAY 31, 1969

Year after year since 1945, the generals and admirals have marched up to Capitol Hill to relate new and often exaggerated threats and recommend new and ever-more costly weapons systems to meet them—claiming that each is "absolutely necessary for national security."

And Congress, virtually without exception, has voted as much as the Pentagon has asked, or more. The system of checks and balances has simply been inoperative in governing our military expenditures.

As a result, the spending priorities of this nation have been grossly distorted. According to Missouri's great Senator Stuart Symington, 75 cents of every tax dollar in the budget, excluding trust funds, goes to pay for past, present and future wars. We have been building missiles to stand guard in the fields of economically decaying rural communities or to circle our crumbling and smog shrouded cities.

Today, however, we see a new phenomenon on the home front—the military establishment—the Pentagon—is under fire and on the defensive.

Day after day, Congressmen and Senators rise on the floor to attack defense programs and to condemn summarily the growth and power of the military-industrial complex—a phrase which can and has been expanded to include, as one choose, the academic community, labor unions, and Congress as well.

The Pentagon is now experiencing "massive retaliation" in response to years of military over-kill in selling its programs to Congress.

And there is a real danger of over-reaction which could produce results just as serious as our past quarter-century of runaway military budgets.

As the military becomes a more vulnerable target, with more colossal and costly blunders being uncovered everyday, it is well to remember that Congress too is to blame.

Many Congressmen and Senators have been all too willing to yield to the popular pressures of the past and support every conceivable military program. They may now heed a new vox populi and oppose every program with the same tenacity.

Senators now fly to the Air Force museum to attack the ABM in the shadow of the XB–70 bomber.

The ABM is certainly deserving of criticism—but the inference to be drawn about the military by doing so in the shadow of the mechanical equivalent of the dodo, bears close scrutiny.

For it was Congress, not the Pentagon, which tried the hardest to keep the XB–70 flying. In fact, the project was cancelled over Congressional opposition after 1.3 billion dollars was poured into it.

The general and admirals do not control the power of the purse; the Congress does. The Pentagon is not responsible for the Congressional laxity; Conrgess is.

It's time for Congress to stop complaining about being *had* by the military and start scrutinizing Pentagon expenditures.

The Joint Economic Committee has recently issued a document, "The Economics of Military Procurement," which reports "extensive and pervasive economic inefficiency and waste," and an "absence of effective cost control" over procurement that totaled $44 billion in the last budget year.

The report concludes that a variety of sloppy practices add up to "a vast subsidy for the defense industry, particularly the larger contractors."

Congress passed the "Truth in Negotiations Act" in 1962 to give the Government a look at suppliers' books and provide accurate information on project costs. The Joint Economic Committee indicates widespread noncompliance and other shortcomings have rendered it ineffective. The Government's failure to fully implement it seems to be one of the major reasons. The 91st Congress can and must see that this law is not circumvented.

Congress can empower the General Accounting Office to report in depth the cost

of projects as they progress year by year, not wait until 2 billion dollars have been wasted on another C–5A. The 91st Congress can and must do this.

But most importantly, Congress can question some of the assumptions which govern foreign policy and dictate national security needs.

For instance, why is a standing army of over 3.4 million men—the largest in the world—necessary?

There is a statutory ceiling on the armed forces, limiting them to 2.3 million men. For the past 20 years Congress has suspended that ceiling, justifying the reason for such action as "obvious." I don't think it is obvious.

Do we really need 55,000 men in Korea, 40,000 in Okinawa, 40,000 in Japan, 30,000 in the Philippines, 45,000 in Thailand, 23,000 in the Panama Canal Zone, Puerto Rica, and Guantanamo, 10,000 in Greeland, 228,000 in Western Europe, 92,000 stationed in "other places"—wherever they may be—and 10,000 in North Africa and the Middle East? In addition, the Atlantic Fleet requires 254,000 men and the Pacific Fleet requires 389,000 men.

The Congress has the power to raise armies. It has the responsibility to authorize and appropriate the expenditures of federal revenue. In so doing it can set national priorities and channel national resources toward national goals.

It is time we started exercising that responsibility in a responsible manner.

THE PESTICIDE PERIL—XVI

Mr. NELSON. Mr. President, the agricultural industry, which has up until now depended heavily on pesticides to control unwanted weeds and insects from ruining crops, is becoming increasingly alarmed at the potential threat these pesticides pose to the crops themselves.

Persistent pesticides do not readily break down and decompose into harmless residues after they have taken care of the intended victim. Instead, they remain in the soil and injure the next season's crop. The buildup of still toxic residues can persist enough to sometimes reduce the next year's grain crop by half its normal output.

A recent issue of the Wisconsin Farmers Union News described the growing threat of pesticides and went on to say that the threat is not limited to just the soil, but to waters, fish, wildlife, and the total environment. The problem is of concern to scientists and conservationists alike who are trying to develop less harmful chemicals and natural controls which will do the job effectively without harming the environment.

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

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

[From the Wisconsin Farmers Union News, May 26, 1969]

CAN WE TAME THE CHEMICALS THAT TAME THE WEEDS?

MADISON.—Weeds are one of the oldest problems in agriculture. As soon as man started to scratch the soil with a stick so he could domesticate some plants for his own use, he started competing with weeds.

An average Wisconsin corn field may contain nearly a ton of weeds per acre which can reduce the crop by 10 or 15 per cent. Consequently, most cropping practices have been developed to control weeds. Crops were planted in rows to pull a cultivator through.

CULTIVATOR BEING REPLACED

In the last two decades, the cultivator has been partially replaced with chemical weed sprays. This has meant that rows can be closer together for higher production and that crops can smother some weeds.

Sometimes a price must be paid for the better yields and more efficient land use. Weed chemicals may contaminate some plants, some soil, and on occasion the water runoff from fields.

Agricultural scientists at the University of Wisconsin are attacking this problem from many angles. Farmers will probably never go back to the cultivator and the hoe. Instead researchers will seek effective chemicals that can help control weeds without adding to pollution problems.

REMAIN IN SOIL

One of the problems with certain herbicides is that they are able to remain in the soil and injure the next season's crop. One example is atrazine which is used to kill weeds in fields of soybeans, corn and vegetables.

Ideally this weed chemical should decompose into harmless residue after it has done its weed-killing job. But under certain conditions, it retains its plant-killing power and the next season it goes to work on the planted crop as well as the weeds.

Wisconsin agronomist K. P. Buchholtz is one of the scientists studying this persistence of atrazine. He is also testing new chemicals to find one that does not leave any harmful residue for the next crop.

CAN CUT GRAIN CROP

Atrazine weed killer applied last year in a cornfield may still be present in the field this year when it is planted to grain. The normal application can persist enough to reduce the next year's grain crop one-fifth. With heavy atrazine applications on the previous year of corn, the grain crop can be cut in half because of the residue.

Buchholtz has found that certain practices can cut down this weedkiller residue effect. The chemical can be applied at a lower rate in the cornfields, and the fields can be plowed to turn the chemical to the surface for faster breakdown. He has also found that the chemical applied in solution is less persistent than when applied in granular form. Also if it is applied before the corn comes up rather than afterward, it has a month longer to decompose during the growing season. He found too, that certain varieties of grain are more tolerant of the chemical than others.

Of course weather conditions can make a difference, but they can not be controlled. In a warm, wet year atrazine breaks down faster and causes less harm the next year.

Soils scientists Gordon Chesters and David Armstrong of the University of Wisconsin are studying what happens chemically to atrazine when it gets into the soil. Atrazine is broken down by chemical reactions which are speeded up when acids and organic matter are present. In the acid sandy soil of central Wisconsin atrazine is two-thirds to three-fourths decomposed in 225 days. In the same length of time in an alkaline clay soil, it might be only 10 per cent decomposed. In peat or muck soil atrazine attaches to organic matter particles where it is kept out of circulation or is subjected to breakdown by organic acids.

The pollution of soil by weed chemicals is not only a problem in fields and gardens. It also occurs in our forest nurseries. Tree seedlings are hard to start because of weed competition, so beds are often sprayed with a weedkiller such as 2,4–D.

HARMFUL TO TREES

A Wisconsin forestry researcher, Theodore Kozlowski, has found that many of the common chemicals used to control weeds in red pine nurseries actually "suffocate" the young plants. Researchers are constantly searching for new chemicals that will control the weeds without harming the plants, and they are also looking for kinds of trees that are more tolerant to these herbicides.

Pollution by weed chemicals is not only a soil problem—it also is a problem in water. In many communities, a battle rages about control of algae, seaweed and other weeds in local lakes or ponds. Some of the chemicals that kill weeds in the water may also kill the fish or are harmful to swimmers when used improperly.

WATER WEED CONTROL

One chemical for water weeds has been tested by Wisconsin entomologist William Hilsenhoff and found to be effective for cleaning up water weed (Elodea) in farm ponds and small lakes. The chemical, Diquat, killed the weeds in a 5-acre pond within six days, and it did not harm the fish, insects or other animals in the pond. It did, however, remove the habitat of the animals that live on Elodea so they were forced to migrate to a new habitat.

It is interesting to note that weeds themselves have become a serious pollutant in waters all over the world. While we worry about contamination by algae and other tiny weeds in northern areas, tropical places have a giant problem with water hyacinth choking up the main rivers.

COST FACTOR IMPORTANT

This weed is of major concern on the rivers of Africa, Asia, and South America. It is also a serious problem on the Gulf Coast of the United States. The water hyacinth problem is partly of man's own making. As he moved into new areas he brought plant material with him. One effective control is quarantine, which is working in some areas. The cost of chemicals for massive weed control is very difficult for many of these poor countries at this time.

What are we doing about the weed problem and the pollution problems that go with it? Scientists at the University of Wisconsin and elsewhere are attacking it in several directions.

One, they are trying to find chemicals that kill weeds and then leave residues that will not harm beneficial crops and will not get into the soil and water to harm plant and animal life there.

Second, they are finding out the conditions under which the chemicals are less harmful. They already know that certain times of application are better and that in certain soils and climates the problem is not as great.

Third, they are looking for plants that are more tolerant of the chemicals now used. They have found certain varieties now in existence that are able to withstand chemical sprays. At the same time, plant breeders are trying to produce new varieties that have this resistance.

VIRGIN ISLANDS PASSES LAW SIMILAR TO S. 9—TO COMPENSATE INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, I have reintroduced my proposel to create a commission to compensate victims of crime. The proposal is contained in my bill, S. 9, of the 91st Congress. I have previously introduced this proposal in the 89th and 90th Congresses. Since its first introduction in 1965, I have had the benefit of the opinions of some of the Nation's top legal scholars and their contributions have, I feel, measurably improved my proposal.

Recently, I received a letter from Mr. Kevin J. Butler, special assistant to the Virgin Islands representative to Washington, informing me that the Virgin Islands Legislature enacted a similar proposal in March 1968. The Virgin Islands now joins the States of California, Massachusetts, Hawaii, New York, and

Maryland, and the two foreign nations, Great Britain and New Zealand, which already have such provisions in their laws.

I think that it is time for the U.S. Congress to consider my proposal. I hope that action will be taken on S. 9 this year.

Mr. President, I ask unanimous consent that the text of the Virgin Islands law to provide for the compensation of the innocent victims of crime be printed in the RECORD.

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

BILL 3498

(No. 2111 (Approved March 6, 1968) Seventh Legislature of the Virgin Islands of the United States—regular session)

An act to provide for compensation to innocent victims of certain criminal offenses or the dependents of such victims, to establish a criminal victims compensation commission, and for related purposes

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Chapter 21 of Title 3, Virgin Islands Code, as amended, is hereby further amended by the addition thereto of the following section:

"§ 375a. Virgin Islands Criminal Victims Compensation Commission

"(a) There is hereby created and established the Virgin Islands Criminal Victims Compensation Commission which shall be composed of the Commissioners of the Departments of Social Welfare, Health, and Public Safety and the Attorney General, or their designees, as members ex officio. The Commission shall, at its first meeting in each calendar year, elect as its Chairman one of its members and the Commissioner of Social Welfare shall serve as Executive Secretary of the Commission. For administrative purposes the Commission shall be an agency of the Virgin Islands within the Department, and shall be subject to the direction of the Commissioner in his capacity as Executive Secretary as expressly provided by law.

"(b) The Commission shall meet at least twice in each calendar year and whenever called to meeting by the Chairman or by the Executive Secretary to administer and execute the provisions of chapter 7, Title 34, Virgin Islands Code, or to establish, amend, or revise policy or rules and regulations.

"(c) Three members shall constitute a quorum; and no matter requiring the approval or determination of the Commission shall be effectively approved or determined unless it receives the affirmative vote of a majority of the members present and voting (a quorum being present)."

SECTION 2. Title 34 of the Virgin Islands Code is hereby amended by the addition thereto of the following new chapter:

"CHAPTER 7. CRIMINAL VICTIMS COMPENSATION ACT

"Subchapter I. Short title; declaration of policy; definitions

"§ 151. Short title

"This chapter shall be known as and may be cited as the 'Virgin Islands Criminal Victims Compensation Act'. It shall be liberally construed to effect its purposes.

"§ 152. Statement of policy

"The purpose of the provisions of this chapter is to establish a program of public compensation to innocent victims of certain criminal offenses, to the persons injured or killed while attempting to prevent the commission of criminal offenses or to apprehend suspected offenders, and to families of such victims or persons for personal injuries or deaths resulting from the commission of such offenses. This purpose is a reflection of the recognition by the Legislature of the Virgin Islands that many criminal offenses result from social and economic diseases of the community, while many others result from the temporary and permanent mental and emotional aberrations of the offender, and still others are perpetrated by the asocial and the socially immature and immoral, all of which are beyond the control of most victims of crimes. The Legislature is further cognizant of the social need to enlist and encourage the cooperation of the public in preventing crimes and in capturing criminals and to compensate any person who is injured while attempting to prevent a crime or apprehend a criminal. With this recognition as a base, the Legislature determines and declares, as a matter of public policy, that no innocent victim of any criminal offense covered by this chapter, no person injured while fulfilling his public duty in attempting to prevent a crime or to apprehend a criminal, and no family of any such victim or person shall be constrained to bear the financial burden of resulting personal injury or death, and that the Government of the people of the Virgin Islands shall compensate any such victim or person or family for the loss resulting from such injury or death.

"§ 153. Definitions

"Unless the context clearly requires otherwise, as used in this chapter—

"(1) The term 'applicant' means any person who applies for compensation under the provisions of this chapter.

"(2) The term 'child' means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child.

"(3) The term 'Commission' means the Virgin Islands Criminal Victims Compensation Commission created and established by Section 375a of Title 3 of this Code.

"(4) The term 'dependents' means such relatives of a deceased victim as were substantially dependent upon his income at the time of his death, or would have been so dependent but for the incapacity due to the injury from which death resulted, and shall include the child of such victim born after his death.

"(5) The term 'Executive Secretary' means the Executive Secretary of the Commission.

"(6) The term 'offender' means any person accused, indicted, or convicted of the criminal offense which was the alleged cause of the injury or death for which compensation is sought under the provisions of this chapter.

"(7) The terms 'personal injury' and 'injury' mean actual bodily harm, and include pregnancy and mental or nervous shock.

"(8) The term 'victim' means any person who is injured or killed—

"(A) by an act or omission of any other person which is within the scope of the criminal offenses covered by subsection (a) of section 162 of this chapter, or

"(B) while attempting to prevent the commission of a criminal offense under the provisions of Title 14 of this code, or to apprehend a person suspected of such an offense.

"Subchapter II. Administration and procedure

"§ 156. Powers and duties of the Executive Secretary: Preliminary hearings; reports with recommendations; submission to Commission

"(a) Except as otherwise provided in this chapter, the Executive Secretary shall administer the provisions of this chapter.

"(b) Upon an application made to the Commission under the provisions of this chapter, the Executive Secretary shall hold a prompt and fair hearing on each application filed under this chapter, and, on the basis of evidence received, shall prepare a written report with recommendation for action on such application by the Commission.

"(c) The Executive Secretary, within five days after the preparation of the report with recommendations, shall submit copies to each member of the Commission, to the applicant, to the victim if he is not the applicant and is living, and to any offender, and he shall submit, upon request, copies to any other person who satisfies the Executive Secretary that he has a substantial interest in the proceedings. He shall further, within 30 days after the preparation of the report with recommendation, submit such report and recommendation to the Commission and call the Commission to formal meeting for the purposes of considering and acting upon the application and the report.

"(d) The Executive Secretary shall notify the applicant, the victim if he is not the applicant and is living, any offender, and any other person who satisfies the Executive Secretary that he has a substantial interest in the proceedings of the time and place for the preliminary hearing before him and for the final consideration by the Commission.

"(e) The Executive Secretary shall execute all orders of the Commission.

"§ 157. Powers and duties of the Commission: final orders and decisions; finality

"(a) When called to consider and to act upon an outstanding application and accompanying report submitted pursuant to section 156(c) of this chapter, the Commission shall make its determination and issue its order with due dispatch. Such determination and order of the Commission shall be final as provide by section 166 of this chapter.

"(b) The Commission shall hold a fair hearing before making its determinations and before rendering a final order when such a hearing is requested by the Executive Secretary, by a majority of the members of the Commission, by the applicant, or by the offender.

"§ 158. Procedural powers and limitations; rights of parties; effect of criminal conviction; immunity of witnesses

"(a) The Executive Secretary and the Commission, when conducting a proceeding under this chapter, shall have the authority and the power to administer oaths and affirmations, to issue subpoenae ad testificandum and subpoenae duces tecum which shall be enforceable pursuant to the pertinent provisions of chapter 29, Title 14, Virgin Islands Code, in any case of contumacious failure to comply with any such subpoena, to rule upon offers of proof and receive relevant evidence, to take or cause depositions to be taken when it is determined that the prompt and fair disposition of the proceeding will be furthered thereby, to require reports or testimony from medical doctors or psychologists who have treated or examined the victim in relation to the injury or death for which compensation is sought, to direct the course of the proceeding, to dispose of procedural requests and motions, to make recommendations, determinations, and orders in conformity with sections 156 and 157 of this chapter, and to take any other action authorized by rules and regulations promulgated pursuant to the provisions of this chapter. No subpoena may be issued except under the signature of the Chairman of the Commission or of the Executive Secretary, and application to any court for the enforcement of such subpoena may be made only by the Chairman or Executive Secretary.

"(b) The Commission shall adopt by regulation as the rules of evidence in connection with the preliminary hearing and in connection with the final consideration the provisions of section 10 of the Revised Model State Administrative Procedure Act promulgated in 1961 by the National Conference of Commissioners on Uniform State Laws.

"(c) The applicant, any offender, and any other person who satisfies the Executive Secretary at the preliminary hearing or the Commission at the final consideration that he has a substantial interest in the proceedings shall have the right to appear and be heard, either in person or by attorney, and shall also have the right to produce evidence and to call, to examine, and to cross-examine witnesses.

"(d) Any person who files an application under the provisions of subsection (c) of section 161 of this chapter on behalf of a victim or a dependent who is a child or who is non compos mentis shall have all of the procedural rights and privileges granted and guaranteed to applicants under this chapter.

"(e) No person appearing as a witness before the Commission at final consideration may be excused from answering any question put to him by any member of the Commission on the ground that to answer might or would incriminate him; but no answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the person for perjury or for contempt in respect to any answer to any such question. Refusal to answer any question determined by the Commission to be proper and pertinent shall be subject to punishment for contempt under the pertinent provisions of chapter 29, Title 14, Virgin Islands Code.

"(f) In making a determination the Commission shall consider all circumstances which it determines to be relevant, including provocation, consent, or any other behavior of the victim which directly contributed to his injury or death.

"(g) The Executive Secretary, in connection with the preliminary hearing, and the Commission, in connection with the final consideration, may not make public any information which might lead to the identification of the offender or of the victim if—

"(1) the offender has not been convicted, or

"(2) the Executive Secretary or the Commission is satisfied that privacy is necessary to protect the interests of the victim or any dependent of the victim.

"(h) Every determination of the Commission shall be based on the evidence before it and shall be supported by substantial evidence. The applicant shall have the burden of proving every pertinent fact, which is brought into issue, to the satisfaction of the Commission.

"Subchapter III. Application; award and payment of compensation

"§ 161. Application: Eligibility; Requirements; Limitations

"(a) Any victim, any person who is responsible for the maintenance or care of the victim and who has incurred expenses as a result of injury to or the death of the victim, and, in the case of the death of the victim, the estate or any dependents of the victim may apply for compensation under the provisions of this chapter; Provided, however, That no person who is not a citizen of the United States or who is not an immigrant alien admitted to the United States for permanent residence under the pertinent provisions of the Immigration and Nationality Act, as amended (8 U.S.C. §§ 1101 et. seq.) may apply for or receive compensation under the provisions of this chapter.

"(b) Every application for compensation under this chapter shall be filed with the Executive Secretary in accordance with regulations prescribed by the Commission within one year after the personal injury or death occurs. Additionally, the Executive Secretary must be notified within thirty days after such injury or death occurs that an application for compensation under this chapter will be filed, and a report of the criminal offense which allegedly caused the injury or death for which compensation is sought under this chapter shall be filed by the victim with the police within twenty-four hours after the offense was committed. If the application, notification, or report is not filed or made within the time prescribed, the applicant shall have the burden of satisfying the Executive Secretary that the delay was justified by extraordinary circumstances.

"(c) In any case in which the victim or a dependent of a victim is a child, the application may be filed on his behalf by his parent or guardian; and in any case in which the victim or a dependent of the victim is mentally incompetent the application may be filed on his behalf by his parent, guardian, or such other person authorized to administer his estate.

"(d) No more than one application may be filed by or on behalf of any person eligible to file an application under the provisions of subsection (a) of this section; and where more than one application is filed on behalf of two or more dependents of the same victim the Executive Secretary and the Commission shall consolidate the claims and the proceedings thereunder.

"§ 162. Offenses and incidents covered

"(a) The Commissioner may order the payment of compensation in accordance with the provisions of this chapter in any case in which—

"(1) The victim was injured or killed by any act or omission that constitutes a criminal offense which as a felony or aggravated assault and battery under the laws of the Virgin Islands and which may be prosecuted under the laws of the Virgin Islands pursuant to the provisions of subchapter V, chapter 1, Title 14 of this code; or

"(2) The victim was injured or killed while attempting to prevent the commission of a criminal offense which may be prosecuted under the laws of the Virgin Islands pursuant to the provisions of subchapter V, chapter 1, Title 14 of this code, or to apprehend a person suspected of such an offense.

"(b) For the purposes of this chapter, the fact that the offender was legally incapable of forming a criminal intent by reason of age, insanity, drunkenness, or otherwise shall not preclude an award of compensation under this chapter.

"§ 163. Awards: General provisions; allowable compensation; standards for compensation; effect of prosecution or conviction

"(a) The Commission, upon proper application and after the required preliminary hearing before the Executive Secretary and the required final consideration and if it determines that the applicant has satisfied the burden of proving all contested issues of fact, may order the payment of compensation in accordance with the provisions of this chapter from the Criminal Victims' Compensation Fund created and established as a special revolving fund in the Treasury of the Virgin Islands under section 3030 of Title 33 of this code.

"(b) Subject to the limitations of subsection (a) of section 164 of this subchapter and to the deductions and limitations under section 165 of this subchapter, the Commission may order the payment of compensation—

"(1) to, or for the benefit of, the victim or to his estate up to the amount of expenses actually and reasonably incurred or to be incurred as a result of the injury or death of the victim, including medical, burial, and other necessary expenses;

"(2) to any person repsonsible for the maintenance of care of the victim who has incurred expenses as a result of the injury or death of the victim, including medical, burial, and other necessary expenses, up to the amount of such expenses;

"(3) to or for the benefit of the victim for—

"(A) the loss of earnings resulting from total or partial disability resulting from the injury equal to two-thirds (⅔) of the difference between his earnings (or earning power, if the victim was not employed) at the time when the injury occured, and the wages, if any, earned by the victim during his disability, but not to exceed four hundred dollars ($400) in any one month; and

"(B) pain and suffering, but not to exceed five hundred dollars ($500);

"(4) in the case of the death of the victim, to or for the benefit of any one or more of the dependents of the victim up to the amount of pecuniary loss of such dependents, but not to exceed ten thousand dollars ($10,000) to the spouse of the deceased victim and not to exceed one thousand dollars ($1,000) to each dependent of the deceased victim other than the spouse.

"(c) For the purpose of determining the amount of any compensation to be awarded under this chapter, the Commission shall, insofar as practicable and feasible, formulate standards for the uniform and consistent application of the provisions of this chapter, and shall take into consideration rates and amounts of compensation payable for injuries and death under other laws of the Virgin Islands and of the United States and the availability of funds in the Criminal Victims' Compensation Fund.

"(d) An award may be granted under this chapter whether or not any person is prosecuted for or convicted of the crime which is the alleged cause of the injury or death. The Executive Secretary or the Commission may suspend the preliminary hearing or the final consideration, respectively, for such appropriate period during which a prosecution for the criminal offense, which is the alleged cause of the injury or death for which compensation is sought, has been commenced or is imminent.

"§ 164. Same: Limitations

"(a) The total amount of compensation awarded or paid to any one applicant under the provisions of section 163 of this subchapter may not exceed the sum of $10,000.

"(b) The Commission may not award compensation to an applicant under this chapter if, supported by substantial evidence, it determines that—

"(1) The criminal offense, which allegedly caused the injury or death for which compensation is sought under this chapter, did not occur; but if any person has been convicted of the criminal offense, proof of that conviction unless an appeal against the conviction or a petition for a rehearing, retrial, or certiorari in respect of all charges is pending or a new trial or rehearing has been ordered, shall be res judicata as to the fact that the criminal offense has been committed; or

"(2) The act or omission which constituted such criminal offense was not a proximate cause of the injury or death; or

"(3) The requirements of section 161 of this chapter were not met or the provisions of section 162 of this subchapter were not satisfied; or

"(4) The offender is the victim's spouse, parent, grandparent, stepparent, child, grandchild, stepchild, brother, sister, half brother, half sister, or spouse's parent, grandparent, stepparent, child, grandchild, stepchild, brother, or sister; or

"(5) At the time when the personal injury or death was caused or at any time after the injury, either the victim was living with the offender as his wife or as her husband, or both the victim and the offender were members of the same household; or

"(6) The victim provoked, consented to, or in any other direct manner contributed to his injury or death; or

"(7) The victim and the offender, at the time when the injury or death was caused,

were engaged in a common unlawful enterprise or activity; or

"(8) The injury or death was caused by the operation of a motor vehicle, airplane, or boat, unless the vehicle, airplane, or boat was used as a weapon in a deliberate attempt to injure or kill the victim.

"(c) Orders for payment of compensation pursuant to this chapter may be made only as to injuries or death caused by criminal offenses occurring after June 30, 1968, or caused during an attempt to prevent a criminal offense or to apprehend a person suspected of committing such an offense which attempt occurred after June 30, 1968.

"§ 165. Same: Terms of payment; deductions

"(a) Except as otherwise provided in this chapter, any order for the payment of compensation under this chapter may be made on such terms as the Commissioner determines to be appropriate.

"(b) The Commission shall deduct from any payments awarded under this chapter the amount of any moneys actually received by the applicant from the offender, from any person on behalf of the offender, or from any payments under any insurance policy, other than a policy on the victim's life, but including workmen's compensation, for the personal injury or death for which compensation was awarded under this chapter.

"(c) The payment of any compensation awarded under this chapter shall be subject to and limited by other outstanding awards under this chapter and the amount of money in the Criminal Victims' Compensation Fund.

"§ 166. Same: Finality and reconsideration; review

"(a) Every determination and order of the Commission shall be final, except that an applicant may obtain a reconsideration by the Commission of an order upon filing a written request for reconsideration with the Executive Secretary within one calendar year after the issuance of the order, and upon approval of the request by the Commission.

"(b) In the case of an award to or for the benefit of the victim under subdivision (3) of subsection (b), section 163 of this subchapter which is to be paid periodically, depending on the continuing disability of and any wages earned by the victim, the Commission shall review the award at least every two years to determine such continuing disability and wages earned, if any, and to alter such award to accord with any pertinent change in circumstances. The victim shall inform the Commission of any pertinent change in his disability or in his income from wages. If the victim does not inform the Commission as required, his payments may be terminated at the discretion of the Commission.

"(c) Neither the right of the applicant to reconsideration nor the obligation of the Commission to review shall affect the finality of a determination and order of the Commission.

"Subchapter IV. Recovery of compensation

"§ 169. Repayment by the applicant

"Any applicant who has received payments on an award made by the Commission under this chapter shall pay to the Commission all sums, not to exceed the amount of such payment, which, after the payment on the award, have been received by the applicant from the offender, from any person on behalf of the offender, or from any payments under any insurance policy, other than a life policy, for the personal injury or death for which the award was made under this chapter.

"§ 170. Recovery from the offender

"(a) In any case where a person is convicted of a crime which was the cause of the injury or death for which compensation has been awarded under this chapter, the Commission may institute an action against such person for the recovery of the whole or any specified part of such compensation actually paid to the applicant under this chapter in any court of competent jurisdiction in the Virgin Islands. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amount recovered and collected which exceeds the amount paid pursuant to the award shall be paid to the applicant.

"(b) In any case where payment is made to the Commission under section 169 of this subchapter, the Commission may recover under this section only the difference between such payment and the amount of the compensation awarded under this chapter. The balance of any amount recovered and collected shall be paid to the applicant.

"§ 171. Criminal Victims Compensation Fund

"All payments made to the Commission under the provisions of section 169 of this subchapter and all payments made to the Commission on awards granted under the provisions of section 170 of this subchapter shall be covered by the Commission into the Criminal Victims Compensation Fund created and established as a special revolving fund in the Treasury of the Virgin Islands under section 3030 of Title 33 of the Code.

"Subchapter V. Miscellaneous

"§ 174. Rules and regulations

"The Commission, subject to the approval of the Governor and not inconsistent with law, may adopt, enforce, revise, amend, rescind, or repeal rules and regulation prescribing the administrative and procedural steps to be followed in the filing of applications and during the proceedings under this chapter, and governing other administrative functions and activities of the Commission, of the Executive Secretary, and of any staff members.

"§ 175. Personnel; budget

"Subject to the provisions of chapter 35 of Title 3 of this code, the Commission may employ such personnel as it determines necessary for the effective and efficient administration of its functions and responsibility. Budget needs of the Commission shall be submitted annually to the Legislature as a part of the budget of the Department of Public Welfare.

"§ 176. Reports to the Governor and to the Legislature

"The Commission shall prepare and transmit to the Governor and to the Legislature annually a report of its activities under this chapter including the name of each applicant, a brief description of the facts in each case, the amount, if any, of compensation awarded, recommendations for appropriate amendments to the law, and an accounting of revenues to and expenditures from the Criminal Victims Compensation Fund with estimates of needs during the next fiscal year.

"§ 177. Penalties

"The pertinent provisions of chapter 75 of Title 14 of this code shall apply to every application, statement and document and to all information presented to the Executive Secretary in the application or at the preliminary hearing, or presented to the Commission at the final consideration of an application for compensation under this chapter; and, in addition, whoever, in any matter during a preliminary hearing or a final consideration, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any fake, fictitious, or fraudulent statement or entry, shall be fined not more than $1,000 or imprisoned for not more than 5 years or both."

SECTION 3. Chapter 111 or Title 33, Virgin Islands Code, as amended, is hereby further amended by the addition thereto of the following section:

"§ 3030. Criminal Victims Compensation Fund

"(a) There is created and established in the Treasury of the Virgin Islands a special revolving fund to be designated and known as the Criminal Victims Compensation Fund. The Commissioner of Finance shall maintain and provide for the administration of said Fund as a separate and distinct fund in the Treasury, and no monies shall be available for expenditure from said Fund except as provided by law.

"(b) There is authorized to be appropriated to the Criminal Victims Compensation Fund such sums each year as are determined necessary by the Legislature, upon recommendation by the Virgin Islands Criminal Victims Compensation Commission for carrying out the provisions of chapter 7, Title 34 of this code. The Fund shall consist of all monies appropriated thereto pursuant to authorization under this section and of all monies paid to the Fund pursuant to the provisions of subchapter IV of said chapter 7.

"(c) Monies shall be disbursed from the Criminal Victims Compensation Fund by the Commissioner of Finance at the discretion and direction of the Executive Secretary of the Virgin Islands Criminal Victims Compensation Commission for the purpose of awards and payments under the provisions of chapter 7, Title 34 of this code."

SECTION 4. There is hereby appropriated to the Criminal Victims Compensation Fund, created by section 3 of this Act, the sum of $10,000 from the General Fund of the Treasury of the Virgin Islands for fiscal year ending June 30, 1968.

SECTION 5. The provisions of this Act shall become effective on July 1, 1968.

Approved March 6, 1968.

BILL 3587

(No. 2176 (Approved April 23, 1968) Seventh Legislature of the Virgin Islands of the United States—regular session)

An act to amend certain provisions of chapter 7 of title 34, Virgin Islands Code, relating to the Criminal Victims Compensation Act, and for other purposes

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Chapter 7 of Title 34, Virgin Islands Code, as enacted by Act No. 2111 (Bill No. 3498), Seventh Legislature, Regular Session 1968, approved March 6, 1968, is hereby amended as follows:

(a) Section 175 of said chapter is amended by changing the words "Department of Public Welfare", appearing therein, to read "Department of Social Welfare".

(b) Section 177 of said chapter is amended by changing the language "Chapter 75", appearing therein to read "Chapter 77".

SECTION 2. Section 4 of Act No. 2111 (Bill No. 3498), Seventh Legislature, Regular Session 1968, approved March 6, 1968, is hereby amended by changing the year "1968", appearing at the end thereof, to read "1969".

Approved April 23, 1968.

BILL 3748

(No. 2286 (Approved July 16, 1968) Seventh Legislature of the Virgin Islands of the United States—ninth special session)

An act to amend Act No. 2111, approved March 6, 1968, relating to compensation for innocent victims of certain criminal offenses

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Section 164(c), Title 34 of the Virgin Islands Code, as enacted by Act No. 2111, approved March 6, 1968, is hereby amended to read as follows:

"(c) Orders for payment of compensation pursuant to this chapter may be made only as

to injuries or death caused by criminal offenses occurring after January 1, 1968, or caused during an attempt to prevent a criminal offense or to apprehend a person suspected of committing such an offense which attempt occurred after January 1, 1968."

SECTION 2. Section 4 of Act No. 2111, approved March 6, 1968 is amended to read as follows:

"SECTION 4. There is hereby appropriated to the Criminal Victims Compensation Fund, created by section 3 of this Act, the sum of $50,000 from the General Fund of the Treasury of the Virgin Islands for the fiscal year ending June 30, 1969."

Approved July 16, 1968.

BETTER CONTROLS ON PESTICIDES PLANNED IN CALIFORNIA AND NEW YORK

Mr. NELSON. Mr. President, two articles published recently in the New York Times report further action taken against the use of DDT.

In New York State, Governor Rockefeller's administration endorsed the State pesticide control board's recommendation for controls on chlorinated pesticides. And two of the State's legislative committees announced they would conduct hearings on the pesticide situation.

In California, the State agriculture director issued an order prohibiting the use of DDT and DDD—another chlorinated hydrocarbon similar to DDT—in all forms in California households and home gardens and in dust form in farm fields. The State legislature is also considering measures to ban the use entirely of the two pesticides within the State.

I ask unanimous consent that the two articles be printed in the RECORD.

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

CALIFORNIA OFFICIAL TAKES STEPS TO BAN USE OF TWO PESTICIDES

SACRAMENTO, CALIF., June 12.—Steps to ban the use of DDT and another long-lived pesticide, DDD, in California households and home gardens and to limit their use on farms were initiated today by California's Agriculture Director, Jerry W. Fielder.

He issued the order, which would take effect Jan. 1, 1970, if he formally adopts it after July 11. Its opponents have until then to submit written arguments against the move.

The order would prohibit the use of DDT and DDD in all forms in California households and home gardens and in dust form in farm fields. Other forms of application could be used under permits obtained from county agricultural commissioners.

Mr. Fielder announced the proposed order as a State Senate Committee prepared to hold a hearing next week on a bill by Senator John A. Nejedly, Contra Costa County Republican, to ban the use entirely of the two pesticides within the state.

The agriculture director said:

"We know of no reliable evidence that these pesticides are directly harmful to man, but they do represent a hazard to man's natural environment, including fish and wildlife. As part of our continuing program to regular pesticides in the public interest, therefore, we believe this proposed action is necessary."

Mr. Fielder also noted that the agricultural use of DDT and DDD in dust form had declined over the years. State officials could offer no estimate of the percentage of DDT and DDD now being applied in farm fields in dust form.

DDT CONTROLS ARE BACKED BY STATE ADMINISTRATION

ALBANY, June 16 (AP).—Governor Rockefeller's administration aligned itself today with critics of the pesticide DDT, promising tighter controls on use of such chemical agents in the state.

Lieut. Gov. R. Malcolm Wilson, acting as Governor during Mr. Rockfeller's absence, issued a statement praising the findings of the state Pesticide Control Board, which has recommended curbs on chlorinated pesticides.

DDT and similar compounds have been branded in many quarters dangerous to animal and human life because they can retain their toxic effect for prolonged periods.

Last week two committees of the Legislature said they would conduct hearings on the pesticide situation.

COMMENTS ON THE ABM

Mr. GORE. Mr. President, on May 15, I wrote Dr. Jerome B. Wiesner a letter in which I said that as there had not been sufficient time when he had testified on May 14 to question about statements made by Dr. Foster taking issue with a number of points made in the book on the ABM which he had edited, he might wish to have an opportunity to respond to Dr. Foster's comments. I then quoted in my letter a number of specific comments made by Dr. Foster. Dr. Wiesner replied, in a letter to me dated June 4.

On May 28, I wrote Dr. Teller, who had also appeared before the Subcommittee on International Organization and Disarmament Affairs on May 14, to ask him whether he wished to add to his testimony in a written supplementary statement in light of the fact that it had not been possible to continue the hearings in the afernoon. Dr. Teller has now provided an additional statement.

I ask unanimous consent that my exchange of correspondence with Dr. Weisner and Dr. Teller be printed in the RECORD at this point.

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

MAY 15, 1969.

Dr. JEROME B. WIESNER,
Provost, Massachusetts, Institute of Technology, Cambridge, Mass.

DEAR DR. WIESNER: There was not sufficient time at the hearing on May 14 to question you about recent statements made by Dr. Foster in which he took issue with a number of points made in the book on the ABM which you and Professor Chayes edited. It occurred to me that you might wish to have the opportunity to respond to Dr. Foster's comments. I realize that you addressed yourself to some of his comments in your testimony before the Subcommittee, but I thought that you might want to collect in one place your replies to all the criticisms he has made. This letter and your reply could then be included in the record of the hearings.

In an address in Dayton, Ohio, on May 12, Dr. Foster made the following specific comments on your book:

1. Dr. Foster quoted your statement that the assertions made by Secretary Laird "are not based on any intelligence about new Soviet weapons systems" but "represent his interpretation of facts that have, in the main, been known for some time but have not been viewed heretofore by the responsible officials as signaling a Soviet attempt to attain a first-strike capability."

Dr. Foster commented that "Mr. Laird's statements are based on agreed intelligence data" and he said he knew of "no disagreement on the approximate number of SS–9's being built by the Soviet Union, nor of any significant issue in size of its payload." He added: "No person who has seen the data objects to the conclusion that the SS–9 has been tested with multiples and the community agrees upon an approximate weight of the R.V.'s."

2. Dr. Foster quoted your statement that "it would take at least two attacking ICBM's to be reasonably sure of destroying one Minuteman." He explained that the U.S. has designed, but not deployed, "a system which allows a missile to signal the launch-control point if it has launched its re-entry vehicle properly." He argued that "the control point could reprogram another missile to make up failures" and that therefore "it would be foolish to attack half of the silos twice as the book advised, rather than all of them at once."

3. Dr. Foster quoted your statement that "it would take three missiles with 30% failure probability to destroy an incoming warhead with 97% certainty . . . and this uses up the defensive missiles at a fearsome rate."

He commented that the intent is to use sequential firing of interceptors to eliminate this problem and that furthermore "we expect missile failure rate considerably less than his assumed 30%, and results of firings to date support our expectation."

4. Dr. Foster quoted your statement that the Sentinel system "was designed for a wholly different purpose. . . ." He said in reply: "This is just not true. The Nike-X R&D program upon which both Sentinel and Safeguard were based, always had a Sprint missile for point defense of targets, especially Minutemen and cities."

5. Dr. Foster quoted your statement that "it has been authoritatively suggested that it just may be impossible during the next years to write a computer program for dealing with the various forms of attack that can be anticipated."

Dr. Foster argued: "Programming of large computer-control systems is difficult. We have had considerable relevant experience, and our experience shows us that it can be done."

6. Dr. Foster stated in his speech: "The book in many spots also claims that the defense can be easily countered by simple penetration devices or by 'blackout' attacks."

He asserted that these devices "are not simple" and that they "will require more resources than the Communist Chinese will have available for a considerable time." He added that with regard to the Soviets "the penetration tactics are not very useful for an attack on the Minuteman force . . . Light penetration aids and the extensive high altitude blackout do not have much effect on a Sprint defense which takes place in the atmosphere."

You might also wish to comment on Dr. Foster's statement on May 6 in which he enumerated seven alleged errors in your book. These errors were that:

1. It greatly overstates the technical and tactical problems of the proposed ballistic missile defense.

2. It understates the technical and tactical problems of overcoming Safeguard.

3. It misinterprets the estimates by the intelligence community.

4. It presents assertions and assumptions with the force of fact.

5. It offers incompetent, dangerous and inadequate alternatives to Safeguard.

6. It assumes the Soviet threat and the Chinese threat will be total surprises.

7. It assumes we will not be able to test the Safeguard system.

Sincerely yours,

ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs.

OFFICE OF THE PROVOST,
Cambridge, Mass., June 4, 1969.

Senator ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR GORE: I very much appreciate the opportunity to augment the statement that I made before you on May 14. After I respond to the questions that you have raised I would like to add a few comments that were stimulated by the discussions before your Committee. Also, I would welcome an opportunity to reappear and answer any further questions that your Committee might have. I am mindful of the fact that my need to be in Boston on the afternoon of the hearing day cut short the question period. Senator Dodd has already addressed a question to me that he had intended to ask during the hearings. I am certain that other members of your group were also left frustrated by the improper balance between the presentation by your witnesses and the opportunity for questioning.

In your letter you quote Dr. Foster's statement regarding agreed upon intelligence which seems to be in conflict with the views expressed in the book, "ABM: An Evaluation of the Decision to Deploy an Anti-ballistic Missile System" by Professor Abram Chayes and myself. As was brought out in the hearings there is a considerable difference between the agreed upon facts about observations and the interpretations of that data, and I believe it is in this area that widest disagreements between us, Mr. Laird, Dr. Foster, Mr. Packard and others, including members of the intelligence community, arise. In fact, the spokesmen for the Pentagon have hardly been consistent with their own interpretations of the significance of intelligence information. There is also considerable confusion between observations and predictions. A notable example of this is in the matter of multiple, independent, steerable reentry warheads, called MIRV. Dr. Foster has stated as have others that there have been observations of Soviet multiple warhead tests. Unless I am misinformed, the objects observed were not independently guided devices, but rather just clusters of reentry devices fired by a single rocket. Nonetheless, in much of the discussion, including Dr. Foster's May 12th statement and the speech referred to in your letter, he made the tacit assumption that by 1974 or 75 the Soviet Union would have a fully developed, steerable, multiple reentry system which would be employed as part of a sophisticated retargeting system. It was by assuming such a retargeting capability that Dr. Foster attempted to refute the calculations resented in our book. To my knowledge there is no intelligence evidence whatsoever upon which to base an assumption. Dr. Foster says that the United States has developed such a capability but decided not to put it into use. From this he concludes that the Soviets must have such a capability too or at least must be given credit for it. I suggest that you examine this particular situation with some care for it shows the arms race in its most virulent form. Here we are literally running an arms race with ourselves. If we can stay just the right amount ahead of the Soviet Union so that we have to be concerned with what they might develop we can keep ourselves completely occupied by developing weapons systems and countermeasures to them without ever having seen the Russian counterpart to which we are responding. I would suggest that since the multiple reentry warhead with retargeting capability, including the necessary communication system, etc., has now been interjected into this debate, that you take the occasion to examine the U.S. developments to see first hand the additional complexity being suggested for the Soviet offensive missile system.

Your point 2 relates to the question retargeting which I have already addressed in the previous answer. It is generally agreed that the reliability of offensive missiles will be sufficiently less than one, so that a counter force attack would require some effort to compensate for the failures among them or too high a fraction of the force under attack would survive. The straight forward way to compensate for these failures is to target two offensive missiles and warheads against each target under attack. This arrangement greatly enhances the probability of destroying the target. For example, if a single offensive weapon had an overall kill probability of 0.7 there would be a 30% chance that the target it was attacking would survive, or if one thousand such offensive missiles were fired at a thousand targets, approximately 300 of the targets would survive. Clearly if these were Minutemen missiles capable of retaliating for the first strike, the surviving force would be too large to tolerate. If two rockets, each having the same overall kill probability of 0.7 were fired at each target, the probability of a single target surviving would be 0.09, and if two thousand such weapons were doubly targeted against a thousand individual targets, only 90 of them would survive on the average. Double targeting is obviously a costly venture and so there is a considerable incentive to develop a more efficient procedure. One such would be to fire only one missile at each target, then to do a reconnaissance to spot the targets that had survived because of rocket failures and to fire a second round at the survivors. In principle this is a very simple thing to do, but in practice this would be quite complicated. It would have to involve either reconnaisance or some other form of data gathering which pinpointed the location of individual nuclear explosions with a very high precision. As I understand Dr. Foster's proposal, it doesn't go this far. If I understand Dr. Foster's new Soviet threat, it supposes that they will merely monitor the successful launchings of their multiple warheads, and if a warhead launched at a given target fails to report that it is on a proper course one of the back-up warheads that was launched a few minutes after the first will be directed to the same target. This proposal is questionable on several accounts. First of all it makes the assumption that most of the unreliability will be in the booster and the MIRV bus, and that the reentry device and the nuclear weapon will work as planned. In fact, in his Dayton speech Dr. Foster assumed that the combination of warhead reliability, MIRV guidance and reentry shield reliability when combined with the kill probability of the weapon itself against the Minuteman targets would yield an overall kill probability of 0.95. You will recall that I questioned this assumption during my testimony before your Committee. I would like to repeat my objection to this assumption. It is a highly optimistic value for such a complex system. You will recall that earlier Pentagon information gave a kill probability of 0.8 for the warhead alone, and this is the value that we used in our paper. You will note that Dr. Foster's whole argument hangs on this portion of the attack system being near perfect or even the complicated arrangements which he postulates will not yield the dire results that he predicts. Beyond this point, the retargeting capability which he proposes that the Soviets would use as part of a first strike capability depends upon sophisticated communications and control technology with which it is unlikely that anyone would saddle his offensive missile systems, for in addition to the troublesome complexity they introduce, they also are subject to countermeasures such as jamming which would introduce another element of uncertainty into the whole thing.

Dr. Foster objects to our statement that it would take three Sprint missiles to get a 97% probability of killing an incoming warhead. He gives two reasons for his objection. First of all, by firing sequently and directing the Sprints to successive targets he believes that it is possible to reduce the number of Sprint missiles required to get a high kill probability with fewer missiles. This tactic works under certain attack conditions but it is also possible to design attack configurations in which reassignment just doesn't work either because the incoming objects are too widely spaced or are randomly distributed. In fact, we believe that it would be so easy to increase the number of incoming objects that look like warheads, and therefore must be attacked by defensive missiles, to any degree that is desired do that the defensive system will always be saturated so that there is a very good chance that there will always be considerably less than one defensive missile per incoming object.

Now in regard to Dr. Foster's statement that the Sprint missiles will be more than 70% reliable and firing tests to date prove this, I can only say that the great weight of experience is on our side. When one moves from carefully manufactured and maintained R&D rockets to large scale production devices, installed in the field and maintained by standard GI crews, the reliability falls considerably. As we note in our book Dr. Fink, who until very recently worked in the Pentagon, published an article in Science and Technology magazine in which he examined rocket reliability and from operational data concluded that a reliability in the 50 to 60 percent range was normal.

Though Dr. Fink was talking about offensive rockets, not ABM missiles, ABM rockets are probably a little more complicated than the ICBM missiles, so Dr. Fink's data would indicate that an assumed 0.75 reliability is giving the ABM system the benefit of a serious doubt.

Regarding point 4: Dr. Foster apparently takes exception with our statement that the Sentinel system was designed for a wholly different purpose than hard point defense. I participated in the discussions which lead to the development of the Nike X system after the Nike Zeus system was not put into production. The primary emphasis of the redirected system was still the protection of cities and while we recognized at the time that it also could be used for hard point defense, all of the participants fully acknowledged that it was far from optimum for this purpose. In particular the present weaknesses of the Safeguard system were recognized at that time. The fact that interception had to occur at an altitude sufficiently high to prevent damage to soft targets lead to more costly intercept rockets than would have been needed if it were a hard point system. It was also recognized that the long range intercept component was unnecessary and that the soft MSR missile site system was really improper for a hard point system.

Point 5: Dr. Foster apparently contests my statement regarding the difficulty of programming the computer and says they have examined their experience and have concluded that it can be done. Dr. Teller in his testimony also pointed to the fact that the Livermore Laboratory is using a time sharing computer as evidence that time sharing computers can be programmed. Both of these statements are very misleading for no time sharing system of the degree of complexity contemplated in the Safeguard system has been designed and operated satisfactorily. In fact, no one has previously attempted to make a system with a comparable degree of complexity. Dr. J. C. R. Licklider in reviewing previous experience with such systems for our book points out that the software developments for the Safeguard system represent a very major extrapolation of presently operating systems in several respects, and therefore one should expect the development of proper computer programs to be a major bottleneck in the development of the Safe-

guard system. Anyone who makes the casual statement that we have computer time sharing systems in our laboratory and this proves that the Safeguard system can be made to work, has clearly not examined the problem in adequate detail. I would suggest that anyone interested in this problem read the two essays on this subject presented in our book. I have already mentioned the chapter by Dr. Licklider entitled "Underestimates and Overexpectations" devoted entirely to the question of computer programming. The chapter on Safeguard reliability problems also devotes a substantial amount of space to the problems of programming reliability.

Though the difficulty of computer programming is only one of several issues which led us to the conclusion that the Safeguard system was not likely to be available on schedule or perform as claimed; it is a key issue so it would be worth your effort to try and understand it reasonably well. Here is a place where you could see whether or not the experts including the scientists designing the system really would support the optimistic views that the Defense Department and its supporters have been expressing. There are several ways in which you could study this problem. You might just invite a number of experts in the field to express their views on the difficulty of preparing the programs in question, or you might hold some hearings on this subject, though this would be difficult for it is a fairly technical business. Another possibility would be to appoint a small advisory group to your Committee and give them the task of exploring the problem for you and presenting you with a report.

Dr. Licklider in his chapter suggests that it would be appropriate to explore the history of sophisticated computer systems in the Defense Department, the so-called L systems. The history of false starts and cancellations here would probably be more appalling than the revelations of the recent report on short falls in the electronic systems developed and procured since World War II. The reason for this is simple; conceptually electronic computers are capable of the most fantastic tasks including those proposed for Safeguard, but unfortunately they must be implemented by human beings whose capacities unfortunately don't increase as the computer systems they conceive or grow in complexity. Computer programming is not a science and so far all efforts to make it into an orderly discipline have failed. As our book explains in detail, large programs grow in difficulty much faster than their increase in size would lead one to expect, and above a certain size it may be impossible to ever develop a stable program because new problems are developing as fast as the old ones are cured.

Point 6: Dr. Foster apparently differs with our opinion that the Chinese could have simple decoys on their first generation missiles. It is certainly true that the United States military has spent a great deal of money and time developing our countermeasures, possibly they are more sophisticated than need be—like many other U.S. military devices. Lightweight balloon type decoys are certainly easy to make, and it would take no unusual technical capability to detonate nuclear weapons above the atmosphere in order to create blackout. I believe that simple active jammers could also be made by the Chinese using electronic components that they could easily buy from Japan if they can't make them themselves. A Chinese designer could get a great deal of information regarding countermeasures, their feasibility and their design from U.S. literature so that the various possibilities we have examined would be known to them as well as expert opinions regarding their value. For your information, I am enclosing copies of two articles which appeared in U.S. aerospace journals during the past year or two to illustrate my point. One of the articles entitled, "U.S. Penetration Capability Erodes" is obviously a scare article not be taken seriously, but its charts on "Penetration Aids Programs" are very comprehensive and show what can be mined in the literature.

Dr. Foster says that light penetration aids and extensive high altitude blackout will not have an effect on the Sprint defense. I don't believe that Dr. Foster could have read our book very carefully if he thinks we believe that they will because we repeatedly make it clear that we understand different problems faced by an enemy in trying to penetrate the Spartan and the Sprint defenses. The light decoys and blackout tactics apply only for the Spartan. In the case of Sprint defense heavy decoys, large numbers of small nuclear warheads and attacks on the very soft MSR radar are the countermeasure tactics which we stress. Our analysis shows that if the SS–9 missile was fitted with a large number of medium-yield nuclear weapons and independent warheads (15 to 30 independent units) plus a comparable number of heavy decoys, any reasonable Sprint deployment would be exhausted with little or no effect on the surviving forces. This is the most realistic Soviet deployment for the 70's and is at least as good an explanation as to why the Soviets chose to build large missiles as is any intention of achieving a first strike capability. This perfectly straightforward exhaustion capability was highlighted in our book but has gone unanswered in all of the Pentagon responses.

You ask me to comment on Dr. Foster's statement of May 6 in which he enumerated seven alleged errors in our book. In a sense his comments speak for themselves because the matters which he raises are matters of judgment and not matters of fact, so it is a little hard to understand how he can use the term "error" in describing them even though he disagrees with them. I will comment on his points nonetheless.

Dr. Foster alleged that he had found three pages of errors in our document and promised that he would supply us with a list so that we would be able to comment intelligently to inquiries about this statement. So far we have not received this list so that it is not possible to comment intelligently upon the points he makes. We hope that we will receive his criticisms so that we can respond with comments or make corrections if they are called for. We understand that the Institute for Defense Analysis has been hired to make a critique of our book, and possibly Dr. Foster is waiting for their report to provide him with specific objections. I would imagine that the IDA document would be available to you, and it might be helpful in your efforts to unravel this many-stranded technical ball of military yarn.

Point 1: He states that we greatly overstate the technical and tactical problems of the proposed ballistic missile defense. That is his judgment, in our opinion and the opinion of many technical experts whom we have consulted—some of whom work on aspects of the ABM problem—we have stated fairly and objectively the difficulties that are to be expected. It is possible that in some cases we have overstated the problems and in others we have undoubtedly understated the difficulties which will be encountered. However, Dr. Foster has not given any detailed information which would lead to change our opinion.

Dr. Foster's Point 2 is that we understate the technical and tactical problems of overcoming Safeguard. I have already discussed this question in the previous section and pointed out how a straight forward, exhaustion technique using large numbers of small warheads on the SS–9 would render the Safeguard system totally impotent even if it worked technically, an assumption which I am unwilling to concede.

Point 3: Dr. Foster states that our book misinterprets the estimates of the intelligence community. Without further elucidation it is obviously not worth trying to guess just what Dr. Foster means by this. It is clear however from the exchanges between members of your own Committee and Dr. Foster that everyone is subject to this charge. Here again is a critical area where it may be desirable to have an expert panel review the facts and give you their judgments.

Point 4: Dr. Foster says we present assertions and assumptions with a force of fact. The only assertions and assumptions that we presented as facts were assertions and assumptions made by representatives of the Pentagon. Otherwise we made a determined effort to separate fact from what were our own opinions, and generally when we stated facts we gave the source of the information. Dr. Foster's statement is so totally lacking in facts that it is impossible to answer properly.

Point 5: Dr. Foster states that our book offers incompetent, dangerous, and inadequate alternates to Safeguard. The only comment that I can make on this is that this is a totally ludicrous, ill-considered and irresponsible statement. All of the alternatives we suggest would work and would increase the survivability of the U.S. deterrent. The alternatives we offer could be undesirable for various reasons including the possibility that additional protection of the deterrent force is not needed, but this statement by a competent Defense Establishment official can only indicate high degree of desperation with regard to Safeguard. This statement, it seems to me, is akin to the scare statements of Secretary Laird's with regard to the SS–9 first strike capabilities.

Point 6: Dr. Foster says that we assume that the Chinese and the Soviets' threats will be total surprises. We don't assume that. We assume that they may be and undoubtedly will be partial surprises and that in any event we won't know until after the nuclear war whether they were or not, so that we will not be in a position to make a judgment about the effectiveness of the ABM system before it is used. It is always surprising to me that technical experts who are willing to ascribe so much ingenuity and cunning to the Soviet systems—witness Dr. Foster's recent statement regarding the probable use of retargeting capabilities by the Soviet Union in a first strike attack—are unwilling to give them any credit for originality or ingenuity in the countermeasures field.

Point 7: Dr. Foster says that our book assumes we will not be able to test the Safeguard system. More than that, we state explicitly several times that we don't believe that it will be possible to make *realistic* tests of the Safeguard system either at the Kwajalein test ground or in continental U.S.A., and nothing that has been said since our book was published has in any way refuted this statement. There are plans for elaborate simulation tests of the ABM system, and these will do some good, but the weight of all the experience to date with the simulation of large systems is that they are not completely effective. The statement applies to both military and civilian systems. No aircraft, no military weapons system, no civilian computers system, or for that matter no large industrial plant has ever operated as predicted in spite of the most realistic simulation tests that it has been possible to devise for them in advance of the time when they were placed in operation. Dr. Licklider examines a number of cases where simulation was tried in his chapter in the ABM book and these should be examined carefully by you. For example, the electronic switching system, E.S.S., which is being installed by the Bell Telephone System was subject to very extensive simulation trials and limited field trials before it was put into full scale operation. But in spite of this, numerous difficulties were encountered in its programs after it was placed into operation. A genuine test of the ABM system would involve the use of large numbers of incoming objects,

defensive and offensive nuclear explosions and an attempt to duplicate an attacker's tactics and his countermeasures strategy. The latter obviously will always remain unknown so that in any sense which I believe to be meaningful the Safeguard system will have to remain untested. Most weapons systems fail to function as they are expected to when first placed into operation and the military users are forced to modify both the weapons and their tactics before they can be used effectively in the field. The history of most weapons is one of steady improvement in reliability and effectiveness as they are employed. The ABM system by its very nature will not be subject to this kind of a shake down.

With your permission, I would like to point out a major inconsistency in Dr. Teller's testimony. He stated that the United States should abandon its efforts to achieve a first strike capability against the Soviet Union for a variety of reasons including, he said, that it was technically impossible to achieve one. It is hard to reconcile this very strong statement with the continuing fear that the Soviet Union might by its present course of action achieve a first strike capability against the United States. If with our superior technical capabilities and production base it is technically impossible for the U.S. to achieve a first strike capability, how can the U.S.S.R. do it?

Finally, I would like to suggest that your Committee give serious consideration to the creation of an impartial panel of experts to review the many technical points that have been raised in the ABM debate and provide you with an independent assessment on the various controversial points that exist in this debate. I believe that a clear-cut judgement can be rendered. Non-technical statements in great volume have made it appear that these issues are too complex to understand and are greatly confusing the public.

I am sorry that this answer to your questions is so long. Please excuse me.

Sincerely yours,

JEROME B. WIESNER.

MAY 28,1969.

Dr. EDWARD TELLER,
Lawrence Radiation Laboratory,
University of California,
Livermore, Calif.

DEAR DR. TELLER: Senator Symington has suggested that additional testimony by you would be pertinent to the inquiry by the Subcommittee on International Organization and Disarmament Affairs into the strategic and foreign policy implications of ABM systems. At present, there are no plans to hold additional public hearings with non-governmental witnesses.

We will, however, be pleased to hold the record open for ten days or so in order to leave you time to submit a statement of reasonable length.

Sincerely yours,

ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs.

UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., June 2, 1969.

The Honorable ALBERT GORE,
U.S. Senate,
Committee on Foreign Relations,
Washington, D.C.

DEAR SENATOR GORE: In response to the kind suggestions of Senator Symington and yourself, I am submitting the following supplementary statement to my testimony. It covers an aspect of the ABM debate which, according to several discussions I had, now appears to me to have great importance in connection with the ABM debate. It will be very kind of you to include this in your Proceedings, and possibly in the Congressional Record.

Sincerely yours,

EDWARD TELLER.

ADDITIONAL TESTIMONY TO THAT GIVEN BEFORE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATION AND DISARMAMENT AFFAIRS ON MAY 14, 1969, ON THE ISSUE OF BALLISTIC MISSILE DEFENSE

(By Edward Teller)

In the course of the debate on ABM it has become clear that the question of a possible Russian first strike in the mid-1970's is of paramount importance. I should like to comment on this danger from two points of view. One is the technical possibility of a Russian first strike capability. On this point the judgment I offer is based on specific knowledge and information. The second point of view is connected with Russian intentions. In this connection I claim no special knowledge but add my remarks merely to clarify the background on the basis of which my comments are made.

The continued Russian deployment of numerous SS–11's and fewer but larger SS–9's has developed far beyond the limit that the Russians would need for retaliation. This is particularly striking since our own deployment has been curtailed. It should be also noted that the heavy SS–9's, on account of their smaller number but greater individual capability, are less adapted to a second strike force but could be exceedingly efficient in a first strike.

The danger that our own Minuteman force could be wiped out in a first strike has been discussed in detail by Dr. J. S. Foster, Jr. His facts and figures are based on careful and conscientious evaluation of the actual situation and should be accepted at face value.

It has, however, been stated that even if our Minuteman force would be wiped out we would retain more than sufficient capability to retaliate by using our bombers and our missile-carrying submarines. It is therefore concluded by opponents of the ABM that no Russian first strike could eliminate our ability to retaliate.

Reliance on our bombers is of particularly great importance. This can be readily seen by considering the claim in the report edited by Drs. Wiesner and Chayes. In this report it is stated that we shall retain the ability to deliver at least 2500 megatons in retaliatory capability after a first strike by the Russians. Of these 2500 megatons, 2000 are supposed to be delivered, according to the same report, by our aircraft.

In actual fact, retaliation by our bombers is highly dubious on two accounts. One is that our bombers may not survive; they may be destroyed on the ground. The second reason is that our bombers may not penetrate; they may be shot down by missiles or they may be wiped out by enemy fighters.

In comparison with our Minuteman force, our bombers on the ground present relatively easy targets. They are soft, they can be dispersed to not much more than 60 bases, and their destruction does not require enemy missiles of high accuracy. A Russian launch from submarines or from missiles in fractional orbits or multiple orbits will give us too little time so that our bombers cannot take off. To keep a considerable number of our bombers permanently in the air would be much too expensive. Keeping them in the air in case of international tension assumes that the Russians are not capable of a true surprise attack. This assumption does not seem to be a highly reliable one.

Thousands of Russian radars and excellent Russian fighters make it dubious that those bombers which can take off will be able to deliver their bombs on target. Actually, the Russians have spent much more on air defense than we have. What is particularly disturbing about this situation is the fact that the Russians can evaluate the capabilities of their radars and their fighters in a satisfactory way. Thus the Russians may acquire high confidence in their air defense and may not be deterred from a first strike by our bomber force.

This argument does not imply that bombers are useless. In connection with the Chinese threat they may play a decisive role. They may have important functions in later phases of a nuclear war. Most important of all, they are an important element of our preparedness for a non-nuclear conflict. But as a deterrent against a Russian first strike, our bombers alone do not give us sufficient safety.

Most of those who argue that a Russian capability for a first strike cannot become real in a few years base their opinion on the invulnerability of our submarines as a retaliatory force. It is indeed true that Polaris and its successor, Poseidon, appears to be in many respects our most reliable deterrent. But even this deterrent may turn out to be insufficient in view of the massive Russian build-up of their Naval forces and Naval shipyards.

In our technological age we must continue to bear in mind the possibility that the Russians may find a new method of anti-submarine warfare. This circumstance alone should give pause to those who believe in the absolute invulnerability of our submarines. I shall assume, however, for the sake of the following argument, that the Russians will not succeed in making a breakthrough in the methods of locating and sinking submarines.

It is entirely possible that in a few years the Russians will initiate a Naval procedure whereby each of our missile-carrying submarines will be followed by one or more Russian submarines. This can be done if the Russians are using active sonar to keep track of our submarines. Such a procedure, of course, gives away the fact that our submarines are followed but the question will remain what to do about it.

Of course, we will have to assume that in such a situation mere protests will be of no avail. The two most obvious alternatives on our part would be to tolerate the situation or else to shoot at the Russian submarines.

In the first case the Russians may include in a first strike the practically simultaneous sinking of all our submarines. Those which are in harbor are easy targets. Those which are at sea can be sunk by nuclear explosives delivered by short-range missiles from a submarine that is on the tail of our Polaris or Poseidon. In this way our Naval retaliatory force could disappear.

If, on the other hand, we shot at the Russian submarines which follow ours, a Naval war of attrition will probably result. Considering Russian numerical superiority in submarine force this Naval attrition will consume all our missile-carrying submarines long before the Russian fleet is exhausted. The result is the same as in the previous case. We are left with no Naval retaliatory force.

Other, more complicated and more expensive alternatives remain. I do not pretend to prove that there is no way out of the dilemma presented above. I do believe that there is no easy way and I also believe there is no way on which we can count with reasonably great assurance.

It is therefore my opinion that the Russian build-up of land-based missiles which are capable of carrying heavy weights and numerous megaton warheads to our country, cannot be discounted as a potential first strike force. That the capability of a Russian first strike must be seriously considered is underscored by the fact that the Russians continue to take serious measures of civil defense, based primarily on a plan to evacuate their cities. Thus they seem to be ready to assume a position in which nuclear war can be waged by them, while their losses of population would remain limited. Secretary McNamara's concept to keep the population of cities as hostages does not seem to be accepted by the Russians.

I should now like to turn to the second question. Are the Russians actually planning

a first strike? This question of an *intention* to strike first should be sharply differentiated from a Russian *capability* to strike first.

I believe that no one can guess Russian intentions and I know that an opinion on my part is less appropriate than that on the part of others who have studied psychology, history or politics. The following is presented merely as a guess.

I cannot believe that any set of reasonable men would plan a first strike, and I furthermore believe the rulers of the Kremlin are reasonable. I nevertheless believe that these same men are planning to acquire a first strike *capability*. The question is for what purpose? Even though the Russians do not plan a first strike, their ability to strike first, coupled with our unwillingness and inability to do so, could give Russia a decisive advantage. The Russians may, indeed, be encouraged to pursue a more aggressive and threatening policy. In such a situation the credibility of American help would vanish. Our allies would not be able to rely on us and may be forced to desert us. American influence may soon be restricted to the boundaries of our 50 states.

It is possible to assume that we may still live happily and in contentment for a number of years, although the rest of the world may soon share the fate of Czechoslovakia.

The question then would arise that if our country remains the last and only abode of freedom, how long would we enjoy such a unique privilege? The promise that Polyphemus made to Odysseus may well apply to us. The Cyclops promised Odysseus that he would be the last to be eaten.

RAINDROPS

Mr. NELSON. Mr. President, I ask unanimous consent that a recent news article reporting an Atomic Energy Commission-financed study to determine how efficient rain is in clearing up air pollution be printed in the RECORD at the end of this statement. I found the article very interesting. Without intending to demean the study—which I am sure could provide valuable information—I hope that this AEC effort is not being carried out under the philosophy which says let us use the assimilative capacity of our environment to the utmost for disposing of our wastes, rather than one which says, let us find ways to stop polluting the air, the water, the land.

I hope, for instance, that the Atomic Energy Commission is studying how to cut thermal pollution from the nuclear powerplants, and how to eliminate their discharge of radioactivity. This is a matter which, in fact, should have quite a priority, because nuclear powerplants are going in now all over the country, and threaten to have a devastating impact on our environment unless proper controls are installed with them.

I would rather stop the pollution than have to pray for rain.

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

IMPORTANT TO STUDY THE WASHOUT: JUST HOW EFFICIENT ARE RAINDROPS?

(By Medill News Service)

How efficient are raindrops?

A project sponsored by the Atomic Energy Commission and being conducted in Illinois is expected to show how effective raindrops are in at least one job, washing pollution from the atmosphere.

Rain could clean the atmosphere's lowest level in three days—if no further pollutants were added, an AEC spokesman said.

But pollutants are being added continually, so scientists can study only how much pollution is washed out by one rain storm.

"We've put an awful lot of gunk in the atmosphere and if it stayed there we wouldn't be able to breathe," the spokesman added.

That's the reason "it is important to get out and study the washout."

Pollutants can be "scavenged" from the atmosphere in three ways: particles serve as nuclei for the condensation of water vapor, cloud droplets absorb gaseous pollutants, or raindrops wash out both particulate and gaseous materials.

The AEC project will study how effectively precipitation cleans the atmosphere. It also will study what happens inside clouds as ice crystals, cloud droplets and raindrops pick up pollutants, the AEC said.

The study is being conducted by the University of Illinois, Illinois State Water Survey, the University of Michigan and the AEC's Argonne National Laboratory. The two universities have received a total of $139,281 in contracts for the study.

The Illinois Water Survey rain gauge network was chosen for the study because of its extensive series of 196 gauges and 1600 square mile area, the AEC spokesman added. More than 800 volunteer observers will collect the rain samples.

"All samples will be collected and ready for analysis within five hours of a rain storm," the spokesman said.

The study will be conducted in two phases, from the middle of May to June 15 and from July 20 through August 10.

The weather's unpredictability is one reason for the two periods, the AEC spokesman said.

"If there is no rain we're not going to be able to do anything."

The spokesman added that the project's purpose is to study "scavenging," not to cause rain or alter the weather.

Scavenging will be studied through analysis of precipitation from a storm. Various "tracer" materials will be released into the storm or along its edge and it is their presence in the resulting rain water which will determine the efficiency of washout.

The rainwater will be analyzed by cameras and a "raindrop spectrometer" will be used to count the size of the raindrops.

The AEC spokesman added that no radioactive or toxic materials will be released during the experiments.

The AEC's main interest in the study is to gather information to help more accurately predict what happens to radioactive gases and particles during a rainstorm.

However, the AEC spokesman said most of the radioactive gases and particles are in the stratosphere where there is no rain. The stratosphere serves as a reservoir and the material gradually "leaks" down to the atmosphere's lowest level where it is washed out by precipitation.

ABM IMPORTANT PART OF AMERICA'S DEFENSE

Mr. FANNIN. Mr. President, one of the most thoughtful and well presented editorials setting forth the rationale for the ABM Safeguard system was printed recently in the Arizona Republic.

The editorial calls attention to the testimony of Dr. Albert Wohlestetter of the University of Chicago who, as a member of the scientific community, says many of the ABM critics have not done their homework.

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:

[From the Arizona Republic, May 31, 1969]

THE ABM AND THE UNITED STATES

President Nixon appears to be gaining ground in his fight for the anti-ballistic missile system, now known as Safeguard. Even Sen. Mike Mansfield, a stalwart foe of the ABM, concedes that the Senate will approve the new missile program by a narrow margin. The House of Representatives is believed certain to vote for the ABM.

We think it would be unfortunate to have a narrow, cliff-hanging vote in either House of Congress. While the program would go forward, it would suffer from a close authorization vote, particularly in the Senate. And while a good many senators seem to have grave doubts about the ABM, we find no evidence of any such division among the majority of American citizens.

It is true that pacifist sentiment opposes any new weapons system. Part of the anti-Vietnam war emotionalism has spilled over into the missile debate. The two issues are separate, and should be kept so.

The Vietnam war is an external affair, with impact on our Pacific policy and on our opposition to the spread of communism. But its outcome is hardly likely to determine whether American cities can be laid waste by atomic bombs, or the American nuclear deterrent can be wiped out.

As Dr. Albert Wohlestetter of the University of Chicago has pointed out, the anti-ABM people have not done their homework. Particularly, he disagreed with the claim that an all-out, first-strike attack by Russia would destroy only 75 per cent of American Minutemen missiles, thus leaving the United States a second-strike capability that could destroy the principal Russian cities.

Dr. Wohlestetter was even more critical of a claim by Dr. Ralph Lapp, former member of the Atomic Energy Commission, that 76 per cent of American Minutemen would survive a Soviet missile attack in the mid-1970s. He pointed out that Dr. Lapp based his claim on a projected total of 333 Soviet attack missiles instead of 500; that Dr Lapp assumed the Russians would hold back one-fourth of their missiles for a second strike; that they would fire two warheads against each targeted American missile, thus leaving three-fourths of our silos untargeted.

The substance of the thesis held by Dr. Wohlestetter—once described by Dr. Henry A. Kissinger as the man who recast American military strategy for the 1960s—is that the Russians can destroy 95 per cent of American Minutemen with a pre-emptive strike. If the remaining 5 per cent were fired, the Russians would get at least some protection from their own anti-ballistic system.

So quite obviously the United States needs Safeguard to protect enough of its own silos to make the cost of a sneak attack unacceptable to any potential enemy.

While the military argument for the ABM system is convincing, the political argument is even more so. In the forthcoming negotiations for an American-Soviet nuclear disarmament pact, the bargaining will start with the known capabilities of each country. Russia will start with an ABM system in place; unless the U.S. can match it, there is little likelihood that the Russians will agree to dismantle their own system unilaterally.

There is nothing hawkish or aggressive in a system designed to protect American missiles from a foreign attack. The U.S. needs the AMB system. A substantial affirmative congressional vote would be a signal to the world that this country has no intention of repeating the disastrous unilateral disarmament programs that preceded World War II.

VULNERABILITY OF POLARIS SUBMARINES

Mr. GORE. Mr. President, in hearings before various committees of Congress,

and otherwise, on the ABM proposal, officials of the Department of Defense have made what appear to be conflicting statements about the vulnerability of Polaris nuclear submarines in the decade beginning in 1970. The possible vulnerability of Polaris is sometimes cited as a reason why the Safeguard system must be installed. These assertions are made despite the fact that high-ranking Navy officers have issued reassuring statements about the invulnerability of Polaris.

In order to clarify this matter, I wrote to the Secretary of the Navy on May 28 to ask for his comments on some of the conflicting statements that have been issued and also to request a statement from him concerning his views as to the vulnerability of Polaris in the 1970–80 time period.

I ask unanimous consent to have printed in the RECORD my letter to the Secretary of the Navy, dated May 28, 1969, and his reply thereto, dated June 12, 1969.

I note that Secretary Chafee expresses "strong confidence in the continued effectiveness of Polaris/Poseidon submarines."

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

MAY 28, 1969.

Hon. JOHN H. CHAFEE,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: In his testimony before the Subcommittee on International Organization and Disarmament Affairs on March 21, the Secretary of Defense said:

"I do not believe that we will be in a position where the Polaris would be sufficient in that time period, after 1972, to be relied upon as the deterrent force of the United States."

A year ago, in hearings before the Senate Armed Services Committee, the Chief of Naval Operations, Admiral Thomas H. Moorer, was asked:

"Admiral, we have put a great many of our chips on the invulnerability of the Polaris submarines. Do you have a high degree of confidence that this invulnerability will be maintained, and what operations do you foresee in the event of a technological breakthrough on the part of the Soviets that would reduce or eliminate the invulnerability?"

Admiral Moorer replied:

"I have a very high confidence that this will be maintained for several reasons."

More recently, in an interview published in the *Washington Post* on May 12, Rear Admiral Levering Smith was quoted as giving a number of reasons for "his belief in the invulnerability of the nuclear missiles carried by nuclear-powered Polaris submarines."

I would appreciate your comments on the foregoing statements and also a specific statement from you on the vulnerability of Polaris submarines in the period 1970 through 1980 with reasons for your judgment on this point.

Sincerely yours,

ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs.

THE SECRETARY OF THE NAVY,
Washington, D.C., June 12, 1969.

Hon. ALBERT GORE,
Chairman, Subcommittee on International Organization and Disarmament Affairs, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of 28 May 1969. I appreciate the opportunity to comment on the present and future security of Polaris/Poseidon submarines. As regards the statements by the Secretary of Defense, the Chief of Naval Operations and Rear Admiral Levering Smith, my views are in accord with those of the Deputy Secretary of Defense, Mr. Packard, who stated before the House Armed Services Committee on April 15, 1969:

"The Soviets appear to have allocated considerable resources to expanding and improving their submarine and ASW capability in the past few years. We must assume that the Soviets will continue this effort and, indeed, might further expand it. Given their well-known concern with Polaris, we must further assume the possibility that a substantial portion of their effort could be directed toward countering Polaris.

"In specific, however, we have no evidence of any present or prospective Soviet 'breakthrough' in ASW technology that would sharply increase the threat to Polaris. Based on the data we now have, we expect the Polaris to remain highly survivable until at least the late 1970s, but we can't be sure. This date is not set by any specific projection of a known threat, but rather by the general uncertainties associated with propections of this nature so far in the future.

"Nonetheless, given these uncertainties in predicting the future in this field and the current level of the Soviet effort, it would be imprudent to ignore the possibility of the emergence of a 'greater than expected' Soviet ASW threat in the 1970s."

I have strong confidence in the continued effectiveness of Polaris/Poseidon submarines. To the best of our knowledge the Soviets have not been able to detect or track any of these submarines while on station. This is the principal reason for my confidence. If there is anything to the saying "imitation is the sincerest form of flattery" we can take some wry pleasure from the fact that the Soviets are building a Polaris-type force of their own.

Sincerely yours,

JOHN H. CHAFEE.

MARION DAM

Mr. DOLE. Mr. President, last Saturday, June 14, I was privileged to attend the dedication of the Marion Dam and Reservoir. The principal speaker of the day was my friend and colleague, Representative GARNER SHRIVER, who has ably represented this area for more than 8 years. A number of Kansans deserve credit for their efforts in seeing this fine project to completion, including such outstanding leaders in flood control as George A. Fox, president, Neosho-Cottonwood Flood Control Association, and Scottie W. Gound, director, Neosho-Cottonwood Flood Control Association; but, unquestionably, in the halls of Congress, Congressman SHRIVER was the moving force, along with former Senator Frank Carlson.

The dedication ceremony was a memorable event, the highlight being the remarks of Representative SHRIVER, which I ask unanimous consent to have printed in the RECORD.

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

Senator Dole; Mayor Christensen; Mr. Gound; Colonel Pinkey; Colonel Rice; distinguished guests, dedications such as this are happy occasions. In a very real sense this is a dedication to the future rather than to a past and completed event.

This beautiful dam and reservoir is an important unit in the four-reservoir system for the control of the flow of the upper Grand Neosho River Basin which includes John Redmond, Council Grove and the yet to be constructed Cedar Point dams. Eventually 268,500 acres of very fertile and highly developed agricultural land and 3,400 acres of urban land will be effected.

Of the total capacity of 146,500 acre-feet, nearly 60,000 will be reserved for holding back flood waters, and nearly 87,000 acre-feet for water quality control, with the balance for sediment control.

FLOOD PROTECTION

The flood protection provided by Marion dam will permit more intensive cultivation of over 215,000 acres of fine agricultural land.

Residents of Marion, Chetopa, Elmdale, Florence, Strong City, Burlington, Chanute and Humboldt may rest easier with the assurance that much of the floodwaters which have so many times wreaked their destructive force in the past will no longer do so.

There are some who refer to such projects as the Marion Dam and Reservoir as a "pork barrel project." Each Congressman, within his own congressional district, recognizes the importance and need for such projects. However, when it is a dam or a reservoir in someone else's district it is considered to be "pork barrel" or even a "boondoggle."

Projects of this kind, including the facility we dedicate today, undergo a long and thorough justification process. They must be justified on a cost-benefit ratio both at the state and national levels. There must be approval at the state level before congressional authorization can be considered. I only wish some of our foreign aid programs would undergo as thorough a justification process as this.

Projects such as this represent one of the finest uses of federal funds that I know of because they add to, and preserve, the resources of our great land. They are high on my list of domestic priorities.

Since Marion Dam was activated for flood control operations there have been 6 periods of high water, and over $200,000 damages have been prevented already. So soon in its useful life has it proved itself. It is far from being a "pork barrel" project.

It is of interest to note that less than 3 million American farmers are faced with the responsibility of feeding some 300 million or more American citizens within a few years if present population trends continue. In order to accomplish this the farmer must be assured of security on the land, and of an adequate supply of water for his crops. This is a major reason for such projects as Marion Dam.

It will assure the farmer cultivating his land in the basin of protection for his land, property, even his life from harm due to flooding.

Alternating periods of floods and drought have been facts of life for Kansas due to changes of climate. They are as certain to occur as death and taxes, and either extreme has a disastrous effect on the economy. No longer, will this be true.

Besides the flood protection afforded by this magnificent dam the water that is retained will be released as needed to ensure continuation of the natural flow upon which so many downstream depend for water supplies for domestic use and for industry.

RECREATIONAL FACILITY

In the interim the normal pool of 6,160 acres can be utilized for recreational purposes. Recreation has in recent years become recognized as an essential component of our daily life with its many pressures, from which it is imperative to escape from time to time even for a little while.

There are few natural lakes in Kansas and such as are found are small. The largest lakes are man-made. Twenty years ago there were no federal reservoirs in the state but now with the coming of Marion there are 17.

These lakes are very important elements in the growing number of recreational facilities within the state. Federal projects now provide statewide 8 million acre-feet of storage capacity. Of this 5,827,400 acre-feet is allocated to flood control, 2,230,400 acre-feet is devoted to irrigation, conservation and sediment control. Normal surface areas of the conservation storage provide an area of over a hundred thousand acres, with over 800 miles of shoreline which can be utilized for recreation.

Marion reservoir gives us a beautiful lake about which there are scattered boat launching ramps, 7 public use areas, 10 picnic shelters, with more planned for the future. These are being provided for the many thousands of visitors and pleasure seekers who will have new opportunities for boating, swimming and other water related activities.

Marion reservoir will be stocked with several kinds of fish, among them will be the delectable wall-eyed pike and the gallant fighter the northern pike.

The Kansas State Forestry, Game and Fish Commission has acquired 3,500 acres of land and water area in the upper reaches of the reservoir area which will be operated as a wildlife management and public hunting area. It is among the largest in the state.

Our region will attract many people from far and near to take advantage of these wonderful opportunities for pleasure and relaxation. I am told that some 44,000 visitors have taken advantage of existing facilities in the first four months of 1969. This is certain to increase as the fame of Marion lake becomes better known.

LOCAL PARTICIPATION

Local people are closest to both the problems and potential benefits concerning water resources. Much of the task of planning and conservation lies with individuals and local communities. Many projects are accomplished through local efforts, including municipal water supply and sewage treatment works. Larger projects require the assistance of the state or the federal government. However, even in these larger projects local interests play a vital role. It is largely from expressions of local concern that water projects receive their initial impetus.

As the project progresses from inception to completion, local interests can play a major role in shaping its uses, in the process of demonstrating the benefits and values to be attained. This has been accomplished in full measure in the present instance. Without the foresighted and persistent efforts of the devoted friends of the Marion dam and reservoir project this magnificent project might never have come into being.

Many people, I am sure, share equally the credit for bringing this about. I believe that special credit should be given to the members of the Neosho-Cottonwood Flood Control Association under the leadership of our good friend George A. Fox, to the members of the Marion Chamber of Commerce including that fine American citizen and Kansan, Scottie Gound. I join with Senator Dole in paying tribute, too, to Kansas Senators, Andrew Schoeppel and Frank Carlson, and Congressman Ed Rees who provided leadership in the authorizing legislation for this and other flood control projects.

The support of the Kansas Soil and Water Conservation Commission, under the chairmanship of Frank Haucke; of the Mo-Ark Basins Flood Control and Conservation Association, George E. Lister, president; and The Tri-State Arkansas Basin Development Association at congressional hearings was an essential part of the constant insistence and pressure which is so necessary to see a project, no matter how worthy, through to it final realization. Within the past week over 100 responsible Kansas citizens have been in Washington in the interest of water projects. It is this kind of support that is needed and appreciated by legislators.

It is with a great deal of pleasure that I join with you in dedicating a project which is beautiful, useful and pleasurable. That is rare in these days and should be cherished and enjoyed for many, many years.

RUSSIA HAS NOT CHANGED HER WAYS

Mr. DODD. Mr. President, the junior Senator from Washington (Mr. JACKSON) has over the years won for himself a nationwide reputation as one of the most knowledgeable and thoughtful Members of the Senate on problems of national defense and foreign affairs. Although he is a stanch Democrat, his approach to these matters has always been nonpartisan. He has, moreover, always been a man who has been prepared to swim against the stream and to speak his mind no matter how unpopular his opinions might be.

The most recent proof of these qualities is the article entitled "Russia Has Not Changed Her Ways," which the Senator from Washington wrote for the current issue of Reader's Digest. There are three paragraphs in particular that I wish to call to the attention of Senators. Here is what the able and distinguished Senator from Washington said:

I do not know how to assess the Soviet Union except as an opportunistic, unpredictable, dangerous opponent, with rapidly expanding military capabilities. The truth speaks loudly.

The Soviet approach to foreign relations involves what the Soviet rulers call "the calculation of forces." If this calculation is favorable, they will seize their opportunities. If it is unfavorable, they may use negotiation as a tactical maneuver to gain the time in which to alter the balance of forces in their favor or to bring about a sense of calm and goodwill before launching an energetic offensive on a new front. However, if the Kremlin sees no advantageous alternative to a negotiated settlement in a given situation, it may accept a limited, expedient arrangement. This view of negotiation comes straight from the gospel according to Lenin and Stalin, and is shared by the present rulers of Russia.

As I see it, the United States and our allies should work for mutually acceptable arrangements with the Soviet Union where their interests and ours converge; but, simultaneously, we must maintain the strength and resolve to discourage and deter Soviet expansion. The only safe way to negotiate with the Russians is to keep our eyes open and to bargain from strong positions. It is on this basis that I favor negotiating with Moscow on the reciprocal limitation or reduction of offensive and defensive nuclear forces.

I think it appropriate to note that my own views on the subject run parallel to the views expressed by the Senator from Washington. I would remind Senators in particular of my speech on "The Myth of the Detente," which I made in the Senate on August 2, 1968. But I consider "Russia Has Not Changed Her Ways" a particularly outstanding contribution, because of its freshness and forcefulness and because it is right up to the minute.

The Senator from Washington is to be congratulated on this article.

Mr. President, I ask unanimous consent that the complete text of "Russia Has Not Changed Her Ways" be printed in the RECORD, in the hope that Senators will find the time not merely to read it but to give it the careful study which it merits.

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

RUSSIA HAS NOT CHANGED HER WAYS

(By Senator HENRY M. JACKSON)

We live in a restless and risky world where a fresh crisis arrives as regularly as the morning paper. Faced with complex problems, we understandably hope for prompt solutions; and it is not surprising that convenient but false myths work their way into some Americans' thinking.

This is particularly so in matters concerning the Soviet Union. If we are to come to grips with the real dangers and the real problems, the cold water of reason has to be poured on some prevalent myths.

Myth No. 1: That the Soviet Union is ready to live in peace with its neighbors and to become a good citizen of the world community.

A Czech citizen might be permitted some doubts. Or a Romanian or a Yugoslav.

I do not know how to assess the Soviet Union except as an opportunistic, unpredictable, dangerous opponent, with rapidly expanding military capabilities. The truth speaks loudly.

The momentum of Moscow's drive to parity with us in its missile forces is especially disturbing. By the end of this year the Kremlin will have deployed as many land-based long-range intercontinental ballistic missiles (ICBMs) as we will have—or more—and with a substantially greater megatonnage. The Soviets have installed more than 200 of the very large SS–9 missiles, each capable of carrying one gigantic 20- to 25-megaton warhead (with 1000 times the yield of the Hiroshima bomb) or multiple smaller warheads; and they are building sites for more. They are producing Polaris-type nuclear submarines at the rate of seven per year, each with 16 ballistic missiles.

Remember that in past crises—the missiles in Cuba, the harassments of Berlin, the backing of militant Arab forces in the Middle East, the costly economic and military support of North Vietnam—the strategic inferiority of Soviet power set definite limits on the risks that the Soviet rulers were willing to run. But once the Kremlin is confident of possessing equal or preponderant nuclear capability, we must assume that it will be tempted to pursue its imperial purposes more boldly, accept a far wider range of risks—especially in areas like Central Europe, where it has a local superiority of conventional forces.

Don't forget that Khrushchev was not removed from power for what he was trying to accomplish in Cuba and elsewhere. Rather he was criticized for *failing*—for having to back down. The leopard does not change its spots. The brutal occupation of Czechoslovakia and the ominous Brezhnev doctrine which asserts the right of the Soviet Union to intervene unilaterally in all communist-run countries are vintage Russian imperialisms. If some well-meaning Americans have not seen the point, Russia's neighbors have.

President Tito of Yugoslavia denounced the Brezhnev doctrine as an attempt "to justify even the open violation of the sovereignty of a socialist country and the adoption of military force to prevent independent socialist development."

By its attack on Czechoslovakia in the name of communist orthodoxy, the Kremlin has pointedly emphasized its readiness to use military force for its political ends. Moreover, the invasion vividly demonstrated Soviet capability for rapid movement of large combat forces over long distances, and for doing this

in stealth to achieve maximum surprise. No one can now doubt that the Soviet Union will use its power on other fronts, when it believes that the risks are acceptable.

Soviet rulers cannot, I think, be sleeping easily. The unrest in Eastern Europe and the bloody clashes a continent's width away on the Sino-Soviet frontier do not make pleasant dreams for those struggling for power and influence within the Kremlin onion towers. We cannot discount the danger that a harassed, nervous and temporarily ascendant faction may take perilous risks and make serious errors of judgment in its conduct of foreign affairs. Hence, there is everything to be said for steady strength on our part.

Myth No. 2: That the United States is always the first to develop new weapons, and is therefore responsible for the arms buildup.

The evidence decisively refutes this notion:

The Soviet Union acted first to develop ICBMs.

The Soviet Union has developed and tested a 60-megaton bomb; it is the only nation to possess a terror weapon of anything like that size.

The Soviet Union is the only nation to have built and installed ICBMs of the SS–9 size and to be testing multiple warheads on it.

The Soviet Union has developed and tested a Fractional Orbital Bombardment System (FOBS), a first-strike-oriented weapon; it is the only nation to have available such an orbital weapon.

The Soviet Union—in 1962—test-fired an anti-ballistic missile (ABM) against an incoming nuclear-armed missile; it is the only nation to have conducted such a test.

The Soviet Union acted first to deploy ABMs and is installing more than 60 ABM launchers, and is testing an improved model—whereas the United States has not yet deployed ABMs of any kind.

I do not cite these facts to make the claim that there is no interaction between Soviet and American military policies. Obviously there is. Obviously, too, the Soviet Union is eager to exploit promising technological advances to strengthen its position.

The present campaigners against President Nixon's Safeguard ABM program argue that it would "escalate the arms race." I have never heard one of these critics say that in deploying its ABM system some years ago the Soviets were "escalating the arms race." There is a clear double standard here, and I am confident that the American people, once they have the facts, will recognize it as a standard that is crudely biased against our own country.

It is worth noting that Premier Kosygin, at a press conference in London on February 9, 1967, explicitly rejected the proposition the deployment of a defensive missile system heats up the arms race or is "destabilizing." Said Kosygin, *"I think that a defense system which prevents attack is not a cause of the arms race but represents a factor preventing the death of people."*

Now, the fact is that possession of a relatively effective ABM system by *only* the Soviet side would be destabilizing. It could put in jeopardy the credibility of the overall ability of the United States to retaliate—which is the first essential of national security and individual liberty, and of the survival of our allies in freedom.

The Western deterrent—*i.e.*, strength to deter an attack—must be credible to the Soviet Union. But it wouldn't be if the Soviet rulers ever came to believe that a surprise first-strike nuclear attack on the United States, coupled with their ABMs, would limit damage to the Soviet Union to a level acceptable to them (however they define that level).

The Western deterrent must also be reassuring to our allies and, above all, to the American President. If he ever came to believe that the Soviet Union had a first-strike capability and that the West no longer had a safeguarded second-strike capability, this belief could undermine his will to resist Soviet pressures in a period of crisis. In these circumstances, the Kremlin, not feeling deterred by our forces, would be emboldened to extend its influence. This would create the most dangerous sort of confrontation—a showdown between nuclear powers.

I commend President Nixon for his statesmanlike decision to proceed with the deployment of a limited ABM defense. The Safeguard system is designed to meet the threats without over-reacting. It would help protect essential elements of our retaliatory force. At the same time this strictly defensive protection should help persuade the Soviet Union to negotiate seriously with us on properly safeguarded arms limitations.

I am a Democrat, but I am proud that over the years I have supported my President, Democratic or Republican, in critical decisions, popular or unpopular, to provide for the security of our country and to improve the chances of maintaining peace.

Myth No. 3: That all it takes for success in negotiations with the Soviet Union is to sit down and talk with them.

This is, of course, wrong, and shows an utter lack of maturity about negotiating with the Kremlin.

Some Americans see international negotiation only as a way of *ending* conflict. They are blind to the fact that negotiation as practiced by Moscow is equally adapted to *continuing* and *waging* conflict.

The Soviet approach to foreign relations involves what the Soviet rulers call "the calculation of forces." If this calculation is favorable, they will seize their opportunities. If it is unfavorable, they may use negotiation as a tactical maneuver to gain the time in which to alter the balance of forces in their favor or to bring about a sense of calm and goodwill before launching an energetic offensive on a new front. However, if the Kremlin sees no advantageous alternative to a negotiated settlement in a given situation, it may accept a limited, expedient arrangement. This view of negotiation comes straight from the gospel according to Lenin and Stalin, and is shared by the present rulers of Russia.

As I see it, the United States and our allies should work for mutually acceptable arrangements with the Soviet Union where their interests and ours converge; but, simultaneously, we must maintain the strength and resolve to discourage and deter Soviet expansion. The only safe way to negotiate with the Russians is to keep our eyes open and to bargain from strong positions. It is on this basis that I favor negotiating with Moscow on the reciprocal limitation or reduction of offensive and defensive nuclear forces.

Obviously, our resources are limited—though not so limited as those of the adversary—and we must use them with prudence, recognizing that we have urgent and vital tasks at home as well as abroad. The United States will not lag behind any nation in beating its swords into plowshares when the day comes that others will join us. Meanwhile, in these fateful and difficult times, Americans must be prepared to accept the responsibilities of a great power, lest international crises get out of hand and the chances of peace go glimmering.

Winston Churchill said the right words to us: "The price of greatness is responsibility."

THE SAFEGUARD SYSTEM

Mr. GORE. Mr. President, I invite the attention of the Senate to three important letters relating to the so-called Safeguard system written by distinguished scientists who have appeared before the Subcommittee on International Organization and Disarmament Affairs.

The first of these letters, dated May 29, was from Dr. Wolfgang Panofsky, director of the Stanford Linear Accelerator Center, to me. Dr. Panofsky points out that the main issue in debating the ability of the proposed Safeguard system to defend our Minuteman force against a possible first strike is "the large uncertainty of the forecast as to how many MIRV'd SS–9's the Soviets will in fact have available in the 1970's, and the small number of antimissiles which the Safeguard provides in intercepting them."

In connection with Dr. Panofsky's statement about the small number of antimissiles the Safeguard system provides, it should be noted that the Defense Department refuses to release the number of Sprint missiles assigned to defend Minuteman fields in phase II of Safeguard. This figure is classified, perhaps so that the American people will not know how thin the protection offered by Safeguard is.

I ask unanimous consent that Dr. Panofsky's letter 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 UNIVERSITY,
Stanford, Calif., May 29, 1969.

Hon. ALBERT GORE,
Disarmament Subcommittee of the Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR GORE: I have received the transcript of Professor Albert Wohlstetter's paper dated May 23, 1969, on the subject "Supplement on Purported Proofs that the Minuteman Will Be Safe Without Further Protection." I also note that this material has been prominently reported in the press.

I am somewhat perturbed that the differences among the calculations of Drs. Wohlstetter, Lapp and Rathjens have been given this degree of attention. Fundamentally these calculations differ only in their assumptions on the reliable CEP of the Soviet MIRV warheads carried on the SS–9, on the assumed hardness of Minuteman, and on the targeting doctrine adopted by the Soviets in a first-strike attack. As expected the spectrum of assumptions ranging from highly conservative to highly unconservative would materially affect the results. Yet what matters is not the conservatism or lack thereof adopted by Drs. Wohlstetter, Rathjens and Lapp in their calculations but by the Soviet authorities when debating a possible first-strike against Minuteman and, considering the always unknown reliability of their forces, they would have to be conservative indeed.

The prominence given to the numerical disagreement among these calculations which are a natural consequence of the spread in assumptions has obscured the main issue, namely the large uncertainty of the forecast as to how many MIRV's SS–9's the Soviets will in fact have available in the 1970's, and the small number of anti-missiles which the Safeguard provides in intercepting them. Those two numerical factors are, in my view, vastly more important than the spread among the calculations on survival of Minuteman under hypothetical SS–9 attack as developed by the various experts.

It has been a privilege to be able to testify before your committee; I hope that you will find these additional comments useful.

Sincerely,

WOLFGANG K. H. PANOFSKY,
Director.

Mr. GORE. Mr. President, the second letter was written on May 30 by Dr. Hans Bethe, a Nobel laureate. The letter was addressed to the Senator from Oregon (Mr. PACKWOOD), but Dr. Bethe was kind enough to send a copy to me.

I quote, first of all, Dr. Bethe's statement with regard to the number of Sprint missiles in the present Safeguard plan:

There are far too few Sprint missiles in the present plan. To have an effective defense, we should have at least two Sprint missiles for each defended Minuteman silo, probably more. To defend two Minuteman wings we therefore require at least 600 Sprints. Nothing like this is in the present plan, either for Phase I or Phase II. It is possible to provide these Sprints but it would probably add 1 billion dollars to the cost. It is misleading that the DOD's plan has omitted this cost.

I quote, next, Dr. Bethe's statement regarding the effectiveness of the Safeguard system:

I believe that the proposed defense of Minuteman is not suitable. It has the wrong radar; they are too expensive, too few and too soft. It does not have enough Sprint missiles by a large factor. Therefore *if* we wish to defend our Minuteman silos we should redesign the system.

Finally, I quote Dr. Bethe's concluding statement:

The best way to make the entire development unnecessary is to conclude, at the earliest possible date, an agreement with the USSR stopping all further building of offensive missiles, and reduce missile tests to a minimum.

I ask unanimous consent that the full text of Dr. Bethe's letter be printed at this point in the RECORD.

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

ITHACA, N.Y.,
May 30, 1969.

Senator ROBERT PACKWOOD,
U.S. Senate,
Committee on Public Works,
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you very much for your letter of May 14, and for your concern about the ABM problem. I shall try to answer your third question "Does the anti-ballistic missile actually work?"

First let me discuss your assumptions.

(1) It is certainly possible that the Russians will have 400 to 500 SS 9s by the mid 70's. Whether they actually intend to build at this rate, and will carry out their building programs, is another question.

(2) It is possible for the Russians to equip their SS 9s with MIRV by mid 70's.

(3) The accuracy is a great question. Deputy Secretary Packard in his briefing of the Armed Services Committee, has given the probability of a Minuteman silo being destroyed by a 5 megaton warhead as follows:

Accuracy 0.6 miles, 50% destruction probability.

Accuracy 0.4 miles, 80% destruction probability.

Accuracy 0.25 miles, 95% destruction probability.

It is very difficult to estimate the accuracy of Russian missiles, and any estimate is essentially a pure guess. My guess would be that an accuracy of 0.6 miles is reasonable. With such an accuracy the Russian force would not threaten our Minuteman force significantly. Secretary Laird appears to assume that by the mid 70's the Soviets could have an accuracy of 0.25 miles. This is certainly possible according to the laws of physics. But to achieve this, they would have to make very major modifications in their guidance system, in their system of deploying the MIRV, and in the design of their reentry vehicle. All these developments are possible, but each of them would require a lot of testing and therefore a lot of time. In order to have this accuracy on all their SS 9s, they would have to retrofit their entire force.

Let us assume, in spite of all these arguments that the Russians will develop a first strike capability against our Minuteman. How effective is the proposed Safeguard system in saving Minuteman silos? I do not believe it has significant effectiveness for the following reasons:

(1) There are far too few Sprint missiles in the present plan. To have an effective defense, we should have at least two Sprint missiles for each defended Minuteman silo, probably more. To defend two Minuteman wings we therefore require at least 600 Sprints. Nothing like this is in the present plan, either for Phase I or Phase II. It is possible to provide these Sprints but it would probably add 1 billion dollars to the cost. It is misleading that the DOD's plan has omitted this cost.

(2) The MSR radar is too soft. Its hardness is less than one-tenth of that of a Minuteman silo. The Russians would therefore presumably attack the radar before they attack any silos. Once the radar is destroyed, all the silos are defenseless. Therefore the defender has to be sure that *no* enemy warhead reaches the radar. But intercept by a Sprint missile also has only limited accuracy and reliability. Let us assume that Sprint 90% probability of a successful intercept. This is very satisfactory as long as we try only intercepts of enemy RVs directed against one of our silos: it would simply mean that 10% of the enemy RVs will get through in spite of our defense, but this is a risk we can easily take. On the other hand it is not at all satisfactory if the enemy RV is directed against the radar because the radar is unique. We would therefore have to fire at least 2 Sprints against each incoming RV; this would raise the probability of successful intercept to 99%. This means that the Russians would have to fire about 100 RVs against the radar to have a good chance of destroying it. Intercepting these RVs would require the use of 200 Sprints on our part.

(3) It is clear from this that the radar should be a lot harder than it now is, and there should be not one but several radars defending a Minuteman wing. But one MSR costs, I believe, 200 million dollars. Therefore we should look for a complete redesign of the radar, making it much cheaper. This can be done for the purpose of defending Minuteman because the radar does not have to have much range because we can permit the enemy RVs to come in quite close to our hard Minuteman and radar. Radar of lesser range need less power, and hence are much less expensive. Designs have been studied in which each Minuteman has its own simple radar, and cost estimates are about ¼ million dollars for each.

(4) The PAR and the Spartan contribute very little to the defense of Minuteman, and may well be omitted as long as Minuteman defense is our only aim. This would be a very large saving.

Summarizing, I believe that the proposed defense of Minuteman is not suitable. It has the wrong radar; they are too expensive, too few and too soft. It does not have enough Sprint missiles by a large factor. Therefore *if* we wish to defend our Minuteman silos we should redesign the system.

This redesign need not take a long time because the required radar are very simple. Nor need the building of the radars take long. Therefore I am not impressed by Dr. Foster's argument that failure to start the first phase of the Safeguard deployment this year would delay operation by two years. If Sprint production and site engineering takes a long time, let us start this. But let us redesign the radars more appropriately if we really want ABM defense of Minuteman at all.

The best way to make the entire development unnecessary is to conclude, at the earliest possible date, an agreement with the USSR stopping all further building of offensive missiles, and reduce missile tests to a minimum.

Yours sincerely,

HANS A. BETHE.

Mr. GORE. Mr. President, the third letter I have received is from Dr. George Rathjens, of MIT. It is a copy of a letter he has written to the New York Times which has not yet been published, to the best of my knowledge. In the first part of his letter, Dr. Rathjens comments on criticisms by Dr. Albert Wohlstetter of certain statements made by Dr. Rathjens regarding the percentage of our Minuteman force that could be expected to survive a preemptive attack by a Soviet SS–9 missile force in the mid-seventies. I believe that Dr. Rathjens' comments deserve to be heard.

The second part of Dr. Rathjens' letter makes five points that strike me as worth emphasizing. These are that if the Soviets wish to do so they can, by the midseventies, build a missile force that will imperil our Minuteman force; that if they do build such a force, "the present Safeguard plan will be of hardly any help" as it could be "easily overwhelmed" by an "almost trivially small additional Soviet effort"; that there is no hard evidence that the Soviet Union is determined to build a first-strike capability; that even if the Soviets were to build such a capability a preemptive attack would be "absolute madness" unless they could simultaneously destroy the other components of our retaliatory strength; and that the most effective means of insuring the continued viability of the Minuteman force is an agreement that would preclude a large build up in the Soviet ICBM strength and the attainment of MIRV capabilities.

I ask unanimous consent that Dr. Rathjens' letter be printed in the RECORD.

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

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Mass., May 30, 1969.

The NEW YORK TIMES,
New York, N.Y.

TO THE EDITOR:

Your edition of May 26 carried a story by William Beecher about Albert Wohlstetter's criticisms of an estimate I made that 25% of our Minuteman force could be expected to survive a preemptive attack by a Soviet SS–9 missile force in the mid-1970's. Mr. Wohlstetter is reported to claim that the "correct" number is 5%.

I have dealt with Mr. Wohlstetter's criticisms in a classified letter to the Senate Armed Services Committee, but also feel I should comment on them publicly.

First, there is a question of whether or not I used the right "hardness" for our Minuteman silos in my calculation. I used a chart released by Deputy Secretary Packard showing the probability of a Minuteman silo being destroyed as a function of accuracy and data made available by former Deputy Secretary

of Defense Nitze on November 8, 1967 showing that ten 50 KT warheads could be expected to destroy 1.2 to 1.7 hardened silos, the only unclassified authoritative sources on this subject of which I was aware. One cannot determine unambiguously the hardness of a Minuteman silo from Mr. Packard's chart because there is no indication on it as to whether accuracy is measured in statute or nautical miles. However, if one assumes, as I did, that the hardness referred to by Mr. Nitze is appropriate to the Minutemen and that the Soviet Union will achieve the accuracies implied in Mr. Nitze's statement, one can, by using both the Packard and Nitze releases, derive a probability for a Minuteman silo being destroyed without knowing the exact hardness. Any error in estimation of hardness is irrelevant because it is exactly offset by a compensating error in estimation of accuracy.

Second, it is alleged that I made an error in assuming four 1 MT warheads per SS–9 missile rather than three 5 MT warheads as Secretary Laird and Mr. Wohlstetter assumed. My statement for the Disarmament Subcommittee of the Foreign Relations Committee was prepared before anyone had suggested that the Soviet Union could employ the latter option with the SS–9. Had I instead assumed three 5 MT warheads per SS–9, my calculation would have led to approximately 17% instead of 25% survival for our Minuteman force. I saw no reason to change my statement for the Armed Services Committee since I continue to regard a payload of less than three 5 MT warheads as a plausible threat and because the difference is small compared to the more important points which follow.

The major difference between Mr. Wohlstetter's analysis and mine is with respect to the extent to which the Russians could retarget some of their missiles to take account of failures of others. Mr. Wohlstetter has assumed perfect information would be available to the Soviets not only about missiles out of commission at the time they chose to attack but also about failures in guidance during powered flight, failures in stage separation, failure in third stage thrust termination, and failures in separation and guidance of the individual warheads, and that they would be able to use that information with the high confidence required to make a preemptive attack a rational choice. I have assumed they would not be able to obtain and use information about such failures in a *timely* fashion but would rather be able to compensate for them at best only on a statistical basis. This difference accounts for most of the difference in our estimate of the percentage of Minuteman that would survive.

But beyond this there are five far more important points to be made.

First, if the Soviet Union wishes to do so it can, by some time in the mid-1970's, build a missile force that will imperil our Minuteman force. On that we are agreed. The difference is with regard to exactly how large a Soviet force is required.

Second, if they do build such a force, implementation of the present Safeguard plan will be of hardly any help. It can be so easily overwhelmed than an almost trivially small additional Soviet effort would be required to destroy the defense and then knock out the Minuteman force. Even an expanded Safeguard system would be less satisfactory than other available alternatives for strengthening our retaliatory capabilities.

Third, there is no hard evidence that the Soviet Union is determined to build a capability to preemptively attack our ICBM's.

Fourth, even if they did build such a capability, a preemptive attack by them would be absolute madness unless they could be highly confident of also destroying the other components of our retaliatory strength essentially simultaneously, a possibility that is all but incredible. (They would also have to have high confidence that we would not launch some or all of our Minuteman force before the arrival of their ICBM's. It would seem most unlikely that they could have such confidence even despite statements that the U.S. planning did not contemplate launch of Minutemen based on radar warning of attack.)

Fifth, the most effective means of insuring the continued viability of the Minuteman force is an agreement that would preclude a large build-up in Soviet ICBM strength and the attainment of MIRV capabilities that both Mr. Wohlstetter and I have postulated. Getting on with the negotiations that might lead to such an agreement and a moratorium on MIRV tests as suggested by a number of members of Congress clearly merit higher priority than the deployment of Safeguard.

Sincerely yours,

GEORGE W. RATHJENS.

FOR A CEASE-FIRE IN VIETNAM

Mr. DODD. Mr. President, yesterday's newspapers reported that Mr. Cyrus R. Vance, former U.S. representative at the Paris peace talks, had called for a "standstill cease-fire by both sides in Vietnam, with an international peacekeeping force to oversee the cease-fire."

I am pleased that this suggestion has now been made by a man of the stature of Mr. Vance, who is certainly one of our most knowledgeable diplomats on the question of Vietnam.

I note that I first called for an across-the-board cease-fire in a statement I made when President Johnson on March 31, 1968, announced the partial suspension of bombing. Since that time, I have renewed my call for a cease-fire on a number of occasions, most recently in my Senate speech of May 8, 1969. In this speech I said:

> It has been a source of deep regret to me that we have not made the call for a total cease-fire our official position, from the beginning, in the Paris peace talks. It is a position that would have the support of all those who are committed to peace; and if the Communist delegations refused to go along with our proposal for a cease-fire, the onus for the continuation of the killing would clearly be on their shoulders.

I know that the views expressed by Mr. Vance in his statement of several days ago is shared by other people, in the administration and on the fringes of the administration, who have given careful study to the Vietnam situation. It is my hope that their recommendations will soon be converted into official policy.

MORE THAN A GENERATION GAP

Mr. HART. Mr. President, all around us—and perhaps especially in Congress—we hear impatient voices asking what is the matter with our high school and college young people, that they should be behaving differently from previous generations.

Recently, a young constituent of mine from Detroit put it down on paper as movingly and as graphically as I suspect is possible. If my colleagues would take the time to read what Rissa Grossman of Mumford High, class of 1969, and Beloit College, class of 1973, has to tell us, we might all have greater understanding.

I ask unanimous consent that her comments be printed in the RECORD.

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

There is a war in Vietnam, and I can judge its validity and I can agonize over the horrors committed there and I can dedicate my future to working for peace—my mind can expand and hold all this.

Then, war at home, racial prejudices so ingrown, so crude, police actions so vicious—I see in horror, I react and my mind expands to hold this one too.

Then nuclear weapons, super-military industrial balancing power of Russia, of the U.S., of Canada, of China, of Britain, of France, of Israel, and I can expand my mind to hold these I can dedicate a part of my life to nuclear disarmament.

Then starvation, around the corner, on radio and TV it can touch my senses; I feel, react, and I expand my mind to hold this and I dedicate some fraction of my time to helping to break down the diplomatic garbage that allows people to starve in the midst of super-tons of food.

Can I live to do what is in my mind, what has been added and added to with each rude awakening to the horrible reality of an over-exploited, super-progressive world? At 20, at 38, at 50 I can walk into a street as any street and die from cars, from crazy knives, from wild bullets, and yet I believe I can help something, I can survive and make changes. The magical opportunity will arrive with the next shipload surely of bananas from Brazil and her factory of American interests.

I expand my mind, I feel it easing into new positions, stretching and stretching and I contain it and I know that I will help.

But biological, chemical warfare—How can I expand my mind to accept this one too now? I cannot make a neat package of C.B.W.—I cannot fold it in, expect it to remain there quietly until I can change it.

Lack of control over my life is increasing—or perhaps just doubling and tripling over territory once covered—I am protected by six thousand kinds of "overkill" in case that burning house or car crash or disease does not reach me in time.

The world is playing such a terrible game with itself. Our delight in death and its dealing devices are our means of pleasure—eventually we must all fall prey to our own traps. The chemicals meat for "them" will most certainly be accidentally released on 60,000 red, flaming Americans—all sure on deaths of commies and bad people, all full of hope and good cheer for their families and friends while white snow falls gently to the ground, and money exists, and tans are easily gotten in a weekend Florida sunshine daily from TWA and Havana.

How do I wake up and rationalize my position in this grand world as a student, learner of book-Spanish and romantic English poetry and sociology?

My world is going to topple at any time in not just a twinkling of an eye but during 2 or 3 twisting, gasping minutes and all the centuries of development and all the arts and music and flowers and good people of my world will die, pass away, disappear from any knowledge of the beforehand.

I cannot, I must not, rationalize the actions of my country and world. Life is too important.

RISSA GROSSMAN.

SAN ANTONIO CONSERVATION SOCIETY SUPPORTS THE AMERICAN FOLKLIFE FOUNDATION

Mr. YARBOROUGH. Mr. President, I am sponsoring a bill, S. 1591, to create an American Folklife Foundation in the

Smithsonian Institution. The proposal has already gained the support of the Director of the Smithsonian Institution, the Librarian of Congress, and many of America's leading folk artists.

Today I have received additional support for my proposal from the San Antonio Conservation Society. This organization has been responsible for the preservation and development of much of the rich cultural heritage of the Alamo City. Their untiring efforts to preserve the remaining rich heritage of San Antonio's past have made that city the treasure house of history that it is today. I am grateful to have their support for my bill, S. 1591.

Mr. President, I ask unanimous consent that the letter from the San Antonio Conservation Society, dated June 4, 1969, endorsing my bill, S. 1591, be printed in the RECORD.

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

SAN ANTONIO CONSERVATION SOCIETY,
San Antonio, Tex., June 4, 1969.

Re S. 1591.
Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Your introduction of a bill relating to the American Folklife Foundation has just been brought to our attention.

As you know, the San Antonio Conservation Society participated in the Folk Festival sponsored by the Smithsonian Institution last summer, and we wish to assure you of our continued interest in this important preservation of our cultural heritage.

We hope you will keep us advised on the progress of your bill.

Sincerely,

Mrs. BROOKS MARTIN,
President.

CONSUMER-PROTECTION LEGISLATION

Mr. HART. Mr. President, consumer-protection legislation ranks high on the list of congressional accomplishments of recent years. We in Congress know first-hand that the Nation's trade unions were in the front ranks of those battles for America's consumers. Fairness, honesty, and safety in the marketplace are sure to be prominent issues in this Congress. I think that Senators will find the comments on consumer issues made by Evelyn Dubrow, legislative representative of the International Ladies' Garment Workers Union, in a recent labor news conference interview, interesting and informative. I ask unanimous consent that the text of the Mutual Radio Network program be printed in the RECORD.

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

CONSUMERS AND THE 91ST CONGRESS

Guest: EVELYN DUBROW, legislative representative for the International Ladies' Garment Workers Union, AFL-CIO.

Reporters: MURRAY SEEGER, Washington correspondent for the Los Angeles Times; FRANK SWOBODA, labor correspondent for United Press International.

Mederator: FRANK HARDEN.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is EVELYN DUBROW, legislative representative for the International Ladies' Garment Workers Union, AFL–CIO.

The labor movement has long been in the forefront of the fight for solid and effective consumer-protection legislation, and major breakthroughs, have been made in recent Congresses. Yet, the AFL–CIO believes that much remains to be done in the consumer-protection area. This is expected to be a major issue in the new Congress. Miss DUBROW is chairman of the AFL–CIO's Consumer Affairs Legislative Subcommittee. Here to question her about consumer issues in the 91st Congress are MURRAY SEEGER, Washington correspondent for the Los Angeles Times, and FRANK SWOBODA, labor correspondent for the United Press International. Your moderator, FRANK HARDEN.

And now, Mr. SWOBODA, I believe you have the first question?

SWOBODA. President Nixon has appointed a consumer consultant, on a part-time basis. Do you think that this may be an indication of what can be expected from the White House in the consumer field during the next four years?

DUBROW. Mr. SWOBODA, that's a question I've had, too. Frankly, I was very disappointed that President Nixon did not feel he ought to have a full-time consumer consultant. And I would say that therefore, he has relegated the problems of consumers somewhat to the background.

But, I'm a little disturbed about one other thing—and I have no preconceived notions about how well Mrs. Rogers will or will not do—and that is the fact that she is continuing her job at Good Housekeeping magazine. No matter how I look at it, I still think this means a conflict of interest, because the Good Housekeeping "seal of approval" does not necessarily mean that every other product that does not get that seal of approval is, per se, not good for consumers or not a better buy for consumers.

So, there are many questions in my mind about this appointment. All I can say for the AFL–CIO is we shall wait and see.

SEEGER. In the last few years, Miss Dubrow, a plethora of consumer legislation has been passed. What new areas of consumer protection would you like to see legislated?

DUBROW. Well, Mr. Seeger, first of all, I think the time has come to make the position of consumers in this country very clear. Generally, I agree with those members of Congress—men like Congressman Ben Rosenthal, (D-N.Y.), and Senator Hart (D-Mich.), and some of the others—who consider the whole consumer problem one that now ought to reach full maturity or citizenship status.

I think we ought to push very hard for either a Consumer Department or an independent agency, which Senator Hart is suggesting.

Certainly, I think it is important to do an overall job for the consumer. But in addition to that, I think there are a number of other areas that need to be explored.

This whole business of door-to-door salesmen who take advantage of people, particularly those in poverty and ghetto areas. This whole problem of guarantees and warranties that don't prove to really protect the consumer. The whole matter of cigarette hazards, and I notice here that we have no smokers among us today—congratulations.

I think the whole problem of packaging and labelling, beyond the Truth-in-Packaging Law is another. I would also include the whole problem of what is happening to the legislation that is already on the books. These are some of the things that I see in the immediate future—things we ought to be concerned with.

SEEGER. Well, wasn't the Federal Trade Commission set up as a sort of watchdog for the consuming public—against unfair trade practices?

DUBROW. Yes, that's true. But I think that in many cases, unfortunately, the FTC has neglected to do its job fully.

I also think that because, for the first time the spotlight is on the consumer's needs, the FTC is beginning to see that it has more responsibility. I think that for a long time, the consumer himself was responsible for not having better protection from the FTC.

I suppose, Mr. Seeger, you are thinking of the Nader report. Frankly, I don't know how completely justified it is.

I can only say that certainly, Mr. Nader has done something of a public service, by putting the spotlight on what regulatory agencies should be doing.

SWOBODA. Miss Dubrow, now that the spotlight is on consumer affairs and consumer protection, do you see any change of attitude in Congress?

DUBROW. Yes, as a matter of fact, the consumer has become very popular in Congress. About a year ago or maybe two, I predicted that the consumer was going to suddenly become of great interest to the individual members of Congress. And, I think that has happened.

The fact that we were able to establish a Consumer's Federation of America; the fact that so many, like Senator Magnuson (D-Wash.), chairman of the Senate Commerce Committee, and many members of the House have introduced consumer legislation are all indications that more and more, the consumer is speaking for himself—and Congress is listening.

SWOBODA. Do you think that the sentiment in Congress has reached the stage where it might produce some further meaningful legislation in this area?

DUBROW. I certainly expect so. I think the fact that Senator Hart plans to have hearings on the whole problem of mergers; the fact that Senator Magnuson intends to look into how well the acts on the books now are being implemented; and the fact that a number of individual Congressmen are introducing consumer's legislation, are indications of this.

SEEGER. Well, Miss Dubrow, for many years, it was a rule of thumb that the consumer was the great unorganized body of opinion in this country but could never be organized. What has happened to stir up all the interest in consumer problems?

DUBROW. Well, I think that first of all, the fight against poverty has made it very clear to responsible citizens that one of the ways you fight poverty is by giving the consumer the best that he can get for his money. And, there is no question, Mr. Seeger, the proof is clear—the poor pay more.

Also, I think that for the first time in many years, many groups concerned about individual consumer problems are getting together.

Third, I think the whole problem of what's happening to the dollar is another factor. Whether you agree or disagree about inflation, the dollar isn't a dollar any more, in many ways.

The rich have always been concerned with what happened to their consumer dollars. Now, for the first time, the middle- and low-income people have joined those ranks, and there is a common front.

As a result, we have this consumer organization that's beginning to burgeon into an effective force.

SEEGER. Well, those of us who cover labor know you, Miss Dubrow, primarily as a lobbyist for labor's interests. Why is organized labor so interested in the consumer area?

DUBROW. Well, there are many good reasons for that.

First of all, when we negotiate for wage increases, we like to think that our people are going to get more in their pay envelopes,

but we also hope that they are going to use their pay better. We feel they go hand-in-hand.

There is no point in getting a wage increase, if the man who gets it turns his pay over to his wife, Mr. Seeger, and finds that it isn't buying as much as it did before the wage increase.

We've always been interested in consumers in the labor movement, particularly in our industry, which is a modest-wage industry. We also feel there is a very fundamental need for us to protect our members, as union members. I have said for years that for the labor movement to do an effective job, it has to be concerned with its members, not just the seven, or eight, or six hours a day that they work—they have to be concerned with them as whole people and concerned with the welfare of their families.

Therefore, that means that we have to be concerned with our people as consumers, and we have to protect them.

SWOBODA. Miss Dubrow, could you give us some specifics of labor's goals, in terms of legislation?

DUBROW. Yes. First of all, we're going to be concerned with, as I say, looking into this problem of a department—a Consumer's Department. The AFL–CIO, I believe, Mr. Swoboda, is on record in support of some kind of move in that direction.

Second, we are going to be concerned with how, for instance, Truth-in-Lending is going to be implemented.

Third, we are going to be very concerned with the whole auto insurance field, which is beginning to look as though it is a great sore in the consumer area.

I would say that we will be very concerned with door-to-door salesmen, because there again, we think people are being taken advantage of.

We're going to be interested in fish inspection. As you know, we were successful in getting poultry and meat inspection. The next thing will be seafood and fish inspection.

I think we probably will be interested, as I say, in guarantees and warranties, because right now, that little slip of paper you get with an appliance doesn't mean very much, even though they try to prove that it does.

And, I would think that overall, we will certainly be interested in what Senator Hart's group does on anti-trust and monopoly and the matter of mergers.

That's a pretty big program for us.

SEEGER. In the recent past, Miss Dubrow whenever consumer groups have gone to Congress with proposals such as these, they have had the support of the White House and in the last couple of years, particularly, in the person of Betty Furness. Now, with the new Administration not filling her position, does it mean that the consumer drive is going to slow down?

DUBROW. The consumer drive will not slow down as far as the AFL–CIO is concerned, nor do I think it will slow down as far as other organizations concerned with consumers. I think what may slow down is White House interest in this. I am hoping that the pressure of both the labor and consumer movements will make President Nixon understand that this would be a great mistake.

I do not expect interest to slow down in Congress itself.

To the contrary—I think you're going to see a real upsurge of interest in consumer legislation. I said before, good consumer legislation can do nothing but bring great respect to the Congress of the United States.

SEEGER. It'll be harder to pass bills, though, without direct White House help, won't it?

DUBROW. It may be harder to get bills signed. I don't know whether it will be harder to get bills passed.

For instance, I think that Senator Hart and Senator Magnuson were the ones who said that Congress has to respond to the consumer, because the floodlight of publicity is on us.

What the Executive does is something else.

SWOBODA. Well, Miss Dubrow, do you anticipate that the White House role will be passive, or, do you think that they will actually try to block efforts to bring about consumer legislation?

DUBROW. Well, if you mean as of now, I suspect it's likely to be passive, Mr. Swoboda. I really can't see that a man who has any political savvy, and I assume President Nixon has quite a lot, would fight it publicly.

But, an awful lot can be done behind the scenes. For instance, the regulatory agencies, that don't have the spotlight on them as much as Congress, can be maneuvered. I'm not saying they will be. I'm just going to wait and see.

But, I don't think it will be active opposition. I think, if anything, it will be passive opposition.

SEEGER. A couple of weeks ago, Miss Dubrow, the United States Chamber of Commerce announced a program of its own to try to get local chambers of commerce to try to set up consumer bodies and to investigate complaints in local communities. Is there a role for this kind of consumer protection?

DUBROW. There certainly is. As a matter of fact, the Consumer's Federation of America hopes that there will be local councils all around the country to give information to people and to help protect them.

It's really a question of whether the Chamber of Commerce is working out its program for publicity purposes or whether it intends to implement that program.

Now, in my estimation, if the Chamber of Commerce is serious about doing that, it will invite all other local, concerned groups to come in and work with them, and advise them, and work out a program.

So, again, I'm waiting to see what they do.

If their motives are right, I will congratulate them.

If their motives are not right, then I think we have to produce our own local programs.

SEEGER. Is one of your concerns, Miss Dubrow, the increase of foreign products coming into the country, some of which, apparently, are of much poorer quality than American products? Is this a target for your drive?

DUBROW. I have been stewing for a long, long time on this whole import business, particularly in terms of product safety.

We passed a Flammable Products Act. We have a commission on product safety. Yet, you find, for instance, things like paper goods coming in. I was a little shocked a couple of months ago when an educational director of the ILG sent me a pair of paper panties, with a clipping from the newspapers that said, while this was an English product selling for 10 cents, one of the big textile companies—which shall remain nameless at the moment—was thinking of making the paper product and working out a deal with this English company to sell these panties for 10 cents each. I looked at the panties and I was a little shocked to see that the label said, "keep away from fire."

It seems to me that the problem of the way goods are dumped in this country, without regard to product safety and product value, is something to be looked into. And, this just doesn't mean in terms of petition.

It means in terms of really good consumer protection. I think we need to worry about that, and we will continue to worry about it.

SWOBODA. Well, Miss Dubrow, what now does the law say about that? Doesn't a product have to conform to some standard, or, do they just have to label it, "keep away from fire"?

DUBROW. Oh, I think it has to conform to some standard. I don't think there is any question but what Commissioner Elkind will look into this, just as he is now looking into safety glass and that sort of thing.

But the thing that gets me is that sometimes, the product takes hold before a commission can start investigating it.

I don't have to tell you that regulatory commissions find so many things they have to look into that it might take several years before they can look into this. And, this is what bothers me, because, you know, kids die because they chew paint on toys, blankets burn in babies' cribs. These things occur, while every man of good motive wants to do something about it.

I think we have to have an effective law that says that a product cannot go on the market until it has had some kind of governmental investigation.

I think this is the whole problem that we have had with regulatory agencies.

Sometimes, they have closed the barn door after the horse has been stolen.

SWOBODA. You would like to see legislation similar to that governing drugs, for instance—it must be tested first?

DUBROW. Yes, indeed.

I think it is terribly important. I'm convinced that the decent businessman will try to live up to this kind of legislation. And, in all probability, we will get safety without worrying about regulation, if the businessmen—manufacturer—knows there is somebody who is going to look into this whole problem.

SEEGER. Is there no legislation now, Miss Dubrow, governing the safety of products—I'm thinking, particularly, of toys? At Christmastime, you see stores filled with things—much of which I put in the category of junk—and much of which is unsafe for children.

DUBROW. Well, last year, as you know, we passed the Flammable Fabrics Act and established the products safety commission. And, as I say, in those, there were a great number of protections for products. There is no question about it.

But, we have it on the books and we now have a commission that is supposed to be looking into this. The question is, how much of the act is being implemented?

This is something that I think Senator Magnuson intends to look into. I think that among the things he hopes to do, is not just pass some new consumer legislation, but investigate how well we are doing on this legislation that is already on the books. This is so important.

SEEGER. Another issue that troubles me, and I think again of the toy sales at Christmastime, is the quality rating of some of these products. Can any of the private groups or the government go around and look at the products and say this is a good buy, or this is a bad buy?

DUBROW. Yes, Consumer's Union, as you know, issues reports, mostly on things bigger than toys.

But, one thing I'm hoping an organization like Consumer's Federation of America will do is set up some kind of machinery for investigating this—perhaps do a voluntary job on it.

I don't know. I don't pretend to have the answer. I just know that something needs to be done to make the Flammable Fabrics Act and the Product Safety Act effective. So far, they have been only partially effective, I would say.

SWOBODA. Do you see any hope for that in this Congress?

DUBROW. Yes, I think that we may very well see some strengthening amendments. I think you will find that the regulatory agencies and commissions are going to be examined much more carefully, in terms of how they produce—at least. I'm hoping so.

SEEGER. Are you satisfied, Miss Dubrow, with the way the Truth-in-Lending Act is being put into effect now—with the new regulations?

DUBROW. I don't know what those new regulations really are, and I don't think anybody knows. I talked with Congresswoman Lenor Sullivan (D-Mo.), who, as you know, was very instrumental in getting that bill through. I think she is going to have some hearings on those regulations.

I think it is disgraceful—and I don't think anything has been done about it—that although implementation money was authorized under the Act, it has not yet been appropriated. So, we have no way of knowing if that Act is going to be implemented or not. I think that is dreadful.

I think another thing we need to look out for is this effort to promote the Uniform Consumer Credit Code—to try, in some states, to use it to make the federal Truth-in-Lending Act less effective. I think that whole area has to be watched very carefully.

Fifty legislatures will be looking into the Uniform Consumer Credit Code, and I would suggest that if a legislature is interested, they had better determine what they intend to do with it before they go along with the adoption of such code.

SEEGER. Do you think the federal Truth-in-Lending Act will be much stronger than individual state codes would be?

DUBROW. Well, I think they will be as strong, certainly, and in many cases, stronger.

But, we don't want the Truth-in-Lending Act to be used as an excuse for permitting other state consumer laws that would be harmful to the consumer to be passed. That's what we are going to be concerned with in the next number of months.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Evelyn Dubrow, legislative representative for the International Ladies' Garment Workers Union, AFL–CIO. Representing the press were Frank Swoboda, labor correspondent for United Press International, and Murray Seeger, Washington correspondent for the Los Angeles Times. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

THE HOUSTON CHRONICLE LEADS—A RISING TIDE OF PUBLIC OPPOSITION TO ABM PROPOSAL

Mr. YARBOROUGH. Mr. President, one of the most serious questions facing Congress today is the question of whether or not to authorize and appropriate funds for construction and development of an anti-ballistic-missile system. Over the past few months, I have been getting evidence of a rising tide of public opposition to this proposal.

Earlier this year, four editorials on this subject appeared in the Houston Chronicle. I found them to be eminently well written and well reasoned. I commend them to the attention of Senators.

I ask unanimous consent that the four editorials from the Houston Chronicle, the first dated March 9, 1969, entitled "Forget About the ABM"; the second dated March 18, 1969, entitled "Expensive Step Backward"; the third dated April 2, 1969, entitled "ABM Cost Still Going Up"; and the fourth dated May 12, 1969, and entitled "ABM—Tip of the Iceberg," be printed in the RECORD.

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

[From the Houston Chronicle, Mar. 9, 1969]

FORGET ABOUT THE ABM

This week President Nixon will make a multi-billion dollar decision which could determine the course of the missile race and influence the possibility of arms limitation talks with the Russians.

What Mr. Nixon has promised to decide is whether the United States will go ahead with the deployment of a limited, or "thin," anti-ballistic missile (ABM) system. For a number of reasons, the most logical course is to forget about ABM.

The system under consideration was recommended in the Johnson administration as a partial defense for the United States against attack from intercontinental missiles that might be launched from Red China when such missiles are developed. The Pentagon has said that the Chinese might have such a missile by 1970.

When former Secretary of Defense Robert McNamara gave his blessing to ABM it was reported that the military was being given the thin system as a pacifier. The cost was estimated at $4 billion and now it has increased to $5.8 billion.

Even if the military were to be appeased by the spending of those billions, it would not be worth the price. But it seems that the military will not be satisfied unless it gets a "thick" ABM system which might cost $50 billion.

The purpose of the thick system would be to protect the United States from some of the missiles which Russia would loft at this country in the event of war. If we were to build such a system, there is no reason why Russia could not do the same. Then we would be at about the same point we are now—that is, we can virtually destroy Russia, and they us, regardless of which nation fires the first missile.

The building of an ABM system by both nations would not change the balance of power, but both would become poorer by billions of dollars. Both nations have plenty of peaceful areas in which these vast sums could be spent to accomplish more good for their peoples.

Rather than start on another costly round in the missle race, the interests of the United States and Russia would be better served by an agreement limiting arms, including missiles.

[From the Houston Chronicle, Mar. 18, 1969]

EXPENSIVE STEP BACKWARD

President Nixon has made a grave mistake, we believe, in his decision to go ahead with a modified antiballistic missile system. It was not an easy decision, of course. It may prove to be the most important of his four-year term, although he did make the most of a bad choice by the conciliatory manner in which he announced it.

He said he hopes the revised ABM system will protect the nation's nuclear deterrent without simultaneously escalating the arms race or impeding the arms control talks with the Soviet Union.

But he's not likely to get his wish in this respect. We can't have our cake and eat it.

What we are about to do is embark on another hugely expensive military project, and at this point no one knows for sure whether it will be of any value whatsoever. In the next several years it supposedly will cost $5 billion to $6 billion, but a project like this one invariably costs many times more before it's over. This is merely the meagerest of beginnings. Once we get started in earnest, an ABM system may go as high as $50 billion. And Sen. Stuart Symington, a former Air Force secretary who opposed the system, says he thinks it ultimately will cost $400 billion.

And for what? Some of the nation's top scientists—for example M.I.T.'s Dr. Jerome Wiesner and Dr. James R. Killian Jr. and Harvard's Dr. George R. Kistiakowsky, all former advisors to presidents—say the system may not be able to do what it is supposed to do.

Even if it can, it will be easy for the Russians to improve their offensive weapons as rapidly as we can improve our defensive ones. Since both nations already have the ability to destroy each other many times over, it looks like we're simply headed for a higher, more expensive order of nuclear stalemate. Meanwhile, the domestic needs of both Russia and America go unsatisfied for lack of money.

President Johnson started this "light" ABM system supposedly to protect against intercontinental missiles which Red China "might" have by 1970. Mr. Nixon, on the other hand, plays down this idea. He says the system's primary purpose will be to protect our land-based retaliatory forces against direct Soviet attack, and also against a possible accidental attack.

Mr. Nixon announced his decision just after the Senate had finally approved the treaty to limit the spread of nuclear weapons. The ABM decision surely will take much of the edge off the Senate's action. Instead of slowing down the arms race, we're speeding it up.

Sen. Eugene McCarthy says Mr. Nixon has made his first big mistake, and undoubtedly the President is going to have trouble getting the Senate to go along.

[From the Houston Chronicle, Apr. 2, 1969]

ABM COST STILL GOING UP

The challenge to the plan for a limited anti-ballistic missile system has not been slowed by the President's endorsement of a scheme which he calls Safeguard.

And questioning has already proved worthwhile for it has brought additional information to the surface which probably would have remained buried in the bowels of the Pentagon if the adherents of an ABM system were not called on to justify their position.

As the debate increases, so, it seems, does the estimated cost of the proposed system. The Sentinel system which Lyndon Johnson supported when he was President was touted as a $4.8 billion package. When Safeguard was first announced a $6 billion price tag was mentioned.

In the current issue of U.S. News & World Report, Defense Secretary Melvin Laird is asked: What is the total cost of this ABM investment? He answers: "The total cost in dollars is between 6 and 7 billion, plus about 2 billion more in projected ABM-component research and development."

Thus at this point, before the tap is hardly turned or Congress has made its decision, we are talking about 9 billion dollars for ABM sites at two air bases near the U.S.-Canadian border.

Secretary Laird was also asked why the opposition has arisen to the ABM. His reply was that the missile plan has become "more or less a symbol of some of the frustrations we all feel" over the war in Vietnam.

That "more or less" phrase covers a lot of ground, but one of the major reasons the American public is unwilling to automatically go along with proposals for vast spending by the military or the government is that some of the past programs have proved to be wasteful and less than desirable.

As Laird pointed out, we are spending at the rate of $30 billion a year in Vietnam and more than that amount is being spent for other purposes classified as defense. The total defense budget recommended by the John-

son administration for the coming fiscal year is $80 billion, almost 40 percent of the total national budget.

This level of spending needs to be questioned and probed, particularly when some of our domestic needs are so great. However, the examination of the proposals should be on a non-partisan basis. This is not a Republican vs Democrat issue.

As Senate Majority Leader Mike Mansfield said over the weekend: "I would hope most devoutly that this would not develop into a partisan issue because it is too big for that . . ."

[From the Houston Chronicle, May 12, 1969]

ABM—TIP OF THE ICEBERG

As the anti-ballistic missile debate continues in the capital and across the nation contradictory statements and claims are tumbling off the mimeograph machines and presses.

Stacked in piles, the wealth of material for and against the ABM could make a fairly sizable shield itself. And the opponents of the costly missile system contend that such a paper would be as effective as ABM in protecting the nation's populace from a missile attack.

In a recent discussion entitled "ABM: Yes or No?" published by the Center for the Study of Democratic Institutions, Dr. Jerome B. Wiesner, special assistant for science and technology to President John F. Kennedy and now provost of Massachusetts Institute of Technology, warned:

"It is the general technical consensus that Sentinel is not going to buy us any protection against a Soviet missile attack. One might then ask, 'Well, why do you care whether or not Sentinel is built?'

"I care because I think it is regarded by most advocates of ABM systems as the down payment on a much more substantial system. I have heard high-ranking officers say that if they thought the Sentinel system was all that the United States ever intended to buy, they would be against it. But they believe that it will lead naturally to the large-scale ABM system.

"Does deployment of a large-scale ABM system, in fact, add to or detract from national security? My judgment is that in the end we would, at best, be in very little different posture than we are now but with a great deal bigger military system; at worst, we would be in a situation in which the actual damage (both sides could inflict) could be somewhat greater."

The price tag for the "very little different posture" which Dr. Wiesner foresees doesn't win any support for ABM. Estimates on the limited system now range as high as $13 billion although when Sentinel was proposed by President Nixon the price tag was set at $6.8 billion.

Going on to the expanded ABM, what has been referred to as the thick system, could cost the nation $50 billion more. The cost and the dispute over the technical quality of the system are the two most common arguing points. Also influencing the debate is a growing desire for peace; an end to the killing in Vietnam, to vast expenditures for defense (more than $80 billion a year), and the redirecting of sums like the $30 billion a year poured into the Vietnam war to needed projects in the United States.

THE FOOD STAMP REFORM ACT OF 1969

Mr. FULBRIGHT. Mr. President, recently, the distinguished Senator from South Dakota (Mr. McGOVERN) introduced the Food Stamp Reform Act of 1969—S. 2014. The purpose of the bill is to join State, Federal, and local governmental units in an affirmative effort to safeguard the health and well-being of the Nation's population by providing adequate levels of food consumption and nutrition for members of low-income households. The investigations and reports of the Senate Select Committee on Nutrition and Human Needs and of private organizations have shown quite clearly that within the abundance of America there are substantial numbers of our citizens who do not have enough to eat or do not have adequately nutritious diets.

One of the most alarming aspects of the scope of hunger and malnutrition or undernutrition is the permanent mental and physical damage which this inflicts on the young. One result of improper, inadequate diet in childhood, particularly early childhood, is to lock the children into the cycle of poverty and welfarism which afflicted many of their parents.

For whatever reasons, the commodity distribution and the food stamp program have failed in one of their purposes, to wit: "to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households." There is little doubt that these programs have not lived up to their potential and that people are unfed or ill-fed needlessly. It is time to reach out and affirmatively help our fellow citizens.

Arkansas is not one of the wealthiest States—in 1967, the per capita income was $2,098. It is a State where the people word hard and realize the value of a day's work. But it is also a place where every county takes advantage of the commodity distribution program or the food stamp program. In March 1969, 23,753 people were receiving free commodities, and 89,721 people participating in the food stamp program. These 113,474 people are only representative of what I suspect to be a much larger number of needy. Statistics from the U.S. Department of Agriculture show that 66⅔ percent of those enrolled in the commodity distribution program in Arkansas drop off the rolls when the participating county switches to the food stamp program. What has happened to these people concerns me. It is too simple to say that two-thirds of the people who had previously been participating in and eligible for the free food program are no longer needy or no longer eligible. An answer which has been proven true in other parts of the country is that these people simply do not have the money to purchase their allotment of food stamps. Using the Department of Agriculture statistics showing a two-thirds decrease in participation after a county changes to the food stamp program, and multiplying it by the March 1969 food stamp program participants' figure of 89,721 in Arkansas, produces an additional 179,442 potentially eligible persons in the 56 counties in Arkansas which have the food stamp program. Combining the actual and estimated number of participants in the food stamp program in Arkansas—269,163—with the actual number of participants in the commodity distribution program in Arkansas—23,753—shows a total of 292,918 persons who would be benefited by a viable food stamp program. The Food Stamp Reform Act is such a program.

The Food Stamp Reform Act of 1969 will benefit the poor in Arkansas specifically by: First, increasing the minimum coupon allotment for a family of four to $120 per month; second, removing the prohibition of concurrent commodity distribution program and food stamp program in the same county, thus making the food coupon "dollars" spread further; third, removing the requirement that a participant must purchase all of the food coupons allotted to him per month thereby allowing him to take advantage of the food program to the extent that his income allows, as he determines; fourth, providing that affirmative efforts be made by governmental units to insure the availability of educational programs in nutrition and related areas; and fifth, authorizing the provision of free food stamps to those families of four earning less than $960 per year—a similar minimum level is set for other sizes of low-income households.

There are those who will criticize and oppose this program as another form of "welfarism" or as something which just encourages "idleness." I do not believe this. In fact, it is my belief that this type of program is a first step in breaking the welfare cycle. A hungry person cannot be trained, cannot be educated; the person physically or mentally handicapped by poor nutrition, inadequate diet in childhood will rarely, if ever, be able to break out of the welfare-poverty cycle.

In addition to the moral, social, and humanitarian justifications for the Food Stamp Reform Act, there are communitywide benefits to this program. The purchases which the poor will make with the stamps or coupons will produce an economic benefit. In March 1969, the purchasing power of the food coupons, was approximately $2 million in Arkansas.

It may be wise to amend or perfect the bill during the legislative process, but basically it is a sound bill.

THOUGHTFUL CITIZEN COMMENTS ON ABM

Mr. HART. Mr. President, last week I received a thoughtful letter, addressed by a professor of physics at Grand Valley State College, Grand Rapids, Mich.

My constituent, Daniel Anderson, addresses himself to three key points of discussion on the ABM.

First, the discrepancy between congressional mail on the ABM and various random polls on this issue;

Second, the often-heard comment, "How can a purely defensive weapon be provocative?" and

Third, the repeated argument: "If I err, I want to err on the side of too much—military strength."

Mr. Anderson's reasoning seems to me informed and provocative. I ask unanimous consent that it be printed in the RECORD.

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

GRAND RAPIDS, MICH.,
June 6, 1969.

I wish to continue urging you to vote in opposition to expending public monies for an Anti-Ballistic Missile system in general, and for the proposed "Safeguard" system in particular.

It is not my purpose in this letter to try to present arguments against ABM—I am sure you are familiar with, and will continue to acquaint yourself with arguments both for and against such a system. However, I wish to deal with one point.

It is my understanding that Congressional mail has run quite strongly against ABM (as much as 10 to 1). It is also my understanding that various random polls have usually run well in favor of such a system (about 2 to 1). Some have been puzzled as to this discrepancy. Some have even suggested that it hints of some kind of organized conspiracy that is not in the interests of our nation.

The answer is really very simple, I believe. Because of my position as a professor of physics at Grand Valley State College, I have been called upon to address groups of people on the ABM issue, most specifically on technical details. I have found that in a typical group of such people (which would most likely be a random selection similar to those responding to a poll), well over 90%, if not 100%, do not really know what ABM is and how it functions, at least as presently conceived. As interest is quickened, many begin investigating more and more into the various aspects of the ABM issue: technical capability, economic factors, sociological implications, its possible effects upon international relations, etc., etc. The typical naive response, "How can a purely defensive weapon be provocative?" soon changes as one realizes that ABM has *already been* provocative of various measures (and I fear it will continue to be so, both in our country and in the Soviet Union). My point is this: it is the aroused, disturbed individual who writes his Congressmen, and thus the mail is heavily anti-ABM.

Mr. Nixon stated that, ". . . if I err, I want to err on the side of too much (military strength)." Senator Griffin, I disagree. To continue relying on armaments and the use of force (which *all* sides claim is "the only language the other side can understand") can only guarantee their eventual employment. I see no light ahead for anyone when we continue thinking, talking, planning, spending, and acting in terms of war. I believe our only hope is to begin taking risks in the other direction—it is better to take risks for peace than to guarantee the inevitability of an awful catastrophe.

Sincerely yours,

———— ————.

ORDER PROVIDING FOR INCREASE IN COMPENSATION OF OFFICERS AND EMPLOYEES OF THE SENATE EFFECTIVE JULY 1, 1969

Mr. RUSSELL. Mr. President, acting in my capacity as President pro tempore and under the authority and duty vested in me by section 212 of the Federal Salary Act of 1967, I have signed an order providing for an increase in the compensation of officers and employees of the Senate, effective July 1, 1969. I send to the desk a copy of this order and I ask unanimous consent that it be printed at this point in the RECORD.

I would like the Members of the Senate to know that this action is taken with the advice, counsel, and approval of the majority and minority leaders, the chairman of the Post Office Committee, and a member representing the minority on that committee.

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

ORDER, U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 212 of the Federal Salary Act of 1967 (81 Stat. 634), it is hereby *Ordered*, That (a) effective July 1, 1969, the annual rate of gross compensation of each officer or employee whose compensation is disbursed by the Secretary of the Senate (1) shall be increased by 10.05 per centum, and (2) as so increased, shall be adjusted to the nearest multiple of $219. As used in this subsection, the "officer" does not include a Senator.

(b) In any case in which the rate of compensation of any officer, employee, or position, or class of officers, employees, or positions, the compensation for which is disbursed by the Secretary of the Senate, or any minimum or maximum rate with respect to such officer, employee, position, or class is referred to in or provided by statute, Senate resolution, or the Order of the President pro tempore of June 12, 1968, such statutory provision, resolution, or Order shall be deemed to refer to the rate which an officer or employee subject to the provisions of subsection (a) receiving such rate immediately prior to the effective date of the increase provided by such subsection would be entitled (without regard to such statutory provision, resolution, or Order) to receive on and after such date.

(c) The annual rate of gross compensation of each employee in the office of a Senator shall be adjusted, effective July 1, 1969, to the lowest multiple of $219 which is not lower than the rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before June 30, 1969, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given.

SEC. 2. The table contained in section 105 (d)(1) of the Legislative Branch Appropriation Act, 1968, as amended, shall be deemed on and after July 1, 1969, to read as follows:

"$239,805 if the population of his State is less than 3,000,000;

"$255,135 if such population is 3,000,000 but less than 4,000,000;

"$268,275 if such population is 4,000,000 but less than 5,000,000;

"$280,320 if such population is 5,000,000 but less than 7,000,000;

"$293,460 if such population is 7,000,000 but less than 9,000,000;

"$308,790 if such population is 9,000,000 but less than 10,000,000;

"$324,120 if such population is 10,000,000 but less than 11,000,000;

"$339,450 if such population is 11,000,000 but less than 12,000,000;

"$354,780 if such population is 12,000,000 but less than 13,000,000;

"$370,110 if such population is 13,000,000 but less than 15,000,000;

"$385,440 if such population is 15,000,000 but less than 17,000,000;

"$401,865 if such population is 17,000,000 or more.".

SEC. 3. The limitation on gross rate per hour per person provided by applicable law on July 1, 1969, with respect to the folding of speeches and pamphlets for the Senate is hereby increased, effective on such date, by 10.05 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (a) of the first section shall not apply to employees whose compensation is subject to such limitation, or to employees referred to in the last proviso in the second paragraph under the heading "SENATE" in the Second Deficiency Appropriation Act, 1948.

SEC. 4. (a) The figure "$199" appearing in section 105(a)(1) of the Legislative Branch Appropriation Act, 1968, as amended (as increased by the Order of the President pro tempore of June 12, 1968), shall be deemed on and after July 1, 1969, to refer to the figure "$219".

(b) The figures "$1,194", "$6,766", "$11,741", "$11,940", "$15,721", "$15,920", "$17,313", "17,512", "$21,492", "26,069", "$27,263", and "$28,457", appearing in section 105 of such Act (as increased by such Order) shall be deemed on and after July 1, 1969, to refer to the figures "$1,095", "$7,446", "$12,921", "$13,140", "17,301", "$17,520", "19,053", "$19,272", "$23,652", "$28,689", "$30,003", and "$31,317", respectively.

(c) The figure "$597", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (as increased by such Order), shall be deemed on and after July 1, 1969, to refer to the figure "$657".

(d) The figure "$6,662", contained in section 5533(c)(1)(A) of title 5, United States Code (as increased by such Order insofar as it relates to individuals whose pay is disbursed by the Secretary of the Senate), shall be deemed on and after July 1, 1969, insofar as it relates to such individuals, to refer to the figure "$7,287".

RICHARD B. RUSSELL,
President pro tempore.

U.S. STUDY TEAM ON RELIGIOUS AND POLITICAL FREEDOM IN VIETNAM

Mr. RIBICOFF. Mr. President, it has been stated that our presence in Vietnam is for the purpose of supporting the right of self-determination by the South Vietnamese. It is deeply disturbing that the ruling Government in South Vietnam has been authoritarian in its treatment of political dissent.

Rumors and stories of arbitrary imprisonment of opponents of the Government in South Vietnam have persisted for some time. Last week, however, the rumors were shown to be based on facts by the U.S. Study Team on Religious and Political Freedom in Vietnam.

Included on the team were Representative JOHN J. CONYERS, JR., of Detroit, Mich.; Bishop James Armstrong, of the United Methodist Church, Dakotas area; Mrs. John C. Bennett, long active in national church women's groups and wife of the president of Union Theological Seminary; Allan Brick, associate secretary for national program, Fellowship of Reconciliation; Rev. Robert F. Drinan, S.J., dean of the Boston College Law School; John de J. Pemberton, executive director of the American Civil Liberties Union; Rabbi Seymour Siegel, professor of theology at the Jewish Theological Seminary, and Adm. Arnold E. True, U.S. Navy, retired.

This team stated in a telegram to President Nixon just before his Midway meeting with President Thieu that "religious and political suppression is wide-

spread. Speaking for peace or in any other way opposing the Government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result. There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government."

I am deeply troubled by the detailed documentation of these findings contained in the final report of the study team. Censorship of the local press is widespread. Participation in strong political arguments is fraught with danger. These mechanisms for the exchange of ideas must be encouraged, not destroyed if there are to be meaningful elections after the war.

We are all indebted to the dedicated men and women involved with this project for the time and effort they have devoted to this endeavor. Everyone concerned with the present and future welfare and freedom of the people of South Vietnam should study this report closely.

To facilitate this, Mr. President, I ask unanimous consent that the entire report be printed in the RECORD.

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

FINDINGS ON TRIP TO VIETNAM BY U.S. STUDY TEAM, MAY 25–JUNE 10, 1969

INTRODUCTION

Background

The U.S. Study Team was sent to South Vietnam by an ad hoc committee organized in late 1968 by a group of well-known churchmen concerned about the war and the repression of those religious and political forces in South Vietnam who urge an end to hostilities. This committee has wide national interreligious representation. The officers named were: Chairman, Barton Hunter, Executive Secretary of the Department of Church in Society of the Christian Church; Secretary, Gerhard Elston of the National Council of Churches; Executive Diretcor, Allan Brick, Associate Secretary for National Program of the Fellowship of Reconciliation, who also served as a member of the team.

The sponsoring committee defined the team's goals as follows: "First, they will seek to identify the variety of religious forces in South Vietnam and the range of political expression existing there. They will seek to investigate the situation of religious groups and the extent of the imprisonment of leaders of nonaligned groups who represent potentially important political sentiment. The team will be interested, for example in visiting both Mr. Dzu and Thich Thien Minh. Second, the team will seek to investigate the situation of all prisoners in South Vietnam. Recognizing the difficulties of doing this in a wartime situation, the team will nonetheless attempt to obtain realistic information."

Team members

Members of the team were: Bishop James Armstrong of the United Methodist Church, Dakotas Area; Mrs. John C. Bennett, Protestant church woman; Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation; Hon. John Conyers, Jr., M.C. of Detroit, Michigan; Robert F. Drinan, S.J., Dean of the Boston College Law School; John de J. Pemberton, Executive Director of the American Civil Liberties Union; Rabbi Seymour Siegel, Professor of Theology at the Jewish Theological Seminary; and Rear Admiral Arnold E. True, United States Navy (retired).

Summary

A report issued by the team following the Vietnam trip documents police and military suppression of religious and political expression in South Vietnam under the Thieu-Ky Government. The chief findings of the team are:

1. Many thousands of persons being arrested in South Vietnam are denied all procedural protection. Arrests are made by a variety of local and national officials—by District police, special security forces, military forces and intelligence units—each exercising "relatively unfettered discretion."

2. The Thieu-Ky Government's widespread and increasing use of the extra-constitutional Military Field Tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them the fundamental elements of a fair hearing and often failure to serve prior notice of the charges against them. Many of these prisoners remain without trial in the hands of the arresting authorities while the remainder have been removed to prisons by adminisrtative action without charges or trials.

3. The Study Team agrees with those who say that repression, though not as obvious and violent as under the Diem Government, continues to be pervasive and brutal. While some persons visited appear to reflect modern notions of penal administration and certain prison officials seemed sensitive to the needs of inmates, the sheer weight of witnesses' statements concerning physical abuse seemed overwhelming conclusive. It became clear that whatever amelioration appeared in the formal correctional institutions, torture and brutality are widespread in the arresting and interrogation process.

4. Without question the Thieu-Ky Government uses the words "communism", "neutralism" and "coalition" to silence dissent and weaken political and religious opposition. Student peace movements, Buddhist pleas for nonviolence and a "third solution", and the freedom of the press have been systematically suppressed by an insecure government that relies more on police state tactics and American support than upon true representation and popular support. As one Vietnamese attorney phrased it: "On cannot fight for freedom without insuring freedom at home."

I. LIMITATION ON RELIGIOUS AND POLITICAL FREEDOM IN SOUTH VIETNAM

The eight member U.S. Study Team met with President Thieu, Minister of Interior Tran Thien Khiem and members of his staff, Ambassador Ellsworth Bunker and members of his staff, national religious leaders, lawmakers, intellectuals, attorneys, students, a variety of persons of different political persuasions and talked with scores of political prisoners. It visited prisons at Thu Duc, Chi Hao, and on Con Son Island, as well as the National Police Headquarters. The Government of South Vietnam was helpful in providing data, in permitting Team members to visit prisons, and in making accessible certain prisoners.

Three things are readily apparent in South Vietnam: (1) A state of war exists and any meaningful study of freedom must be done against that background; (2) South Vietnam is poor and is unable to provide from its own resources institutional facilities and forms of care which are taken for granted in the Western world; and (3) whereas the United States of America has lived under the guarantee of its present Constitution for nearly two hundred years, South Vietnam does not have a tradition of political liberty and its Constitution is only two years old. Notwithstanding this, in a message cabled directly to President Nixon from Saigon, the Study Team said:

"Speaking for peace or in any other way opposing the government (in South Vietnam) easily brings the charge of communist sympathy and subsequent arrest . . . There must be no illusion that this climate of religious and political suppression is compatible with either a representative or a stable government."

Many persons interviewed argued that President Thieu's government is less repressive than the ten years of brutal intimidation under Ngo Dinh Diem. Others, while agreeing that repression is not as obvious and violent, argued that it is equally pervasive though more subtle today. (Some of the following documentation will indicate that there is still unsubtle, violent intimidation.)

Three celebrated cases of political arrest have claimed international attention in recent months. They are the cases of Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam; Truong Dinh Dzu, runner-up in the Presidential Election of 1967; and Nguyen Lau, wealthy publisher of the *Saigon Daily News*.

Thich Thien Minh was arrested on February 23, 1969, at the Buddhist Youth Center and charged with "harboring rebels, concealing weapons and illegal documents . . . harboring deserters and supporting draft dodgers." After appearing before a military field tribunal, he was sentenced to serve terms of ten and five years at hard labor, the sentences to run concurrently. Last month, his sentence was reduced to three years.

It is assumed by many that Thich Thien Minh was arrested not because of the specific crimes with which he was charged but for his public criticism of the Thieu-Ky government and his strong advocacy of peace.

In February, he was summoned to the Ministry of the Interior and warned to tone down his sermons which were said to be disrespectful to the government of President Thieu. He had earlier said that the people of South Vietnam could accept neither the "terrorist regime" of North Vietnam nor the "corrupt government" in Saigon. Replying to Thien Minh, President Thieu said, "My government can die because of those pacifists, but before we die, they will have to die first."

The Study Team visited both Thich Thien Minh and Quang Duc Buddhist Youth Center. The Youth Center, closed at the time of Thich Thien Minh's arrest (20 other Buddhists were arrested at the same time), was handed back by the Government and reopened during the Team's stay in Saigon. Team members saw Thich Thien Minh's room, as well as the many hallways, rooms and stairways that separated him from the tiny room and wooden closet with the false back that were said to be the hiding place of the V.C. agent and a cache of small arms. Seeing the distances and buildings involved, it is not difficult to believe the monk's assertion that he had no personal knowledge of a V.C. agent's presence in that hidden room.

The Team talked with Thich Thien Minh, who has been held in military custody. They interviewed him in a small house, a part of a larger complex * * * government officials pointedly left the room that the discussion might be private. However, it had been determined during the conversations that there was a government agent only four feet from the Venerable, behind a thin wall. Thus, the interview was necessarily inhibited. Thich Thien Minh had been moved four times since his arrest and was kept under the strictest security. Though badly injured in 1966 by a hand grenade, said to have been thrown by a V. C., he said his health was good. He added, "My only offense is that I believe in peace."

On May 1, 1968, Truong Dinh Dzu was arrested "on charges of urging the formation of a coalition government as a step toward peace." In August, he was sentenced to five years of forced labor. Although the N.L.F. is now participating in the Paris peace talks and a coalition government is being widely discussed by responsible government officials

in the United States, Mr. Dzu has not yet released.

In a national election that denied certain candidates the right to run[1] because they were peace advocates, and that heavily favored the Thieu-Ky regime because of its domination of the military and political structures of South Vietnam and because of the well-known support of the American "presence" in Vietnam, Mr. Dzu ran second, polling 18 percent of the vote. He wisely did not announce his "white dove" platform until after his candidacy had been approved. (It is interesting to note that in the election, the Thieu-Ky ticket gained only 35 percent of the vote. In March 1968, Vice-President Ky told an Italian journalist, "Our last elections were a loss of time and money, a mockery.") Dzu has never been accused of being pro-communist and is, as President Thieu openly acknowledged, a "political prisoner." The fact that, running as a peace candidate and advocating direct talks with the N.L.F., he ran second only to the President, accounts more than anything else for his imprisonment. Mr. Dzu was moved from Con Son Prison Island to Chi Hoa Prison in Saigon during the last week in May, 1969. U.S. Study Team members saw him in his cell in Chi Hoa. Suffering from a heart condition, he looked well and various kinds of medicines were in evidence. He said he wanted to serve his country as a nationalist. On June 5, President Thieu told the Team that support for a coalition government cannot be tolerated.

On April 16, 1969, Nguyen Lau, publisher and owner of the Saigon Daily News was arrested for "having maintained private contacts with a Vietcong political agent." The agent, a boyhood friend of Lau, returned to Saigon in 1964 from North Vietnam. He talked with Lau many times during the past five years and had, at one time, asked him to supply information for the V.C. According to both Lau and Tran Ngoc Hiem, the agent, Lau had refused to supply the information.

In discussing Lau's case with a member of the Team, one of Saigon's most highly regarded foreign correspondents explained its background. In Vietnam, a culture influenced immeasurably by Confucianism, family ties and friendship are reversed. Mr. Lau, in a press conference held by government officials at National Police Headquarters, made no attempt to deny his associations with Hiem. He said that Communism was poisoning the minds of many, but that Vietnam would surely survive Communism. He added, "Even today, sitting before you, I keep wondering if as a publisher and as a Vietnamese intellectual, I should denounce a friend who I have known since boyhood."

Mr. Lau was educated at Oxford and the Sorbonne. As a member of an old and important family of wealth he has no respect for war profiteers and little sympathy for corruption in the government. As a respected journalist and an avowed anti-Communist, he considered it part of his responsibility to be open to every facet of Vietnamese life. He once said, "If people are free to walk the streets, they are free to talk to me."

He insisted upon his right to criticize. On March 24, 1969, the New York Times quoted him as saying, "Diem said bluntly that he was not going to tolerate freedom of the press. There were no illusions then. We are living a lie now. People say they are giving you freedom and someone without experience in journalism may be innocent enough to believe that this is paradise. Now you may be carried away by your illusions and land in trouble." Less than a month later Nguyen Lau was arrested.

Members of the Study Team visited the National Police Headquarters. There, Lt. Col. Nguyen Mau, Chief of Special Branch, told them about the government's case against the publisher. The only "evidence" he produced was the photostat of a press card, allegedly issued by Mr. Lau to one Tan That Dong, the alleged V.C. alias of Tran Ngoc Hiem. Such "evidence", however, raises serious questions. Two days following Lau's arrest, police brought a "so-called Vietcong" to the Lau home. In Mrs. Lau's absence, they proceeded to take pictures of him in various positions around the house. When her two sons (aged 10 and 14) protested, they were handcuffed while the picture-taking continued. When told of the incident, Mrs. Lau courageously went to the authorities. A senior police official did admit that police had visited the house with a V.C. agent and camera to gather "evidence".

Members of the Study Team were not permitted to see Mr. Lau, still being held without sentence. Nor were they permitted to see thirteen other prisoners they had made specific requests to visit.

These three cases have not been isolated because they are more important than others, but because they are more well known. They are symptomatic of a climate of intellectual, religious and political repression that has led to the imprisonment, exile or silencing of thousands of loyal Vietnamese nationalists, persons who are not pro-Communist, but who are critical of the Thieu-Ky government and who insist upon the right to think for themselves.

The government's sensitivity at this point is revealed in its attitudes toward dissenters, so-called "militant Buddhists", students and intellectuals, political opponents and the press.

The religious picture in South Vietnam is confused. About one-tenth of the nation's population is Roman Catholic. Yet, from the time of Diem and the Nhu's on, Catholicism has played a dominant role in Vietnamese political life. (Actually, this goes back to the 18th Century French missionary-priest, Pigneau de Behaine, and the continuing influence of French Catholicism during colonial days.) President Thieu reminded the Study Team that, though he had trouble with Buddhists, Catholics had supported his administration. The former editor of a Catholic magazine, a friend and confidante of Archbishop Nguyen Van Binh, agrees that fewer than 10 percent of the Catholics in South Vietnam are critical of the war and of Thieu's government. It must be remembered that about 100,000 of South Vietnam's Catholics were born in what is now North Vietnam and came south following 1954. They are, for the most part, vigorous anti-Communists.

However, there are Catholics who want a closer tie with Buddhists and who are seeking what some call, a "third solution." They are trying to find answers between Communism and corrupt militarism. Father Hoang Quynh, an active leader of the All-Religion Citizen's Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. He has said, "Catholic faithful must learn to live a responsible political life." There are other Catholics who seem close to the Pope's views on meaningful negotiations and peace. They have won the confidence of Buddhist leaders.

When, in January, 1968, all of the bishops of South Vietnam released a four-page statement supporting Pope Paul's message on Vietnam and calling for a bombing halt in North Vietnam, it seemed that there had been a breakthrough. However, and without exception, those with whom Study Team members spoke indicated that the hierarchy in South Vietnam had confined themselves to what the Pope had said with no desire or inclination to supplement or further interpret the Vatican's plea concerning peace. There continues to be sharp feeling between Buddhists and Catholics. As one Buddhist complained, "When Catholics talk about peace, the Thieu government hears it one way. When we use the word, it is supposed to mean something else." Many Buddhists feel, and justifiably so, that they have been discriminated against by a succession of governments in Saigon.

There are two major Buddhist factions in South Vietnam; the "moderate" government-authorized faction of Thich Tam Chau, and the "activist"[2] faction of Thich Tri Quang and the An Quang Pagoda. However, the Unified Buddhist Church of the An Quang Pagoda is made up of both Mahayana (northern) and Therevada (southern) Buddhists. Early in 1967, the government sought to fragment the Buddhists, withdrawing the charter of the Unified Church and recognizing the "moderate" wing of Thich Tam Chau. However, the An Quang Pagoda continues to be a major factor in the religious and political life of the country. On the Buddha's 2513th birthday, celebrated May 30, at the An Quang Pagoda, former Chief of State, Phan Khac Suu, Tran Ngoc Chau, General Secretary of the House of Representatives, other deputies and senators, Father Quynh, as well as Cao Dai and Hoa Hao leaders were present, indicating a broad base of popular support among disparate groups. During the ceremonies, white doves of peace were released as a crowd of more than 3,000 people looked on, and Thich Tinh Khiet Supreme Patriarch of the Unified Buddhist Congregation said, "Every hostile tendency of the world has jostled its way into the Vietnam war in order to exploit it and seek for victory, whereas all the Vietnamese people—either on this side or on the other side of the 17th Parallel—are mere victims of this atrocious war. Our nation is thus forced to accept ready-made decisions without having any right to make our own choice." President Thieu and pro-government supporters may insist that such peace talk is "political." If so, it is an obvious expression of that freedom essential to an emerging democracy. And it is no more political than a caravan of government-owned cars driving Thich Tam Chau to the Saigon Airport on June 5, to meet the Nepalese delegation to a World Buddhist Conference on Social Welfare; no more political than the imprisonment of hundreds of Buddhist monks.

Often the Buddhists who protest government policy are students. Following the government-controlled elections of 1967, Buddhist students joined by some of their professors were promptly singled out by the government for retaliatory acts. A professor of law said, "Van Hanh University (Buddhist) was the chief target for attack. . . . If students go to meetings, the police follow them and they can be arrested any time. Many times, they are drafted before the legal age or before their deferments as students expire."

As a result of a peace meeting held in September, 1968, in Saigon University, the Student Union was closed by police. Students, professors, deputies from the Lower House and some Buddhist monks had participated in the meeting. Thirty persons, mostly students, were arrested. More arrests followed.

At about the same time, a student in the Medical School was murdered. He had been kidnapped by the N.L.F. and later rescued by American troops. He was accused of having "leftist tendencies". He was found dead with his hands tied behind his back, having been pushed from a third floor window. The police called it "probable suicide" and made no investigation.

Student resistance continued. On Christmass Eve, responding to the Pope's plea for

[1] General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutralism". The Study Team talked with Au Truong Thanh in exile in Paris.

[2] The term "militant" is usually applied to the An Quang Pagoda faction. However, Buddhists are committed to nonviolence. In French, "militant" means an "active supporter or worker in a political group."

peace, 2,000 students, many of them Catholic, held a peace procession. In the aftermath, hundreds were arrested.

In spite of set-back and discouragement, spirit of the student peace movement remains unbroken. A Buddhist student stepped out of a sullen mass of prisoners at Camp No. 7 on Con Son Island and addressed members of the Team. The government translator said, "He is here because he refuses to be drafted. He says he doesn't want to serve the United States. As a Vietnamese citizen he will go into the Army only when we have independence." A student, recently released from Con Son, reacting to the devastation visited on his country by modern instruments of war, said much the same thing: "I will not serve a country that has done so much to my own."

Students, intellectuals and Buddhist monks do not comprise the only opponents who threaten President Thieu's government.

There is a growing mood of independence in the Lower House. It is only found in a few deputies, but they are voicing increasing opposition to the policies and practices of the Thieu-Ky government. There have been criticisms of Operation Phoenix in the National Assembly. Two members of the Lower House raised serious questions about prison policies early in May. The president's tax program has been challenged. Constitutional questions challenging the prerogatives of the executive branch are frequently raised.

President Thieu proudly points to the "new alliance" of political parties in South Vietnam as an indication of the breadth of his support. This alliance includes the Greater Union Force, the Political arm of militant Roman Catholic refugees, the Social Humanist Party, a rebirth of Ngo Dinh Nhu's Can Lao party, the Dai Vet, an erstwhile grouping of anti-French nationalists, a faction of the Hoa Hao sect based in the Delta and the Viet Kuomintang, a pro-government bloc formed after the Tet offensive in 1968. All of these parties together, combined with the Thieu-Ky vote, failed to capture half of the popular vote in the 1967 elections.[3]

While there is genuine political opposition, most of it has been driven underground. Members of the Study Team met with leaders of five old-line political parties no longer permitted to function as recognized entities. These men had all been active in the resistance movement against the French and were ardent nationalists. Their parties have been outlawed, their requests to publish a newspaper have gone unanswered and their voices have been muted. These men, and they reflect a vast middle-position in South Vietnam, struggled against the French and consider the Americans their new colonial masters. Over the past twenty-five years, they have known imprisonment and sacrifice. (A retired general present had been in prison eleven times.) They argue that unity and independence cannot be achieved under present circumstances. One of them said, "We know the American government is anti-Communist and they help us fight Communism. But when they look at Viet Communists, they think of them as western Communists. That is a bad mistake." It is the conviction of the Study Team that there will be no truly representative government in South Vietnam until voices such as these can be legitimatized and participate in the democratic processes of the republic.

One further evidence of political oppression is the government's attitude toward the press. Although it seems reasonably tolerant of foreign correspondents, and they are permitted to function without too many instances of censorship, the government's relationship to the Vietnamese press is far more direct and inhibiting. Twelve months ago, censorship was officially eliminated in South Vietnam. Since then, at least twenty-five newspapers and two magazines have been suspended. Mr. Lau's *Daily News* has been suspended for thirty days for hinting that Thich Thien Minh's trial might have been unfair. *Tin Sang* was closed when it suggested that Prime Minister Huong (one of the more highly regarded members of the Thieu government and a former political prisoner himself) once yielded to pressure in a cabinet appointment.[4] Nguyen Thanh Tai a UPI combat photographer, was arrested in May, 1968, for taking pictures "detrimental" to South Vietnam.

One of the most credible and influential anti-government nationalist leaders with whom we talked prepared a three-page position paper for the Team. The English translation was his own. In part, he said:

"The range of political expression as legally exists here is narrow indeed . . .

"Let us imagine for a moment that those people are given a chance. What would they do?

"They would firstly negotiate with the Government of the United States an agreement on the Allied Forces Establishment in Viet Nam which would provide for progressive withdrawals when the situation warrants it. Of course, they would bear in mind the security and the honor of the Allied troops who came here to protect ourselves and prevent a Communist domination.

"They would secondly invite the Vietnamese people to actively participate in national affairs and take their share of responsibility. Democratic freedom would be enforced without restrictions, how adventurous this might first look. Live forces such as students, intellectuals, religious leaders and workers' unions would be given an authorized say. Unjust treatment would be redeemed. One cannot fight for freedom without ensuring freedom at home . . ."

Many, not all of the nationalist leaders with whom the Study Team talked believed that a continuing American presence in South Vietnam is an unfortunate necessity until the political situation can be stabilized and made more representative. One student leader who had been imprisoned twice by the Thieu government for his activities on behalf of peace argued that no *truly* representative democracy can come into being as long as U.S. troops are present and U.S. policy is being enforced. He said, "By now, we should have learned the irony of having any Vietnamese government that is embraced by U.S. power. The Americans must depart leaving us to decide our own future." He spoke those words with anguish, obviously knowing the problems that Vietnamese nationalism and many of its long-suffering advocates would face in dealing with the N.L.F., in the wake of an American withdrawal, Yet, he bitterly insisted that after many years of American military presence and American good intentions, there was no other way.

At the luncheon given the Team by members of the Lower House, Deputy Duong Minh Kinh talked about the vast expenditures poured into North Vietnam by the Soviet Union and China, and into South Vietnam by America. He said, "We are beggars from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all."

II. DETENTION, INTERROGATION, IMPRISONMENT AND TREATMENT OF PRISONERS

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners". Undoubtedly, a great many of these are, as the government classifies them, "Viet Cong". Legally speaking, they are properly prisoners of war—although they are kept in a separate category from military prisoners. Others are "civilians related to Communist activities;" i.e., V.C. agents, and are accurately classified as such. Still others, many of them detained without hearing or trial, should be classified differently. Some of these have been picked up in "search and destroy" sweeps and are innocent of anything save being present in an area of military operations. Others are clearly political prisoners. They are nationalists and not Communists, but are seen by the government as inimical to its continuing control. In the official statistics very few "detainees" and "political prisoners" are so classified. The government places the vast majority of prisoners in either the "communist" or the "criminal" category.

The classification of prisoners in 41 Correctional Centers as given by Col. Nguyen Psu Sanh, Director of Correctional Institutions is:

	Percent
Criminals	16.98
Communists	64.25
Civilians related to Communist activities	4.16
Military	11.91
Political activities harmful to national interest	.21
War prisoners temporarily in correctional centers	2.49

Colonel Sanh said that there are 35,000 prisoners in these Correctional Centers. The senior American advisor to Col. Sanh, Mr. Don Bordenkercher, estimated that, in addition, there are 10,000 held in interrogation centers. He reported that the number had gone up gradually since the Tet offensive of 1968 when the jump was precipitate. Ambassador Colby, General Abrams' Deputy for Pacification, said that the number of prisoners had gone up and will continue to go up as the pacification program (Civil Operations and Revolutionary Development Support) develops.

The national police in Saigon and in the provinces are the official organ for making arrests. In addition, there appear to be many other arrest and detention agencies.[5] It is clear that those arrested are taken to a variety of detention centers for interrogation and that many are held in these centers for periods of time up to two years. According to the U.S. Mission, American advisors are involved only with cases of Viet Cong or suspected Viet Cong sympathizers and with persons apprehended during military operations; e.g., "Operation Phoenix", the 18 month-old program which pools information from half a dozen U.S. and South Vietnamese intelligence and security agencies with the purpose of identifying and capturing Viet Cong political agents.

Doubtless the total number of political prisoners in South Vietnam—including those held as prisoners of war by intelligence agencies and in military prisons, as well as those in the correctional institutions and those held by various other arresting agencies—far exceeds the official statistics and estimates. Due to the wide range of arresting and detention agencies, and the inadequacy of statistical methods, no accurate count of prisoners can be made.

In addition to the provincial Correctional Centers, there are four large prisons for essentially civilian prisoners. These are Chi Hoa in Saigon, Phu Nu in Thu Duc (for female prisoners), Tan Hiep near Bien Hoa, and Con Son on an island off the southeastern coast. Team members were enabled by the Ministry of the Interior to visit Chi Hoa, Thu Duc, and Con Son Island Prison. They

[3] The United States sent election "observers" to Vietnam to report on election procedures. As one cynical Vietnamese put it: "We are planning to send twenty-two Vietnamese observers who don't speak English to the United States . . . for four days to see if your elections are fair."

[4] See: New York Times, March 24, 1969.

[5] See Section III, B.

were also shown through the interrogation center at National Police Headquarters.

The following statistics, provided by prison officials, further illustrate the government's desire to de-emphasize the so-called "political prisoner" category. Warden Pham Van Lien of Chi Hoa prison reported to Team members on June 3, 1969, this prisoner classification:

	Percent
Criminals	45.0
Communists	40.0
Civilians condemned by military court	4.0
Military	10.0
Political—non-Communist	.6

Prison Governor Minh, of Thu Duc prison, classified the 1,126 prisoners held by him on June 3, 1969 as:

Criminal offenders	265
Communists	843
Civilians condemned by military courts	15
Military prisoners	3
Political prisoners	0
Prisoners of war	0

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son, of whom: 984 were soldiers who committed political offenses (helped or sympathized with the V.C.); 2,700 were civilians who had worked directly with the V.C.; 769 were soldiers who committed criminal offenses; 252 were civilians who committed criminal offenses; and 2,316 were detainees, never tried or sentenced.

(Note that only the Warden of Con Son Island prison separately identified unsentenced detainees in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

Thu Duc (Women's Prison)

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, explained the prison's operation and enabled members to see what they requested. The administration of the prison seemed commendable in many respects. The dispensary was reasonably clean. There were two large rooms filled with power sewing machines where the inmates made military uniforms. There were sewing classes, classes in English and other educational opportunities provided.

The cells and large prison rooms were over crowded. This was especially hard on nursing mothers and those with small children. Fifty women, some with babies, lived in a crude building 40' by 30'. Sanitation was primitive and inadequate. There was evidence that some prisoners had not received needed medical attention.

Team members were especially concerned about the large number of prisoners who had not been sentenced after many months of detention, the looseness and inaccuracy of prisoner classification, the inhumanity of some sentences (one slight old woman who, according to her dossier had passed V.C. letters, had served ten years of a fifteen year sentence), and the extreme youthfulness of many of the inmates. Governnor Minh told the Team that there were fifty children from birth to 13 years of age in prison (the very youngest, of course, belonged to the women prisoners), and forty young offenders from 13 to 17 years.

To judge from both interviews and official explanations, the circumstances of many classified as "Communist" did not justify this classification. Two students who were called "Communist" were found by the Team members to be unsentenced detainees. Their dossiers said that they were being held because they had exhibited "leftist tendencies" and had written for a Saigon University paper which was later suspended. In another building twenty percent of the women said they had not been tried or sentenced. It seemed obvious that prisoners who had been accused of "leftist tendencies" or who had not yet been tried could not justly be categorized as "Communist". Yet they were and were forced to live with persons who were considered "hard core Communists".

Chi Hoa

Chi Hoa is often referred to as the "showcase prison". Since 1963 American funds have been available for the improvement of facilities, and American advisors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes, at worship, and enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is . . . based on the principles of humanity, charity and equality."

The Warden said that there were about 5,500 men and boys now in prison of whom 40% were "Communist" and only .6% were "non-Communist political" prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not yet been tried or sentenced. He said someone from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever they went, they found the halls and cells clean. They were shown the vocational classes in which about 300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted ear-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown two cells. In one room, about 40' by 25', there were 47 children *under 8 years of age*. One child, 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked adequate. The children seemed to be well physically. When the Team entered, the children left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. All, even the 4 year old, stood at attention and did not move or speak; only their eyes followed the visitor's moves. In the next cell, similar in size, there were 67 children slightly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section, the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were seldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

Con Son Island Prison

Con Son Island Prison, an escape-proof prison about 50 miles off the southeast coast is said by officials to contain 7021 prisoners, most of them "political". In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks, revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or records necessary to determine whether charges should be brought were unavailable. There was a failure to observe even a minimum amount of due process in the overwhelming majority of cases. The same circumstances were recited over and over by the prisoners; they were either being held on charges of sympathizing with or aiding the enemy, or they had been rounded up after a military action in their village and were held. Others were students who had indicated their support for peace.

The tour had been carefully arranged by prison officials. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (three out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages", reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable to elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied). One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the 'tiger cages' are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place." The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a 1.3 million dollar expansion underway (funded and supervised by the U.S.A.) which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only 10 out of the 7021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were

deeply marked, the Colonel in charge explained this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

A disturbing aspect of the prison situation in Vietnam is physical abuse of prisoners. U.S. officials (there are American advisors at every level of Vietnamese bureaucracy (agree that there is torture, but insist that it does not take place in the correctional centers but in the interrogation and detention centers where the prisoners are taken first. Accounts by ex-prisoners verified the fact that torture in detention and interrogation centers is general procedure.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. However, many informants said that the types and extent of torture administered in some of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Colonel Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of prison officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All prisoners are oppressed by conditions of overcrowding. Sometimes, however, many prisoners are stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and when the prisoners are seldom released for exercise, is torture indeed.

Beating is the most common form of abuse. Intellectuals appear to receive "favored" treatment and seldom are subjected to torture other than beating. This is done with wooden sticks and clubs. ("Metal" was mentioned by one observer.) The blows are applied to the back and to the bony parts of the legs, to the hands, and, in a particularly painful form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain is said to be particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied back-down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is reapplied. In a related form, water is pumped into the nose.

The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up", it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half years term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were proded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year-old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her . . . They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then," explained a woman teacher who had been imprisoned twice, "the prisoner will tell anything."

A respected physician told Team members that recently police brought a dead girl from an interrogation center to a city hospital and asked the Doctor there to certify to death from natural causes. On examination of the cadaver, the Doctor found signs of beating and sexual violation. He refused to so certify. Pressure was brought on the head of the hospital to issue the certificate. Such incidents are not unusual.

III. LEGAL STANDARDS AND PROCEDURES

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephemeral.

The Study Team found both the standards and the procedures to be loose by any measure, even by the most generous measure of allowance for the exigencies of civil and guerilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used deliberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear with good reason retaliation for expressing their views.

Naturally, the particular kind of war being waged in South Vietnam bears upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerilla war activities—sabotage, espionage and the organization and support of National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted. We cannot class as suppression of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, the need for procedures to permit speedy imprisonment without exposing the government to the risk of further war like activity on the part of the arrested persons must be conceded.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency: the suspension of the writ of habeas corpus during the Civil War, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam, and the pragmatic concern for winning popular support for democratic principles compels this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

Loose and inadequate standards and procedures do not represent concessions to those wartime exigencies. Minimization of risk of war-like activities against the government is not achieved by the imprisonment, for instance, of loyal nationalists who advocate forming a coalition government with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a "confession" which will warrant detention.[6]

In fact, imprisonments of this kind create the unnecessary risk of alienating loyalties; a hazard made doubly severe by the highly political character of a war in Vietnam. The seriousness of this hazard is underscored by the statement of the Team of one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of South Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team suggests that the number of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

"Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

A. Standards

Authority for imprisonment of non-conventional criminals is found in the State of War Law, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1965, and as amended authorizes, among other things:

"The search of private houses, both by day and night;

"Fixing the place of residence of those elements judged dangerous to national security;

"Prohibition of all demonstrations or gatherings harmful to public security and order;

"Prohibition of the distribution of all printed matter harmful to national security;

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[6] Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources. (See Section II)

"Control and restriction of communications and travel, consonant with security requirements; . . ."

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years, because they are "judged" to be "elements . . . dangerous to national security." Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, with little, if any, legislative guidance or control. In fact, it was determined that students with nothing more than the notation in their files that they exhibied "left-wing tendencies" were being incarcerated in national prisons whose administrator classified them in his census as "Communists"; i.e., in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than that local officials responsible for their arrests expected to extort bribes as conditions for their release.

Under the heading of "prohibition of . . . gatherings", the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man's case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

"Article 4. (1) The Republic of Vietnam opposes Communism in any form. (2) Every activity designed to publicize or carry out Communism is prohibited."

The looseness of the prohibition against activity designed to "publicize or carry out" Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a "political prisoner" on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is *ipso facto* prohibited by that article. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure

1. Arrest, Detention and Interrogation

Because of the long periods for which individuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard most often occur during this period. Although they seem to be employed as "aids" to interrogation, they are forms of cruel and barbarious punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially nonexistent at the arrest and interrogation stage. Arrests are made by a wide variety of local and national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerrilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply.

Such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality the Team encountered occurs.

Despite the constitutional provision that: "(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation", the Team was unequivocally assured by Colonel Mau, Chief of the Special Branch of the National Police Forces, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team's information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.

Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.

2. "Assigned Residence" by Provincial Security Councils

An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functioning of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a remarkable admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political prisoners whose total has been variously estimated from 2,000 to 6,000.

On another occasion Deputy Prime Minister Khiem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrests and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

When a Team member shared with Minister Khiem a preliminary sketch of team findings; i.e., loose prisoner classification, denial of due process and the arbitrary action of military field courts, he agreed that these were concerns he and his staff had been considering.

But these steps only sweeten a system that is intolerable. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a type-written list of the names of the individuals whose cases were being considered, approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime conditions, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

3. Military Field Tribunals

The Study Team has reached the conclusion that the Thieu-Ky Government has, through the extensive and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and, in a shocking number of instances, without even apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to prisons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

"(1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatened or forced to confess. A confession obtained

by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down.

"In the event of doubt, the court will rule in favor of the accused.

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimation of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103–107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited, authorizes local proclamations of martial law and in its Article 2 declares that:

"All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's judiciary. Nor is the "Military Field Court" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. *The "Military Field Courts" are not really courts at all.*

The Study Team is convinced that the number of arrests and imprisonments continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregarded the Constitution in several respects and, relying on "a state of war", undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

(1) These courts violate Article 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecutes, both of which are professionaly qualified." In the Military Field Court, the judge is a military official not necessarily trained in law.

(2) The offenses triable by the Military Field Courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations."

IV. APPENDIX

A. U.S. study team on religious and political freedom in Vietnam

James Armstrong, Bishop of the United Methodist Church, Dakotas Area. Bishop Armstrong received his A.B. from Florida Southern College, a B.D. from Emory University, and D.D. from Florida Southern and DePauw University. Elected to the episcopacy in 1968, James Armstrong is the youngest United Methodist Bishop in the United States. He taught for eight years at the Christian Theological Seminary (Disciples of Christ) in Indianapolis, served for ten years as minister of the Broadway United Methodist Church in Indianapolis. Known for his interest in public affairs, he was a board member of the Community Service Council, the Urban League and the Indianapolis Progress Committee, and was singled out as "one of the leaders who builds cities" by Time-Life in its book *The Heartland.* He himself is the author of the book, *The Journey that Men Make,* published by Abingdon Press.

Mrs. John C. Bennett (Anne McGrew Bennett). Mrs. Bennett received a B.Sc. in Education from the University of Nebraska and M.R.E. from Auburn Theological Seminary. She taught for several years in country schools in Nebraska, was married in 1931 to John C. Bennett, now President of the Union Theological Seminary in New York City. Mrs. Bennett has been active in denominational and interdenominational affairs for many years. She is a member of the U.S. Inter-Religious Committee on Peace, a former board member of the Council for Christian Social Action of the United Church of Christ, and served from 1960 to 1964 on the General Board of the National Council of Churches.

Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation. Dr. Brick received an A.B. from Haverford College, an M.A. and a Ph.D. in English from Yale University. A former professor of English at Dartmouth and Goucher Colleges, Dr. Brick served as Peace Education Director for the American Friends Service Committee, Middle Atlantic Region, from 1966 to 1968. He has published articles on English and American literature, as well as articles on student and protest movements and is co-author of *The Draft,* a report by the American Friends Service Committee, published by Hill and Wang, New York.

John Conyers, Jr., Representative in Congress of the First Congressional District, Detroit, Michigan. Congressman Conyers received his B.A. and his law degree from Wayne State University. Currently serving his third term both as a Representative and a member of the Judiciary Committee, he has been an active supporter of civil rights legislation in Congress. In this capacity he has made trips to Selma, Charleston, Mississippi and other places to investigate cases of civil rights violations. Prior to election to Congress, Mr. Conyers was a labor and civil rights lawyer, also serving as Director of Education for Local 900 of the United Auto Workers, an executive board member of the Detroit NAACP and an advisory council member of the Michigan Civil Liberties Union. During the Korean conflict, he served as a Second Lieutenant in the Corps of Engineers.

Robert F. Drinan, S.J., Dean, Boston College Law School, and Professor of Family Law and Church-State Relations. Father Drinan received his A.B. and M.A. from Boston College, his LL.B and LL.M. from Georgetown University Law Center, an S.T.L. (Licentiate in Sacred Theology) from Gregorian University in Rome. He is author of several books, the latest of which is *Democracy and Disorder,* published in 1969 by the Seabury Press, and is a contributor to many publications, including *Commonweal* and the *Harvard Law Review.* Father Drinan has served widely in legal, civic and education organizations and committees. He is a former vice-president of the Massachusetts Bar Association, is currently chairman of the M.B.A.'s Committee on the Administration of Justice and chairman of the Advisory Committee for Massachusetts to the United States Commission on Civil Rights.

John De J. Pemberton, Jr., Executive Director of the American Civil Liberties Union. Mr. Pemberton received his B.A. at Swarthmore in 1940, and LL.B. *cum laude* at Harvard in 1947. As a student at Harvard Law School, Mr. Pemberton served on the board of editors of the *Harvard Law Review;* after graduation, taught commercial and bankruptcy law at Duke University until 1950. From 1950 to 1962, he practiced law in Rochester, Minnesota, as a member of the firm of Pemberton, Michaels, Bishop and Seeger. In Rochester, he served on the Minnesota Advisory Committee to the United States Civil Rights Commission and the Minnesota Fair Employment Practices Commission. An active member of the ACLU since 1950, Mr. Pemberton was appointed its Executive Director in 1962.

Seymour Siegel, Professor of Theology in The Jewish Theological Seminary of America and Assistant Dean of its Herman H. Lehman Institute of Ethics. Dr. Siegel graduated from the University of Chicago. In 1951 he was ordained by the Jewish Theological Seminary and in 1958 received the Seminary's degree of Doctor of Hebrew Literature. As representative of the World Council of Synagogues, Dr. Siegel has traveled widely to Jewish communities abroad; in 1962, He became the first Visiting Professor from the Seminary to serve at the Seminario Rabbinico Latinoamericano in Buenos Aires. He is a member of the editorial boards of *Conservative Judaism, Jewish Heritage,* and editorial consultant to Benziger Brothers Publishing Company. Now completing work on his second book, *Jewish Theology Today,* he has also contributed many articles and reviews to both scholarly and popular journals, among them the *Saturday Review* and *Commentary.*

Arnold E. True, Rear Admiral, United States Navy, Retired; Professor Emeritus of Meteorology, San Jose College. Admiral True received a B.S. at the U.S. Naval Academy in 1920, and M.S. from M.I.T. in 1931, and graduated from the U.S. Naval War College in 1939. He served in the United States Asiatic Fleet in the Far East, commanded the USS Hammann and two destroyers in World War II, and was on the staff of the Commander-in-Chief of the United States Atlantic Fleet between 1944 and 1946. During the Battle of Midway he received injuries which necessitated his retirement. From 1947 to 1967 he was professor of meteorology at San Jose College. Admiral True recently presented testimony to the Senate Armed Services

Committee concerning budget requests of the Department of Defense.

The Reverend Peter Jenkins, of Congressional Church, Wimbledon, England and Treasurer of Eirene International Christian Service for Peace Organization, met the team in Paris and accompanied them to Saigon.

CABLE FROM U.S. STUDY TEAM TO PRESIDENT NIXON

SAIGON,
June 5, 1969.

President NIXON,
Washington, D.C., U.S.A.:

The Independent Study Team on Religious and Political Freedom in Vietnam has completed its study here and is preparing a detailed report. The team met with South Vietnamese and United States officials, various Buddhist and Roman Catholic leaders, representatives of other principal sects, members of the National Assembly, Attorneys and other specialists in jurisprudence as well as numerous private individuals, including some prisoners.

The team inspected prisons in Saigon, Thu Duc and Con Son. Our final report will be related to the following firm impressions:

The Government of South Vietnam does not presently exemplify at least one of the goals set forth in your May 14th statement. "There should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation."

Religious and political suppression is widespread. Speaking for peace or in any other way opposing the Government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result.

The number of political prisoners continues to increase.

There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government.

We respectfully request that you consider this in weighing any commitments to the Thieu Government.

On behalf of the Study Team on Religious and Political Freedom in Vietnam.

Hon. JOHN CONYERS, JR.,
Member of Congress.

MEMBERS OF THE U.S. STUDY TEAM ON RELIGIOUS AND POLITICAL FREEDOM IN VIETNAM

James Armstrong, Bishop, United Methodist Church.

Anne M. Bennett (Mrs. John C.).

Allan Brick, Director of National Program, Fellowship of Reconciliation.

John Conyers, Jr., Member of Congress.

Robert Drinan, S.J., Dean, Boston College Law School.

Peter W. Jenkins, Pastor, Congregational Church, Wimbledon, England.

John de J. Pemberton, Executive Director, American Civil Liberties Union.

Seymour Siegel, Rabbi, Professor of Theology, Jewish Theological Seminary.

Arnold E. True, Rear Admiral, U.S.N. (Ret.).

S. 4—THE ESTABLISHMENT OF A BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Big Thicket area in southeast Texas is an expanse of forest, wildlife, and rivers which has become an important project of preservation for many Texans. Orrin H. Bonney has written an article, "Big Thicket: The Biological Crossroads of North America" which appeared in the May 1968 issue of the Sierra Club Bulletin. My bill, S. 4, which calls for the establishment of a Big Thicket National Park of not less than 100,000 acres, is supported in Mr. Bonney's article, as he writes that the Big Thicket has been whittled down from an expanse of 3.5 million acres to the present 300,000 acres. 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:

BIG THICKET

(By Orrin H. Bonney)

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

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

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

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

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

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

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

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

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

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

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

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

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

Today, the last 300,000 acres of Big Thicket are under renewed attack. The entire acreage is privately owned, most of it by five lumber companies. Lumbermen, pipeline companies, and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day. But growing numbers of Texans—keenly aware of their state's lack of

public land, its dwindling natural areas, its mere 106 miles of trails—are becoming seriously concerned at last. More and more of them are realizing that it's now or never if significant parts of Big Thicket's last 300,000 acres are to be preserved for the people of Texas and the nation.

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

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

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

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

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

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

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

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

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

(9) Clear Fork Bog, 50 acres.

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

NEW COMMANDER FOR U.S. ARMY MATERIEL COMMAND

Mr. CANNON. Mr. President, on March 10, 1969, Gen. Ferdinand J. Chesarek assumed command of an enormous military activity headquartered in Washington, D.C., known as the U.S. Army Materiel Command or AMC. He replaced Gen. Frank S. Besson, Jr. This command employs 176,000 people, spends $14 billion annually, has a $24 billion inventory which includes military materiel in the hands of troops and has more than 60 installations and activities, including 19 depots, six central research and development laboratories, and three logistics schools under its jurisdiction.

Within the Department of the Army staff, Washington, D.C., General Chesarek has served as Assistant Deputy Chief of Staff for Logistics—Materiel Readiness—and then as Assistant Deputy Chief of Staff for Logistics. He was appointed Comptroller of the Army and was subsequently designated the first occupant of the newly created position of Assistant Vice Chief of Staff, Department of the Army. He has been awarded the Distinguished Service Medal for his service as Assistant Vice Chief of Staff from February 1967 to May 1968.

With this top-level management experience and because of his challenging logistical background one can readily understand why General Chesarek was selected to command AMC.

Mr. President, I ask unanimous consent that a speech dealing with weapon system acquisition and the procurement process of General Chesarek's at a recent conference at the U.S. Army Aviation Command, St. Louis, be printed in the RECORD.

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

ACQUISITION OF WEAPONS SYSTEMS

I welcome the opportunity provided by this conference and Jack Norton's invitation to talk briefly about a mutual problem of pressing importance—the acquisition of weapon systems. The problem is pressing because the rumblings of public discontent over cost and procurement methodology in recent years have now grown to a roar. We see continuous references to the dangers of the military-industrial complex—denunciations of cost overruns, of inept procurement programming, of "buy in", of lack of competition, and so on. These expressions of public concern tend to burgeon into larger areas, such as the role and influence of the military in national affairs and the level of military spending.

A recent Wall Street JOURNAL editorial states that the "new tendency in Congress and in the public at large to question growing influence of the military . . . is, it seems to us, a healthy development. A rigorous civilian review of the role of the military in national life is long overdue."

As many of you know, the Deputy Secretary of Defense is addressing the problem of more effective weapon systems acquisition and of ways to improve our methodology and contracting.

The impact of our methodology extends deep in the subcontractor structure, and therefore, is of wide industrial concern.

In my view, our three most important problems are:

1. To develop ways of better defining the technical baseline so as to identify more accurately the risk to the contractor and to the government.

2. To reduce the amount of contingency a contractor must include for price increases in labor, materials, and subcontracts by devising a better escalation provision.

3. To improve our decision making as well as the contractor's annual division of effort to insure that funding does not act as an artificial restraint on the progress of the work.

Let me expand on the reasons why these three problems are critical with respect to weapon systems acquisition and the procurement process.

In recent months, there have been a number of articles, comments, and speeches from industry sources, all of which make essentially the following point with respect to our current policies on major system acquisitions:

"Total package procurement and fixed price development contracts for weapon systems procurement are artificial. The basic problem is that fixed price development contracts and total package procurement contracts do not proceed from a solid technical baseline. This means there are technical unknowns, unknown unknowns, and technical uncertainties in the contract. The work has not been done before, with the result that cost experience is meager."

Although our record in the 1960s will show we have made some progress over the 1950s by use of concept formulation and contract definition, I share the view that these paper studies will not substitute for hardware. We recognize that in very large and complex systems the cost of resolution of an expected technical problem can run into the millions—even hundreds of millions—of dollars. On the other hand, we are not willing to go back to the development buy-in/production get-well days.

It seems to me as we explore refinements to the techniques of procuring military hardware from private industry that we must continually remind ourselves of the larger goal. We, the Army and private industry are participating in the expenditure of public funds on devices and systems intended to maintain this nation's security.

It is clear, then, that regardless of the form of the contractual arrangement we enter into, the Army and industry cannot sit like poker players with impassive faces, hoping to benefit from the mistakes of the other player. There must be mutual confidence—there must be a free exchange of ideas—there must be an honest and timely admission of difficulties and mistakes if the people of this country are to be well served. We should not let the fixed price arrangement become a monster which ultimately defeats our basic purpose.

As we have made some progress, the question is: Without losing our gains, what can be done to improve the process?

First, we on the government side must be more realistic. In our enthusiasm to achieve early operational advantage, we must not blind ourselves to the magnitude of the risk involved in committing ourselves to production of the unknown. We must be hardheaded and objective with ourselves to insure that high risk components are proved prior to system contracting no matter how much time is required. This means more component development, such as that which we are doing now on very high output engines for tactical vehicles and the very high performance demonstrator engine program for aircraft.

Next, we can expand contract definition from a paper analysis to one including prototypes. This expanded contract definition concept is being included in the Bushmaster, Armored Reconnaissance Scout Vehicle and Mechanized Infantry Combat Vehicle procurement. Instead of three to four months of effort on contract definition, you could have 12 to 16 months. Equally, you will have the opportunity to see the results of testing before you finalize your price proposal for engineering development and production. Still another method that has been suggested is breadboard models or prototypes of particularly important components. We are taking this approach in the Mallard program.

The second point has to do with how we reduce the amount of contingency a contractor must include for price changes in labor, in material, and in his subcontractor structure over which he has no contol. This is a very important point because we are talking very long-term contracts—five to ten years. Our analysis of your experience has shown that, even though we use the standard ASPR clauses on escalation, reality tends to outpace our provisions no matter how well structured. Equally, we find that the interrelationship of these three ASPR separate clauses over the period involved becomes so complex that neither industry nor government can fully calculate the effect.

For certain of our long-term, multiyear production contracts, the Bureau of Labor Statistics and ourselves have jointly devised a composite index tailored to the military truck environment. We have been using this index for the past five to six years in our general purpose vehicle procurements. Our experience has been good. It is relatively simple, sensitive to changing conditions, and understandable. The same approach might be applicable to other categories of major military equipment, and we propose to examine it during the next few months. You may be interested that, as a result of its own analysis of several of its recent total package procurements, the Air Force has arrived at a similar conclusion concerning the need for revision of its escalation provisions.

The third point concerns funding and the essentiality that it be consistent with the effort required.

As all of us know, our funds become available in annual increments. We in the government have an obligation to assure ourselves and you that these funds are made available to support our contractual commitments. Equally, you should not so plan your work or make your sequential effort depend upon the generation of funds not programmed. We do not have a pot of uncommitted money available for such contingencies. This means

that to give you more, we must take away from someone else. Such adjustments are difficult.

I am convinced of the necessity for improvement, as overoptimistic pricing and unrealistic funding have identical results—an adverse impact on your profit and a shortfall in the production and the performance of equipment we desire.

From the viewpoint of industry you may select a different set of significant problems—but if we try to shotgun our approach and search out and attack every deficiency, we are likely to accomplish nothing. In the final analysis, direction is all important, which makes these conferences of great mutual benefit. We must join in the ultimate objective—namely, insuring that we maintain public confidence in our procurement process.

The prime objective of a government contract is to move a weapon system to the user in a reasonable time and at a reasonable cost.

We do not desire that you take unreasonable risks. We do want you to realize a fair profit.

We do not want our contracts to become a source of dispute. We do want an atmosphere of willingness on your part to undertake our work.

Our work over the next several months should result in solutions that can be applied over time not only to ease the burdens on ourselves and on industry but to aid materially in improving the public understanding of the military-industrial association which is so important from the viewpoint of national defense.

In working with these matters, we can expect a great deal of visibility and kibitzing. I would like to close this technical discourse by citing an oft-quoted comment by Lucious Aemilius Paulus, a Roman consul who had been selected to conduct the war with the Macedonians in 168 B.C. He went out from the Senate house into the assembly of the people and addressed them as follows:

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

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

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

"What then is my opinion?

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

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

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

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

I have often wondered whether he got away with his sage advice. In our time and in our business, life is not so simple; but if we earnestly and sincerely seek advice from a wide spectrum of qualified observers, the end product will indeed stand the test of challenge and ill-formed charges. This is the way we are going about it, with confidence but with great care.

FEELINGS OF FILIPINO PEOPLE TOWARD UNITED STATES

Mr. FONG. Mr. President, recently I received a letter from the Honorable Sergio Osmena, Jr., a member of the Republic of the Philippines Senate, telling me of the thoughts and feelings of the Filipino people toward the United States.

Senator Osmena was most kind to inform me that recent pronouncements by some high government officials "which tend to indicate a change in Philippine-United States relationship" do not reflect the views of the majority of the Filipinos. He clearly stated that his country wants to "maintain close relations with the United States and be identified with the free peoples of the world."

Senator Osmena also sent me three major speeches which he delivered on the floor of the Senate. One of them, titled "Commonsense and Vietnam," expressed his views on why the Republic of the Philippines should continue to support the South Vietnamese in their fight for survival. Although the speech was delivered in March 1966, he assured me "that the views expressed therein are shared by the vast majority of the Filipino people."

He, likewise, supports our country's efforts to help the people of South Vietnam maintain their political integrity and territorial sovereignty. To quote Senator Osmena:

> The United States, as the leader of the democratic bloc of free nations, in keeping with her solemn commitments, has sent troops to South Vietnam in order to protect the territorial integrity of the country. . . . Unless the free nations of the world, particularly the Philippines, will rally behind the democratic allies in containing communist aggression in South Vietnam, we will some day wake up to find all of Southeast Asia . . . firmly in the grip of communism. . . .
>
> One can just imagine the impact among the members of the free world, and particularly the United States, should the Philippines fail to extend the assistance requested by our South Vietnamese ally. The last thing we want the United States not to do is to back down on her commitments. Can we afford to back down on our own commitments?

Mr. President, I ask unanimous consent that Senator Sergio Osmena's speech on "Commonsense and Vietnam" be printed in the RECORD.

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

COMMONSENSE AND VIETNAM

Mr. President, Ladies and Gentlemen of the Senate.

The Filipino people today are deeply engrossed in the vital issue of whether or not to send a Filipino engineering battalion with adequate security to South Vietnam.

The issue has aroused wide-spread interest. Everyone who has considered himself an authority on the matter has been discussing the merits and demerits, the pros and cons of the case, privately and publicly. Articles and editorials as well as public pulse letters have been written, a good number of them presenting diametrically opposite views. Everything seems to depend on whether one is an extreme nationalist, a chauvinist, an opportunist, an imperialist, or just a plain oppositionist.

The discussions have even become charged with emotionalism and sentimentalism.

It is against this backdrop that I rise this evening in order to discuss the issues involved in Vietnam.

But before so doing, however, I feel it appropriate to give a brief background of the events leading to the decision to send an engineering battalion to assist the beleaguered people of South Vietnam.

BACKGROUND OF THE VIETNAM STRUGGLE

Vietnam was formerly French Indo-China and one of the many colonies under French domination before World War II. In 1940 the Imperial Japanese Forces subjugated French Indo-China. Just as what happened in the Philippines, guerrilla forces sprouted in French Indo-China fighting against the Japanese invaders. These guerrilla forces consisted of many elements, among them, patriotic and nationalistic Vietnamese, together with an aggroupation of forces under communist leadership just as we had the Huks. When the Imperial Japanese Forces were finally driven out of French Indo-China in 1945 by British and Chinese soldiers of Generalissimo Chiang Kai-shek, the British government turned the country over to France.

But the freedom-loving Vietnamese, who were imbued with the same resolve as we the Filipinos to be independent and free, continued their fight for freedom in order to throw off the yoke of French domination. The Vietnamese people were fighting a true nationalist revolution against the French, but the communists among them stole their revolution from them.

Largely because of the loss of support among the French people at home, as well as the massive Chinese communist assistance diverted to French Indo-China from Korea after the Korean War, France was defeated at Dienbienphu.

THE GENEVA AGREEMENTS

As a result, the Geneva Agreements of 1954 were arrived at, which provided for the partitioning of Vietnam at the 17th Parallel under international supervision through the International Control Commisison, composed of India, Canada and Poland. The agreements also provided for free elections in 1956 leading to the reunification of the country. North Vietnam was under the leadership of Ho Chi Minh and his Communist cohorts; while South Vietnam was governed by Emperor Bao Dai with Ngo Dinh Diem as Prime Minister. Subsequently, following a national plebiscite, Ngo Dinh Diem was installed as President of the Republic of South Vietnam.

COMMUNISTS VIOLATED GENEVA AGREEMENTS

However, the communists of North Vietnam, supported by the communists of Red China, never intended to comply with the provisions of the Geneva Agreements of 1954. The North Vietnamese regime rendered the International Control Commission absolutely impotent from the outset, refusing even to permit the International Control Commission to supervise the exodus of those who wanted to flee terror in the North and seek refuge in South Vietnam. As we all know, almost a million Vietnamese who had already seen the true face of communism in the North fled to South Vietnam. If the communists had permitted proper functioning of the International Control Commission, the total number of refugees would have been much greater.

Another evidence of the communist North Vietnamese regime's nefarious intent was its retention within South Vietnamese territories of large military forces, which it instructed to go underground, hide their

weapons, and await instructions for future subversion.

In view of this obvious communist duplicity, it is no small wonder that President Ngo Dinh Diem refused to permit nationwide elections in 1956. Mr. Diem felt that South Vietnam's only hope lay in *free elections* under international supervision. He knew that communist North Vietnam, with a larger population than that of South Vietnam, could inevitably win an unsupervised election by simply delivering a 100% vote in the northern sector of the partitioned nation—and nobody questions the communists' ability to deliver a 100% vote in areas under their complete control.

PROGRESS IN THE SOUTH; RETROGRESSION IN THE NORTH

What happened in the two zones in the years immediately following the partitioning of Vietnam? In the communist zone of the North, there was economic stagnation, hardship and privation—all made even worse by the ruthlessness of the communist methods, ruthlessness that led in 1956 to a peasant uprising in Nghe An province, which reportedly cost the lives of 50,000 peasants.

North Vietnam's gross national product decreased steadily. Meanwhile, in South Vietnam, there was dramatic progress. In ten years school enrollment increased from 300,000 to 1,500,000. More than 12,000 dispensaries and clinics were established. Under a land reform program beginning in 1957, some 600,000 acres of farm lands were distributed to 115,000 farmers. South Vietnam became once again a major rice exporting nation.

This was the contrast between North and South Vietnam—dramatically illustrated by only one set of comparative statistics: while per capita food production between 1955–60 dropped 10% in North Vietnam; it rose by 20% in the South. What happened was simply this: the life of the people in South Vietnam improved so much that the communist regime in the North realized that it must abandon all hope of a political takeover in the South; Ho Chi Minh and his colleagues realized that they must instead move for a military takeover of South Vietnam.

COMMUNISTS LAUNCH "WAR OF NATIONAL LIBERATION"

The North Vietnamese communists, following the guidelines set down by Mao Tse Tung, decided to launch in South Vietnam what the communists call a "war of national liberation."

Before 1959, the Viet Cong guerrillas in the South—that is, the forces left behind after the Geneva agreements, together with such recruits as they could gather through indoctrination, coercion and terror, were not a serious threat to the security of South Vietnam. To be sure, they conducted a small-scale campaign of terror; in the period 1957 to 1959 they murdered or kidnapped more than 1,000 civilians. However, during that period the threat could be contained by South Vietnam's own armed forces.

However, when the communists decided to launch their "war of national liberation," they greatly accelerated their terroristic activities in South Vietnam. This was followed by political organization. As early as 1959 Ho Chi Minh declared that the "communist revolution" must be brought to the South. Early in 1960 Ho Chi Minh's military commander Vo Nguyen Giap, described Hanoi as "the revolutionary base for the whole country." A September 1960 congress of the Lao Dong, the North Vietnamese communist party, decided to establish the "National Front for the Liberation of South Vietnam." The first the outside world knew of the establishment of the Front was a Radio Hanoi broadcast on January 29, 1961.

The communists then proceeded to form a South Vietnamese branch of North Vietnam's communist party; they named it the People's Revolutionary Party. It was during this period that supplies, arms and men began pouring from the North into South Vietnam in increasing numbers. For a long time the North Vietnamese infiltrators into South Vietnam were military personnel of Southern origin—men who could blend into the surroundings of the areas from which they came and who could speak with the accents of their home regions. Ultimately, however, the supply of Southerners in the North dried up and North Vietnam began infiltrating into the South entire regiments of the North Vietnamese Army.

The purpose of the communists' "war of national liberation" and "National Liberation Front" was to take over a large enough area of South Vietnam to enable them to set up the "Front" as the "legitimate government" of South Vietnam.

Indicative of the phony nature of the North Vietnam's "Liberation Front" is that not a single leading political or intellectual figure in the South, whatever his differences with the government in Saigon, has joined the Viet Cong or its "Liberation Front" apparatus. Nor has a single one of the many religious, political, labor or student groups in the South rallied to the banner of the Front.

The reason for this is simple: informed people in South Vietnam know that the "National Liberation Front" originated in the North, is controlled by Hanoi, and is completely subservient to its communist masters. It is also worth noting that whenever communist North Vietnam has sent "Liberation Front" representatives abroad they have always travelled under *North* Vietnamese passports.

What is a "war of national liberation"? It is an attempt to commit aggression by means short of openly marching armies across frontiers. It is a naked attempt to seize a piece of real estate. The technique is to destroy an enemy government by stealing its people. It is a grotesque measure of Viet Cong success that not only the Vietnamese peasants, but also a good many well-intentioned Filipinos have been duped into a naive belief that these political gangsters are honorable patriots.

SOUTH VIETNAM REQUESTS ASSISTANCE AGAINST AGGRESSION

As a result of the flagrant violations of the Geneva Agreements by the North Vietnamese, which resulted in the invasion of South Vietnam by communist forces armed by Red China and directed by Peking, the United States of America upon request by the legally constituted South Vietnam government decided to lend its military assistance to South Vietnam.

There were no US combat forces in South Vietnam at the time the communists began to increase their aggression in 1960. However, in the words of President Johnson "unchecked aggression against free and helpless people would be a great threat to our freedom and an offense to our own conscience." Hence the United States fulfilled its commitment by sending combat troops not for purposes of aggression but to fight side by side with the 500,000 Vietnamese troops in defense of the territorial integrity of the free peoples of South Vietnam.

THE U.S. COMMITMENT

This painful decision the United States had to make if only to show to the people of the free world that she was ever ready to comply with her solemn commitments not only in South Vietnam but in any part of the globe.

For it is abundantly clear that should the United States renege from its commitments, it would be encouraging additional communist subversion and aggression throughout the globe. If the aggression against South Vietnam were permitted to succeed, in the words of Secretary of State Dean Rusk, "the forces of militant communism everywhere would be vastly heartened and we could expect to see a series of so-called 'wars of liberation' in Asia, Latin America and Africa."

The United States is more than ever determined to stop communist aggression in South Vietnam just as it did in Berlin, Greece, Korea and Cuba, to mention a few.

Historians will still remember that in these countries the communist forces of aggression were stopped in their tracks because of a firm determination of the United States of America to stop communist aggression wherever it may be found.

As President Johnson and his predecessors have repeatedly emphasized, the American objective in Southeast Asia is peace—a peace in which the various peoples of the areas can manage their own affairs in their own ways. America does not seek to destroy or overturn the communist regimes in Hanoi and Peking. All America wants is that the communists cease their aggressions, that they leave their neighbors alone. The United States had sought to achieve a peaceful settlement of the war in Vietnam but the Communists had inevitably slammed the door. The communists would not discuss at a conference table unless the United States Armed Forces would be withdrawn from South Vietnam, something totally unacceptable to America.

SOUTH VIETNAMESE REQUEST PHILIPPINE ASSISTANCE

Because of the precarious situation obtaining in South Vietnam, the Prime Minister of the government of the Republic of Vietnam has sent a plea to our government for an engineering battalion with adequate security cover. The first request was made on April 14, 1965 when Dr. Phan Huy Quat, Prime Minister of the Republic of Vietnam, addressed a letter to then President Diosdado Macapagal. President Macapagal in response to the South Vietnamese request recommended the approval of House Bill No. 17828 in 1965. In that year, the Liberal-controlled House of Representatives approved the bill but the Nacionalista-controlled Senate headed by then Senate President Marcos failed to act on the same.

The second request was made in February 2, 1966, when the Ambassador of South Vietnam to the Philippines sent a similar letter to President Ferdinand Marcos.

To the credit of President Marcos, a Nacionalista, after having been apprised of all the facts surrounding the Vietnamese problem, he recommended to Congress the approval of a bill appropriating money for the sending of a Philippine engineering battalion with the necessary security to South Vietnam.

The issue, therefore, transcends partisan politics. Both President Macapagal, a Liberal, and President Marcos, A Nacionalista, have agreed to send Filipino troops to Vietnam, just as in the United States three American Presidents, namely, Eisenhower, a Republican, Kennedy, a Democrat and Johnson another Democrat, had seen fit to come to the military aid of the Republic of South Vietnam.

THE FUNDAMENTAL ISSUES

Brushing aside all technicalities, in my humble observation, the main questions boil down to these: Is it to the best interests of the Philippines and the Filipino people to assist a beleaguered friendly neighbor who has asked for assistance in fighting a common enemy? Is it moral and proper for us, the Philippines, a democratic country, to listen to the advice of our great ally and benefactor, the United States, so that we may heed the South Vietnamese supplication?

Let me present for your valued consideration my arguments in favor of sending an engineering battalion with adequate security cover to South Vietnam as envisaged in Senate Bill No. 150.

The globe is divided into two camps of contradicting and conflicting ideologies: the democratic camp which stands for freedom and the communist block which stands for slavery.

Everyone realizes the fact that the leader of the free world is the United States and that we just like South Vietnam belong to the democratic camp. The issue before us is the expansion of our nation's commitment in South Vietnam. I wish to make it clear that the issue is *expansion* of a commitment which already exists. There are almost 70 Filipino personnel in South Vietnam today engaged in medical, civic action and psychological warfare work. What is asked of us is to send engineering forces so that the South Vietnamese government will be able to free more of its armed forces to bear the brunt of the fighting, as indeed they do.

Would it not be more prudent and advisable to help a friendly neighbor fighting for its very life against a common enemy, the communist reds, so that should we be placed under the same predicament we would likewise be able to request similar assistance?

For let there be no mistake about it, the North Vietnamese are merely following instructions of Mao Tse Tung whose Defense Minister Lin Piao, who is also Vice-Chairman of the Chinese Communist Party Central Committee and a Vice Premier has stated "the seizure of power by armed force, the settling of the issue by *war* is the central task and highest form of revolution." Lin Piao has stated the objectives of the Chinese communists and that was to "establish rural base areas and the use of the countryside to encircle the cities and finally capture them"—to shape the army first and foremost on a political basis to seize the power of a state "by revolutionary violence" for, as Mao Tse Tung says, "political power grows out of the barrel of a gun."

For what is at stake in South Vietnam? The United States, to be sure considers that its security, its vital interests are at stake in South Vietnam. By the same token, the fundamental security of the Republic of the Philippines is also at stake in South Vietnam.

Let us analyze this.

THE STRATEGIC CONSIDERATIONS

There has been a lot of talk about the immense importance of South Vietnam; the unpleasant reality is that it is all true. By a whim of history that small and tortured country has become pivotal both politically and psychologically, like Poland at the outset of World War II. Its loss to the communists could lead eventually to the loss of the entire Southeast Asian Peninsula, an area of more than two million square miles, with a population of more than 250 million.

The Southeast Asian Peninsula has obvious economic importance. It is a trade gateway almost as important as the Suez Canal. If it were barred to the major trading nations of the free world, air and shipping lines would be forced to shift round-the-world routes to places like Darwin in northern Australia 2,000 miles south of the present route through Manila.

South East Asia is underpopulated and contains vast natural resources such as oil, rubber and tin—and most important of all, major surpluses of rice. Its rice has been the goal of Chinese imperialism for centuries, just as it was for the Japanese in World War II. Today, South East Asia is Peking's main hope for solving the Communist China's massive food problem.

Capture of South East Asia would tip the balance of world resources toward the Communist bloc, dramatically reinforcing its limited economic power—and thus its military power, with a corresponding loss of strength to the free world. In effect, communist control of South East Asia would amount to collapse of the tenuous stability, the precarious balance of power between the world's two major power blocs, with incalculably dangerous consequences.

Communist objectives in South East Asia have long been clear to anyone who cared to examine the facts.

PHILIPPINE NATIONAL SECURITY AND NATIONAL INTERESTS

From the foregoing enumeration of facts, it is patently clear that the loss of South Vietnam to the free world would eventually be a loss of Southeast Asia to the communists, thereby causing a most serious threat to our national security. Viewed from the light of cold reasoning, is not our country fully justified in sending additional assistance to South Vietnam as requested by her leaders?

Certainly, it is to our national interest to defend and protect our democratic ideals, lest someday we lose all we treasure and enjoy. Lose to whom? No less than to a godless, ruthless and autocratic foreign power whose doctrine we abhor because it runs counter to every principle of democracy, justice and liberty that we have imbibed and cherished, and whose system of government we thoroughly detest because it is a government of a murderous clique whose god is naked power and whose law is murder and rape.

FREE WORLD ASSISTANCE TO SOUTH VIETNAM

Thirty-one nations belonging to the free world have seen fit to send assistance to South Vietnam. They are: Australia, Republic of China, Japan, Korea, Laos, Malaysia, New Zealand, Thailand, Greece, Turkey, Pakistan, Austria, Belgium, Denmark, France, West Germany, Ireland, Italy, Luxembourg, the Netherlands, Spain, Switzerland, United Kingdom, Argentina, Brazil, Dominican Republic, Ecuador, Guatemala, Uruguay, Venezuela and Canada. If countries ten thousand miles away from South Vietnam have extended their assistance to an ally, certainly we, who are only two hour's flight from Saigon should be more deeply concerned in putting out the flames of communism that would seek to encompass the free nations of Southeast Asia, of which we are one.

CAN WE DEFEND OURSELVES WITHOUT EXTERNAL ASSISTANCE?

As often stated, we are a small nation. The basic philosophy of our national defense is collective security. This we have done by entering into treaties of collective defense with many countries in the world with whom we have mutuality of interests and with whom we share the same fundamental beliefs and ideologies.

But let me present a more potent argument why we should send an engineering battalion to South Vietnam.

It is an undeniable fact which all ultra-nationalists or super-nationalists will admit, that by ourselves we could never defend our country against Red Chinese aggression. Our annual budget for defense purposes during the last fiscal year was p284 million, 92% of which was for pay, allowances and retirement benefits of our Armed Forces and only 8% was expended for training, operations and other purposes.

Our Armed Forces consists of roughly 43,000 troops; 16,000 in the PC, 13,000 in the Army, 5,200 in the Navy and 8,000 in the Air Force.

We have only 150 aircrafts, and our Navy consists of only 50 ships, hopelessly inadequate even to curb smuggling.

Even if we were to spend our entire Philippine government annual budget for defense purposes alone, it would not be sufficient to maintain the US Carrier "Enterprise" on combat station in the South China Sea for one year.

We have, therefore, to depend almost entirely upon the United States for our external protection. Remove the United States 7th Fleet and 13th Air Force and I should like to ask the ultra-nationalists where would we be? Red China could occupy the Philippines in twenty-four hours.

WHY DID WE SIGN BASES AGREEMENT WITH U.S.?

Why did we enter into a military assistance agreement with the United States? Let me for a moment recall the circumstances.

In 1933, my late father, then Senator Osmeña, returned from the United States as head of the Osrox Mission to Washington and brought back with him the Hare-Hawes-Cutting Independence Act. It was necessary for the Independence Act to become operative that the Philippine Legislature accept the same.

In that year, however, then Senate President Manuel Quezon raised strong objections to the H-H-C Law. His reason was that the law granted the United States the right to establish military and naval bases in the Philippines even after independence. Mr. Quezon said it was incongruous for the Philippines, after having obtained her independent status, to have a part of her territory under a foreign power. He raised the same issues that the opponents of the Vietnam Bill are now raising—national dignity, sovereignty, nationalism. As a result, the H-H-C Law was rejected by the Philippine Legislature, which was then under the control of then Senate President Quezon.

The following year, Mr. Quezon journeyed to Washington. He was able to obtain approval of the Tydings-McDuffie Act. This law contained the same provisions as the H-H-C Law with one exception— under the T-M Law the United States would no longer have any right to maintain military and naval bases in the Philippines after the grant of independence—only refueling stations.

What happened afterwards is now part of history. When Japanese bombs fell on Philippine soil on December 8, 1941, we were caught literally with our pants down. We were unprepared. As a result we were invaded and occupied by the Japanese hordes.

Had we accepted the H-H-C Law instead of raising the hue and cry of nationalism, America would have been assured that she could maintain military and naval bases in the Philippines. Such assurances would have compelled her to fortify to the utmost her naval and military bases in our country, knowing as she did then that Japan was feverishly preparing to embark on a plan of establishing the so-called Greater East Asia Co-prosperity Sphere.

Had America done so, our country could have been spared the utter humiliation of being invaded and occupied. It could have been impossible for Japan to conquer the Philippines just as she found it impossible to invade Hawaii. That I take it, was the reason why my father was willing to give the United States all the bases it needed for the protection, not only of its interests in the Philippines but also for the protection of the Philippines and the preservation of the independence that the United States had promised her.

History has proven the wisdom of my father's attitude. Had America fortified all her bases here to the extent that she would have, if the H–H–C Law had been accepted by the Philippine Legislature, there would have been, I dare say, no tragic surrender in Bataan, no Death March and no humiliating surrender of Corregidor.

But the bugbear of nationalism prevented America's plan to fortify our country and as a result we suffer subjugation.

Due to our bitter lessons learned from World War II, we, the Filipino people, apprehensive as we all were then of our future, speaking through our duly elected representatives, authorized the President of the Philippines to negotiate with the President of the United States for the establishment of bases military and naval in our country. That was on July 28, 1945 or one year be-

fore the establishment of Philippine independence. What were our immediate objectives? First and foremost was to insure the territorial integrity of the Philippines, our country. Second was to guarantee the mutual protection of the Philippines and the United States. The third was to insure the maintenance of peace in the Pacific.

After months of full and mature deliberation by our leaders the military bases agreement was signed by Manual Roxas who was then President of the Philippines, and Paul V. McNutt, first American Ambassador to our Republic. The formal signing took place right in Malacañang on March 21, 1947.

If, as it must be admitted, the Philippine defense is almost entirely dependent upon the United States and since we fully recognize that America is the leader of the free world in our fight against the forces of aggression, would it not be in keeping with our national pride and dignity if when requested by Uncle Sam, we should send a token force to South Vietnam in order to contribute our share in the efforts to stop the enemy?

NATIONAL DIGNITY AND SOVEREIGNTY

I am heartily in accord with those who insist that we should maintain our national dignity and sovereignty but not at the expense of our welfare and security. And what are we going to do with dignity and sovereignty once we are in the grip of the Communists, once we have utterly lost freedom, even the freedom to advance stupid and ridiculous suggestions? If we as a nation have to depend primarily upon America for our external defense, would it not be in keeping with out national dignity and sovereignty if we were to accept America's suggestion to do that which she thinks should be done in the interests of our own security?

DEMOCRACY IN ACTION

On February 21, 1966, I was privileged to listen to the brilliant speech of the distinguished gentleman from Batangas, a Nacionalista who spoke against the Vietnam Bill. On March 1, 1966, I was again privileged to listen to the inspiring remarks of our distinguished colleague from Bulacan, a Liberal, who spoke in favor of the Vietnam Bill.

Here, indeed, was democracy in action—a way of life that we have learned to love, but which we may not be privileged to continue enjoying should the cause for which our allies are fighting in Vietnam fail.

IDENTITY OF UNITED STATES AND PHILIPPINE INTERESTS IN ASIA

Is it not correct to state that what is advantageous militarily to the United States in this part of the globe would also be advantageous to the Philippines? All over the world, in Europe, in Africa, in South America, in Asia, the forces of democracy are locked in mortal combat with the forces of communism. Here in our little corner of the earth, in Southeast Asia, North Vietnamese soldiers equipped with communist guns have invaded South Vietnam in an effort to communize all of Vietnam and eventually all of Southeast Asia.

The United States, as the leader of the democratic bloc of free nations, in keeping with her solemn commitments, has sent troops to South Vietnam in order to protect the territorial integrity of the country. [The United States has no designs to proceed to North Vietnam, but only to contain subversion and aggression in South Vietnam.] Unless the free nations of the world, particularly the Philippines, will rally behind the democratic allies in containing communist aggression in South Vietnam, we will some day wake up to find all of Southeast Asia, including Laos, Thailand, Cambodia, Malaysia, Singapore, and even the Philippines firmly in the grip of communism.

REFUTATION OF OPPOSITION ARGUMENTS—INVOLVEMENT IN WAR

The argument has been advanced that by sending an engineering battalion with adequate security cover to South Vietnam, the Philippines would be involved in war. Such being the case, it has been said that we would be subject to retaliation. Mr. President, it is my confirmed opinion that in the global conflict between the forces of communism and the forces of democracy, there can be no neutralism. The communists will attempt to invade the Philippines if it suits them regardless of whether or not we are involved.

PROBLEMS OF 1954 DIFFERENT FROM PROBLEMS OF 1966

The revered names of President Magsaysay and President Laurel have been mentioned as having opposed the sending of troops to Southeast Asia in April of 1954. For that reason, it has been argued that were they alive today, they would continue to maintain the same stand.

Mr. President, in April 1954, both Presidents Magsaysay and Laurel opposed sending troops to Vietnam because they expressed opposition to the dispatch of military forces to fight on the side of a colonial power that was attempting to maintain its hold over a colony. In those days, the Vietminh, though they were certainly led and dominated by communists, were composed largely of Vietnamese who were fighting for the independence of their homeland from France. Today, the situation is entirely different. The government in South Vietnam, an independent and sovereign government, has called for our assistance in repelling a communist aggressive movement which seeks to destroy South Vietnam's independence.

WHAT CAN PHILIPPINES ACCOMPLISH IN SOUTH VIETNAM?

In his speech, the distinguished and brilliant gentleman from Batangas stated, "If we fight in South Vietnam we will not crush the North Vietnam government; we will not even attack the Red Chinese." The distinguished Senator from Batangas also said, "Crush the Viet Cong in South Vietnam today and they will merely retreat into North Vietnam, rest, recover, gain strength and come back again another day." And he poses the question, "Will they disappear?"

The question, Mr. President, is not "Will they disappear?" but will they have learned that communist "wars of liberation" cannot succeed if the forces of the free world stand fast?

It is the intention of the democratic allies to prevent the spread of communist aggression and subversion in Southeast Asia, to teach the communists that they will be met with resistance wherever they attempt aggression, to convince the communists that they must stay within their territorial limits. The communists should have learned these lessons in Korea, Greece, Berlin, Malaysia, in the Philippines and Cuba, where free nations reacted with firmness and determination. It is clear that the lesson must be taught again today in Vietnam.

GREAT BRITAIN'S CONTRIBUTION

The distinguished gentleman from Batangas states that Great Britain has sent "much sympathy, no troops."

Mr. President, Great Britain is in an awkward situation in that it is one of the Co-chairmen of the Geneva Conference, a body that is considered to be in continuing existence. In order to fulfill properly its role as Co-Chairman, the United Kingdom cannot be placed in a position of making too obvious a commitment on either side. However, the United Kingdom has provided a British Advisory Mission in South Vietnam for about five years.

This Mission, composed of veterans who participated in putting down the communist insurgency in Malaya, has provided valuable advice and assistance to the South Vietnamese, and has worked in cooperation with the Malaysian government in arranging training for more than 2,000 Vietnamese military officers in Malaysia.

The United Kingdom has also provided considerable economic support to South Vietnam, including laboratory equipment for Saigon University, typesetting equipment for the government printing office, a cobalt deep-ray therapy unit for the National Cancer Institute and much equipment for the facilities of medicine, science and pharmacy at Saigon University, the Meteorological Service and the Agricultural School at Saigon, the Atomic Research Establishment at Dalat, and the Faculty of Education at Hue. The United Kingdom has also agreed to provide 50,000 British pounds sterling worth of diesel fishing boat engines.

THAILAND'S CONTRIBUTION

Our distinguished colleague from Batangas states that Thailand has provided no troops in South Vietnam. Mr. President, the Thais have supplied a military air detachment with C–47 pilots, navigators and maintenance men. They are now on duty flying operational transport missions for the Vietnamese forces. In addition, they have provided cement and zinc roofing materials and have provided jet training for Vietnamese pilots in Thailand. Thailand has an incipient communist insurgency movement of its own to contend with in Northeast Thailand. It is making a valuable contribution to the anti-communist struggle in Southeast Asia by committing its armed forces and police to internal defense. Moreover, Thailand's distinguished Prime Minister said during his visit to this country two weeks ago that Thailand is prepared to do more in Vietnam if necessary.

WHAT HAVE AUSTRALIA AND NEW ZEALAND DONE?

The distinguished gentleman from Batangas also criticizes the size of Australian and New Zealand troop commitments.

Mr. President, both Australian and New Zealand are deeply committed to the defense of the Malaysia-Singapore area, and maintain large forces there. No one can doubt the importance of keeping those forces where they are. The stability of that area would be jeopardized if they were moved.

Australia, in proportion to its resources and population, has made a major contribution in Vietnam for the past several years. In addition to sending a crack infantry battalion, 100 specialists in jungle warfare and an air force unit which flies daily logistical support missions for the Vietnamese forces, Australia has provided a million Vietnamese textbooks, 3,300 tons of corrugated roofing for Vietnamese military dependent housing, 15,570 sets of hand tools, 16,000 blankets, 14,000 cases of condensed milk and a 50-kilowatt radio broadcasting station. Hundreds of Vietnamese have been sent to Australia for training.

Australia has also provided surgical teams, civil engineers and dairy and agricultural experts. And furthermore, Australia announced only last week that it is tripling the size of its combat forces in South Vietnam, bringing them up to a strength of approximately 4,500. Australia is a richer nation than the Philippines, but we overlook its small population—considerably less than half the population of this country.

New Zealand, a nation with only one-tenth the population of the Philippines, has not only sent engineers and artillerymen to South Vietnam, it has provided New Zealand pounds equivalent to $200,000.00 for a science building at the University of Saigon, equipment for a technical high school, and is training 62 Vietnamese in New Zealand.

CHINESE NATIONALIST VOLUNTEERS?

The distinguished Senator from Batangas has stated that the Chinese Nationalists

have offered volunteers and that they have been turned down.

Mr. President, I say that, if the allegation is true, the South Vietnamese were wise to decline an offer of the Chinese Nationalist volunteers. It is vital that Red China not be offered an excuse for sending "volunteers" into the Vietnam conflict as she did in Korea.

The response to communist aggression in Vietnam should be a measured response, carefully calculated to convince North Vietnam that it must leave its neighbors alone, and not a response that would trigger Red Chinese intervention. I feel that Red China would view Nationalist China volunteers in South Vietnam as a fulfillment of Chiang Kai-Shek's threat to "retake the mainland", and would enter the war openly and not just clandestinely.

As it is, Nationalist China has provided to South Vietnam far more than we have. They have sent an agricultural team composed of more than 80 men, a military psychological warfare team, a surgical team, and an electrical power mission. They have provided half a million mathematics textbooks, electrical power substations, prefabricated warehouses, agricultural tools, seeds and fertilizers, as well as providing training for more than 200 Vietnamese in Taiwan.

DOES INACTION BY OTHERS ABSOLVE US?

Mr. President, what I deplore far more than the inaccurate allegations about the relative contributions of other countries to the defense of communist aggression is the clear implication on the part of those who make such charges that since they feel that some other nations have failed to fulfill their obligations, they believe that this country is thereby exonerated, absolved of all responsibilities, to fulfill our obligations.

One can just imagine the impact among the members of the free world, and particularly the United States, should the Philippines fail to extend the assistance requested by our South Vietnamese ally. The last thing we want the United States not to do is to back down on her commitments. Can we afford to back down on our own commitments?

U.N. OR SEATO COLLECTIVE ACTION?

The distinguished gentleman from Batangas has stated that he "would not oppose the sending of such combat troops to South Vietnam as are within our capacity" provided that this were done under United Nations auspices.

Numerous attempts have been made to use the good offices and the power of the United Nations to move the Vietnam conflict from the battlefield to the conference table. To date, all such efforts have failed. On January 31, 1966, the United States formally requested the United Nations Security Council to consider the situation in Vietnam and to recommend steps toward a peaceful solution. However, the communists reacted as they always have in the past. The very next day following the United States request for action by the United Nations Security Council the North Vietnamese regime reiterated its stand that the UN has no right to deal with the Vietnam question and that any UN Security Council resolution on the Vietnam question would be null and void.

In order for the UN to take collective action in Vietnam under United Nations auspices, it would be necessary to have Security Council approval. As everyone knows, this would require a unanimous vote in the Security Council which would obviously be impossible, since it would be vetoed by the Soviet Union.

Individual members of the SEATO can assist and are assisting in South Vietnam in response to individual requests from the government of South Vietnam. As we all know, South Vietnam, as one of the protocol states of the SEATO Treaty can call for SEATO assistance to repel aggression. However, the SEATO Treaty also provides that collective action by the eight SEATO members must be based upon a unanimous vote. Here again, as in the United Nations Security Council, we cannot expect a unanimous vote. France, one of the eight SEATO powers, has already taken the position that the Vietnam problem can be solved only by "neutralization" of the area, which is to say that France has obviously abdicated all responsibility for using its military force to preserve the peace in Southeast Asia.

Therefore, it is clear that action to repel communist aggression in South Vietnam must be based upon the individual decision of free nations in response to South Vietnam's request and not upon collective action under the provisions of either the United Nations charter or the SEATO Treaty.

WE CANNOT AFFORD NOT TO HELP

The question has been asked, can we afford to send an engineering battalion with security cover to South Vietnam?

I feel, Mr. President, that the question should be: "Can we afford not to afford it?" For certainly, we cannot put a price tag on liberty and freedom.

It has been said that the 2,000 Filipino troops that will be sent to Vietnam will not be sufficient to tilt the balance in favor of the free world. Is it the position of the opponents of the Vietnam bill that we should merely fold our arms when there is a fire in the neighborhood? Would it not be better to contribute our share, no matter how little, in putting out the fire before it reaches our own house?

AMERICA'S MOTIVES IN VIETNAM

It is most unfortunate that in the discussions of the Vietnam bill that aspersions have been cast upon the American motive in Vietnam. America today has close to 200,000 troops fighting in Vietnam. Just last week the U.S. Senate voted an additional 45 million dollars for economic assistance to Vietnam and 4.8 billion dollars for military assistance. What has America to gain for herself? Absolutely nothing. She has no territorial designs on South Vietnam, just as she had no territorial designs on the Philippines when she granted us our independence in 1946. All that America wants to accomplish, in the words of President Johnson, and I quote: "We do not seek the destruction of any government, nor do we covet a foot of any territory. But we insist, and we will always insist, that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the South or throughout all Vietnam under international supervision. And they shall not have any government imposed upon them by force and terror so long as we can prevent it." This is the American stand.

President Johnson adds:

"Most of the non-Communist nations of Asia cannot, by themselves and alone, resist the growing might and grasping ambition of Asian Communism. Our power, therefore, is a vital shield. If we are driven from the field in Vietnam, then no nation can ever again have the same confidence in American promise, or in American protection. In each land the forces of independence would be considerably weakened. And an Asia so threatened by communist domination would imperil the security of the United States itself.

"We did not choose to be the guardians at the gate, but there is no one else.

"Nor would surrender in Vietnam bring peace. We learned from Hitler at Munich that success only feeds the appetite of aggression. The battle would be renewed in one country and then another, bringing with it perhaps even larger and crueler conflict.

"Moreover, we are in Vietnam to fulfill one of the most solemn pledges of the American nation. Three Presidents—President Eisenhower, President Kennedy, and your present President—over 11 years, have committed themselves and have promised to help defend this small and valiant nation.

"Strengthened by that promise, the people of South Vietnam have fought for many long years. Thousands of them have died. Thousands more have been crippled and scarred by war. We cannot now dishonor our word or abandon our commitment or leave those who believed us and who trusted us to the terror and repression and murder that would follow."

This, then, is why the Americans are in Vietnam.

CONCLUSION—WE MUST HELP

And so, Mr. President, unless we adopt a more realistic and more generous policy, there is danger that our country will ultimately become the exclusive domain of the Huks and communists, men whose government wherever found is based not on the will of the people but on the whims of the Kremlin and Peking.

I do not know what stand my intelligent colleagues will take on the Vietnam bill, but for myself I vote wholeheartedly in favor of sending additional assistance to Vietnam as requested, certain that in the long run it will be for the best interests of the Philippines.

I have no objection to playing politics now and then, but the welfare of the people should always be above and beyond politics. Nor should we ever endanger their future in the name of misunderstood sovereignty and national dignity.

And I vote for this not because I am pro-American but because I am heart and soul pro-Filipino.

STATEMENT BY SENATOR MONTOYA IN SUPPORT OF S. 740

Mr. KENNEDY. Mr. President, on June 11, the distinguished junior Senator from New Mexico (Mr. MONTOYA) testified before a subcommittee of the Committee on Government Operations on the problems of the Spanish-speaking American.

Senator MONTOYA's testimony is most illuminating and presents a comprehensive discussion of the problems of the Spanish-speaking American in the fields of education, employment, poverty, health, housing, and other segments of today's society. Senator MONTOYA was testifying on the need for permanently establishing the present Inter-Agency Committee on Mexican-American Affairs. I am pleased to be a cosponsor of his bill, S. 740, to accomplish this purpose.

Mr. President, because I believe that Senator MONTOYA has performed a valuable public service in bringing to the attention of Congress the critical situation of this second largest minority in our country, I ask unanimous consent that his testimony be printed in the RECORD.

I commend Senator MONTOYA for his excellent remarks and for the leadership which he is displaying in improving the opportunities for the Spanish-speaking Americans of this great Nation.

After consultation with a number of groups and individuals concerned, Senator MONTOYA has recommended that the name of the agency be changed to "Cabinet Committee on Opportunity for the Spanish Speaking."

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

STATEMENT BY U.S. SENATOR JOSEPH M. MONTOYA, DEMOCRAT, OF NEW MEXICO, BEFORE THE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION OF THE U.S. SENATE COMMITTEE ON GOVERNMENT OPERATIONS IN SUPPORT OF S. 740, A BILL TO ESTABLISH THE INTERAGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS, JUNE 11, 1969

INTRODUCTION

Senator Ribicoff, Members of the Subcommittee on Executive Reorganization: I welcome this opportunity to return and testify before this Subcommittee on which I served for four years until this Session of Congress. It is like a homecoming to me. I have many fond memories of our past deliberations before this Subcommittee. It is therefore, rather appropriate that the subject which has brought me back to appear before you to testify is a subject very dear to my heart. That is, the future well-being of the Americans of Spanish descent in this country.

As you have stated, Mr. Chairman, the subject of these hearings is a bill, S. 740, which I introduced on January 28, 1969, to establish the Interagency Committee on Mexican-American Affairs. I have been joined on this bill by 24 of our colleagues, attesting to the need and support for the legislation. I am pleased to note to the Subcommittee that the cosponsors of the bill are from both political parties and from all segments of the country.

Mr. Chairman, before proceeding further with my statement, I would like to make a few preliminary remarks. When we speak of Americans of Spanish descent, we are really speaking of Mexican-Americans, Spanish-Americans, Puerto Ricans, individuals from Latin American countries, Cubans, and others. Sometimes, they are referred to as Mexican-Americans; sometimes—as in my home State of New Mexico—Spanish Americans; oftentimes as Americans of Spanish descent, and any number of designations. These phrases are used interchangeably and normally all are meant to mean the same thing. Each has its pluses and minuses. Throughout the rest of my statement I will be referring to Spanish-speaking Americans merely for the sake of simplicity and not to overlook the other designations.

I will also devote a few minutes during my statement to the special problems of the Puerto Ricans, who although do share the general problems of the Spanish-American community, also have their own peculiar characteristics.

I intend to discuss with you briefly just who the Spanish-Americans are; what their problems are; what the existing Inter-Agency Committee on Mexican American Affairs has accomplished; what yet needs to be done; the growing unrest within the Spanish-American community; and why I feel the bill before you now, S. 740, is the hope of the Spanish-speaking Americans of this country.

I intend to offer some amendments to the bill which I will also discuss with you as well as other amendments before you.

In addition to my statement this morning, I also have with me a number of materials with reference to the Spanish-American which I have had prepared. I will be referring to these materials in my statement from time to time. I ask that they be made a part of the hearing record at the conclusion of my testimony. I believe that these materials along with the testimony which you will receive during the next two days, will result in the most comprehensive and meaningful compilation on the problems of the Spanish-speaking American community that has ever been put together in any one place. I think that if no other purpose were to be served by these hearings, this factor, in itself, would make the hearings well worth while.

SPANISH-AMERICANS: WHO ARE THEY?

Let me turn rather briefly to a discussion of, "just who are the Spanish-Americans?"

I like to make a particular statement, which I usually tell in jest but which upon reflection has much truth in it. The statement very simply goes like this: "When the Pilgrims landed at Plymouth Rock, the Spanish were there to feed them pinto beans!"

As I stated, I usually make the remark in jest, but it does have more truth than not. I think that most Americans think of the Spanish-speaking American as a "foreigner." It's an accepted fact. It's not usually even challenged, neither in the mind of the individual nor in discussions with others of like thinking.

Without recounting a lengthy course in American history, I think it is essential for the purpose of these hearings, to lay the proper foundation, to have in the record a short history of the Spanish-speaking American.

Long before the first Pilgrims landed at Plymouth Rock, the Spanish had already made explorations into what is now Southwestern United States and had established settlements. As early as 1528, Cabeza de Vaca, whose ships had wrecked near Galveston Island, spent the next eight years roaming the area that is now Texas before making his way back to Mexico City in 1536. (In 1519 Hernando Cortez and his conquistadores landed on the Mexican coast near Veracruz, only 27 years after Columbus discovered the islands of the Caribbean. Already Spain had colonized the isles of Hispaniola and Cuba. By 1521 Cortez had conquered the powerful Aztec Empire and Mexico. In 1522 he was named Governor and captain-general of New Spain, and was superseded in 1535 by Antonio de Mendoza, first viceroy of New Spain.

In 1539, de Vaca's tales excited Mendoza to send an expedition north, journeying through Sonora, the valley of San Pedro in New Mexico, and arrived at the Zuni villages in Arizona. Francisco Coronado led another expedition in 1540 in search of the fabled "seven cities of gold." Between 1528 and 1602, the Spanish explored the borderlands from Galveston to San Diego, Sonora to Santa Fe. Spain then centered its interest in Mexico and 40 years elapsed before the settlement of New Mexico was undertaken. It was here that the first permanent Spanish penetration occurred. In 1598 Juan de Onate went first to El Paso and then up the Rio Grande to a point near Santa Fe and there established a settlement in 1609, just two years after the English had made their first settlement far to the east in Virginia.

From this date forward, Spanish settlers began moving in numbers into what is now United States territory.

It was almost 200 years before the descendants of the early Spanish settlers were to meet with the descendants of the early English settlers. With the Louisiana Purchase in 1803, new territories were now beckoning the settlers of the East. The pattern for future conflicts between the "Spanish" and the "Americans" was being shaped.

Several years of battling followed, principally in the area which is now Texas. General Sam Houston, Santa Ana, the "Battle of the Alamo", the conflict over the Nueces River-Rio Grande boundary, the annexation of Texas in 1845, declaration of war by Mexico against the United States in 1846, the Treaty of Guadalupe-Hidalgo, the Gadsden Purchase—all these are famous names in America's history. Any American school child today is familiar with them. However, in what connotation is he familiar with them? They represent periods of bloodshed, of war, of hatred. For the "Anglo" child they engender a feeling of patriotism for his country, a feeling of alienation from the "enemy." And who is the "enemy" in the minds of the child, as in the minds of the adults? The "enemy" is the Mexican-American, the Spanish-American, the foreigner.

I think it is basic for us to reflect upon our history if we are to attempt to analyze why the Spanish-speaking American is where he is today, why the Spanish-speaking American is treated as he is today, if we are to try to understand the basic problems and to seek solutions.

Our treatment of the American Indian is referred to in history books as the blackest mark on our history. This is so because the American Indian was here before anybody and he has been conquered, persecuted, and put on reservations. Although we established the Bureau of Indian Affairs to look after the welfare of the Indian citizens, our treatment of the American Indian is still a very black mark on our history. We have so far to go to make things right.

But what of those of our citizens that were here on this land second only to the Indian—that is, the Spanish-speaking? Just like the Indian, he, too, was conquered, persecuted and "put in his place." Just like the Indian who even today in the minds of most Americans, has been stereotyped as the dumb, buffalo-hunting savage who is being chased all over the movie screen until he is slaughtered and conquered, the Spanish-speaking American, too, has been stereotyped but this time as the "foreigner" wearing a sombrero, and with a mustache, who is too dumb and lazy to do anything today and who always leaves his chores in cigarette commercials go until "manana."

The Anglos' earliest impressions of Spanish settlers and of Mexican settlers after the annexations following the Mexican War, were that the Spanish-speaking were poor, idle, and given to drinking, thievery, and gambling. Herein was formed the first basis for the stereotype of the Spanish-speaking which often exists today. They have been regarded by the Anglo as part of the landscape that needed developing. The fact that since the turn of the century the majority of Mexicans who have immigrated into Texas have come from the Mexican peasant population—Mexico's economically, educationally, and politically impoverished class—has added to the Spanish-speaking being stereotyped as poor, ignorant, and inferior.

Thus, although stereotyped as an inferior class, the Spanish-speaking American may be a descendant of the Spanish explorers of Cortez, Cabeza de Baca, or Coronado. Or he may have recently immigrated from Mexico and may well be a descendant of the great Aztec civilization. Or he could well be a Puerto Rican, a Spanish American from Spain, a Central American from Costa Rica, Panama, or the other Central American countries, or he might be a South American, or a Cuban. All have the same background, language and surnames.

Whatever his ethnic origin, the Spanish-speaking American is one of 10 million in this country—the second largest minority in America, representing 5% of our total population. He is one who moved out into the frontier lands of our Nation just like the Anglo American did. But unlike the Anglo-American, the Spanish-speaking American had to give way as did the American Indian. He lost lands which he had held for centuries. He lost his footing in his community. He became the governed in his village. His language, which had been the tongue of commerce, became the mark of the "foreigner." Suddenly this was no longer his land or home.

The Spanish-speaking American has been pushed into menial jobs, into poor education, into barrios—the ghettos of Spanish-speaking Americans. Caught in a vicious circle, they have set the patterns of poverty which their children, to the present, several decades later, still encounter.

Except for the Puerto Ricans, who are concentrated primarily in New York City, the Spanish-speaking American is concentrated principally in the five Southwestern States of Arizona, Colorado, California, New Mexico, and Texas. Spanish-speaking Americans, however, are becoming more dispersed and can be found in virtually all of the 50 states and the District of Columbia in significant numbers.

PROBLEMS OF THE SPANISH-SPEAKING AMERICAN

Just what are the problems which the Spanish-speaking American confronts in American life today? In a phrase, one might sum up the Spanish-speaking American as being at the "bottom of the heap."

In jobs—nearly 80% work in unskilled or semiskilled jobs—porters, laborers, elevator operators, and so forth;

In education—most Spanish-speaking Americans barely complete the eighth grade and many are functionally illiterate as in Texas where 40% of the Spanish-speaking population is illiterate.

In income—nearly 50% of all Spanish-speaking American families fall below the poverty line of $3,200; and

In business—they own less than 1% of the U.S. Businesses.

Thus, the Spanish-speaking American is not only a numerical minority, his level of living and participation in the economy is so minor as to be difficult to measure. We have seen much progress made in recent years towards uplifting members of minority races, and I have been proud to have played a part in this progress as a Member of Congress. But, whether we like to admit it or not, although aimed at meeting the problems of all minorities, these efforts have really been concentrated on meeting the problems of the largest minority in this country. Little conscious effort has been made towards assisting the second largest, the Spanish-speaking American.

Let me discuss specifically the things to which I refer.

A. Education

The statistics on Spanish-speaking American educational levels illustrate that the Spanish-speaking American lags markedly behind all other ethnic groups with the exception of the American Indian. The Spanish-speaking American ranks below the Negro in education.

I would like to submit for the record, a number of charts and tables summarizing the educational status of the Spanish-speaking American. Briefly, these facts and figures and other materials show that:

Spanish-speaking persons 14 years and over in the Southwest average 3.9 years less schooling than the Anglo and 1.6 years less than the non-white population, including both Negro and Indian. (Anglos 12.0 years, non-white 9.7 years, Spanish-speaking 8.1 years). Exclude the Indian and the difference would be even more revealing.

The schooling gap is most severe in Texas with a difference of 5.2 years between the Spanish-speaking and Anglo population (11.4 years for Anglos compared to 6.2 years for the Spanish-speaking).

The schooling gap is least severe in California where the Spanish-surnamed average 3.1 years less schooling than the Anglo population. (Anglos 12.1 years, Spanish-speaking 9.0, non-white 10.8 years).

The quality of education in an East Los Angeles or San Antonio barrio may differ sharply from that of education in a school located in an upper or middle class area staffed with better personnel and having better facilities.

The American school system has failed both the second and third generations of Spanish-speaking Americans. Although native born Spanish-speaking Americans have twice the schooling of the foreign born, their education level is still extremely low.

The percentage of the Spanish-speaking male population in each of the five Southwestern States with no schooling whatsoever is alarming. The percentage of Negro males with no schooling in these States is approximately the same as the general population. However the percentages of Spanish-speaking males with no schooling are several times that for the total population and range from 5.3% in Colorado (as compared to 1.1 for total population and 0.9% Negro) to 16.0% in Texas (as compared to 3.4% for total population and 5.3% Negro).

In every Southwestern State the percentages of Spanish-speaking Americans without grade school education are significantly greater than the figures for the total population. The respective figures for Spanish-Speaking Americans and total population not completing grade school are: Texas 64.7% Spanish-speaking American, 29.2% total population; Arizona, 52.1% versus 21.7%; New Mexico, 44.4% versus 23.1%; Colorado, 29.9% versus 13.9%; and California, 37.4% versus 14.4%.

In every Southwestern State the percentages of Spanish-speaking American male without grade school education are significantly greater than the figures for the Negro population.

Spanish-speaking males with a college education are a very small percentage of Spanish-speaking males in every state, ranging from 1.6% in Arizona to 2.8% in California. This figure is 7% to 8% higher for the total population in every state. It should be added here that the figures for Spanish-speaking college graduates include Latin American citizens here going to school. At the University of Texas at Austin, one-fourth of the Spanish-speaking college graduates are Latin American citizens who return to their homeland.

School enrollment of Spanish-speaking Americans shows a significant drop begining with the 14–15 age group at which time 88% of the Mexican population is in school as compared to 94.3% of total population.

Spanish-speaking Americans have a higher drop-out rate and drop earlier than do Anglos and Negroes.

Although Spanish-speaking Americans under 25 constituted 15% of all persons under 25 in the five Southwestern States, they constituted only 6.2% of the total college enrollment.

On the seven campuses of the University of California less than one-half of one percent of the students are Spanish-surnamed although Spanish-speaking Americans make up more than 15% of the school age population in that state. Spanish-speaking Americans make up 5.4% of the total college enrollment in California.

A large proportion of Spanish-speaking college students are enrolled in junior colleges rather than four year colleges. For example, Spanish-speakings students make up 5.4% of the California college students, but constitute 7.5% of junior college students.

Very few Spanish-speaking Americans finish college. In 1968, Spanish-speaking graduates were only 2.9% of all graduates. As noted earlier, a large percentage of these are Latin American citizens who return to their country.

In short, the Spanish-speaking is being shortchanged on the one asset that would lift him out of the depths of deprivation and discrimination and into the mainstream of life—education. He has the greatest rate of drop-outs; he drops out of school earlier; very few go to college; very few of them that do go, graduate with a four year college degree; in general, he has the lowest educational attainment of anyone in this Nation which is committed to a good education for all.

B. Employment

We are all familiar with the billboards and the advertisements which read, "To get a good job, get a good education." We have already seen the poor educational standing of the Spanish-speaking American. It should be little surprise then to learn that:

The unemployment rate among Spanish-speaking Americans in the Southwest as a whole is about double that of Anglos;

The patterns of underemployment is even more revealing;

A 1966 Department of Labor survey showed that 47% of the men in a Spanish-speaking American district in South Texas were either unemployed, underemployed, or earning less than $60 per week;

In 1960, 79% of all Spanish-speaking American workers held unskilled or semi-skilled jobs;

In Los Angeles County, Spanish-speaking Americans are well-represented in the food, steel, automobile and diecast aluminum industries, yet, they constitute less than 5% of the aircraft, telephone, space and electronic industries, which are the most important and fastest growing in that State.

By mid-1966, the U.S. Government had come to be the best employer of Spanish-speaking Americans in the Southwest. They represent about 10% of Federal employees in that area, a figure comparable to their percentage of the total labor force. However, it is distressing to note that the vast majority of these civil servants are clustered in the lower grades. In the postal service 70% are at entry level and 91% in the lower paying grades of 1 through 4.

The tendency of both government and private employers has been to screen out rather than screen in Spanish-speaking American applicants. Many requirements are totally irrelevent to the task at hand. Some very simple jobs require a high school diploma. The emphasis on college diplomas or the passing of a comprehensive examination blocks the way to meaningful employment for many others.

Clear cases of discrimination against the Spanish-speaking American in employment were revealed by a study conducted by the University of California Graduate School of Business Administration, entitled "Mexican Americans in Southwest Labor Markets." For example; the study showed that:

In situations where Spanish-speaking Americans and Anglos had completed the same number of school years, the incomes of Spanish-speaking Americans were only 60 to 50% those of Anglos;

There was a disproportionate representation of Spanish-speaking low wage occupations and jobs.

Within 6 of 7 major occupational categories, Spanish-speaking Americans hold inferior jobs to those on which Anglos are employed;

While the currently fashionable emphasis on formal schooling in job selection, applied to the inferior schooling Spanish-speaking Americans receive, may be instrumental in bringing about some of these adverse relationships, this emphasis itself is discriminatory when schooling is not related to job performance, which is believed to be largely the case in the manual occupations.

Discrimination was shown by the low earnings of Spanish-speaking Americans compared to those of Anglos, within job classifications; Spanish-speaking Americans receive significantly less than Anglos for similar kinds of work.

An example of the latter, where an Anglo earned $1.00 in the sales field the Spanish American received 88¢ in California and 61¢ in Texas.

There are other sources of concern to the Spanish-speaking American. They have been subjected to both abuses of cheap labor and to unemployment when cheaper labor was available. On one day in Laredo, Texas, where 3,365 American citizens were unemployed, 2,581 "Green Carders" crossed the border. In El Paso, 11,772 "Green Carders" crossed on a day when 5,050 Americans were

unemployed. More examples of this type "discrimination" are readily available.

The farm labor force is another cause for concern. Here are employed both women and children in large numbers as well as males. They work in the fields under much the same conditions as did the Negro slaves in the cotton fields of pre-civil war days.

For the migrant workers who follow the crops there is interruption in education, residence requirements for health and welfare programs cannot be met, and living conditions are unspeakable. There are no minimum standards for migrant housing in New Mexico and Texas. A Colorado migrant worker described the housing in this way: "On various places, they just run out the chicken and the migratory worker moves in. When he moves out the chickens move back in."

The Spanish-speaking American farm workers, estimated at 250,000 in number have little or no protection under American law. Not one state provides unemployment insurance for the migrant worker and there is limited protection under workmen's compensation. The National Labor Relations Act, as we know, gives no right to bargain to farm labor. Social Security and minimum wage laws are extremely limited.

Where the Spanish-speaking American could capitalize on his assets in the job market, because of his bilingual abilities, he is excluded by other standards. It has been suggested the Spanish-speaking Americans already fluent in the language of Latin America and who could establish immediate rapport with the population in terms of ethnic similarity, are automatically screened out of the Foreign Service in most instances. One requirement is a rigid oral examination which concentrates on a knowledge of "American culture" and the ability to discuss and convey the distorted picture of American history, art, and literature which has rejected an element representative of another outstanding culture within a culture.

There is little available current employment and unemployment statistics for the Spanish-speaking American. This is one of the many gaps which exist in information on this group of citizens. The Department of Labor, which monthly publishes a variety of labor market studies, has persisted in presenting all data on a White-Non-white basis, making it impossible to assess the employment picture for the Spanish-speaking American on a timely basis. I have accumulated a summary of the available data, however, and I would like to submit it for inclusion in the record at this point.

This data reveals among other things the following unemployment comparisons between the general population and the Spanish-speaking population in 1966.

In New York Metropolitan Area, 4.0% of the general population is unemployed while East Harlem, where Puerto Ricans are concentrated has a 9.0% unemployment rate;

The San Antonio Metropolitan Area has a general unemployment rate of 4.2% but the East and West Sides, composed of 84.0% Spanish-speaking Americans, have a rate of 8.1%;

In the Phoenix Metropolitan Area the general unemployment rate is 3.1%, that for the Salt River Bed Area, of which 30.0% is Spanish-speaking American, the rate is 13.2%;

The data also shows the following comparisons for 1960 for the Southwest in general:

8.5% of Spanish-speaking males were unemployed compared to 4.5% other white, and 9.1% nonwhites;

9.5% of Spanish-speaking females were unemployed compared to 5.0% other white, and 8.1% non-whites;

Of the Spanish-speaking Americans employed, 20.5% were in white collar jobs compared to 56.7% of other whites; and

Of the Spanish-speaking Americans employed, 79.5% were in blue collar jobs compared to 43.3% for other white persons.

While we are on the subject of employment, I think we should take note of the employment practices of the three major networks of our nation—ABC, CBS, and NBC. According to the Equal Employment Opportunity Commission:

Out of 3,500 employees, the three networks employ 76 Spanish-speaking Americans and 121 Negroes;

Out of 504 managers, the three networks had 3 Spanish-speaking and 6 Negroes;

Out of the 76 Spanish-speaking employees of the three networks, 36 were clerical and 17 were blue collar workers;

Of the 121 Negroes employed by the three networks, 67 were clerical and 12 were blue collar workers;

There were only 3 Spanish-speaking surnamed professionals in the three networks; and

There were only 15 Spanish-speaking technicians in the three network labor force.

The newsmedia could contribute so greatly toward improving the life for the Spanish-speaking American. I challenge them to do so, not merely by exposing the plight of the Spanish-speaking American, but by participating in positive efforts to end discrimination against the Spanish-speaking American within their own ranks.

C. Poverty

Poverty is a way of life with the Spanish-speaking American. In many cases, his ancestors came from poverty in Mexico or other Latin American countries and the poverty cycle has never been broken for them. Poverty is simply inherited from generation to generation.

Taking the five States in the Southwest, the total population had 19.7% of their families in poverty; 15.9% of the Anglo families were in poverty; with the percentage of Spanish-speaking American families over double that of the Anglo, at 34.8% of families in poverty.

Of the urban population in the Southwest, 16.8% of all the families are living in poverty; 13.3% of the Anglo families are living in poverty; and 30.8% of the Spanish-speaking American families are living in poverty.

The same contrast exists in percentage of rural nonfarm families living in poverty, with the percentages being 30.1% for total population, 24.2% for the Anglo population, and 50.2% for the Spanish-speaking population. The percentages for rural farm families living in poverty are, 40.8% for the total population, 36.6% of the Anglo population, and 58.7% of the Spanish-speaking population.

These statistics in themselves are cold enough and no further explanation should be required. It is even more revealing, however, when we remember that these are income figures per family, not per person. Considering the large size of Spanish-speaking families, it is easy to visualize that the Spanish-speaking family with an income less than $3,000 is living in greater poverty than the Anglo family with the same income. In Texas, for example, where the median income of the Spanish-speaking family is $2,941 and that of the total population $4,884, the average family size of a Spanish-speaking family is 4.63 and that of the total population is 3.33. Thus, the Spanish-speaking head of household not only has a significantly lesser income, he has more individuals to feed with that less money.

It's equally interesting and revealing to contrast the percentages of Anglo and Spanish-speaking families earning $10,000 or more. Among the general population of the Southwest, 17.6 of the total number of families have incomes of $10,000 or more, as compared with 6.6% of the Spanish-speaking families.

In certain counties, the poverty is even more prevalent. For example, in Mora County, New Mexico, where the population is 85.4% Spanish-speaking, the percentage of poor families in 1966 was 67.1%. In Los Alamos County, New Mexico, where the population is only 11.2% Spanish-speaking, there were only 2.1% of the families living in poverty in 1966.

I have attached various charts and tables to my statement with reference to the poverty status of the Spanish-speaking American.

D. Civil rights

Hard data on the denial of civil rights to Spanish-speaking Americans is hard to acquire. This is partially so because outright discrimination is difficult to prove and also because statistical studies still focus primarily on the Negro as opposed to the white, English-speaking majority.

Subtle though it is in some instances, discrimination against the Spanish-speaking American exists.

One example of discrimination is evidenced by that part of the news media which remains ignorant to the fact that there is a second minority group of brown-skinned, Spanish-speaking Americans. While the Negro now plays a sophisticated role as an average gainfully-employed consumer, the Spanish-speaking American can be viewed on commercials as a sombrero and serape-clad, gun-toting bandit who speaks "pigeon English."

This past year we have seen the Spanish-speaking American thrust upon us in nationally televised advertising as a "mananatype" revolutionary advertising L&M cigarettes; again as a Frito-bandito; and as an ignorant peon who calls the Yellow Pages "Jello Pages." The Spanish-speaking American appears in commercials, true, but never with dignity.

Despite the lack of hard data illustrating the inequity of opportunity afforded Spanish-speaking Americans, his low educational attainment, low income, poor housing and health, and downright poverty are strong evidence that such is the case. The U.S. Civil Rights Commission is expected to publish studies at various times during 1969 to show the extent of injustice to the Spanish-speaking American and to recommend corrective action to the President and to the Congress.

We know by now that poverty in the midst of affluence breeds crime. Recent studies of the causes of crime and violence with proposed courses of action have been a popular undertaking. However, *The Challenge of Crime in a Free Society*, a 1967 report by the President's Commission on Law Enforcement and Administration of Justice, and the Kerner Commission Report, both impressive documents, have ignored the situation of crime in the Spanish-speaking American community. They contain the familiar color breakdown of black versus white.

The problems, however, are there despite the fact they have not been the center of fancy reports. There is much fear and mistrust among the Spanish-speaking American community of our courts and police. Courts are viewed in many instances as the "cleansing agent" for the Anglo's conscience where the Anglo can legitimize his persecutory acts against the Spanish-speaking American. Because he has been stereotyped as ignorant, drunkenly, and a thief, the Spanish-speaking American is the subject of abuse both by the police and other legal authorities. The courts, it is felt, then give legal coloration to the otherwise illegal or questionable acts of law enforcement officials.

The most common complaint about the administration of justice is police brutality. This includes charges of discourtesy, unnecessary stopping and questioning of Spanish-speaking Americans on the street, illegal searches and seizures, and out-right brutality. The instances of complaints in the files of the U.S. Civil Rights Commission are too numerous to disregard.

Here in the District of Columbia the police have been instructed not to use the words "Nigger", "boy", and other such descriptive words formerly used by police in dealing with Negroes. These were words which degraded the Negro in his own eyes and the eyes of the policemen. The same practice exists with respect to police treatment of Spanish-speaking Americans. The most common descriptive word used by police in an attempt to degrade a Spanish-speaking American is to refer to him as "you Mexican", or "you dumb Mexican". Though proud of their ancestry, these individuals are no less Americans and recognize the implication behind the cat-call.

Young people seem to be particularly susceptible to police harassment. It is charged that in cases where an Anglo youth would be released to the custody of his parents, the Spanish-speaking American is jailed. Teenagers without jobs are often picked up and charged as vagrants. In many cases, Spanish-speaking Americans are not given the opportunity to hold meetings to organize themselves in order to assert their collective power.

Charges of excessively high bail involving Spanish-speaking American suspects and denial of bail are often heard, according to U.S. Civil Rights Commission files.

Studies show that in areas where the Spanish-speaking population is below 40%, there are generally very few if any Spanish-speaking American law enforcement officers. About 7.4% of the total uniformed personnel in 232 agencies in the Southwest are Spanish-speaking Americans. Of the 62 members of the elite Texas Rangers, there is not one Spanish-speaking American, and there have been very few in the 135 year history of the organization. Of 171 law enforcement agencies surveyed by the U.S. Civil Rights Commission, only 10 have Spanish-speaking personnel in top positions; 8 of these in towns of less than 10,000 in population. Some members of the Spanish-speaking community feel that Spanish-speaking law enforcement officers are encouraged to be more brutal towards members of their own community in order to be accepted by the Anglo officers.

A large proportion of Spanish-speaking Americans cannot afford private counsel and if they are being tried for less serious charges are without attorneys. In California an indigent accused of a misdemeanor has the right to counsel. Arizona guarantees the right to indigents only if they are charged with high misdemeanors. None of the other Southwestern states offer counsel to indigents in other than felony prosecutions. A study of misdemeanor cases in Albuquerque, New Mexico, municipal court shows that 15% of the defendants represented by counsel were found guilty as opposed to 45% without counsel. Even when there is a court-appointed attorney, if he is not a Spanish-speaking attorney, his services to his client will have been greatly diluted. In fact this may be a denial of his constitutional right to counsel in serious offenses if he does not understand English very well.

The U.S. Civil Rights Commission has found that there is extensive under-representation of Spanish-speaking Americans on grand and petit juries in State courts throughout the Southwest. One attorney who has practiced in Texas for 18 years says he can remember one case in which a Spanish-speaking American served on the jury. Another attorney in Texas cannot recall seeing a single Spanish-speaking American juror in the hundreds of cases he has tried in South Texas.

In Phoenix, Arizona, the population is over 6% Spanish-speaking yet on 95% of all trials in that city, no Spanish-speaking Americans sit on the jury.

In Los Angeles County, where there are nearly 500,000 eligible Spanish-speaking residents only four served as grand jurors during a period of 12 years.

In Monterey County, California, with over 23,000 Spanish-speaking residents, only one Spanish-speaking juror has served in the 30-year period from 1938 to 1968.

Such exclusion from juries as these figures indicate not only violates the right to serve (and indeed the obligation), but also denies the Spanish-speaking American defendant a fair and impartial trial.

The Courts have only very recently begun to consider civil rights cases in voting involving discrmination against Spanish-speaking Americans.

Katzenbach v. Morgan (384 U.S. 641, 1969) has been the most important case relevant to Spanish-speaking Americans. In this case the court ruled that congressional legislation can nullify literacy requirements enacted by State legislatures. At the present time, Arizona and California both require that a voter be literate in English.

Incidents of direct discrimination such as the following have been reported:

Spanish-speaking Americans from two Northern California counties reported in 1967 that local officials had refused to give registration books to Spanish-speaking American volunteer deputy registrars.

In a Texas town it was alleged that police ticketed cars for minor defects on election day and that officials attempted to make eligible voters believe they must own property in order to vote.

A detailed study is being undertaken this year by a private organization to determine the number of Spanish-speaking registered voters in the Southwest as compared to the general population. If their representation in State legislatures is any measure of their power to elect, their voting number would seem very low.

In *Arizona* where 14.9% of the population are Spanish-speaking Americans, only 8.9% of the Legislature is Spanish-speaking American.

In *California*, 9.1% of population is Spanish-speaking Americans, but only 0.8% of the Legislature is Spanish-speaking American;

In *Colorado*, 9% of population are Spanish-speaking Americans, and only 2.02% of the Legislature;

In *New Mexico*, the figures improve where 28.3% of the population are Spanish-speaking Americans and 24.1% of the Legislature are Spanish-speaking American;

In *Texas*, 14.8% of population are Spanish-speaking Americans, but only 6.6% of the State Legislature are Spanish-speaking.

Just as he has been discriminated against in other segments of our society, he also is discriminated against in having to shoulder a larger proportion of our country's defense. He has sacrificed his life in American wars in noble numbers. Statistics from the Department of Defense show the casualty ratio of Spanish-speaking Americans to the general population for the period of January, 1963, to February of 1967, in the five Southwestern states as follows:

In Colorado where he represents only 9% of the population, the Spanish-speaking American represents 20.3% of the casualties;

In New Mexico where he represents only 28.3% of the population, the Spanish-speaking American represents 40% of the casualties;

In California where he represents 9.1% of the population, the Spanish-speaking American represents 12.3% of the casualties;

In Texas, he represents 14.8% of the population and 18% of the casualties; and

In Arizona, he represents 14.9% of the population and in this case only 10.8% of the casualties.

The Spanish-speaking American represents only 11.8% of the total population in the five Southeastern States but represents 15.8% of the casualties.

To summarize the civil rights condition of Spanish-speaking Americans, most Spanish-speaking Americans are familiar with outright discrimination. He has never sought to establish himself as an independent force to be reckoned with. He has contributed much to the culture of his country—he named much of the Southwest and developed its soil. He has traveled the migrant trail and harvested its crops. He has fought for his country without questioning why. But despite these contributions, they know from first-hand experience that there are many who consider that their coloring, culture, and language make them naturally inferior. It is difficult to fight such deep-rooted hatred. Perhaps rather than try to fight individuals, it is better to change the system, to convert its so-called social institutions from complacency to real social action.

The Spanish-speaking have been in this country from as far back as the mid 16th century. They are indeed a part of the American dream. For the most part they are American citizens, and have been for generations. As citizens they are entitled to the same protection as are other Americans. They, too, are entitled to civil rights, but they have not been sharing in the American dream.

E. Housing

What the Negro knows as the ghetto with all of its gruesome conditions, the Spanish-speaking American knows as the barrio. They are one and the same, differing only in name and inhabited by individuals differing in color. The barrios have been created by a number of circumstances, some of them historical, others economic.

Regardless of the reasons for their creation, the barrios did come into being. Its inhabitants have clung ever closer together, isolating themselves, fearing and refusing change. Without change they have had little progress. The physical separation these areas provide implies a further social separation. Where there is social separation with in this country, there is generally social deprivation.

These are some of the results of lack of education and employment opportunity:

The Spanish-speaking American is seven times more likely to live in substandard housing than his Anglo counterpart;

The mortality rate at birth or during the first year of life is twice that of the Anglo;

The average life span of Spanish-speaking Americans in Colorado is 56.7 years as opposed to 67.5 years for others.

As is typical among all the poor, Spanish-speaking American families tend to be large. The Spanish-speaking American birth rate is 50% higher than that of the U.S. population as a whole. The group is unusually young. The percentage of the Spanish-speaking American population below the age of 15 is 42%; that of nonwhites is 36.6%; and that of Anglos, 29.7%.

With a low income the Spanish speaking American is forced to choose deteriorating housing, and with a large family the space he can afford is inadequate. In one Southwestern city (Phoenix, Arizona), in one tract of the Inner City in which the population was 76.2% Spanish-speaking, the median family income was $2,867, compared with $6,842 in the Outer City; 52.1% of the families were in poverty status, compared with 12.2% of the Outer City; 11.1% were unemployed compared with 3.7% in the Outer City; the average schooling was 5.3 years compared with 11.8 years in the Outer City; 34.7% lived in overcrowded homes compared with 12.3% in the Outer City; and 82% lived in dilapidated and deteriorated housing, compared with 6.2% in the Outer City. The tuberculosis rate in the Inner City was three times that of the Outer City.

The Spanish-speaking American community complains of the bureaucratic approach to implementation of Federal housing programs. They feel:

Loan eligibility requirements are unrealistic;

Interest rates on insured loans are prohibitive; and

Personnel unfamiliar with the needs and life styles of the Spanish-speaking community are controlling the programs.

One study in the five Southwestern States and New York City revealed the following statistics on housing;

In Arizona, 11.3% of the Anglo families lived in overcrowded and/or dilapidated housing compared to 43.6% of the Spanish-speaking families;

In California, the figures were 6.8% of Anglo families, 26.7% of Spanish-speaking families;

In Colorado, 8.5% of Anglo families and 35.0% of the Spanish-speaking families;

In New Mexico, 10.3% of the Anglo families and 39.6% of the Spanish-speaking families; and

In Texas, 9.4% of the Anglo families and 46.5% of the Spanish-speaking families.

F. Health

When we turn to health and the quality of medical care being received by the Spanish-speaking American, we are again faced with a lack of readily available information on the Spanish-speaking American. Government agencies which collect health statistics do not categorize Spanish Americans. The breakdown is between black and white. Without accurate statistics, it is impossible to determine what programs are needed and what means must be utilized for that implementation.

The most common complaints with regard to inadequate health care are:

Excessive costs, particularly in lengthy illnesses;

Insufficient or completely absent medical and dental services;

Lack of facilities for mentally retarded and mentally ill;

Shortage of bilingual professionals in the health field;

Geographic inaccessibility;

Indifferent or even hostile attitude of medical staff; and

Lack of information and education with respect to proper medical care.

All other things being equal, it is safe to assume that with a low educational attainment, low incomes, large families, that the Spanish-speaking suffers a higher rate of infant mortality, death at an early age, is more susceptible to illnesses and diseases, and, in general, is in a very sad, unhealthy condition. The lack of data on the health needs of the Spanish-speaking American is one very convincing reason for continuing the Inter-Agency Committee—this lack of data must be corrected.

G. Migrants

I will discuss briefly here the problems of the migrants. Another Subcommittee—the Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare—is presently conducting extensive hearings into this subject, under the able chairmanship of our distinguished colleague, Senator Walter F. Mondale of Minnesota. It is important for our discussion here today, however, to at least make reference to the problem.

Migrants are reported to represent one-fourth of all the poor of this country. In general they earn the average salary of $1,200 a year per working season with other sources providing them an additional $1,100 per year, for a total income of $2,300. The average size of family of migrant workers consists of 5.6 persons in a family. When you consider that the migrant must travel from his home base to work base, an average of 900 miles distance, and back, this income figure becomes even more shocking.

The migrant, of course, faces many other problems besides low income. The life expectancy of the average American child born today is 70 years; That of a migrant child born today is 55 years; and the life expectancy of a Spanish-speaking child born to a migrant family is only 38 years—32 years less than other white American children. Among the Spanish-speaking migrant, 41% of the deaths occur by 5 years of age. The predominant causes of ill health are respiratory and gastro-intestinal, in that order. In migrant camps tuberculosis and parasitic infirmities are rampant. The migrant has little knowledge that programs exist for his benefit. When necessity does take a migrant to a local health clinic, he is met, usually, by people who do not speak his language nor understand his poor English. Local health clinics are not usually set up for the care of migrants and most clinics will not attend to migrants needs because they fail to meet the State welfare residency requirements. The Michigan Health Department for example, goes on the assumption that Migrant Health Programs take care of Migrants and do not come under Welfare Department jurisdiction. Michigan has an estimated 80,000 migrants during a growing season, of which 78% are Spanish-speaking.

Mr. Chairman, I refer you to Table 7 which gives some data on a three-State survey on migrants.

Migrants usually live in overcrowded conditions. In Michigan, 50% of the migrants lived in housing units of one or two rooms in which they shared the same unit with 6 or more persons; 24% shared the same unit with 9 or more persons. Their diseases are highly communicable and thus rampant in these overcrowded conditions.

Unsanitary conditions are more common than not. Often times there are no sanitary or cooking facilities at all. In the worst cases there will be one toilet per migrant camp and one spigot for water use, whether for hygenic or for cooking purposes. Usually there is no drainage and no garbage disposal facilities.

Nutrition among the migrants is a sometimes thing. Sometimes they eat well, sometimes they scarcely eat. Unavailability of household goods and cooking facilities contribute to their poor diets. In the more modern camps, these conditions are being corrected.

As for education, the migrant averages approximately a fourth grade level. The chances of a migrant child receiving a good education under today's conditions is very remote. The average stay of a migrant family in a camp is 8 weeks. Time spent in traveling from camp to camp runs from 48 hours to two weeks. Often times the moves are from state to state. Educational continuity is out of the question.

Most states have a residency requirement which precludes welfare assistance to temporary residents such as farm workers. Recent U.S. Supreme Court decisions may or may not help alleviate this condition for the migrants.

Many charges have been made that growers do not comply with even the simple legal requirements which are imposed on them by law. Often times, it is reported, four or five growing seasons go by without the growers' compliance with laws being checked.

Where the Spanish-speaking American is at the "bottom of the heap", the migrant is at the "bottom of the bottom".

PUERTO RICANS

Let me turn now to special mention of the Puerto Ricans and their own peculiar problems. I will insert at the conclusion of my statement a rather comprehensive report prepared at my request which goes into detail on the problems faced by mainland Puerto Ricans. In addition, I understand you will have a representative of the Puerto Rican community here to testify tomorrow. I would like to make brief reference to this segment of the Spanish-speaking community, however, for I feel it is essential that their problems—which parallel those of other Spanish-speaking Americans—also be vigorously tackled by the Inter-Agency Committee on Mexican American Affairs. I will summarize the contents of the more comprehensive report which I will submit for the report.

According to 1960 Census figures, there are approximately 855,000 Puerto Ricans living in this country. Of these, nearly 600,000 were born in Puerto Rico and immigrated to the U.S., while nearly 260,000 were born in the U.S. of Puerto Rican parentage. They live in every one of our 50 States, including Hawaii and Alaska. They are concentrated, however, in New York where, in 1960, approximately 643,000 of the 855,000 were residing. Within New York, most live in New York City. Their total number is not known for certain, inasmuch as in the five Southwestern States they were classified in 1960 as Spanish-speaking Americans.

Puerto Ricans made up 7.9% of the New York City population in 1960 and 9.68% in 1964. For 1967, the Puerto Rican population in New York City was estimated to be 938,438 or 11.8% of the projected population. Because most Puerto Ricans are living in New York City, references in this statement will be to Puerto Ricans living in that City.

Puerto Rican families, like other Spanish-speaking *families*, tend to be *significantly larger in size* than families among the white, non-Puerto Ricans. Families of seven or more persons account for about 11% of all Puerto Rican families as against only 2% of all Anglo families. This compares with 8.0% of all non-White families. Figures for families of five and six persons also show a larger percentage among Puerto Ricans than among Anglos or non-whites.

For Puerto Ricans, 61.9% of families of five or more members were below the *poverty* line as compared to 46% of non-whites, and 17.7% of Anglos.

The Puerto Rican population in New York City is a significantly younger population as compared to the general population in the City. The median age of Anglos in New York City in 1966 was estimated to be 38.6 years, that of the nonwhite 26.1 years, and that of the Puerto Rican 19.1 years.

Although they constituted only 7.9% of the population of New York City in 1960, Puerto Ricans accounted for 18.7% of the persons in poverty. On education, Puerto Ricans in New York fare as poorly as the Spanish-speaking American in the Southwest. The poverty status, the stereotype, and other formidable obstacles faced by the Puerto Rican have blunted motivation and discouraged higher education in Puerto Rican communities throughout the United States. Little if any meaningful action has been taken to alleviate this condition.

The Coleman Report on Equality of Educational Opportunity evidences that Puerto Rican children lag behind both urban whites and urban Negroes in verbal ability, reading comprehension, and mathematics. Test scores of sixth grade students place the average Puerto Rican child about three years behind the average white child in all three categories of achievement and about one year behind the Negro child.

Puerto Rican adults have the lowest level of formal education of any other ethnic group in New York City. Of the Puerto Ricans 25 years of age or older, 87% dropped out without graduating from high school as compared with approximately 67% of Negro population, and 60% of Anglo population. Even more dramatically, 52.9% of Puerto Ricans in New York City 25 years of age and older, had less than an eighth grade education, contrasted with 29.5% of the Negro population, and only 19.3% of the other whites.

Of the small number of Puerto Ricans completing high school, only a small percentage

(20% in 1963) were being prepared to begin higher academic education. The quality of education for ghetto children has also discouraged advancement.

Although more than 50% of the nation's high school graduates now go on to higher education, no more than 2% of Puerto Rican mainland population passes through that door. No other group in the populous Northeast of this country is so thoroughly excluded. Consequently, there are now astonishingly few Puerto Ricans in technical and professional occupations in the metropolitan New York area—some 15 to 20 mainland educated physicians, a small handful of engineers and not a single architect. In the New York City School system, 22% of the students are Puerto Rican but less than 1% of the teachers are Puerto Rican.

When we turn to *employment*, the pattern is the same as the one we have seen for other Spanish-speaking Americans. It is estimated that 85% of the migrants leave a job in Puerto Rico for a better job on the Mainland United States. He is better educated and more likely to have had experience than the worker who stays on the Island. The first job in the U.S. will bring better wages, but a lower job classification than he had in Puerto Rico. In New York City, more than 50% were employed in the City's manufacturing industry. This has made things worse for the Puerto Rican in as much as New York City has suffered a substantial loss of factory jobs in recent decades.

In the skilled work area, training opportunities are scarce. Puerto Ricans are further handicapped by the fact that they meet a society at an increasingly high level of technological sophistication requiring years of being part of the system. As newcomers from a predominantly rural society, they are not oriented to this situation. All these barriers are exacerbated by the discrimination which they face. Often, even college graduates from Puerto Rico, who are highly trained, end up working in a factory because a Spanish accent is considered a deterrent to effective and efficient performance of the more professional jobs.

In a survey of the patterns of employment in 100 major corporations on which the Equal Employment Opportunity Commission (EEOC) had hearings in New York in 1968, the Puerto Rican again is underrepresented more disproportionately than any other group. The impressive fact is that ninety out of the 100 companies are holders of Federal government contracts and 46 are members of Plans for Progress. In fact the companies not participating in the Plans for Progress organization have a better record of minority utilization in almost every occupational category.

In a city where 10% of the people were Puerto Ricans at the time EEOC gathered the employment statistics, only 2.9% were in any white collar position. Furthermore, the jobs tended to be in the lowest level categories. To under-score this, only 1% of the officials and managers in finance, publishing, law, and communications are Puerto Ricans.

In 1966, the estimated median family *income* of all families in New York City was $6,684; for Anglo families it was $7,635; for nonwhite families it was $4,754; and for Puerto Ricans it was $3,949.

The *unemployment* picture for Puerto Ricans has been consistently bleak when contrasted to other ethnic groups. In 1960 the unemployment rate for Puerto Ricans was 9.7%, compared to 6.8% for nonwhites, and 4.4% for all races combined. The underemployment, or sub-employment rate is even more distressing, being 33.3% among Puerto Ricans.

As relative newcomers, Puerto Ricans entered the competition for *housing later* than did the Negroes and other whites. Being the lowest income population in New York City, Puerto Ricans had less money to pay for rent. Consequently they wound up living in housing units that are the most deteriorated or dilapidated, and the most crowded. A 1960 census revealed that the housing renewal needs of New York City potentially involved up to one million new units, or approximately one-third of the City's entire housing supply. Some 40,000 "Old Law Tenements" built before 1901 contain about 335 thousand apartments and house close to one million persons. A great number of these are Puerto Ricans. In 1960, one of every eight Puerto Rican families lived in a single room unit. Puerto Ricans own few homes, 95% of them renting apartments.

Race prejudice combined with poverty have forced the Puerto Ricans to live in the worst housing in New York and it is evident that code enforcement continues to be fragmented and poorly financed.

On *health*, the same gloomy picture exists for Puerto Ricans as it does for other Spanish-speaking Americans. They suffer a higher rate of acute conditions than the general population; they have fewer number of physician visits; they suffer a higher rate of infant mortalities than do the Anglos; they suffer higher mortality rates than do the Anglo population.

These same miserable conditions, which are repulsive to every human instinct, are also shared by the Spanish-speaking American in the Southwest. While the Spanish-speaking are a resourceful and energetic people and expect to struggle their way out of the many problems they face, it is realized that the resolutions to many of these problems lie beyond their control.

INTER-AGENCY COMMITTEE ON MEXICAN AMERICAN AFFAIRS

In an effort to combat these conditions, President Johnson created on June 9, 1967, a Cabinet-level committee designated as the Inter-Agency Committee on Mexican American Affairs "to assure that Federal programs are reaching the Mexican Americans and providing the assistance that they need, and (to) seek new programs that may be necessary to handle problems that are unique to the Mexican American community."

Appointed to the Committee were the Secretaries of Agriculture; Commerce; Labor; Health, Education, and Welfare; and Housing and Urban Development; and the Director of the Office of Economic Opportunity. The Honorable Vicente T. Ximenes, a member of the Equal Employment Opportunity Commission, was appointed chairman of the Committee.

I might digress a moment here to pay tribute to Vicente Ximenes who recently resigned as Chairman of the Committee. He has performed a tremendously difficult job in a most admirable manner. It is because of his performance that the Inter-Agency Committee has compiled such an excellent record of accomplishments and which led President Johnson to recommend that the Inter-Agency Committee be established by legislation. His entire staff is to be commended, and, particularly, Mr. Jose Andy Chacon, until recently the Executive Director of the Inter-Agency Committee. I want the record to show that.

I would like to submit for the record a report on the accomplishments of the Inter-Agency Committee as of June 1, 1969. Tomorrow, this Subcommittee will be hearing from Commissioner Ximenes and his successor as Chairman of the Inter-Agency Committee, Mr. Martin Castillo. They will describe in more detail for the Subcommittee the workings of the Inter-Agency Committee.

Generally, however, the Inter-Agency Committee has been:

Lending technical assistance to Federal agencies which have either grant-in-aid or direct programs of significance to the community so that these programs will match the real needs of the community;

Lending technical assistance to community organizations seeking program assistance from the Federal government;

As occasion demands, matching the needs of the community with both private and public resources outside the community;

Providing research and statistical assistance to Federal agencies, serving as a clearing house for the agencies and the community on what is happening in this field;

Alerting Federal agencies to the largely untapped personnel resources of the community and supplying placement assistance; and

Assisting Federal agencies in the communications field so that the government can, in a meaningful way, let the community know what services are available.

The Inter-Agency Committee conducted hearings in El Paso, Texas, in October of 1967, to meet with the Spanish-speaking American community, to review their problems and to hear from them first hand what their needs are. The hearings were designed to learn how the Federal Government could best work with state and local governments, with private industry and with the Spanish-speaking Americans themselves in solving these problems.

Much information was gathered at these hearings and has been the basis for most of the Inter-Agency's activities during the past year-and-a-half. A new rapport has been established between the Spanish-speaking community and government on all levels. A spark of hope has been ignited for this second largest minority.

Over 1,000 specific recommendations resulted from these hearings and fundamental new directions were charted for the Federal Government to follow. Among these was an acknowledgement that:

The cultural differences and background of the Spanish-speaking American community must be acknowledged and understood;

Bilingual education in all phases of instruction should be developed;

Federal agencies must develop and practice an "outreach" philosophy in bringing services to the Spanish-speaking American community;

Federal employment opportunities must be opened further to the Spanish-speaking American community;

The community must be involved in all aspects of program planning whether it is in school activities or model cities programs;

Problem solving must be undertaken through the cooperation of government, private industry, and Spanish-speaking American civic and service organizations.

Specific programs and projects in which the Inter-Agency Committee has initiated or become involved are enumerated in the report which I have just submitted for inclusion in the record. Also included in the report is a tabular summary of action taken by the Inter-Agency Committee, their placement activities, and the areas of action.

The record of the Inter-Agency Committee during this relatively short period of time has been rather impressive. It could have done more, true. By considering it was a new agency, a new experience, considering it had to maneuver within an established bureaucracy with established ideas, I believe it has made tremendous accomplishments.

NEED FOR CONTINUANCE OF THE INTER-AGENCY COMMITTEE

During the last two years of operation the Inter-Agency Committee has accomplished a great deal. However, during this time it has been learned that much more remains to be done if real opportunities are to be made available to the Spanish-speaking population.

The surface has barely been scratched. As a matter of fact it can be said that the problems attendant to the Spanish-speaking are like an iceberg, "only the tip has been

exposed." The evidence that problems exist, however, has been uncovered.

One of the real breakthroughs in recent months has been the agreements reached with the Bureau of the Census on changes to the 1970 census questionnaire. Meaningful census data will for the first time be obtained on a national basis. Much more of the "iceberg" will be exposed when the 1970 census has been completed.

The Inter-Agency Committee has also found a great lack of knowledge and understanding within the various government departments in regard to the Spanish-speaking American. They have also found a willingness within government and the private sector to learn about and to communicate with this group. Therein lies progress. The ultimate success of a liaison with government, industry, and the community in bringing some solution to the social and economic problems is yet to be realized.

This is going to take time. It has taken nearly four centuries to create the problems which the Spanish-speaking Americans are confronted with. They cannot be solved overnight. Neither can they be resolved within the next year or two years, or maybe not even within the next one or two decades. To meet these problems, to provide continuity to the progress which the Inter-Agency Committee has been making thus far, it must be established on a permanent basis by legislation until there is no longer a need for its existence.

All Spanish-speaking Americans look longingly toward the day when the need for the Inter-Agency Committee will no longer be required, for arrival of such a day will mean that the Spanish-speaking American is no longer a second or third class citizen. But that day is neither here nor will it be for many years to come. We are only kidding ourselves if we think that these problems can be soon resolved without a permanent agency to tackle them.

The Spanish-speaking American does not want special treatment. He does not want charity. He does not want hand-outs. These are conditions that rob him of his manhood, of his initiative, of his strong pride which is his birth right. But neither does he want to forever be relegated to a third class citizenship behind white America and Black America. All he wants is equality.

The Spanish-speaking American wants an opportunity. He wants a chance to get a better education, a better job. He wants an opportunity to contribute to society on an equal par with others.

The cold statistics which I have been quoting here this morning and of which you will hear even more during the next two days of hearings, are "cold" statistics behind which lie some very "hot" problems. Every day we see growing evidence that these "hot" problems can and will explode upon our national scene which is already overburdened with social unrest and civil disturbances unless something positive is done to alleviate them.

The Spanish-speaking American has remained relatively quiet to date. That has been his nature. He has always sought to solve his problems in his own way and by himself. If he could not do it he would rather remain silent than to ask for help. But the Spanish-speaking American is realizing that he is faced with many problems which are not of his making and which he cannot physically, mentally, or practically solve by himself. They are problems which have been created for him by others—individuals, by social institutions, and yes, even by our own state and Federal governments.

The Spanish-speaking American is learning that to remain quiet is to remain forever downtrodden. To remain quiet is to remain forever uneducated; unemployed; poorly housed, clothed, and fed; and, in general, to remain forever poor.

To date, the Spanish-speaking American has not been duped or led astray by the apostles of hatred and violence whose only solution to problems is to tear down our social institutions instead of to try to reform them. And those apostles of hatred and violence do exist even among the Spanish-speaking Americans. We see ridiculous attempts at making citizens' arrests on Federal officials from a nominee to be Chief Justice of the U.S. Supreme Court to Forest Service officials. We see shootings and, in some cases, even murder. Fortunately, these acts are on the part of a very few irresponsible and erratic personalities and cannot be taken seriously.

However, there are growing discontent and unrest among very responsible individuals and groups representing the Spanish-speaking American community. And this unrest and discontent is both justified and long overdue and *must* be taken seriously. Not to do so would be foolhardy and would result in serious civil disturbances throughout this Nation.

It is, thus, so essential that the Inter-Agency Committee be continued on a permanent basis, to attack and resolve the myriad of problems confronting the Spanish-speaking American. In the Inter-Agency Committee, the Spanish-speaking American has a voice in the highest chambers of our Federal Government. In the Inter-Agency Committee, the Spanish-speaking American has hope. Through the Inter-Agency Committee, the Spanish-speaking American can continue to progress, to make others aware of his problems and to seek a national commitment to resolve them.

Establish the Inter-Agency Committee permanently and we can expect an orderly, concerted effort on the part of the Spanish-speaking American to work within existing institutions to resolve his problems. If we do not permanently establish the Inter-Agency Committee, we will be turning the Spanish-speaking American lock, stock, and barrel over to the apostles of hatred and violence. The Spanish-speaking population in this country is a young population, and a young population without any hope, without a voice to speak for it in the highest chambers of our Federal Government can create a great deal of chaos.

I am not speaking as an alarmist. I am speaking as a realist. I do not and would not condone violence. But let us act to avoid the need for others to make the choice.

The Johnson Administration, which established the Inter-Agency Committee on a temporary basis in 1967, saw the wisdom of establishing it permanently by legislation and recommended and submitted legislation to the Congress to do just that on January 17, 1969.

I do not know the position of the Nixon Administration on this proposal, but I should hope that they, too, are committed to assisting the Spanish-speaking American in a meaningful way—by supporting creation of the Inter-Agency Committee on a permanent basis. Platitudes are fine oratory, but positive action is desired and necessary. I strongly hope that we will get active support from the new Administration for this bill and not merely tokenism. The Spanish-speaking American has had a belly-full of oratory and tokenism. He is tired of that diet and wants positive action.

It is important to note, Mr. Chairman, that the authority which established the Inter-Agency Committee—a Presidential memorandum—expires on June 30, 1969. There is no indication that its authority will be continued administratively beyond that date even though a new Chairman has been appointed, Mr. Martin Castillo.

It is, therefore, imperative that we act and act promptly.

LEGISLATION

Before concluding, I would like to make a few comments with specific reference to the bill before you, S. 740. I introduced this measure with the cosponsorship of 24 of our colleagues, both Democrats and Republicans.

Since introducing it, I have had an opportunity to review it again as well as having the benefit of numerous comments received from a number of individuals and organizations. Consequently, a number of amendments are in order which I am recommending to this Subcommittee.

First, let me comment on two amendments which have been introduced by our colleague Senator Goldwater and which I support. I would like the record to show that Senator Goldwater should be commended for his own personal interest in the bill and efforts to improve upon it. One amendment, Amendment Number 27, would change the nature by which the Chairman of the Committee would be appointed. I believe that this amendment will give the President the flexibility he needs in choosing a qualified Chairman. It will also ensure that the Chairman will be selected only from "among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of Spanish Americans."

In addition, Amendment Number 27, will ensure that such appointment will be made only "with the advice and consent of the Senate." This will ensure that we in Congress have some measure of control over the direction that the Interagency Committee shall take.

The amendment further provides that the Chairman of the Committee shall not concurrently hold any other office or position of employment with the United States. Although I believe that Commissioner Ximenes, while also serving as a Commissioner of the Equal Employment Opportunity Commission, served admirably in his position as Chairman of the Interagency Committee, given the magnitude of the problems which the Interagency Committee will be addressing itself to, the undivided attention of a full-time Chairman is required.

The second amendment by Senator Goldwater, Amendment number 26, would provide that the Committee shall meet at least quarterly during each year. While I feel that this will ensure that the Committee *must* meet at least four times a year, I would like the legislative history of this measure indicate that this is not meant to be a maximum limitation nor guidelines on the number of times the Committee should meet. If it is necessary to meet more often, I should certainly want there to be neither a prohibition nor a feeling that they cannot meet more regularly than four times a year.

Another amendment which I am submitting for your attention today—would merely ensure that the Interagency-Committee is meant to serve and meet the problems of all Spanish-speaking Americans, be they Mexican-Americans, Spanish-Americans, Puerto Ricans, or of other Spanish-speaking background. The amendment would merely add a new section to the bill to read as follows:

"For the purposes of this Act, the term Hispanic-American includes Mexican-Americans, Puerto Ricans, and all other Spanish-speaking or Spanish-surnamed Americans residing in the Several States and the District of Columbia."

The Interagency Committee has been serving all these individuals in the past and when I originally introduced S. 740, I included a preamble in the bill spelling this purpose out. There has been some confusion and misunderstanding among some segments of the Spanish-speaking community, however, and it is, therefore, essential to spell this out more clearly.

A second amendment I propose today, and which I would urgently encourage this Subcommittee to adopt, is a very basic one and of great symbolic importance to all Spanish-speaking Americans who are not of Mexican ethnic backgrounds. The name of the Interagency Committee has been, and was retained by me in introducing S. 740, the Interagency Committee on *Mexican-American* Affairs.

Although the Interagency Committee has been servicing all Spanish-speaking Americans and not merely these of Mexican extraction, symbolically it is viewed by Spanish-speaking Americans of other ethnic extractions, as not representive of them and their problems because the name refers specifically to "Mexican-Americans."

This is an age-old topic for discussion among Spanish-speaking Americans as to just what they want to be called. We use the phrases Mexican-American, Spanish-American, Spanish-speaking American, Spanish-Surnamed American, Hispanic-American, Americans of Spanish Descent, and any number of designations. All have their strong points. All have their weak points. Commissioner Ximenes has stated that he feels our problems are too many and things to accomplish too great to quibble about what the Interagency Committee should be called. I agree. However, the Spanish-Speaking American is proud of his heritage. If he is of Mexican extraction he wants to be remembered as such. If he is a descendant from Spain, he is proud of it and wants to be remembered that way. If from Puerto Rico, the same thing. If from another Latin American country, likewise. So that it is important that he have an agency, which is to look out for his welfare, symbolically represent him as well as theoretically and actually represent him.

For this reason, after long discussions with a number of individuals, and after much contemplation, I am proposing that the name of the Interagency Committee be amended to read, "Interagency Committee on *Hispanic*-American Affairs." As I have stated, each of these designations have their drawbacks but I feel that "Hispanic-American" is all inclusive and should offend no-one. The Webster Dictionary definition succinctly defines the phrase as: "pertaining to or deriving from the people, speech, or culture of Spain, of Spain and Portugal, or of the regions colonized by the Spanish and Portuguese."

I would ask that the Subcommittee elicit from each of its witnesses in the next two days, comments on this proposed name change. Perhaps a better name could be found, and if so, I would support it.

Finally, I call attention to the change in the composition of the Committee which my bill would make. The present Interagency Committee consists of the Secretaries of Agriculture; Commerce; Health, Education and Welfare; Labor; Housing and Urban Development; the Director of the Office of Economic Opportunity; and, until recently, chaired by a Commissioner of the Equal Employment Opportunity Commission. When I introduced S. 740, I expanded the membership on the Committee to include in addition to the above, the Secretary of the Treasury, the Attorney General, the Administrator of the Small Business Administration, and such other officers of Federal departments and agencies as the President or the Chairman may designate.

I felt it imperative to bring into this "war against the problems of the Spanish-speaking community" all those heads of Federal departments most intimately concerned with the various problem areas. It has been suggested, however, that to expand the Committee to this many members will almost ensure that all—or even a fair number—of the Committee members will be unable to attend the Committee's meetings. It is suggested that this will result in the Committee members designating a lower echelon official to represent him at meetings and that the effect and authority of the Committee will thus be diluted. I think this is a valid contention and I would urge this Subcommitee to question Comimssioner Ximenes and others specifically on this point. Should it be decided to reduce the membership, I feel it crucial that a careful decision be made regarding which ones will remain on the Committee to ensure that the most crucial problems of the Spanish-speaking community are met.

CONCLUSION

Mr. President, that concludes my testimony this morning. I do submit for the record various materials to which I have referred in my statement. These being various tables and charts on educational attainment, employment, poverty, migrants, and others which are attached to my statement, as well as a supplemental report to my statement on the accomplishments of the present Inter-Agency Committee on Mexican-American Affairs, a supplemental report to my statement on the special problems of the Puerto Ricans, and various charts and tables on employment problems of the Spanish-speaking.

I feel it essential that the hearing record be documented as comprehensively as possible on the needs of the Spanish-speaking American.

I will be happy to answer any questions that we may not have already covered.

Thank you.

TABLE 1.—MEDIAN YEARS OF SCHOOL COMPLETED BY SPANISH-SURNAME PERSONS COMPARED WITH OTHER POPULATION GROUPS, VARIOUS AGE CLASSES, 5 SOUTHWEST STATES, 1960

[Males and females combined]

State and age group	Anglo	Spanish surname	Nonwhite	Spanish surname-Anglo gap	
				Years [1]	Percent [2]
Southwest: 14 years and over	12.0	8.1	9.7	3.9	32
14 to 24	11.3	9.2	10.6	2.1	19
25 and over	12.1	7.1	9.0	5.0	41
Arizona: 14 years and over	12.0	8.0	7.7	4.0	33
14 to 24	11.1	8.9	8.5	2.2	20
25 and over	12.1	7.0	7.0	5.1	42
California: 14 years and over	12.1	9.0	10.8	3.1	26
14 to 24	11.4	10.2	11.3	1.2	10
25 and over	12.2	8.6	10.6	3.6	30
Colorado: 14 years and over	12.1	8.6	11.2	3.5	29
14 to 24	11.5	9.6	11.1	1.9	16
25 and over	12.2	8.2	11.2	4.0	33
New Mexico: 14 years and over	12.1	8.3	7.9	3.8	31
14 to 24	11.2	9.5	8.7	1.7	15
25 and over	12.2	7.4	7.1	4.8	40
Texas: 14 years and over	11.4	6.2	8.7	5.2	46
14 to 24	11.1	8.1	10.2	3.0	27
25 and over	11.5	4.8	8.1	6.7	58

[1] Difference between Anglo and Spanish surname median years.
[2] Difference as explained in note 1 computed as a percent of Anglo median years.

Source: 1960 U.S. Census of Population, vol. 1, pts. 4, 6, 7, 33, and 45, tables 47 and 103; and PC(2)1B, tables 3 and 7.

TABLE 2.—EDUCATIONAL ATTAINMENT OF SELECTED ETHNIC GROUPS FOR 5 SOUTHWESTERN STATES IN 1960 [1]

	Arizona			California			Colorado			New Mexico			Texas		
	S.S. [2]	Total	Negro	S.S.	Total	Negro	S.S.	Total	Negro	S.S.	Total	Negro	S.S.	Total	Negro
Male, 14 years old and over (percent):															
No school years	11.2	3.6	4.9	8.3	1.8	1.8	5.3	1.1	0.9	6.6	3.4	3.0	16.0	3.4	5.3
1 to 4 years	18.7	6.2	14.8	12.8	3.7	7.7	12.3	3.3	5.1	15.3	6.8	10.1	23.5	8.7	17.4
5 to 7 years	21.7	11.9	21.0	16.3	8.9	15.4	22.3	9.5	12.4	22.5	12.9	17.6	25.2	17.1	23.8
8 years	16.1	15.3	15.3	14.2	13.5	13.0	19.2	17.1	12.7	15.1	13.1	10.2	9.5	11.5	11.6
High school:															
1 to 3 years	17.5	22.3	24.3	24.8	24.4	28.8	22.9	21.9	27.4	21.6	22.7	24.0	13.6	22.3	22.8
4 years	9.7	21.1	13.0	14.9	24.3	20.6	11.9	24.6	25.1	11.8	22.0	25.9	7.4	18.9	12.2
College:															
1 to 3 years	3.0	10.9	4.5	6.0	13.2	9.4	3.8	11.9	10.9	4.5	10.0	6.7	3.0	10.0	4.5
4 years or more	1.8	8.6	2.2	2.8	10.3	3.3	2.3	10.6	5.5	2.7	9.1	2.5	1.6	8.1	2.5
Median years completed	7.8	10.7	8.6	8.9	11.7	10.3	8.5	11.6	11.1	8.4	10.8	10.1	6.2	10.2	8.3
Female, 14 years old and over (percent):															
No school years	8.4	3.2	2.6	6.3	1.4	1.4	4.6	0.9	1.1	6.6	3.7	2.0	17.0	3.2	3.4
1 to 4 years	14.9	4.4	9.4	10.3	2.8	5.6	11.5	2.4	4.3	5.6	13.9	6.6	22.9	6.9	12.0
5 to 7 years	22.1	10.4	20.3	16.2	7.6	14.2	21.9	7.5	11.5	21.9	11.7	19.6	25.7	15.5	12.3
8 years	17.8	14.1	16.2	15.2	13.2	12.8	18.1	14.9	13.7	15.7	12.8	11.7	9.1	11.1	9.9
High school:															
1 to 3 years	19.8	23.9	27.6	26.7	24.6	29.2	24.5	22.6	27.8	22.6	24.2	29.5	13.3	24.3	26.2
4 years	12.9	27.1	14.8	19.2	31.1	23.1	14.7	31.5	26.4	15.3	26.4	20.3	9.0	24.2	15.3
College:															
1 to 3 years	2.1	10.8	6.0	4.6	12.9	10.3	3.3	12.9	9.8	2.5	9.9	6.5	2.0	9.3	4.7
4 years or more	1.1	6.1	3.1	1.6	6.5	3.3	1.4	7.3	5.3	1.5	6.2	3.9	0.9	5.4	3.8
Median years completed	8.2	11.2	9.2	9.2	12.0	10.6	8.7	12.1	11.1	8.5	11.1	10.0	6.1	10.6	9.0

[1] 1960 Census of Population supplementary report PC (S-1)-55.
[2] Spanish surname.

TABLE 3.—SCHOOL ENROLLMENT OF SPANISH-SURNAME PERSONS AND ALL PERSONS 5 TO 21 YEARS OF AGE, BY AGE GROUPS, 5 SOUTHWEST STATES AND URBAN-RURAL SOUTHWEST, 1961 [1]

[Percent enrolled]

	Total	Spanish surname
SOUTHWEST BY TYPE OF AREA AND AGE GROUP		
All areas:		
5 to 21	79.0	74.2
5 to 6	64.5	55.6
7 to 13	97.6	96.0
14 to 15	94.3	88.0
16 to 17	80.6	66.9
18 to 19	41.9	33.2
20 to 21	21.2	12.1
Urban:		
5 to 21	79.9	75.3
5 to 6	67.5	58.2
7 to 13	97.9	96.4
14 to 15	94.8	89.2
16 to 17	81.2	68.2
18 to 19	43.4	34.0
20 to 21	23.3	13.0
Rural nonfarm:		
5 to 21	74.6	71.1
5 to 6	54.2	47.4
7 to 13	96.6	94.7
14 to 15	92.3	84.9
16 to 17	77.1	64.1
18 to 19	33.3	30.8
20 to 21	12.2	9.6
Rural farm:		
5 to 21	79.0	67.9
5 to 6	44.4	41.3
7 to 13	96.8	93.8
14 to 15	92.9	82.3
16 to 17	82.9	57.9
18 to 19	49.3	29.7
20 to 21	13.1	7.0
STATES AND AGE GROUP		
Arizona:		
5 to 21	78.0	74.0
5 to 6	57.5	55.0
7 to 13	96.9	96.2
14 to 15	92.9	90.2
16 to 17	79.1	68.3
18 to 19	45.4	36.6
20 to 21	21.4	10.1
California:		
5 to 21	82.3	78.9
5 to 6	82.8	79.9
7 to 13	98.2	97.6
14 to 15	96.3	92.9
16 to 17	83.3	73.7
18 to 19	40.8	33.3
20 to 21	21.5	12.1
Colorado:		
5 to 21	81.2	77.1
5 to 6	69.3	63.9
7 to 13	98.1	97.4
14 to 15	95.2	89.4
16 to 17	83.5	68.0
18 to 19	48.0	34.0
20 to 21	26.3	12.4
New Mexico:		
5 to 21	76.5	76.6
5 to 6	50.9	49.6
7 to 13	96.8	96.4
14 to 15	93.4,	93.3
16 to 17	81.5	76.3
18 to 19	41.6	41.7
20 to 21	17.6	14.5
Texas:		
5 to 21	74.1	69.4
5 to 6	39.0	34.5
7 to 13	96.9	94.5
14 to 15	91.6	82.6
16 to 17	76.3	58.7
18 to 19	41.9	31.1
20 to 21	20.2	11.9

[1] No separate data for Anglos and nonwhites are available for urban and rural areas; hence this table compares Spanish-surname persons with all persons.

Source: 1960 U.S. Census of Population, vol. I, pts. 4, 6, 7, 33, and 45; tables 101, 95; PC(2) 1B, table 4.

TABLE 4

	Spanish-surnamed college enrollment (1968–69)	Spanish-surnamed enrollment as percent of all enrollment	Percent of Spanish-surnamed population in the State (1960)
Arizona	3,118	7.1	14.9
California	29,405	5.4	9.1
Colorado	2,708	3.8	9.0
New Mexico	3,397	17.6	28.3
Texas	19,201	7.6	13.4
Total	57,899	6.2	11.9

1968 COLLEGES GRADUATES

State	Total graduates [1]	SSA graduates [2]	Percent of SSA	Percent of SSA population in the State (1960)
Arizona	9,429	161	1.7	14.9
California	74,253	1,060	1.4	9.1
Colorado	11,927	203	1.7	9.0
New Mexico	3,847	335	8.7	28.3
Texas	39,984	1,230	3.0	13.4
Total	103,440	2,989	2.9	11.9

[1] Estimated 1968 total number of graduates based on percentage increase of past years, 1965, 1966, 1967; figure includes all degrees granted.
[2] Figure includes all degrees granted which were reported by school.

TABLE 5.—CONTRAST OF ETHNIC POVERTY LEVELS IN 5 SOUTHWESTERN STATES AND NEW YORK CITY, 1960

	Arizona	California	Colorado	New Mexico	Texas	New York City
Total families	312,036	3,991,500	438,815	221,951	2,392,564	2,080,000
Total poor families	66,345	562,710	,80,455	54,180	687,965	611,155
Poor families:						
Anglo (numerical)	41,155	435,849	66,141	24,083	395,598	421,600
Anglo (percentage)	16.4	12.8	16.7	15.6	21.3	19.2
Spanish surnamed (numerical)	11,312	58,256	11,117	22,555	139,663	75,395
Spanish surnamed (percentage)	30.8	19.1	35.0	41.5	51.6	53.7
Average family size:						
Total population	3.41	3.19	3.33	3.68	3.33	3.21
Spanish surnamed	4.56	4.01	4.38	4.37	4.63	4.72
Median income:						
Total family	$5,568	$6,726	$5,780	$5,371	$4,884	$6,600
Spanish surnamed family	$4,183	$5,533	$4,008	$3,594	$2,914	$3,800
Housing (overcrowded and dilapidated (percentages):						
Anglo	11.3	6.8	8.5	10.3	9.4	(1)
Spanish surnamed	43.6	26.7	35.3	39.6	46.5	(1)
Unemployment rates (percentages):						
Anglo males	4.3	5.3	3.4	3.7	3.3	4.4
Spanish speaking	6.2	7.7	9.5	10.3	8.2	9.7
Educational level (percentages) 14 years and over:						
Anglo	12.0	12.1	12.1	12.1	11.4	10.8
Spanish speaking	8.0	9.0	8.6	8.3	6.2	8.3

[1] Not available.

TABLE 6.—STATISTICAL REPORT ON POVERTY IN THE SOUTHWEST, 1960

Number of families	Total	Percent poor in each group	Percent poor children	Percent poor urban	Percent rural nonfarm	Percent rural farm
Total	7,356,866	19.7	17.2	16.8	30.1	40.8
White	6,766,367	17.8	(1)	15.1	26.9	38.8
Anglo	6,068,340	15.9	(1)	13.3	24.2	36.6
Spanish surnamed	698,027	34.8	32.7	30.8	50.2	58.7
Nonwhite [2]	590,299	41.7	35.6	36.1	66.8	70.0
American Indian	[2] 36,900	[2] 53.1	[2] 28.1	[2] 32.3	[2] 58.3	[2] 68.7

[1] Not available.
[2] Estimate figures from Bureau of Indian Affairs. To be noted that American Indian included in nonwhite figures contains the bulk of nonwhite poor in the Southwest.

Note: Only figures available are 1960. OEO sources indicate that whereas figures for 1965 and 1967 vary upward in money and population growths percentages remain substantially the same.

TABLE 7.—3-STATE STATISTICAL ABSTRACT ON MIGRANTS

	Michigan	Minnesota	Washington
Total migrants	80,000	10,000	40,000.
Percent Spanish surnamed	73 percent	98 percent	41 percent.
Income	$1.25 an hour (piece rate averages less than $1.25).	$1.35 an hour $1,231 year (season) $1,200 year other sources	$1.46 an hour. $1,200 year (season). $1 100 year other sources
Housing	48 percent 1-room housing unit 30 percent 2 rooms housing unit 50 percent 6 or more persons in unit. 24 percent 9 or more persons in unit.	6.4 persons per unit 1-family dwelling-type housing which vary greatly from very poor to decent family dwelling; from 1-to 6-room houses.	2.6 persons per room 1-and 2-room row housing.
Health	Life expectancy 38 years. 41 percent migrant deaths occur by age 5.	Life expectancy 38 years. 41 percent migrant deaths occur by age 5.	Life expectancy 38 years. 41 percent migrant deaths occur by age 5.
Welfare (not eligible)[1]	Not eligible	Not eligible	Not eligible.
Education	4th grade average	3.6 grade average	5th grade average.

[1] In most States because of residency requirements. Some attention given to food supplement and some attention given to medical needs.

CHART I

MEDIAN SCHOOL YEARS COMPLETED BY SPANISH-SURNAMED MALES AND FEMALES, 14 YEARS AND OLDER, BY NATIVITY AND PARENTAGE, SOUTHWEST, 1960

	Years
Native of native parentage:	
Males	8.6
Females	8.8
Natives of Mexican or mixed parentage:	
Males	8.4
Females	8.2
Born in Mexico:	
Males	4.1
Females	4.4

Source: U.S. Census of Population, PC(2) 1B: Persons of Spanish Surname, Tables 3 and 7.

CHART II

PERCENT OF TEENAGERS ENROLLED IN SCHOOL, SPANISH-SURNAME PERSONS COMPARED WITH OTHER POPULATION GROUPS, SOUTHWEST, 1960

[Not printed in RECORD.]

Source: 1960 U.S. Census of Population, Vol. 1, Parts 4, 6, 7, 33, and 45, Tables 44, 94, 101, and PC(2) 1B, Table 4.

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE VIETNAM WAR

Mr. GORE. Mr. President, I tried my very best to keep us out of the Vietnam war.

Many times and in various ways, I tried to prevent the war from being widened and deepened, thus bloodier and harder to end.

I am now doing everything I can to get us out of this horrible war as quickly, as honorably, and as completely as possible. I firmly believe this to be right.

Almost 2,000 of our boys have been killed or wounded per week in Vietnam this year. There have been more than 40,000 such casualties since President Nixon's inauguration. We have gained nothing; we will gain nothing except more anguish at home and more ill will abroad.

President Nixon has now ruled out a military victory. This leaves only one way to stop the war—a negotiated political settlement. The sooner the better. It is better to save lives than to try to save political face, either American or Asiatic.

I thought President Nixon made constructive proposals for conciliation, and for a political settlement, in his speech of May 14. I supported those constructive suggestions. I still do. But his conference on Midway with President Thieu of South Vietnam provided no real encouragement. We seemed only to get tied closer to Mr. Thieu.

Withdrawal of a few men at a time without a settlement, however desirable for those fortunate few, is not a step toward peace, but it is more likely a step toward prolonging both the war and the tenure of Mr. Thieu. The kind of settlement we need, and the kind for which we should use our overwhelming presence in Vietnam to persuade, is a conciliation and coalescence of forces and factions and personalities in South Vietnam that would permit not just a fortunate few of our sons to come home, but all of them.

We must not any longer equate our national security with the survival of the Thieu-Ky regime. Indeed, our national security is not involved in what happens or in what does not happen in Vietnam.

This is a political war.

If there is to be peace in South Vietnam, the people of South Vietnam themselves must have a will to live together in peace in their own way. We cannot force that will; we may not be able even to persuade it. There is no evidence that President Thieu represents it.

Our whole effort, then, should be directed toward bringing about a conciliation of the forces and factions of South Vietnam. Some of the most astute observers at the conference at Midway have concluded that President Nixon postponed this hard decision. I do not think our President can afford longer to postpone this hard decision. The killing continues. His own mandate for peace erodes with time; likewise, his power to lead and achieve.

Moreover, there is lurking, if not looming, a danger that a President of the United States will become once again ensnared with the delusion of military victory, even though now "ruled out."

Our people earnestly desire peace. They voted to stay out of the war in 1964. They voted for an ending of the war in 1968.

This war must end. It must end because it is immoral and because it is wrong. It must end, too, because it threatens to destroy us.

Mr. HARTKE. Mr. President, I wish to congratulate the Senator from Tennessee. He has been one of the most thoroughly intelligent men in many fields, but this is especially true in this field, with regard to trying to do something to stop the war in Vietnam and bring to an end the horrible killing that is going on in that part of the world.

Mr. President, it is very important to keep in mind that people such as the Senator from Tennessee are not to be discouraged in trying to bring the war to an end. I could not agree more that the difficulty at the moment seems to be that the tail is wagging the dog. We have a situation where we are not the master of our foreign policy, and we are not the master of our destiny.

I congratulate the Senator for his excellent statement.

Mr. GORE. Mr. President, I thank the able Senator.

In response I wish to call to his attention an Associated Press release from Vietnam, a story I have just read, reporting that the Vietcong are back atop Hamburger Hill.

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

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

CAMP EAGLE, VIETNAM (AP).—North Vietnamese troops—possibly as many as 1,000 of them—have returned to Dong Ap Bia, the 3,000-foot mountain where U.S. paratroopers fought a bloody battle that sparked congressional criticism, intelligence sources said today.

Maj. Gen. John M. Wright Jr., commander of the 101st Airborne Division, said he is prepared to send troops up the mountain again "should the situation warrant it."

Wright said there are no present plans for another ground assault, but added Hill 937—the milltary designation for Ap Bia—"is no different from any other piece of terrain in our area of operations."

If it becomes necessary to attack again, he said, "I am prepared to commit everything that it takes, up to the entire division, to do the job."

Wright speculated the North Vietnamese may have returned to hold the hill as an anchor for a perimeter guarding nearby supply caches in the Ashau Valley or as a radio communications base.

U.S. aircraft flying near the jungled slopes of Ap Bia have drawn ground fire in recent days and American forces have retaliated with artillery and aerial bombardment.

Mr. GORE. Mr. President, I do not wish to comment upon military tactics in detail. I must say that this meat grinder operation of search and destroy, of abandonment and retaking, is perturbing. Hamburger Hill is still there, the valley is still there, the dead have been removed, and the Vietcong are back on Hamburger Hill.

I yield.

Mr. HARTKE. Mr. President, I wish to say to the Senator that I think there is no one in the United States who does not want this war to come to an end. We want to support President Nixon in his efforts. He is the President, and he has

to make the decisions. However, I think it is high time that he recognized that a political settlement is the essence of the settlement which is needed to carry this matter to a successful conclusion. President Nixon has said this repeatedly. I hope he does not permit his decision in the past to reach a political settlement to be interfered with by people who are not interested in political settlement. I hope the President does not get into a position where he feels that the preservation of the present regime in Saigon is more important than his own basic decision on this matter.

Mr. GORE. I thank the Senator. Since the President ruled out a military victory I see no feasible course except political conciliation and settlement. What other way is there to end the war except on the battlefield or at the conference table?

I share the Senator's view and I trust that the hard decision will not any longer be postponed.

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

Mr. GORE. I yield.

Mr. MANSFIELD. Mr. President, I have read what the distinguished senior Senator from Tennessee has had to say with a great deal of interest. He indicates, of course, that it is impossible for us to "impose"—and that is the key word—a coalition government in South Vietnam.

Mr. GORE. Or the will of the people to live together among themselves in peace.

Mr. MANSFIELD. The Senator is correct. But the Senator may recall that in the elections of September a year ago in South Vietnam two groups were excluded, the so-called neutralists and the Vietcong.

It would be my hope that in some way it would be possible to bring about—so to speak—a coming together of the people who live in South Vietnam, including the NLF, neutralists, and others not allowed to vote in the election in September a year ago.

It is my firm belief that a coalition in South Vietnam is inevitable, and the sooner these people get together in some way or other and bring about elections, which President Thieu indicated he would be in favor of, the better off they and we will be.

It was interesting to learn that President Thieu, perhaps on the basis of pressure from the present administration, did indicate some weeks ago that his government would be willing to meet with representatives of the NLF privately. I would consider that to be the first step toward public meetings, and that he would allow, thereafter, the Vietcong and others to participate in elections if they changed their labels. That is, of course, gloss and does not mean much.

However, the Senator is correct that if there is to be peace in Vietnam it will not be on the battlefield, but in Paris, and it will be on the basis of the Vietnamese deciding what kind of government they will have and what the future should hold for them, because the decision is theirs.

Mr. GORE. I thank the Senator. It is partly for that reason that I have felt, rightly or wrongly, that a phased withdrawal, a long and drawn out withdrawal of a few men at a time—25,000 being less than 5 percent of our forces there—carries with it, if not a commitment, at least an implied commitment to keep sufficient American forces there to maintain the Thieu-Ky regime in power.

Mr. Thieu and Mr. Ky should be told in no uncertain terms and quickly that it is necessary to have a coalition of the factions and forces of the people of South Vietnam, and all of our efforts should be used in that direction. We will find no peace in maintaining the Thieu-Ky regime in power.

I call to the attention of the Senate that only a few days ago a committee of distinguished Americans returned from an investigation in South Vietnam and reported to this country that thousands, many thousands of political prisoners, religious leaders, even children suspected of being sympathetic with the Vietcong, are prisoners without trial. Are we to find peace or security in supporting such a regime? I do not think we shall find either.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker had appointed Mr. BROWN, of Ohio, as a member of the Joint Economic Committee, to fill the existing vacancy thereon, vice Mr. RUMSFELD, excused.

The message announced that the House had passed the joint resolution (H.J. Res. 783) making further continuing appropriations for the fiscal year 1969, and for other purposes, in which it requested the concurrence of the Senate.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. H.R. 11400, an act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the committee amendments, with the exception of the two committee amendments, the first on pages 70, 71, and 72 of the bill, and the second on lines 6, 7, and 8 on page 73, be agreed to en bloc, and that the bill, as thus amended, be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "Navy' ", strike out "$14,500,000" and insert "$21,500,000".

On page 2, line 13, after the word "Force' ", strike out "$115,000,000" and insert "$146,000,000."

On page 2, line 20, after "$15,390,000," insert "and in addition, $8,910,000, to be derived by transfer from the appropriation 'Procurement, Marine Corps' ".

On page 3, after line 17, insert:

"SOIL CONSERVATION SERVICE

"FLOOD PREVENTION

"For an additional amount for 'Flood prevention', $4,000,000 to remain available until expended for emergency measures for runoff retardation and soil erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701 b–1)."

On page 4, line 21 after "Corps'," strike out "$4,500,000" and insert "$6,400,000."

On page 5, line 7, after "$3,600,000," insert "and in addition, $1,000,000 to be derived by transfer from the appropriation 'Procurement, Marine Corps'."

On page 5, line 12, after "$10,000,000," insert "and in addition, $3,000,000, to be derived by transfer from the appropriation 'Research, Development, Test and Evaluation, Army'."

On page 5, line 18, after "$8,800,000," insert "and in addition, $5,377,000, to be derived by transfer from the appropriation 'Other Procurement, Air Force'."

On page 5, after line 20, strike out:

"General Provision

"SEC. 201. Deficiencies incurred under the terms of section 3732 of the Revised Statutes, as amended (41 U.S.C. 11), shall not exceed the amounts of the estimates in House Documents Numbered 91–50 and 91–94, or the amounts provided herein, whichever is lower, for each such authorized purpose."

On page 6, after line 10, insert:

"LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

"For an additional amount for 'Loans to the District of Columbia for capital outlay', for the general fund of the District of Columbia, $18,736,000."

On page 6, line 23, after "$10,034,000," insert "of which $95,000 for the Department of Corrections shall remain available until September 30, 1969, and".

On page 7, after line 16, insert:

"CAPITAL OUTLAY

"For an additional amount for 'Capital outlay', $18,736,000, of which $1,514,000 shall not be available for expenditure until July 1, 1969."

On page 8, line 7, after "2,700,000" insert "to be derived by transfer from appropriations for 'Economic Assistance', fiscal year 1969, of the Agency for International Development,".

On page 8, after line 13, insert:

"FUNDS APPROPRIATED TO THE PRESIDENT

"INTERNATIONAL FINANCIAL INSTITUTIONS

"SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

"For payment of the first installment of the United States share of the 1969–1971 increase in the resources of the International Development Association, as authorized by law, $160,000,000, to remain available until expended."

On page 9, line 6, after the word "telecommunications", strike out "$500,000" and insert "$777,000".

On page 9, line 16, after "$600,000" insert "of which $100,000 shall remain available until September 30, 1969".

At the top of page 10, insert:

"NATIONAL SCIENCE FOUNDATION

"SALARIES AND EXPENSES

"The appropriation granted under this head in the Independent Offices Appropriation Act, 1969, shall be available for the purchase of one aircraft for replacement only."

On page 10, at the beginning of line 9, strike out "$2,573,000" and insert "$3,139,000."

On page 10, line 13, after the word "pensions'," strike out "$179,000,000" and insert "$276,600,000".

On page 10, at the begining of line 17, strike out "$14,200,000" and insert "$89,200,000".

On page 10, line 20, after the word "care'," strike out "$46,189,000" and insert "$53,800,000".

On page 11, line 8, after the word "by" strike out "$40,000,000" and insert "$50,000,000"; and at the beginning of line 11, strike out "$40,000,000" and insert $50,000,000".

On page 11, after line 22, insert:

"DEPARTMENTAL MANAGEMENT

"FAIR HOUSING PROGRAM

"For an additional amount for 'Fair housing program', $1,000,000."

On page 12, after line 13, insert:

"EDUCATION AND WELFARE SERVICES

"For an additional amount for 'Education and welfare services', $2,781,000."

On page 12, at the beginning of line 19, strike out "$2,769,000" and insert "$2,700,000, of which $150,000 shall remain available until September 30, 1969."

On page 13, after line 2, strike out:

"For a repayable advance to the 'Land and water conservation fund,' as authorized by section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–7), for liquidation of obligations incurred against such fund pursuant to law, $19,000,000, to remain available until expended."

On page 13, after line 14, insert:

"OFFICE OF THE TERRITORIES

"ADMINISTRATION OF TERRITORIES

"For an additional amount of 'Administration of territories', $950,000, to remain available until expended."

On page 13, line 22, after the word "research'," strike out "$2,092,000" and insert "$2,242,000".

On page 14, after line 1, insert:

"HEALTH AND SAFETY

"For an additional amount for 'Health and safety', $750,000 to remain available until September 30, 1969."

On page 14, line 7, after the word "fund'," strike out "$5,000,000" and insert "$10,000,000".

On page 14, line 21, after "$1,353,000," insert "of which $250,000 shall remain available until September 30, 1969".

On page 15, line 9, after the word "protection'," strike out "$2,479,000" and insert "$2,366,000".

On page 15, line 13, after the word "Construction'," strike out "$100,000" and insert "$1,103,000".

On page 15, line 19, after the word "management'," strike out "$25,028,000" and insert "$24,374,000, of which $460,000 shall remain available until September 30, 1969".

On page 15, line 4, after the word " 'Construction'," strike out "$200,000" and insert "$400,000".

On page 16, line 8, after the word "received" insert "prior to September 1, 1969".

On page 16, after line 20, insert:

"MANPOWER ADMINISTRATION

"MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $7,500,000, to remain available until September 30, 1969."

On page 17, line 11, after the word "activities," insert "$19,920,000"; and, after the amendment just stated, strike out "including payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (Public Law 90–354, approved June 20, 1968), and annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended (Public Law 90–575, approved October 16, 1968), $11,161,000, of which $3,920,000 shall remain available until expended for said annual interest grants: *Provided*, That, in addition, $160,000 shall be derived by transfer from 'Community mental health resource support', Public Health Service, fiscal year 1969: *Provided further*, That none of the funds appropriated by this Act for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended by Public Law 90–575, shall be used to formulate or carry out any grant to any institution of higher education unless such institution is in full compliance with section 504 of such Act", and insert in lieu thereof "of which $3,920,000 shall be for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended (Public Law 90–575, approved October 16, 1968), to remain available until expended for said annual interest grants, and $16,000,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965, as amended, to remain available through June 30, 1970: *Provided*, That, in addition, $160,000 shall be derived by transfer from 'Community mental health resource support', Public Health Service, fiscal year 1969: *Provided further*, That none of the funds appropriated by this Act for annual interest grants authorized by section 306 of the Higher Education Facilities Act, as amended by Public Law 90–575, shall be used to formulate or carry out any grant to any institution of higher education unless such institution is in full compliance with section 504 of such Act."

On page 18, line 23, after "$9,186,000," insert "to remain available until September 30, 1969".

On page 19, after line 7, strike out:

"DISTRICT OF COLUMBIA MEDICAL FACILITIES

"For grants and loans pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457), $15,000,000, to remain available until expended."

On page 19, after line 21, insert:

"SOCIAL SECURITY ADMINISTRATION

"LIMITATION ON SALARIES AND EXPENSES

"For an additional amount of 'Limitation on salaries and expenses,' Social Security Administration, $21,200,000, to be expended, as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein."

On page 20, after line 5, insert:

"SENATE

"For payment to Vide G. Bartlett, widow of E. L. Bartlett, late a Senator from the State of Alaska, $30,000.

"The clerk hire allowance of each Senator from the States of Illinois and Texas shall be increased to that allowed Senators from States having a population of eleven million, the population of said States having exceeded eleven million inhabitants.

"For an additional amount for 'Inquiries and Investigations', fiscal year 1968, $126,900."

On page 21, after line 10, insert:

"CHAPTER IX

"PUBLIC WORKS

"DEPARTMENT OF DEFENSE—CIVIL

"DEPARTMENT OF THE ARMY

"CORPS OF ENGINEERS—CIVIL

"FLOOD CONTROL AND COASTAL EMERGENCIES

"For an additional amount for 'Flood control and coastal emergencies', $25,000,000, to remain until expended.

At the top of page 22, insert:

"INDEPENDENT OFFICES

"ATOMIC ENERGY COMMISSION

"PLANT AND CAPITAL EQUIPMENT

"For and additional amount for 'Plant and Capital Equipment', $45,000,000, to remain available until expended."

On page 22, line 7, change the chapter number from "IX" to "X".

On page 22, line 12, after "$65,000," insert "of which $40,000 shall remain available until September 30, 1969".

On page 22, line 23, after the word "activities'," strike out "$1,314,000" and insert "$1,277,000, of which $101,000 shall remain available until September 30, 1969".

On page 23, line 19, after "$2,505,000" insert "of which $162,000 shall remain available until September 30, 1969".

On page 24, line 13, after "$1,187,000" insert "of which $737,000 shall remain available until September 30, 1969".

At the top of page 25, insert:

"ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

"SALARIES AND EXPENSES

"In addition to the amount made available in the appropriation under this head in the Department of Commerce Appropriation Act, 1969, for retirement pay of commissioned officers and payments under the Retired Serviceman's Family Protection Plan, $147,000 shall be available in that appropriation for such expenses."

On page 26, at the beginning of line 9, strike out "$1,975,000" and insert "$1,948,000".

On page 26, line 12, after "$2,412,000" insert "of which $205,000 shall remain available until September 30, 1969".

"FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

"For an additional amount for 'Fees and expenses of court-appointed counsel', fiscal year 1968, $850,000.

"For an additional amount for 'Fees and expenses of court-appointed counsel', fiscal year 1969, $850,000."

On page 27, line 3, after "$97,500" insert "of which $10,000 shall remain available until September 30, 1969".

On page 27, line 7, change the chapter number from "X" to "XI".

On page 27, after line 8, insert:

"OFFICE OF THE SECRETARY

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $2,000,000, to remain avail-

able until December 31, 1969, for necessary expenses in connection with the consolidation of Departmental activities into the Southwest Area of Washington, D.C."

On page 28, line 5, change the chapter number from "XI" to "XII".

On page 28, after line 12, insert:

"U.S. SECRET SERVICE

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses' $470,000."

On page 28, at the beginning of line 21, strike out "$107,000" and insert "$100,000".

On page 28, at the beginning of line 25, strike out "$200,000" and insert "$147,000".

At the top of page 29, change the chapter number from "XI" to "XIII".

On page 29, line 8, after the word "Congress" strike out "$16,880,812" and insert "$18,118,688".

On page 30, after line 1, insert:

"SENATE

"Compensation of the Vice President and Senators, $458,270;

"Salaries, officers and employees, $1,647,837;

"Office of the Legislative Counsel of the Senate, $21,905;

"Contingent expenses of the Senate:

"Senate policy committees, $27,190;

"Automobiles and maintenance, $2,180;

"Inquiries and investigations, $370,640; including $14,460 for the Committee on Appropriations;

"Folding documents, $2,565;

"Miscellaneous items, $169,015, including $100,500 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87–82, approved July 6, 1961;"

On page 32, after line 15, insert:

"Senate office buildings, $174,000;

"Senate garage, $6,500;".

On page 34, line 2, after the word "expenses'," strike out "$2,214,000" and insert "$2,114,000".

On page 37, line 17, after the word "programs'," strike out "$2,300,000" and insert "$2,000,000".

On page 43, line 8, after the word "Army'," strike out "$230,000,000" and insert "$300,000,000".

On page 43, line 10, after the word "Navy'," strike out "$160,000,000" and insert "$198,-700,000".

On page 43, line 12, after the word "Corps'," strike out "$45,000,000" and insert "$61,500,000".

On page 43, line 14, after the word "Force'," strike out "$214,000,000" and insert "$267,600,000".

On page 43, line 16, after the word "Army'," strike out "$13,000,000" and insert "$16,400,000".

On page 43, line 22, after "$32,000,000," insert "and in addition, $3,600,000, to be derived by transfer from the appropriation 'Research, Development, Test, and Evaluation, Defense Agencies' ".

On page 44, line 11, after the word "expenses'," strike out "$1,000,000" and insert "$1,100,000".

On page 47, line 23, after the word from, strike out "the amount reserved under"; and in line 24, after the word "Service" strike out "pursuant to section 201 of Public Law 90–364" and insert "fiscal year 1969"; on page 48, line 3, after the word "to", strike out "said" and in the same line after "201" insert "of Public Law 90–364".

On page 66, after line 13, insert: "limitation on administrative expenses, Federal Savings and Loan Insurance Corporation, (Release of $4,000 reserved under this appropriation pursuant to section 201 of Public Law 90–364);".

On page 67, line 4, after the word "expenses'," strike out "$32,000" and insert "$41,000".

On page 67, line 16, after the word "expenses" strike out "$250,000" and insert "$400,000".

On page 73, after line 8, insert a new section, as follows:

"SEC. 504. Funds appropriated, or otherwise made available, by this Act for the fiscal year 1969, shall remain available for obligation until July 1, 1969, or for five days after the date of approval of this Act, whichever is later, unless a longer period is specifically provided: *Provided*, That all obligations incured in anticipation of such appropriations and authority for the fiscal year 1969 as well as those for longer periods as set forth herein are hereby ratified and confirmed if in accordance with the terms hereof."

FULL FUNDING FOR EQUAL OPPORTUNITY GRANTS

Mr. BROOKE. Mr. President, it is with pleasure that I note the decision of the Appropriations Committee to restore the full funding for educational opportunity grants. Last year the Senate agreed to appropriate $140.6 million for these important student aid grants. In conference with the House, however, $16 million was deleted from the bill. Since the appropriations bill was long overdue, there was no practical way to prolong the fight for this one item at that time.

Now the decision has been made to restore this $16 million item and to bring appropriations for equal opportunity grants more nearly up to a level which meets the need. Since 1966, initial year awards have been made to 123,000, then 132,000, and last year to 140,000 beginning college students. At the same time, through the efforts of the colleges themselves, and under the inspiration of programs like Upward Bound and Talent Search, more students than ever before are becoming interested in attending college.

There are still many young people who will not be able to go on to higher education, even with the full funding provided by this supplemental appropriation. But the $16 million restoration will go a long way toward filling the gap for 1969. I commend the committee for its good efforts, and express my sincere hope that the sum will be retained.

RESTORATION OF FUNDS FOR EDUCATIONAL OPPORTUNITY GRANTS

Mr. PERCY. Mr. President, I wish to offer my support for the restoration of the educational opportunity grant funds as recommended by the Appropriations Committee.

Last April, a group of students from each of the State universities in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin came to Washington. They came to discuss with their Senators and Representatives the problems confronting their institutions because of the shortage in Federal financial aid funds, particularly those for opportunity grants. They came with the belief that legal, nonviolent activities through the political process could bring about desirable change. They left hopeful that needed funds for education would be provided.

The issues raised by these students have been reiterated constantly by their professors, deans, and college presidents who have written and visited their congressional delegation urging funds for educational opportunity grants. They are rightly concerned.

Last year the conference committee considering educational opportunity grants reallocated $16 million from the $140.6 million appropriations for this program. The loss of these funds deprived about 32,000 deserving students of the financial assistance they needed to attend college. In Illinois alone, the cutback meant that about 4,300 instead of 6,500 disadvantaged students received EOG funds for education.

Mr. President, we are now making a great effort through Educational Talent Search, Upward Bound, and other programs to seek out young people and encourage them to go to college so that they can become contributing members of society. EOG funds help insure that they have the financial means to obtain this higher education. By reducing the funds of this program, we are doing them and our country a disservice. I am, therefore, pleased that the committee has approved the restoration of the $16 million to extend educational opportunities to eager and ambitious young men and women.

Mr. MONDALE. Mr. President, a most compelling reason for including the $16 million that had been cut from the educational opportunity grants program in this supplemental appropriations bill is that we will be keeping faith both with our institutions of higher learning and with our most disadvantaged students. I commend the Appropriations Committee for its action, and urge the Senate and the conference committee to sustain that action.

The Higher Education Act of 1965 required institutions receiving EOG funds to make intensive efforts to recruit needy students. The act advises them to seek out indigent students in the 11th grade or lower, and to make conditional educational opportunity commitments to them.

Many such commitments have been made. When last year's appropriations for the EOG program were reduced by $16 million—reducing thereby the number of EOG awards—many colleges were faced with a difficult problem: they had to choose between breaching faith with students by breaking those commitments, or increasing their institutional deficits to uphold them. Several institutions were forced to cut back or delay the implementation of programs for the benefit of highly able, but financially deprived, young people. In the words of Malcolm Moos, president of the University of Minnesota:

> Such federal cutbacks jeopardize not only our work with low income students presently at the university, but also our future recruitment programs. In addition, these cutbacks create hardships for the student group least able to cope with them, and may well increase campus tensions as institutions are unable to assist our economically deprived.

Other evidence testifies to the extent of the harm which would result from any prolonged reduction in EOG appropriations, and shows the wisdom behind the Appropriations Committee's recommendation. I ask unanimous consent that certain relevant letters and telegrams be inserted in the RECORD at this point.

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

HEW MEMORANDUM OF JUNE 12, 1969, SHOWING ESTIMATED NUMBER OF STUDENTS TO BE AIDED BY $16,000,000 RESTORATION

Estimated number of initial year students	Existing budget	Under $16,000,000 increase	Additional students, fiscal year 1970
	(1)	(2)	(3)
Total	$100,200	$132,190	31,990
10. Alabama	1,350	2,190	840
11. Alaska	40	50	10
12. Arizona	1,100	1,350	250
13. Arkansas	1,150	1,270	120
14. California	9,050	13,090	4,040
15. Colorado	1,500	1,710	210
16. Connecticut	1,300	1,630	330
17. Delaware	275	300	25
18. District of Columbia	800	920	120
19. Florida	2,450	3,010	560
20. Georgia	1,650	2,270	620
21. Hawaii	400	400	0
22. Idaho	425	520	95
23. Illinois	4,375	6,550	2,175
24. Indiana	2,450	3,690	1,240
25. Iowa	2,100	2,620	520
26. Kansas	1,825	2,270	445
27. Kentucky	1,775	2,100	335
28. Louisiana	2,150	2,520	370
29. Maine	450	540	90
30. Maryland	1,675	1,680	5
31. Massachusetts	3,450	5,010	1,560
32. Michigan	4,350	5,960	1,610
33. Minnesota	2,650	3,300	650
34. Mississippi	1,300	1,600	300
35. Missouri	2,600	3,460	860
36. Montana	550	590	40
37. Nebraska	1,075	1,220	145
38. Nevada	125	160	35
39. New Hampshire	400	530	130
40. New Jersey	1,800	2,270	470
41. New Mexico	600	720	120
42. New York	6,900	10,120	3,220
43. North Carolina	2,500	3,130	630
44. North Dakota	525	760	145
45. Ohio	5,050	6,540	1,490
46. Oklahoma	2,200	2,310	110
47. Oregon	1,300	1,720	420
48. Pennsylvania	4,875	6,650	1,775
49. Rhode Island	600	760	1
50. South Carolina	825	1,210	385
51. South Dakota	550	660	110
52. Tennessee	1,900	2,910	1,010
53. Texas	5,625	7,350	1,725
54. Utah	1,425	1,480	55
55. Vermont	375	430	55
56. Virginia	1,850	2,200	350
57. Washington	2,150	2,790	640
58. West Virginia	1,000	1,250	250
59. Wisconsin	2,400	3,310	910
60. Wyoming	250	280	30
61. U.S. service schools			
62. Canal Zone			
63. Guam	50	50	0
64. Puerto Rico	650	850	200
66. Virgin Islands	10	10	0

ST. PAUL, MINN.,
June 13, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Hamline University urges that strong consideration be given towards sustaining the action of the Senate Appropriations Committee to add a $16 million supplemental appropriation to the Educational Opportunity Grants program as well as any action towards receiving a supplemental national defense loan allocation. The programs are not presently funded at the level needed to assist the number of students eligible for them.

J. B. KNUESEL,
Director of Financial Aids.

ST. PAUL, MINN.,
June 13, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Urge serious consideration of legislation for supplementary appropriation for Federal financial aid program EOG work study. National defense loans all need help.

LEONARD WENC,
Director of Financial Aid MacAlester Collegee.

ST. PAUL, MINN.,
June 13, 1969.

Senator WALTER MONDALE,
U.S. Senate Office Building,
Washington, D.C.:

Urge full consideration and support for additional funding of H.E.W.Q programs.

RAY Q. MOCK,
Chairman, Financial Aid College of St. Thomas.

MANKATO, MINN.,
June 13, 1969.

WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.:

The Minnesota State Association of financial aid administrators urges you to support the supplemental appropriations for the national defense student loan and educational opportunity grant programs. These vital programs must be funded in order that institutions of higher education are able to assist the many disadvantaged students who without such assistance would be unable to attend college. Your assistance will be greatly appreciated.

ROBERT J. MATUSKA,
President of Minnesota State Association of Financial Aid Administrators and Director of Financial Aids, Mankato State College.

ST. PETER, MINN.,
June 13, 1969.

Senator WALTER F. MONDALE,
U.S. Senate Building,
Washington, D.C.:

Please support the supplemental EOG allocation when voted on in the Senate. We are unable to fund many eligible EOG candidates. We also encourage additional funding of NDEA.

BRUCE GREY,
Director of Financial Aid, Gustavus Adolphus College.

NORTHWEST MINNESOTA YOUTH DEVELOPMENT PROJECT,
Bemidji, Minn., March 21, 1969.

Hon. ROBERT FINCH,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR SECRETARY FINCH: As the director of an Educational Talent Search program funded under the Higher Education Act of 1965, I wish to call your attention to the acute problem which the reduction of funds for Educational Opportunity Grants has precipitated.

The cut-back puts the level of funding for 1969–70 initial year grants 22 per cent below that of the current school year for economically disadvantaged young people planning to continue their education beyond high school. This tremendous reduction in initial year grants is taking place at a time when Educational Talent Search counselors have been identifying ever larger numbers of youth who should pursue higher education. In addition, it comes after financial aid officers have complied with the requirements of Section 407 of Title IV, Part A, of the Higher Education Act of 1965 which encouraged them to make conditional commitments to high school eleventh graders and lower. For the Federal government to establish programs such as Educational Talent Search and request financial aid officers to make conditional commitments, then to reduce the funds necessary to carry through these commitments will result in vast numbers of disillusioned youth from the ranks of those we have been attempting to encourage.

I am also writing to the representatives and senators from the state of Minnesota to request their support in efforts to get a supplemental appropriation for initial year Educational Opportunity Grants. An appropriation of 16 million dollars would restore the reduction that has been made at the committee level. I feel that it would be of tremendous assistance to them, however, if the administration would recommend such a supplemental appropriation. It is my feeling that the minimum supplemental appropriation that should be considered by the Administration and the Congress is the 16 million dollars necessary to restore the funding to the 1968–69 level. There would still be numerous eligible students who would not be able to gain assistance, but at least we would not be losing ground.

Immediate action is necessary as the funds sought come from Fiscal 1969. In addition, it is imperative that the colleges be notified of the restoration of funds soon to enable them to provide needy students with the financial aid packages necessary for them to continue education. Hopefully, this can be accomplished before they become disillusioned with our Federal government and its various programs.

I am also writing to Acting Commissioner Muirhead and to President Nixon to request their support in this serious situation.

Sincerely,

MARK O. PAULSON,
Director.

REDWOOD FALLS, MINN.,
June 15, 1969.

Hon. WALTER F. MONDALE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: Attached is a copy of a letter received by my 18 year old son who graduated this Spring from the Redwood Falls High School. He has previously applied and been accepted for attendance at Southwest Minnesota State College at Marshall, Minn. beginning with the Fall term. Your attention is particularly invited to the second sentence of the second paragraph of the attached letter.

It is going to be difficult to reconcile his feelings that he may be unable to attend college for lack of the amount required to supplement his first year attendance expense. With over 40 Billion being expended in Vietnam annually and a like amount in the military complex, the sum required by him seems like a mite. The question is, which is more important?

Your reply will be greatly appreciated so I can explain to my son what his future possibility is in regard to attending College.

Respectfully yours,

HARRY C. WALTER.

INDIANA UNIVERSITY,
Bloomington, Ind., June 6, 1969.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I wish to urge serious consideration of restoration of funds to the federal student aid programs—more particularly, the Educational Opportunity Grant Program. At this time in our history, with rising student expectations and rising college costs, the necessity for a program designed for students from low income families is critically apparent.

At Indiana University, for example, we are bringing to the campus this summer 200 very disadvantaged students to begin their college work. The summer work is preparation to their continuing education in the fall. Almost all of these students require assistance under the EOG Program. By providing for this group of students, we have only $35,000 in EOG funds to meet the needs of the other entering freshmen who need $250,000 in EOG funds. Therefore, many deserving and otherwise qualified students will be denied the opportunities of higher education.

It is important that the maximum amount

of funds possible be restored to the EOG Program. I stress the concern of financial aid officers for providing financial assistance to the economically disadvantaged. We hope the Congress will provide the funds necessary to meet our commitments to the students.

Sincerely yours,

EDSON W. SAMPLE,
Assistant Director.

MAY 27, 1969.

DEAR SENATOR MONDALE: The students at Augsburg College, Minneapolis, received notice last week that Federal funds for the coming school year were cut severely. Although the cuts did not affect me, many of my friends had their scholarships and grants significantly reduced. As a member of the Senate Subcommittee on Education, I would ask you to please do all you can to prevent any further cuts, and, if possible to restore what has been lost. The cost of attending a private college has soared the past three years and cutbacks in aid are making the price of attending a private college beyond the reach of many middle class incomes. Certainly schools such as Augsburg play a vital role in enriching our American society and I would stress the fact that government interest and support for them is a wise investment.

I will be a senior at Augsburg in the fall and have come to a fairly full realization of the ridiculous contradictions in our societies' value system. Student revolt can hardly be termed an unexpected phenomenon, and although I heartily disapprove of needless destruction and the kind of student-initiated violence we have witnessed this past year, I share the frustration and helpless anger that gives rise to unrest. Certainly the co-existence of a war in Viet Nam and government cutbacks in aid to fine educational institutions symbolizes the tragic confusion that exists in our government today.

From what I've heard of you, I would guess that you might agree with much of what I've said, but I nevertheless ask your help and your understanding. A nation of concerned young people and a community of hopeful students is watching.

Sincerely,

MARY ALICE LONG,
Class of 1970.

SOUTHWEST MINNESOTA STATE COLLEGE,
Marshall, Minn., June 12, 1969.

CHARLES H. WALTER,
Redwood Falls, Minn.

DEAR CHARLES: The Financial Aids Committee has reviewed your application and we regret we shall be unable to grant you financial aid for the coming academic year at Southwest Minnesota State College.

Your application definitely indicates that you are in need of financial assistance to attend the college. However, a reduction in Federal funds for the coming academic year has made it impossible for us to provide assistance to you.

However, attempts are being made at this time to secure additional funds for our financial aid program and if additional funds are obtained, you will be among the first to be considered for financial aid.

In the meantime, we would strongly suggest that you investigate the Guaranteed Bank Loan program. This program is administered by local banks and you should check with banks in your area to see if they participate in the program. These loans are made to students at no interest rate while you are in school and a seven percent (7%) rate of interest after you leave school with five to ten years to repay the loan.

We are sorry we cannot be of assistance at this time but you will be hearing from us if additional funds are made available.

If you have questions, please do not hesitate to call upon us.

Sincerely,

MELVIN R. RENNER,
Director of Admissions and Registrar.

Mr. MONDALE. Mr. President, in particular, I call my colleagues' attention to two letters, one received from a senior at Augsburg College in Minneapolis, Minn., and the other, from a father whose son has been denied financial aid.

I stress, gentlemen, that it is not only in response to such clear expressions of need that the Appropriations Committee has called for a restoration of the EOG funds. It is also in direct response to the mandate of certain basic American traditions. For generations, the United States has been known as the land of opportunity; for generations, we have vowed that every American's birthright includes equal opportunity, personal freedom, and self-determination. More recently, we have recognized that a precursor for the exercise of that birthright is knowledge, which can be achieved only with the access to advanced and continuing education. As a people, we are committed to the value and promise of education; as a Government of the people, we are committed to making that promise a reality. The EOG program, enhanced by this supplemental appropriation, contributes to that effort, and it deserves our support.

To say that the EOG supplemental appropriation would be an improvement is not to say that nothing remains to be done. On the contrary, as the Nixon Task Force Report on Education has itself reported:

> Among the most serious problems facing education in the Nation is that of the financing of higher education. Viewed as a problem extending over the next decade, it is a matter of more than doubling the resources available to colleges and universities, from the present $17.2 billion to approximately $41 billion, to provide places for an additional 3 million students, many of them from disadvantaged backgrounds.

I suggest that the major challenges in education still confront us. This is highlighted by the fact that even if we approve this supplemental appropriation now before us, EOG initial year appropriations for fiscal year 1969 would provide for only 57 percent—$68 million, compared with $120 million requested—of the total amount requested by institutions for initial year grants. I stress, therefore, that we should support this restoration of funds with full awareness of the fact that, while it will at least prevent a slip backwards, it does not provide for the tremendous forthright advance, which we require.

I repeat, my approval of the Appropriations Committee action, and I urge that we concur with that action, understanding that, at best, we are only beginning to meet the obligations of the Nation and the needs of its young people.

Mr. HART. Mr. President, I would like to say that I am proud of my colleagues on the Appropriations Committee. By their action in restoring $16 million greatly needed dollars for educational opportunity grants, they have shown an admirable sense of justice and conscience. These are difficult times, it is true, but it is unjust to vent our spleen and attempt false savings in the wrong place, against the wrong people.

Since the $16 million was cut from educational opportunity grants late last summer, college financial aid officers have had the miserable task of turning away qualified but financially disadvantaged applicants because of lack of funds. In many States and at many colleges, funds available for these grants have been enough to meet only 40 to 60 percent of the need, and sometimes even less than that.

I will give you a couple of examples. Flint Community Junior College, which along with many other community colleges throughout the country has been actively engaged in attracting and training students from disadvantaged families, reports that it will be able to aid only 20 students with educational opportunity grant funds, whereas it really needs sufficient funds to aid 80 students. What will become of the other 60? Delta College in Michigan will suffer the same kind of cut in funds, calls it a disaster and says that with these cuts it will not be able to meet commitments made to the disadvantaged as long as 2 years ago. As one more example, here is the effect of the educational opportunity grant fund cut at Schoolcraft College in Livonia, Mich. This college had requested $20,000 for educational opportunity grant support for 40 initial-year awards. They now estimate that they will be able to provide this assistance to only nine students.

The restoration of $16 million for educational opportunity grants will go a long way toward alleviating this problem, and allowing the colleges to carry through with their commitments to the young people in their communities. I sincerely hope that my colleagues in the Senate will permit this restoration to go through and will fight for it in conference.

Mr. President, among the many letters and telegrams I received from Michigan, urging congressional support for the educational opportunity grants program, is one from Mary Konopnick of Mount Clemens, Mich. Miss Konopnick's letter is so eloquent a testimonial to the value of this program—to the country and to the individual—that I ask unanimous consent that her letter be inserted in the RECORD at this point in my remarks.

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

MT. CLEMENS, MICH.,
June 3, 1969.

Senator PHILIP A. HART,
Federal Building,
Detroit, Mich.

DEAR SENATOR HART: Have you ever wondered just exactly what happens with money that you and other Senators earmark for aid to education? Let me offer myself as an example or "proof of productivity" from these educational bills that you endorse.

My name is Mary Konopnick, I'm 22 years old, a resident of Mt. Clemens, Michigan and a recent graduate of Western Michigan University. I attended my four years at Western almost entirely on federal and state funds. If these funds were not made available to me in the form of loans (National Defense), scholarships (Michigan Higher Assistance Authority Tuition Scholarship and University Scholarships), and Grants (*Educational Opportunity Grant including* the now defunct Government Incentive Award), I would most likely never have attended school or still be in the process of struggling through trying not to become too discouraged.

Instead, today I hold a B.A. Degree and a Secondary Provisional Teaching Certificate. My immediate plans (if I can Manage financially) are to attend Medill Graduate School of Journalism at Northwestern University in June.

During the past four years, I feel that I have put government funds to good use by being on the Dean's List for six semesters, by being admitted to a Freshman Woman's Honorary Society, by being inducted into a national Educational Honorary Society (Kappa Delta Pi), by working at the Job Corps in Battle Creek (scholarship funds made it possible for me to hold down only a part-time job giving me more free time to participate in worthwhile programs) and by graduating cum laude.

I recognize the necessity of education in our society today and am most appreciative that I was able to secure a good start on one with your and the government's aid. You may be sure that I totally support any educational bills or programs which allocate funds to universities to be used to provide students with financial aid to complete their education. I hope that you, also, will give your support to continue such programs and to inaugurate new ones. Thank you.

Sincerely,

MARY KONOPNICK.

Mr. EAGLETON. Mr. President, it is a tribute to the good judgment of the Appropriations Committee that the supplemental bill provides for the restoration of $16 million in educational opportunity grants for disadvantaged college students. The committee's action will increase the number of initial-year awards for the next academic year from 100,200 under the $124,600,000 now available to 132,000. Although this is less than the 140,500 first-year awards in the 1968–69 academic year, it is a step in the right direction. I believe firmly in the goals that the EOG program is designed to fulfill.

In our complicated, credential-oriented society, there can be no frustration so damaging or debilitating as to be denied access to a college education. That there are still people in this country unable to attend a college or university simply because of a lack of the necessary finances is a blight on our social conscience. If equality of opportunity is to be more than a cliche, or a hollow and cynical catchword, the Government has a responsibility to guarantee a fair start for those who suffer from social and economic inequities not of their own creation.

By now most colleges and universities have begun vigorous recruiting efforts among the disadvantaged. College enrollments will increase by approximately 3 million students during the next decade. Many of these will come from economically deprived backgrounds, and they will require financial assistance in order to meet the increasing costs of higher education. At the same time, universities themselves are becoming more and more hard pressed financially, and the number of institutions with any discretionary funds to use for student aid purposes on those occasions when Federal programs are curtailed, or fail to keep pace with the need, is rapidly diminishing. The combination of increased enrollments generally, a larger proportion of students from disadvantaged backgrounds, and a leveling off or reduction in student aid support, is creating a squeeze on colleges, and cannot fail to create disillusionment and despair among many deprived young people.

The principle of guaranteeing equal educational opportunity, Mr. President, is at all times unassailable. And, at a time of acute social unrest, the failure to act on that principle is simply not very pragmatic. President Nixon has said that he does not want any young man or woman in America to be denied an opportunity for higher education simply because he or she lacks the financial ability. I doubt that anyone in Congress would disagree with that sentiment.

The persons whom the EOG program seeks to help are serious, career-oriented students, many of whom already have the responsibility of providing at least partial support for parents and siblings.

The restoration of this money for the EOG program is a humane and decent gesture. It is also quite practical as an investment in our national well-being.

The ACTING PRESIDENT pro tempore. The clerk will state the first committee amendment that has not been agreed to.

The assistant legislative clerk read as follows:

On page 70, after line 3, strike out:

"SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $192,900,000,000; *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations thereon, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending, and the limitation set forth herein shall be correspondingly adjusted.

"(b) The Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of this section. The first such report shall be made at the end of the first month which begins after the date of approval of this Act; subsequent reports shall be made at the end of each calendar month during the first session of the Ninety-first Congress, and at the end of each calendar quarter thereafter."

And, in lieu thereof, insert:

"SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $187,900,000,000: *Provided*, That such amount shall be increased or decreased by the aggregate amount by which the sum of expenditures and net lending in said fiscal year are greater than or lesser than the sum of expenditures and net lending in the fiscal year ending June 30, 1969, for—

"(1) items designated 'Open-ended programs and fixed costs' in the table appearing on page 16 of the budget of the United States for the fiscal year 1970 (House Document Numbered 91–15, part I, Ninety-first Congress);

"(2) the item designated 'Special Southeast Asia support' in the table appearing on page 27 of that budget; and

"(3) programs of aid to schools in federally impacted areas, under the Acts of September 23 and September 30, 1950 (20 U.S.C., chs. 13 and 19).

"(b) The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore, herein, or hereafter made available (including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments is applicable), such amounts as may be necessary to effectuate the provisions of subsection (a).

"Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1,900,000,000 in expenditures and net lending, below the amounts recommended in the April review of the 1970 Budget, for programs other than those designated in subparagraphs (1), (2), and (3) of subsection (a).

"(c) In the administration of any program as to which—

"(1) the amount of expenditures or net lending is limited pursuant to subsection (a), and

"(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted, in the application of the formula, for the amount appropriated or otherwise made available."

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment to the committee amendment and ask that it be read.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 70, insert the following:

Strike out the colon at the end of line 25 and all that follows through and including line 15 on page 72, and insert in lieu thereof the following: ", except by—

"(1) those expenditures in excess of $25,400,000,000 that the President may determine are necessary in behalf of our military effort in Southeast Asia,

"(2) those expenditures for interest in excess of the amounts shown for interest in the budget of the United States (H. Doc. 91–15 Part I, Ninety-first Congress) for such fiscal year,

"(3) those expenditures for benefits and services administered by the Veterans' Administration under the provisions of title 38, United States Code, in excess of the amounts shown for such expenditures in such budget for such fiscal year, and

"(4) those expenditures from trust funds established by the Social Security Act, as amended, in excess of the amounts shown for such expenditures in such budget for such fiscal year. For purposes of paragraphs (3) and (4), there shall be taken into account only those expenditures required to be made under laws enacted prior to July 1, 1969.

"(b) To effectuate the provision of subsection (a), the President shall reserve from expenditure such amounts from such appropriations or other obligational authority, heretofore or hereafter made available, as he may prescribe."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Delaware.

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

Mr. WILLIAMS of Delaware. I yield.

CONFIRMATION OF NOMINATION OF WILL E. LEONARD, JR.

Mr. LONG. Mr. President, as in executive session, I report favorably from the Committee on Finance the nomination of Will E. Leonard, Jr., of Louisiana, to be a member of the U.S. Tariff Commission.

The term of Mr. Leonard on the Tariff Commission expired yesterday. In order

that his service on the Commission might not be interrupted, but be continuous, it is necessary that his nomination be confirmed today. I therefore ask unanimous consent that the vote on the confirmation of the nomination take place now. In the event that a Senator should wish to object, although I have no knowledge of any objection that might be made, I should be happy to have the action on the nomination reconsidered tomorrow.

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

Does the Senator from Louisiana desire that the President be notified of the confirmation of the nomination?

Mr. LONG. No, not at this time. I shall ask for that action tomorrow.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess will not extend beyond 2 p.m. today.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

At 1 o'clock and 40 minutes p.m. the Senate took a recess subject to the call of the Chair.

At 2 p.m. the Senate reconvened, when called to order by the Presiding Officer (Mr. MANSFIELD in the chair).

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. 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. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEDICARE PAYMENTS AND THE TAX COLLECTOR

Mr. LONG. Mr. President, the Committee on Finance, in the course of its investigation into medicare and medicaid, has developed a great deal of information with respect to payments to physicians, dentists, optometrists, and other health-care providers.

We have found that a large number of these people received what appeared to be extremely high payments in 1968. In many instances these large payments may be justified because the individual's practice consists principally of medicare and medicaid recipients. In many instances, however, we are finding that these payments are not justified. For example, we have found medicaid paying quite a few individual practitioners more than $100,000 in 1968. In one State a general practitioner received $169,000.

On a combined basis, we find medicare and medicaid paying a total of $75,000 or more to hundreds and hundreds of physicians. On the medicare side, a prime cause of the high payments is the rapid inflation in medical fees of what Congress thought would be reasonable charges, which has been tolerated and encouraged in the administration and operation of part B of medicare. In many areas of the country, medicare is paying far more for the same service than does Blue Shield under its own most widely held program.

We are also encountering many abuses of the programs, principally in the form of overutilization. For example, a doctor in Florida returned $25,000 to medicare voluntarily. He decided to do this after an investigation had begun of payments made to him. He contacted the medicare carrier and reported that many of his visits to nursing home patients were really not necessary and that he was going to refund $25,000, which he thought to be about the amount of his abuse of medicare. Mr. President, I ask that the text of the Florida Blue Shield memorandum on this matter appear at this point in my remarks.

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

> We are currently doing a mail survey on the above physician in ——— and the survey letter should have reached Dr. ———'s patient Saturday. He was brought to our attention because of his earnings, $95,856.25, for 1968.
>
> Today, March 31, 1969, Dr. ——— telephoned me with the information that he was just doing his income tax and he noticed that he had received a large amount of money from Medicare during the past year. He said that he felt bad because he had been billing Medicare for nursing home visits which he felt were not absolutely necessary. He said that he wanted to return to Medicare that part of his payments which he felt were unnecessary.
>
> I tried to reach some type of figure in my own mind, using the Profile books, but they were not accurate becausing nursing home visits were coded the same as office visits and hospital visits for a long time. In desperation, I totaled up Dr. ———'s assigned benefits for the years 1967 and 1968, and I then asked him what percentage of his time was spent in ECF's. With this figure, I then asked him what percent of this time he felt was unnecessary. In rounding off figures, we agreed on a figure of $25,000 to be paid back to Medicare "S". Dr. ——— said that he will send this check to my attention within the next week or ten days.

Mr. LONG. Mr. President, unfortunately, this situation is not an isolated one. Many carriers and other informed people have advised of "gang visits" by physicians to nursing home and hospital patients. This occurs when a physician visits and charges separately for as many as 40 and 50 patients in a single day in the same institution.

More specifically, the Finance Committee has, or shortly will have, the names and addresses of all physicians who were paid more than $25,000 under medicare. In addition, we have the names and addresses of at least 5,000 health care practitioners who were paid $25,000 or more under various welfare programs in 1968.

We have learned that many providers know how to effectively milk the medicare and medicaid programs. We have serious reservations, however, as to whether all of that "milk" is being reported to the Federal tax collector.

The Internal Revenue Service contacted the committee to express their interest in the thousands of names and addresses and total payments to those who were paid $25,000 and more under medicare and medicaid. It was a great surprise to me to learn that none of this information was available to them, but I have since found out the reason. The medicare program permits carriers to employ their own individual indentification systems, which all too often resemble nothing more than Swiss bank accounts.

These so-called identification systems function to obscure rather than identify. Social security has had to take months and months trying to get for the committee the names and addresses of the physicians we requested. It is no wonder, then, that the Internal Revenue Service has been frustrated.

Some of us believe that the existing provisions in the Internal Revenue Code require the reporting of payments under medicare and medicaid and any private health insurance program. The Internal Revenue Service is of a similar opinion, but at the request of the Department of Health, Education, and Welfare, it extended a moratorium on the requirements in the law which it had given earlier to the commercial medical insurance companies.

It is time to put an end to the moratorium. It seems to me that if we require the reporting of $12 in interest which a hard-working taxpayer receives on his $300 savings account, equity demands that a $100,000 payment to a doctor be reported to Internal Revenue Service. In the interest of equity, then, the Finance Committee will turn over to the Internal Revenue Service the many thousands of names and addresses of persons who were paid $25,000 and more under medicare and medicaid in 1968.

Additionally, we have agreed to turn over to the Internal Revenue Service information we have obtained on "kickback" arrangements and similar abuses. It seems to this Senator only fair to require full reporting of all payments of income to the tax collector before we even take up the question of tax reform in the Senate.

I am pleased to observe that the Senator from Delaware (Mr. WILLIAMS) is also upset about the fact that billions of dollars of medicare and medicaid payments are escaping the tax net. He feels strongly about this, as I do, and he is writing a special amendment, I am informed, to force the reporting of these payments along with private health insurance payments, to the tax collector and to force medicare carriers and intermediaries to abandon the "Swiss bank account" system and use the tax account number—the social security number—as other taxpayers must do.

I must say, Mr. President, that it was the idea of the Senator from Delaware that we should go into this matter; and he, together with the Senator from New Mexico (Mr. ANDERSON), felt that the status of the medicare and medicaid programs should be thoroughly explored and evaluated.

While I had predicted that the cost would exceed anything anyone estimated

at the time the medicare bill was passed, I never really anticipated that we would find as many abuses as are now being uncovered.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I commend the Senator for his remarks.

In connection with the availability of this information for the use of the Treasury Department, Congress some time ago passed a law requiring every American corporation and every individual making a payment for interest, for wages, or for dividends to report the individuals' social security number or tax number, which are the same. This was done in order to enable the Treasury Department, with the use of computers, to have readily at hand the information as to how much income "Joe Doakes" was receiving from the various sources.

I was very much surprised to learn that the Social Security Department and the health service were not abiding by this law. Certainly, it was not intended that they be exempt.

As the Senator from Louisiana has pointed out, they were using code numbers for the doctors in making these payments. I find that medicare would use one code number, and medicaid would use another number; and in some instances where they were running out of numbers they were using a man's telephone number for identification. I asked the question, "Suppose he changes his telephone number two or three times in the year. Would you have three or four numbers for the same man?" It is absolutely ridiculous.

Under existing law, they have the authority to make this correction—not only the authority but I think also the obligation. The law spells out that any payments such as those should bear the social security or tax number of the recipient of the check.

I suggested that if they could not get together promptly on this matter I was going to introduce an amendment which would require that this agency of the U.S. Government abide by the law which is applicable to all other citizens of the country. I understand that they think they can put this into effect by Executive decision. However, I will say this: They have but a very short time to do it, because if this is not done I shall join the Senator from Louisiana in sponsoring an amendment and attaching it to the first vehicle that comes to the Senate. This policy of using social security numbers for identification makes good common sense in accounting procedures.

Mr. LONG. Mr. President, as the Senator so well knows, the law requires that when one pays money to someone, he must use his tax number, and the tax number, in most instances, is also the social security number. So if one has money coming from the Government, his claim bears the same number it would if the man owed money to the Government. The number identifies him.

It came to be as a great surprise to find doctors collecting money under other than their tax number or social security number. Then, we find in many instances the public is being overcharged to the extent that in one instance a man being investigated voluntarily wanted to return $25,000. There have been very serious abuses as I have indicated.

When we tried to find out who got the money we find it is all recorded under coded numbers. Then, we find this method was agreed to by a responsible agency of this Government to permit these coded numbers in instances where people receive large payments. That system has impeded the investigation the Senator wanted to make. I suspect when we get through uncoding the numbers we will find the Government has a large amount of money coming in in taxes in connection with medicare and medicaid.

Mr. WILLIAMS of Delaware. Not only will it have that effect in connection with payments to doctors but also I found that under the existing law, when patients go into nursing homes under medicaid, to the extent they are receiving social security benefits and those social security benefits are not adequate to cover the cost of the nursing homes, first the social security checks go toward defraying the cost with medicaid picking up the remainder. Therefore, it is necessary that they know the amount of the social security payments that "Mr. X" is receiving.

We find that rather than putting these patients in nursing homes and identifying them by their own social security numbers the patients are given a code number. If a patient goes in the nursing home two or three different times he may have a different number each time, and there is no way of knowing if "John Smith" is drawing $50, $100, or $30. This makes it difficult to check whether the money is being properly credited. We found many abuses, not so much on the part of recipients but on the part of nursing homes which are crediting perhaps $40 from social security whereas in reality they are receiving a check for $50 or $60.

This present system is wide open for abuse. It would take a Philadelphia lawyer to run down the code numbers to identify all the John Smiths, and by the time the proper John Smith is identified with the correct social security number the trail has almost been lost.

I believe the least they could do would be to identify everyone by his social security number. I was told they had not thought of that before. Well, they have been reminded of it now, and my patience is running out. If they have not straightened out some of these methods and used a little commonsense on the part of administrative officers I am going to propose the necessary legislation to put an end to it.

Mr. LONG. I was made aware of the fact that the agency which has the responsibility for preventing the Government from being defrauded in paying for the care of aged citizens had requested it, and the Internal Revenue Service permitted this secret code system to be used. I was further dismayed to find that the Internal Revenue Service agreed to this kind of scheme. It seems to me it is a subject that both of them would find great difficulty in justifying.

Mr. WILLIAMS of Delaware. I agree with the Senator.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen; and

S. 1513. An act for the relief of Chi Jen Feng.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2667) to revise the pay structure of the police force of the National Zoological Park, and for other purposes, and it was signed by the Acting President pro tempore.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1969

The Senate resumed the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment would strike from the bill pages 70 through 72, down to line 15, and substitute therefor the text of an amendment which is comparable to the amendment embraced as a part of the Smathers-Williams measure as introduced in the Senate and acted upon last year. That would leave the committee amendment to read as follows:

Section 401(a) expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $187,900,000,000:

I now list the four exceptions in my amendment:

(1) those expenditures in excess of $25,400,000,000 that the President may determine are necessary in behalf of our military effort in Southeast Asia.

The figure of $25.4 billion is arrived at in the same manner as in the committee bill in paragraph 2. It refers to the same figure on page 27 of the 1970 budget submitted by the President, and this section exempts the expenditures in Southeast Asia.

The second section would exempt those expenditures for interest charges which are in excess of the amounts shown for interest in the 1970 budget—House Document 91–15 of the 91st Congress.

Interest charges are exempted because we recognize that the amount of interest can be projected only as an estimate and

cannot be determined exactly. It is therefore an uncontrollable item because it is determined by the interest rates in the money market. So this second section would exempt any increase thereof above the amount in the budget.

Third, exemptions proposed are those expenditures for benefits or services administered by the Veterans' Administration under the provisions of title 38 of the United States Code, in excess of the amounts shown for expenditures in such budget and for such fiscal year. These exemptions for veterans' benefits and services are mandatory under existing law; they are obligations of the Government and have to be paid by the Government unless Congress were to pass a law repealing, raising, or lowering them. Otherwise they are fixed charges, and for that reason they are exempt.

The fourth exemption applies to trust funds, such as social security. They would be exempted anyway under our interpretation, but to save any misunderstanding they are specifically exempted. While they can estimate projected expenditures in social security for fiscal 1970 it is conceivable that there could be a larger number of people retiring than is contemplated and, certainly, as they retire they are eligible for retirement benefits. These are paid out of the trust fund payments without any further change by Congress. For that reason payments from these trust funds are exempt.

Other than that, those are the only exceptions that this amendment would allow. The amendment would leave the ceiling of $187.9 billion as mentioned in the committee bill.

Mr. President, this amendment, which is comparable to what the Senator from Florida and I sponsored last year, in my opinion, should be adopted, because it is most essential that Congress place some control over our spending, especially at a time when we are contemplating raising or extending the 10-percent surcharge for another year.

Certainly if we are only going to extend the tax to raise more money to finance expanding spending programs we would be defeating our purpose in combating inflation. This is the least that Congress should do. If we are going to have a ceiling, then whatever the ceiling may be let us make it a meaningful ceiling, one that has some force in it and one that does not have a lot of automatic escape hatches.

I realize that any ceiling that we approve today, Congress by legislative action can tomorrow or at some subsequent date, modify the ceiling and make an exemption for some agency, as happened in many instances last year. But at least every time it happened it required affirmative action by Congress so that every Member of Congress and our constituencies knew what we were doing and the effect it was having on the overall ceiling.

Now, for a moment let us discuss what is in the committee bill as it was reported——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate. This is a very important amendment we are discussing and I trust that the Chair will require order to be maintained in the Senate, not only on the floor but also in the galleries.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Under the bill, the committee amendment, as it was reported, starts out with a ceiling on expenditures and net lending for fiscal 1970 not to exceed $187,900,000,000. But then, it continues:

Provided, That such amount shall be increased or decreased by aggregate amounts by which the sum of the expenditures and net lending in said fiscal year are greater than or lesser than the sum of the expenditures and net lending in the fiscal year ending June 30, 1969.

Then it proceeds to the exemptions, the first being items designated "open-ended programs and fixed costs."

These appear on page 16, Budget of the United States, fiscal year 1970—House Document 91–15, part 1, 91st Congress.

Now, Mr. President, I ask unanimous consent to have printed in the RECORD this tabulation appearing on page 16 of this document under the title of "Open-Ended Programs and Fixed Costs."

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

BUDGET OUTLAYS

[Fiscal years, in billions]

Controllability	1968 actual	1969 estimate	1970 estimate	Change, 1969 to 1970
Open-ended programs and fixed costs:				
Social security, medicare, and other social insurance trust funds	$35.5	$39.6	$42.4	+$2.9
Interest	13.7	15.2	16.0	+.8
Civilian and military pay increase			2.8	+2.8
Veterans pensions, compensation, and insurance	5.0	5.6	5.9	+.2
Public assistance grants (including medicaid)	5.3	6.3	7.4	+1.1
Farm price supports (Commodity Credit Corporation)	3.2	3.6	3.1	−.5
Postal operations directly related to mail volume	.7	.5	.5	+.1
Legislative and judiciary	.3	.4	.4	(1)
Other	1.3	1.6	1.5	−(1).1
Outlays from prior year contracts and obligations	17.3	17.6	18.9	+1.3
Subtotal, relatively uncontrollable civilian outlays	82.4	90.2	98.8	+8.6
Relatively controllable civilian outlays:				
Proposed social security benefit increases			1.6	+1.6
Other	20.5	17.6	19.0	+1.5
Undistributed intragovernmental transactions	−4.6	−5.1	−5.7	−.6
Total budget outlays	178.9	183.7	195.3	+11.6

[1] Less than $50,000,000.

Mr. WILLIAMS of Delaware. Mr. President, I shall relate just what the committee amendment would mean mathematically as to any ceiling.

We start out with the first item——

Mr. BYRD of West Virginia. Mr. President may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Mr. President, the committee starts out with a ceiling of $187.9 billion before the exception which I have just mentioned. I refer to those open-ended programs on page 16. The first item is "Social security, medicare, and other social insurance trust funds." I might explain that the committee amendment relates the ceiling to the 1969 budget.

The first exemption, social security, is projected at $39.6 billion for 1969 and $42.4 billion in 1970, or an increase of $2.9 billion. Automatically that $2.9 billion is added to the committee's ceiling of $187.9 billion, which brings it to $190.8 billion.

The next exemption is "Interest on the national debt." The 1969 projection was $15.2 billion. For 1970 it is $16 billion, or an increase of $800 million. That $800 million automatically adds onto this ceiling, bringing it to $191.6 billion.

The next exemption is "Civilian and military pay increase," and for this there is nothing projected in 1969, but in 1970 there is projected $2.8 billion, with the result that that is a $2.8 billion increase. Add that, and we now have a $194.4 billion ceiling in the committee amendment.

The next exemption is "Veterans' pensions, compensation, and insurance." That adds $200 million. Add that to the $194.4 billion and we have a ceiling of $194.6 billion.

Remember that this is the committee bill which is supposed to have a ceiling of $187.9 billion.

The next exemption, "Public assistance grants—including medicaid", that item is projected as $6.3 billion in 1969 and $7.4 billion in 1970, or an increase of $1.1 billion. That adds automatically, to the ceiling and we are up to $195.7 billion.

Now the next item is "Farm price supports—Commodity Credit Corporation," and the budget projects that as $3.6 billion in 1969 and $3.1 billion in 1970, or a reduction of $500 million which automatically reduced that ceiling figure by $500 million and brings it back to $195.2 billion.

The next item is "Postal operations directly related to mail volume," and that is projected as an increase of $100 million. That brings it back up to $195.3 billion which, by the way, is now back to the Johnson budget.

Remember all this maneuvering is made under a ceiling first pictured as $187.9 billion. What a farce.

Then the committee has an exemption for "Legislative and judiciary" but no cost figure is listed.

The committee also lists a classification "Other" which is $1.6 billion in 1969

and $1.5 billion in 1970, or a reduction of $100 million, which brings it back to $195.2 billion.

Before I leave that section, these increases mentioned are the projected increases between the 1969 and the 1970 budgets as appearing on page 16 of the budget. They would be subject to any further variations in the future as a result of overestimation or underestimation, and they would be subject to any increase or decrease as a result of any newly enacted laws during this Congress in the next 12 months which increased the cost of any specific program in these categories over and above the amount that was projected for the 1970 estimate.

Such an increase would be automatic. Congress would not have to go through the mechanics of changing the ceiling. This is a greased vehicle for freewheel spending.

Also, the President has suggested an increase in postage rates of $519 million for the next fiscal year. If Congress does not enact the postage increase effective July 1, or to the extent we do not do it next year, that will add another $519 million to that same ceiling automatically. The committee ceiling rises by our failure to take action.

I may mention that the question was raised earlier as to the effect the proposed user taxes on the airways would have on the ceiling. Whether or not that tax was enacted, it would not affect this ceiling. It would affect the ultimate deficit at the end of the year. Now we are back to the $195.7 billion ceiling.

I now discuss the next section, part 2 of the bill as reported to the committee. This exempts the item designated "Special Southeast Asia support" in the table appearing on page 27 of that budget. If we turn to page 27 of the budget we will find that this cost is projected as $28.8 billion in 1969 and $25.4 billion in 1970, which is a reduction of $3.4 billion.

So we would subtract that from the ceiling which we built up with these other additions. So then we are back to a $192.3 billion ceiling because that item would automatically subtract from the ceiling just as if we increased it it would automatically increase the ceiling.

Then, exemption 3 under the committee bill exempts programs for aid to schools in federally impacted areas. I do not have the exact figure, but I understand it to be $100 million to $200 million. Whatever may be involved over and above the amount projected in the budget that, too, represents an automatic increase.

I have been unable to get an analysis of the exemptions on page 72, which deal with the lending amounts. So I will ignore those at this point. I am not sure how much they would add. I am sure they would not subtract because the trend is not in that direction.

These statistics prove that under the committee bill there is no ceiling on any of the items which I have mentioned. Conceivably Congress could expand the cost of these items by $10 billion next year if it wanted to. If Congress did so and the President signed the bills, that would automatically increase the ceiling without any further action of Congress.

For example, if Congress decided to raise salaries for postal employees, as is being suggested, to the extent that those salaries would be increased it would automatically be projected as an increase in the debt ceiling without any further action by the Congress or any reference thereto.

In my own opinion, if we are to have a deficit ceiling, we should have an effective one.

There is one factor about the bill as reported by the committee which should be pointed out because it does take affirmative action. I read the language at the bottom of page 71 of the bill:

> Such reservations by the President shall be in amounts sufficient to insure reductions of not less than $1,900,000,000 in expenditures and net lending, below the amounts recommended in the April review of the 1970 budget . . .

If it stopped right there it would have more effect, but it continues—

> for programs are other than those designated in subparagraphs (1), (2), and (3) of subsection (a).

And those are all the loophole exemptions to which I have referred, which open the barn door all the way. If the committee bill is approved Congress would have opened the doors on spending at both ends of the barn and propped them wide open. Congress could expand spending by $8 billion or $10 billion more in these areas, and the ceiling would automatically rise to cover.

I do not think there is any disagreement between the chairman of the committee and myself as to this interpretation. There may be disagreement as to which ceiling should be imposed.

Assuming that the departments all through the Government practiced the most rigid economy possible, I grant that the ceiling would have the effect that the committee version of the bill provides, but if we assume that, we would not need a ceiling. We are putting a ceiling in this bill to make sure that spending is curtailed. If we need a ceiling at all let us have an effective ceiling. If we are going to have an effective ceiling then let us pass a bill that has some controls in it. If we are not then let us abolish the whole procedure, and let everybody know that there are no spending controls contemplated.

The argument may be made, "Well, if you accept the iron-clad ceiling you have suggested here, comparable to what we had last year, you are delegating to the President a lot of responsibility that should be discharged by the Congress." I disagree completely with that argument, and I point out that the situation here today is exactly what it was when we made the same proposal last year. Congress has not yet acted on a single appropriation bill for any department, not one. As we act on the appropriation bills in the weeks and months that lie ahead we can, if we wish, and we should, spell out in each appropriation bill that portion of this reduction in expenditures that we want made in fiscal 1970. If we spell out every one of them in the bills as we act on them later there will be nothing left for the President to cut. However, if Congress does not spell out the reductions, if we neglect our responsibilities as we act on the appropriation bills in the weeks and months ahead then the responsibility is delegated to the President to do that which the Congress failed to do.

I hope that this amendment will be accepted.

Mr. BYRD of West Virginia. Mr. President, would the Senator indicate the amounts involved in the four items which would be exempted under his amendment?

Mr. WILLIAMS of Delaware. The social security trust funds would be exempted for $2.9 billion above the 1969 figure.

Mr. BYRD of West Virginia. In what amount?

Mr. WILLIAMS of Delaware. That is estimated at $42.4 billion. The interest on the national debt, assuming it is the same as the budget figure, would be $800 million above the $15.2 billion 1969 estimate that would be exempted. The figure for veterans' pensions and services is $200 million above the 1969 estimate.

Mr. BYRD of West Virginia. And what would be the totals in each of the four categories? For example, in the Senator's amendment, he states the total for South Vietnam——

Mr. WILLIAMS of Delaware. That is $2.9 billion, and then add the $800 million and the Veterans' Administration item of $200 million. That is $3.9 billion, and then, if you go over on page 27 for the Vietnam war cost that is a minus figure, as the Senator knows, from $28.8 billion in 1969 to $25.4 billion for 1970. With that subtraction there would be a difference of $500 million allowed on these four exemptions.

Mr. BYRD of West Virginia. The Senator's amendment reads as follows, in part:

> Those expenditures for interest in excess of the amounts shown for interest in the budget of the United States.

What is the amounts shown for interest?

Mr. WILLIAMS of Delaware. $16 billion; it is shown in the budget at $15.2 billion in 1969 and projected at $16 billion in 1970. The additional amount that interest rates rise or fall as a result of fluctuations in the cost of interest would be exempted, because after all, we are not going to let the Government default on the interest on any of its bonds.

Mr. BYRD of West Virginia. Now, Mr. President, will the Senator indicate the amount involved in paragraph 3 of his amendment?

Mr. WILLIAMS of Delaware. It is estimated in the budget as $200 million above the 1969 figure of $5.6 billion.

Mr. BYRD of West Virginia. No, that is not the figure I am asking for. "Those expenditures for benefits and services, in excess of the amounts shown for such expenditures." What are the amounts shown for such expenditures in the budget?

Mr. WILLIAMS of Delaware. $200 million. It is shown as $5.6 billion in 1969, and $5.9 billion in 1970.

Mr. BYRD of West Virginia. Then the figure would be $5.9 billion.

Mr. WILLIAMS of Delaware. And it carries it out as $200 million. It looks like

it would be $300 million, but I understand the rounded figures would come back to the $200 million.

Mr. BYRD of West Virginia. But as I understand, the Senator is saying expenditures in excess of $5.9 billion would be exempted?

Mr. WILLIAMS of Delaware. The reason for that would be this——

Mr. BYRD of West Virginia. I am not asking for the reason just now.

Mr. WILLIAMS of Delaware. All right.

Mr. BYRD of West Virginia. What is the figure the Senator is using for paragraph 4, "in excess of the amounts shown"? What amount does the Senator have in mind?

Mr. WILLIAMS of Delaware. These are the trust funds. It is shown in the 1969 budget as $39.6 billion and in the 1970 budget as $42.4 billion.

Mr. BYRD of West Virginia. So the figure the Senator has in mind is $42.4 billion?

Mr. WILLIAMS of Delaware. That is the figure in the budget.

Mr. BYRD of West Virginia. It is $42.4 billion?

Mr. WILLIAMS of Delaware. That is right.

Mr. BYRD of West Virginia. Mr. President, the total amount of the items which would be exempted under the Senator's amendment from the limitation is $89.7 billion, as against $106.7 billion in the provision agreed to by the Senate committee.

Although I have difficulty in following some of the figures in the Senator's amendment, simply because the figures that I am using have been secured from the Bureau of the Budget as of May 20th, and do constitute later figures——

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. If I may finish my sentence first.

The intent of the Senator's amendment is clear. Specifically, he would provide for an increase in the limitation on outlays for only four items; Southeast Asia support; interest on the national debt; veterans insurance, compensation, and pensions; and payments from trust funds established under the Social Security Act.

I now yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I merely wish to say that the budget figures are the same figures referred to in the committee bill. But the net result, whichever figures we use, would be identical because when we are exempting these items; they would be exempted. So it would not make any difference on that point which figures we are using. But for the sake of pinning it down I used the budget figures, and we had used them last year. As the Senator knows, these May 20 figures are just figures given to him as of that date, and they may be different from the figures as of May 21.

Mr. BYRD of West Virginia. Well, that is true. But the figure for social security that I am using is $42.1 billion. That is the figure which, according to the Bureau of the Budget, the total expenditure will be for social security, medicare, and so forth, in fiscal year 1970.

The Senator's amendment would exempt everything in excess of $42.4 billion for that item, as I understand it.

Mr. WILLIAMS of Delaware. Will the Senator yield?

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. Again I point out to the Senator that although $42.4 billion is the figure in the budget, it would be the same identical answer, to a penny, whether you use $42.4 billion or $42 billion even, for this reason: What we are doing is saying that those social security recipients when they get ready to retire, having paid into the social security trust fund, have a right to draw their retirement, and we would not want to come up the last month of the fiscal year and say, "We have hit the ceiling, and you cannot draw your check until next year."

These are trust funds, separate from the general revenues of the U.S. Government. They are separate under the law, and they should be treated separately under the law. I repeat what I have said on many earlier occasions, no administration has a right to count accumulations in those trust funds as normal receipts for the purpose of deceiving the American people that they have a balanced budget. That has nothing to do with this debate today, but it needed to be said again.

Mr. BYRD of West Virginia. Mr. President, the Senator would exempt four items. I have already named them, as he has named them. But I call to the attention of Senators that there are a large number of mandatory items in addition to these four, for which the Senator's proposal would make no allowance.

First, why are payments from the civil service retirement fund less mandatory than those from the social security trust fund? And how about railroad retirement trust fund payments? Why are they less mandatory than payments from the social security trust fund? And Foreign Service retirement trust fund payments; why are they less mandatory than those from the social security trust fund? The committee bill exempts these items but the Senator's amendment, as written, does not.

Second, grants to States for public assistance are determined by the same Social Security Act that determines the trust fund payments. The Senator from Delaware would exempt from the limitation those grants, including medicaid, depending on State law and on State caseloads, that qualify under that act, and they have proved in the past to be unpredictable. Since we removed them from budgetary control in a specific statute, it behooves us, I think, to similarly allow for them in this expenditure limitation and the committee bill does this. But the amendment offered by the distinguished Senator from Delaware does not.

Third. Grants for vocational rehabilitation services, under existing law, also depend upon State laws and State caseloads. The committee bill accommodates any change in these factors, while the Senator's proposal does not.

Fourth. Mail volume. Mail volume is unpredictable; but the desire of the Senate to see that the mail is delivered promptly, 6 days every week, is certain and is predictable.

Last year the Senate overwhelmingly exempted postal field service employees from the three-out-of-four personnel limit because it wanted to assure prompt delivery of the mail, and the House accepted the Senate amendment in conference.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. If the Senator will withhold his request for a minute, I shall be glad to yield.

Recognizing this policy of the Senate, the committee bill would allow the expenditure limit to change if mail volume requires a corresponding change in expenditures related to the delivery of the mail. The amendment offered by the distinguished Senator from Delaware would make no such provision.

Fifth. Farm price support payments are now mandatory for fiscal 1970 under the existing law. And while that would be subject to special control through modification of legislation, the present legislation extends through calendar year 1970 and controls the actions of both the Secretary of Agriculture and the President.

Price support decisions that will lead to fiscal year 1970 outlays were generally made by President Johnson except for final decision on certain products. Outlays in fiscal year 1970 from these program decisions that have already been made under present law are in fact uncontrollable from the budgetary standpoint, and they are certainly unpredictable. Their magnitude can be greatly affected by weather conditions, changes in exports, changes in domestic demands, and other uncontrollable factors affecting the size of the crop and affecting the supply and demand factors.

The committee provision recognizes this fact, but the Senator's amendment does not do so.

Finally, there are many smaller programs for which outlays are mandatory under existing law. Examples include annual contributions for low-rent public housing, those annual contributions for section 235 and section 236 of the Housing Act of last year, and also claims and judgments against the United States.

These are mandatory items, and the committee bill recognizes that fact and exempts them. However, the amendment of the Senator from Delaware does not do so.

Many of these items are unpredictable. Many of them are mandatory. By allowing for a change in the spending limitation only for the four items which he specifically cities, the Senator from Delaware certainly does not imply that we should hold the expenditures for other mandatory payments to the amounts budgeted by President Nixon.

I am sure the Senator recognizes that under the law we cannot do this, whether it is for farm price support payments, civil service retirement benefits, unemployment compensation, payments for Federal employees and ex-servicemen,

public assistance grants to the States, or many others. However, the amendment does require that we find offsetting reductions in the controllable programs for which payments are not mandatory under present law. This not only creates a great deal of uncertainty as to what Congress and the President will have to do and when we will know what it is that we have to do, but it could cause the President to make cuts to live within the limitation that we in Congress would object to strongly and that the President himself would find highly undesirable.

The committee bill would force at least $1.9 billion in spending reductions in the controllable programs. The Senator's amendment would cut $5 billion, as I understand his amendment. However, if the present estimates turn out to be too low—as they have for mandatory payments many times in recent years—the required reduction could be much larger. And the only place that the President could make such large reductions would be in defense spending.

An overall expenditure limitation is not the way to force extremely large cuts in defense spending, because too much is at stake.

I trust that the amendment of the Senator from Delaware will be rejected.

Mr. WILLIAMS of Delaware. Mr. President, I shall be brief, because I desire to have a vote on the amendment soon.

First, the Senator from West Virginia points out that my amendment does not specifically refer to the railroad retirement trust fund or the civil service trust fund and that payments from those funds are equally mandatory. He is correct. But the same argument can be used against the committee amendment: it likewise does not refer to them. However, to clarify the situation, both are automatically covered because unless Congress by affirmative action restricts directly the expenditures from the railroad retirement fund, the civil service fund, the social security trust fund, or other such trust funds payments will be made automatically by the trustees of those funds.

So I have provided in my amendment the same exemption of the trust funds as the Senator from West Virginia has.

The social security fund was specifically exempted last year, not because we were advised that that was necessary—in fact, we were told that it was automatically excluded—but because we had experienced a situation earlier when the executive branch was asking for an increase in the debt ceiling and the President felt that Congress would not give him as much as he wanted, deferred social security checks were used as a threat.

I remember the Secretary of the Treasury stating on that occasion that if the debt ceiling were not raised by a certain time social security payments would have to be held up at the end of the month. That was not true. There was not a word of truth in that threat because those payments are made from the trust fund. Nevertheless, his statement scared a great many people.

To avoid such a situation the former Senator from Florida, Mr. Smathers, and I included an exemption for the social security trust fund.

Neither the civil service retirement fund nor the railroad retirement trust fund is mentioned in the amendment of the Senator from West Virginia or in my amendment, but I am perfectly willing to have both of them mentioned because they are not affected either way.

However, the Senator is correct as to the price support program and to other programs under the Commodity Credit Corporation; they are not exempted under my amendment, nor is any other program administered or affected by public assistance grants, including medicaid. I may say, incidentally that, based on a preliminary investigation by the Committee on Finance, great savings can be achieved in medicaid and improved service provided at the same time.

Likewise, the postal operations are not exempted by my amendment, but all these are exempted under the Senator's amendment. The Senator from West Virginia related the experience Congress had last year with the Post Office Department. Senators will remember that. We were told by postal officials that they were going to discontinue postal deliveries in cities on Saturdays, that they were going to cut back on some rural carrier services, that they were going to close some post offices; in fact, we were threatened that the whole postal service was going to collapse if Congress did not exempt that agency before that week was ended. That was toward the end of July; as I recall, less than 10 days remained in the month.

Congress acceded to the threat and exempted the Post Office Department.

Later I learned that the Postmaster General had padded his payroll with some 20,000 additional employees in the 30 days before he made the threat. The number of postal employees on that date was at an all-time high. The Postmaster General had more employees than he knew what to do with. In fact, I said that they must have gone fishing or perhaps were playing pinochle as the reason we were getting such slow delivery of mail both before and after the Postmaster General employed the extra personnel.

I am not intimidated by those bureaucrats who say, "We are going to shut down our agency if we do not get more money." If they cannot operate their agencies efficiently they should submit their resignations, and I would be glad to help find replacements—and that goes for their resignations regardless of their political affiliation. I am getting a little tired of this type of bureaucracy that is continuously finding more and more ways of spending money, yet finding more and more excuses for not saving money. Many of those bureaucrats have never known what it is to meet a payroll or go out and make a living in private industry. I think it would be a good experience for some of them. After all, even if we approve and hold the ceiling as proposed under my amendment the Government would still be spending nearly $6 billion more than is allowed in the ceiling of last year, and that certainly is not cutting it back unrealistically.

As I said before, payments from these trust funds are not affected, and they should not be affected by either of our amendments. The only way we could affect the social security payments, the civil service retirement payments, or the railroad retirement payments would be to change the law. Certainly we could do that at any time, but that is not proposed. There is no disagreement between the Senator from West Virginia and me as to what is being exempted. My amendment as compared to the committee bill, would strike from the exempted list—I do not want any misunderstanding—many of those items appearing on page 16 of the budget which are exempted by the committee amendment, and I will enumerate them: Public assistance grants, including medicaid; farm price supports and all expenditures under Commodity Credit Corporation; the postal operations directly related to mail volume or otherwise. The legislative branch would not be exempted under my amendment, nor would the judiciary.

The point is that whatever ceiling we agree upon should be a realistic figure, and if later Congress wants to change these exemptions let us do it affirmatively and let everybody know what we are doing.

I appreciate the remarks of the Senator from West Virginia. He has been very fair in explaining his amendment. I think he is accurate in his explanation of his amendment, and I, too, have tried to explain mine as I think it will work. We are not trying to kid anybody. The issue is very clear as to which amendment we want. So far as I am concerned, I am ready to proceed to a vote.

Mr. BYRD of West Virginia. Does the Senator maintain that under his amendment railroad retirement, civil service retirement, and foreign service retirement would be exempted?

Mr. WILLIAMS of Delaware. Yes. At the time we drafted the amendment last year we were advised by the counsel that it was not necessary to mention these trust fund payments for the retirement benefits. That included social security, the medicare payments, insurance funds, and the civil service retirement fund. For that reason we did not mention them.

Later, the alarming statement was made by the former Secretary of the Treasury that if Congress did not act on the debt ceiling by a certain date social security recipients might not receive their checks, and that statement got a lot of people unduly excited. To make sure that did not happen again the amendment stated clearly that they are not affected. The question had not arisen on the other funds. I would have no objection to spelling it out for them also.

They do not need to be spelled out in here, but they are not covered. They are automatically exempt.

I will say, further, that neither the railroad retirement nor the civil service retirement is mentioned under the Senator's amendment. However, in my opinion that, too, is not necessary because they are automatically covered, whether they are mentioned or not. So I do not think there is any point of dissension about that.

Mr. BYRD of West Virginia. Mr. President will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BYRD of West Virginia. The Senator's amendment on this point reads as follows:

Those expenditures which are trust funds established by the Social Security Act as amended.

Now I ask the further question: Were railroad retirement, civil service retirement, and the Foreign Service retirement programs established by the Social Security Act as amended?

Mr. WILLIAMS of Delaware. No, they were not, and they are not under the amendment of the Senator from West Virginia, either; because on page 16 they refer to social security and other social insurance funds, which are medicare, disability, and so forth. They are exempted just the same. They are not mentioned in either of the items we are covering here. It is not necessary. However, if the Senator wanted to spell that out I would have no objection, but I say that it should be spelled out in both amendments. I do not think it is necessary. I would be willing to vote on this with the clear understanding that they are exempted, the same as social security, or we can spell it out.

For example, if the civil service retirement projected expenditures for 1970 at x figure and suppose retirements were to accelerate toward the end of the year, certainly as these people who are eligible for retirement elect to retire there is nothing in here to prohibit them, either under my amendment or under the amendment from the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I want the floor in my own right.

The Senator is mistaken. I know that he intends to include the railroad retirement trust fund, the civil service retirement trust fund, and the foreign service retirement trust fund. But I believe he is mistaken. I do not think the language in the amendment as written would do that.

Mr. WILLIAMS of Delaware. The Senator is correct—the language does not do it. It is automatic by law. There is no language in the amendment of the Senator from West Virginia that excludes them, either.

Mr. BYRD of West Virginia. Mr. President, on that point, the language in my amendment does exclude them.

Mr. WILLIAMS of Delaware. Will the Senator show it?

Mr. BYRD of West Virginia. Yes; I will be glad to.

On page 71 of the bill, on line 6, the items exempted under the committee approach are identified, and they are identified as follows:

Items designated "Open-ended programs and fixed costs" in the table appearing on page 16 of the budget of the United States. . . .

On page 16 of the budget of the United States, the item reads as follows:

Social Security, Medicare, and other Social insurance trust funds.

I emphasize the words "and other social insurance trust funds."

It is all inclusive of foreign service, civil service, and railroad retirement. So under the language of the committee bill, all these social insurance trust funds are clearly included. The Senator intends that they be included under his amendment, but according to the clear language of his amendment, as it now appears, I am constrained to believe that they would be omitted.

Mr. WILLIAMS of Delaware. I will not quarrel with the Senator because there is no difference in the objective. I think he will find social security and medicare, and the other insurance trust funds refer to the disability insurance, medicare, and the unemployment insurance, which do come under the category of the Social Security department; and I think the Senator will admit that in discussing this we have referred to the item which was the all-inclusive item. I will not debate the point because they are covered anyway.

However, Mr. President, in order to make sure of it I will modify my amendment in paragraph 4 to read as follows where it reads:

Those expenditures from trust funds established by the Social Security Act as amended.

Insert this language:

The Railroad Retirement Trust Fund, the Civil Service Retirement Trust Fund, and the Foreign Service Retirement Fund.

I so modify the amendment.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The amendment is so modified.

Mr. WILLIAMS of Delaware. Now that does include it, but it was unnecessary. I am not debating this point because there is no doubt in my mind that the Senator's committee amendment likewise covers it. I do not think it covers it under the language to which the Senator from West Virginia has referred. That is my understanding.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. WILLIAMS of Delaware. In just a moment.

I do not think there was any question but that they were covered and that it was not at all necessary to put that paragraph in because it would automatically be covered whether we did or not. But as I stated before, I have no objection to relieving the doubts.

I would like to suggest the absence of a quorum and send the modified language to the desk.

Mr. COTTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. I suggest the Senator from New Hampshire proceed at this time, and the Senator can then send his modifications to the desk.

Mr. WILLIAMS of Delaware. If the Senator wishes to discuss a matter I yield the floor.

Mr. COTTON. Mr. President, I have only a few words to say, but I would like to say them now while certain amendments are being cleared up at the desk.

Mr. BYRD of West Virginia. Mr. President, Senators would like to hear the words of the distinguished Senator. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. Mr. President, I regret that illness in the family made it completely impossible for me to be present when this supplemental bill was marked up last Friday, so that I did not have the opportunity to make this statement in the Committee on Appropriations.

Mr. President, there is no one in the Senate who has had a more consistent record over an extended number of years of trying to hold down appropriations than the Senator from New Hampshire. However, I want to say today what I said last year when we had a different President. This is not a partisan position, because I made this statement in relation to President Johnson and I am now saying the same thing with relation to President Nixon.

I wonder when the Congress and its Appropriation Committees are going to face up to their own jobs and their own tasks, and do the cutting themselves rather than to try by artificial means to get a general cut in the appropriations, and to pass on to the President of the United States to choose where the cuts shall be made.

Mr. President, one of the few powers that Congress has is the power to control the purse. If we have lost control not only of the purse but of ourselves, if we cannot perform and do not dare to try to perform the functions of Congress, then, it is indeed a discouraging situation.

What are we doing here today? We are writing into a supplemental bill, a supplemental bill dealing with deficits in fiscal year 1969, a ceiling for fiscal year 1970, which does not start until next month. In a sense we are tying our own hands in advance, and doing it almost casually in connection with a supplemental bill.

Everyone knows what is bound to happen. It has happened under Democratic Presidents and Republican Presidents. It is bound to happen again as it happened last year. Congress said to the President that we wanted to cut the national budget by so many billions of dollars. We told him to do the cutting, and he did it. Where did he do it? He did it, as has been the time-honored practice, in some of the most sensitive areas; areas that would arouse the people. Then, pretty soon we began to have thundering at our doors by people who are upset because they were not going to get their impacted school funds, because they were not going to get their school milk money, or they were not going to get their school lunch money, or they were not going to get some of the other items, smaller items to be sure, but items having a great impact.

I cannot guarantee that the present President will not do the same as former Presidents have done. The Senator from New Hampshire has fought, bled, and died to get a few million dollars for title III funds under the National Defense Education Act, which are matched by the States, and which every superintendent of schools and every principal or headmaster of high schools in my State, and I suspect in other States, is anxious to obtain.

If the amendments of the distinguished Senator from Delaware are adopted they would foreclose our doing anything about the language at the House which provided that certain educational funds should not be interfered with. We would foreclose in advance much of the power of the Committee on Appropriations and much of the power of Congress.

Mr. President, certainly the Senator from New Hampshire could never be characterized as a dove, but people are aroused and they expect action in relation to the Vietnam question, which is the most sensitive question before this country—the matter of extricating ourselves from Vietnam. We can make speeches on the floor of the Senate from now until doomsday but they will accomplish little. There will come a time within the next few months when we will be writing the military appropriation bill, and there will come a time when we may be able to exert some influence on the military or the administration by judicious handling of these appropriations. One might say that there is not much that we can do so long as we have boys in Vietnam. We cannot vote against feeding them or arming them. But I am not talking about that. I am talking about the constant running debate concerning military appropriations and the charge that Congress and its committees on appropriations have not sufficiently scrutinized them and put to the test military appropriations.

All of these things lie before us and we are here today trying, in one fell swoop, to surrender and pass into the hands of the President the duty of making the decisions that we either do not dare or do not have the intestinal fortitude to make for ourselves. If the Congress has fallen to that point it does not make such difference what we do here today because we have completely lost control; we have lost control of the Government and we have lost control of our own sworn duty.

I cannot vote for the amendments of the distinguished Senator from Delaware as much as I admire his motives, and his desire to economize and save the taxpayers' money. As a matter of fact, so far as I am concerned, I am strongly tempted not to vote for the appropriation bill itself if it carries in it the dashed-off agreement on a fixed ceiling, without thought as to where cuts are going to be taken, and simply shoulder onto the Executive downtown the sworn duty of Congress.

As the appropriation bills come before the Senate, one by one, I want a chance for us to do our own economizing and to decide ourselves where cuts are to be made.

As Senators know, the people of this country are becoming aroused. We are in a different situation now than we have been for a long time. There is a taxpayers' revolt. Our people are alert. Aroused constituencies are aware of the situation that we should be facing up to. I do not like to nonchalantly throw this important duty aside.

Mr. President, I am not inconsistent in this because when the first attempt to impose spending ceilings was made last year, coupled with the 10-percent surtax, I voted against the whole thing, even though I felt that the tax was necessary. I did so because I could not and did not—and said so on the floor of the Senate with relation to President Johnson, just as I say it today—believe that we were justified in evading our responsibilities and placing them on the shoulders of the President of the United States. I did not think that was the intelligent way to handle the problem and I was positive it would come back to haunt us in the months ahead—as it most certainly did.

If the amendment of the Senator from Delaware is adopted, even if the amendments of my good friend on the Appropriations Committee who is guiding this bill on the floor at the present time, the Senator from West Virginia (Mr. BYRD), are added, in a sense we will have foreclosed the opportunity to use careful and discriminating judgment in where to cut. There are certainly many places that cuts can be made but I do not like to turn over to the President of the United States and his Cabinet, the Pentagon, or someone else, the power to select where such cuts shall be made.

Mr. President, I hope that somewhere between here and the committee on conference—I wish it could be here, but I do not deceive or delude myself—that somewhere along the line in this appropriations process we could stand up and face up to our own responsibilities. We should not just make a lump sum appropriation, throw it into the President's lap, and say, "Cut it by so much. Cut it wherever you like," and then in a few months begin to scream, to groan, and to shout because it was cut where we as individual Senators did not like.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator from West Virginia yield for a few questions?

Mr. BYRD of West Virginia. I am happy to yield to my good friend from Virginia.

Mr. BYRD of Virginia. I should like to get a better understanding of the total figure which the outgoing President Johnson submitted in his budget, and then, as I recall, in President Nixon's submitted revised budget and then today the distinguished Senator from West Virginia mentioned the latest revision, I believe, dated May 20.

My question to the Senator from West Virginia is: What is the total new obligational authority as of May 20?

Mr. BYRD of West Virginia. The answer is $205.9 billion.

Mr. BYRD of Virginia. Mr. President, I wonder whether the distinguished Senator from West Virginia has the figure originally submitted by the outgoing President Johnson which would compare with that?

Mr. BYRD of West Virginia. It is $211.4 billion.

Mr. BYRD of Virginia. And then the one final figure, the original Nixon revised budget?

Mr. BYRD of West Virginia. That is the same figure, $205.9 billion.

Mr. BYRD of Virginia. It is $205.9 billion?

Mr. BYRD of West Virginia. Yes.

Mr. BYRD of Virginia. Now, as I recall, during debate today, the item of total interest on the national debt was mentioned. I am not clear whether it is $16 billion, which is the figure I recollect as being in the budget, or whether it is $16.4 billion, because I think the $16.4 billion figure was mentioned by the Senator from West Virginia.

Mr. BYRD of West Virginia. It is $16.4 billion, as of May 20.

Mr. BYRD of Virginia. So there has been a revision up to date of $400 million in that item, since the original budget was submitted, I take it; is that not correct?

Mr. BYRD of West Virginia. The figure as of May 20 was $16.4 billion.

Mr. BYRD of Virginia. Now, can the Senator give me the social security trust fund figure, is it $42.1 billion?

Mr. BYRD of West Virginia. That is correct, as of May 20, for social security, including medicare and other social insurance trust funds.

Mr. BYRD of Virginia. Now, does the Senator have handy the social security trust fund figure in the original budget?

Mr. BYRD of West Virginia. No. I do not have that figure.

Mr. BYRD of Virginia. Does the Senator have available the other trust fund figures, of which the highway trust fund, I presume, would be the largest other than the social security trust fund? What do the other trust funds add up to?

Mr. BYRD of West Virginia. I do not have the revised figures for that specific item.

Mr. BYRD of Virginia. I thank the Senator.

Now may I put a question to the distinguished Senator from Delaware (Mr. WILLIAMS), and will he yield for that purpose?

Mr. WILLIAMS of Delaware. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, is the Senator from Virginia correct that the amendment offered by the Senator from Delaware is identical to or substantially identical to the legislation enacted by the Senate last year when it approved the 10-percent surtax?

Mr. WILLIAMS of Delaware. It is substantially identical to the amendment that was passed by the Senate. However, in the conference it was modified, and some exemptions were put in which were not in the Senate's amendment. But the amendment I have offered is identical to the amendment—I have the old bill before me—except that we changed the figure for the ceiling to bring it up to date, and use the same figure offered by the Senator from West Virginia and his committee. Other than that, it is identical right down the line. We just change the effective dates. It has the same effect as the so-called Williams-Smathers package offered on March 8, 1968.

Mr. BYRD of Virginia. If the Williams amendment were adopted today, would it conform to the language of legislation which accompanied the 10-percent surcharge?

Mr. WILLIAMS of Delaware. That is correct.

Mr. BYRD of Virginia. I thank the distinguished Senator.

Mr. WILLIAMS of Delaware. Mr. Pres-

ident, I am ready to vote. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I shall take only a minute before the vote comes up on my amendment.

The suggestion has been made that acceptance of this amendment would be a delegation of the authority of Congress to the President. I remarked earlier in my statement that as of this date not a single appropriation bill for any agency of the Government or any department thereof has as yet been acted on for 1970. So every one of them will be before us. Even if it accepted this ceiling Congress could yet make its selective cuts in the various appropriation bills as they come before us in the weeks ahead. To the extent that we did that, we would be delegating no authority to the President. To the extent that we failed to do it we would delegate to the President that authority which we had failed to exercise.

As to the question of why this amendment should be offered to the supplemental appropriation bill, the committee also has an amendment in that bill, and my amendment is merely a substitute therefor.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. What the Senator's amendment does do, however, is that, regardless of the action of the Appropriations Committees, the Appropriations Committees are compelled to meet automatically a ceiling that is set down today for all the appropriation bills for 1970, no matter what may occur?

Mr. WILLIAMS of Delaware. That is correct. It would be a ceiling hanging over the heads of the Appropriations Committee as it acted on the appropriation bills in the months ahead. There is no argument about that, and it was so intended.

Mr. COTTON. But the ceiling laid down last year was not quite the same.

Mr. WILLIAMS of Delaware. As originally offered, yes. However, later it was amended, and as the Senator knows, I strenuously resisted the effort in many of the changes. As I stated earlier, if we adopt a ceiling I recognize that conceivably Congress could amend the ceiling, change it, make exceptions. I realize that, but if we are going to have a ceiling let us have one that Congress would have to change by affirmative action.

Mr. COTTON. And the Senator's amendment really amounts to drawing a very fine New Year's resolution on the part of all of us to save the taxpayers money?

Mr. WILLIAMS of Delaware. The Senator states it well. In the light of the fact that this Congress and our executive branch together have been living beyond their income to the extent that they have for the past several years and in the light of the fact that we are operating right now at a deficit of $500 million a month more than we are taking in, I would say the answer to that question is "Yes." Perhaps a resolution by Congress that we are going to try to save the taxpayers some money is overdue. I welcome that interpretation.

Mr. COTTON. I agree thoroughly with the Senator's suggestion. I agree that the time has come to make the resolution and keep it. But the Senator from New Hampshire, I think, is even older in years than the Senator from Delaware, and I do not know what the experience of the Senator from Delaware has been, but I have very vivid recollections of how effective the New Year's resolutions are and how long they last. We have to do this job day by day and week by week. We cannot do it in advance. I remember, when I was a child, that my father gave me an automatic instrument into which I could put dimes. I could not open it until it was full. It was enforced saving. But I found a way to open it within, I think, 2 days.

Mr. WILLIAMS of Delaware. The Senator is correct. This is a day-to-day operation, and we will have to work in the days to come just as we did before. I realize that Congress can go on a sudden spending spree any time it wants to, tomorrow or the day after. I think the Senator will agree that as the Senator from Delaware saw it he did the best he could, and I assure him that I will continue to do the best I can to stop the spending spree. I was not one who was trying to break the ceiling.

Mr. COTTON. He did exactly that. I commend him for doing it.

Mr. WILLIAMS of Delaware. I will assure the Senator that I will continue to try to hold down these expenditures. The time is long overdue when we have to bring our fiscal imbalance into balance. As one who has said we are going to have to continue the surtax, which means an additional tax of $8 to $10 billion for the American taxpayers for another 12 months, at the same time I say that if we are going to extend the surtax with no control over our spending I do not think it will achieve the objective we seek. I am trying to achieve the objective of holding down expenditures, and I assure the Senator I will be here tomorrow trying to do it just as I am today.

Mr. COTTON. The Committee on Appropriations, of which the distinguished Senator is not a member, although he always contributes to the cause, has that responsibility, and I have faith in the committee, on which I have served these years.

I think we are thoroughly aware of what we are up against. I would rather like to see the committee be given an opportunity to come in and show what it can do, without, in advance, before anyone knows what the circumstances are going to be, having the Senate and the Congress give us an ultimatum and give us a set ceiling under which we have to live.

Mr. WILLIAMS of Delaware. I am only saying that I will accept the ceiling figure which the Senator's own committee approved and which is in the bill. I am only trying to write guidelines and to close the built-in loopholes.

The committee proposal for a ceiling with all of the built-in exceptions is in my opinion merely a pious hope. It is worthless as far as controlling expenditures is concerned.

Mr. BYRD of West Virginia. Mr. President, may I say, in further response to the inquiries from the Senator from Virginia (Mr. BYRD), that when President Nixon revised his budget estimate as of April 15, no new budget document was printed. So far as the printed budget document is concerned, all we have is the one submitted by President Johnson on my birthday, which happens to be January 15, this year.

Now, if I may address my remarks to the matter before the Senate for decision.

We have three proposals from which the Senate will have to choose—at least three. One is the proposal that comes from the House, which, for the time being, I shall disregard. The second is the proposal which was worked out in the Senate Committee on Appropriations. The third is the proposal which the Senator from Delaware has offered by way of an amendment.

And so at the moment I would like just briefly to attempt to explain and to distinguish between these two proposals, the one by the Senate committee and the other offered by the Senator from Delaware.

The proposal offered by the Senate committee would reduce the $192.9 billion figure, presented by the President in his revised budget estimates, by $5 billion, to the figure of $187.9 billion.

The committee then would exempt from any forced reduction those items which are considered to be unpredictable, such as support for Southeast Asia; uncontrollable and fixed, such as the interest on the national debt; and open-ended, such as public assistance grants. These items, which would be exempted under the Senate committee recommendation, are estimated to total $106.7 billion in fiscal year 1970.

Now, the committee bill says that it will exempt these items in 1970 in the amount by which they exceed the expenditure for the same items in fiscal year 1969; they are estimated to total $103.6 billion in fiscal year 1969, and they are estimated to total, as I have said, $106.7 billion in 1970.

Therefore, the difference is $3.1 billion, which would exempt, and this figure is added on to the $187.9 billion, to make a total of $191 billion, which would constitute the expenditure ceiling in lieu of the $192.9 billion.

The Senate committee then nails the reduction down. It says that there must be a reduction of not less than $1.9 billion in the controllable items—the $1.9 billion being derived by subtracting from $192.9 billion, the President's estimate, the $191 billion, which is the ceiling established by the committee.

Those items that are exempted, and which may up the $106.7 billion, under the committee bill are these:

Support for Southeast Asia, $25.2 billion—that is the latest estimate, as of May 20;

Social security and the other social insurance trust funds, including railroad retirement, civil service retirement, Foreign Service retirement, totaling $42.1 billion—again, the very latest figure;

Interest on the national debt, $16.4 billion;

Pay increases for military and civilian employees, $2.8 billion;

Veterans' pensions, compensation, and insurance, $6.1 billion;

Public assistance grants, including medicaid, $7.2 billion;

Farm price supports under the Commodity Credit Corporation, $3.6 billion;

"Other" items—which would include IDA, the International Development Association, for example, and vocational rehabilitation—in the amount of $2.1 billion;

Legislative and judiciary, $.4 billion;

Postal operations, depending upon the mail volume, $.5 billion.

I believe there is one more item, amounting to $.4 billion, and that is Federal aid for impacted areas. If I have left out no items, these items should add up to $106.7 billion which would be exempted under the bill. And these are May 20 estimates, as secured from the Bureau of the Budget.

This would leave $86.2 billion within which reductions could be made. But the $86.2 billion, Mr. President, is made up of only two items: Defense, $52.5 billion, and "other," $33.7 billion.

So there is where the President and Congress would have to make the cuts. And within that $86.2 billion, Defense and other, there is $18.9 billion in prior year contracts and obligations.

This further reduces the area within which cuts can be made to a figure of $67.3 billion. That is all we have to work from: $67.3 billion. And the major portion of that is Defense. So, we are working in a pretty small area.

The committee, as I say, would require a reduction of $1.9 billion. It does not say that the President has to make this cut. It simply says that the President must make this cut if we do not make it. But it does exempt those programs which are mandatory, uncontrollable, unpredictable, fixed, and open ended.

Now, a $1.9 billion cut is a pretty sizable cut. In fiscal year 1968, Congress reduced appropriations in the amount of $5.567 billion; but the expenditure impact was only $1.907 billion. So there is a good example that fits almost into the very picture that we have here today. We are talking about a $1.9 billion cut in expenditures. What does that mean, when it comes to cutting appropriations? Well, in 1968, it meant a cut in appropriations of $5.567 billion. That is a pretty sizable cut.

If we consider fiscal year 1969, Congress cut appropriations by $13.188 billion. But what was the amount of the expenditure reduction? Just twice what we are trying to achieve here: $3.803 billion.

Now, we are not bound to stay below the $1.9 billion figure. Congress can cut more, may I say to the distinguished Senator from New Hampshire. Congress can cut more from that figure if Congress so desires. Congress can cut appropriations to the extent that the expenditure impact would be twice that much, if it wants to. But under the committee bill, Congress and the President would at least know that a reduction of $1.9 billion is required. I think that the people want to see some kind of responsible reduction made in Federal expenditures. The committee has sought to face up to the need.

Now, the Senator from Delaware would require a $5 billion cut in expenditures. But if we are to judge from experience, that would require appropriation cuts trebling that amount, or up to $15 or $16 billion.

The Senator from Delaware, in addition, exempts only four items. Granted, they amount to about $89 billion, he exempts only four items. He does not exempt public assistance grants, which were exempted last year up to $560 million above the budget estimate. He does not exempt farm price supports, which were exempted last year up to $907 million over the budget estimate. He does not exempt the so-called other items, vocational rehabilitation, the International Development Association—I must admit I voted against that, but it is in the bill—nor does he exempt legislative, for example.

The Senator's amendment would not exclude mandatory pay increases. So, boiled down to its lowest common denominator, the Senator's amendment is unworkable, in that it is too stringent. It would not exempt any of the other items that are just as mandatory, just as uncontrollable and open ended, and just as unpredictable as are the four items exempted; and it would require too deep a cut, one which I think would put the President in an untenable position.

The President has already cut the Johnson budget by $4 billion; and then, were we to force another $5 billion, that would make a total of $9 billion. I do not think the President can live with that.

If Congress wants to make a $5 billion cut, it can still do it under the committee proposal, but it will not be required to do it, nor will the President be required to do it.

Mr. President, I hope that the able Senator's amendment will be rejected.

Mr. WILLIAMS of Delaware. Mr. President, the Senator points out that the amendment offered by the Senator from Delaware proposes cuts of $5 billion. That is correct.

Mr. BYRD of West Virginia. The committee version would provide for a reduction of $1.9 billion.

Mr. WILLIAMS of Delaware. I know that. However, it would be $3.1 billion below President Johnson's budget figures. However, that is not the big difference. The big difference is to the extent that the amendment offered by the Senator from Delaware provides a mandatory ceiling.

My amendment provides that the ceiling has some teeth in it, and if the amendment is adopted everyone will be on notice that it does mean that the cuts would have to be made or Congress by affirmative action would have to amend the ceiling.

There would be no automatic trigger for the increases as provided by the committee amendment.

I am ready to vote.

Mr. BYRD of Virginia. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. BYRD of Virginia. Mr. President, the Senator from West Virginia gave the figures in the Nixon budget as $192.9 billion. What is the figure for the Johnson budget which would compare with that figure?

Mr. BYRD of West Virginia. It would be $4 billion in excess of that figure.

Mr. BYRD of Virginia. Does the Senator have the exact figures handy?

Mr. BYRD of West Virginia. It would be $196.9 billion, $4 billion in excess of the Nixon budget figure.

Mr. BYRD of Virginia. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON) and the Senator from Montana (Mr. MANSFIELD) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN) is absent on official business.

The Senator from Maryland (Mr. MATHIAS) is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 16, nays 80, as follows:

[No. 36 Leg.]

YEAS—16

Allen	Fannin	Saxbe
Byrd, Va.	Goldwater	Thurmond
Cook	Hansen	Tydings
Cooper	Jordan, Idaho	Williams, Del.
Curtis	Packwood	
Dole	Proxmire	

NAYS—80

Allott	Griffin	Mundt
Baker	Gurney	Murphy
Bayh	Harris	Muskie
Bellmon	Hart	Nelson
Bennett	Hartke	Pastore
Bible	Hatfield	Pearson
Boggs	Holland	Pell
Brooke	Hollings	Percy
Burdick	Hruska	Prouty
Byrd, W. Va.	Hughes	Randolph
Cannon	Inouye	Ribicoff
Case	Jackson	Russell
Church	Javits	Schweiker
Cotton	Jordan, N.C.	Scott
Cranston	Kennedy	Smith
Dirksen	Long	Sparkman
Dodd	Magnuson	Spong
Dominick	McCarthy	Stennis
Eagleton	McClellan	Stevens
Eastland	McGee	Symington
Ellender	McGovern	Talmadge
Ervin	McIntyre	Tower
Fong	Metcalf	Williams, N.J.
Fulbright	Miller	Yarborough
Goodell	Mondale	Young, N. Dak.
Gore	Montoya	Young, Ohio
Gravel	Moss	

NOT VOTING—4

Aiken	Mansfield	Mathias
Anderson		

So the modified amendment of Mr. WILLIAMS of Delaware was rejected.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the manager of the pending bill and the distinguished acting majority leader, in view of the fact that the Senator from Massachusetts will probably address the Senate for about 1 hour, and in view of the clock, whether there will be any business transacted after the address by the Senator from Massachusetts.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I was not aware that the distinguished Senator from Massachusetts was planning to make a speech 1 hour in length. If that is the case, I do not think we should try to press for completion of the pending bill this afternoon. Some Senators have to go to New York and elsewhere for very important reasons. Then, too, there are at least three amendments, if not more, that will require some discussion and possibly a rollcall vote.

However, there is a continuing resolution that we should adopt in the Senate today if 700,000 postal employees are to receive their pay on Thursday, which is on the day after tomorrow. If this continuing resolution is not adopted, these 700,000 employees, I am told, will not be paid. The House of Representatives has already passed the continuing resolution. I think it is incumbent, therefore, upon the Senate likewise to pass the resolution quickly.

If we can complete action on that measure today I do not think we should attempt to do anything further today on the pending bill, by way of any votes.

Mr. DIRKSEN. Is the resolution ready to be submitted?

Mr. BYRD of West Virginia. The resolution is ready.

Mr. DIRKSEN. Would the Senator from Massachusetts yield for that purpose?

Mr. BROOKE. I yield.

Mr. DIRKSEN. I would suggest that the distinguished acting majority leader ask for immediate consideration of the resolution.

CONTINUING APPROPRIATIONS FOR POSTAL EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 782.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 782, making further continuing appropriations for the fiscal year 1969, and for other purposes, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

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

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, as I have already explained, unless the Senate adopts this continuing resolution, which was agreed to earlier by the House of Representatives, 700,000 postal employees will not receive their pay on Thursday of this week. The Postmaster General called me earlier today and he is very anxious for the Senate to act, because otherwise he will have no funds to meet his payroll. Here we are 48 hours away from payday for 700,000 postal employees, and I think it is important and imperative that the Senate today adopt the continuing resolution, House Joint Resolution 782.

I move the resolution's adoption.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 782) was ordered to a third reading, read the third time, and passed.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I yield to the distinguished Senator from Missouri.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri may proceed for 5 minutes.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

KANSAS CITY DESERVES ADDED SERVICE TO PORTLAND-SEATTLE

Mr. SYMINGTON. Mr. President, I have had the opportunity since May 29 to review the decision in the Reopened Pacific Northwest-Southwest Service Investigation and am extremely disappointed that the Civil Aeronautics Board, by a 3-to-2 decision, on that date, again denied the much-needed competitive service between the Kansas City and Portland-Seattle markets.

Based on the statistics presented by city officials and civic leaders in asking reconsideration, it is all too clear that the present carrier—with one round-trip a day between Kansas City and Portland, and one round-trip a day between Kansas City and Seattle—is not providing the level of service merited.

It is significant to note that an examiner for the Civil Aeronautics Board, on two separate occasions, studied the needs of this market and on both occasions recommended that a competitive carrier be certified for this route. Further, this finding was substantiated by the Board's own staff, the Bureau of Operating Rights.

Based on these findings by the examiner and by the Board staff, it is not only disappointing but difficult to understand why three members of the Board persist in ruling that competitive service not be allowed.

I would hope Kansas City and Portland-Seattle representatives will file again as soon as possible for competitive service; and in the meantime, I would also hope the Senate Commerce Committee will look into the lack of competitive service, and therefore lack of adequate service in this market.

Mr. President, as further example of the feeling in Kansas City as to the inadequacy of present service to the Pacific Northwest, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Kansas City Times of April 5, "An Air Ruling Shorts Kansas City and the Pacific Northwest."

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

AN AIR RULING SHORTS KANSAS CITY AND THE PACIFIC NORTHWEST

The denial of expanded airline service between Kansas City and the Pacific Northwest by the Civil Aeronautics board is a most unfortunate and, we think, a misguided ruling. This rebuff to the self-considered best interests of both areas actually was executed by three of the CAB's five members. The two others agreed with the CAB's Bureau of Operating Rights and its examiner in the case—that a need exists for additional service on the Kansas City-Portland-Seattle route.

How sharply the 3-man CAB majority departed from the views of those directly concerned can be shown in the following facts:

The city government and the Chamber of Commerce here, after extensive studies of the potential market, requested the additional service to the Northwest.

So did the Pacific Northwest cities directly concerned, including civic and business interests. Seattle's bid also was actively supported by the attorney general of the state of Washington.

There were several applicants for a new connection between the two areas in addition to the route already served by United Air Lines. The choice, if there was to be one, narrowed between Trans World Airlines and Eastern Airlines. After lengthy hearings the CAB examiner recommended T. W. A. instead of Eastern which sought a mandatory stop at Kansas City on its St. Louis-Portland-Seattle route. Both T. W. A. and Eastern are convinced that the desired service is needed and can be made profitable. These hardheaded appraisals are based on economic surveys.

Air traffic is growing spectacularly year after year. Kansas City is one of the few large communities that has invested in a new airport specifically designed to handle the coming jumbo transports and other special requirements of the jet age. Moreover, air congestion is not a problem here as it is at most major aviation centers. Despite its readiness to take on expanded airline activities, Kansas City finds itself being brushed aside by a seemingly indifferent majority of the CAB's present members.

Parties in the case—which is separate from the Trans-Pacific case now under presidential review—can file exceptions to the board's negative ruling. But there is little hope at this time that the viewpoint of the 2-man minority will prevail.

It may be necessary to wait for a more enlightened majority attitude that could come with future changes in the CAB's membership. The problem is that the need for this route exists *now*. Kansas City and the Pacific Northwest have been badly served by the authority charged with organizing the nation's air network in the public's interest and convenience.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent for insertion in the RECORD of a copy of the petition for reconsideration filed by the city of Kansas City and the Chamber of Commerce

of Greater Kansas City in the Reopened Pacific Northwest-Southwest Service Investigation, a request that was subsequently denied by the Civil Aeronautics Board on May 29.

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

[Before the Civil Aeronautics Board, Washington, D.C., Docket 15459, et al.]

IN THE MATTER OF THE REOPENED PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

(Petition for reconsideration of Order 69–4–11 of the city of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City)

Kansas City is profoundly shocked by the Board majority's indifference to its urgent need for additional competitive service to the Pacific Northwest. After almost five years of proceedings and two Initial Decisions, both of which found a need for competitive service, a majority of the Board has now told Kansas City that it must continue to be the victim of United's extremely poor monopoly service to Seattle and Portland.

The citizens of Kansas City are incensed by this decision because they have gone "all out" to provide a new airport known as Kansas City International Airport, scheduled for opening by June 1, 1970 at an initial investment of more than $212 million. They are at a loss to understand why the Board (as well as other Federal agencies) would urge communities to expand their ground facilities to accommodate growing passenger traffic, present jets and superjets of the future, and then leave them high and dry. Demoralizing, hardly reflects the feeling in Kansas City. The conclusion of the majority that the Kansas City-Northwest market has no pressing need for competitive service is legally and factually unsupportable and should be reversed.

I. THE KANSAS CITY-SEATTLE/PORTLAND MARKET WILL GENERATE SUBSTANTIAL TRAFFIC WITH PROPER SERVICE AND IS LARGE ENOUGH TO JUSTIFY COMPETITION

In 1967, close to 25,000 O&D and connecting passengers moved between Kansas City and Seattle; another 14,000 such passengers travelled between Kansas City and Portland. Despite extremely poor service by United, traffic increased by about 17 percent over 1966. Using the Board's forecasting methodology employed in its decision—15% annual growth and 20% stimulation, a stimulation far too low in view of the market's underdevelopment—the Kansas City-Seattle market would reach 45,000 passengers by 1970 or 124 daily passengers—a level of traffic well in excess of the Board's 100 daily passenger criterion for competitive service. The Kansas City-Portland market would be close to 26,000 or 71 daily passengers.

The use of only a 20% stimulation factor is manifestly improper in the circumstances here. United operates only a single round trip in each of the markets. On the basis of the traffic experience in the St. Louis-Pacific Northwest markets where the traffic has increased *threefold* after Eastern's institution of service, it is not unreasonable to assume that the Kansas City markets in issue would be stimulated between 75% and 100%. Using the lower 75% stimulation factor, the Kansas City-Seattle market in 1970 would amount to 66,000 passengers or 180 daily passengers, the Kansas City-Portland market would reach 37,000 passengers or over 100 daily passengers. These volumes of traffic would clearly support competitive service, especially in view of United's minimal schedule pattern.

Clear evidence of the underdevelopment of Kansas City-Pacific Northwest markets is reflected in the surge of the St. Louis-Pacific Northwest traffic after Eastern's institution of a good pattern of service in the latter market. In 1966, before Eastern's service between St. Louis and the Pacific Northwest, the Kansas City market was 50% larger than the St. Louis market. In 1967, the roles were completely reversed with the St. Louis market being 70% larger.* With the institution of an adequate volume of service in the Kansas City markets, traffic response would be equally as dramatic as that of St. Louis.

We are at a loss to understand the Board's failure to take into account the connecting and beyond traffic that would flow over the Kansas City-Pacific Northwest segments. In its forecast for other markets in its decision, the Board includes connecting traffic, but disregards it in the case of Kansas City. More importantly, the Board's approach to beyond traffic at Kansas City is inconsistent with its approach at St. Louis. In its earlier decision, the Board found that "the ability to provide beyond St. Louis services is the selection for this route." And there is no factor or greatest importance in carrier question that beyond traffic has figured heavily in Eastern's St. Louis-Pacific Northwest operation. It would also be an extremely important element in providing a traffic pool for flights between Kansas City and the Pacific Northwest. Yet the Board ignores the availability of back up traffic in evaluating the Kansas City-Northwest markets' potential. Bearing in mind the emphasis placed by the Board in many other cases on beyond gateway traffic flows, we cannot understand why the Board discriminates here against Kansas City's position as a hub through which substantial volumes of traffic could be attracted en route to the Pacific Northwest. Furthermore, if the Board's objective to ease congestion at Chicago is ever going to be achieved, then it must turn to opportunities for relief such as Kansas City offers in this proceeding.

There can be no doubt that the traffic potential exists for additional service between Kansas City and the Pacific Northwest. It awaits development by a competitor for United, whose unbelievably poor service record holds out no prospect that the market will ever be adequately served or promoted.

II. UNITED'S SERVICE BETWEEN KANSAS CITY AND THE PACIFIC NORTHWEST HAS BEEN GROSSLY INADEQUATE

United has been authorized to serve the Kansas City-Pacific Northwest markets for over thirteen years. And after this long period of time United today operates but one round trip in each of the two markets, a single nonstop round trip between Seattle and Kansas City and a single non-stop round trip between Kansas City and Portland. For only a brief period in 1967 did one of the markets, Kansas City-Seattle, enjoy the "luxury" of two United flights. Against this background of poor service it is difficult to understand how the Board can conclude that the market receives a reasonable quantum of single-plane service. Moreover, single-carrier connecting service is extremely limited. As a result it is not surprising to find that in 1967 United carried only 65% of the Kansas City-Seattle traffic and 69.5% of the Kansas City-Portland traffic on a single-carrier basis.

The token service that United gives the Kansas City-Pacific Northwest market would be better not provided at all if it is going to be used by the Board as a reason for not granting badly needed competitive service. The St. Louis-Seattle market now, after less than 2 years of single-plane authorization, received 4 times the number of schedules that the once larger Kansas City-Seattle market receives. Surely Kansas City after thirteen years is entitled to something more than the bare minimum of service that United reluctantly offers. Competitive authority in the market is the only assurance that Kansas City will ever receive improved service to the Pacific Northwest.

*1967 traffic for St. Louis-Pacific Northwest markets based on last 2 quarters of year and then annualized to compensate for fact that St. Louis-Pacific Northwest service by Eastern did not begin until the middle of the year.

CONCLUSION

The Kansas City-Seattle/Portland markets have suffered from more than a decade of negligence and indifference. The future, with only United in the markets, is bleak. Kansas City respectfully submits that competition in these markets is required by the public convenience and necessity.

Respectfully submitted.

HERBERT C. HOFFMAN,
City Counselor.
AARON A. WILSON, Jr.,
Deputy City Counselor.
(Attorneys for Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City.)

Dated: April 18, 1969.

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served a copy of the foregoing Petition for Reconsideration of Order 69–4–11 of the City of Kansas City, Missouri and The Chamber of Commerce of Greater Kansas City upon each party of record in this proceeding by mailing a copy thereof, properly addressed, postage prepaid.

Dated at Kansas City, Missouri, this 18th day of April, 1969.

AARON A. WILSON, Jr.,
Deputy City Counselor.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent for insertion in the RECORD of a letter from the able mayor of Kansas City, Hon. Ilus W. Davis, dated April 24, in which he presents the cogent arguments as to why there should be competitive service between the Kansas City and Portland-Seattle markets.

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

CITY OF KANSAS CITY, MO.,
April 24, 1969.

Hon. STUART SYMINGTON,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR SYMINGTON: Kansas City urgently requests your support of our motion to the Civil Aeronautics Board for reconsideration of their recent decision rejecting competitive air service between Kansas City and the Pacific Northwest. Their adverse decision in the *Reopened Pacific Northwest-Southwest Service Investigation, Docket 15459 et al.*, was a severe blow to the citizens of Kansas City.

This proceeding has gone on for almost five years and has included the Initial Decisions of two examiners, both of whom found a need for competitive service in these markets (Kansas City-Seattle-Portland). The only carrier serving Kansas City and the Pacific Northwest at the present time is United Airlines. After more than thirteen years United today operates but one round-trip in each of the two markets. It is difficult to understand how the Board can conclude that the market receives a reasonable quantum of single-plane service. The poor service of United is reflected in the fact that they carry only about 65% of the Kansas City-Northwest traffic, the balance obviously preferring connecting service (usually at Denver) offered at more convenient times.

In the first portion of this case, Eastern Airlines was certificated to serve St. Louis and the Pacific Northwest. In 1966, before Eastern's service between St. Louis and the

Pacific Northwest, the Kansas City market was 50% larger than the St. Louis market. In 1967 (after institution of the service by Eastern) the roles were completely reversed with the St. Louis market being 70% larger. With the institution of an adequate volume of service in the Kansas City markets, traffic response should be equally as dramatic as that of St. Louis.

Our citizens are further disappointed by this decision because, as you know, they have gone "all out" to provide a new airport which is scheduled for opening by June 1, 1970 at an initial investment of more than $212 million. We are at a loss to understand why members of the Civil Aeronautics Board (as well as other Federal agencies including the Department of Transportation) would urge communities such as Kansas City to expand their airports to accommodate growing traffic and new super-jets, and then fail to provide additional needed service.

A copy of the Motion For Reconsideration is enclosed which gives a more detailed analysis of the traffic generating potential of Kansas City. It is significant to note that in 1967, with the sub-standard service offered by United, passenger traffic between Kansas City and Seattle was about 25,000 and between Kansas City and Portland, approximately 14,000.

Chairman John H. Crooker, Jr. and Member G. Joseph Minetti dissented in the Board's opinion and stated as follows: "In considering the long-range service needs of the markets in issue, we would have favored an award of competitive service authorization on the Kansas City-Seattle-Portland route."

I will appreciate any help that you might give us in seeking further service on this route.

Sincerely,

ILUS W. DAVIS,
Mayor.

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

Mr. SYMINGTON. I yield.

Mr. MAGNUSON. Mr. President, I wish to join with the distinguished Senator from Missouri in expressing great disappointment that there was a denial of the petition to have competitive service from this great middle western area into the Pacific Northwest gateway, which is technically the gateway to the Orient, airwise. I do not speak with reference to any particular airline.

I am particularly at a loss to understand this matter in view of the fact that the examiner and all of the staff, as far as I can tell, said that this was not only economically feasible, but also that it was reasonable to furnish this service between these points. Then I suggest to many people, as did the Senator from Missouri—that is the Seattle group which was called to Washington who represented the area—that the petitioners refile, based upon the examiner's report, all other reports, and every bit of evidence that we know of in this case. That was turned down again by the 3-to-2 decision.

I am at a loss to understand why the CAB so ruled.

This morning, the Commerce Committee—and the Senator from New Hampshire was there from the Aviation Subcommittee—began hearings on what we call an overall aviation bill on which the administration has sent up a proposal, together with several other proposals, to see what we can do about the problem of growing aviation in this country.

This decision, in my opinion, is so shortsighted because everyone knows who looks at commercial aviation, and the desire of the American people to use commercial aviation systems, that it will double in the next 10 years. Every bit of evidence points in that direction.

Well now, when they know that, to turn down their own examiner's report and the advice of people who say they have got to have it sooner or later and that this is the time to start it—they would like to have it sooner or later, but I would like to have it now, I would like to have it much sooner in connection with this area than we do now, going across the North into the great Twin Cities in the Chicago area and down to the South.

The board granted the same type of argument for the Pacific Northwest and places in between to the southwest Texas area, and also to New Orleans. It seems to me that the Kansas City areas have just been left out of this thing. All the movements are that way, particularly as the Senator from Missouri so well knows that in the growth of international aviation, this is one of the big gateways.

I join the Senator from Missouri in his remarks and I hope that the parties involved will refile and see what the board will say because the examiner's report is so clear, I have never known a case where the examiner was so positive and the people involved so sure that it was economically feasible.

Mr. President, it is the duty of the CAB to grant routes when, as a matter of policy, they find they are economically feasible, and to furnish that service to the American people.

Mr. SYMINGTON. First, let me thank the Senator from Massachusetts (Mr. BROOKE) for yielding for this colloquy, inasmuch as he has the floor at this time.

Second, I am very grateful to the Senator from Washington, who is chairman of the Commerce Committee which handles these matters, for his understanding and his comments with respect to this all-important problem.

Nor am I for any special airline. I am for the people of this country getting competitive service. This lack of service is and will seriously affect the economic development of my State, and all the Middle West.

Mr. MAGNUSON. Mr. President, let me ask one simple question, although the ramifications of some of these things are quite complex, but there was never any evidence at all—not one scintilla of evidence—that there would not be enough passengers to fill up the airplanes; am I not correct?

Mr. SYMINGTON. You certainly are. It is obvious that a gross injustice has been done to many people, despite the recommendations of the experts in this case.

Mr. EAGLETON. Mr. President, if the Senator from Massachusetts will yield to me for just 30 seconds, I will simply like to join in the sentiments expressed by my colleague (Mr. SYMINGTON), as well as those of the Senator from Washington (Mr. MAGNUSON).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, announced that on June 13, 1969, the President had approved and signed the following act and joint resolution:

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

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

COMPARISON OF FEDERAL SALARIES WITH SALARIES PAID IN PRIVATE ENTERPRISE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-131)

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States, which, without being read, will be referred to the appropriate committee, and will be printed in the RECORD.

The message from the President was referred to the Committee on Post Office and Civil Service, as follows:

To the Congress of the United States:

I forward herewith the annual comparison of Federal salaries with the salaries paid in private enterprise, as provided by section 5302 of title 5, United States Code.

The report, prepared by the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission, compares the present Federal statutory salary rates with average salary rates paid in private enterprise for the same levels of work, as reported in the Bureau of Labor Statistics Bulletin No. 1617, *National Survey of Professional, Administrative, Technical, and Clerical Pay, June 1968.*

Also transmitted is a copy of an Executive order promulgating the adjustments of statutory salary rates to become effective on the first day of the first pay period beginning on or after July 1, 1969. These adjustments were developed in the joint report from the Director and Chairman, and in accordance with the directions of section 212 of Public Law 90-206, the Federal Salary Act of 1967.

Public Law 90-206 provides that comparable adjustments shall be made, by administrative action of appropriate officers, in the salary rates of employees of the judicial and legislative branches and those of Agricultural Stabilization and Conservation County Committee employees.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1969.*

SIXTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate a message from the

President of the United States, which, without being read, will be referred to the appropriate committee, and will be printed in the RECORD.

The message from the President was referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

Herewith I transmit to the Congress the Sixth Annual Report on Special International Exhibitions conducted during Fiscal Year 1968 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256).

This report covers official United States participation in Trade Fair Exhibitions and the Montreal World's Fair through the U.S. Information Agency, Labor Missions and Exhibits arranged by the Department of Labor, and Trade Missions organized by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, *June 17, 1969.*

NATIONAL ALLIANCE OF BUSINESSMEN

Mr. PROUTY. Mr. President, on Saturday, June 14, I was privileged to be one of the morning speakers during a national meeting of the National Alliance of Businessmen.

The distinguished Senator from Colorado (Mr. DOMINICK) delivered the meeting's main address, and outlined succinctly the essential role of the private sector in manpower training of the disadvantaged.

Senator DOMINICK's words embody one of the most explicit challenges to the private sector that I have had occasion to hear. With the feeling that my colleagues will wish to read the full text of Senator DOMINICK's remarks, I ask unanimous consent that it be printed in the RECORD.

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

THE ROLE OF THE PRIVATE SECTOR, PARTICULARLY THE NAB "JOBS" PROGRAM, IN MANPOWER TRAINING OF THE DISADVANTAGED

(By Senator PETER DOMINICK)

I am happy to be here today because of the opportunity to discuss with a group of self-starters in the business community something close to their hearts—good employees.

Let me say at the outset that if the tone of my remarks today sound serious it is because I am convinced the challenge we face is serious.

By your presence here—by your membership in the National Alliance of Businessmen, you have each indicated your willingness to help reduce poverty, unemployment and underemployment in the most meaningful way possible; by hiring the hard-core and training them. But when you take this approach, you are at once confronted with overcoming a fundamental barrier. Ever since you've been in business, you have sought the best type of worker available. Now, with the United States on the crest of the biggest economic wave in its history, you are being asked to throw aside your basic business instincts—and to hire people that would never have gotten past the plant gate in years past.

There are reasons—a whole collection of reasons—that dominate our news columns and outshine our TV spectaculars.

There are the riots, the demonstrations, the growing welfare rolls, and the critical circumstances of the poor. These have led some to desperate and questionable measures. There is the basic conviction—to which I hold fast—that all Americans should be guaranteed the opportunity to earn a good living. But there is the rather startling fact that the public employment service offices in the 50 states reported that in 1968 more than 350,000 jobs went unfilled at the end of every month.

I spoke of the growing welfare rolls. Certainly this is a major reason more people in government are turning to the private sector for help. This growth in existing rolls—plus millions standing by—is alarming in a time of heightened social consciousness, lean budgets, and a tight squeeze on the American taxpayer.

Earlier this week, as one of five panel members, I video-taped a one-hour program for ABC–TV entitled "The Welfare Game". You will see it on your home sets the evening of July 13th.

Before I turn to the theme which permeated the program, and why I believe its basic thrust presents a challenge to the private sector, let me briefly place the welfare picture in perspective.

We now have 9 million people receiving money payments—as distinguished from medical care—through Medicaid under the various federally assisted welfare programs. The total cost (federal, state, and local) for these payments last year was $5.7 billion.

Of the 9 million now on the rolls, 2.8 million are over 65, blind, or permanently and totally disabled. The size of this group remains relatively stable.

The remainder are in the largest and fastest growing group—Aid to Families With Dependent Children—which accounted for three-fourths of the increase in money payments in 1968. In this group are: 4.6 million children; and 1.6 million adults, 1.3 million of which are mothers.

The logical question which arises is where are the fathers, and why aren't they working and supporting their families? The best estimate of HEW gives the following profile: 5½% are dead, 12% are incapacitated, 5% are unemployed, over 75% are absent from home.

Estimates are that there are another 22 million people not on welfare, but living on submarginal incomes below the poverty line of approximately $3,300 for a family of four. In my judgment, this so-called poverty line of $3,300 is arbitrary and outdated. I don't see how we can expect four people to live for a year on that income in 1969.

I think you will agree with me that the present welfare system in this country isn't working, and must be changed.

For those who must be on relief, we can provide a national standard to avoid the wide disparity we now have among the 50 states. We can make the AFDC-Unemployed Fathers program mandatory, rather than optional with the states. The budget for the one-year-old Work Incentives Program (WIN), which requires mandatory referral by welfare agencies of all appropriate adults to manpower services, has been *increased* by President Nixon. I think we can increase work incentives even further. The number of day care slots for children of parents in the WIN program has been increased almost fourfold.

The present welfare system results in fathers abandoning their families. They can't find enough work on their own. Their children cannot receive welfare if they stay at home. We must change that system. We have two choices—find jobs and employment for these fathers or just guarantee a minimum income for every family.

But I think one of the most heartening aspects of the Nixon budget is the recognition it has given to the need for research on solutions to the welfare crisis. Last year funds set aside for research amounted to one-tenth of 1% of maintenance payments. This money, too, has been increased by nearly 4 times. Pilot programs are now underway or soon will be testing the validity of theories about which we are hearing so much—the negative income tax, children's allowances, etc.

Well, where does all this leave the private sector, and in particular your program—Job Opportunities in the Business Sector?

The central theme which you will detect in the TV program is that 4 of the 5 panelists—not including myself—take the position that the objective is to find as many of those additional 22 million people as possible who may be eligible for welfare and get them on the rolls with a guaranteed income. I believe we should be concentrating on locating those now on the rolls who may be either employable or trainable and place them in productive jobs. The same argument for locating and placing the employable and trainable applies to that larger low-income group, who we should be trying to keep off the rolls.

In a nutshell, that feathered war spear has been hurled into the ground and we have been challenged to pick it up.

Let's look first at the private sector, then at the JOBS program. One of the biggest difficulties historically is matching the jobs with the jobless. I mentioned that 350,000 jobs went unfilled at the end of every month in 1968. In the case of those who apply for welfare, job referrals under the Work Incentive Program are making an impact. Welfare payments to an individual under this program are decreased as his or her earnings increase. In Denver, for instance, they were able to reduce welfare payments under the AFDC–Unemployed Father Program by $25 per case during the first three months of this year.

A national job skills bank—something which I have long advocated—could make a major contribution to matching jobs with people. Utilizing modern data processing equipment, such a facility could catalogue unfilled jobs and the needs of individuals and serve as a channel of communication. Skills banks are already operational on a regional basis. One operated by the S.E.R. program (Service-Employment-Redevelopment) has provided job placements to 640 people in the Denver Metropolitan Area.

Decentralization of industry location can also be of substantial significance. By this I mean placement of new plants not only in the ghetto, but in rural areas which also are in need of economic revival. As illustrations we have the selection of Windsor, Colorado, for a new Eastman-Kodak plant. IBM went to Niwot, Colorado. Soon a new plant of another firm will be going into a rural area of Georgia.

Tax credits to employers to encourage training and upgrading of the disadvantaged—the proposed Human Investment Act—is something of which I know you are all aware and which I continue to support.

This brings me to this effort you call Job Opportunities in the Business Sector.

You started the attack a year ago and achieved some startling results. It may be called cheating, but I notice the results were so good the goals have been raised. Originally, 500,000 hard-core disadvantaged were to be hired and in training by June 1971; now, it's 614,000. You began in the 50 largest metropolitan areas in the Nation; now, you're adding the next 75 largest. Your first year's goal of 100,000 has been surpassed with the hiring of nearly 180,000 and nearly 100,000 in training. Your goal for June of next year has been raised to 338,000.

A profile of the average JOBS trainee shows you are reaching a severely disadtaged group.

The average trainee has a family income of $2600/year, and has completed less than 11 years of schooling.

Over 90% or members of minority groups, including 76% Negro and 13% Mexican-American.

Frankly, there are two factors which I think really stand out in the JOBS program.

First, unlike many other manpower training programs, the hard-core worker begins with a job and income. Then he is trained.

Second, the relatively low cost of $3,000 per trainee for those hired under contract funding to help companies offset the extraordinary costs of hiring and training the hard-core is itself salutary. But even more significant is the fact that for every job provided with this government reimbursement, businessmen have added three jobs and absorbed the extra costs themselves. There is, in essence, a multiplier effect of 3 to 1.

This additional effort, at no cost to the government, is an act of faith on the part of business and industry. Yet, it is this act of faith which is our biggest challenge. We must interest the businessmen in your communities in the JOBS program. We must persuade companies that hiring the disadvantaged can be good business. And we will need to coordinate the activities of businessmen with government when this coordination is necessary.

The Federal Government and in many cases state and local governments are ready and able to assist those companies that need financial or technical assistance to conduct these on-the-job training programs. Thousands of companies have gained experience in training the jobless since the first manpower act was passed in 1962. This experience has not been wasted as the efforts of the National Alliance of Businessmen attest. The business community has been more than ready to take up JOBS contracts when there has been previous good experience with the Labor Department's on-the-job training contracts.

Our efforts at expanding the JOBS program may meet their biggest challenge when the targets are among those communities and firms where experience with the government has been small or nonexistent.

What is the Labor Department in the Nixon Administration doing to eliminate red-tape and make it easier for a business to participate?

The time element, usually a factor in deciding to particiapte, has been reduced dramatically. A maximum of three to four weeks is all that it takes for a proposal to be approved.

Approvals of proposals have been left entirely up to the discretion of the Regional Manpower Administrators, giving the contracting procedures a "one-stop" flavor.

To help cut the time further, the original proposal of the company becomes the heart of the contract when the proposal is accepted, eliminating the need for new presentations.

Furthermore, the unit-cost feature of these contracts eliminates the need for individual cost accounting records for each trainee. The government and the contractor agree that the firm will receive "X" dollars per trainee, period.

On top of the streamlining of services, the Labor Department has worked out some special features for the latest round of JOBS contracts for the 125 city areas. Financial assistance will be made available for the upgrading of workers in entry or low-paying jobs. Contract periods have been reduced from 24 months to 18 months and training periods from 12 months to nine months.

The upgrading feature adds a new dimension to the JOBS program, helping to provide assistance to employers who plan to build career ladders for their basic employees. Employers who have been hiring and training workers under previous JOBS contracts will have a chance to apply for upgrading funds. So will new contractors who will be hiring and training entry-level disadvantaged workers.

This upgrading feature was added to the JOBS program because you wanted it and the Federal Government agreed to it—because it made sense. Some of the larger contracts had jobs and training programs in occupations that did not seem like much to the casual observer. The occupations were basic, entry-level jobs for people who had little or no experience or training. Once hired by the companies and trained up to an efficient level of production or service, were these people to remain there? Business, labor and government said no. The upgrading feature has been introduced to prevent impacting—jamming up company rosters with entry-level jobs and no upward movement for the employees without further training.

Thus, upgrading is an important feature of any job training program. It is as important to the person already employed as it is to the person entering the job door for the first time.

The Nixon Administration means business when it talks about job training for the hard-core.

We have heard a great hue and cry about the reduction in the Job Corps. This decision was based on the determination that complete residential services are not essential for all Job Corps enrollees, that training is not always best provided at a great distance from the enrollees home, and that Jobs Corps centers should not be operated as isolated entities divorced from other manpower programs. The Job Corps is not being abolished. Recruiting is expected to resume under a reorganized program soon.

But let's look briefly at the commitment President Nixon has made which has not made the headlines:

The budget for the JOBS program has been increased by $200 million, more than twice that of last year.

In 1964, there were only 27,000 training opportunities for youth in all manpower programs. The Nixon budget contains 368,600.

The budget request for all manpower programs is $2.3 billion, an increase of $368 million over last year. It will provide more than 1 million people a new chance.

Unquestionably, the President is expanding job placement and training services for the poor, not curtailing them.

With this unprecedented outlay for the betterment of our human resources, there also comes an unprecedented focus of attention on the private sector.

Will the private sector accomplish the task that its leadership says it can do?

A key element will be the strength of the support which we receive in each of your communities.

And let's keep in mind that our efforts must include all businessmen, small and large. Small businessmen can, and in fact have, banded together in groups to operate JOBS programs. The Labor Department, for instance, has about 1,000 JOBS contracts to date, but more than 2,400 companies are involved. The difference is the 80 groups.

I continue to feel that the greatest resource in America is private initiative. Recognition of this principle came in the May, 1969, presentation to the Congress by the Office of Economic Opportunity in these words:

"The success of the National Alliance of Businessmen in developing new job openings for the disadvantaged has made JOBS the most promising manpower program in the entire anti-poverty effort."

In closing, I would say that the United States has truly turned the corner in terms of its future greatness. There is no doubt in my mind that the tremendous interest being taken by the business community in training less fortunate Americans for jobs and decent lives is the one great factor that has been missing in the social scheme of things. True, the businessman's lot has been made a bit more difficult. A few years ago there would have been a cry about businessmen having to coddle new workers, having to use capital for nonproductive purposes, having to hire people they would have thought twice about. But, what he has been gaining because he cares, what he has been gaining because he understands, what he has been gaining because he has a conscience, is America's gain in the long run.

SENATE RESOLUTION 211—SUBMISSION OF A RESOLUTION RELATING TO ARMS CONTROL, MIRV, AND NATIONAL SECURITY

Mr. BROOKE. Mr. President, I am submitting today, on behalf of myself and Senators CASE, CRANSTON, COOK, EAGLETON, PERCY, SAXBE, HATFIELD, PEARSON, MATHIAS, NELSON, HART, PELL, MONDALE, METCALF, WILLIAMS of New Jersey, MCGOVERN, YOUNG of Ohio, MOSS, TYDINGS, MCCARTHY, PROXMIRE, CHURCH, BAYH, HUGHES, MCINTYRE, RANDOLPH, HARRIS, GRAVEL, INOUYE, KENNEDY, MUSKIE, MCGEE, COOPER, JAVITS, GOODELL, YARBOROUGH, PACKWOOD, MANSFIELD, and MONTOYA, a resolution to express the sense of the Senate on a matter of the greatest urgency, the prospective strategic arms negotiations with the Soviet Union and the special problems posed for those negotiations by the continued testing of MIRV—multiple independently targetable reentry vehicles. In submitting this resolution we are seeking to convey both a general concern that the negotiations be expedited, and a specific opinion that they are less likely to succeed if the development and deployment of MIRV systems are completed.

We are lending our support to one recommendation in particular, that the President seek immediately a joint Soviet-American suspension of MIRV flight tests as a way of preserving the opportunity to forestall deployment of this dangerous technology, an opportunity that will not long remain open to us. To seize that opportunity will require an act of bold and decisive leadership on the part of both the Soviet Union and the United States.

Let me begin by stating briefly the main contentions on which this resolution is grounded:

First. MIRV deployment, which will be difficult to monitor if testing continues, will create extraordinary difficulties for verifying compliance with an agreement on arms limitations.

Second. MIRV systems will seriously jeopardize the stability of mutual deterrence, by increasing the vulnerability of hardened missile silos.

Third. MIRV will be unnecessary to penetrate ABM defenses unless extensive and thick city defenses are erected; the leadtime to perfect and deploy MIRV is shorter than the leadtime to build this kind of ABM system.

Fourth. MIRV will be less likely to enter the operational forces unless extensive test programs afford high confidence in the system's reliability and accuracy. Hence a mutual suspension of

MIRV testing can be a decisive lever on the arms race.

There has been much discussion in recent weeks of MIRV testing and its likely impact on the long-planned strategic arms limitation talks. Having grappled with this question for many months, I would like to summarize the central considerations which have led me and many other Members of this body to the view that a joint test suspension could be a vital contribution to our efforts to curtail the arms race, to reduce the risks of nuclear war, and eventually to free greater resources for the critical domestic needs facing this country and the Soviet Union.

As I mentioned in the debate yesterday, the rising hopes for effective strategic arms control have rested on a combination of political and technological developments which have created virtually unique conditions for such an endeavor.

After a lengthy period of U.S. strategic superiority, recent years have brought the two great powers into rough equilibrium, so far as the overall levels of their strategic forces are concerned. Despite qualitative and some numerical differences in their force structures, both sides have achieved a clear measure of what Secretary McNamara called assured destruction capability, that is, neither side could hope to destroy so many of the other's strategic weapons that it could escape an utterly devastating second strike. In short, the United States and the Soviet Union have entered an era of mutual deterrence.

At the same time, despite the extraordinary secrecy surrounding the Soviet Union's military programs, new technology has been perfected to allow both sides to maintain a reasonable degree of surveillance over the number and general characteristics of strategic weapons being tested and deployed. Thus, one of the fundamental pressures for ever-increasing weaponry, the need to hedge against largely unknown force levels on the other side, has been relaxed. And this same technology opens the possibility of verifying compliance with certain types of arms limitations without the kind of intrusive inspection that we have been unable to achieve in past negotiations with the Soviet Union.

These new conditions, coupled with a growing awareness that thermonuclear war would be suicidal, have brought both nations to express serious interest in freezing strategic force levels. Such a freeze is likely to be the principal objective of the proposed SALT talks.

But the conditions which favor strategic stability are gravely threatened by a whole new generation of weapons now on the horizon. This is especially true of MIRV. Once testing is completed of these systems, without detailed inspection it will be impossible to tell whether a missile has one or many warheads. Each side will have to presume that any missile that can be MIRV'ed, will be MIRV'ed. In a very short period estimates of effective force levels on both sides will have to be revised upward drastically.

Viewing the SS–9, the United States will have to make major compensating changes in its own strategic inventory. Viewing the Poseidon and Minuteman III, the Soviet Union will feel obliged to make similar adjustments in its forces. In short, the arms race will jump to a new plateau, with dread consequences for mankind's hopes for stable peace and with dire consequences for mankind's hopes to concentrate its resources of human needs.

It is not only that such an escalation of the arms race will be costly, though it certainly will be. Even more menacing to our interests is that likelihood that such a trend can only detract from the margin of security which we and the Soviets now enjoy. In a situation in which both nations possess a highly accurate MIRV capability, there is the grave danger that, at a moment of acute crisis, the possibility of a preemptive counterforce strike will rise. Why is this so?

For many years now the United States and the Soviet Union have been engaged in a quest for invulnerable retaliatory forces. There has been solid understanding on both sides that such invulnerability is essential to provide an assured capacity to retaliate against any first strike. By making sure of its retaliatory capacity, each side could reduce to very low levels the probability of any attempt to disarm it by attacking its strategic forces. The invulnerable retaliatory force, then, is the bedrock of mutual deterrence. And development which threatens those forces, necessarily erodes the barriers to war.

President Nixon made this point clear in his remarks of March 14. He specifically rejected a deployment of a massive city defense because such a system tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. And he added, "I want no provocation which might deter arms talks." The President, on similar grounds, declined to endorse an increase in our offensive capability because it would be provocative to the Soviet Union and might escalate the arms race. In developing his views on these matters, the President has displayed commendable insight and restraint.

The great difficulty with the prospective deployment of MIRV technology is that it is a de facto multiplication of offensive capability. As such it is indeed highly provocative, it complicates the arms talks, and it presents a direct threat to mutual deterrence. When either side achieves a sufficiently accurate MIRV capability, it will have a significant capability to reduce the other side's retaliatory forces. In sum, MIRV is incompatible with the sensible strategic doctrine President Nixon has enunciated for the security of both the United States and the Soviet Union.

It is, of course, wrong to imply that the U.S. MIRV technology is identical in purpose or characteristics to the multiple warhead technology which has been observed in the Soviet Union's test programs. The U.S. systems involve much smaller warheads and are designed to penetrate an anticipated ABM defense. This country does not seek a first-strike capability against the Soviet Union.

If the somewhat ambiguous tests which the Soviets have been conducting turn out to be a true MIRV capability, we must frankly face the fact that it looks far more like a system designed for counterforce purposes than for penetration. There have been few more disturbing activities on the part of the Soviet Union, and I trust that the intense public discussion of these issues has already made evident to Moscow that its tests with the SS–9 are highly provocative and not helpful to the pending arms control efforts. But these developments only add greater urgency to precisely the point being made by the resolution I offer today, namely, the paramount importance of curbing MIRV technology.

While the U.S. MIRV effort is certainly not designed to disarm the Soviet Union, it is ambiguous. Once deployed, operational testing and guidance modifications could give the force increasingly precise delivery. With greater precision, the force would eventually acquire a growing capability against hardened missile silos. And it is this anticipation of emerging counterforce capability on which both sides are likely to base their force planning and posture decisions. In this manner the very notion of a meaningful strategic freeze will be called into question and the arms race will very likely continue at a higher and more frenetic pitch.

Not only is MIRV technology in conflict with the goal of stable deterrence; from the U.S. standpoint, it is also premature and unnecessary. While the MIRV concept was developed from a variety of origins, and with a variety of missions in mind, the stated mission on which the decision to proceed with Poseidon and Minuteman III was based was to penetrate an expected heavy ABM system in the 1970's. So far that type of heavy ABM deployment has not materialized.

For the Soviet Union to carry out such a deployment, involving either the early technology of the Galosh system or more advanced components, would require several years. Completion of the U.S. MIRV test program could be accomplished in a few months and deployment could take place in a shorter time than would be required for a Soviet ABM. It is evident that there is no present need for MIRV in the U.S. inventory, and it would be foolish indeed to allow some outmoded technological schedule to deprive the United States and the Soviet Union of an unprecedented chance to achieve meaningful strategic arms control. The risks involved in delaying the U.S. MIRV tests are minimal, and the possible gains to our security from arranging a joint suspension of MIRV tests as a prelude to limiting MIRV deployment are very high.

There are many points of agreement among persons most fully informed about these issues. It is clear that the prospective vulnerability of land-based missiles would be greatly reduced if the Soviet Union can be persuaded that we have a mutual interest in foregoing MIRV development and deployment. It is clear that if the U.S. program is completed, it will be exceedingly difficult to dissuade the Soviet from deploying com-

parable systems. It is clear that many tests are required to demonstrate with confidence the high accuracies that would make MIRV a counterforce threat.

In the judgment of knowledgeable people in the technical and intelligence communities, it would not be feasible to complete such an elaborate series of tests and to carry out a large-scale deployment of MIRVable missiles in secret. The diverse and extensive intelligence capabilities, particularly of the United States, make it likely that any attempt to complete such tests clandestinely would be discovered.

While one may conceive ways to conduct one or two tests, or partial tests, without revealing that they are related to a MIRV program, there is little likelihood that a party could clandestinely complete a full-scale test program sufficient to justify the costs and risks of an actual deployment. Moreover, to engage in such tests in violation of such an agreed moratorium would entail grave risks of discovery, with the definite probability that agreed mutual arms control would no longer be considered. If, as we have reason to believe, the two nations now recognize a common interest in seeking to curb the strategic competition, the risks of trying to exploit a moratorium to gain a temporary advantage seem too great to run.

And the main point should be emphasized. By rational assessment, each side has a larger interest in persuading the other side not to introduce MIRV systems than it has in deploying MIRV technology of its own.

It is also clear that a mutual suspension of flight tests will not suffice to prevent deployment of MIRV. The proposal advanced in this resolution does nothing more than buy time for the negotiations to devise additional barriers to MIRV deployment.

One can already specify some of the issues which will have to be resolved in those negotiations if MIRV competition is to be avoided. There will have to be agreement on limiting the number of delivery vehicles on each side. In particular, assuming that the Soviet Union recognizes a common interest in preventing MIRV deployment, it will have to accept a limit on the number of MIRVable boosters, especially the SS–9, if the United States is to refrain from MIRVing its land based and SLBM force.

In addition there will have to be agreed limits on the types and levels of ABM deployment in which the two countries can engage. If the Soviets pursue the kind of thick city defense which the United States has already foresworn, the pressure to maintain the U.S. deterrent by deploying MIRV is bound to grow. Similarly, unless some controls on antisubmarine warfare are arranged, concern over possible vulnerability of the Polaris fleet and its Soviet counterpart will tend to induce both sides to multiply their offensive forces by MIRVing, as a means of insuring their second-strike capacity.

Unless progress is measurable on such issues as these, it is doubtful that a MIRV flight test moratorium will survive. But coupled with emerging arrangements on these questions, the restraint of a test moratorium will be reinforced. Gradually and in these ways, barriers can be erected to the technological determinism which has shaped so much of the contemporary contest in strategic weaponry.

No one aspect of the arms race can be handled in isolation. Its many dimensions must be grasped, and we must learn to cope with them simultaneously. That is the task before the planned SALT talks. But the situation in which those talks proceed is not static, and we cannot afford the luxury of a leisurely attitude toward them. The opportunities before us today are not permanent ones, as I hope this discussion makes clear. The policy recommended by this resolution would preserve one of the most vital opportunities in this history of the arms race.

If the negotiations fail, the pressure for MIRV and for ABM will rise. If the negotiations succeed, the pressure will decline. In other words, if it is possible to negotiate adequate guarantees for mutual security in these realms, the motive forces of the arms race will weaken. If it does not prove possible to do so, those forces will drive both sides into another intense phase of weapons competition.

When confronting such stark alternatives, surely there can be no doubt which is preferable. This resolution is a call for one modest step to keep open the option of meaningful arms limitation. I believe it speaks for itself in expressing to the Nation, to the Soviet Union, and to other interested parties that a substantial body of Senators have concluded that every reasonable effort should be made to expedite arms negotiations and to forestall the deployment of MIRV systems.

That is the message we seek to convey.

I ask unanimous consent that the proposed resolution be printed at this point in the RECORD, and I commend it to the attention of other Members of the legislative and executive branches.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The resolution (S. Res. 211) was referred to the Committee on Foreign Relations, as follows:

S. RES. 211

Whereas the competition to develop and deploy strategic weapons has reached a new and dangerous phase, which threatens to frustrate attempts to negotiate significant arms limitations and weaken the stability of nuclear deterrence as a barrier to war; and

Whereas development of multiple independently targetable re-entry vehicles by both the United States and the Soviet Union represents a fundamental and radical challenge to such stability; and

Whereas the possibility of agreed controls over strategic forces appears likely to diminish greatly if testing and deployment of multiple independently targetable re-entry vehicles proceed; and

Whereas a suspension of flight tests of multiple independently targetable re-entry vehicles promises to forestall deployment of such provocative weapons; and

Whereas a suspension of such tests could contribute substantially to the success of prospective strategic arms negotiations between the United States and the Soviet Union; Now, therefore be it

Resolved, That the Government of the United States should seek prompt negotiations with the Union of Soviet Socialist Republics to reach agreement on limiting both offensive and defensive strategic weapons; and

Resolved further, That it is the sense of the Senate that the President should urgently propose to the Government of the Union of Soviet Socialist Republics an immediate suspension by the United States and the Union of Soviet Socialist Republics of flight tests of multiple independently targetable re-entry vehicles, subject to national verification or such other measures of observation and inspection as may be appropriate; and

Resolved further, That the Government of the United States should declare its intention to refrain from additional flight tests of multiple independently targetable reentry vehicles so long as the Soviet Union does so.

Mr. BROOKE. Mr. President, I ask unanimous consent to add to the list of cosponsors of the resolution the name of the Senator from Montana (Mr. MANSFIELD).

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

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

Mr. BROOKE. I am happy to yield to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, the Senate of the United States and the people of the United States deserve more contributions of the kind that the Senator from Massachusetts has just made. We need such contributions. I am most happy to be associated with the Senator in this particular effort. It is right, and it is necessary.

It is very necessary that the legislative branch, and particularly the Senate, take the initiative here, because it seems clear, I am sorry to say, that at least the Defense Department is accepting the inevitability of the MIRVing of all our weapons and all the Soviet weapons. I do not say this lightly. In the June 23 issue of Newsweek magazine, there is published a statement, which cannot be taken as other than authoritative, of the view of the Pentagon. I ask unanimous consent that an excerpt from the article entitled "Nixon Says Yes to Arms Talks," published in Newsweek for June 23, 1969, be printed in the RECORD at this point.

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

Pentagon officials, particularly Secretary of Defense Laird, support the arms-limitation talks as a means to achieve a nuclear standoff, or mutual deterrence, without going into a runaway arms race that could cost $100 billion and would not improve U.S. defenses.

Laird has doubts and reservations about just how far the arms-control agreements would go, but the suggestion is that he would accept a "freeze" at present rough parity levels, with some mutual escalation He is less eager to go into arms cutbacks, because reductions are difficult to supervise, inspect, verify and control.

But he is willing to accept the concept of reasonable parity between the two nuclear superpowers: Laird's thinking embraces these points:

Both the U.S. and the Soviets require an ABM system as protection against Red China. The arms agreement would start from that mutual requirement for a defense against a Red Chinese ICBM threat in the mid-1970s.

The U.S. and the Soviets have currently achieved a rough parity in ICBM's. The installation of MIRV warheads is inevitable technologically, and the clock cannot be turned back. The U.S. is ahead in MIRV technology, but the Soviets are gaining. It is an anachronism to talk about stopping MIRV now—and each side assumes that the other's ICBM's will eventually be armed with the maximum number of warheads possible with MIRV. However, the U.S. is now ready to agree to hold its ICBM's to 1,000 Minutemen and 54 of the big Titan II ICBM's, provided the Soviets will hold their ICBM's, to the 1,200 they now have operational or under construction. That is considered reasonable parity.

Some understanding will have to be reached on the Polaris-missile submarines. The U.S. is willing to agree not to build any more Polaris submarines, or to scrap one for each new one built with the same number of missiles. The Soviets have about eight or nine "Yankee" (U.S. term) missile submarines similar to Polaris. If the Soviets agree not to build more than two dozen or so, the U.S. might agree to scrap ten old subs from among the 41 Polaris submarines. Or the U.S. might be able to persuade the Kremlin that the American lead in submarine missiles is offset by Russia's geographical advantages and superiority in land-based ICBM's, and particularly the giant SS–9 missiles.

The U.S. would urge the Soviet to deploy their future improved ABM around their ICBM sites and to provide area coverage against the expected small Red Chinese threat. The Soviets have 67 Galosh ABM missiles currently deployed around Moscow. The U.S. has no deployed ABM's, but the U.S. deployment would proceed as it is now scheduled, with Soviet concurrence.

Strategic bomber forces would be frozen or reduced.

At present the U.S. has about a 3-to-1 lead over the Soviets in nuclear weapons. The U.S. has 1,000 Minuteman ICBM's, 54 Titan II ICBM's, 656 Polaris missiles, and about 549 big jet bombers (about half on ground alert with four 1-megaton bombs each). The Soviets have about 1,100 ICBM's, 100 more under construction, about 144 Yankee submarine missiles, and about 150 bombers. (The Russians also have a small number of submarines with shorter-range missiles and about 800 medium-range ballistic missiles that do not directly affect U.S. strategic forces.) The last official count of U.S. and Soviet deliverable nuclear warheads showed 4,200 U.S. against 1,200 Soviet as of last September 1. This ratio has narrowed to about 3 to 1 in recent months. If the U.S. and the Soviets install MIRV warheads in the next few years, the count (if not the ratio) could multiply because the U.S., for its part, plans from three to a dozen or more warheads per missile booster.

TALKS

Laird has endorsed arms-control talks to prevent a new nuclear arms race. He has argued that a U.S. ABM deployment would not deter strategic arms talks. In fact, he has said that "we are in a better negotiating position if we have both defensive and offensive systems to discuss." He leaves the clear impression that he does not expect SALT agreement much before 1973—at least a year before his ABM sites could be built in Montana and North Dakota.

To sum up, Laird bases his concept of nuclear-arms stability or parity upon the eventual deployment of a thin ABM system on each side for defense, plus parity in offensive weapons. This is the heart of the Nixon-Laird-Packard approach on nuclear-arms control. They do not want to escalate or provoke the arms race but to cool it off, freeze it, and, if possible, persuade the Soviets to halt their recent upsurge in ICBM and submarine-missile production.

Mr. CASE. The article makes it very clear that in Newsweek's view the Pentagon regards the completion of this testing and the full deployment of MIRV an inexorable inevitability.

I cannot accept that view, because it would mean, as the Senator from Massachusetts so well pointed out yesterday, today, and earlier, that if we ever do arrive at any kind of an agreement for limitation of arms, it will be at a level so much higher than now that the danger will be unbearable.

The initiative has to be taken by the legislative branch if the executive branch is unwilling to make the effort to keep arms escalation and deployment of arms on both sides of a tolerable level. Therefore, I am especially happy that the Senator from Massachusetts has succeeded so very well in interesting the Members of this body in his persistent and unflagging effort to gain supporters for his resolution and for this cause; and I am enormously happy, too, that we have every prospect of having his resolution and mine, Senate Resolution 210, heard by the Committee on Foreign Relations and action taken upon them within the very near future, because this is a matter in which we do not have months and years of grace.

We have perhaps, at the most, not many weeks. I commend the Senator from Massachusetts, and I thank him as a citizen as well as a Senator for his initiative.

Mr. BROOKE. Mr. President, I am both pleased and honored to have the support of the distinguished Senator from New Jersey (Mr. CASE). The Senator from New Jersey has been in the forefront of the leadership of those of us in the legislative branch of the Government who have been seriously concerned about the ever-increasing arms race and the delay in the commencement of arms control talks and negotiations.

Yesterday, in a brilliant discussion of this issue on the floor of the Senate, the Senator made a rich contribution to the concept of this resolution.

I thank him for the support which he has rendered the Senate, which has enabled us to have so many of our colleagues join in the effort. I repeat that it is an honor to have the Senator from New Jersey associated with me on the resolution.

I also want to thank the Senator for calling to the attention of the Senate the article in Newsweek and for succinctly and meticulously pointing out what obviously now would appear to be the fact—that there are those in our Government who accept the inevitability of the MIRVing of the U.S. forces and Soviet forces.

The Senator knows well, as we all know, that if ever that key is really out of the box and if we do have a MIRVing of the Soviet SS–9, it will be difficult, if not impossible, to get on with arms control and negotiations that could bring an end to the nuclear race and free much-needed money to solve the problems existing in our country.

The Senator from New Jersey has long been a very distinguished member of the Committee on Foreign Relations. He has stood for national security. In endorsing and supporting the resolution, the Senator stands for national security. And our national security is best served if we are able to bring about a cessation and suspension of MIRV technology, not 1 month from today and not 1 year from today, but now.

I thank the distinguished senior Senator from New Jersey.

Mr. CASE. Mr. President, I am most grateful and highly honored. I could not agree more with the proposition announced by the Senator from Massachusetts that we must stabilize the level of armaments in the world at a tolerable place.

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

Mr. BROOKE. I yield.

Mr. CRANSTON. Mr. President, the Senator from Massachusetts has made a profoundly careful and thoughtful statement of the logic that lies behind his resolution.

Fortunately, the Senator has not only made his statement, but has also had the creativity to devise a way of bringing the rationale behind it forcefully to the attention of the country and its leadership. The Senator has been successful in mobilizing a very substantial portion of the Senate on both sides of the aisle representing many divergent views behind this particular approach to the search for an end to the arms race.

I believe we have no greater hope than that which lies in this approach, revolving particularly around MIRV and the related ABM system, to bring an end to the arms race. I hope we go beyond this resolution to positive action by our Nation in concert with positive action by the Soviet Union to end the threat that MIRV will be further tested and then deployed.

I think the historians will say that when the Senator from Massachusetts took this step, he took a crucial step that may have turned us back from the brink of atomic holocaust.

I thank the Senator for his great and important leadership.

Mr. BROOKE. Mr. President, I thank the distinguished junior Senator from California for his kind and generous remarks.

Mr. President, when the subject of MIRV was first introduced, the junior Senator from California was one of the first to grasp the significance, the importance, and the seriousness of the issue. The Senator has not only associated himself with the matter as a supporter of the resolution, he has also been an active worker in talking with Members of the Senate and gaining the support of many on his own side of the aisle who have joined in cosponsoring the resolution.

I want the Senator to know, as he is now serving his first term, that he is truly a welcome addition to the U.S. Senate. He certainly is a welcome supporter and cosponsor of the resolution.

I express to him my gratitude for all he has done to get the support that we have been able to muster in order to bring the matter before the administration, the Nation, and the world.

I thank the distinguished junior Senator from California for his rich contribution.

Mr. GRIFFIN. Mr. President, would the Senator yield?

Mr. BROOKE. I yield.

Mr. GRIFFIN. Mr. President, I thank

the Senator from Massachusetts for yielding. Let me say that although I am not a cosponsor of the resolution, I may very well support the resolution if it should come to a vote.

The junior Senator from Massachusetts has performed a great service by providing a thoughtful statement on this critically important matter.

As a member of the Senate Committee on Armed Services, I know he has personal access to a great deal of information which the junior Senator from Michigan has not, as yet, had the opportunity to review.

Accordingly, I believe that the President ought to give very serious consideration to the proposal of the junior Senator from Massachusetts. I happen to support the President's proposal for a limited Safeguard ABM system. If we hope to achieve meaningful arms-control agreement with the Soviet Union, I believe it is important not to pull the rug out from under our chief negotiator as he is about to take his seat at the negotiating table.

Of course, I respect those who disagree with the President, but I think that at this point in history, with the arguments as closely balanced on this issue as they are, the Senate should defer to the President's judgment as to what is needed to achieve meaningful arms control agreement with the Soviets.

Mr. President, I want to be on record as commending the junior Senator from Massachusetts for making what I consider to be a very important contribution to the debate on this important subject.

Mr. BROOKE. Mr. President, I thank the distinguished junior Senator from Michigan for his contribution to the debate. I assure the Senator that in submitting the resolution I do so in my best judgment, and with my best conscience.

I agree with him that we are hopeful that the President soon will enter into negotiations on arms control. We want to equip him well for his mission.

Unquestionably, I feel that the most important subject of any arms control talks would be the subject of MIRV, because MIRV is the most dangerous and most awesome offensive capability known to man.

I feel very strongly that the resolution will not in any way hinder the President, but in fact will be helpful to the President as he goes into arms control talks, which we all hope we will begin immediately.

I thank the distinguished Senator from Michigan for his contribution and for his kind and generous words with respect to the resolution.

I am very hopeful, I might add, that the resolution will be referred to the Committee on Foreign Relations; that there will be early and public hearings on it; and that it will be reported to the full Senate. Of course, in the meantime, if arms control talks start, so much the better. But I think that in the meantime our message to the President is very clear. I believe, very clearly, that we share a joint responsibility with the executive branch of the Government in making decisions as to what risks this Nation should take so soon after the Tonkin Gulf resolution, of which we are ever mindful. I think it is highly important that the Senate tender its advice to the President in these important security matters.

I am very hopeful that this resolution will be an aid to the President as he goes about the performance of his awesome responsibilities.

Again, I thank the distinguished Senator from Michigan.

I yield to the distinguished junior Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I, too, wish to commend the Senator from Massachusetts on his leadership and foresight in promulgating and garnering support for the instant resolution.

Earlier this year the Senate ratified the Nuclear Nonproliferation Treaty that has in article VI thereof language providing for arms negotiation or arms control discussions to commence between the United States and the Soviet Union at "an early date."

Parenthetically, I might add that I am saddened that this treaty has not been signed by the President. I wish it would be, if for no other reason than to emphasize one of the main thrusts of the treaty, that is, the cessation of the arms race. By signing this treaty, President Nixon would signify his firm resolve that these talks begin in the immediate future.

On several occasions, Secretary of State Rogers has stated publicly, in interviews and the like, that he expected that arms control talks would begin "early this summer." He repeated that statement, I believe, as recently as 10 days or 2 weeks ago. If we are to assume, as I hope we can assume, that such talks will begin early this summer—and we are in the early part of the summer at this instant—it would seem to me to be the height of folly to proceed with the MIRV system which system in and of itself would potentially be destructive of the arms talks.

To state it another way, and to expand upon the thought which the Senator from Massachusetts closed on a few minutes ago in his exchange with the Senator from Michigan, there should be no item of greater priority or higher up on the arms talks agenda than MIRV or multiple warheads. There is nothing that should be treated of earlier and hopefully disposed of and agreed to earlier in these talks than MIRV and its counterparts.

Therefore, I am pleased and honored to join the Senator from Massachusetts (Mr. BROOKE), the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. CASE), and other Senators including most recently, I note, the majority leader, the Senator from Montana (Mr. MANSFIELD)—in cosponsoring the resolution, which I deem to be not only of immediacy but also of tremendous urgency insofar as our Nation's future and well-being are concerned.

Mr. BROOKE. Mr. President, I learned many years ago to have great respect for the distinguished junior Senator from Missouri (Mr. EAGLETON). We both served as attorneys general of our respective States.

I want him to know how grateful I am to have him associated with this resolution and to have his support as a cosponsor. I thank him at this time for his contribution to this colloquy.

Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of the resolution.

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

Mr. BROOKE. Mr. President, I yield the floor.

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

SENATE JOINT RESOLUTION 123—EXTENSION OF THE TIME FOR THE MAKING OF A FINAL REPORT BY THE COMMISSION TO STUDY MORTGAGE INTEREST RATES (REPT. NO. 91-236)

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the immediate considerations of Senate Joint Resolution 123, which was reported earlier today by the Committee on Banking and Currency.

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

The joint resolution will be stated.

The joint resolution (S.J. Res. 123) was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g) of the Act of May 7, 1968 (Public Law 90-301) is amended by striking out "The Commission may make an interim report not later than April 1, 1969, and shall make a final report of its study and recommendations not later than July 1, 1969," and inserting in lieu thereof the following: "The Commission shall make an interim report not later than July 1, 1969, and shall make a final report of its study and recommendations not later than August 1, 1969,".

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

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. BYRD of West Virginia. Mr. President, the joint resolution has been cleared with the leadership on the other side of the aisle. As the clerk has read, it would merely extend the time for a commission to make its report on a study of mortgage interest rates. I move the passage of the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S. Res. 123) was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORITY FOR THE COMMITTEE ON COMMERCE TO FILE ITS REPORT ON S. 1689 DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to file its report on S. 1689 during the adjournment of the Senate from the completion of business today until the Senate convenes tomorrow.

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

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 18, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 17, 1969:

U.S. ATTORNEY

Henry A. Schwarz, of Illinois, to be U.S. Attorney for the eastern district of Illinois for the term of 4 years vice Carl W. Feickert.

U.S. MARSHAL

Albert A. Gammal, Jr., of Massachusetts, for appointment as U.S. marshal for the district of Massachusetts for the term 4 years vice Robert F. Morey.

Charles R. Wilcox, of Wyoming, to be U.S. Marshal for the district of Wyoming for the term of 4 years vice John Terrill, retired.

The following officers to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

IN THE AIR FORCE

To be generals

Gen. Howell M. Estes, Jr., [redacted] (major general, Regular Air Force) U.S. Air Force.

Gen. Raymond J. Reeves, [redacted] (major general, Regular Air Force) U.S. Air Force.

To be lieutenant generals

Lt. Gen. Keith K. Compton, [redacted] (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Stanley J. Donovan, [redacted] (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Robert A. Breitweiser, [redacted] (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Charles H. Terhune, Jr., [redacted] (major general, Regular Air Force) U.S. Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 17, 1969:

FEDERAL POWER COMMISSION

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1970.

U.S. TARIFF COMMISSION

Will E. Leonard, Jr., of Louisiana, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1975.

HOUSE OF REPRESENTATIVES—*Tuesday, June 17, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Happy is the man that findeth wisdom, and the man that getteth understanding.—Proverbs 3: 13.

Almighty and most merciful Father, from whom cometh wisdom and understanding, make us aware of Thy presence as we seek to provide for the welfare of our people. May we be guided in all our consultations to find the more excellent way and be given strength to walk in it that the safety and honor of our Nation may be preserved, freedom be fortified, and Thy purposes be promoted on this planet.

Grant, O Lord, that we may do only that which is right and wise and good for all. Give to us a calmness of mind and a steadiness of spirit that we may fulfill Thy will in this all too short life and find happiness in walking in Thy ways and working for Thy way.

In the Master's name, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

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

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 12. Concurrent resolution to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970.

CALL FOR A STANDSTILL CEASE-FIRE

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to call to the attention of my colleagues a significant statement by our former representative at the Paris peace talks Cyrus R. Vance, who has broken his self-imposed silence on the peace talks and has called for a "standstill cease-fire" by all sides in Vietnam.

It was on May 15, 1969, that seven colleagues and myself introduced into this House a resolution calling on the President to propose an immediate cease-fire and to direct the immediate and unconditional withdrawal of 100,000 U.S. troops from Vietnam. When my colleagues and I introduced that resolution there were those who said it was not feasible and they would not join us.

On June 8, President Nixon to his credit directed the immediate withdrawal of 25,000 U.S. troops. Today we see confirmation that it is possible, indeed of dire necessity, that we have a cease-fire and a withdrawal of large numbers of our soldiers in Vietnam. The President has taken a first step. It is not enough. I urge my colleagues who are desirous of ending the killing in Vietnam and who have confidence in the judgment of Cyrus R. Vance that they now join with us in cosponsoring House Concurrent Resolution 256 so as to impress upon the President that there is support in this House for further withdraws of U.S. soldiers to the extent of at least another 75,000 and for an immediate cease-fire.

PROTECTING THE MAJORITY IN OUR COLLEGES

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, a few critics of my bill, H.R. 10136, to suspend Federal funds to colleges and universities where the administrators fail to take appropriate action against illegal demonstrations and seizures of college property, complain that it is unfair to the majority who do not riot or destroy college property.

The very opposite is true. My bill is designed to keep the college open for the vast majority of students who are trying to get an education and who, themselves, are opposed to the rioting, burning, and looting which has forced many schools to close for extended periods. Under the legislation I propose, Federal intervention in college riots is forestalled because the bill puts full responsibility for keeping the colleges open upon the college administrators where it belongs. Federal funds would be cut off only if the administrators accede to the disruption minority and allowed the college to close or be disrupted.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FRANK KLEINERMAN

The Clerk called the bill (H.R. 3377) for the relief of Frank Kleinerman.

There being no objection, the Clerk read the bill, as follows:

H.R. 3377

Be it enacted by the Senate and House of Representatives of the United States of